Town of Boone
Public Hearing
6:00 PM, Apr. 23, 2018
Council Chambers, 1500 Blowing Rock Road

The appearance times contained within this agenda are approximate and are subject to change at any time. No agenda item will be started after 10:30 p.m. Remaining items will be addressed at a continuation meeting or will be tabled until the next available meeting.

I. Call to Order of Town Council and Planning Commission

II. Consideration of Public Hearing Minutes

March 26, 2018 Public Hearing - Town Council Vote

March 26, 2018 Public Hearing - Planning Commission Vote

III. Case PL01388-032818 Restaurant Uses in M1 Manufacturing - UDO Text Amendment

1. PL01388-032818 Restaurant Uses in M1 - Staff Report

IV. Case PL01389-032818 Building Heights in B1 Central Business District- UDO Text Amendment

1. PL01389-032818 Building Heights in B1 - Staff Report
2. PL01389-032818 Building Heights in B1 - Exhibit 1 Height Analysis

V. Case PL01390-032818 Appearance Standards in B1 Central Business District - UDO Text Amendment

1. PL01390-032818 Appearance Standards in B1 - Staff Report

VI. Adjournment of Town Council

VII. Approval of Planning Commission Meeting Minutes

March 26, 2018 Planning Commission Meeting

VIII. Case PL01340-022718 Setback & Height Modifications - UDO Text Amendment

1. PL01340-022718 Setback & Height Modifications - Application
2. PL01340-022718 Setback& Height Modifications - Staff Report

IX. Consideration of Items Heard at the Public Hearing

X. Other Matters by Board Members or Staff

Election of Officers

XI. Adjournment of Planning Commission

PUBLIC HEARING MINUTES
MONDAY, FEBRUARY 26, 2018 AT 6:00 P.M.

COUNCIL MEMBERS: Mayor Rennie Brantz, Mayor Pro-Tem Loretta Clawson, Marshall Ashcraft, Sam Furgiuele, Lynne Mason, and Connie Ulmer (arrived at 6:12 p.m.)

PLANNING COMMISSION MEMBERS: Chairman Connor Boyle, Abie Bonevac, Alan Lee, and Elizabeth Shay

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Christy Turner-Senior Planner, Brian Johnson-Urban Design Specialist, Marty Little-Planner, and Brenda Henson-Board Secretary

OTHERS PRESENT: John Ward-Town Manager and Allison Meade-Town Attorney

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CALL TO ORDER
Mayor Brantz called the Town Council to order at 6:03 p.m.

Commission Chairman Boyle called the Planning Commission to order at 6:03 p.m.

APPROVAL OF MINUTES
Council Member Furgiuele made a motion, seconded by Mayor Pro-Tem Clawson, for Town Council to approve the February 26, 2018 Public Hearing minutes as written.

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

Commission Chairman Boyle referred to an email sent to Town Council and Planning Commission by the Town attorney prior to the February 26, 2018 Public Hearing regarding her opinion that the Town would not likely be open to litigation by developers as a result of recent changes in State Statute in particular to the 2030 Land Use Plan. Commission Chairman Boyle stated he recalled Council Member Furgiuele disagreed with Ms. Meade's opinion and he would like to see that reflected in the minutes on page 7.

Mayor Brantz agreed that was the tenor of the discussion.

Council Member Furgiuele disagreed stating he believed what he said was that it was impossible to evaluate the risks and he was not prepared to take that risk after he asked how much money the Town had spent defending lawsuits.

Ms. Meade felt it would be a good idea to attach the memo she had sent to the February 26, 2018 Public Hearing minutes. She went on to explain her memo, noting the 2030 Plan posed no greater risk because the State law just changed terminology. Previous terminology stated that action of the Council had to be consistent with the Comprehensive Plan and any other applicable plan while new Statute language stated action of the Council had to be consistent with the Comprehensive Plan. Ms. Meade further explained that the definition of Comprehensive Plan now included all other applicable plans. She felt this new language posed no change to the 2030 Plan. Ms. Meade added that State law does now require a slightly different consistency statement and the regulatory setup has become more complicated which could

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arguably provide a small handle for litigation but she felt there was no particular additional risk posed by the 2030 Plan.

Mayor Brantz asked if Planning Commission could approve the minutes with Commission Chairman Boyle's amendment. Council Member Furgiuele stated he would like to see the language first. He stated he did not agree with the characterization and he did not want to rehash the whole thing, noting it was unpleasant and members of Planning Commission were yelling at him and admonishing him. Council Member Furgiuele stated he had no objection to Ms. Meade's memo being attached to the minutes but he did not agree with the characterization and if there is any language change he would like to review it, not on the fly, but at the next meeting.

Commission Member Shay stated she could not remember the exact language used at the February Public Hearing but remembered hearing there was a sense of urgency to act quickly because having both the planned development process and the 2030 Plan on the books while waiting to address deficiencies was a danger.

Commission Chairman Boyle asked if Planning Commission could go ahead and vote to approve the minutes with his suggested amendment regarding Ms. Meade's memo containing her opinion of low risk and Council Member Furgiuele's disagreement with that opinion.

Ms. Meade felt that a modification of the Public Hearing minutes by Planning Commission should be brought back to Town Council for their approval as well.

Council Member Furgiuele stated he would acknowledge he believed there was a bigger and costly risk than Ms. Meade believed. He stated his memory was that Ms. Meade did not feel there was no risk but that there was less of a risk than he believed there was and he was willing to have that put into the minutes. Council Member Furgiuele expressed some confusion about why those disagreements are so important and felt the discussion became a personal attack on him. Council Member Fugiuele stated he had never seen minutes that covered every single item and everything that was said. He felt all of the actions were currently reflected in the minutes that were produced which the Council just adopted. Council Member Furgiuele was unsure if the Planning Commission thought pursuing this would help people assassinate his character.

Commission Chairman Boyle replied that he felt minutes should accurately reflect what transpired. He added that Council Member Furgiuele's perception that the discussion was a character assassination by the Planning Commission was not accurate. Council Member Furgiuele responded that it reflected on the Code of Ethics in regards to personal attacks on people as versus discussion of the topic and he felt like that line was crossed.

Commission Member Shay stated she was a little less inclined to approve the minutes after hearing there was a perception of personal attacks coming from the Planning Commission and felt that no such thing happened. Commission Member Shay stated there were a few corrections she would like to make to the minutes. In the fourth paragraph on page 7 of the minutes she requested that the first sentence be amended to say 'Commission Member Shay questioned why the 2030 Plan should be repealed when *Town Council felt there were so many poor projects* built under the UDO.' Commission Member Shay also requested an amendment to the first sentence of paragraph four on page 9 of the minutes to read 'Commission Chairman Boyle stated he agreed with what Commission Member Shay said *and* did not

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agree with striking the whole thing out of the UDO and eliminating the Planned Development process even temporarily.'

Commission Member Lee seconded what he considered Commission Member Shay's motion to approve the February 26, 2018 Public Hearing minutes as amended.

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

Ms. Meade stated she was clear on Commission Member Shay's two amendments but was not clear on what the Commission is actually adopting with respect to the prior issue that was discussed. Commission Chairman Boyle explained that the amended minutes should include reference to Ms. Meade's memo containing her opinion that retaining the 2030 Plan would only pose a minimal risk while Council Member Furgiuele's opinion differed in that he believed there would be a much greater risk.

It was noted that Town Council had adopted the minutes as they were.

CASE PL01340-022718 SETBACK & HEIGHT MODIFICATIONS – UDO TEXT AMENDMENT

At the January 8, 2018 Planning Retreat, Council requested modification of UDO Articles 15, 16 and 34 to address the following:

1. Remove setback exemptions for mixed-use in UDO Section 15.11
2. Clarify how a building must be "setback" in its entirety to meet secondary height allowances
3. Prohibit replacement of buildings in the B1 with a building of higher height without conditional district rezoning including amending Section 15.11.02(D) to only apply to vacant land as of date of adoption of regulation.

Staff presented draft text to Council in February, which was then sent on to the March 2018 public hearing. Council requested Staff modify the text as follows:

1. Modify the mixed-use regulations in order to encourage applicants to preserve existing significant or historic trees, provide landscaped courtyards, landscaped greenspace, plazas or pocket parks and other pedestrian oriented amenities between the primary façade and the street.
2. To remove the interior setback exemptions for mixed-use developments, with the possibility that this may be retained after discussion.

Ms. Shook presented the case as outlined in the meeting packet. She outlined the modifications as follows:

15.11.02(D) New projects *on property which was vacant as of February 1, 2018* shall be a least two floors above the primary streel level. Ms Shook explained this change was to only allow higher heights on property that is currently vacant, not where a building was torn down for new development. She noted this was located in Section 15.11 which deals with multi-family mixed-use developments.

Ms. Shook noted modifications on packet pages 17, 18, and 19 were all the same and the language would read: In the area between the primary façade and the street the applicant is encouraged to preserve existing significant or historic trees, to provide landscaped courtyards, landscaped greenspace, plazas,

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pocket parks, and other pedestrian oriented amenities. Ms. Shook stated language was removed from the text regarding setback exemptions in the B2 and B3 that allowed the buildings to be closer to the street.

16.08.04 Height in the B1 Central Business District
Ms. Shook noted that all of the existing language would be retained and the modification would add the following language:
(B) An existing building may not be demolished and replaced with a building of greater height unless approved under the Conditional District Zoning Map Amendment process set forth in Article 9 herein.

(C) 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.

(i) 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.

Ms. Shook explained that exempt items, if they had to be modified on an existing building, would not trigger that process.

Ms. Shook noted there had been some question regarding parapets and whether or not they should be exempted from the height requirement and felt this topic should be discussed at this hearing even though text had been added as seen in the Staff Report. She noted that subsequent conversations from Council would lead to changes and she recommended removing the changes regarding the parapet from consideration. She did note that parapet was previously not defined in the UDO and the definition could be added.

Council Member Furgiuele read the definition of parapet as a low wall at the top of the façade of a building and asked what the range of allowed heights would be. Discussion ensued regarding parapet wall heights. Ms. Shook noted that parapet walls varied in height depending on the project.

Council Member Furgiuele referred to information that was provided to Council previously regarding the Town of Blowing Rock's ordinance that addressed things like domes and items on top of a structure that were not to be occupied. Council Member Furgiuele asked Ms. Shook if it would be profitable to include language in Boone's UDO that states these types of architectural features cannot be occupied. Ms. Shook felt that would be a helpful clarification and this could be included in the modifications to be presented to Town Council next month. Council Member Furgiuele was in agreement.

Ms. Meade felt parapets should be in a separate paragraph and thought the Blowing Rock methodology should be used regarding screening of features or equipment. Ms. Shook stated staff was working on that language.

Ms. Shook asked if the modified language in 16.08.08(D) should be returned to its original language until next month when there would be additional changes. Ms. Meade felt that would make sense. This was also the consensus of Town Council.

Commission Chairman Boyle asked if, for instance, the Melanie's building was torn down they could not go above one floor to rebuild unless they went through a Conditional District Zoning Map Amendment process. Ms. Shook replied that was correct.

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Ms. Meade asked Ms. Shook to describe the Conditional District Zoning Map Amendment process. Ms. Shook explained that an applicant would have to provide a site plan with an application to appear before Planning Commission and Town Council for a Public Hearing, they would then receive recommendations from the Planning Commission, and then move on to Town Council for a final decision. This process would require adjacent property owner notification prior to the hearing. Ms. Meade added that this would be a legislative decision made by Town Council.

Mayor Brantz asked if this would be the procedure that would have to be followed in order to allow an increased height. Ms. Shook replied that was correct. Ms. Meade clarified that this process applied to properties in the B1.

At 6:34 p.m. Mayor Brantz opened the floor for public comment.

Bob Flanigan was the first speaker. He asked the Council to make no further changes to the UDO in reference to setbacks and heights until the Comprehensive Plan could be updated. Mr. Flanigan stated he understood the legal reasons for repealing the 2030 Plan temporarily due to inconsistencies with the UDO and he trusted that Council would move forward promptly with the merger and incorporation of the good parts of the 2030 Plan with the Comprehensive Plan. Mr. Flanigan felt the proposed ordinance changes did not take into account the economic sustainability of the changes and the effects on the property owners. He felt that placing these restrictions on small businesses could likely devalue their property. Mr. Flanigan suggested these changes could restrict or halt development and that would affect the tax base which helps cover salaries of police and fire personnel and public servants. Mr. Flanigan cited buildings with historical significance such as Farmers Hardware and Mast General Store that were built right up to the sidewalk and thought it seemed inconsistent with the idea of setbacks downtown. Mr. Flanigan stated that decisions should not be taken without full consideration of their impact on the overall situation of the Town of Boone and the direction it is going.

Ms. Meade stated it was her understanding that setbacks in the B1 would not change and would remain a 0' setback. Ms. Shook stated that was correct, noting the only modifications to mixed-use in Section 15.11 were for development in the B2 and B3 and did not include any modifications to development in the B1.

The next speaker was Bill Ellis. Mr. Ellis stated he was with McCrae & Associates, owners of the Goodnight Ham Processing Plant on Howard Street. Mr. Ellis relayed his company's desire to build a hotel on that property, noting it was not an easy process, and the more zoning hoops there were to go through the harder it becomes to get a flag hotel to agree. Mr. Ellis stated they were currently speaking with a flag hotel that, under the current ordinance, could build 4 stories or 42'. His fear was that a change in the ordinance would cause the hotel to back out and they might be forced to build something less in height like student housing. Mr. Ellis felt the proposed ordinance would make it difficult to build a hotel downtown and asked that properties that have a plan for development be grandfathered. He felt a nice boutique hotel would be good downtown but stated it would need to be 4 floors in order to make it financially feasible. The building currently on the property is only 2 floors so under the new ordinance they would not be able to build 4 floors without a Conditional District Zoning Map Amendment.

The next speaker was Tucker Deal. Mr. Deal stated he was a young professional that lived downtown. He felt this proposal would be a severe impediment to the redevelopment of Howard Street and stifle the use of single story buildings. Mr. Deal addressed the Conditional District process and explained that a property owner could develop plans and secure financing but because the conditions that could be placed

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upon them in the CD process are unknown, the conditions could cause the project to fall through. He stated he could understand applying the height restrictions to single story buildings with substantial historic significance but to generally apply it any height building it clearly adds an unnecessary expense. Mr. Deal implored the Council to slow down a little bit and be a little more deliberate in their consideration of these changes. He asked that Council focus on getting the Comprehensive Plan/2030 Plan merger completed and adopted then moving forward changes to the UDO can be made that would be consistent with that plan.

James Milner was the next speaker. Mr. Milner stated he was the president and owner of Appalachian Commercial Real Estate. He felt since he had been involved with the last three building sales in the B1 district he was privy to some knowledge of what exactly is happening downtown. Mr. Milner stated the owners of these three buildings have bought them with the intention of making them better. He felt it was ludicrous to think Town Council would put the Conditional District Rezoning process onto these specific owners in the B1. Mr. Milner stated the barrier to entry into the Town of Boone in terms of development continues to be high and this only makes it higher and it becomes more and more frustrating. Mr. Milner stated it seemed like Council was in retaliation mode because they had a development they did not like. He went on to say that development in the Town of Boone was going to occur with an ordinance to follow but making change after change creates uncertainty and frustration. Mr. Milner stated that a CDR was site specific and had nothing to do with the building height and is the precursor to planned development. Mr. Miller noted that development could be good.

John Winkler was the next speaker. Mr. Winkler spoke about parapet heights and noted that a 2' height did not take into consideration things like snow. He felt the height should be at least a 4' minimum in order to conceal air conditioning units or allow railing for rooftop restaurants. Mr. Winkler asked that these things be considered when looking at parapet heights and felt that a 2' parapet served no purpose.

Council Member Furgiuele asked if it was correct that in order for conditions to be placed on Conditional District approval the applicant has to agree to those conditions. Ms. Meade replied that was correct. Council Member Furgiuele asked if it was correct that Council cannot impose conditions on a project unless those conditions are agreed upon by the applicant. Ms. Meade stated that was correct.

With no further questions or public comment, Mayor Brantz closed the public hearing for this case at 6:48 p.m.

CASE PL01341-022718 GOVERNMENT USE RECREATION FACILITIES IN M1 - UDO TEXT AMENDMENT

At the February 2018 Council Meeting, Council requested modification to UDO Article 15 to allow Government Use Recreation Facilities in the M1 Manufacturing Zoning District. Council requested this amendment be sent to the March 2018 Public Hearing.

Ms. Shook presented the case as outlined in the meeting packet noting this text amendment would allow the skate park or other government recreational uses proposed by the Town to be located in an M1 zoning district. Currently all zoning districts do allow government use recreation facilities but such facilities were not allowed in the M1. Ms. Shook stated this amendment would include all 3 categories of recreation facilities and would be permitted by right, subject to transitional zone requirements. She noted that the Town currently owns at least two large M1 tracts.

Mayor Brantz asked if this would allow other types of recreational uses than skate parks. Ms. Shook replied that this would allow only government operated recreation facilities.

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Council Member Ashcraft asked if government uses included the university. Ms. Meade replied that educational uses were separate from government uses. Ms. Shook agreed that this would not apply to the university or educational uses.

Ms. Meade asked if it made sense to have transitional zone requirements considering it a government use and directed by the Town.

Mr. Ward stated it was his understanding that the skate park would go in under Category 2 with no outdoor lighting but it could have outdoor lighting in the future.

Ms. Meade explained that there could be the situation of Council approving the outdoor lighting of the facility and then the case having to go to the Board of Adjustment for transitional zone consideration and being turned down, which could create some awkwardness for the Town. Ms. Meade stated she wanted to make sure Council was aware of the possibility.

Council Member Furgiuele felt that, whether a facility was publicly or privately owned, outdoor lighting could affect neighboring properties so the Special Use Permit proceeding would give those who live nearby the opportunity to come and be heard about any possible negative impacts and give the Board an opportunity to look at ways to mitigate the impacts.

Mayor Brantz asked if the Town risked any liability for the skate park. Ms. Meade replied there would be liability but expected there would be insurance much like everything else that the Town does. She stated there would need to be some policies and procedures in place with respect to maintenance. Ms. Meade added that this would not be some new type of liability that the Town does not already deal with.

Council Member Ulmer questioned transitional zones and Ms. Meade provided a brief description.

Council Member Clawson stated she liked transitional zones. She thought they were very effective and felt for the neighbors in the area that would be affected by the lighting.

Council Member Furgiuele asked if transitional tones could be addressed through a Conditional District process instead of the Special Use Permit process. Ms. Shook replied that was correct but noted that all mitigation measures would still have to be proven.

With no further questions or public comment, Mayor Brantz closed the public hearing on this case at 6:59 p.m.

ADJOURNMENT OF TOWN COUNCIL

Council Member Furgiuele made a motion to adjourn Town Council at 6:59 p.m. The motion was seconded by Mayor Pro-Tem Clawson.

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

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Mayor Rennie Brantz **Board Secretary Brenda Henson**

Planning Commission Chairman Connor Boyle

At 7:07 p.m. Commission Chairman Boyle proceeded with the business of the Planning Commission.

APPROVAL OF PLANNING COMMISSION MEETING MINUTES

Commission Member Bonevac made a motion, seconded by Commission Member Lee, to approve the February 26, 2018 Planning Commission meeting minutes as written.

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

CASE PL01298-020218 REMOVAL OF BOONE 2030 LAND USE PLAN REFERENCES – UDO TEXT AMENDMENT

Ms. Shook reminded Commission members that they did not take action on this case at the February Public Hearing. She stated that Town Council did vote to repeal the Boone 2030 Land Use Plan and this text amendment would only remove any references to the 2030 Plan from the UDO. Ms. Shook also noted that if the Planning Commission did not take action on this amendment tonight, enough time had elapsed that Town Council could proceed with action on this amendment without Planning Commission's recommendations.

Commission Chairman Boyle made a motion that the Planning Commission take no action on this request. The motion was seconded by Commission Member Bonevac.

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

CASE PL01340-022718 SETBACK & HEIGHT MODIFICATIONS – UDO TEXT AMENDMENT

Commission Chairman Boyle stated he was generally okay with the proposal as it related to setbacks but did not agree with the height proposal. He felt the proposed text was much too restrictive. Commission Chairman Boyle stated that not approving either one of these, setback or height, would not give him any heartburn.

Commission Member Lee agreed that the height regulations seemed too restrictive.

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Commission Member Shay asked where the proposed text came from. Ms. Shook replied that Town Council discussed this topic at the Planning Retreat and staff was directed to propose the text. Ms. Shook noted that Council had seemed concerned that the current regulations encouraged demolition and replacement of existing buildings with building of height heights.

Commission Member Bonevac did not feel this text amendment was the best idea.

Commission Member Shay stated she did not see the underlying justification.

Commission Member Bonevac stated she would like to review the height study that was done by the Town. Ms. Shook directed Commission members to the Town's website where the height study could be viewed in the March 22, 2018 Town Council meeting packet.

Commission Member Lee made a motion to table discussion of this text amendment until the next meeting in order to give Commission members more time to review the height study. The motion was seconded by Commission Member Bonevac.

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

CASE PL01341-022718 GOVERNMENT USE RECREATION FACILITIES IN M1 - UDO TEXT AMENDMENT

Commission Chairman Boyle asked what 'regularly scheduled' recreation activities meant. Ms. Shook stated that meant the facility would be open when it was advertised to be open. Commission Member Boyle referenced transitional zone requirements and noted that with the Town running the facility one would think the Town would be considerate of any negative impacts.

Commission Member Shay felt this request was in keeping with the Comprehensive Plan.

First Motion and Vote: Commission Member Bonevac made a motion that the proposed amendment to the Town's zoning ordinance is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because it follows suit with various recreation activities set forth in Comprehensive Plan policy 2.2.3 Parks, Recreation & Open Space, specifically Subsection A. The motion was seconded by Commission Member Lee.

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

Second Motion and Vote: Commission Member Bonevac made a motion that the Planning Commission recommends approval of the proposed amendment to the Town's Zoning ordinance and believes approval is reasonable and in the public interest because the amendment is consistent with Comprehensive Plan policy 2.2.3(A) Parks, Recreation & Open Space. The motion was seconded by Commission Member Lee.

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

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OTHER MATTERS

Commission Chairman Boyle asked about the status of the Comprehensive Plan merger. Ms. Shook stated Council would be giving Staff direction at the next Council meeting.

Election of Officers

Commission Chairman Boyle announced his resignation from the Planning Commission, effective at the close of this meeting.

In light of Commission Chairman Boyle's resignation, Commission Member Shay made a motion to table election of officers until more Commission members could be present. The motion was seconded by Commission Member Lee.

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

ADJOURNMENT OF PLANNING COMMISSION

Commission Chairman Boyle made a motion to adjourn the meeting at 7:34 p.m. The motion was seconded by Commission Member Lee.

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

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Planning Commission Chairman Connor Boyle **Board Secretary Brenda Henson**

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STAFF REPORT
PUBLIC HEARING-APRIL 23, 2018
CASE PL01388-032818 RESTAURANT AND OUTDOOR DINING USES IN M1- UDO TEXT AMENDMENT

Request

At the March 2018 Council Meeting, Council requested modification allow additional restaurant uses and outdoor dining in the M1 Manufacturing District subject to transitional zones. Additionally, it was requested that the brewpub definition be modified for those manufacturing business located in the M1 Manufacturing District.

ANALYSIS

The text in blue underline on the next page is the new text for consideration.

UDO ARTICLE 14 ZONING DISTRICTS

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§ 14.04 MANUFACTURING DISTRICT ESTABLISHED.

14.04.01 The M1 Manufacturing District is established primarily to accommodate appropriate, light industrial and warehouse enterprises engaged in the assembly, fabrication, finishing, packaging, or 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.

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UDO ARTICLE 15 DISTRICT USE REQUIREMENTS

§ 15.01 TYPES OF USES.

15.01.01 Permitted (P). A "P" 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 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.

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 use is subject to a transitional zone (see 6.02.02), provided that the use meets the normal

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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 uses in 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 CD or PD. A superscript "Tn" 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 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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§ 15.05 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).

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See next pages for Table of Principal Use and Table of Accessory Use Excerpts.

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15.07 Table of Principal Uses (EXCERPTS OF USE CATEGORIES 11.0 General Sales and Service & 14.0 Manufacturing)

Use #	Specific Use	Zoning Districts																	Reference
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial					Education				
		RA	R1	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	E3	
11.0	**General Sales and Service**																		
11.01	Kennel	L T125											L T125						15.26
11.02	Veterinary office/hospital with outdoor kennels	L T125								L T125			L T125						15.26
11.03	Veterinary office/hospital without outdoor kennels	P								P	P	P	P						
11.04	Financial institution ≤ 5,000 ft²									P	P	P	P						
11.05	Financial institution > 5,000 ft²									P	P		P						
11.06	Restaurant ≤ 2,500 ft² open to the public during 10 p.m. - 6 a.m.									P T75	P T75	P T75	P T75	P T75					
11.07	Other restaurants ≤ 2,500 ft²									P	P	P	P	P					
11.08	Restaurant > 2,500 ft² open to the public during 10 p.m. - 6 a.m.									P T200	P T125		P T200						
11.09	Other restaurants > 2,500 ft²									P T125	P T75		P T125						
11.10	Restaurant ≤ 3,500 ft² open to the public during 10 pm-6 am													P T300					
11.11	Other Restaurants ≤ 3,500 ft²													P T300					
11.1~~0~~2	Bar																		
11.1~~1~~3	ABC store										P		P	P					
11.1~~2~~4	Personal service establishment open to the public during 10 p.m. - 6 a.m.									P T75	P T50		P T75	P					
11.1~~3~~5	Other personal service establishments									P	P	P	P	P					
11.1~~4~~6	Retail store up to 5,000 ft²									P	P	P	P	P					
11.1~~5~~7	Retail store more than 5,000 but less than 25,000 ft²										P T125	P T200	P T200						
11.1~~6~~8	Retail store 25,000 ft² and greater												L T300						15.27
11.1~~7~~9	RESERVED																		
11.~~18~~20	Business or professional office open to the public during 10 p.m.-6 a.m.									P T75	P T50		P T75	P T75					
11.~~19~~21	Other business or professional office									P	P	P	P	P					

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Use #	Specific Use	Zoning Districts																	Reference
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial					Education				
		RA	R1	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	E3	
11.2~~0~~2	Medical office, Category 1									P[T300]	P[T300]		P[T300]						
11.2~~1~~3	Medical office, Category 2									P[T125]	P[T125]		P[T125]						
11.2~~2~~4	Medical office, Category 3									P[T125]			P[T125]						
11.2~~3~~5	Medical office, Category 4									P	P	P	P						
11.2~~4~~6	Hospital									P[T300]									
11.2~~5~~7	Medical emergency response									P[T300]	P[T300]		P[T300]						
11.2~~6~~8	Open air market, recurring	L[T75]								L[T50]			L[T75]						15.29
11.2~~7~~9	Vehicle sales and service											L[T125]	L[T75]						15.30
11.~~28~~30	Equipment sales and service												L[T125]	L[T125]					15.31
11.~~29~~31	Moped sales and service										P	P	P						
11.3~~0~~2	Boat or marine craft sales and service												L[T75]	L[T75]					15.32
11.3~~1~~3	Impound lot/towing service												L[T125]	L[T125]					15.33
11.3~~2~~4	Gas station	P[T125]										P[T125]	P[T125]	P[T125]					
11.3~~3~~5	Car wash											P[T125]	P[T125]	P[T125]					
11.3~~4~~6	Seasonal retail activities and amusements	P								P	P	P	P	P					
…																			
14.0	**Manufacturing**																		
14.01	Microbrewery										L[T75]		L[T125]	L[T125]					15.39
14.02	Brewpub										L[T75]		L[T125]	L[T125]					15.39
14.03	Brewery/distillery												L[T125]	L[T125]					15.40
14.04	Brewery/distillery, other																		15.41
14.05	Winery associated with a vineyard	L[T125]												L[T125]					15.42
14.06	Winery												L[T125]	L[T125]					15.42
14.07	Winery, other																		
14.08	Extraction of earth materials																		
14.09	Machine/welding shop												L[T200]	L[T200]					15.44
14.10	Manufacturing, other													L[T300]					15.45

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15.07.07 Table of Accessory Uses (Excerpt of Use A-7 Outdoor dining only)

Use #	Accessory Use	Zoning Districts																	Reference
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial					Education				
		RA	R1	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	E3	
A-7	Outdoor Dining									L	L	L	L	L[T300]					15.58

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§ 15.27 RETAIL STORE 25,000 SQUARE FEET OR GREATER (USE 11.~~16~~18).

15.27.01 Applicability. The requirements in this section apply to the following:

A. Any newly created retail store with a gross floor area 25,000 square feet or greater, either by proposed expansion or new construction; and

B. Any new retail tenant with a gross floor area 25,000 square feet or greater within existing development.

15.27.02 Use 11.~~16~~ 18 shall not exceed a gross floor area of 150,000 square feet.

15.27.03 Use 11.~~16~~ 18 having a gross floor area ranging between 25,000 and 150,000 square feet shall provide a community impact analysis. This assessment shall be prepared by an independent consultant, qualified by education and experience, chosen by the applicant and approved by the town, and shall include projected impacts on public services and infrastructure. The analysis shall be submitted for review by the permit issuing authority. The permit issuing authority shall review the projected impacts and recommended mitigation measures determined by the analysis and may require the applicant to mitigate any of the projected impacts.

15.27.04 Outdoor display areas associated with Use 11.~~16~~ 18 shall not exceed 10% of the gross floor area of the structure. All areas utilized for outdoor display shall be clearly indicated on all permit applications. Outdoor display must be located in areas specifically designed for outdoor sales and is prohibited in or on designated exterior walkways, parking areas, driveways, and landscape areas.

(Ord. passed 12-16-2013)

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§ 15.39 MICROBREWERY AND BREWPUB.

15.39.01 Outdoor storage is not allowed.

15.39.02 Shipping for distribution of the malt or distilled beverage and receiving of stock and supplies for the production of the malt or distilled beverage is prohibited between the hours of 9:00 p.m. and 6:00 a.m.

15.39.03 All visible emission, odor (related to the production of the malt or distilled beverage), air pollution, noise and dust standards set forth for Manufacturing in Section 15.45 must be met.

§ 15.40 BREWERY/DISTILLERY.

15.40.01 Outdoor storage is not allowed.

15.40.02 All visible emission, odor, air pollution, noise and dust standards set forth for manufacturing in Section 15.45 must be met.

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§ 15.41 BREWERY/DISTILLERY, OTHER.

15.41.01 All outdoor storage must be screened in accordance with Section 15.57.

15.41.02 All visible emission, odor, air pollution, noise and dust standards set forth for Manufacturing in Section 15.45 must be met.

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§ 15.58 OUTDOOR DINING (ACCESSORY).

15.58.01 Outdoor dining areas shall not impede pedestrian or automobile traffic.

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Article 24 Parking

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Table 24.01 Minimum and Maximum Parking by Use

Commercial Land Uses	Maximum Parking Allowed
16.01 Mini-Storage A-10 Produce Stand	1 space/1000 ft² GFA
4.06 Post Office, Distribution 14.0 Manufacturing 16.02 Outdoor Storage 16.03 Warehouse 16.04 Fuel Storage Facility 17.02 & 17.03 Trucking or Freight Terminal A-24 Chemical Storage Facility	2 spaces/1000 ft² GFA
10.0 Daycare 11.3~~2~~4 Gas Station	3 spaces/1000 ft² GFA
11.01 Kennel 11.02-11.03 Veterinary Office/Hospital 11.04 & 11.05 Financial Institution 11.1~~1~~3 ABC Store 11.1~~2~~4 - 11.1~~3~~5 Personal Service Establishment 11.1~~4~~6-11.1~~6~~8 Retail Store 11.~~18~~20 - 11.~~19~~21 Business or Professional Office 11.~~20~~22-11.~~23~~ 25 Medical Office	5 spaces/1000 ft² GFA or outdoor area used for principal use

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Commercial Land Uses	Maximum Parking Allowed
11.2~~6~~8 Open Air Market 11.3~~3~~5 Car Wash 12.0 Recreation 18.0 Waste Related Uses 19.0 Particular Activities which Pose Particular..	
11.06 - 11.~~10~~11 Restaurant	12 spaces/1000 ft² GFA
4.03 Funeral Home Establishment	12 spaces/1000 ft² of visitation area, plus one space per every two seats in the chapel.
4.05 Post Office	1 space per employee plus 5 spaces/1000 ft² GFA
6.0 Non-Government Utility Facility	3 spaces per facility
7.0 Telecommunication	1 space per service provider
8.0 Assembly	1 space for every two seats in sanctuaries/chapels plus 3 spaces per 1000 ft² for daycares
9.0 Education	5 spaces per classroom
11.2~~7~~9 Vehicle Sales and Service 11.~~28~~30 Equipment Sales and Service 11.~~29~~31 Moped Sales and Service 11.~~30~~32 Boat or Marine Craft Sales and Service	3 spaces/1000 ft² GFA, plus 2 spaces/1000 ft² of outdoor display, plus 2 per service bay
1.05 Manufactured Home Park 4.01 Airport/Land Strip 4.02 Heliport 4.04 Cemetery 4.07 Animal Sanctuary 5.0 Government Uses 13.0 Agricultural Uses 17.01 Passenger Terminals A-19 Helistop T-8 Temporary Non-Fixed Site Event Venue	As determined by the Administrator

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Table 24.09

Use Type	Specific Use	Short-Term Bicycle Parking Minimum[2]	Long-Term Bicycle Parking Minimum[3]
1.0 Household Living	1.01 Single-Family Dwelling 1.02 Manufactured Home "Class A"	-	-

Use Type	Specific Use	Short-Term Bicycle Parking Minimum[2]	Long-Term Bicycle Parking Minimum[3]
	1.03 Manufactured Home "Class B" 1.06 Duplex 1.07 Duplex		
	1.08-1.10 Townhouse 1.11-1.13 Multi-Family 1.14-1.16 Multi-Family	1 per 20 units	1 per 4 units
	1.05 Manufactured Home Park	1 per 20 beds	
2.0 Group Living	2.01 Family Care Home	-	1 space per 5 employees
	2.08-2.09 Retirement Community 2.10-2.12 Residence Hall	1 space per 20 beds	1 space per 10 beds
	2.02 Family Care Institutions 2.03-2.04 Halfway House 2.05-2.06 Nursing Care 2.07 Skilled Nursing Facility		1 space per 5 employees
	2.13 Fraternity or Sorority Dwelling	1 space per 20 beds	1 space per 10 beds
	2.14 Board Housing	1 space per 20 beds	1 space per 10 beds
3.0 Transient Living	3.01 Home for Survivors of Domestic Violence	2 spaces	2 spaces
	3.02-3.03 Shelter for Homeless	2 spaces	2 spaces
	3.04-3.05 Bed & Breakfast	2 spaces	2 spaces
	3.06 Vacation Rental	2 spaces	2 spaces
	3.07 Motel 3.08 Hotel	2 spaces	2 spaces
4.0 Institutional Uses	4.01 Airport/Land Strip 4.02 Heliport 4.04 Cemetery 4.07 Animal Sanctuary	TBD	TBD

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Use Type	Specific Use	Short-Term Bicycle Parking Minimum[2]	Long-Term Bicycle Parking Minimum[3]
	4.03 Funeral Home Establishment 4.05 Post Office 4.06 Post Office, Distribution		
5.0 Government Uses	All Government Uses	TBD	TBD
6.0 Non-Governmental Utility Facility	All Non-Government Utility Facility	-	-
7.0 Telecommunications	All Telecommunication Uses	-	-
8.0 Assembly	8.01-8.03 Religious Assembly	1 space per 2,000 ft² GFA[6]	1 space per 5,000 ft² GFA[6]
	8.04-8.05 Assembly Uses	1 space per 1,000 ft² GFA[6]	1 space per 10,000 ft² GFA[6]
9.0 Education	9.01-9.05 Education Uses	3 spaces per classroom	.5 spaces per classroom
	9.06-9.09 Education Uses	3 spaces per classroom	.5 spaces per classroom
10.0 Daycare	All Daycare Uses	2 spaces	2 spaces
11.0 General Sales & Service	11.01 Kennel 11.~~11~~ 12 ABC Store 11.~~12~~ 14 - 11.~~13~~ 15 Personal Service Establishment 11.~~14~~16-11.~~16~~ 18 Retail Store 11.~~26~~ 28 Open Air Market 11.04 & 11.05 Financial Institution 11.~~18~~ 20 - 11.~~19~~ 21 Business or Professional Office 11.~~20~~22-11.~~23~~ 25 Medical Office 11.02-11.03 Veterinary Office/Hospital	1 space per 5,000 ft² GLA[4]	1 space per 10,000 ft² GLA[4]
	11.06 - 11.~~10~~ 11 Restaurant	1 space per 5,000 ft² GLA[4]	1 space per 10,000 ft² GLA[4]
	11.~~32~~ 34 Gas Station	-	-
	11.~~33~~ 35 Car Wash	-	-

Communication: PL01388-032818 Restaurant Uses in M1 - Staff Report (Case PL01388-032818 Restaurant Uses in M1 Manufacturing - UDO Text

Use Type	Specific Use	Short-Term Bicycle Parking Minimum[2]	Long-Term Bicycle Parking Minimum[3]
	11.~~27~~ 29 Vehicle Sales and Service 11.~~28~~ 30 Equipment Sales and Service 11.~~29~~ 31 Moped Sales and Service 11.~~30~~ 32 Boat or Marine Craft Sales and Service	-	-
12.0 Recreation & Entertainment Uses	12.01 Indoor Shooting Range	1 space per 5,000 ft² GFA[6]	1 space per 10,000 ft² GFA[6]
	12.03 Indoor Theater 12.05 Event Venue Cat I	1 space per 5,000 ft² GFA[6]	1 space per 10,000 ft² GFA[6]
	12.10 Recreation Cat I	1 space per 5,000 ft² GFA[6]	1 space per 10,000 ft² GFA[6]
	12.04 Outdoor Theater 12.06 Event Venue Cat. II 12.07 Event Venue Cat III	1 space per 2,000 ft² GFA[6]	1 space per 10,000 ft² GFA[6]
	12.09 Coliseum 12.11 Recreation Cat II 12.12 Recreation Cat III12.01,	1 space per 20 motor vehicle spaces	TBD
	12.08 Campgrounds/RV Parks	-	-
13.0 Agriculture Uses	All Agricultural Uses	-	-
14.0 Manufacturing	14.01 Microbrewery 14.02 Brew Pub	1 space per 5,000 ft² GLA[4]	1 space per 10,000 ft² GLA[4]
	All other Manufacturing Uses	TBD	TBD
16.0 Storage	16.01 Mini-Storage 16.02 Outdoor Storage	-	-
	16.03 Warehouse 16.04 Fuel Storage Facility	TBD	TBD
17.0 Transportation	17.01 Passenger Terminals 17.02 & 17.03 Trucking or Freight Terminal	TBD	TBD
18.0 Waste Related Uses	All Waste Related Uses	-	-

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Use Type	Specific Use	Short-Term Bicycle Parking Minimum[2]	Long-Term Bicycle Parking Minimum[3]
19.0 Particular Activities which Pose Particular Concerns to Public Health	All Particular Activities which Pose Particular Concerns to Public Health Uses	1 space per 5,000 ft² GFA[6]	1 space per 10,000 ft² GFA[6]
Accessory Uses	A-1 Secondary Suite A-3 Accessory Dwelling Unit	-	-
	A-10 Produce Stand	-	-
	A-21 Caretaker's Residence	-	-
	A-19 Helistop	TBD	-
	A-24 Chemical Storage Facility	-	-
Temporary Uses	T-1 Temporary Care Provider Dwelling T-2 Temporary Construction or Repair Dwelling T-3 Temporary Construction Trailer	-	-
	T-8 Temporary Non-Fixed Site Event Venue	TBD	-

Notes: 1. For uses not listed, or for uses To Be Determined by the Administrator, refer to 24.01.09
2. The minimum number of short-term bicycle parking spaces is 2 unless no bicycle parking is required. In no case shall more than 20 short-term spaces be required. (Davidson Table 8.1[1]) & (Davidson 8.6.1)
3. The minimum number of long-term bicycle parking spaces is 2 unless no bicycle parking is required.
4. GLA = Gross Leasable Area
5. DU = Dwelling Unit.
6. GFA = Gross Floor Area and includes both indoor and outdoor space used
7. Calculating spaces based on employees or other occupants must be based on the total number of persons present or on duty at the time of maximum use

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UDO ARTICLE 34 DEFINITIONS

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BREWERY/DISTILLERY. A manufacturing operation engaged in the production of malt and distilled beverages, which has all operations contained within a fully enclosed building, and is not classified in these definitions as a microbrewery or a brewpub.

BREWERY/DISTILLERY, OTHER. A manufacturing operation engaged in the production of malt and distilled beverages, and is not classified in these definitions as a brewery/distillery, microbrewery or a brewpub.

BREWPUB. A restaurant which includes a manufacturing operation engaged in the production of malt, distilled beverages, and wine, with an annual production less than 15,000 US beer barrels (1,800,000 L); which has all operations contained within a fully enclosed building and sells 50% or more of their production on site. Microbreweries with restaurants in the M1 Manufacturing District shall be excluded

from being classified as a “brewpub”. Instead the microbrewery and restaurant uses should be classified as a combination use as regulated in UDO Section 15.05.

…

MICROBREWERY. A manufacturing operation engaged in the production of malt and distilled beverages, with an annual production less than 15,000 US beer barrels (1,800,000 L); which has all operations contained within a fully enclosed building.

…

OUTDOOR DINING. A portion of a restaurant which is not completely enclosed and in which food or beverages are consumed.

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CONFORMITY TO ADOPTED PLANS

COMPREHENSIVE PLAN UPDATE

1.1 Overall Objectives for the Boone Comprehensive Plan (p. 15): The following objectives, which have not been listed in any particular order of importance, are deliberately broad in scope and less specific than either a policy statement or an implementation action.

Economic Development: Acknowledge the area's natural beauty, university, and medical center presence as the Town's greatest assets for economic development and jobs creation. Treat them accordingly.

Community Appearance and Community Character: Blend the built environment with the natural, scenic, and historic character of a High Country small town. Especially discourage commercial strip development, cluttered signage, and "cheap" apartment buildings.

Open Space: Integrate open space and greenways into the urban fabric of the Town. Preserve the countryside by discouraging suburban sprawl. Avoid development in floodplains, on ridgetops, and on steep slopes.

Environmental Quality: Address and monitor growth factors and activities that contribute to water, air, light, and noise pollution.

Trees: Conserve existing trees and plant new trees, especially hardwoods.

Automobile Transportation: Maximize the efficiency of existing facilities, but not at the expense town and neighborhood character and livability. Build or expand transportation facilities and parking areas as needed, but with care. Work to reduce auto dependency, use, and congestion.

Bikeways: Implement the planned system of bikeways as a legitimate transportation alternative. Unify with greenways and other pedestrian facilities where possible.

Mass Transit: Enhance and support the mass transit system as an effective alternative to the congestion created by the individual automobile.

Pedestrian Movement: Encourage a system of sidewalks, paths, crosswalks and compact development patterns which make it easy to get around Boone on foot.

Infrastructure: Engage in long range planning for water and sewer systems, stormwater runoff, natural gas, and other utility systems. Place overhead utilities underground whenever feasible.

Public Safety: Maintain a high level of policing and fire protection and plan the expansion of public safety services to coincide with projected population increases and identified needs.

Energy and Waste: Reduce waste generation, and the consumption of energy and water. Develop area recycling programs to the fullest. Encourage an anti-litter consciousness among residents and visitors.

University: Emphasize cooperative planning among the Town, County, and University.

Downtown: Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

Recreation: Strive for additional public recreation facilities, especially sports fields, greenways and indoor recreation centers.

Neighborhoods: Ensure the livability of neighborhoods, especially through land use and traffic planning.

Public Involvement: Encourage active public involvement and volunteerism to expand the effectiveness of community planning and action.

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Comprehensive Plan Policies: Staff has reviewed land use and comprehensive plan policies, and listed those policies which in staff's opinion have a bearing on the request. The Commission and Council should review these policies carefully. Each member may make his or her own interpretation as to the relevance of each and which carry the most weight thereby shaping their overall recommendation.

COMPREHENSIVE PLAN POLICIES

2.1 THE ECONOMY

2.1 THE ECONOMY

2.1.1 Economic Development

A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy. **********

B. New and expanding industries and businesses shall be encouraged which: 1) diversify the local economy, 2) train and use a skilled labor force and 3) increase area residents' incomes.

C. The Town shall encourage the development of a well-balanced tourism trade as a primary element of the area's economic future. Investments in services, facilities, and proper growth management shall be employed in furtherance of this objective.

D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas.

E. The Town shall encourage a public service and regulatory environment conducive to business recruitment and expansion, while at the same time enhancing the area's physical and human resources.

F. New firms and expanding businesses that complement the natural resources and beauty of the region shall be especially recruited and encouraged.

G. The Town shall support the development of new business parks.

H. The Town shall promote coordination of economic development resources with the appropriate institutions and agencies. Regional coordination and interaction among areas with a shared economic interest shall be encouraged.

I. Small business start-ups, expansions and spin-offs shall be encouraged. The presence of ASU and Caldwell Community College and Technical Institute shall be recognized as a necessary and important resource for area businesses.

J. Appropriate educational and training programs shall be encouraged to help local residents, especially those unemployed and underemployed, take advantage of business expansion and to develop new skills.

K. Boone shall identify and provide services consistent with the needs of the area's growing retiree population.

2.1.2 Commercial Development

A. Uncontrolled strip development along the areas through streets shall be prohibited. The undesirable effects of existing strip development shall be reduced and/or reconfigured when redevelopment opportunities permit. New strip development on isolated single lots along through streets shall be discouraged. *****

B. Commercial and Office Development shall be encouraged to locate in planned shopping centers, office parks and mixed use developments to stop the proliferation of strip development.

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C. Community/Commercial Centers shall be located adjacent to a major street and contain or be adjacent to other appropriate community facilities.

D. Automobile Orientated Neighborhood and Convenience Commercial Centers shall be encouraged to locate on a collector street or secondary street at its intersection with a major street.

E. Residentially scaled and designed neighborhood businesses may be a planned element of newly developed or redeveloped neighborhoods. They should be near other compatible facilities such as elementary schools and neighborhood parks.

F. Commercial uses may be encouraged to develop by consolidation and expansion of existing commercially zoned property, only when such consolidation and expansion does not encroach upon a viable residential area.

G. Effective buffering and/or landscaping shall be provided where a large scale or automobile-orientated commercial or office use adjoins an existing or planned residential use.

H. Encroachment of incompatibly scaled and designed commercial or office uses into viable existing or planned residential areas shall be prohibited.

I. Office and institutional development may be encouraged as a transitional land use between residential areas and higher intensity commercial activities.

J. Highway Oriented Commercial uses shall be clustered along segments of major streets and contain land uses which are mutually compatible and reinforcing in use and design. Businesses shall be encouraged to coordinate their site designs with other nearby businesses. Design factors shall include, at a minimum, shared parking and street access, convenient pedestrian and vehicular movement, and consistent sign standards.

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2.1.3 Industrial Development

A. The Town shall encourage a public service and regulatory environment conducive to light industrial development, provided that long term environmental quality considerations shall not be compromised.

B. Industrial development shall be located on land which is physically suitable and has unique locational advantages for industry. Advanced planning for the identification of such land shall be encouraged.

C. Industrial development shall not be located in areas which would diminish the desirability of existing and planned non-industrial uses, nor shall non-industrial uses be allowed to encroach upon existing or planned industrial sites.

D. Heavy industrial uses shall not be permitted within the zoning jurisdiction of the Town of Boone.

E. Light industrial uses may be located in or near existing built up areas to take advantage of available services and to minimize home to work distances. Careful design and or buffering may be required to ensure compatibility with surrounding areas.

F. Warehousing, storage and distribution facilities shall have a direct access to appropriate thoroughfares, and shall be visually buffered according to their location.

G. New industrial developments shall be encouraged to locate in planned industrial parks.

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PLANNING BOARD REPORT/RECOMMENDATIONS

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

First motion and vote: The proposed amendment to the Town's zoning ordinance ☐**is** OR ☐**is not** consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because [*describe elements of controlling land use plans and how the amendment is or is not consistent*]:

Second Motion and Vote: The Planning Commission recommends ☐**approval** OR ☐**denial** of the proposed amendment to the Town's Zoning ordinance and believes ☐**approval** OR ☐**denial** is reasonable and in the public interest because *[Briefly explain why. Factors may include public health and safety, character of the area, relationship of uses, applicable plans, or balancing benefits and detriments]* :

Third Motion and Vote – Required only if the Commission recommends approval despite inconsistency with the comprehensive plan and/or any other applicable plan: The Planning Commission recommends approval of the amendment despite inconsistency with the comprehensive plan and/or other applicable adopted plans because [*provide explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment*]:

TOWN COUNCIL ACTION

Per NCGS 160A-383, zoning regulations shall be made in accordance with a comprehensive plan. Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board considers the action taken to be reasonable and in the public interest.

First motion and vote: The proposed amendment to the Town's zoning ordinance ☐**is** OR ☐**is not** consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that is applicable because [*describe elements of controlling land use plan(s) and how the amendment is or is not consistent*]:

Second Motion and Vote: The Town Council ☐**approves** OR ☐**denies** the proposed amendment to the Town's Zoning ordinance and believes ☐**approval** OR ☐**denial** is reasonable and the public interest

because *[Briefly explain why. Factors may include public health and safety, character of the area, relationship of uses, applicable plans, or balancing benefits and detriments]* :

Third Motion and Vote – Required only if the proposed amendment is approved despite inconsistency with the comprehensive plan and/or any other applicable adopted plan(s): The Town Council approves the amendment and declares that this approval also amends the Unified Development Ordinance (and/or other approved and applicable plan) because [*provide explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment*]:

Communication: PL01388-032818 Restaurant Uses in M1 - Staff Report (Case PL01388-032818 Restaurant Uses in M1 Manufacturing - UDO Text

STAFF REPORT
PUBLIC HEARING-APRIL 23, 2018
CASE PL01389-032818 B1 CENTRAL BUSINESS HEIGHT MODIFICATIONS- UDO TEXT AMENDMENT

Request

At the January 8, 2018 Planning Retreat, Council requested Planning Staff to prepare a height analysis of the B1 Central Business District. Staff presented the B1 Central Business Zoning District Height Analysis to the Town Council on March 22, 2018 (See Exhibit 1). After the presentation and discussion on the report, Town Council requested Staff to prepare modification of the UDO as follows:

1. Maximum building height of 30' for buildings, including parapets, on portions of King Street using the proposed Historic Core (see note below) as a boundary.
2. Maximum building height of 33' for all other buildings in the B1, excluding parapets which are not to exceed 4' in height past the maximum building height of 33'.
3. Provide for additional guidance on building height exemptions: location, percentage of coverage etc.
4. Provide additional building heights limitations, such as used by Blowing Rock, so that building height is limited to no more than a 25% increase above the average height of adjacent buildings.

Note: The Community Appearance Commission (CAC) has been authorized by Council since July 2010 to work on Community Appearance Standards. In August 2010, the CAC recommended separate downtown design standards. The CAC met with Council in October 2016 and presented and were granted permission to proceed with the idea of creating two areas, a "Historic Core" and an "Interface Area" which would contain differing design guidelines (appearance standards). Subsequent to this direction, Town Council, CAC and HPC met in December 2017 where a third district, the "Warehouse District" in the Howard Street area was proposed and accepted (See Exhibit 2 for map of boundaries). In summary, the Historic Core, would aim to preserve the historic nature (building design & built environment) of the downtown area s, the Warehouse District would aim to preserve the historic nature (building design and built environment) of the Howard Street area and the Interface Area would be similar to the Historic Core and the Warehouse District but would allow more contemporary features and materials to compliment the other districts. The CAC anticipates completing their recommendations to Council by Fall 2018.

The Historic Preservation Commission (HPC) has also been authorized by Council in July 2015 to undertake a historic survey of the Municipal Service District (MSD), downtown, along with some additional properties outside of the MSD. According to the HPC Chair, Eric Plaag the survey is close to being completed. HPC Chair Plaag has indicated there may be enough evidence to create a local Historic District. The HPC anticipates completing their recommendations by Fall 2018.

Town Council, the Community Appearance Commission and the Historic Preservation Commission recently met in March 2018 where directions for both Commissions were confirmed.

Communication: PL01389-032818 Building Heights in B1 - Staff Report (Case PL01389-032818 Building Heights in B1 Central Business District-

ANALYSIS

The text in blue underline on the next page is the new text for consideration and the text in ~~red strikethrough~~ is text proposed to be deleted.

Article 16 District Standards

…

§ 16.08 BUILDING HEIGHT ~~LIMITATIONS~~.

16.08.01 For the purposes of this section:

A. The height of a building shall be the vertical distance measured from the average elevation of the finished grade at the primary facade of the building 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 at the primary facade. 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
R3	3 stories
MH	35 feet
OI	4 stories/67 feet
B1	~~On King St. from Water to College and on Depot Street from King to Howard: 3 stories/45 feet; elsewhere: 4 stories/55 feet (~~See Subsection 16.08.04 ~~for more detail~~)
B2	3 stories/40 feet
B3, E1, E2, E3	3 stories/45 feet (primary) - 5 stories/67 feet (secondary)
U1	Refer to Subsection 16.08.09
M1	67 feet

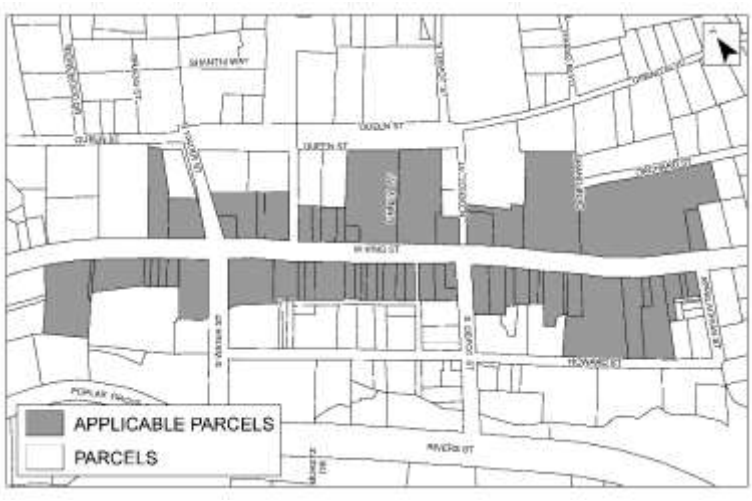
16.08.03 In the B2, B3, E1, E2, and E3 districts the height limitation may range between the primary height limitation in the table to the secondary height (which is the maximum for the district), subject to the provision that for each foot the height of the structure exceeds the primary height limitation,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

16.08.04 Height in the B1 Central Business District

Communication: PL01389-032818 Building Heights in B1 - Staff Report (Case PL01389-032818 Building Heights in B1 Central Business District-

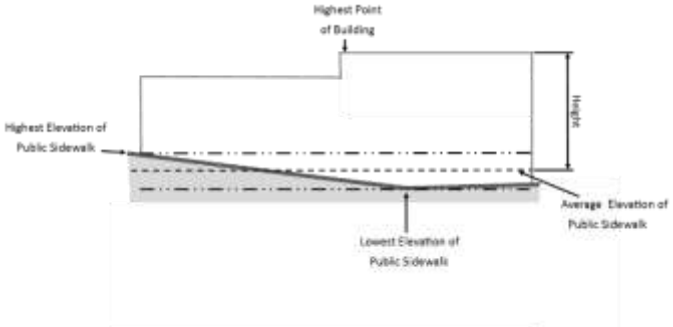
A. Building Height by Location:

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.



B1 - Building Height for Lots with Street Frontage

~~a.~~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.

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.

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2. 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.

3. 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.

B. Building Height Limitations:

1. Building height in the entire B1 Central Business district shall be limited to no more than a 25% increase above the average height of adjacent buildings, provided that at least two (2) stories shall be permitted. The average existing height shall be determined by the average height of existing buildings located within 100' of the proposed building, on the same side of the street, same block and use district. The ~~lessor~~greater of a) 25% greater than the average existing heights or b) ~~30 feet shall determine~~ the maximum allowable building height as established elsewhere in this Article.

   Note: Staff recommends discussion on this standard. Staff is concerned that this seems to be a standard that may work as an alternative to the 30'/33' maximum building height proposed above, not as a standard that works in conjunction with the proposed maximum building heights.

2. Flat roofs shall be capped by ~~a~~ parapets ~~wall~~ of sufficient height to screen ~~any~~ rooftop equipment ~~(Subsection 16.08.08)~~and penthouses from view when standing at ground level twenty feet (20') from the structure.

   a. The~~Maximum b~~uilding height limitations for buildings on King Street governed by Subsection 16.08.04(A)(1) above~~,~~ shall include parapet walls~~s~~.

   b. The~~Maximum~~ 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~~s~~ so long as the parapet walls~~s~~ 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.

3. 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.

~~In the B1 district the maximum building height shall be limited to 45 feet, as measured from the average elevation of the existing or proposed sidewalk along the primary street at the middle of the building elevation facing the street to the highest point of the building or structure. Where a property has street frontages on opposite sides the applicable height limitation shall apply for each side and the building height limitation for each side shall terminate at the midpoint of the building. Where a property does not border a primary street on any side, the maximum height shall be measured from the average finished ground elevation of the finished building. For the purpose of this section, the~~

Communication: PL01389-032818 Building Heights in B1 - Staff Report (Case PL01389-032818 Building Heights in B1 Central Business District-

~~following are considered primary streets: King Street, Queen Street, Howard Street, Rivers Street, Water Street, Depot Street, Appalachian Street, Grand Boulevard, Poplar Grove Road, Straight Street, Bent Street, Orchard Street, and Wallace Circle.~~

~~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.~~

~~2. 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.

16.08.06 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.

16.08.07 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.

16.08.08 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 ~~Subsection 16.08.02~~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. Chimneys, accessory radio or television antennas, flagpoles, monuments or solar collectors provided that such features do not exceed 15% of the maximum height requirements.~~

~~B. Church spires, belfries, cupolas, domes, smokestacks, windmills, or observation towers, provided such structures do not exceed in height the horizontal distance from the structure to the nearest property line.~~

~~C. Utility transmission poles and cables.~~

~~D. Elevator or other mechanical equipment and mechanical penthouses; provided, however, that such features must be screened from view by parapets and set-back from roof edges.~~

~~E. Limited structures to enable recreational use of open rooftops; provided, however, that such features must be screened from view by parapets and set-back from roof edges and may be no more than one-third the area of the entire roof. As used in this provision, "structures" do not include areas that are simply decking to be used for standing or sitting.~~

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), ~~P~~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

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 extends 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.

B. 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.

(Ord. passed 12-16-2013; Ord. passed --; Ord. passed --)

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Article 34 Definitions

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~~**LANDSCAPED GREENSPACE.** A pedestrian oriented urban open space which includes manicured landscaping and other pedestrian oriented amenities (such as benches) which is at or near the same grade as the sidewalk or the street and is easily accessible to pedestrians.~~

PARAPET. A ~~low~~ wall extending above the top of the roof surface at the top of the facade of a building. The height of a parapet is measured from the top roof surface to the top of the parapet wall.

Communication: PL01389-032818 Building Heights in B1 - Staff Report (Case PL01389-032818 Building Heights in B1 Central Business District-

CONFORMITY TO ADOPTED PLANS

COMPREHENSIVE PLAN UPDATE

1.1 Overall Objectives for the Boone Comprehensive Plan (p. 15): The following objectives, which have not been listed in any particular order of importance, are deliberately broad in scope and less specific than either a policy statement or an implementation action.

Economic Development: Acknowledge the area's natural beauty, university, and medical center presence as the Town's greatest assets for economic development and jobs creation. Treat them accordingly.

Community Appearance and Community Character: Blend the built environment with the natural, scenic, and historic character of a High Country small town. Especially discourage commercial strip development, cluttered signage, and "cheap" apartment buildings.

Open Space: Integrate open space and greenways into the urban fabric of the Town. Preserve the countryside by discouraging suburban sprawl. Avoid development in floodplains, on ridgetops, and on steep slopes.

Environmental Quality: Address and monitor growth factors and activities that contribute to water, air, light, and noise pollution.

Trees: Conserve existing trees and plant new trees, especially hardwoods.

Automobile Transportation: Maximize the efficiency of existing facilities, but not at the expense town and neighborhood character and livability. Build or expand transportation facilities and parking areas as needed, but with care. Work to reduce auto dependency, use, and congestion.

Bikeways: Implement the planned system of bikeways as a legitimate transportation alternative. Unify with greenways and other pedestrian facilities where possible.

Mass Transit: Enhance and support the mass transit system as an effective alternative to the congestion created by the individual automobile.

Pedestrian Movement: Encourage a system of sidewalks, paths, crosswalks and compact development patterns which make it easy to get around Boone on foot.

Infrastructure: Engage in long range planning for water and sewer systems, stormwater runoff, natural gas, and other utility systems. Place overhead utilities underground whenever feasible.

Public Safety: Maintain a high level of policing and fire protection and plan the expansion of public safety services to coincide with projected population increases and identified needs.

Energy and Waste: Reduce waste generation, and the consumption of energy and water. Develop area recycling programs to the fullest. Encourage an anti-litter consciousness among residents and visitors.

University: Emphasize cooperative planning among the Town, County, and University.

Downtown: Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

Recreation: Strive for additional public recreation facilities, especially sports fields, greenways and indoor recreation centers.

Neighborhoods: Ensure the livability of neighborhoods, especially through land use and traffic planning.

Public Involvement: Encourage active public involvement and volunteerism to expand the effectiveness of community planning and action.

Communication: PL01389-032818 Building Heights in B1 - Staff Report (Case PL01389-032818 Building Heights in B1 Central Business District-

Comprehensive Plan Policies: Staff has reviewed land use and comprehensive plan policies, and listed those policies which in staff's opinion have a bearing on the request. The Commission and Council should review these policies carefully. Each member may make his or her own interpretation as to the relevance of each and which carry the most weight thereby shaping their overall recommendation.

COMPREHENSIVE PLAN POLICIES

2.1 THE ECONOMY

2.1.1 Economic Development

A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy. **********

B. New and expanding industries and businesses shall be encouraged which: 1) diversify the local economy, 2) train and use a skilled labor force and 3) increase area residents' incomes.

C. The Town shall encourage the development of a well-balanced tourism trade as a primary element of the area's economic future. Investments in services, facilities, and proper growth management shall be employed in furtherance of this objective.

D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas.

E. The Town shall encourage a public service and regulatory environment conducive to business recruitment and expansion, while at the same time enhancing the area's physical and human resources.

F. New firms and expanding businesses that complement the natural resources and beauty of the region shall be especially recruited and encouraged.

G. The Town shall support the development of new business parks.

H. The Town shall promote coordination of economic development resources with the appropriate institutions and agencies. Regional coordination and interaction among areas with a shared economic interest shall be encouraged.

I. Small business start-ups, expansions and spin-offs shall be encouraged. The presence of ASU and Caldwell Community College and Technical Institute shall be recognized as a necessary and important resource for area businesses.

J. Appropriate educational and training programs shall be encouraged to help local residents, especially those unemployed and underemployed, take advantage of business expansion and to develop new skills.

K. Boone shall identify and provide services consistent with the needs of the area's growing retiree population.

2.1.2 Commercial Development

A. Uncontrolled strip development along the areas through streets shall be prohibited. The undesirable effects of existing strip development shall be reduced and/or reconfigured when redevelopment opportunities permit. New strip development on isolated single lots along through streets shall be discouraged. *****

B. Commercial and Office Development shall be encouraged to locate in planned shopping centers, office parks and mixed use developments to stop the proliferation of strip development.

Communication: PL01389-032818 Building Heights in B1 - Staff Report (Case PL01389-032818 Building Heights in B1 Central Business District-

C. Community/Commercial Centers shall be located adjacent to a major street and contain or be adjacent to other appropriate community facilities.

D. Automobile Orientated Neighborhood and Convenience Commercial Centers shall be encouraged to locate on a collector street or secondary street at its intersection with a major street.

E. Residentially scaled and designed neighborhood businesses may be a planned element of newly developed or redeveloped neighborhoods. They should be near other compatible facilities such as elementary schools and neighborhood parks.

F. Commercial uses may be encouraged to develop by consolidation and expansion of existing commercially zoned property, only when such consolidation and expansion does not encroach upon a viable residential area.

G. Effective buffering and/or landscaping shall be provided where a large scale or automobile-orientated commercial or office use adjoins an existing or planned residential use.

H. Encroachment of incompatibly scaled and designed commercial or office uses into viable existing or planned residential areas shall be prohibited.

I. Office and institutional development may be encouraged as a transitional land use between residential areas and higher intensity commercial activities.

J. Highway Oriented Commercial uses shall be clustered along segments of major streets and contain land uses which are mutually compatible and reinforcing in use and design. Businesses shall be encouraged to coordinate their site designs with other nearby businesses. Design factors shall include, at a minimum, shared parking and street access, convenient pedestrian and vehicular movement, and consistent sign standards.

…

2.1.5 Downtown

A. A compatible design character for the downtown area, drawing upon the locality's original High Country small town features, shall be identified, reinforced and supported to put forth a quality image and sense of place. ****

B. The Town, in concert with the downtown property owners and merchants, shall encourage public and private efforts to develop and publicize adequate and appropriately designed off-street parking lots in the downtown area.

C. A variety of mutually compatible and supportive mixed uses shall be encouraged in the downtown area.

D. Public and private developments shall be encouraged to incorporate local artistry into public and semi-public spaces downtown.

E. Public and private development decisions in the downtown area shall exhibit a special concern for maintaining the intensive, pedestrian oriented character of the district.

F. The maintenance and revitalization of downtown Boone, as well as planning for its future development, will reflect the realities and qualities befitting its geographical setting and function as a center of (1) commercial and service activities, (2) educational and cultural activities, events and (3) public services.

2.3 THE COMMUNITY

A. Urban type development within the Urban Growth Area shall meet appropriate Town standards.

Communication: PL01389-032818 Building Heights in B1 - Staff Report (Case PL01389-032818 Building Heights in B1 Central Business District-

B. Properly planned, mixed use developments that promote efficient provision of public services shall be encouraged within the Urban Growth Area.

C. Funding for outside agencies and organizations serving the citizens of Boone shall continue to receive support consistent with area service needs and Town budget constraints.

D. Coordinated inter-governmental and university-town planning for urban area land use and development, transportation, utilities, recycling, environmental management, law enforcement, education, recreation, tourism and economic development shall be encouraged.

2.3.1 Community Appearance

A. Measures to improve the effectiveness of grading, landscaping and buffering standards for new and existing developments shall be encouraged.

B. The significance of street trees in providing visual relief, summer cooling, improved air quality and livability shall be recognized through public policies and actions to encourage their planting and maintenance.

C. The significance of major roadway entrances into Boone as measures of community image and quality shall be recognized through building placement, landscape, signage and other visual improvements. The Town, along with private property owners and developers, shall work to jointly improve the appearance and design of major street corridors.

D. Sign policies and standards shall be periodically updated to enhance community identity and create a high quality business image.

E. The Town shall encourage public, private, and utility company efforts to place utility wires underground whenever feasible.

2.3.2 Community Character

A. The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area.

B. Multiple and appropriate adaptive reuse of historic resources shall be encouraged.

C. Wise development of the tourism potential of the area's architectural, historic, scenic, and natural resources shall be encouraged.

D. The destruction of significant architectural, historic, scenic, natural and archaeological resources in the planning area shall be discouraged.

E. New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town.

2.3.3 Housing & Neighborhoods

A. The protection and rehabilitation of viable neighborhoods shall be encouraged to insure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community. *******

B. Street system designs which discourage through traffic on purely local streets while allowing for free circulation within the neighborhood shall be encouraged.

C. Proposed residential development which would expose residents to harmful effects of incompatible

Communication: PL01389-032818 Building Heights in B1 - Staff Report (Case PL01389-032818 Building Heights in B1 Central Business District-

development or to environmental hazards shall be prohibited.

D. Innovative and flexible land planning and development practices shall be encouraged to create livable developments which better safeguard land, water, energy and historic resources.

E. Factors in determining preferred locations for high density residential development shall include: close proximity to the university, employment or shopping centers; access to major thoroughfares and the transit system; the availability of public services and facilities; and compatibility with adjacent land uses.

F. The affordable housing needs of area residents, particularly elderly and low to moderate income residents, shall be recognized in Town policies and actions regarding residential development.

G. Compact, full service neighborhoods, offering opportunities for living, working, shopping, and gathering places, shall be encouraged in newly planned developments, as well as for redeveloping areas.

H. The overall housing unit density for proposed infill residential development or redevelopment should be compatible with the average density of existing areas.

…

PLANNING BOARD REPORT/RECOMMENDATIONS

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

First motion and vote: The proposed amendment to the Town's zoning ordinance ☐**is** OR ☐**is not** consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because [*describe elements of controlling land use plans and how the amendment is or is not consistent*]:

Second Motion and Vote: The Planning Commission recommends ☐**approval** OR ☐**denial** of the proposed amendment to the Town's Zoning ordinance and believes ☐**approval** OR ☐**denial** is reasonable and in the public interest because *[Briefly explain why. Factors may include public health and safety, character of the area, relationship of uses, applicable plans, or balancing benefits and detriments]* :

Third Motion and Vote – Required only if the Commission recommends approval despite inconsistency with the comprehensive plan and/or any other applicable plan: The Planning Commission recommends approval of the amendment despite inconsistency with the comprehensive plan and/or other applicable adopted plans because [*provide explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment*]:

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TOWN COUNCIL ACTION

Per NCGS 160A-383, zoning regulations shall be made in accordance with a comprehensive plan. Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board considers the action taken to be reasonable and in the public interest.

First motion and vote: The proposed amendment to the Town's zoning ordinance ☐**is** OR ☐**is not** consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that is applicable because [*describe elements of controlling land use plan(s) and how the amendment is or is not consistent*]:

Second Motion and Vote: The Town Council ☐**approves** OR ☐**denies** the proposed amendment to the Town's Zoning ordinance and believes ☐**approval** OR ☐**denial** is reasonable and the public interest because *[Briefly explain why. Factors may include public health and safety, character of the area, relationship of uses, applicable plans, or balancing benefits and detriments]* :

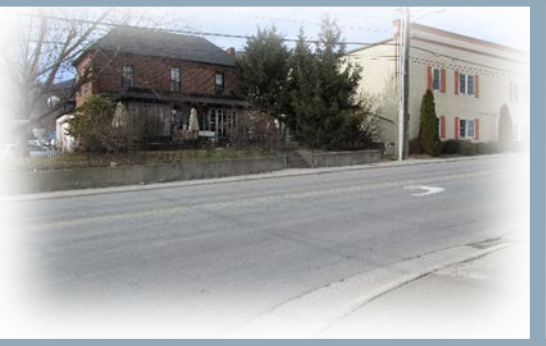
Third Motion and Vote – Required only if the proposed amendment is approved despite inconsistency with the comprehensive plan and/or any other applicable adopted plan(s): The Town Council approves the amendment and declares that this approval also amends the Unified Development Ordinance (and/or other approved and applicable plan) because [*provide explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment*]:

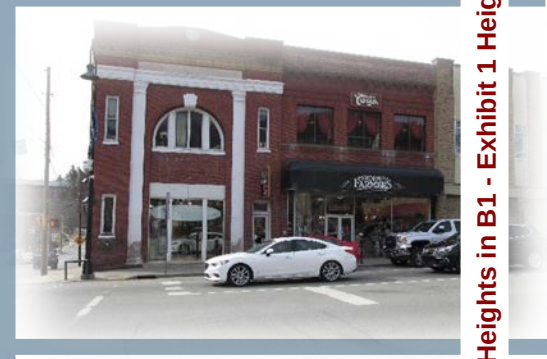
Communication: PL01389-032818 Building Heights in B1 - Staff Report (Case PL01389-032818 Building Heights in B1 Central Business District-

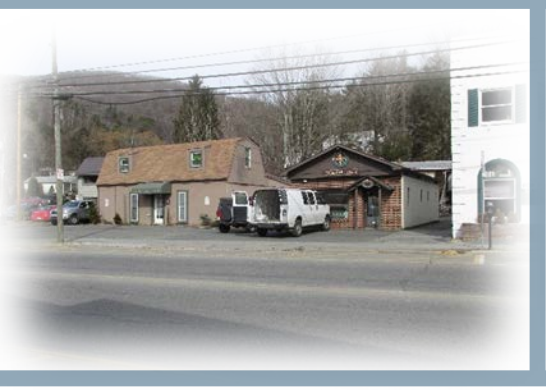
EXHIBIT 1

Town of Boone

B1 Central Business Zoning District Height Analysis







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B1 CENTRAL BUSINESS ZONING DISTRICT HEIGHT ANALYSIS

Prepared for: Boone Town Council

Prepared by: Jane Shook, Director of Planning & Inspections
Brian Johnson, Urban Design Specialist
Marty Little, Planner
Chris Miller, GIS Coordinator

With Assistance by: Dustin Davis, Planning Intern
Christy Turner, Senior Planner
Stacey Miller, Building Inspector Supervisor
KC Banner, Building Inspector Trainee

REQUEST

At the January 8, 2018 Planning Retreat, Council asked Planning Staff to present research at the March Town Council meeting on the following items:

1. Height study of the B1 Central Business District, and
2. Exceptions to height calculations, and
3. What is the minimum height necessary for a 3 story building, and
4. Proposed mechanisms to measure height with multiple street frontages.

B1 CENTRAL BUSINESS DISTRICT BOUNDARY MAP

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EXHIBIT 1

B1 CENTRAL BUSINESS ZONING DISTRICT DESCRIPTION

UDO Subsection 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.

CURRENT B1 CENTRAL BUSINESS HEIGHT STANDARDS

Excerpt from development ordinance:

…

Article 16 District Standards

…

Section § 16.08 BUILDING HEIGHT LIMITATIONS.

16.08.01 For the purposes of this section:

A. The height of a building shall be the vertical distance measured from the average elevation of the finished grade at the primary facade of the building to the highest point of the building.

B. "Stories" as used herein refers to the number of heated, habitable floors above grade at the primary facade. 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
R3	3 stories
MH	35 feet
OI	4 stories/67 feet
B1	On King St. from Water to College and on Depot Street from King to Howard: 3 stories/45 feet; elsewhere: 4 stories/55 feet

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Zone	Height Limitation
B2	3 stories/40 feet
B3, E1, E2, E3	3 stories/45 feet (primary) - 5 stories/67 feet (secondary)
U1	Refer to Subsection 16.08.09
M1	67 feet

16.08.03 In the 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 structure shall increase by one foot. In no case shall the height of a structure exceed the secondary height limitation established in the table.

16.08.04 In the B1 district the maximum building height shall be limited to 45 feet, as measured from the average elevation of the existing or proposed sidewalk along the primary street at the middle of the building elevation facing the street to the highest point of the building or structure. Where a property has street frontages on opposite sides the applicable height limitation shall apply for each side and the building height limitation for each side shall terminate at the midpoint of the building. Where a property does not border a primary street on any side, the maximum height shall be measured from the average finished ground elevation of the finished building. For the purpose of this section, the following are considered primary streets: King Street, Queen Street, Howard Street, Rivers Street, Water Street, Depot Street, Appalachian Street, Grand Boulevard, Poplar Grove Road, Straight Street, Bent Street, Orchard Street, and Wallace Circle.

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.

16.08.06 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.

16.08.07 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.

16.08.08 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 Subsection **16.08.02**, 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.

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A. Chimneys, accessory radio or television antennas, flagpoles, monuments or solar collectors provided that such features do not exceed 15% of the maximum height requirements.

B. Church spires, belfries, cupolas, domes, smokestacks, windmills, or observation towers, provided such structures do not exceed in height the horizontal distance from the structure to the nearest property line.

C. Utility transmission poles and cables.

D. Elevator or other mechanical equipment and mechanical penthouses; provided, however, that such features must be screened from view by parapets and set-back from roof edges.

E. Limited structures to enable recreational use of open rooftops; provided, however, that such features must be screened from view by parapets and set-back from roof edges and may be no more than one-third the area of the entire roof. As used in this provision, "structures" do not include areas that are simply decking to be used for standing or sitting.

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.

B. 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.

(Ord. passed 12-16-2013; Ord. passed --; Ord. passed --)

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EXHIBIT 1

MAPS

HEIGHT STUDY-CHOROPLETH MAP

Attached to this report is a choropleth map (Exhibit 1) of the B1 Central Business District depicting existing building heights by number of stories. A choropleth map is a thematic map in which areas are shaded or patterned in proportion to the measurement of the variable displayed on the map. For this map each building footprint has been assigned a color of blue according to the number of stories the building is made up of.

The number of stories is the total number of stories visible to the eye from any exterior façade. For example, if the building is seen as a single-story from King Street, yet has a second story below grade that is visible from Howard Street, it is listed as a 2 story structure. Fully below grade basements not visible from the exterior have not been counted.

To create this map, Town Staff utilized data from the following sources:

1. Town of Boone Fire Department GIS Data, and
2. Historic building survey's completed by Dr. Eric Plaag for the Historic Preservation Commission, and
3. Photographic evidence obtained from field visits.

Note: Errors may occur due to the variety of sources, though Staff did an initial "fact check" to try and reduce the number of errors.

HEIGHT STUDY-STORY MAP

Additionally, Staff from the Planning and Inspections Department assisted the Town of Boone GIS Coordinator in creating two "Story Maps" of the B1 Central Business zoning district. These interactive online maps allow users to "click" on specific points in the B1 Central Business zoning district to pull up photos of the buildings in the immediate area. These photos have been marked with estimated heights* of the building. Clddick the links below to access the story maps:

B1 Central Business Building Height Story Map Link 1

B1 Central Business Building Height Story Map Link 2

*To obtain estimated building height, Town Staff conducted several field visits and either used a telescoping measuring pole (See photograph for demonstration example) or a laser measuring tool. There were times when Staff had to estimate height due to the length limitation of the telescoping measuring pole (35 feet) or inability to accurately shoot a straight line with the laser measuring tool.

AVERAGE HEIGHTS/STORIES BY BLOCK

Attached to this report is a map (Exhibit 2) which notes by block average height and stories.

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EXHIBIT 1

COMPARATIVE ANALYSIS TO OTHER NORTH CAROLINA TOWNS

This section details how five (5) other North Carolina municipalities regulate building height within their downtown areas. These municipalities include Blowing Rock, Beaufort, Hillsborough, Hendersonville, and Morganton. While there are some similarities there are also differences in how these municipalities manage building height. Staff has included these comparisons in order to introduce these different concepts to Council.

A. TOWN OF BLOWING ROCK, NC (POPULATION 1,241)

Excerpt of Zoning Map (Central Business & Town Center Areas):

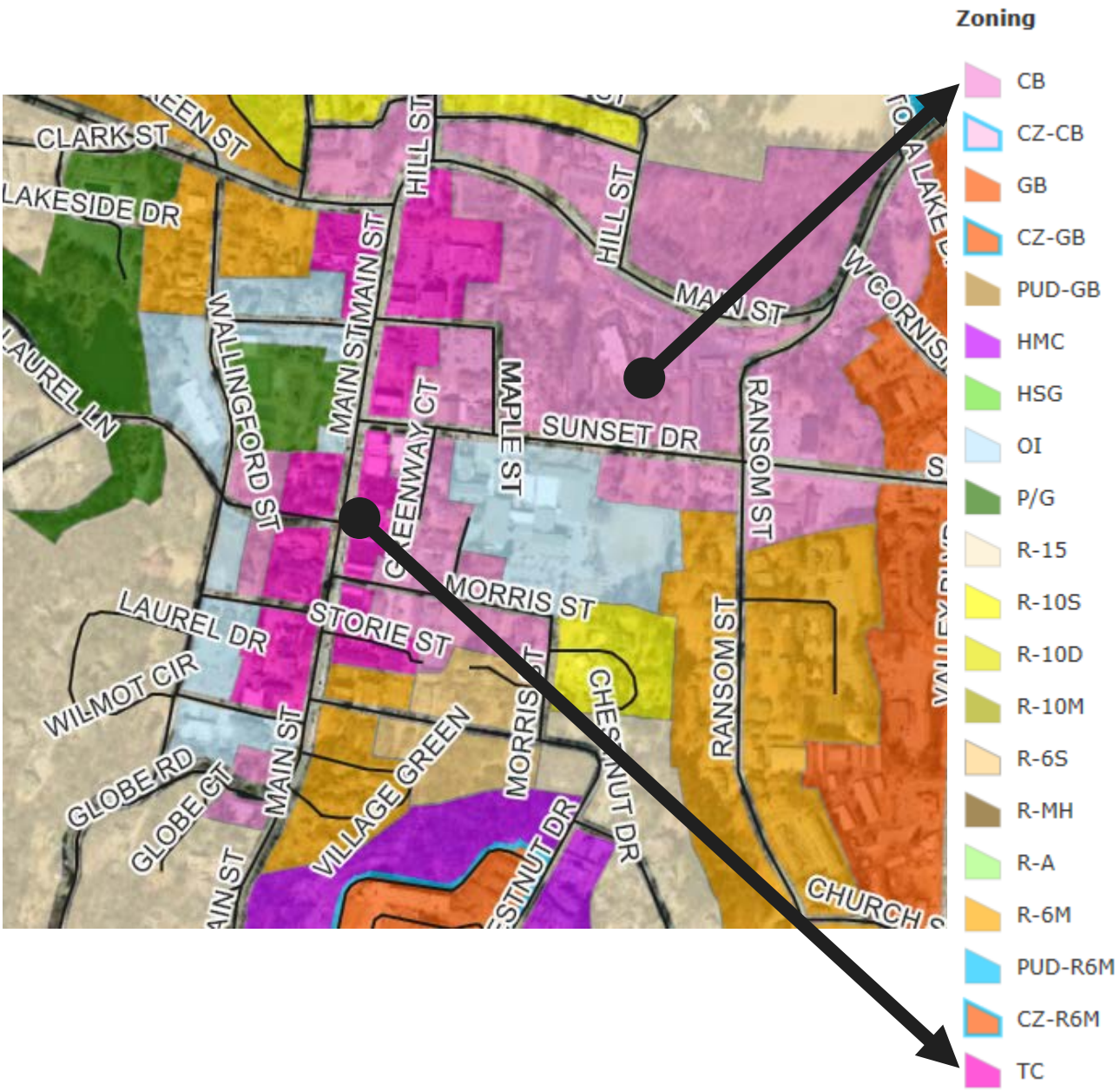

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EXHIBIT 1

Excerpts from development ordinance:

…

Article 9 Zoning Districts and Zoning Map

…

Section 16-9.2 Nonresidential Districts Established. The following nonresidential districts are hereby established: CB (Central Business), TC (Town Center), GB (General Business), OI (Office/Intuitional), HMC (Hospital/Medical Complex), HSG (Horse Show Grounds), PGS (Parks and Green Space). These districts are created to accomplish the purpose and serve objectives set forth in the remainder of this section.

a) The CB district is designed to accommodate a wide variety of commercial activities (particularly those that are pedestrian oriented) that will result in the most intensive and attractive use of the town's central business district.

…

g) The TC district is designed to accommodate a wide variety of commercial activities (particularly those that are pedestrian oriented) that will result in the most intensive and attractive use of the town's central business district, while protecting the historic character of the downtown core primarily along Main Street.

…

Article 12 Density and Dimensional Regulations

…

Section 16-12.6 Central Business and Town Center Districts, Building Height, Open Space, and Green Space Requirements. Lots developed in the Central Business District and Town Center District shall meet the following standards pertaining to setbacks, building heights, open space and green space areas, and other development criteria.

…

16-12.6.5 Building Height. The following standards determine the applicable building heights for the buildings in the Central Business and Town Center Districts.

16-12.6.5.1 The maximum building height shall be limited to 30 feet, as measured from the average elevation of the existing or proposed sidewalk along the primary street to the highest point of the building or structure (Please refer to Appendix B for Diagram) Where an existing rock wall is located adjacent to an existing sidewalk, or where a property does not border a primary street on any side, the maximum height shall be measured from the average finished ground elevation adjacent to the primary entrance to the highest point of the building or structure.

16-12.6.5.2 The maximum height shall also be limited to no more than a 25% increase above the average existing height of adjacent building, provided that a least two (2) stores shall be permitted. The average existing height shall be determined by the

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EXHIBIT 1

average height of existing buildings located within 100 feet of the proposed building, on the same side of the street, same block and use district. The lesser of a) 25% greater than the average existing heights or b) 30 feet shall determine the maximum allowable building height. Where a maximum building height is established, that maximum height shall govern the entire structure.

16-12.6.5.3 The maximum eave height shall be limited to 24 feet. The eave height shall be the vertical distance measured from the sidewalk to the lowest point of the eave above the primary entrance.

16-12.6.5.4 The maximum building height and maximum eave height for any building located 50 feet or more from the back of the existing or proposed sidewalk adjacent to a public street shall be measured form the average finished ground elevation adjacent to the primary entrance. For purposes of this paragraph, the entire structure must be located at or beyond the 50-foot setback. If the building is located 50 feet or more from the sidewalk, the eave height shall be the vertical distance measured from the adjacent grade at the primary entrance to the lowest point of the eave above the primary entrance. Maximum building heights may exceed 30 feet, and the maximum eave height may exceed 24 feet, if the building is set back beyond the standard 15 foot setback. No building height in the Central Business or Town Center may exceed 40 feet. Additionally, no other building walls, measured from the average finished grade along the base of the wall to the highest point of the structure may exceed 40 feet. The following table shall be used to determine the maximum building height and eave height based on eh proposed building setback from any street:

Setback	Maximum Building Height	Maximum Eave Height
15	30	24
20	31	25
25	32	26
30	33	27
35	34	28
40	35	29
45	36	30
50	37*	31*
55	38*	32*
60	39*	33*
65	40*	34*

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EXHIBIT 1

*measured from finished ground elevation adjacent to primary entrance to building

Where a building is permitted to encroach into the 15-foot setback as provided in Section 16-12.6.1.1(b) the building height for that part of the building forward of the 15-foot setback must be reduced one (1) foot for every (1) foot of setback encroachment.

16-12.6.6 Property Grades and Elevations. Property grade elevations shall be maintained as practical. The Board of Commissioners shall have the authority to determine if the proposed grade elevations are consistent with the character of the Central Business and Town Center areas.

16.12.6.7 Alleys. Alleys that connect adjacent lots and provide parking, delivery access, utility access, and garbage pickup will be strongly encouraged. Alleys may be required in certain situations through a conditional use permit.

16-12.6.7 Building Height Limitations. Subject to the remaining provisions of this section, the height of a building or structure in any residential district (R-15, R-10, R-6 or RMH), may not exceed 35 feet. Similarly, the eave height of a building or structure in the R-A district or any non-residential district (GB, HMC, HSG, OI, or PGS) may not exceed 35 feet and the overall height of the building or structure shall not exceed 50 feet.

16.12.6.7.1 Subject to Section 16-12.6.7.2 the following features are exempt from the district height limitations set forth in Section 16-12.6.7.

a) Chimneys, church spires, elevator shafts, and similar structural appendages not intended as places of occupancy or storage;

b) Flagpoles and similar devices;

c) Heating and air conditioning equipment, solar collectors, and similar equipment, fixtures and devices.

16-12.6.7.2 The features listed in Section 16-12.6.7.1 are exempt from the height limitations set forth in Section 16-12.6.7, if they conform to the following requirements:

a) Not more than one-third of the total roof area may be consumed by such features.

b) The features described in Section 16-12.6.7.1.c above must be set back from the edge of the roof a minimum distance of one foot for every foot by which such features extend above the roof surface of the principal building to which they are attached.

c) The permit-issuing authority may authorize or require that parapet walls be constructed (up to a height not exceeding that of the features screened) to shield the features listed in Section 16-12.6..7.1.a & c above.

16-12.6.8 The permit-issuing authority may authorize the construction of a building one or more sides of which exceed the building height limitations set forth in Section 16-12.6.7 if it finds that:

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a) The height of the building measured at the front side does not exceed the building height limitations set forth in section 16-12.6.7 and

b) Other sides of the building exceed building height limitations because the building is constructed on severe grade, and

c) The building is not in violation of the Mountain Ridge Protection Act of 1983.

16-12.6.9 With respect to developments in the non-residential zoning districts that require a conditional use permit, the Board of Commissioners may authorize the construction of a building one or more sides which exceed height limitations set forth in section 16-12.6.7 if it finds that:

a) It would be impractical to construct on the lot a building that suits the reasonable needs of the proposed use (such as a gymnasium, theater, etc.) without height exception; and

b) The building will be designed, located, and constructed so that it does not unreasonable obstruct the view of owners or occupants of other property and is not otherwise substantially out of character with the size, scale, and appearance of other buildings within the immediate neighborhood; and

c) The building is not in violation of the Mountain Ridge Protection Act of 1983.

Section16-12.6.10 Towers and antennas are allowed in all zoning districts to the extent authorized in Article 10 (Table of Permissible Uses), use classification 18.000, and Article 18.

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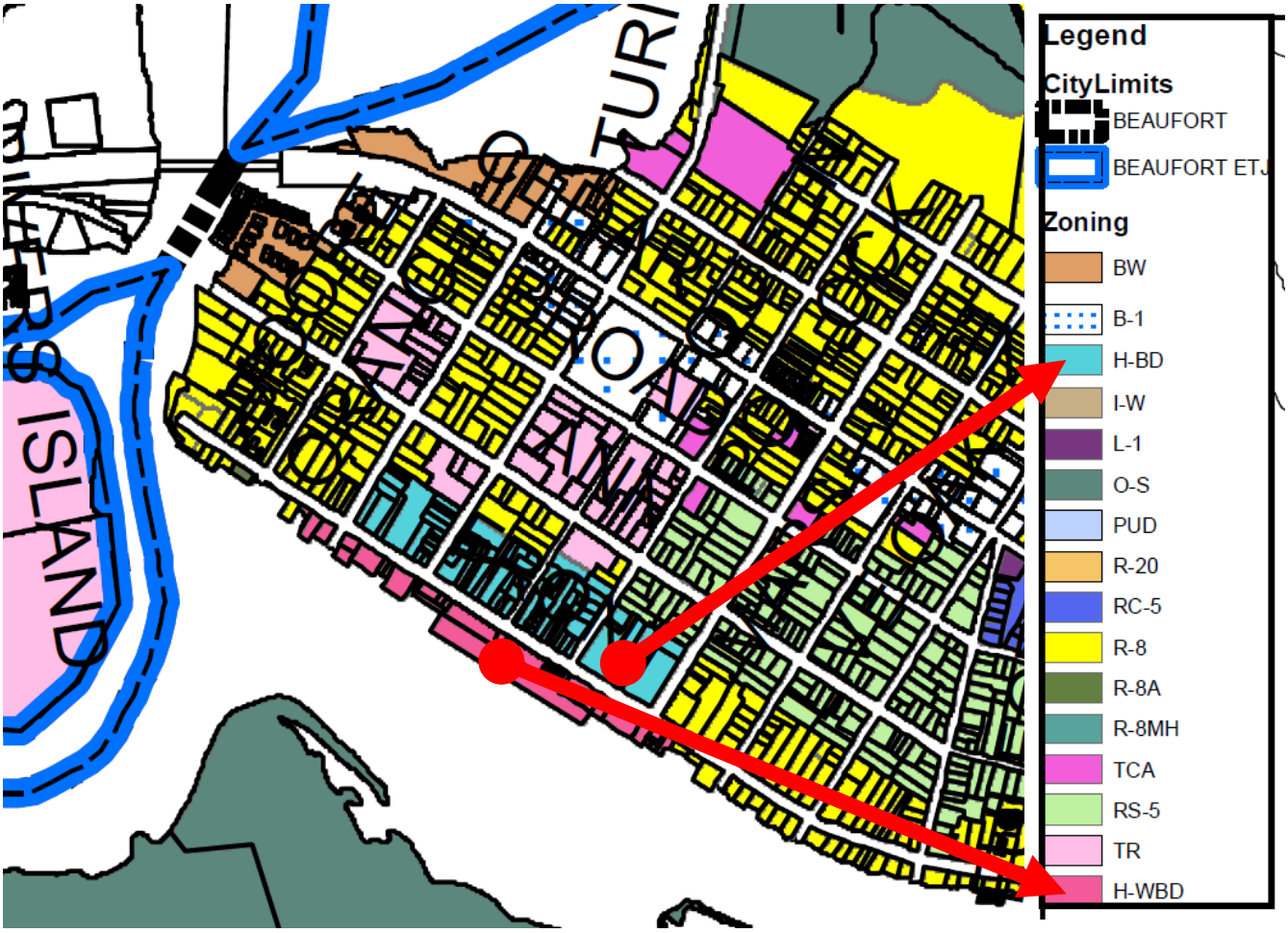
EXHIBIT 1

B. TOWN OF BEAUFORT, NC (POPULATION 4,039)

Excerpts of Zoning Map (Historic Business District & Historic Waterfront Buiness District):



Excerpts from development ordinance:

...

Section 4 Definitions

...

Building Height. The vertical distance measured from the naturally occurring grade adjacent to a structure to a level plane formed by the highest point (peak) of the structure. In cases where the natural grade varies at corners of a structure, the Building Height shall be determined by using the average natural grade at the corners of the structure. The highest point of the structure is generally the ridge of the roof for pitched roof structures and the top surface of a flat roof for flat roof structures but shall also include the highest surface of parapet walls and other structural features.

...

Section 6 Height and Area Exceptions and Supplements

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EXHIBIT 1

...

D) Height Restrictions.

1) Height restrictions will be determined by the specific zoning district whether inside the Town corporate limits or within the ETJ area.

2) Fixtures and architectural features which are not capable of occupation, such as chimneys, cupolas, domes, elevator shafts, heating and air conditioning equipment, solar collectors, and similar equipment, fixtures and devices and antennae, and which extend no more than ten feet (10') above the highest point on the structure, shall be allowed if the base of such architectural feature or fixture has a square footage which is ten percent (10%) or less than the square footage of the highest habitable floor on the structure.

3) Any nonconforming residential structure in a specific zoning district which exceeds the height limitation for its specific zoning district and is damaged or destroyed by fire, flood, wind, or act of God, may be rebuilt to the dimension of such building or structure as it existed prior to the damage or destruction and according to the North Carolina State Building Codes.

4) Any building or structure in existence on the effective date of this Ordinance may be raised the minimum amount necessary to bring the structure into compliance with the prescriptive minimum flood elevation as determined by the National Flood Insurance program regulations, notwithstanding raising such building or structure will increase its overall height above the building height limitations established herein.

E) Exemptions.

In addition to those fixtures and architectural features allowed to extend above the maximum height limits provide in subsection D-2 of this section, the following are also exempted from the building height limit established in this Ordinance:

1) School gymnasiums,

2) The Carteret County Courthouse,

3) Public utility poles and towers (except towers may be subject to other limits or procedures in this Ordinance),

4) Municipal and public water towers,

5) Permitted communication towers,

6) Bell towers, steeples, and spires on structures used for religious purposes, elevator shafts, chimneys, and similar structural appendages not intended for occupancy or storage;

7) Flagpoles.

...

Section 9 Nonresidential Zoning Districts

Communication: PL01389-032818 Building Heights in B1 - Exhibit 1 Height Analysis (Case PL01389-032818 Building Heights in B1 Central

EXHIBIT 1

A) H-BD Historic Business District.

The intent of this district is to allow land and structures which provide personal services, retailing, and business services compatible with the district's historic character. This district should be limited to the Town's Historic Overlay District and may be subject to additional requirements found within the "Design Guidelines for the Beaufort Historic District & Landmarks." Uses in this district which require potable water or sanitary sewer must be connected to both municipal water and municipal sewer.

1) Minimum Lot Size.

The H-BD district will not have a minimum lot size.

2) Minimum Lot Width.

No minimum lot width is required in the H-BD district at the minimum building line.

3) Building Setback and Building Height Requirements and Limitations.

Subject to the exceptions allowed in this Ordinance, each structure on a lot in this zoning district shall be set back from the boundary lines of the lot at least the distances provided in the tables set forth in this section. The building height limitation in this district is provided in the tables set forth in this section.

Table 9-1 Interior Lot Requirements for Residential Use

District	Front Setback (Right-of-Way)	Rear Setback	Side Setback	Building Height Limitation
H-BD	25 feet	30 feet	8/0* feet	35 feet

*0' if it connects to a common wall.

Table 9-2 Corner Lot Requirements for Residential Use

District	Designated Front (Right-of-Way) Setback	Designated Side (Right-of-Way) Setback	Rear Setback	Side Setback	Building Height Limitation
H-BD	25 feet	25 feet	30 feet	8 feet	35 feet

Table 9-3 Corner Lot and Interior Lot Requirements for Commercial Use

District	Designated Front (Right-of-Way) Setback	Designated Side (Right-of-Way) Setback	Rear Setback	Side Setback	Building Height Limitation
H-BD	25 feet	25 feet	30 feet	8 feet	35 feet

…

B) H-WBD Historic Waterfront Business District.

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EXHIBIT 1

The function of this district is to protect the character of the commercial development along the historic waterfront of the Town. This district is also part of the Town's Historic Overlay District and may be subject to additional requirements found within the "Design Guidelines for the Beaufort Historic District & Landmarks."

1) Minimum Lot Size.

All lots in the H-WBD shall be a minimum of three thousand square feet (3,000 ft2).

2) Minimum Lot Width.

No minimum lot width is required in the H-WBD district at the minimum building line.

3) Building Setback and Building Height Requirements and Limitations.

Subject to the exceptions allowed in this Ordinance, each structure on a lot in this zoning district shall be set back from the boundary lines of the lot at least the distances provided in the tables set forth in this section.

Table 9-4 Interior Lot Requirements for Residential Use

District	Front Setback (Right-of-Way)	Rear Setback	Side Setback	Building Height Limitation
H-WBD	0 feet	0 feet	0 feet	35 feet

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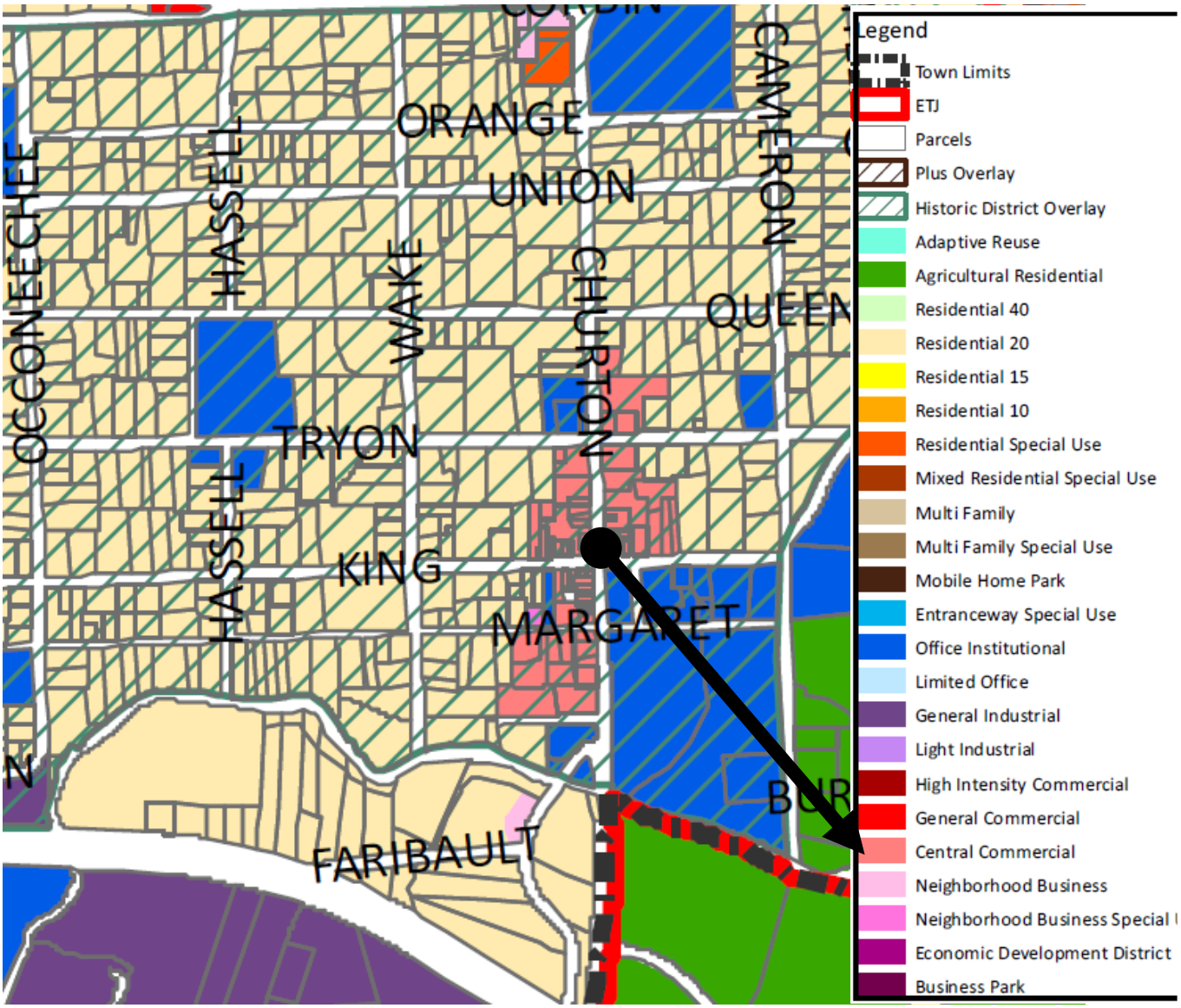
EXHIBIT 1

C. TOWN OF HILLSBOROUGH, NC (POPULATION 6,087)

Excerpts from Zoning Map (Central Commercial):



Excerpts from development ordinance:

...

4. ZONING DISTRICTS

...

4.2 BUSINESS BASE ZONING DISTRICTS

...

4.2.4 CENTRAL COMMERCIAL DISTRICT (CC)

4.2.4.1 Intent

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The purpose of the CC District is to encourage the urban form and character found in the traditional downtown area, and to promote redevelopment that will make the historic core a more diverse and vibrant mixed-use center. The district is intended to accommodate a well-balanced mix of uses (commercial, office, service, and residential uses) within the historic central core of the Town. The core commercial areas are to be preserved and enhanced over the long term and should provide mixed-use opportunities that combine second floor residential units with ground floor non-residential uses. Performance standards shall be used to insure the absence of adverse impacts beyond the zoning district boundaries.

4.2.4.2 Application Criteria

This district will usually be applied where the following conditions exist:

(a) Adjacent to existing central commercial district designation.

(b) Uses would serve a market area population of major segments of the Town and through traffic.

(c) Water and sewer lines exist at the site or are to be installed as part of the development process.

(d) All property to be designated for new development under this classification shall have direct access to a paved public street.

…

6. DEVELOPMENT STANDARDS

…

6.3.2 TABLE: DIMENSIONAL REQUIREMENTS – NON-RESIDENTIAL

	ARU	OI	NB & NBSU	CC & CCSU	GC	HIC	LI	GI	LO	ESU	EDD	BP	SDSU
Minimum Lot Area (sf or acre)	3 ac.	10,000	10,000	None	10,000	10,000	40,000	40,000	1 acre	2 acre	40,000	40,000	TBD
Minimum Lot Width	100	75	75	0	75	75	100	200	75	100	75	75	TBD
Minimum Side Yard Width	20*	20*	15*	0	15*^	15*^	50*	50*	20	20	25	25	TBD
Minimum Rear Yard Width	20*	20*	20*	0	20*^	20*^	50*	50*	20	20	25	25	TBD
Minimum Front Setback	20	20	20	0	20+	20+	35	35	20	50	25	25	TBD
Maximum Building Height	65	40	35	40	40	65	65	65	60	60	45	60	60
Maximum Impervious Surface (% of gross lot)									50%	50%		50%	TBD

* Refer to Table 6.3.3 for Side and Rear Setbacks for Zoning Lots Abutting a Different Zoning District.
^ For parcels abutting South Churton Street between Interstate-40 and the Eno River, parking must observe at 10' landscaped setback from a side or rear property line. Please refer to Section 6.10.3
+ For parcels abutting South Churton Street between Interstate-40 and the Eno River, the minimum front yard setback is 30 feet and the maximum front yard setback is 100 feet, measured from the Churton Street right of way boundary.
TBD – Lot area, lot width, setbacks, and impervious surface limits will all be established during the Special Use Permit review process in the SDSU

…

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EXHIBIT 1

6.7.11 ROOF PITCH

6.7.11.1 Flat roofs shall be capped by a parapet wall of sufficient height to screen any rooftop equipment from view when standing at ground level 20 feet from the structure.

…

9. Definitions

…

9.1.6 HEIGHT MEASUREMENT

9.1.6.1 The height of the side of a building or structure shall be the vertical distance measured from the mean elevation of the finished grade along that side of the building or structure to the highest point of that building or structure.

9.1.6.2 Subject to the remaining provisions of this section, no part of a building or structure in any district may exceed the height limit as indicated in Section 6.3, *Dimensional Requirements*.

9.1.7 HEIGHT LIMIT EXCEPTIONS

9.1.7.1 The following features are exempt from the height limitations set forth in Section 6.3, *Dimensional Requirements*, so long as they do not exceed such height limitations by more than 10 feet:

(a) Chimneys and elevator shafts;

(b) Antennas which are self-supported shafts of 6" in diameter or less, flag poles and similar devices;

(c) Solar collectors;

(d) Church spires and their ornamentation so long as they do not exceed such height by more than 10 feet if located within the Historic District overlay zone; and so long as they do not exceed such height by more than 20 feet when located outside the Historic District.

9.1.7.2 The permit issuing authority may authorize a structure to exceed the height limits set forth in Section 6.3, *Dimensional Requirements* so long as they do not exceed such height limitations by more than ten (10) feet when it concludes the following:

(a) There are sound architectural, structural, historical, or other reasons why the proposed structure should be allowed to exceed the normal height limits;

(b) That portion of the proposed building or structure that will exceed the height limit will be so located and/or buffered so that it will not be visually obtrusive or offensive in any substantial way, OR the total height of any addition to an existing building including any roof elements does not exceed the maximum height including any roof elements of the existing building;

(c) The Historic District Commission has granted a Certificate of Appropriateness for the project if it is located within the Historic District.

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EXHIBIT 1

(d) Any adverse impact on neighboring properties is insignificant or is substantially outweighed by the hardship suffered by the applicant if the height exception is denied; and

(e) Adequate fire protection can be provided.

9.2 Definitions

…

Building Height The height of the side of a building or structure shall be the vertical distance measured from the mean elevation of the finished grade along the side of the building or structure to the highest point of that building or structure.

…

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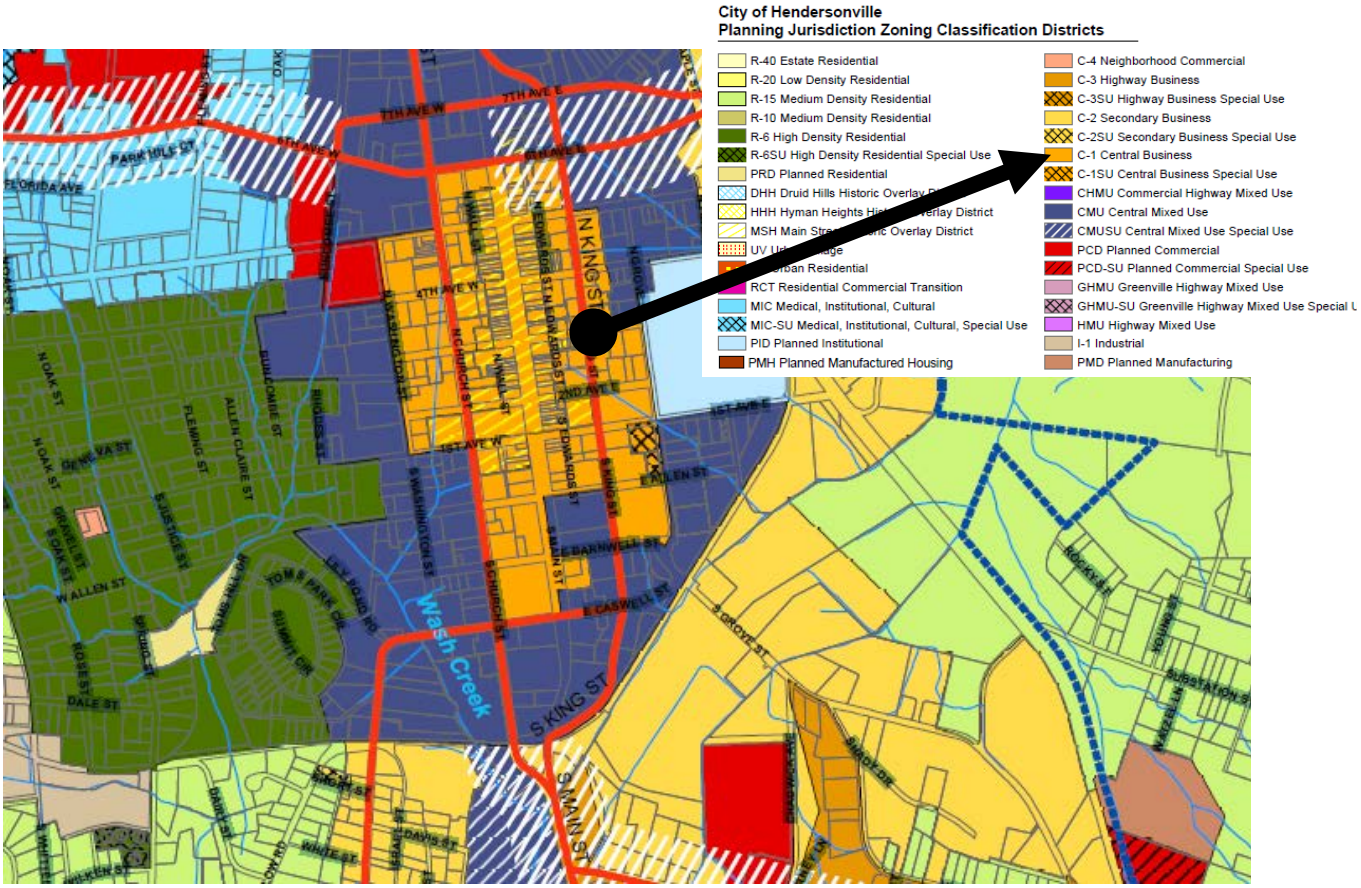
EXHIBIT 1

D. CITY OF HENDERSONVILLE, NC (POPULATION 13,137)

Excerpts from Zoning Map (Central Business)



Excerpts from development ordinance:

...

Article V Zoning District Classifications

...

Section 5-6 C-1 Central Business Zoning District Classification. This zoning district classification is designed to provide a) a concentrated central core of retailing and services, b) areas accommodating central administrative business, financial, general, and professional offices and related services and c) residential uses. The district regulations are designed to promote convenient, pedestrian shopping and the stability of retail development by encouraging continuous retail frontage in a concentrated area.

...

5-6-3.2 Dimensional Requirements.

Minimum Lot Area in Square Feet:	None
Lot Area per Dwelling Unit in Square Feet:	N/A
Minimum Lot Width at Building Line in Feet:	85

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EXHIBIT 1

Minimum Yard Requirements in Feet:	Front: None
	Side: None
	Rear: None
Maximum Height in Feet:	64 feet

…

Article VIII Exceptions and Modifications

…

Section 8-2 Height Limitations. The following structures may exceed the height limitations contained in Article V of this Ordinance by no more than 20% of that specified for any zoning district classification: church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, observation towers, chimneys, smokestacks, conveyors, flag poles, masts and similar structures, except as otherwise restricted in the vicinity of airports or elsewhere in this Ordinance.

…

Article XII Definitions of Terms

…

Section 12-2 Definition of Commonly Used Terms and Words.

…

Building, Height of: The vertical distance measured from the average grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof.

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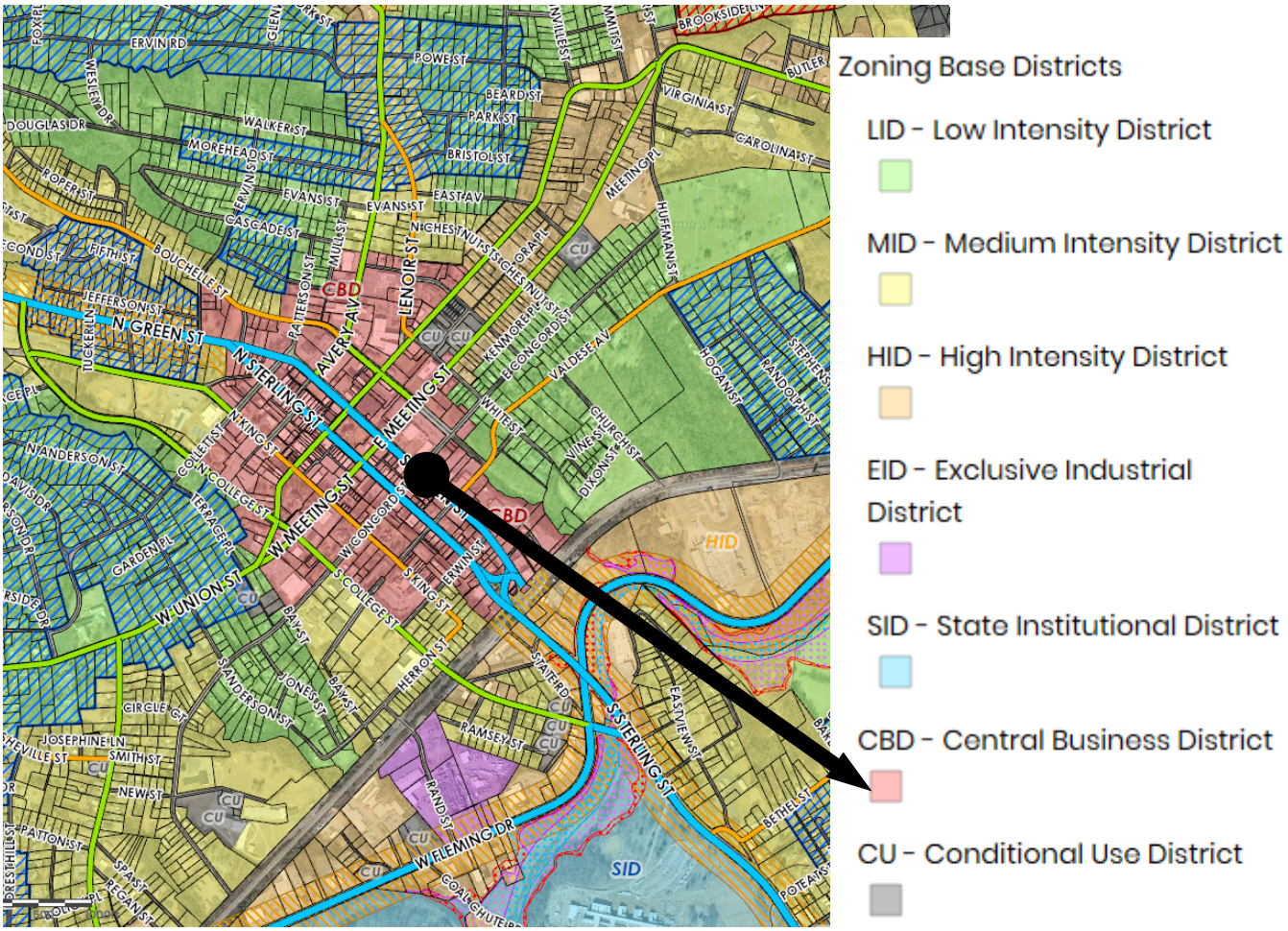
EXHIBIT 1

E. CITY OF MORGANTON, NC (POPULATION 16,918)

Excerpts from Zoning Map (Central Business)



Excerpts from development ordinance:

...

Article 3: Zoning, Districts, and Uses

....

3.1.4 Central Business District (CBD)

The Central Business District is established to protect and promote the continued vitality of downtown Morganton. It is the intent of this district to provide a concentration of activities in a pedestrian-oriented setting. These activities include retail trade, office, and professional service uses as well as high density residential.

...

Article 4: Development and Performance Standards

...

4.2.4 Non-residential Dimensional Standards

Communication: PL01389-032818 Building Heights in B1 - Exhibit 1 Height Analysis (Case PL01389-032818 Building Heights in B1 Central

EXHIBIT 1

The following Non-residential dimensional standards apply for each zoning district. Districts may be subject to density bonuses and reduced setbacks as noted in Section 4.2.3, subject to the performance standards of this Article.

District	A Min. Lot Size (Square feet)	B Min. Lot Width (feet)	C Front Setback (feet)	D Side Setback (feet)	E Rear Setback (feet)	F Max. Height (feet)
LID	40,000	100	30	10	25	35
MID	20,000	80	20	10	20	35
HID	10,000	60	20	10	20	*35
CBD	N/A	N/A	N/A	N/A	N/A	65
EID	20,000	50	50	50	50	65
SID	N/A	50	20	10	20	6

N/A=Not applicable

*= See Exception Section 4.2.5 (F)

(A) The front setback for each district shall apply to the side yard of corner lots abutting a public street and to double frontage lots.

(B) The height limitations of this Section shall not apply to public buildings, churches, temples, schools, hospitals, belfries, cupolas and domes not intended for residential purposes, or to monuments, water towers, observation towers, power and communication transmission towers, flag poles and similar structures provided such structures meet the required North Carolina Building Code. Height limitations shall apply to cellular telephone towers as regulated herein.

(C) Canopies, awnings, open stairways, uncovered porches, uncovered decks, uncovered patios, bay windows, chimneys, and heating units may encroach into the setback up to three (3) feet. Any structure less than 12 inches above grade shall not be subject to setback requirements.

(D) The dimensional provisions of this section do not apply to residential accessory structures, which are regulated in Section 3.4.2 (B).

(E) Utility uses as defined by this Ordinance are not subject to the minimum lot sizes set forth for each zoning district.

(F) Non-residential buildings within HID districts may be constructed to a maximum height of 75 feet. Vertical Articulation is to be utilized as per Section 4.8.6.4

…

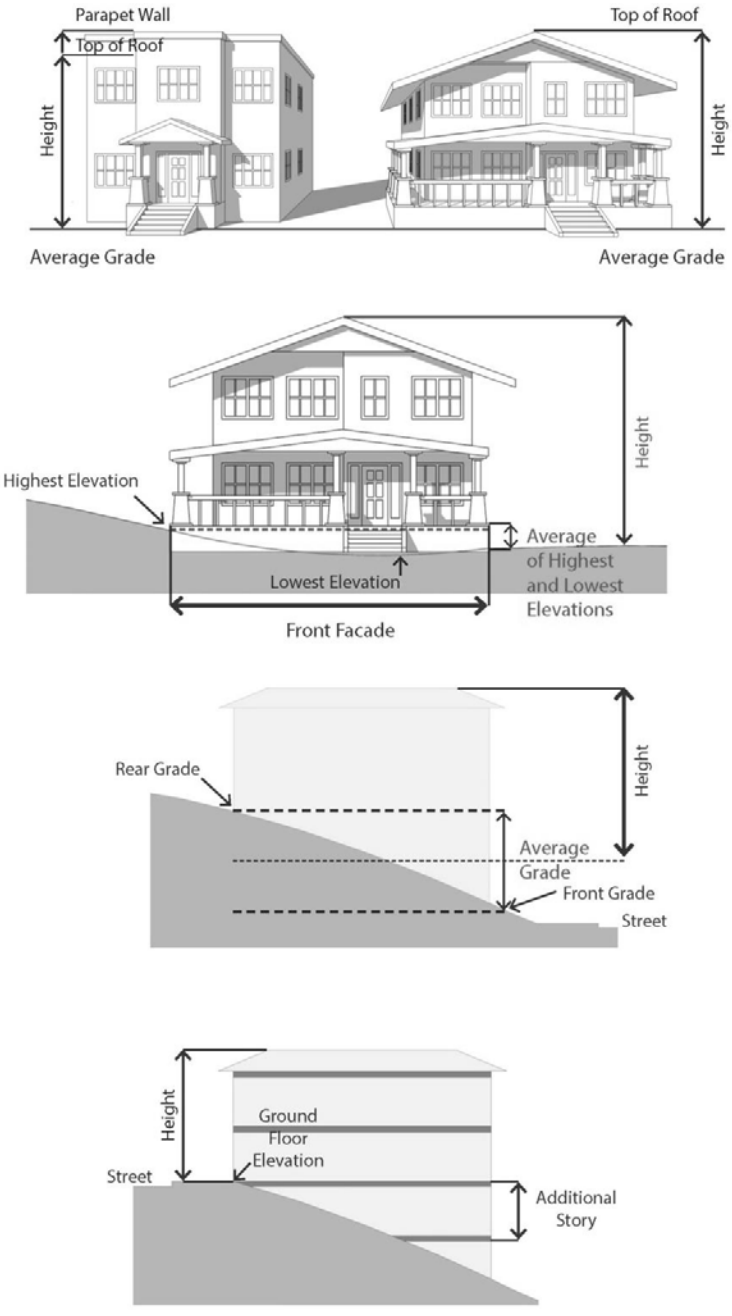
Appendix A: Definitions

Communication: PL01389-032818 Building Heights in B1 - Exhibit 1 Height Analysis (Case PL01389-032818 Building Heights in B1 Central

EXHIBIT 1

...

HEIGHT, BUILDING. The vertical distance measured from the average elevation of the finished grade of all sides of a building, measured at the midpoint of each side, to the topmost elevation of the roof or to the topmost projection of the building above any roof, including parapet walls. Enclosed penthouses or equipment rooms are considered a part of the building and included in the calculation of building height.



Communication: PL01389-032818 Building Heights in B1 - Exhibit 1 Height Analysis (Case PL01389-032818 Building Heights in B1 Central

EXHIBIT 1

COMPARITIVE ANALYSIS

Summary of different concepts used in other municipalities as introduced in the earlier portion of this section.

1. Blowing Rock:

a. Has a maximum height of 30' and also limits the height of new construction or renovations to no more than a 25% increase above the average height of adjacent buildings provided that at least 2 stories are permitted. The average height of adjacent buildings is calculated by averaging the heights of existing buildings within 100 feet of the proposed building, on the same side of the street, same block and use district.

b. Allows an increase in building heights over maximum height for building which is set back further than the required 15' setback. For each five feet the building is additionally setback the building height can increase 1' up to 40'.

c. The Board of Commissioners have the authority to determine if the proposed grade elevations are consistent with the character of the Central Business and Town Center areas.

d. Exempts chimneys, church spires, elevator shafts and similar structural appendages not intended as places of occupancy or storage; flagpoles and similar devices; mechanical equipment, solar collectors, and similar equipment, fixtures and devices provided that they conform to the following:

   i. Not more than 1/3 of the total roof area may be consumed by such features.

   ii. The features must be setback from the edge of the roof a minimum distance of one foot for every foot by which such features extend above the roof surface.

   iii. The permit issuing authority may authorize or require that parapet walls be constructed (up to a height not exceeding that of the features screened) to shield the features.

e. Permit-issuing authority may authorize construction which has one or more side which exceed building height if it finds: the height of the building as measured at the front side does not exceed the building height limitations set forth; other sides of the building exceed building height limitations because the building is constructed on severe grade; and the building is not in violation of the Mountain Ridge Protection Act.

2. Beaufort

a. Building height includes parapet walls and other structural features.

b. Exempt from building height are fixtures and architectural features which are not capable of occupation, such as chimneys, cupolas, domes, elevator shafts, mechanical equipment, solar collectors, and similar equipment, fixtures and devices and antennae which extend no more than 10' above the highest point on the structure so long as the feature/fixture has a square footage of 10% or less than the square footage of the highest habitable floor.

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c. Allows any abuilding or structure in existence on the effective date of this Ordinance to be raised the minimum amount necessary to bring the structure into compliance with flood requirements.

d. Also exempts from maximum height restrictions: school gymnasiums; Carteret County Courthouse; public utility poles and towers; municipal and public water towers; permitted communication towers; bell towers, steeples, and spires on structures used for religious purposes; elevator shafts, chimneys and similar structural appendages not intended for occupancy or storage; flagpoles.

3. Hillsborough

a. Requires flat roofs to be capped by parapet walls of sufficient height to screen any rooftop equipment from view when standing at ground level 20' from the structure.

b. Exempt from height limitations so long as they don't' exceed height limitations by 10': chimneys and elevator shafts; antennas which are self-supports shafts of 6" in diameter or less, flag poles and similar devices; solar collectors, church spires and their ornamentation so long as they do not exceed such height more than 10' if located within the historic district overlay zone or 20 feet outside of an historic district overlay zone.

c. The permit issuing authority may authorize a structure to exceed the height limits set forth so long as they do not exceed such height limitation by more than 10' when it concludes: there are

i. There are sound architectural, structural, historical, or other reasons why the proposed structure should be allowed to exceed the normal height limits;

ii. That portion of the proposed building or structure that will exceed the height limit will be so located and/or buffered so that it will not be visually obtrusive or offensive in any substantial way, OR the total height of any addition to an existing building including any roof elements does not exceed the maximum height including any roof elements of the existing building;

iii. The Historic District Commission has granted a Certificate of Appropriateness for the project if it is located within the Historic District.

iv. Any adverse impact on neighboring properties is insignificant or is substantially outweighed by the hardship suffered by the applicant if the height exception is denied; and

v. Adequate fire protection can be provided.

4. Hendersonville

a. Allows church spires; belfries, cupolas and domes not intended for human occupancy; monuments, water towers, observation towers, chimneys, smokestacks, conveyors, flag poles, masts and similar structures except as otherwise restricted in the vicinity of airports to exceed height limitations by no more than 20% of the height limitation.

5. Morganton

a. Building height includes parapets and enclosed penthouses or equipment rooms.

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EXHIBIT 1

MINIMUM BUILDING HEIGHT ANALYSIS

Council requested Staff to present research into the minimum building height needed for a 3-story building. Staff consulted one of the Department's Building Inspectors, Bill Dixon, a local architect, and conducted online research to provide answers to this request. Based upon research, Staff has generated a table which demonstrates the following:

1. Minimum Building Code Height- the minimum required under the NC State Building Code.
2. Minimum Industry Standard- the minimum height the architect has been requested by clients to design for a "floor" of a particular use.
3. Preferred Industry Standard-the height of a floor normally requested by clients for a particular use.
4. Floor Systems- the structural support for the floor above also containing mechanical, plumbing infrastructure for the floor below.
5. Roof System- the structural support for roof top equipment including any membrane applied to flat roofs.

Building Height Information

	Retail	Medical Office	Office	Residential
Minimum Building Code Height	7' 6"	7' 6"	7' 6"	7' 6"
Minimum Industry Standard	10'	9'	9'	8'
Preferred Industry Standard	12'-14'	10'	10'	9'
Floor System (add to each floor)	18"-2'	3'-4'	18"-2'	18"-2'
Roof System (Flat Roof)	1'	1'	1'	1'

Communication: PL01389-032818 Building Heights in B1 - Exhibit 1 Height Analysis (Case PL01389-032818 Building Heights in B1 Central

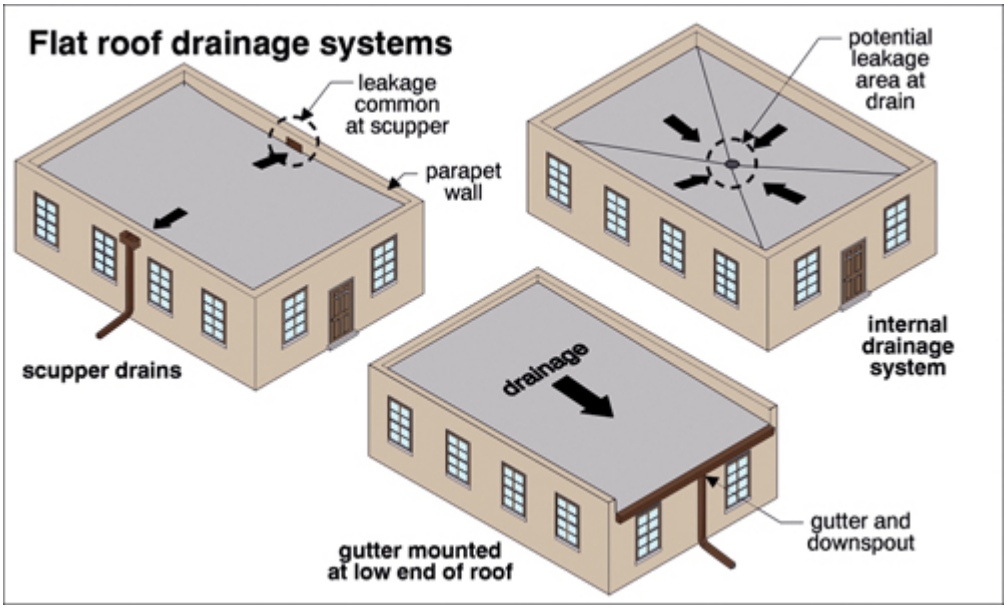
EXHIBIT 1

Based upon research, building heights for a three-story building may range from 33'-40' not including parapets, rooftop equipment and elevator shafts.

Staff has created graphics in this section to demonstrate the information in the table. Please note the following variables which may have an additional effect on building height:

1. Rooftop structural systems may exceed 1'. Based upon conversation with Building Inspectors, typical construction of the floor system and the roof system should generally be able to be accomplished within 3'.
2. Variables such as building materials, mechanical systems, insulation, snow loads impact the depth of the roof system which in some case may exceed 3'.
3. Flat roofs despite their name are not always flat. Flat roofs can include a roof that has enough of a slope to it to allow for drainage. The image below show flat roof drainage systems but is being used in this report to demonstrate how flat roofs may contain slope.

Examples of Flat Roofs



"Rainwater Outlets in Flat Roof Design", Frank Williamson FloR, March 24, 2017, Retrieved from: **http://www.ikopolymeric.com/drainage-rainwater-outlets/**.

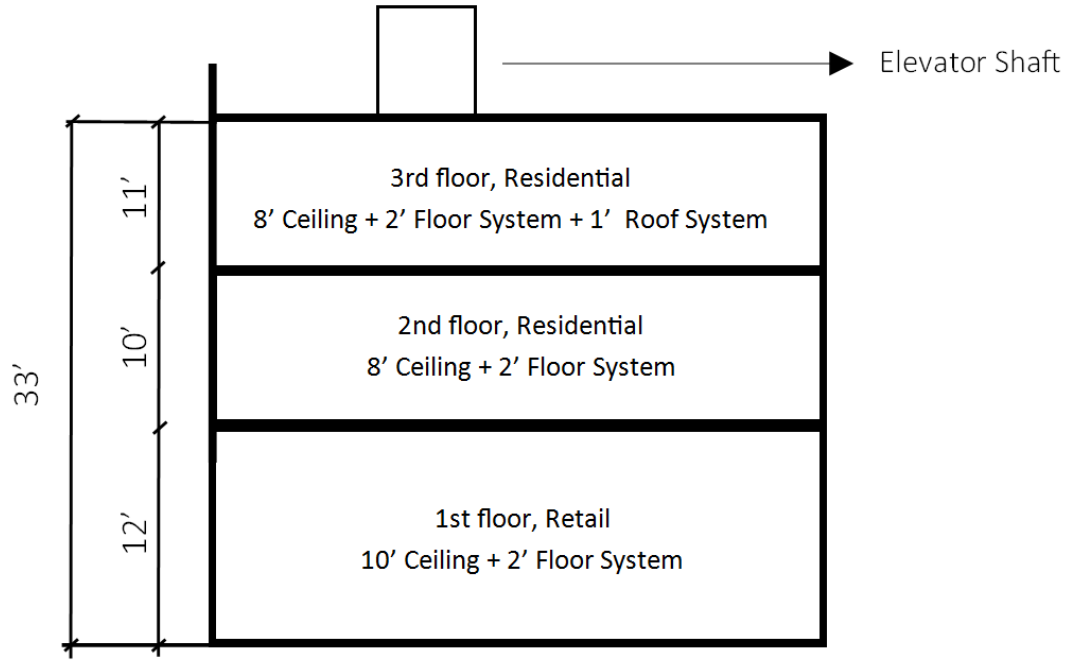
4. These graphics have been created with the assumption the finished floor elevation of the building is built at a grade even with the public sidewalk and does not include any elevation that may result from either a foundation or basement.

Communication: PL01389-032818 Building Heights in B1 - Exhibit 1 Height Analysis (Case PL01389-032818 Building Heights in B1 Central

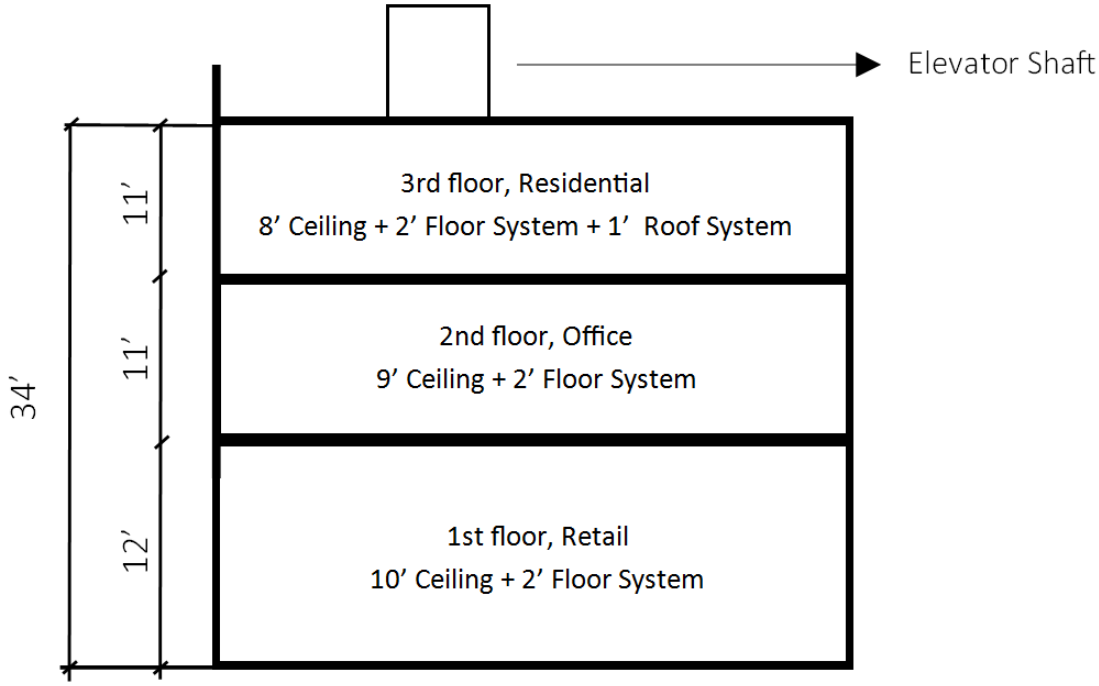
EXHIBIT 1

3-STORY BUILDING WITH MINIMUM INDUSTRY STANDARDS

1st Floor Retail with 2 Residential Floors (Not to Scale)



1st Floor Retail with 1 Office Floor and 1 Residential Floor (Not to Scale)

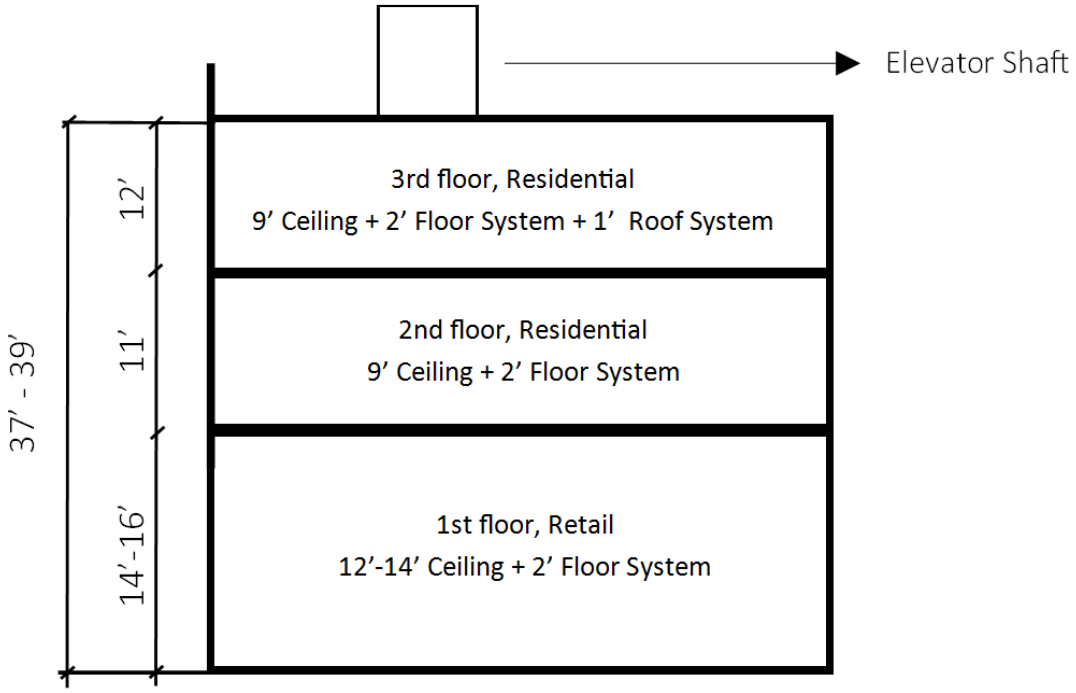


Communication: PL01389-032818 Building Heights in B1 - Exhibit 1 Height Analysis (Case PL01389-032818 Building Heights in B1 Central

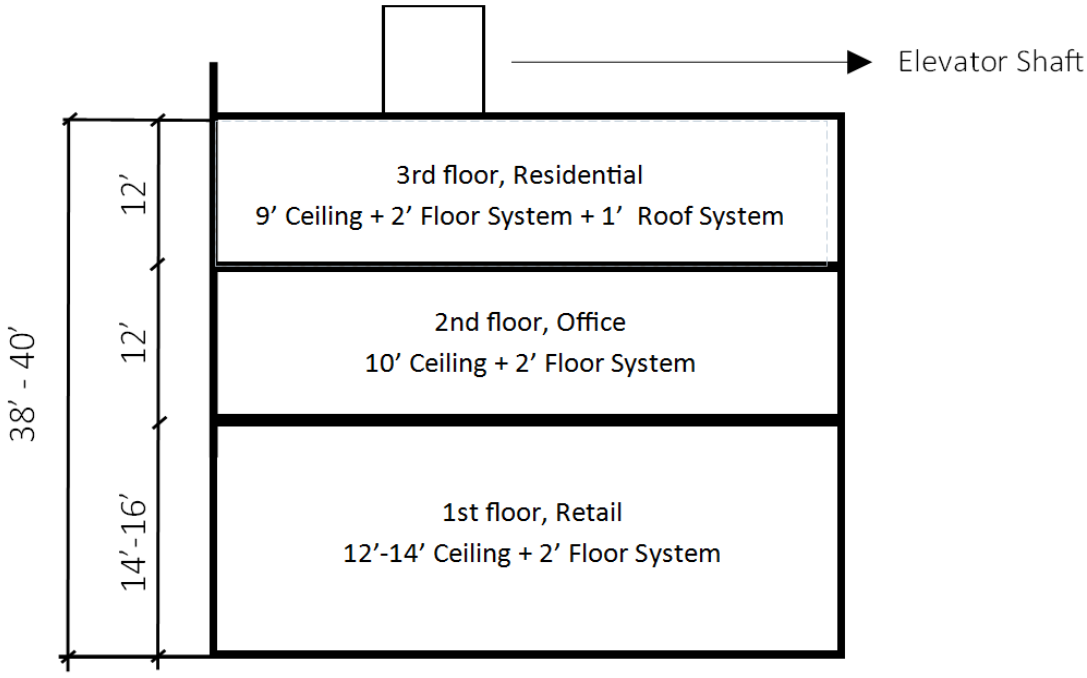
EXHIBIT 1

3-STORY BUILDING WITH PREFERRED INDUSTRY STANDARDS (RETAIL)

1st Floor Retail with 2 Residential Floors (Not to Scale)



1st Floor Retail with 1 Office Floor and 1 Residential Floor (Not to Scale)



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EX

Building Code Height Limits vs. Planning/Zoning Code Height Limits

This Chart is a general summary of 2010 California Building Code (CBC) requirements related to building heights for the three main construction types commonly used for residential construction in the Bay Area. Also included is a discussion of recommended height limits for Planning and Zoning Codes so that they dovetail with the CBC requirements. It follows that Planning or Zoning height limits below--or just above--what is allowed by the CBC are not practical in that they tend to reduce the cost-effectiveness of the selected construction type. For example, for a Type V-A building on-grade and where it is desired to promote community or retail use of the ground floor, a height limit of 30' would not allow three floors. At the other end of the spectrum, for Type I, a height limit of 100' would practically not be used as the cost to exceed the mid-rise limit would not be justified by the additional story or two allowed.

Notes

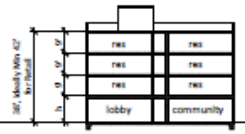
1. The following is a general summary only. It is not a comprehensive analysis of any specific site, nor does it take into account local modifications or other requirements, such as those relating to building area, bulk, sunlight access, setbacks, etc.
2. Building height is defined in the Building Code as the vertical distance from grade plane to the average height of the highest roof surface. This generally does not include uninhabited roof structures such as equipment and elevator structures, etc. Note that for Building Code purposes, height is not measured to a parapet. Planning Codes on the other hand, may typically measure height to the top of parapet or other prominent feature.

Type V-A On Grade

One-hour rated, light frame (wood or metal) construction

For R.2 buildings (apartments), when equipped throughout with an approved automatic sprinkler system, the maximum building height is 60' and no greater than four stories.

60' max ht for Type V-A



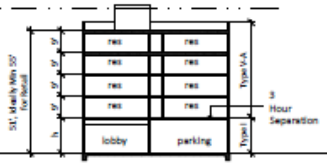
Grade Plane

h = 9' Practical Minimum
h = 11' (Shown) Practical Minimum with decent height for first floor lobby, community functions
h = 15' Practical Minimum for Retail (12' ceiling w/ 2' mech. plenum plus 1' nominal structure)

Type V-A On Podium

One-hour rated, light frame (wood or metal) construction; concrete (Type I) podium.

For R.2 buildings (apartments), when equipped throughout with an approved automatic sprinkler system, the maximum building height is no greater than five stories, four stories of Type V-A over one story of Type I construction.



h = 9' Practical Minimum
h = 11' (Shown) Practical Minimum with decent height for first floor lobby, community functions
h = 15' Practical Minimum for Retail (12' ceiling w/ 2' mech. plenum plus 1' nominal structure)

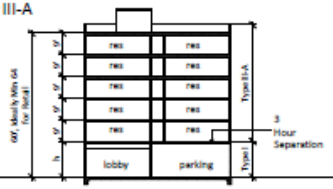
Type III-A On Podium

One & two-hour rated, light frame (wood or metal) construction; concrete (Type I) podium

Type III A construction differs from Type V primarily in that all exterior bearing walls must be of two-hour construction and non-combustible materials. More critically, when compared to Type V A (and when equipped throughout with an approved automatic sprinkler system) and the first level is of Type I construction, an additional story is allowed and the building height limit rises to 75', though that height is probably not achievable with typical floor-to-floor heights.

Note: For R Occupancies over a Type I parking garage ONLY (entry lobby excluded), it is possible to count only the number of stories above the podium against the allowed story limits, but the height limit remains. No retail or other habitable space would be allowed under this scenario.

75' max ht for Type III-A



h = 9' Practical Minimum
h = 11' (Shown) Practical Minimum with decent height for first floor lobby, community functions
h = 15' Practical Minimum for Retail (12' ceiling w/ 2' mech. plenum plus 1' nominal structure)

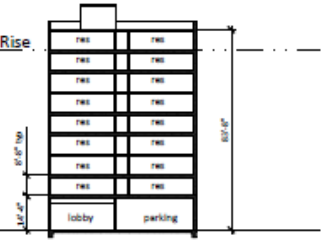
Type I Mid Rise & High Rise

Type I construction is structural steel or concrete. For all practical purposes, for residential buildings in the Bay Area, concrete is used even for high-rise buildings. Besides lower cost, concrete allows for a smaller floor-to-floor distance, allowing extra floors to be squeezed under Zoning and Building Code limits.

Mid-Rise: Unless you consider residential ceiling heights of less than 8', nine stories is the most that can fit under the 75' limit (see below). Some adjustment between the ground floor and upper floor heights can be made depending on structural slab thickness, first floor uses, and other factors.

High-Rise: The CBC classifies all buildings above the 75' limit (see below) to be high-rise, triggering additional and costly requirements.

75' Mid Rise Limit*



*When any FLOOR LEVEL is greater than 75' above the LOWEST** point of Fire Department access, the building becomes a "High-Rise".

**If the lot is sloping, this will affect the total allowed height.

Zoning Height Recommendations

If public/retail use programmed for ground floor, then Zoning Height should be MIN 42' (45+' is better) exclusive of roof structures/parapet

If public/retail use programmed for ground floor, then Zoning Height should be MIN 51' (55' is better, to max allowed 60' best) exclusive of roof structures/parapet

If public/retail use programmed for ground floor, then Zoning Height should be MIN 60' (63+' is better) exclusive of roof structures/para pet

Mid-Rise: Zoning Height should be a minimum of 84'+.

High-Rise: See the discussion in the introductory paragraph. Once the mid-rise limit is breached, a Zoning Height limit allowing only a few stories above mid-rise does not make much sense.

Note: Increasing the ground floor to 20' allows for two floors of parking but would probably cut a residential floor off the project to stay within the mid-rise limit.

Prepared for EBHO by Mayers Architecture w/contribution from Pyatok Architects

Communication: PL01389-032818 Building Heights in B1 - Exhibit 1 Height Analysis (Case PL01389-

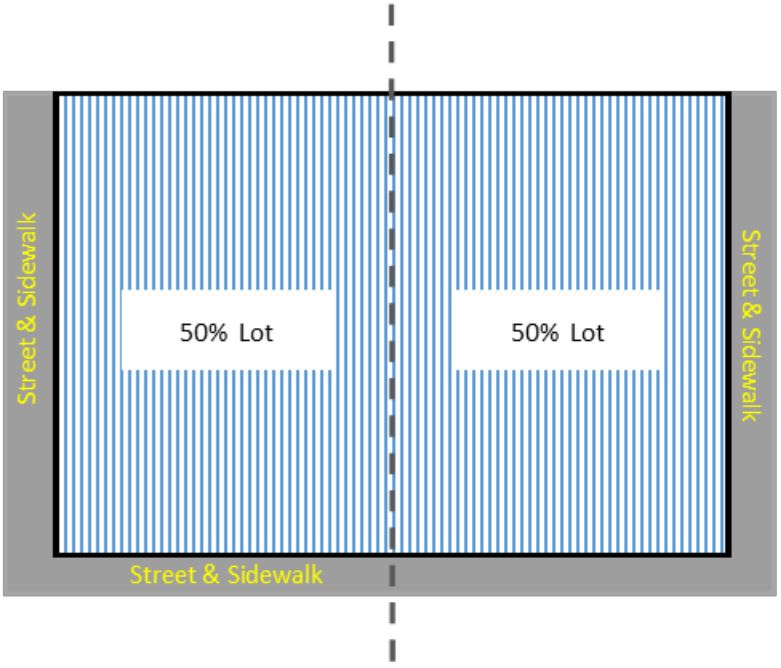
EXHIBIT 1

METHOD MEASURING BUILDING HEIGHT ON LOTS FRONTING 2+ STREETS

Currently UDO Section **16.08.04** states that in the B1 district the maximum building height shall be limited to 45 feet, as measured from the average elevation of the existing or proposed sidewalk along the primary street at the middle of the building elevation facing the street to the highest point of the building or structure. Where a property has street frontages on opposite sides the applicable height limitation shall apply for each side and the building height limitation for each side shall terminate at the midpoint of the building. Where a property does not border a primary street on any side, the maximum height shall be measured from the average finished ground elevation of the finished building. For the purpose of this section, the following are considered primary streets: King Street, Queen Street, Howard Street, Rivers Street, Water Street, Depot Street, Appalachian Street, Grand Boulevard, Poplar Grove Road, Straight Street, Bent Street, Orchard Street, and Wallace Circle.

Below are graphics demonstrating how this regulation is applied:

Locate mid-point of lot.

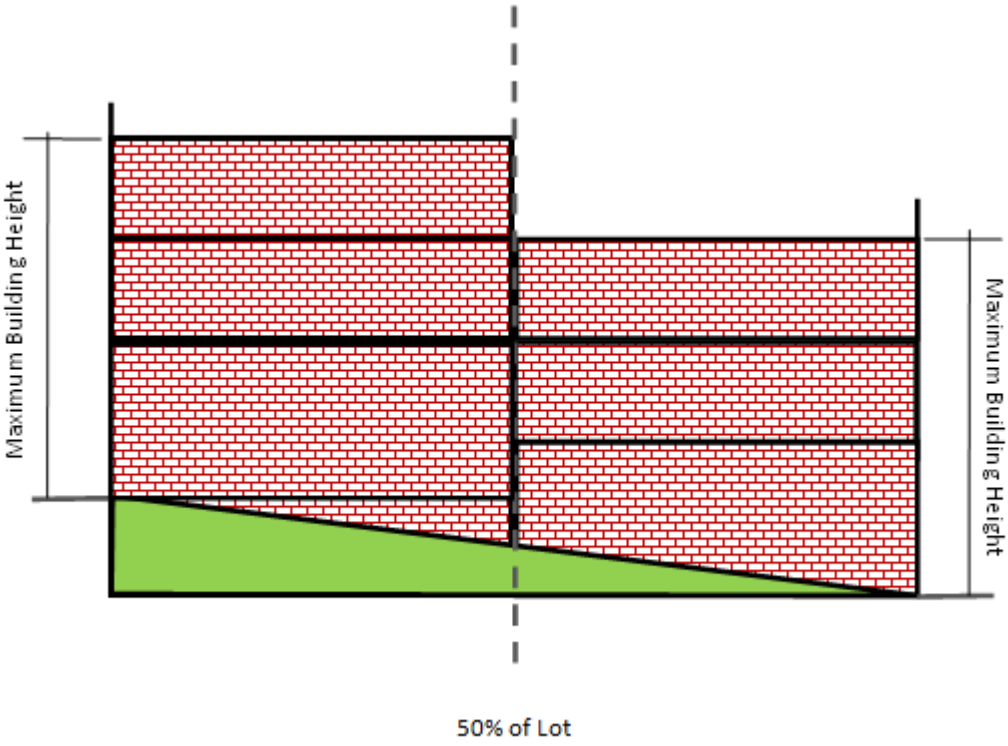


Communication: PL01389-032818 Building Heights in B1 - Exhibit 1 Height Analysis (Case PL01389-032818 Building Heights in B1 Central

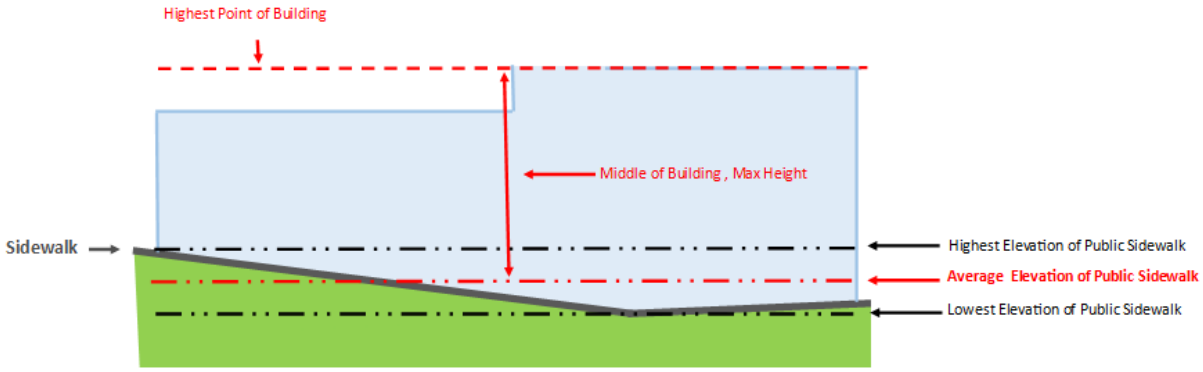
EXHIBIT 1

1. **Ensure building facades on the primary streets do not exceed the maximum building height as measured at the front façade at the middle of the building from the average public sidewalk elevation.**

Side Elevation Demonstrating Mid-Point of Lot



Measuring Building Height at Primary Street



Communication: PL01389-032818 Building Heights in B1 - Exhibit 1 Height Analysis (Case PL01389-032818 Building Heights in B1 Central

EXHIBIT 1

EXHIBIT 1 CHOROPLETH MAP

And

EXHIBIT 2 AVERAGE HEIGHTS/STORIES BY BLOCK

Communication: PL01389-032818 Building Heights in B1 - Exhibit 1 Height Analysis (Case PL01389-032818 Building Heights in B1 Central

STAFF REPORT
PUBLIC HEARING-APRIL 23, 2018
CASE PL01390-032818 B1 CENTRAL BUSINESS APPEARANCE MODIFICATIONS UDO TEXT AMENDMENT

Request

The Community Appearance Commission (CAC) has been authorized by Council since July 2010 to work on Community Appearance Standards. In August 2010, the CAC recommended separate downtown design standards. The CAC met with Council in October 2016 and presented and were granted permission to proceed with the idea of creating two areas, a "Historic Core" and an "Interface Area" which would contain differing design guidelines (appearance standards). Subsequent to this direction, Town Council, CAC and HPC met in December 2017 where a third district, the "Warehouse District" in the Howard Street area was proposed and accepted (See Exhibit 2 for map of boundaries). In summary, the Historic Core, would aim to preserve the historic nature (building design & built environment) of the downtown areas, the Warehouse District would aim to preserve the historic nature (building design and built environment) of the Howard Street area and the Interface Area would be similar to the Historic Core and the Warehouse District but would allow more contemporary features and materials to compliment the other districts. The CAC anticipates completing their recommendations to Council by Fall 2018.

The Historic Preservation Commission (HPC) has also been authorized by Council in July 2015 to undertake a historic survey of the Municipal Service District (MSD), downtown, along with some additional properties outside of the MSD. According to the HPC Chair, Eric Plaag the survey is close to being completed. HPC Chair Plaag has indicated there may be enough evidence to create a local Historic District. The HPC anticipates completing their recommendations by Fall 2018.

During the last joint meeting with Council, the Community Appearance Commission, and the Historic Preservation Commission in March 2018, it was agreed upon that Staff would draft new appearance guidelines that would serve as a further "stop-gap" for development in the B1 Central Business District that would prevent building development which would take away from the historic nature of the downtown area. The stop-gap language is expected to be superseded by the final recommendations of the CAC and HPC in Fall 2018.

At the March meeting, it was suggested Staff use the Secretary of Interior Design Guidelines for historic properties as a basis for the stop-gap. After research, including conversations with the State Historic Preservation Office, Staff has used the guidelines for the rehabilitation for the basis of the stop-gap language.

Also agreed upon, was to move all B1 Central Business Standards to their own Article in the UDO. The newly draft appearance standards are the first step to making this happen.

ANALYSIS

The text in blue underline on the next page is the new text for consideration and the text in ~~red strikethrough~~ is text proposed to be deleted.

Article 18 Central Business District Standards

18.01 Applicability

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18.01.01 Development in the B1 Central Business District shall meet the standards set forth in this Article and, except as provided herein, the standards set forth elsewhere in UDO; *provided, however*, that this Article does not apply to any dwelling regulated under the North Carolina Residential Code for One and Two Family Dwellings unless the dwelling has been designated as a local, state, or national historic landmark or is located within a local historic district.

18.02 Design Standards

18.02.01 Purpose: 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.

18.02.02 Exterior Facades

A. Relationship to UDO Article 25 Community Appearance Standards

1. Exterior facades in the B1 Central Business District are exempt from meeting the following requirements of UDO Article 25:
    a. UDO Subsection 25.02.01 Pedestrian Orientation; and
    b. UDO Subsection 25.02.02 Exterior Walls; and
    c. UDO Subsection 25.02.03 Roofs; and
    d. UDO Subsection 25.02.04 Materials.

B. Design Standards for Renovation of Existing Buildings

1. **General Considerations:** 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:
    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. Applicants shall identify, retain and preserve masonry features that are important in defining the overall historic character of the building (such as 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. Applicants shall identify, retain and preserve wood features that are important in defining the overall historic character of the building (such as siding, cornices, brackets, window and door surrounds, and steps) and their paints, finishes and colors.
        iii. 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 display windows, base panels, bulkheads, signs, doors, transoms, kick

Communication: PL01390-032818 Appearance Standards in B1 - Staff Report (Case PL01390-032818 Appearance Standards in B1 Central

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.

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.

2. Exterior Building Materials:

a. 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.

3. 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 18.02.02(C).

C. Design Standards for Additions and New Construction: The standards below apply to the primary and secondary facades and to other portions of an addition or new construction project that are publicly visible as defined in UDO Subsection 25.01.01.

1. General Considerations:

a. Orientation: Orientation refers to the direction in which the primary façade and the main building entry faces the public street.

i. In order to maintain the rhythm and balance established by the orientation of existing buildings, new construction should be consistent with the historic pattern of building orientation established by adjacent and/or nearby buildings (in the block or across the street) within the district.

ii. For buildings on interior lots, the facade of a new building shall be oriented to the street onto which the lot faces.

iii. Buildings on corner lots shall be oriented and designed to give architectural emphasis to the façade oriented to the primary public way or, if more than one facade face significant public ways, to architecturally emphasize all such as primary facades.

b. Rhythm and Proportion. 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 a streetscape—are important to ensuring that additions and new construction projects are compatible with the surrounding neighborhood.

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i. 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.

   a. The rhythm and placement of window and door openings shall be designed to be similar or compatible with those of nearby facades in same block or the block across the street in the district.

   b. Window and door openings shall be sized and proportioned to be similar to or compatible with those on nearby facades (same block or block across the street). Commercial storefronts will often have more horizontal elements and a higher ratio of window-to-wall than the upper stories of the same building.

ii. 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 (same block or block across the street).

   a. Buildings shall be designed with proportions that are similar to nearby buildings (same block or block across the street) in the district.

c. New construction should be compatible with the dominant architectural characteristics of nearby buildings (same block or block across the street) in the district.

d. Additions shall not destroy historic materials, features, and spatial relationships that characterize the property. Additions will be differentiated from any historic building and compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

e. Larger buildings shall be designed to create an overall design that is consistent with the proportions and rhythm of nearby 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, differing materials, 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 building design that is consistent with the proportions and rhythm of nearby buildings:

   i. 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.

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

   iii. 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.

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2. **Exterior Materials**. Materials shall be highly durable and easily maintained, especially at the pedestrian level.

   a. Acceptable Building Materials:

      i. Acceptable building materials are historic materials found on one or more historic building 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.

      ii. Real brick consistent in color, size, texture, and mortar with historic brick buildings in the B1 Central Business District.

      iii. Real stone consistent in color, size, and mortar with historic stone buildings in the B1 Central Business District.

      iv. 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 Central Business District and is not the primary building material.

   b. Prohibited Building Materials: The following exterior building materials are prohibited:

      i. Fiber-cement, metal, wood or vinyl siding

      ii. FRC, PVC composites

      iii. Glass Curtain Walls

      iv. Concrete Blocks

      v. Mirrored Glass

      vi. Concrete simulated brick or stone (cultured stone)

      vii. Stacked stone with no mortar

      viii. Thin-stacked stone

   c. 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.

…

Article 25 Community Appearance Standards

§ 25.01 APPLICABILITY.

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

A. A building façade shall be deemed publicly visible when ~~any of the following conditions are met:~~

m~~M~~ore than thirty percent (30%) of ~~a building~~the facade ~~occurs above adjacent grade and~~ is visible from any street ~~adjacent to the property;~~

~~More than thirty percent (30%) of a building façade is visible from an~~or adjacent residentially zoned property.~~;~~

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~~1. More than thirty percent (30%) of a building façade is taller than the vegetative buffer at the time of planting.~~

B. Each building façade shall be evaluated independently for public visibility.

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

D. The following uses are exempted from the requirements in this Article: 1.01 Single Family Dwelling, 1.02 & 1.03 Manufactured Home, 1.06 Duplex, 2.01 Family Care Home, A-1 Secondary Suite, A-2 Home Occupation, A-3 Accessory Dwelling Unit, all Temporary Uses.

(Ord. passed 12-16-2013)

CONFORMITY TO ADOPTED PLANS

COMPREHENSIVE PLAN UPDATE

1.1 Overall Objectives for the Boone Comprehensive Plan (p. 15): The following objectives, which have not been listed in any particular order of importance, are deliberately broad in scope and less specific than either a policy statement or an implementation action.

Economic Development: Acknowledge the area's natural beauty, university, and medical center presence as the Town's greatest assets for economic development and jobs creation. Treat them accordingly.

Community Appearance and Community Character: Blend the built environment with the natural, scenic, and historic character of a High Country small town. Especially discourage commercial strip development, cluttered signage, and "cheap" apartment buildings.

Open Space: Integrate open space and greenways into the urban fabric of the Town. Preserve the countryside by discouraging suburban sprawl. Avoid development in floodplains, on ridgetops, and on steep slopes.

Environmental Quality: Address and monitor growth factors and activities that contribute to water, air, light, and noise pollution.

Trees: Conserve existing trees and plant new trees, especially hardwoods.

Automobile Transportation: Maximize the efficiency of existing facilities, but not at the expense town and neighborhood character and livability. Build or expand transportation facilities and parking areas as needed, but with care. Work to reduce auto dependency, use, and congestion.

Bikeways: Implement the planned system of bikeways as a legitimate transportation alternative. Unify with greenways and other pedestrian facilities where possible.

Mass Transit: Enhance and support the mass transit system as an effective alternative to the congestion created by the individual automobile.

Pedestrian Movement: Encourage a system of sidewalks, paths, crosswalks and compact development patterns which make it easy to get around Boone on foot.

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Infrastructure: Engage in long range planning for water and sewer systems, stormwater runoff, natural gas, and other utility systems. Place overhead utilities underground whenever feasible.

Public Safety: Maintain a high level of policing and fire protection and plan the expansion of public safety services to coincide with projected population increases and identified needs.

Energy and Waste: Reduce waste generation, and the consumption of energy and water. Develop area recycling programs to the fullest. Encourage an anti-litter consciousness among residents and visitors.

University: Emphasize cooperative planning among the Town, County, and University.

Downtown: Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

Recreation: Strive for additional public recreation facilities, especially sports fields, greenways and indoor recreation centers.

Neighborhoods: Ensure the livability of neighborhoods, especially through land use and traffic planning.

Public Involvement: Encourage active public involvement and volunteerism to expand the effectiveness of community planning and action.

Comprehensive Plan Policies: Staff has reviewed land use and comprehensive plan policies, and listed those policies which in staff's opinion have a bearing on the request. The Commission and Council should review these policies carefully. Each member may make his or her own interpretation as to the relevance of each and which carry the most weight thereby shaping their overall recommendation.

COMPREHENSIVE PLAN POLICIES

2.1 THE ECONOMY

2.1.1 Economic Development

A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy. **********

B. New and expanding industries and businesses shall be encouraged which: 1) diversify the local economy, 2) train and use a skilled labor force and 3) increase area residents' incomes.

C. The Town shall encourage the development of a well-balanced tourism trade as a primary element of the area's economic future. Investments in services, facilities, and proper growth management shall be employed in furtherance of this objective.

D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas.

E. The Town shall encourage a public service and regulatory environment conducive to business recruitment and expansion, while at the same time enhancing the area's physical and human resources.

F. New firms and expanding businesses that complement the natural resources and beauty of the region shall be especially recruited and encouraged.

G. The Town shall support the development of new business parks.

H. The Town shall promote coordination of economic development resources with the appropriate institutions and agencies. Regional coordination and interaction among areas with a shared economic interest shall be encouraged.

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I. Small business start-ups, expansions and spin-offs shall be encouraged. The presence of ASU and Caldwell Community College and Technical Institute shall be recognized as a necessary and important resource for area businesses.

J. Appropriate educational and training programs shall be encouraged to help local residents, especially those unemployed and underemployed, take advantage of business expansion and to develop new skills.

K. Boone shall identify and provide services consistent with the needs of the area's growing retiree population.

2.1.2 Commercial Development

A. Uncontrolled strip development along the areas through streets shall be prohibited. The undesirable effects of existing strip development shall be reduced and/or reconfigured when redevelopment opportunities permit. New strip development on isolated single lots along through streets shall be discouraged. *****

B. Commercial and Office Development shall be encouraged to locate in planned shopping centers, office parks and mixed use developments to stop the proliferation of strip development.

C. Community/Commercial Centers shall be located adjacent to a major street and contain or be adjacent to other appropriate community facilities.

D. Automobile Orientated Neighborhood and Convenience Commercial Centers shall be encouraged to locate on a collector street or secondary street at its intersection with a major street.

E. Residentially scaled and designed neighborhood businesses may be a planned element of newly developed or redeveloped neighborhoods. They should be near other compatible facilities such as elementary schools and neighborhood parks.

F. Commercial uses may be encouraged to develop by consolidation and expansion of existing commercially zoned property, only when such consolidation and expansion does not encroach upon a viable residential area.

G. Effective buffering and/or landscaping shall be provided where a large scale or automobile-orientated commercial or office use adjoins an existing or planned residential use.

H. Encroachment of incompatibly scaled and designed commercial or office uses into viable existing or planned residential areas shall be prohibited.

I. Office and institutional development may be encouraged as a transitional land use between residential areas and higher intensity commercial activities.

J. Highway Oriented Commercial uses shall be clustered along segments of major streets and contain land uses which are mutually compatible and reinforcing in use and design. Businesses shall be encouraged to coordinate their site designs with other nearby businesses. Design factors shall include, at a minimum, shared parking and street access, convenient pedestrian and vehicular movement, and consistent sign standards.

…

2.1.5 Downtown

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A. A compatible design character for the downtown area, drawing upon the locality's original High Country small town features, shall be identified, reinforced and supported to put forth a quality image and sense of place. ****

B. The Town, in concert with the downtown property owners and merchants, shall encourage public and private efforts to develop and publicize adequate and appropriately designed off-street parking lots in the downtown area.

C. A variety of mutually compatible and supportive mixed uses shall be encouraged in the downtown area.

D. Public and private developments shall be encouraged to incorporate local artistry into public and semi-public spaces downtown.

E. Public and private development decisions in the downtown area shall exhibit a special concern for maintaining the intensive, pedestrian oriented character of the district.

F. The maintenance and revitalization of downtown Boone, as well as planning for its future development, will reflect the realities and qualities befitting its geographical setting and function as a center of (1) commercial and service activities, (2) educational and cultural activities, events and (3) public services.

2.3 THE COMMUNITY

A. Urban type development within the Urban Growth Area shall meet appropriate Town standards.

B. Properly planned, mixed use developments that promote efficient provision of public services shall be encouraged within the Urban Growth Area.

C. Funding for outside agencies and organizations serving the citizens of Boone shall continue to receive support consistent with area service needs and Town budget constraints.

D. Coordinated inter-governmental and university-town planning for urban area land use and development, transportation, utilities, recycling, environmental management, law enforcement, education, recreation, tourism and economic development shall be encouraged.

2.3.1 Community Appearance

A. Measures to improve the effectiveness of grading, landscaping and buffering standards for new and existing developments shall be encouraged.

B. The significance of street trees in providing visual relief, summer cooling, improved air quality and livability shall be recognized through public policies and actions to encourage their planting and maintenance.

C. The significance of major roadway entrances into Boone as measures of community image and quality shall be recognized through building placement, landscape, signage and other visual improvements. The Town, along with private property owners and developers, shall work to jointly improve the appearance and design of major street corridors.

D. Sign policies and standards shall be periodically updated to enhance community identity and create a high quality business image.

E. The Town shall encourage public, private, and utility company efforts to place utility wires underground whenever feasible.

2.3.2 Community Character

A. The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of

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historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area.

B. Multiple and appropriate adaptive reuse of historic resources shall be encouraged.

C. Wise development of the tourism potential of the area's architectural, historic, scenic, and natural resources shall be encouraged.

D. The destruction of significant architectural, historic, scenic, natural and archaeological resources in the planning area shall be discouraged.

E. New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town.

2.3.3 Housing & Neighborhoods

A. The protection and rehabilitation of viable neighborhoods shall be encouraged to insure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community. *******

B. Street system designs which discourage through traffic on purely local streets while allowing for free circulation within the neighborhood shall be encouraged.

C. Proposed residential development which would expose residents to harmful effects of incompatible development or to environmental hazards shall be prohibited.

D. Innovative and flexible land planning and development practices shall be encouraged to create livable developments which better safeguard land, water, energy and historic resources.

E. Factors in determining preferred locations for high density residential development shall include: close proximity to the university, employment or shopping centers; access to major thoroughfares and the transit system; the availability of public services and facilities; and compatibility with adjacent land uses.

F. The affordable housing needs of area residents, particularly elderly and low to moderate income residents, shall be recognized in Town policies and actions regarding residential development.

G. Compact, full service neighborhoods, offering opportunities for living, working, shopping, and gathering places, shall be encouraged in newly planned developments, as well as for redeveloping areas.

H. The overall housing unit density for proposed infill residential development or redevelopment should be compatible with the average density of existing areas.

…

PLANNING BOARD REPORT/RECOMMENDATIONS

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the

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officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

First motion and vote: The proposed amendment to the Town's zoning ordinance ☐**is** OR ☐**is not** consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because [*describe elements of controlling land use plans and how the amendment is or is not consistent*]:

Second Motion and Vote: The Planning Commission recommends ☐**approval** OR ☐**denial** of the proposed amendment to the Town's Zoning ordinance and believes ☐**approval** OR ☐**denial** is reasonable and in the public interest because *[Briefly explain why. Factors may include public health and safety, character of the area, relationship of uses, applicable plans, or balancing benefits and detriments]* :

Third Motion and Vote – Required only if the Commission recommends approval despite inconsistency with the comprehensive plan and/or any other applicable plan: The Planning Commission recommends approval of the amendment despite inconsistency with the comprehensive plan and/or other applicable adopted plans because [*provide explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment*]:

TOWN COUNCIL ACTION

Per NCGS 160A-383, zoning regulations shall be made in accordance with a comprehensive plan. Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board considers the action taken to be reasonable and in the public interest.

First motion and vote: The proposed amendment to the Town's zoning ordinance ☐**is** OR ☐**is not** consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that is applicable because [*describe elements of controlling land use plan(s) and how the amendment is or is not consistent*]:

Second Motion and Vote: The Town Council ☐**approves** OR ☐**denies** the proposed amendment to the Town's Zoning ordinance and believes ☐**approval** OR ☐**denial** is reasonable and the public interest because *[Briefly explain why. Factors may include public health and safety, character of the area, relationship of uses, applicable plans, or balancing benefits and detriments]* :

Third Motion and Vote – Required only if the proposed amendment is approved despite inconsistency with the comprehensive plan and/or any other applicable adopted plan(s): The Town Council approves the amendment and declares that this approval also amends the Unified Development Ordinance (and/or other approved and applicable plan) because [*provide explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment*]:

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PUBLIC HEARING MINUTES
MONDAY, FEBRUARY 26, 2018 AT 6:00 P.M.

COUNCIL MEMBERS: Mayor Rennie Brantz, Mayor Pro-Tem Loretta Clawson, Marshall Ashcraft, Sam Furgiuele, Lynne Mason, and Connie Ulmer (arrived at 6:12 p.m.)

PLANNING COMMISSION MEMBERS: Chairman Connor Boyle, Abie Bonevac, Alan Lee, and Elizabeth Shay

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Christy Turner-Senior Planner, Brian Johnson-Urban Design Specialist, Marty Little-Planner, and Brenda Henson-Board Secretary

OTHERS PRESENT: John Ward-Town Manager and Allison Meade-Town Attorney

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CALL TO ORDER
Mayor Brantz called the Town Council to order at 6:03 p.m.

Commission Chairman Boyle called the Planning Commission to order at 6:03 p.m.

APPROVAL OF MINUTES
Council Member Furgiuele made a motion, seconded by Mayor Pro-Tem Clawson, for Town Council to approve the February 26, 2018 Public Hearing minutes as written.

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

Commission Chairman Boyle referred to an email sent to Town Council and Planning Commission by the Town attorney prior to the February 26, 2018 Public Hearing regarding her opinion that the Town would not likely be open to litigation by developers as a result of recent changes in State Statute in particular to the 2030 Land Use Plan. Commission Chairman Boyle stated he recalled Council Member Furgiuele disagreed with Ms. Meade's opinion and he would like to see that reflected in the minutes on page 7.

Mayor Brantz agreed that was the tenor of the discussion.

Council Member Furgiuele disagreed stating he believed what he said was that it was impossible to evaluate the risks and he was not prepared to take that risk after he asked how much money the Town had spent defending lawsuits.

Ms. Meade felt it would be a good idea to attach the memo she had sent to the February 26, 2018 Public Hearing minutes. She went on to explain her memo, noting the 2030 Plan posed no greater risk because the State law just changed terminology. Previous terminology stated that action of the Council had to be consistent with the Comprehensive Plan and any other applicable plan while new Statute language stated action of the Council had to be consistent with the Comprehensive Plan. Ms. Meade further explained that the definition of Comprehensive Plan now included all other applicable plans. She felt this new language posed no change to the 2030 Plan. Ms. Meade added that State law does now require a slightly different consistency statement and the regulatory setup has become more complicated which could

Communication: March 26, 2018 Planning Commission Meeting (Approval of Planning Commission Meeting Minutes)

arguably provide a small handle for litigation but she felt there was no particular additional risk posed by the 2030 Plan.

Mayor Brantz asked if Planning Commission could approve the minutes with Commission Chairman Boyle's amendment. Council Member Furgiuele stated he would like to see the language first. He stated he did not agree with the characterization and he did not want to rehash the whole thing, noting it was unpleasant and members of Planning Commission were yelling at him and admonishing him. Council Member Furgiuele stated he had no objection to Ms. Meade's memo being attached to the minutes but he did not agree with the characterization and if there is any language change he would like to review it, not on the fly, but at the next meeting.

Commission Member Shay stated she could not remember the exact language used at the February Public Hearing but remembered hearing there was a sense of urgency to act quickly because having both the planned development process and the 2030 Plan on the books while waiting to address deficiencies was a danger.

Commission Chairman Boyle asked if Planning Commission could go ahead and vote to approve the minutes with his suggested amendment regarding Ms. Meade's memo containing her opinion of low risk and Council Member Furgiuele's disagreement with that opinion.

Ms. Meade felt that a modification of the Public Hearing minutes by Planning Commission should be brought back to Town Council for their approval as well.

Council Member Furgiuele stated he would acknowledge he believed there was a bigger and costly risk than Ms. Meade believed. He stated his memory was that Ms. Meade did not feel there was no risk but that there was less of a risk than he believed there was and he was willing to have that put into the minutes. Council Member Furgiuele expressed some confusion about why those disagreements are so important and felt the discussion became a personal attack on him. Council Member Fugiuele stated he had never seen minutes that covered every single item and everything that was said. He felt all of the actions were currently reflected in the minutes that were produced which the Council just adopted. Council Member Furgiuele was unsure if the Planning Commission thought pursuing this would help people assassinate his character.

Commission Chairman Boyle replied that he felt minutes should accurately reflect what transpired. He added that Council Member Furgiuele's perception that the discussion was a character assassination by the Planning Commission was not accurate. Council Member Furgiuele responded that it reflected on the Code of Ethics in regards to personal attacks on people as versus discussion of the topic and he felt like that line was crossed.

Commission Member Shay stated she was a little less inclined to approve the minutes after hearing there was a perception of personal attacks coming from the Planning Commission and felt that no such thing happened. Commission Member Shay stated there were a few corrections she would like to make to the minutes. In the fourth paragraph on page 7 of the minutes she requested that the first sentence be amended to say 'Commission Member Shay questioned why the 2030 Plan should be repealed when *Town Council felt there were so many poor projects* built under the UDO.' Commission Member Shay also requested an amendment to the first sentence of paragraph four on page 9 of the minutes to read 'Commission Chairman Boyle stated he agreed with what Commission Member Shay said *and* did not

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agree with striking the whole thing out of the UDO and eliminating the Planned Development process even temporarily.'

Commission Member Lee seconded what he considered Commission Member Shay's motion to approve the February 26, 2018 Public Hearing minutes as amended.

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

Ms. Meade stated she was clear on Commission Member Shay's two amendments but was not clear on what the Commission is actually adopting with respect to the prior issue that was discussed. Commission Chairman Boyle explained that the amended minutes should include reference to Ms. Meade's memo containing her opinion that retaining the 2030 Plan would only pose a minimal risk while Council Member Furgiuele's opinion differed in that he believed there would be a much greater risk.

It was noted that Town Council had adopted the minutes as they were.

CASE PL01340-022718 SETBACK & HEIGHT MODIFICATIONS – UDO TEXT AMENDMENT

At the January 8, 2018 Planning Retreat, Council requested modification of UDO Articles 15, 16 and 34 to address the following:

1. Remove setback exemptions for mixed-use in UDO Section 15.11
2. Clarify how a building must be "setback" in its entirety to meet secondary height allowances
3. Prohibit replacement of buildings in the B1 with a building of higher height without conditional district rezoning including amending Section 15.11.02(D) to only apply to vacant land as of date of adoption of regulation.

Staff presented draft text to Council in February, which was then sent on to the March 2018 public hearing. Council requested Staff modify the text as follows:

1. Modify the mixed-use regulations in order to encourage applicants to preserve existing significant or historic trees, provide landscaped courtyards, landscaped greenspace, plazas or pocket parks and other pedestrian oriented amenities between the primary façade and the street.
2. To remove the interior setback exemptions for mixed-use developments, with the possibility that this may be retained after discussion.

Ms. Shook presented the case as outlined in the meeting packet. She outlined the modifications as follows:

15.11.02(D) New projects *on property which was vacant as of February 1, 2018* shall be a least two floors above the primary streel level. Ms Shook explained this change was to only allow higher heights on property that is currently vacant, not where a building was torn down for new development. She noted this was located in Section 15.11 which deals with multi-family mixed-use developments.

Ms. Shook noted modifications on packet pages 17, 18, and 19 were all the same and the language would read: In the area between the primary façade and the street the applicant is encouraged to preserve existing significant or historic trees, to provide landscaped courtyards, landscaped greenspace, plazas,

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pocket parks, and other pedestrian oriented amenities. Ms. Shook stated language was removed from the text regarding setback exemptions in the B2 and B3 that allowed the buildings to be closer to the street.

16.08.04 Height in the B1 Central Business District
Ms. Shook noted that all of the existing language would be retained and the modification would add the following language:
(B) An existing building may not be demolished and replaced with a building of greater height unless approved under the Conditional District Zoning Map Amendment process set forth in Article 9 herein.

(C) 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.

(i) 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.

Ms. Shook explained that exempt items, if they had to be modified on an existing building, would not trigger that process.

Ms. Shook noted there had been some question regarding parapets and whether or not they should be exempted from the height requirement and felt this topic should be discussed at this hearing even though text had been added as seen in the Staff Report. She noted that subsequent conversations from Council would lead to changes and she recommended removing the changes regarding the parapet from consideration. She did note that parapet was previously not defined in the UDO and the definition could be added.

Council Member Furgiuele read the definition of parapet as a low wall at the top of the façade of a building and asked what the range of allowed heights would be. Discussion ensued regarding parapet wall heights. Ms. Shook noted that parapet walls varied in height depending on the project.

Council Member Furgiuele referred to information that was provided to Council previously regarding the Town of Blowing Rock's ordinance that addressed things like domes and items on top of a structure that were not to be occupied. Council Member Furgiuele asked Ms. Shook if it would be profitable to include language in Boone's UDO that states these types of architectural features cannot be occupied. Ms. Shook felt that would be a helpful clarification and this could be included in the modifications to be presented to Town Council next month. Council Member Furgiuele was in agreement.

Ms. Meade felt parapets should be in a separate paragraph and thought the Blowing Rock methodology should be used regarding screening of features or equipment. Ms. Shook stated staff was working on that language.

Ms. Shook asked if the modified language in 16.08.08(D) should be returned to its original language until next month when there would be additional changes. Ms. Meade felt that would make sense. This was also the consensus of Town Council.

Commission Chairman Boyle asked if, for instance, the Melanie's building was torn down they could not go above one floor to rebuild unless they went through a Conditional District Zoning Map Amendment process. Ms. Shook replied that was correct.

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Ms. Meade asked Ms. Shook to describe the Conditional District Zoning Map Amendment process. Ms. Shook explained that an applicant would have to provide a site plan with an application to appear before Planning Commission and Town Council for a Public Hearing, they would then receive recommendations from the Planning Commission, and then move on to Town Council for a final decision. This process would require adjacent property owner notification prior to the hearing. Ms. Meade added that this would be a legislative decision made by Town Council.

Mayor Brantz asked if this would be the procedure that would have to be followed in order to allow an increased height. Ms. Shook replied that was correct. Ms. Meade clarified that this process applied to properties in the B1.

At 6:34 p.m. Mayor Brantz opened the floor for public comment.

Bob Flanigan was the first speaker. He asked the Council to make no further changes to the UDO in reference to setbacks and heights until the Comprehensive Plan could be updated. Mr. Flanigan stated he understood the legal reasons for repealing the 2030 Plan temporarily due to inconsistencies with the UDO and he trusted that Council would move forward promptly with the merger and incorporation of the good parts of the 2030 Plan with the Comprehensive Plan. Mr. Flanigan felt the proposed ordinance changes did not take into account the economic sustainability of the changes and the effects on the property owners. He felt that placing these restrictions on small businesses could likely devalue their property. Mr. Flanigan suggested these changes could restrict or halt development and that would affect the tax base which helps cover salaries of police and fire personnel and public servants. Mr. Flanigan cited buildings with historical significance such as Farmers Hardware and Mast General Store that were built right up to the sidewalk and thought it seemed inconsistent with the idea of setbacks downtown. Mr. Flanigan stated that decisions should not be taken without full consideration of their impact on the overall situation of the Town of Boone and the direction it is going.

Ms. Meade stated it was her understanding that setbacks in the B1 would not change and would remain a 0' setback. Ms. Shook stated that was correct, noting the only modifications to mixed-use in Section 15.11 were for development in the B2 and B3 and did not include any modifications to development in the B1.

The next speaker was Bill Ellis. Mr. Ellis stated he was with McCrae & Associates, owners of the Goodnight Ham Processing Plant on Howard Street. Mr. Ellis relayed his company's desire to build a hotel on that property, noting it was not an easy process, and the more zoning hoops there were to go through the harder it becomes to get a flag hotel to agree. Mr. Ellis stated they were currently speaking with a flag hotel that, under the current ordinance, could build 4 stories or 42'. His fear was that a change in the ordinance would cause the hotel to back out and they might be forced to build something less in height like student housing. Mr. Ellis felt the proposed ordinance would make it difficult to build a hotel downtown and asked that properties that have a plan for development be grandfathered. He felt a nice boutique hotel would be good downtown but stated it would need to be 4 floors in order to make it financially feasible. The building currently on the property is only 2 floors so under the new ordinance they would not be able to build 4 floors without a Conditional District Zoning Map Amendment.

The next speaker was Tucker Deal. Mr. Deal stated he was a young professional that lived downtown. He felt this proposal would be a severe impediment to the redevelopment of Howard Street and stifle the use of single story buildings. Mr. Deal addressed the Conditional District process and explained that a property owner could develop plans and secure financing but because the conditions that could be placed

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upon them in the CD process are unknown, the conditions could cause the project to fall through. He stated he could understand applying the height restrictions to single story buildings with substantial historic significance but to generally apply it any height building it clearly adds an unnecessary expense. Mr. Deal implored the Council to slow down a little bit and be a little more deliberate in their consideration of these changes. He asked that Council focus on getting the Comprehensive Plan/2030 Plan merger completed and adopted then moving forward changes to the UDO can be made that would be consistent with that plan.

James Milner was the next speaker. Mr. Milner stated he was the president and owner of Appalachian Commercial Real Estate. He felt since he had been involved with the last three building sales in the B1 district he was privy to some knowledge of what exactly is happening downtown. Mr. Milner stated the owners of these three buildings have bought them with the intention of making them better. He felt it was ludicrous to think Town Council would put the Conditional District Rezoning process onto these specific owners in the B1. Mr. Milner stated the barrier to entry into the Town of Boone in terms of development continues to be high and this only makes it higher and it becomes more and more frustrating. Mr. Milner stated it seemed like Council was in retaliation mode because they had a development they did not like. He went on to say that development in the Town of Boone was going to occur with an ordinance to follow but making change after change creates uncertainty and frustration. Mr. Milner stated that a CDR was site specific and had nothing to do with the building height and is the precursor to planned development. Mr. Miller noted that development could be good.

John Winkler was the next speaker. Mr. Winkler spoke about parapet heights and noted that a 2' height did not take into consideration things like snow. He felt the height should be at least a 4' minimum in order to conceal air conditioning units or allow railing for rooftop restaurants. Mr. Winkler asked that these things be considered when looking at parapet heights and felt that a 2' parapet served no purpose.

Council Member Furgiuele asked if it was correct that in order for conditions to be placed on Conditional District approval the applicant has to agree to those conditions. Ms. Meade replied that was correct. Council Member Furgiuele asked if it was correct that Council cannot impose conditions on a project unless those conditions are agreed upon by the applicant. Ms. Meade stated that was correct.

With no further questions or public comment, Mayor Brantz closed the public hearing for this case at 6:48 p.m.

CASE PL01341-022718 GOVERNMENT USE RECREATION FACILITIES IN M1 - UDO TEXT AMENDMENT

At the February 2018 Council Meeting, Council requested modification to UDO Article 15 to allow Government Use Recreation Facilities in the M1 Manufacturing Zoning District. Council requested this amendment be sent to the March 2018 Public Hearing.

Ms. Shook presented the case as outlined in the meeting packet noting this text amendment would allow the skate park or other government recreational uses proposed by the Town to be located in an M1 zoning district. Currently all zoning districts do allow government use recreation facilities but such facilities were not allowed in the M1. Ms. Shook stated this amendment would include all 3 categories of recreation facilities and would be permitted by right, subject to transitional zone requirements. She noted that the Town currently owns at least two large M1 tracts.

Mayor Brantz asked if this would allow other types of recreational uses than skate parks. Ms. Shook replied that this would allow only government operated recreation facilities.

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Council Member Ashcraft asked if government uses included the university. Ms. Meade replied that educational uses were separate from government uses. Ms. Shook agreed that this would not apply to the university or educational uses.

Ms. Meade asked if it made sense to have transitional zone requirements considering it a government use and directed by the Town.

Mr. Ward stated it was his understanding that the skate park would go in under Category 2 with no outdoor lighting but it could have outdoor lighting in the future.

Ms. Meade explained that there could be the situation of Council approving the outdoor lighting of the facility and then the case having to go to the Board of Adjustment for transitional zone consideration and being turned down, which could create some awkwardness for the Town. Ms. Meade stated she wanted to make sure Council was aware of the possibility.

Council Member Furgiuele felt that, whether a facility was publicly or privately owned, outdoor lighting could affect neighboring properties so the Special Use Permit proceeding would give those who live nearby the opportunity to come and be heard about any possible negative impacts and give the Board an opportunity to look at ways to mitigate the impacts.

Mayor Brantz asked if the Town risked any liability for the skate park. Ms. Meade replied there would be liability but expected there would be insurance much like everything else that the Town does. She stated there would need to be some policies and procedures in place with respect to maintenance. Ms. Meade added that this would not be some new type of liability that the Town does not already deal with.

Council Member Ulmer questioned transitional zones and Ms. Meade provided a brief description.

Council Member Clawson stated she liked transitional zones. She thought they were very effective and felt for the neighbors in the area that would be affected by the lighting.

Council Member Furgiuele asked if transitional tones could be addressed through a Conditional District process instead of the Special Use Permit process. Ms. Shook replied that was correct but noted that all mitigation measures would still have to be proven.

With no further questions or public comment, Mayor Brantz closed the public hearing on this case at 6:59 p.m.

ADJOURNMENT OF TOWN COUNCIL

Council Member Furgiuele made a motion to adjourn Town Council at 6:59 p.m. The motion was seconded by Mayor Pro-Tem Clawson.

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

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Communication: March 26, 2018 Planning Commission Meeting (Approval of Planning Commission Meeting Minutes)

_____ _____

Mayor Rennie Brantz **Board Secretary Brenda Henson**

_____

Planning Commission Chairman Connor Boyle

At 7:07 p.m. Commission Chairman Boyle proceeded with the business of the Planning Commission.

APPROVAL OF PLANNING COMMISSION MEETING MINUTES

Commission Member Bonevac made a motion, seconded by Commission Member Lee, to approve the February 26, 2018 Planning Commission meeting minutes as written.

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

CASE PL01298-020218 REMOVAL OF BOONE 2030 LAND USE PLAN REFERENCES – UDO TEXT AMENDMENT

Ms. Shook reminded Commission members that they did not take action on this case at the February Public Hearing. She stated that Town Council did vote to repeal the Boone 2030 Land Use Plan and this text amendment would only remove any references to the 2030 Plan from the UDO. Ms. Shook also noted that if the Planning Commission did not take action on this amendment tonight, enough time had elapsed that Town Council could proceed with action on this amendment without Planning Commission's recommendations.

Commission Chairman Boyle made a motion that the Planning Commission take no action on this request. The motion was seconded by Commission Member Bonevac.

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

CASE PL01340-022718 SETBACK & HEIGHT MODIFICATIONS – UDO TEXT AMENDMENT

Commission Chairman Boyle stated he was generally okay with the proposal as it related to setbacks but did not agree with the height proposal. He felt the proposed text was much too restrictive. Commission Chairman Boyle stated that not approving either one of these, setback or height, would not give him any heartburn.

Commission Member Lee agreed that the height regulations seemed too restrictive.

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Communication: March 26, 2018 Planning Commission Meeting (Approval of Planning Commission Meeting Minutes)

Commission Member Shay asked where the proposed text came from. Ms. Shook replied that Town Council discussed this topic at the Planning Retreat and staff was directed to propose the text. Ms. Shook noted that Council had seemed concerned that the current regulations encouraged demolition and replacement of existing buildings with building of height heights.

Commission Member Bonevac did not feel this text amendment was the best idea.

Commission Member Shay stated she did not see the underlying justification.

Commission Member Bonevac stated she would like to review the height study that was done by the Town. Ms. Shook directed Commission members to the Town's website where the height study could be viewed in the March 22, 2018 Town Council meeting packet.

Commission Member Lee made a motion to table discussion of this text amendment until the next meeting in order to give Commission members more time to review the height study. The motion was seconded by Commission Member Bonevac.

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

CASE PL01341-022718 GOVERNMENT USE RECREATION FACILITIES IN M1 - UDO TEXT AMENDMENT

Commission Chairman Boyle asked what 'regularly scheduled' recreation activities meant. Ms. Shook stated that meant the facility would be open when it was advertised to be open. Commission Member Boyle referenced transitional zone requirements and noted that with the Town running the facility one would think the Town would be considerate of any negative impacts.

Commission Member Shay felt this request was in keeping with the Comprehensive Plan.

First Motion and Vote: Commission Member Bonevac made a motion that the proposed amendment to the Town's zoning ordinance is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because it follows suit with various recreation activities set forth in Comprehensive Plan policy 2.2.3 Parks, Recreation & Open Space, specifically Subsection A. The motion was seconded by Commission Member Lee.

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

Second Motion and Vote: Commission Member Bonevac made a motion that the Planning Commission recommends approval of the proposed amendment to the Town's Zoning ordinance and believes approval is reasonable and in the public interest because the amendment is consistent with Comprehensive Plan policy 2.2.3(A) Parks, Recreation & Open Space. The motion was seconded by Commission Member Lee.

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

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OTHER MATTERS

Commission Chairman Boyle asked about the status of the Comprehensive Plan merger. Ms. Shook stated Council would be giving Staff direction at the next Council meeting.

Election of Officers

Commission Chairman Boyle announced his resignation from the Planning Commission, effective at the close of this meeting.

In light of Commission Chairman Boyle's resignation, Commission Member Shay made a motion to table election of officers until more Commission members could be present. The motion was seconded by Commission Member Lee.

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

ADJOURNMENT OF PLANNING COMMISSION

Commission Chairman Boyle made a motion to adjourn the meeting at 7:34 p.m. The motion was seconded by Commission Member Lee.

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

_____ _____

Planning Commission Chairman Connor Boyle **Board Secretary Brenda Henson**

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Planning Application - UDO Text Amendment

Town of Boone Planning & Inspections Department
680 W. King Street, Suite C ◆ Boone, North Carolina 28607
Phone (828) 268-6960 ◆ Fax (828) 268-6961 ◆ www.townofboone.net

Official Use Only

Case Number: PL01340-022718

Case Name: Setback & Height Modifications

A. CONTACT INFORMATION

Applicant: Town of Boone Company:

Address: PO Drawer 192, Boone, NC 28607

Phone Number: 828-268-6200 Email Address: planning@townofboone.net

B. TEXT INFORMATION

Amendment is to:

Article(s): 15, 16, 34

Section(s): 15.11, 16.08, 34.01

Brief Description of Amendment (Attach Proposed Text):

Modification of UDO Articles 15, 16 and 34 to address the following:

1. Remove setback exemptions for mixed-use in UDO Section 15.11
2. Clarify how a building must be "setback" in its entirety to meet secondary height allowances
3. Prohibit replacement of buildings in the B1 with a building of higher height without conditional district rezoning including amending Section 15.11.02(D) to only apply to vacant land as of date of adoption of regulation.

C. APPLICANT SIGNATURE:

By signing this form you are certifying that this application and any attached information is accurate. Failure to provide accurate information or failure to provide any requested information may result in delays to permit processing.

Jane Shook	/S/ Jane Shook	February 27, 2018
Applicant (Print)	**Applicant Signature**	**Date**

Official Use Only

Date:	Fee:	Receipt Number:	Method of Payment:	Paid By:
02/27/2018	$0	NA	NA	NA

Hearing/Decision Information

Public Hearing Meeting Date: March 26, 208

PC Meeting Date: March 26, 2018

TC Meeting Date: April 19, 2-018

Text Approved: ❑ Yes ❑ No

Notes:

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Communication: PL01340-022718 Setback & Height Modifications - Application (Case PL01340-022718 Setback & Height Modifications - UDO

STAFF REPORT
PUBLIC HEARING-MARCH 26, 2018
CASE PL01340-022718 SETBACK & HEIGHT MODIFICATIONS- UDO TEXT AMENDMENT

Request

At the January 8, 2018 Planning Retreat, Council requested modification of UDO Articles 15, 16 and 34 to address the following:

1. Remove setback exemptions for mixed-use in UDO Section 15.11
2. Clarify how a building must be "setback" in its entirety to meet secondary height allowances
3. Prohibit replacement of buildings in the B1 with a building of higher height without conditional district rezoning including amending Section 15.11.02(D) to only apply to vacant land as of date of adoption of regulation.

Staff presented draft to text to Council in February, which was then sent on to the March 2018 public hearing. Council requested Staff modify the text as follows:

1. Modify the mixed-use regulations in order to encourage applicants to preserve existing significant or historic trees, provide landscaped courtyards, landscaped greenspace, plazas or pocket parks and other pedestrian oriented amenities between the primary façade and the street.
2. To remove the interior setback exemptions for mixed-use developments, with the possibility that this may be retained after discussion.

ANALYSIS

The text in blue underline on the next page is the new text for consideration.

Article 15 District Uses

…

§ 15.11 MULTI-FAMILY IN MIXED USES.

15.11.02 Multi-family residential uses, either as the result of new construction or conversion, are allowed in the Central Business District (B1) only if the projects in which they are included meet all the following criteria:

A. Each project shall provide primary street level commercial land uses (i.e. retail, office, restaurant) of at least 50% of the square footage of the footprint of each building on the primary street level. For developments located on lots which abut more than one public street in the Central Business District, each additional street level floor shall provide commercial uses of at least 30% of that level's square footage. For purposes of this subsection, the "primary street" shall be determined according to the following order: King Street, Howard Street, Depot Street, all other streets. For example, if a project is located on a lot that abuts both King Street and Howard Street, King Street shall be considered the "primary street" while for a project which abuts Howard Street and Depot Street, Howard Street shall be considered the "primary street" and so on.

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B. The entire frontage of the primary street level of the building abutting the street shall provide commercial uses. Required entrances for ingress and egress to secondary uses are permitted along said frontage so long as they are no larger than necessary to meet building code and safety requirements for ingress and egress. Commercial uses on the non-primary street level(s) shall front on the non-primary street.

C. The entire primary street level floor of the building shall be constructed to commercial standards in accordance with North Carolina Building Code Group A, B, E or M.

D. New projects on property which was vacant as of February 1, 2018 shall be at least two floors above the primary street level.

E. Buildings facades shall be oriented to each public street and shall have a primary entrance door facing each abutting public sidewalk.

F. A minimum of 60% of primary public street level facing building facade shall be comprised of transparent, non-reflective windows and 30% of non-primary street level facing building facades shall be comprised of transparent, non-reflective windows.

G. Surface parking shall be located away from each public street to the extent possible, and if practical, to the rear of the principal building.

H. Structured parking is permitted to the rear of the building or below the street level floor.

I. Building facades may be no further than 0'-0" from the established street setback line, except where necessary to provide landscaped courtyards, plazas, pocket parks, other pedestrian oriented amenities, or when there would be interference with public utilities.

J. The minimum building footprint shall be 50% of the total gross square feet of the lot.

K. Pedestrian weather protection such as awnings or canopies are encouraged along the public street but may be placed only in accordance with an encroachment agreement authorized by the Town Council.

15.11.03 Multi-family residential uses, either as the result of new construction or conversion, are allowed in the Neighborhood Business District (B2) only if the projects in which they are included meet all the following criteria:

A. Each project shall provide street level commercial land uses (i.e. retail, office, restaurant) of at least 100% of the street-level floor square footage.

B. Buildings facades shall be oriented to the public street and shall have a primary entrance door facing the public sidewalk.

C. A minimum of 60% of the street facing street level building facade shall be comprised of transparent, non-reflective windows.

D. Surface parking shall be located to the side or most preferably to the rear, and in no case shall parking extend beyond the front building line.

E. Structured parking is permitted but shall be located to the rear or below street level commercial uses.

F. In the area between the primary façade and the the street the applicant ~~Building facades may be no further than 0'-0" from the street right-of-way line, except where necessary~~ is encouraged to preserve existing significant or historic trees, ~~which shall be preserved, if practical~~, ~~or~~ to provide landscaped courtyards, landscaped greenspace, plazas, pocket parks, and other pedestrian oriented amenities~~, in which case the maximum setback shall not exceed 20' or when there would be interference with public utilities~~.

~~G. Interior setbacks for all mixed use buildings shall be 10'-0" except where abutting a residential zoning district in which case the interior setback shall equal the required interior setback in the abutting residential district.~~

G~~H~~. Pedestrian weather protection such as awnings or canopies are encouraged along the public street provided they do not encroach into the roadway, but if they invade the space above a town sidewalk, may be placed only in accordance with an encroachment agreement authorized by the Town Council. Such awnings or canopies count toward the recreation space requirements found in Section 16.05 of this ordinance.

H~~I~~. All development shall comply with the landscape standards set forth in Article 31 except that Type "A" interior landscape buffers may be provided regardless of adjacent land use classifications.

15.11.04 Multi-family residential uses, either as the result of new construction or conversion, are allowed in the General Business District (B3) only if the projects in which they are included meet the following:

A. Multi-family uses wholly or partially on property zoned B3 General Business within the Corridor Districts.

1. Mixed use building(s).

a. Each building shall fully consist of street level commercial uses (i.e. retail, office, and restaurant).

b. A minimum of 60% of the street level building façade facing the corridor shall be comprised of transparent, non-reflective windows.

c. Surface parking shall be located to the side or most preferably to the rear, and in no case shall parking extend beyond the front building line. Structured parking is permitted but shall be located to the rear or in the interior of the building, or under street level commercial uses.

d. In the area between the primary façade and the street the applicant ~~Building facades may be no further than ten feet from the street right-of-way line, except where necessary to~~ is encouraged to preserve existing significant or historic trees which shall be preserved, ~~if practical, or~~ to provide landscaped

courtyards, landscaped greenspace, plazas, pocket parks, and other pedestrian oriented amenities~~, in which case the maximum setback shall not exceed 20 feet or there would be interference with public utilities, or the placement of stormwater facilities and no reasonable alternative to that placement exists~~.

~~e. Interior setbacks for all mixed use buildings shall be a minimum of ten feet except where abutting a residential zoning district, in which case the interior setback shall at a minimum equal the required interior setback in the abutting residential district.~~

e~~f~~. Pedestrian weather protection such as awnings or canopies are encouraged along the public street provided they do not encroach into the roadway, but if they invade the space above a town sidewalk, may be placed only in accordance with an encroachment agreement authorized by the Town Council.

2. Single use building(s).

a. Single use multi-family building(s) are only allowed as part of a mixed use project if approved through the Conditional District B3 General Business rezoning.

b. A mixed use project shall meet the following criteria:

i. Each project shall fully consist of street level commercial uses (i.e. retail, office, and restaurant) of 100% of the street level gross floor area on every building which fronts a corridor protected by the Corridor District. In addition, at least 50% of the total gross floor area of all buildings located within the Corridor District shall fully consist of commercial uses. This requirement may be satisfied if the commercial floor area is distributed among buildings or within one building.

ii. The street level floor of all buildings within the Corridor District shall be built to commercial standards in accordance with North Carolina Building Code Group A, B, E, or M.

iii. A minimum of 60% of the street facing street level building façade of a building which fronts a protected corridor shall be comprised of transparent, non-reflective windows.

iv. Surface parking shall be located to the side or most preferably to the rear, and in no case shall parking extend beyond the front building line.

v. Structured parking is permitted but shall be located to the rear or in the interior of the building, or below the commercial uses.

vi. In the area between the primary façade and the street the applicant ~~Building facades may be no further than ten feet from the street right-of-way line, except where necessary to~~is encouraged to preserve existing significant or historic trees, which shall be preserved, ~~if practical,~~ or to provide landscaped courtyards, landscaped greenspace, plazas, pocket parks, and other pedestrian oriented amenities~~, in which case the maximum setback shall not exceed 20 feet or there would be interference with public utilities, or the placement of stormwater facilities and no reasonable alternative to that placement exists~~.

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vi~~i~~. Interior setbacks for all mixed use buildings shall be ten feet except where abutting a residential zoning district in which case the interior setback shall equal the required interior setback in the abutting residential district.

vii~~i~~. Pedestrian weather protection such as awnings or canopies are encouraged along the public street provided they do not encroach into the roadway, but if they invade the space above a town sidewalk, may be placed only in accordance with an encroachment agreement authorized by the Town Council.

B. Multi-family uses wholly or partially on property zoned B3 General Business outside the Corridor District but proximate to major streets.

1. For the purposes of this section "major street" refers to collector and arterial streets.

2. "Proximate" shall mean any building wholly or partially within 200 feet of the centerline of a major street.

3. Mixed use building(s).

a. Mixed use building(s) shall meet the same requirements as described in Subsection 15.11.04(A)(1).

4. Single use building(s).

a. Single use multi-family building(s) are only allowed as part of a mixed use project.

b. A mixed use project shall meet the following criteria:

i. Each project shall consist of street level commercial uses (i.e. retail, office, and restaurant) of 100% of the street level gross floor area on every building which fronts a major street. In addition, at least 25% of the total gross floor area of all buildings wholly or partially located within 200 feet of the centerline of a major street shall consist of commercial uses. This requirement may be satisfied if the commercial floor area is distributed among buildings or within one building.

ii. For any floor containing a commercial use the entire floor shall be built to commercial standards in accordance with North Carolina Building Code Group A, B, E, or M.

iii. A minimum of 60% of the major street facing street level façade of a building containing commercial use(s) shall be comprised of transparent, non-reflective windows.

iv. Surface parking shall be located to the side or most preferably to the rear, and in no case shall parking extend beyond the front building line.

v. Structured parking is permitted but shall be located to the rear or in the interior of the building, or below the commercial uses.

vi. In the area between the primary façade and the street the applicant ~~Building facades fronting the major street may be no further than ten feet from the street right-of-way line, except where necessary~~

is encouraged to preserve existing significant or historic trees, ~~which shall be preserved, if practical~~, ~~or~~ to provide landscaped courtyards, landscaped greenspace, plazas, pocket parks, and other pedestrian oriented amenities~~, in which case the maximum setback shall not exceed 20 feet or there would be interference with public u~~ tilities, ~~or the placement of stormwater facilities and no reasonable alternative to that placement exists~~.

~~vii. Interior setbacks shall be ten feet except where abutting a residential zoning district in which case the interior setback shall equal the required interior setback in the abutting residential district.~~

vii~~i~~

. Pedestrian weather protection such as awnings or canopies are encouraged along the public street provided they do not encroach into the roadway, but if they invade the space above a town sidewalk, may be placed only in accordance with an encroachment agreement authorized by the Town Council.

C. Multi-family uses wholly or partially on property zoned B3 General Business in all other areas.

1. Multi-family uses not part of a mixed use development may be allowed if an applicant demonstrates that within one-fourth of a mile (1,320 feet) of the borders of the lot that is to be developed there exists commercial uses with gross floor area square footage equal to the gross floor area square footage of the proposed multi-family project. If this standard cannot be met then the proposed project must meet the requirements in Subsection 15.11.04(B) above.

D. Recreation space shall be provided for multi-family developments in the B-3 district as provided at Section 15.10.03(F).

(Ord. passed 12-16-2013; Ord. passed --)

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Article 16 District Standards

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16.01 SCHEDULE OF LAND USE INTENSITY REGUALTIONS

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Communication: PL01340-022718 Setback& Height Modifications - Staff Report (Case PL01340-022718 Setback & Height Modifications - UDO

16.01.02 INTENSITY TABLE

Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	Minimum Livablity Space* Ration (LSR)	Minimum Setback	
					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 and 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 ratio where the numerator is the square footage of Livability Space and the denominator is the square footage of the entire parcel.*

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§ 16.06 BUILDING SETBACK REQUIREMENTS.

16.06.01 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.

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 30 feet or less, the setback shall be measured from a line running parallel to the centerline at a distance of 15 feet 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 in height and are substantially opaque.

3. Retaining walls which exceed four feet 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 zero feet, unless the lot abuts a district other than a U1 zoning district, in which case the lot boundary setback shall be 15 feet.

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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.

B. There shall be a deeded street or right-of-way, built to town standards, at both the front and the rear of the property.

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

D. Loading and parking shall be in compliance with Article 24 of this ordinance.

16.06.06 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.

16.06.07 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, and the like).

16.06.08 In the U1 district, the minimum street setback of ten feet 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 14 feet 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 only when development is proposed adjacent to B1 zoned property.

(Ord. passed 12-16-2013; Ord. passed --; Ord. passed --)

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§ 16.08 BUILDING HEIGHT LIMITATIONS.

16.08.01 For the purposes of this section:

A. The height of a building shall be the vertical distance measured from the average elevation of the finished grade at the primary facade of the building to the highest point of the building.

B. “Stories” as used herein refers to the number of heated, habitable floors above grade at the primary facade. 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.

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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
R3	3 stories
MH	35 feet
OI	4 stories/67 feet
B1	On King St. from Water to College and on Depot Street from King to Howard: 3 stories/45 feet; elsewhere: 4 stories/55 feet (See Subsection 16.08.04 for more detail)
B2	3 stories/40 feet
B3, E1, E2, E3	3 stories/45 feet (primary) - 5 stories/67 feet (secondary)
U1	Refer to Subsection 16.08.09
M1	67 feet

16.08.03 In the 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 foot. In no case shall the height of a structure exceed the secondary height limitation established in the table.

16.08.04 Height in the B1 Central Business District

A. In the B1 district the maximum building height shall be limited to 45 feet, as measured from the average elevation of the existing or proposed sidewalk along the primary street at the middle of the building elevation facing the street to the highest point of the building or structure. Where a property has street frontages on opposite sides the applicable height limitation shall apply for each side and the building height limitation for each side shall terminate at the midpoint of the building. Where a property does not border a primary street on any side, the maximum height shall be measured from the average finished ground elevation of the finished building. For the purpose of this section, the following are considered primary streets: King Street, Queen Street, Howard Street, Rivers Street, Water Street, Depot Street, Appalachian Street, Grand Boulevard, Poplar Grove Road, Straight Street, Bent Street, Orchard Street, and Wallace Circle.

B. 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.

C. 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.

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i. 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.

16.08.06 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.

16.08.07 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.

16.08.08 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 Subsection 16.08.02, 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. Chimneys, accessory radio or television antennas, flagpoles, monuments or solar collectors provided that such features do not exceed 15% of the maximum height requirements.

B. Church spires, belfries, cupolas, domes, smokestacks, windmills, or observation towers, provided such structures do not exceed in height the horizontal distance from the structure to the nearest property line.

C. Utility transmission poles and cables.

D. Parapets, ~~E~~elevator or other mechanical equipment and mechanical penthouses; provided, however, that such features must be screened from adjacent street view by parapets and set-back from roof edges.

E. Limited structures to enable recreational use of open rooftops; provided, however, that such features must be screened from view by parapets and set-back from roof edges and may be no more than one-third the area of the entire roof. As used in this provision, “structures” do not include areas that are simply decking to be used for standing or sitting.

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.

B. 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.

(Ord. passed 12-16-2013; Ord. passed --; Ord. passed --)

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Article 34 Definitions

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LANDSCAPED GREENSPACE. A pedestrian oriented urban open space which includes manicured landscaping and other pedestrian oriented amenities (such as benches) which is at or near the same grade as the sidewalk or the street and is easily accessible to pedestrians.

PARAPET. A low wall at the top of the facade of a building.

CONFORMITY TO ADOPTED PLANS

COMPREHENSIVE PLAN UPDATE

1.1 Overall Objectives for the Boone Comprehensive Plan (p. 15): The following objectives, which have not been listed in any particular order of importance, are deliberately broad in scope and less specific than either a policy statement or an implementation action.

Economic Development: Acknowledge the area's natural beauty, university, and medical center presence as the Town's greatest assets for economic development and jobs creation. Treat them accordingly.

Community Appearance and Community Character: Blend the built environment with the natural, scenic, and historic character of a High Country small town. Especially discourage commercial strip development, cluttered signage, and "cheap" apartment buildings.

Open Space: Integrate open space and greenways into the urban fabric of the Town. Preserve the countryside by discouraging suburban sprawl. Avoid development in floodplains, on ridgetops, and on steep slopes.

Environmental Quality: Address and monitor growth factors and activities that contribute to water, air, light, and noise pollution.

Trees: Conserve existing trees and plant new trees, especially hardwoods.

Automobile Transportation: Maximize the efficiency of existing facilities, but not at the expense town and neighborhood character and livability. Build or expand transportation facilities and parking areas as needed, but with care. Work to reduce auto dependency, use, and congestion.

Bikeways: Implement the planned system of bikeways as a legitimate transportation alternative. Unify with greenways and other pedestrian facilities where possible.

Mass Transit: Enhance and support the mass transit system as an effective alternative to the congestion created by the individual automobile.

Pedestrian Movement: Encourage a system of sidewalks, paths, crosswalks and compact development patterns which make it easy to get around Boone on foot.

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Infrastructure: Engage in long range planning for water and sewer systems, stormwater runoff, natural gas, and other utility systems. Place overhead utilities underground whenever feasible.

Public Safety: Maintain a high level of policing and fire protection and plan the expansion of public safety services to coincide with projected population increases and identified needs.

Energy and Waste: Reduce waste generation, and the consumption of energy and water. Develop area recycling programs to the fullest. Encourage an anti-litter consciousness among residents and visitors.

University: Emphasize cooperative planning among the Town, County, and University.

Downtown: Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

Recreation: Strive for additional public recreation facilities, especially sports fields, greenways and indoor recreation centers.

Neighborhoods: Ensure the livability of neighborhoods, especially through land use and traffic planning.

Public Involvement: Encourage active public involvement and volunteerism to expand the effectiveness of community planning and action.

Comprehensive Plan Policies: Staff has reviewed land use and comprehensive plan policies, and listed those policies which in staff's opinion have a bearing on the request. The Commission and Council should review these policies carefully. Each member may make his or her own interpretation as to the relevance of each and which carry the most weight thereby shaping their overall recommendation.

COMPREHENSIVE PLAN POLICIES

2.1 THE ECONOMY

2.1.1 Economic Development

A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy. **********

B. New and expanding industries and businesses shall be encouraged which: 1) diversify the local economy, 2) train and use a skilled labor force and 3) increase area residents' incomes.

C. The Town shall encourage the development of a well-balanced tourism trade as a primary element of the area's economic future. Investments in services, facilities, and proper growth management shall be employed in furtherance of this objective.

D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas.

E. The Town shall encourage a public service and regulatory environment conducive to business recruitment and expansion, while at the same time enhancing the area's physical and human resources.

F. New firms and expanding businesses that complement the natural resources and beauty of the region shall be especially recruited and encouraged.

G. The Town shall support the development of new business parks.

H. The Town shall promote coordination of economic development resources with the appropriate institutions and agencies. Regional coordination and interaction among areas with a shared economic interest shall be encouraged.

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I. Small business start-ups, expansions and spin-offs shall be encouraged. The presence of ASU and Caldwell Community College and Technical Institute shall be recognized as a necessary and important resource for area businesses.

J. Appropriate educational and training programs shall be encouraged to help local residents, especially those unemployed and underemployed, take advantage of business expansion and to develop new skills.

K. Boone shall identify and provide services consistent with the needs of the area's growing retiree population.

2.1.2 Commercial Development

A. Uncontrolled strip development along the area's through streets shall be prohibited. The undesirable effects of existing strip development shall be reduced and/or reconfigured when redevelopment opportunities permit. New strip development on isolated single lots along through streets shall be discouraged. *****

B. Commercial and Office Development shall be encouraged to locate in planned shopping centers, office parks and mixed use developments to stop the proliferation of strip development.

C. Community/Commercial Centers shall be located adjacent to a major street and contain or be adjacent to other appropriate community facilities.

D. Automobile Orientated Neighborhood and Convenience Commercial Centers shall be encouraged to locate on a collector street or secondary street at its intersection with a major street.

E. Residentially scaled and designed neighborhood businesses may be a planned element of newly developed or redeveloped neighborhoods. They should be near other compatible facilities such as elementary schools and neighborhood parks.

F. Commercial uses may be encouraged to develop by consolidation and expansion of existing commercially zoned property, only when such consolidation and expansion does not encroach upon a viable residential area.

G. Effective buffering and/or landscaping shall be provided where a large scale or automobile-orientated commercial or office use adjoins an existing or planned residential use.

H. Encroachment of incompatibly scaled and designed commercial or office uses into viable existing or planned residential areas shall be prohibited.

I. Office and institutional development may be encouraged as a transitional land use between residential areas and higher intensity commercial activities.

J. Highway Oriented Commercial uses shall be clustered along segments of major streets and contain land uses which are mutually compatible and reinforcing in use and design. Businesses shall be encouraged to coordinate their site designs with other nearby businesses. Design factors shall include, at a minimum, shared parking and street access, convenient pedestrian and vehicular movement, and consistent sign standards.

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2.1.5 Downtown

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A. A compatible design character for the downtown area, drawing upon the locality's original High Country small town features, shall be identified, reinforced and supported to put forth a quality image and sense of place. ****

B. The Town, in concert with the downtown property owners and merchants, shall encourage public and private efforts to develop and publicize adequate and appropriately designed off-street parking lots in the downtown area.

C. A variety of mutually compatible and supportive mixed uses shall be encouraged in the downtown area.

D. Public and private developments shall be encouraged to incorporate local artistry into public and semi-public spaces downtown.

E. Public and private development decisions in the downtown area shall exhibit a special concern for maintaining the intensive, pedestrian oriented character of the district.

F. The maintenance and revitalization of downtown Boone, as well as planning for its future development, will reflect the realities and qualities befitting its geographical setting and function as a center of (1) commercial and service activities, (2) educational and cultural activities, events and (3) public services.

2.3 THE COMMUNITY

A. Urban type development within the Urban Growth Area shall meet appropriate Town standards.

B. Properly planned, mixed use developments that promote efficient provision of public services shall be encouraged within the Urban Growth Area.

C. Funding for outside agencies and organizations serving the citizens of Boone shall continue to receive support consistent with area service needs and Town budget constraints.

D. Coordinated inter-governmental and university-town planning for urban area land use and development, transportation, utilities, recycling, environmental management, law enforcement, education, recreation, tourism and economic development shall be encouraged.

2.3.1 Community Appearance

A. Measures to improve the effectiveness of grading, landscaping and buffering standards for new and existing developments shall be encouraged.

B. The significance of street trees in providing visual relief, summer cooling, improved air quality and livability shall be recognized through public policies and actions to encourage their planting and maintenance.

C. The significance of major roadway entrances into Boone as measures of community image and quality shall be recognized through building placement, landscape, signage and other visual improvements. The Town, along with private property owners and developers, shall work to jointly improve the appearance and design of major street corridors.

D. Sign policies and standards shall be periodically updated to enhance community identity and create a high quality business image.

E. The Town shall encourage public, private, and utility company efforts to place utility wires underground whenever feasible.

2.3.2 Community Character

A. The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of

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historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area.

B. Multiple and appropriate adaptive reuse of historic resources shall be encouraged.

C. Wise development of the tourism potential of the area's architectural, historic, scenic and natural resources shall be encouraged.

D. The destruction of significant architectural, historic, scenic, natural and archaeological resources in the planning area shall be discouraged.

E. New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town.

2.3.3 Housing & Neighborhoods

A. The protection and rehabilitation of viable neighborhoods shall be encouraged to insure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community. *******

B. Street system designs which discourage through traffic on purely local streets while allowing for free circulation within the neighborhood shall be encouraged.

C. Proposed residential development which would expose residents to harmful effects of incompatible development or to environmental hazards shall be prohibited.

D. Innovative and flexible land planning and development practices shall be encouraged to create livable developments which better safeguard land, water, energy and historic resources.

E. Factors in determining preferred locations for high density residential development shall include: close proximity to the university, employment or shopping centers; access to major thoroughfares and the transit system; the availability of public services and facilities; and compatibility with adjacent land uses.

F. The affordable housing needs of area residents, particularly elderly and low to moderate income residents, shall be recognized in Town policies and actions regarding residential development.

G. Compact, full service neighborhoods, offering opportunities for living, working, shopping, and gathering places, shall be encouraged in newly planned developments, as well as for redeveloping areas.

H. The overall housing unit density for proposed infill residential development or redevelopment should be compatible with the average density of existing areas.

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PLANNING BOARD REPORT/RECOMMENDATIONS

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

First motion and vote: The proposed amendment to the Town's zoning ordinance ☐**is** OR ☐**is not** consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because [*describe elements of controlling land use plans and how the amendment is or is not consistent*]:

Second Motion and Vote: The Planning Commission recommends ☐**approval** OR ☐**denial** of the proposed amendment to the Town's Zoning ordinance and believes ☐**approval** OR ☐**denial** is reasonable and the public interest because *[Briefly explain why. Factors may include public health and safety, character of the area, relationship of uses, applicable plans, or balancing benefits and detriments]* :

Third Motion and Vote – Required only if the Commission recommends approval despite inconsistency with the comprehensive plan and/or any other applicable plan: The Planning Commission recommends approval of the amendment despite inconsistency with the comprehensive plan and/or other applicable adopted plans because [*provide explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment*]:

Communication: PL01340-022718 Setback& Height Modifications - Staff Report (Case PL01340-022718 Setback & Height Modifications - UDO

TOWN COUNCIL ACTION

Per NCGS 160A-383, zoning regulations shall be made in accordance with a comprehensive plan. Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board considers the action taken to be reasonable and in the public interest.

First motion and vote: The proposed amendment to the Town's zoning ordinance ☐**is** OR ☐**is not** consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that is applicable because [*describe elements of controlling land use plan(s) and how the amendment is or is not consistent*]:

Second Motion and Vote: The Town Council ☐**approves** OR ☐**denies** the proposed amendment to the Town's Zoning ordinance and believes ☐**approval** OR ☐**denial** is reasonable and the public interest because *[Briefly explain why. Factors may include public health and safety, character of the area, relationship of uses, applicable plans, or balancing benefits and detriments]* :

Third Motion and Vote – Required only if the proposed amendment is approved despite inconsistency with the comprehensive plan and/or any other applicable adopted plan(s): The Town Council approves the amendment and declares that this approval also amends the Unified Development Ordinance (and/or other approved and applicable plan) because [*provide explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment*]:

Communication: PL01340-022718 Setback& Height Modifications - Staff Report (Case PL01340-022718 Setback & Height Modifications - UDO