Town of Boone
Public Hearing
6:00 PM, Sep. 23, 2019
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.

General Guidelines for Each Case Presented at Public Hearing

1. Presentation of Case
2. Questions by Town Council & Planning Commission
3. Public Comment
4. Discussion/Questions by Town Council & Planning Commission

I. Call to Order - Town Council

II. Call to Order - Planning Commission

III. Case PL02977-082019 Caldwell Hospice - General Use Zoning Map Amendment

Case PL02977-082019 Caldwell Hospice General Use Zoning Map Amendment- Application (page 3)

Case PL02977-082019 Caldwell Hospice General Use Zoning Map Amendment- Staff Report (page 5)

IV. Case PL03012-082619 Glenn - General Use Zoning Map Amendment

Case PL03012-082619 Glenn General Use Zoning Map Amendment- Application (page 22)

Case PL03012-082619 Glenn General Use Zoning Map Amendment- Staff Report (page 24)

V. Case PL02634-060519 Sidewalk Fee-in-lieu - UDO Text Amendment

Case PL02634-060519 Sidewalk Fee-In-Lieu - Application (page 41)

Case PL02634-060519 Sidewalk Fee-In-Lieu Staff Report (page 42)

VI. Case PL03076-090919 55+ Housing - UDO Text Amendment

Case PL03076-090919 55+ Housing- Application (page 51)

Case PL03076-090919 55+ Housing - Staff Report (page 52)

VII. Adjournment of Town Council

VIII. Consideration of Cases Heard at the Public Hearing

IX. Other Matters by Board Members or Staff

X. Adjournment of Planning Commission

General Use Zoning Map Amendment Application

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

A. Required to be Submitted at Time of Application

Notes: It is recommended that applicants schedule a meeting with Planning & Inspections Staff prior to application submittal.

Failure to provide the info required on this application may delay the review and scheduling of the requested hearing.

- ☐ Property Owner Authorization for all property included in the request. See Section D.
- ☐ Deed(s) of all property to be included in the request,
- ☐ Both a digital and a hard copy of a written metes and bound legal description with accompanying survey map for a request that would rezone only a portion of a tax parcel or requests for multiple zoning districts.
- ☐ Permit Fee (See Planning & Inspections Fee Schedule)

Each application is allowed two (2) reviews. The 1st review of the submitted information and a 2nd review if revisions or supplemental information is required based upon the 1st review. Each subsequent review after the 2nd review will be charged at 50% of the original fees charged for the application. These fees shall be paid at the time of resubmittal.

B. Property Information

Street Address: Archie Carroll Rd.

Watauga County Parcel Identification Number: 2921-52-6451-000

Existing Zoning District(s): N/A

Proposed Zoning District(s): O/I

Adjacent Land Uses: N: Single-family dwellings E: Single-family dwelling, agriculture

S: Single-family dwelling, vacant W: Single-family dwelling, vacant

Are there any existing variances or special use permits granted to the property? ☐Yes √ No ☐Unknown

If yes, describe:

Total Land Area: 10.009 acres

C. Property Owner Information

Name: Carroll NC Properties, LLC & Robert Idol Jr.

Complete Mailing Address (Street, City, Zip): PO Box 1549, Boone, NC 28607

Phone Number: 828-264-7539

Email Address: N/A

Preferred Method of Contact for Written/Response Documents (select one): ☐ Mail or ☐ Email

D. Applicant Signature and Property Owner Authorization

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

N/A	N/A	N/A
Property Owner (Print)	**Property Owner (Signature)**	**Date**

Communication: Case PL02977-082019 Caldwell Hospice General Use Zoning Map Amendment- Application (page 3) (Case PL02977-082019

Official Use Only				
Permit Name: Caldwell Hospice – Gen Use Zoning Map Amendment				
Permit Number: PL02977-082019				
Date:	Fee:	Receipt Number:	Method of Payment: ☐ Cash ☐ Check Number:_____	Paid By:

Official Use Only - Hearing/Decision Information

Public Hearing Meeting Date: September 23, 2019

PC Meeting Date: September 23, 2019

TC Meeting Date: October 17, 2019

Date of APO Mailed Notification: _____

Date of Posted Notification: _____

Request Approved: ❑ Yes ❑ No If yes, date request sent to GIS: _____

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Communication: Case PL02977-082019 Caldwell Hospice General Use Zoning Map Amendment- Application (page 3) (Case PL02977-082019

STAFF REPORT
PUBLIC HEARING
SEPTEMBER 23, 2019
CASE PL02977-082019 CALDWELL HOSPICE- GENERAL USE ZONING MAP AMENDMENT

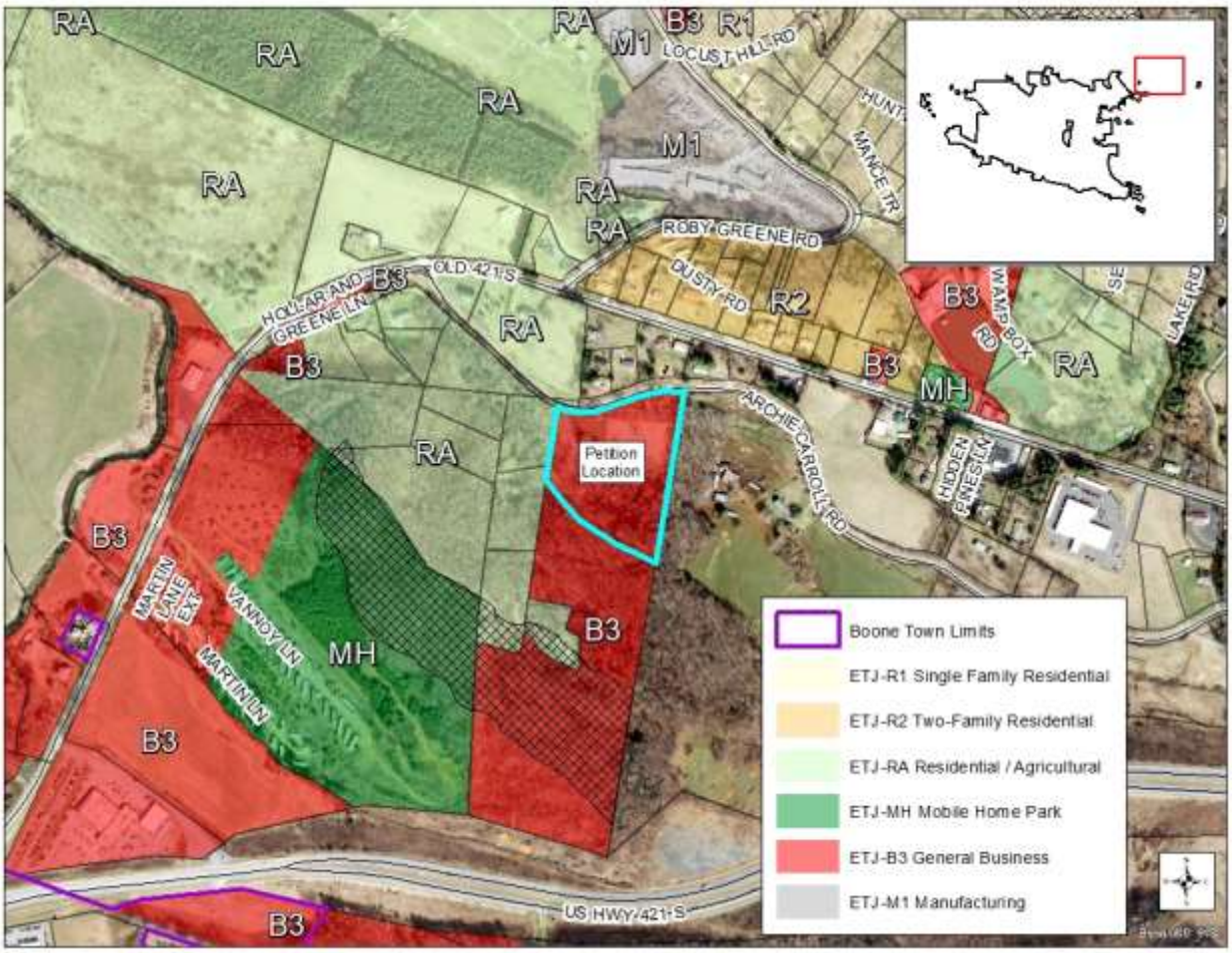
Request

The Town of Boone has initiated a General Use Zoning Map Amendment to zone property (10.009 acres) owned by Carroll NC Properties, LLC & Robert Idol Jr. and Caldwell Hospice and Palliative Care, Inc. O/I Office Institutional. Zoning is to coincide with the property owner's voluntary annexation of the property. These properties are located off of Archie Carrol Road.

History

1-10-2017:	Town of Boone lost authority to exercise powers of extraterritorial jurisdiction. Note: Prior to January 2017, the property was located in the Town of Boone's extra-territorial jurisdiction (ETJ) and was zoned B3 General Business. See map on next page.
08-15-2019	Council was presented with a completed Annexation Petition. Council approved the first step of the annexation process and adopted a resolution fixing a date for a public hearing on October 17, 2019 and directed Staff to send the case on to the September Public Hearing to consider zoning the property O/I Office Institutional.

Communication: Case PL02977-082019 Caldwell Hospice General Use Zoning Map Amendment- Staff Report (page 5) (Case PL02977-082019



Parcel Information

Address:	N/A (Shed on property listed as 375 Old 421 South)
Watauga County PIN:	2921-52-6451-000
Property Owner:	Carroll NC Properties, LLC & Robert Idol Jr. (grantor) Caldwell Hospice and Palliative Care, Inc. (grantee)
Total Lot size:	10.009 acres
Jurisdiction:	Watauga County
Access:	Archie Carroll Road (NCDOT)
SFHA:	No
Watershed District:	No
Corridor District:	No
NCD:	No
Viewshed:	No
Utilities:	If annexed, will request Town water and sewer

Communication: Case PL02977-082019 Caldwell Hospice General Use Zoning Map Amendment- Staff Report (page 5) (Case PL02977-082019

Current Zoning: Not zoned

Proposed Zoning: O/I Office Institutional

Current Use: Vacant except for shed

Zoning & Use of Adjacent Properties		
	Zoning	**Land Use (according to tax records)**
North	Not zoned (Watauga County Jurisdiction)	Single-family dwellings
East	Not zoned (Watauga County Jurisdiction)	Single-family dwelling, agriculture
South	Not zoned (Watauga County Jurisdiction)	Single-family dwelling, vacant
West	Not zoned (Watauga County Jurisdiction)	Single-family dwelling, vacant

Planning Staff Analysis

Zoning District Descriptions:

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

Use Analysis:

UDO Article 15, Section 15.07 contains the Table of Principal Uses which should be read in conjunction with the definition of terms set forth in UDO Article 34.

15.07 Table of Principal Uses

Use #	Specific Use	OI	Reference
1.0 Household Living			
1.01	Single-Family Dwelling		
1.02	Manufactured Home “Class A”		15.08
1.03	Manufactured Home “Class B”		15.08
1.04	Manufactured Home “Class C”		
1.05	Manufactured Home Park		15.09
1.06	Duplex (one duplex building per lot)		
1.07	Duplex (more than one duplex building per lot)		15.10
1.08	Townhouse (up to 30 bedrooms)		15.10
1.09	Townhouse (31-100 bedrooms)		15.10
1.10	Townhouse (> 100 bedrooms)		15.10
1.11	Multi-Family Dwelling (up to 30 bedrooms)		15.10
1.12	Multi-Family Dwelling (31-100 bedrooms)		15.10
1.13	Multi-Family Dwelling (> 100 bedrooms)		15.10
1.14	Multi-Family Dwelling in Mixed Use (up to 30 bedrooms)		15.11
1.15	Multi-Family Dwelling in Mixed Use (31-100 bedrooms)		15.11

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Use #	Specific Use	OI	Reference
1.16	Multi-Family Dwelling in Mixed Use (> 100 bedrooms)		15.11
2.0 Group Living			
2.01	Family Care Home		15.13
2.02	Family Care Institutions	L[T125]	15.14
2.03	Halfway House, Category 1	L	15.14
2.04	Halfway House, Category 2	L[T125]	15.14
2.05	Nursing Care Home	L	15.14
2.06	Nursing Care Institution	L[T125]	15.14
2.07	Skilled Nursing Facility	L[T300]	15.14
2.08	Retirement Community, Category 1	L	15.15
2.09	Retirement Community, Category 2	L[T125]	15.15
2.13	Fraternity or Sorority Dwelling		15.16
2.14	Boarding House		15.17
3.0 Transient Living			
3.01	Home for Survivors of Domestic Violence	L	15.18
3.02	Shelter for Homeless, Category 1	L[T50]	15.19
3.03	Shelter for Homeless, Category 2	L[T300]	15.19
3.04	Bed and Breakfast, Category 1		15.20
3.05	Bed and Breakfast, Category 2		15.20
3.06	Vacation Rental		15.21
3.07	Motel		
3.08	Hotel		
4.0 Institutional			
4.01	Airport/Landing Strip		15.22
4.02	Heliport		15.22
4.03	Funeral Home Establishment	P	
4.04	Cemetery	P	
4.05	Post Office	P	
4.06	Post Office, Distribution		
4.07	Animal Sanctuary		
5.0 Government Uses			
5.01	Government Cultural Facility	P	
5.02	Government Neighborhood Cultural Facility, Indoor Activity Only	P	
5.03	Government Neighborhood Cultural Facility, Includes Outdoor Activity	P	
5.04	Recreation Facility, Category 1	P	
5.05	Recreation Facility, Category 2	P	
5.06	Recreation Facility, Category 3	P[T50]	
5.07	Event Venue, Category 1	P	
5.08	Event Venue, Category 2	P	
5.09	Event Venue, Category 3	P[T50]	
5.10	Landfill		
5.11	Solid Waste Processing		

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Use #	Specific Use	OI	Reference
5.12	Police Substation	P	
5.13	Utility Facility, Town	L	15.23
5.14	Utility Facility, Government, Neighborhood	L	15.23
5.15	Utility Facility, Government, Regional	L[T300]	15.23
5.16	Government Facility	P	
6.0 Non-Government Utility Facility			
6.01	Utility Facility, Neighborhood	L	15.23
6.02	Utility Facility, Regional	L[T300]	15.23
7.0 Telecommunications			
7.01	Antenna Collocation on Existing Wireless Support Structure not requiring additional accessory equipment	P	
7.02	Antenna Collocation on Existing Wireless Support Structure requiring additional accessory equipment	L	15.24
7.03	Building Mounted Antenna not requiring additional accessory equipment	L	15.24
7.04	Building Mounted Antenna requiring additional accessory equipment	L	15.24
7.05	Antenna Collocation on Electrical Transmission Towers		15.24
7.06	Other Antenna	L	15.24
7.07	Wireless Support Structure which meets district height requirements	L	15.24
7.08	Stealth Wireless Facility which exceeds district height requirements	L	15.24
7.09	Wireless Support Structure which does not meet district height requirements up to and including 120’	S	15.24
7.10	Other Tower that exceeds 120’ in height		15.24
7.11	Emergency Response Communication Antenna	P	
8.0 Assembly			
8.01	Religious Assembly, Category 1	P	
8.02	Religious Assembly, Category 2	P[T75]	
8.03	Religious Assembly, Category 3		
8.04	Club/Lodge, Category 1		
8.05	Club/Lodge Which Does Not Serve Alcohol		
9.0 Education			
9.01	Public colleges and universities		
9.02	Private colleges and universities		
9.03	Trade school		
9.04	High school		
9.05	Elementary school		
9.06	Boarding school		
9.07	College- or university-operated community enterprise		15.70
10.0 Daycare			
10.01	Child Daycare, Large		15.25
10.02	Child Daycare Center	L	15.25
10.03	Adult Daycare, Large		15.25
10.04	Adult Daycare Center	L	15.25
10.05	All Other Daycare	CD	

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Use #	Specific Use	OI	Reference
11.0 General Sales and Service			
11.01	Kennel		15.26
11.02	Veterinary Office/Hospital with Outdoor Kennels	L T125	15.26
11.03	Veterinary Office/Hospital without Outdoor Kennels	P	
11.04	Financial Institution ≤ 5,000 ft²	P	
11.05	Financial Institution > 5,000 ft²	P	
11.06	Restaurant ≤ 2,500 ft² open to the public during 10 pm – 6 am	P T75	
11.07	Other Restaurants ≤ 2,500 ft²	P	
11.08	Restaurant > 2,500 ft² open to the public during 10 pm – 6 am	P T200	
11.09	Other Restaurants > 2,500 ft²	P T125	
11.10	Restaurant ≤ 3,500 ft² open to the public during 10 pm-6 am		
11.11	Other Restaurants ≤ 3,500 ft²		
11.12	Bar		
11.13	ABC Store		
11.14	Personal Service Establishment open to the public during 10 pm – 6 am	P T75	
11.15	Other Personal Service Establishments	P	
11.16	Retail Store up to 5,000 ft²	P	
11.17	Retail Store more than 5,000 but less than 25,000 ft²		
11.18	Retail Store 25,000 ft² and greater		15.27
11.19	Reserved		
11.20	Business or Professional Office open to the public during 10 pm–6 am	P T75	
11.21	Other Business or Professional Office	P	
11.22	Medical Office, Category 1	P T300	
11.23	Medical Office, Category 2	P T125	
11.24	Medical Office, Category 3	P T125	
11.25	Medical Office, Category 4	P	
11.26	Hospital	P T300	
11.27	Medical Emergency Response	P T300	
11.28	Open Air Market, Recurring	L T50	15.29
11.29	Vehicle Sales and Service		15.30
11.30	Equipment Sales and Service		15.31
11.31	Moped Sales and Service		
11.32	Boat or Marine Craft Sales and Service		15.32
11.33	Impound Lot/Towing Service		15.33
11.34	Gas Station		
11.35	Car Wash		
11.36	Seasonal Retail Activities and Amusements	P	
12.0 Recreation and Entertainment Uses			
12.01	Indoor Shooting Range		15.34
12.02	Outdoor Shooting Range		
12.03	Indoor Theater		
12.04	Outdoor Theater		

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Use #	Specific Use	OI	Reference
12.05	Event Venue, Category 1		
12.06	Event Venue, Category 2		
12.07	Event Venue, Category 3		
12.08	Campground and Recreational Vehicle Park		15.35
12.09	Coliseum		
12.10	Recreation Facility, Category 1	P	
12.11	Recreation Facility, Category 2	P T50	
12.12	Recreation Facility, Category 3		
12.13	Racetrack		
13.0 Agriculture			
13.01	Garden, Community	L	15.36
13.02	Garden, Residential	L	15.37
13.03	Agricultural Operation Excluding Livestock		
13.04	Agricultural Operation Including Livestock		
13.05	Swine Farm		
13.06	Confined Animal Feeding Operation (CAFO)		
13.07	Custom Slaughterhouse		
13.08	Other Slaughterhouse		
13.09	Forestry	L	15.38
14.0 Manufacturing			
14.01	Microbrewery		15.39
14.02	Brewpub		15.39
14.03	Brewery/Distillery		15.40
14.04	Brewery/Distillery, Other		15.41
14.05	Winery Associated with a Vineyard		15.42
14.06	Winery		15.42
14.07	Winery, Other		
14.08	Extraction of Earth Materials		
14.09	Machine/Welding Shop		15.44
14.10	Manufacturing, Other		15.45
15.0 Parking			
15.01	Parking Lot	L	15.46
15.02	Parking Structure	L	15.47
15.03	Park and Ride Lots	L	15.46
16.0 Storage			
16.01	Self-Storage Facilities		15.48
16.02	Outdoor Storage		15.49
16.03	Warehouse		
16.04	Fuel Storage Facility		
16.05	Chemical Storage Facility		
17.0 Transportation			
17.01	Passenger Terminals		

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Use #	Specific Use	OI	Reference
17.02	Trucking or freight terminal ≤ 10,000 ft^2		
17.03	Trucking or freight terminal > 10,000 ft^2		
18.0 Waste Related Uses			
18.01	Recycling Drop-off Station		15.49
18.02	Recycling and Salvage		15.49
18.03	Junkyard		
18.04	Private Landfill		
19.0 Particular Activities Which Pose Particular Concerns About Public Health			
19.01	Electronic and Internet Gaming		15.50
19.02	Adult Establishments		15.51

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15.07.01 Table of Accessory Uses

Use #	Accessory Use	OI	Reference
A-1	Secondary suite	L	15.52
A-2	Home occupation	L	15.53
A-3	Accessory dwelling unit	L	15.54
A-4	Drive-through	L	15.55
A-5	Outdoor display	L	15.56
A-6	Outdoor storage		15.57
A-7	Outdoor dining	L	15.58
A-8	Automated teller machine (ATM)	P	
A-9	Automated teller machine (ATM), freestanding	L	15.59
A-10	Produce stand		15.60
A-11	Poultry	L	15.61
A-12	Livestock, small	L	15.62
A-13	Livestock, large		15.63
A-14	Bees	L	15.64
A-15	Garden, residential	L	15.65
A-16	Satellite receiving antennas less than 1 meter in diameter	P	
A-17	Satellite receiving antennas less than 2 meters in diameter	P	
A-18	Satellite receiving antennas 2 meters and greater in diameter	S	
A-19	Helistop	S^{T300}	
A-20	Swimming pools, spas, and hot tubs	L	15.66
A-21	Caretaker's residence	L	15.67
A-22	Vehicular gate	L	15.68
A-23	Vehicle washing station	P	
A-24	Chemical storage facility		
A-25	Open air market, accessory	L	15.29
A-26	Daycare, small	P	

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15.07.02 Table of Temporary Uses

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

Intensity/Density Regulations:

Excerpt from UDO Article 16, Subsection 16.01.02 Intensity Table.

Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	Minimum Livability Space Ratio* (LSR)	Minimum Setbacks	
					Street	Interior
OI	10,000 sq. ft.	100 ft.	80 ft.	.27	20 ft.	17 ft.

Building Height:

Excerpt from UDO Article 16, Subsection16.08.02

Zone	Height Limitation (Feet)
OI	4 stories/67’

General Use Zoning Map Amendment Guidance

Pursuant to UDO Subsection 9.07.01, in deciding whether to adopt a proposed amendment to the UDO, the central issue before the Council is whether the proposed amendment advances the public health, safety, or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the Mayor and be excluded. In particular, when considering proposed general use map amendments, the Council shall not consider any representations made by the petitioner that if the change is granted the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Council shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification. The Council shall only consider the impact of the proposed change on the public at large.

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2006 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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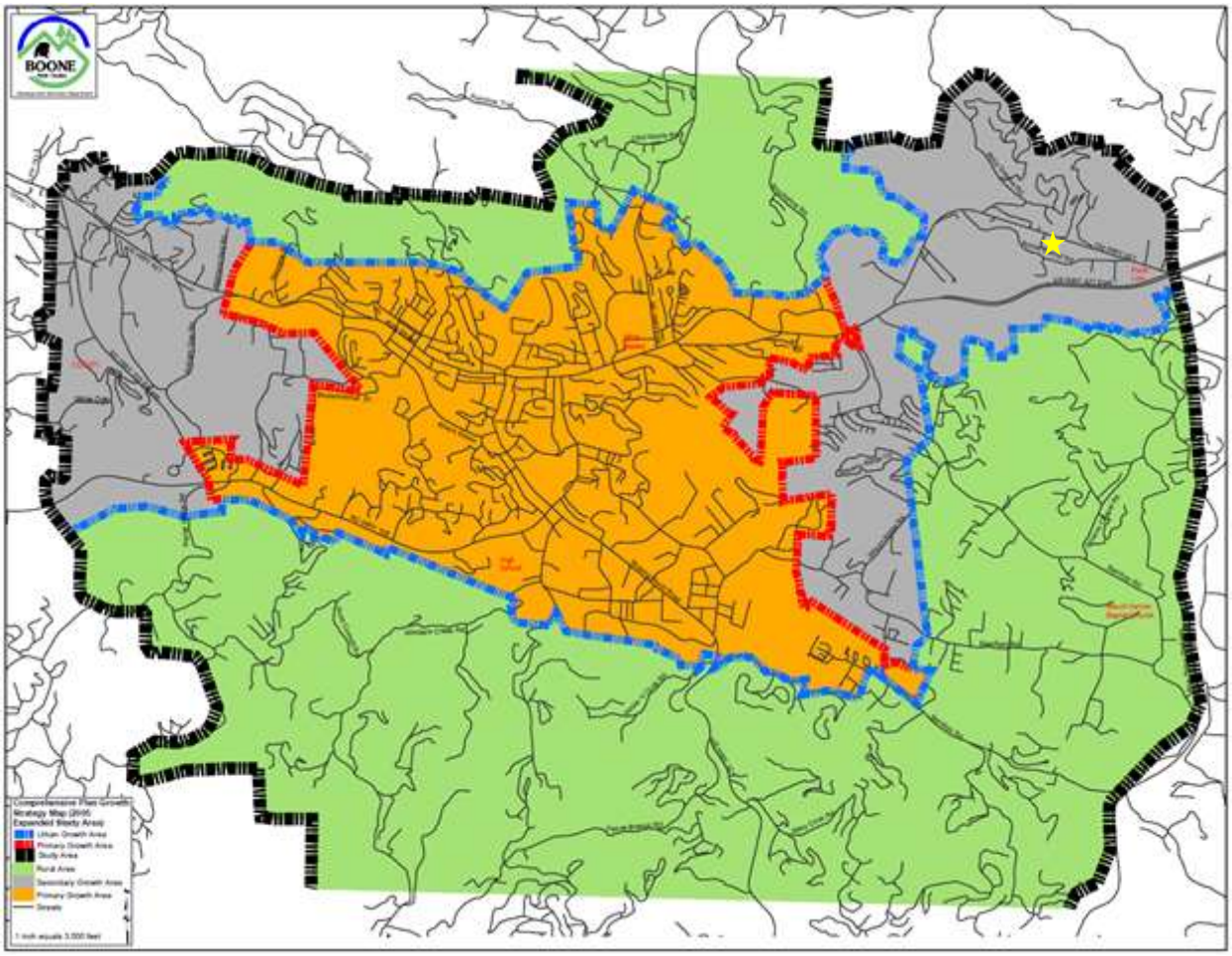
1.2 Growth Strategy Map (p. 17): The property is located within Primary Growth Area. The Primary Growth Area is that portion of the urban growth area where urban level of facilities are already in place or can be provided most cost effectively. This is the area where near term growth and development is to be especially encouraged. See Growth Strategy Map below (approximate location marked with yellow star):



Relevant 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.

Staff has reviewed land use and comprehensive plan policies, and listed those policies which in staff's opinion have a bearing on the request. 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.

2.1 Economy (page 19)

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.

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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.

...

2.2 Infrastructure

2.2.2 Utilities (page 45)

A. Extensions of water and/or sewer services that could result in scattered, non-directed development and costly provision of other urban services shall be prohibited. ******

B. Water and sewer services shall be concentrated within the limits of a geographically defined Urban Growth Area. The Primary Growth Area shall receive first priority for the provision or enhancement of water and sewer services.

C. The Town shall consider the highest level of participation in the cost of providing water and sewer services within the Primary Growth Area with the next highest level of participation considered for the Secondary Growth Area.

D. Water and sewer services shall not be extended to properties in the Rural Area (outside the Urban Growth Area). Exceptions to this policy may include the provision of services to other local governments, cooperative agreements on major economic development initiatives, and extensions needed to address imminent public health problems or related environmental hazards.

Communication: Case PL02977-082019 Caldwell Hospice General Use Zoning Map Amendment- Staff Report (page 5) (Case PL02977-082019

E. The Town shall employ incentives to encourage a concentration of intense urban type development within the Urban Growth Area.

F. Area-wide cooperation and support shall be sought in bringing in alternative utility services to the Boone Area.

G. Long range planning for a possible stormwater collection and treatment system shall be supported, including the development of financial and regulatory strategies.

…

2.3 Community

2.3.2 Community Character (page 67)

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 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.

Communication: Case PL02977-082019 Caldwell Hospice General Use Zoning Map Amendment- Staff Report (page 5) (Case PL02977-082019

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

…

2.3.4 Public Involvement

A. Public involvement shall be encouraged in decisions concerning land use and development by making the public aware of proposed developments at the earliest opportunity, as well as fostering communication among developers, the Town, the County, the University, and the general public.

B. Neighborhood and special area planning shall be encouraged to foster public involvement in the production of closely tailored, action oriented special area plans and programs.

C. Specific functional plans and implementation tools shall be supported as part of the comprehensive planning program for the Town and County.

D. Special committees, advisory panels, educational forums, public workshops, leadership seminars, town meetings and media contacts shall be encouraged and fostered to enhance the effectiveness of citizen involvement in community planning and action.

Certificate of Mailing

I, Brenda Henson, certify that individual notices meeting the requirements of Article 9 of the Town of Boone UDO were placed in the mail (first class) on August 30, 2019.

/s/ Brenda Henson

Brenda Henson, Administrative Support Specialist

Certification of Posting

I, Darrell Pulliam, certify that the subject property was posted as required in Article 9, Subsection 9.03.03(B)(2) of the Town of Boone UDO on September 3, 2019.

/s/Darrell Pulliam

Darrell Pulliam, Building Inspector

Communication: Case PL02977-082019 Caldwell Hospice General Use Zoning Map Amendment- Staff Report (page 5) (Case PL02977-082019

Planning Commission Report

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 map ☐ **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 map 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*]:

Communication: Case PL02977-082019 Caldwell Hospice General Use Zoning Map Amendment- Staff Report (page 5) (Case PL02977-082019

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 map ☐ **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 map 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 Comprehensive Plan (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: Case PL02977-082019 Caldwell Hospice General Use Zoning Map Amendment- Staff Report (page 5) (Case PL02977-082019

General Use Zoning Map Amendment Application

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

A. Required to be Submitted at Time of Application

Notes: It is recommended that applicants schedule a meeting with Planning & Inspections Staff prior to application submittal.

Failure to provide the info required on this application may delay the review and scheduling of the requested hearing.

- ☐ Property Owner Authorization for all property included in the request. See Section D.
- ☐ Deed(s) of all property to be included in the request,
- ☐ Both a digital and a hard copy of a written metes and bound legal description with accompanying survey map for a request that would rezone only a portion of a tax parcel or requests for multiple zoning districts.
- ☐ Permit Fee (See Planning & Inspections Fee Schedule)

  Each application is allowed two (2) reviews. The 1st review of the submitted information and a 2nd review if revisions or supplemental information is required based upon the 1st review. Each subsequent review after the 2nd review will be charged at 50% of the original fees charged for the application. These fees shall be paid at the time of resubmittal.

B. Property Information

Street Address: 804 Poplar Grove Road

Watauga County Parcel Identification Number: 2900-68-2176-000

Existing Zoning District(s): N/A

Proposed Zoning District(s): R1 Single Family

Adjacent Land Uses: N: Religious Assembly E: vacant

S: Vacant/ASU Residence Hall W: Vacant/Daycare

Are there any existing variances or special use permits granted to the property? ☐Yes √ No ☐Unknown

If yes, describe:

Total Land Area: .251 acre

C. Property Owner Information

Name: Robert Chase Glenn and Timothy Dale Glenn

Complete Mailing Address (Street, City, Zip): 804 Poplar Grove Road, Boone, NC 28607

Phone Number: 828-773-0174 & 828-781-0488

Email Address: N/A

Preferred Method of Contact for Written/Response Documents (select one): ☐ Mail or ☐ Email

D. Applicant Signature and Property Owner Authorization

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

N/A	N/A	N/A
Property Owner (Print)	**Property Owner (Signature)**	**Date**

Communication: Case PL03012-082619 Glenn General Use Zoning Map Amendment- Application (page 22) (Case PL03012-082619 Glenn -

Official Use Only				
Permit Name: Glenn – Gen Use Zoning Map Amendment				
Permit Number: PL03012-082619				
Date:	Fee:	Receipt Number:	Method of Payment: ☐ Cash ☐ Check Number:_____	Paid By:

Official Use Only - Hearing/Decision Information

Public Hearing Meeting Date: September 23, 2019

PC Meeting Date: September 23, 2019

TC Meeting Date: October 17, 2019

Date of APO Mailed Notification: _____

Date of Posted Notification: _____

Request Approved: ❑ Yes ❑ No If yes, date request sent to GIS: _____

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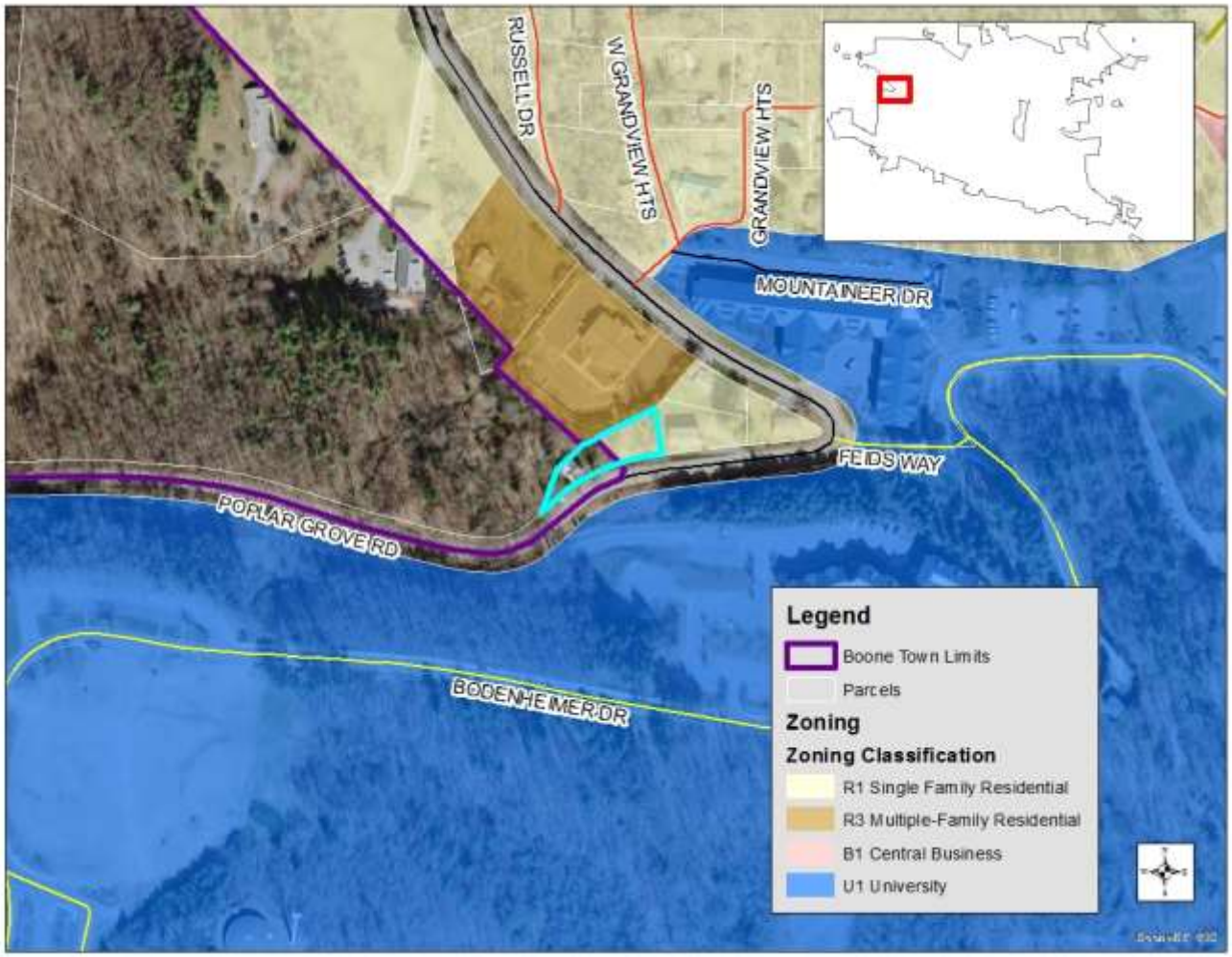
Communication: Case PL03012-082619 Glenn General Use Zoning Map Amendment- Application (page 22) (Case PL03012-082619 Glenn -

STAFF REPORT
PUBLIC HEARING
SEPTEMBER 23, 2019
CASE PL03012-082619 GLENN- GENERAL USE ZONING MAP AMENDMENT



REQUEST

The Town of Boone has initiated the zoning of a .251-acre portion of parcel (Watauga County PIN 2900-68-2176-000) owned by Robert Chase Glenn and Timothy Dale Glenn to R1, Single-Family Residential. Zoning is to coincide with the property owner's voluntary annexation of the property. The property is located at 804 Poplar Grove Road.

HISTORY

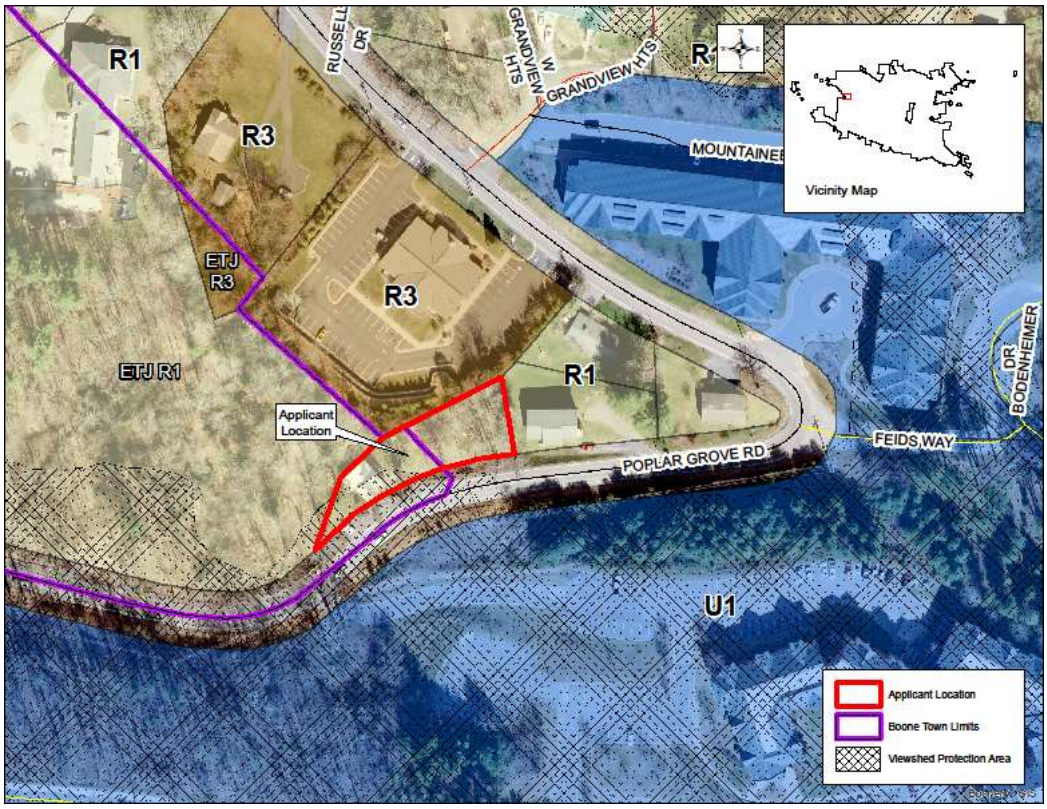
1-10-2017: Town of Boone lost authority to exercise powers of extraterritorial jurisdiction.

Note: Prior to January 2017, the entire parcel (2900-68-2176-000) was zoned R1 Single Family Residential. The majority of the remaining contiguous parcels (2900-58-7299-000), (2900-68-5229-000) were also zoned R1 Single Family Residential. The remaining contiguous parcel (2900-68-2376-000) is zoned R3 Multi Family Residential/Conditional District. See map on next page.

7-02-2019 Mr. Glenn presented his application for service and supporting documentation for hardship connection to the Public Works Department. He was approved for connection. Mr. Glenn was already receiving Town water, but had a private septic system that was failing.

Communication: Case PL03012-082619 Glenn General Use Zoning Map Amendment- Staff Report (page 24) (Case PL03012-082619 Glenn -

08-15-2019 Council was presented with a completed Annexation Petition. Council approved the first step of the annexation process and adopted a resolution fixing a date for a public hearing on October 17, 2019 and directed Staff to send the case on to the September Public Hearing to consider zoning the property R1 Single-Family.



ANALYSIS

Address:	804 Poplar Grove Road
Watauga County PIN:	2900-68-2176-000
Property Owner:	Robert Chase Glenn and Timothy Dale Glenn
Total Lot size:	.41 aces (.251 to be zoned)
Jurisdiction:	Town of Boone/Watauga County
Access:	Poplar Grove Road (NCDOT)
SFHA:	No
Watershed District:	No
Corridor District:	No
NCD:	No
Viewshed:	No
Utilities:	Town water and sewer
Current Zoning:	R1 Single Family for portion in town limits; Not zoned for portion in County
Proposed Zoning:	R1 Single-Family
Current Use:	Single-Family Dwelling

Communication: Case PL03012-082619 Glenn General Use Zoning Map Amendment- Staff Report (page 24) (Case PL03012-082619 Glenn -

Zoning & Use of Adjacent Properties		
	Zoning	**Land Use (according to tax records)**
North	R3 Multi-family Residential	Religious Assembly
East	R1 Single-family Residential	Vacant
South	U1 University	Vacant/Dormitory
West	Watauga County Jurisdiction/R1 Single family Residential	Vacant/Daycare

ZONING ANALYSIS

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ARTICLE 14 ZONING DISTRICTS AND ZONING MAP

…

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

…

ARTICLE 15 DISTRICT USE REQUIREMENTS

…

15.07 Table of Principal Uses

Use #	Specific Use	R1	Reference
1.0 Household Living			
1.01	Single-Family Dwelling	P	
1.02	Manufactured Home “Class A”		15.08
1.03	Manufactured Home “Class B”		15.08
1.04	Manufactured Home “Class C”		
1.05	Manufactured Home Park		15.09
1.06	Duplex (one duplex building per lot)		
1.07	Duplex (more than one duplex building per lot)		15.10
1.08	Townhouse (up to 30 bedrooms)		15.10
1.09	Townhouse (31-100 bedrooms)		15.10
1.10	Townhouse (> 100 bedrooms)		15.10
1.11	Multi-Family Dwelling (up to 30 bedrooms)		15.10
1.12	Multi-Family Dwelling (31-100 bedrooms)		15.10

Communication: Case PL03012-082619 Glenn General Use Zoning Map Amendment- Staff Report (page 24) (Case PL03012-082619 Glenn -

Use #	Specific Use	R1	Reference
1.13	Multi-Family Dwelling (> 100 bedrooms)		15.10
1.14	Multi-Family Dwelling in Mixed Use (up to 30 bedrooms)		15.11
1.15	Multi-Family Dwelling in Mixed Use (31-100 bedrooms)		15.11
1.16	Multi-Family Dwelling in Mixed Use (> 100 bedrooms)		15.11
2.0 Group Living			
2.01	Family Care Home	L	15.13
2.02	Family Care Institutions		15.14
2.03	Halfway House, Category 1		15.14
2.04	Halfway House, Category 2		15.14
2.05	Nursing Care Home	L	15.14
2.06	Nursing Care Institution		15.14
2.07	Skilled Nursing Facility		15.14
2.08	Retirement Community, Category 1		15.15
2.09	Retirement Community, Category 2		15.15
2.13	Fraternity or Sorority Dwelling		15.16
2.14	Boarding House		15.17
3.0 Transient Living			
3.01	Home for Survivors of Domestic Violence	L	15.18
3.02	Shelter for Homeless, Category 1		15.19
3.03	Shelter for Homeless, Category 2		15.19
3.04	Bed and Breakfast, Category 1	S[T50]	15.20
3.05	Bed and Breakfast, Category 2		15.20
3.06	Vacation Rental		15.21
3.07	Motel		
3.08	Hotel		
4.0 Institutional			
4.01	Airport/Landing Strip		15.22
4.02	Heliport		15.22
4.03	Funeral Home Establishment		

Communication: Case PL03012-082619 Glenn General Use Zoning Map Amendment- Staff Report (page 24) (Case PL03012-082619 Glenn -

Use #	Specific Use	R1	Reference
4.04	Cemetery	P	
4.05	Post Office		
4.06	Post Office, Distribution		
4.07	Animal Sanctuary		
5.0 Government Uses			
5.01	Government Cultural Facility		
5.02	Government Neighborhood Cultural Facility, Indoor Activity Only	S	
5.03	Government Neighborhood Cultural Facility, Includes Outdoor Activity		
5.04	Recreation Facility, Category 1		
5.05	Recreation Facility, Category 2	P	
5.06	Recreation Facility, Category 3	S	
5.07	Event Venue, Category 1		
5.08	Event Venue, Category 2		
5.09	Event Venue, Category 3		
5.10	Landfill		
5.11	Solid Waste Processing		
5.12	Police Substation	P	
5.13	Utility Facility, Town	L	15.23
5.14	Utility Facility, Government, Neighborhood	L	15.23
5.15	Utility Facility, Government, Regional		15.23
5.16	Government Facility		
6.0 Non-Government Utility Facility			
6.01	Utility Facility, Neighborhood	L	15.23
6.02	Utility Facility, Regional		15.23
7.0 Telecommunications			
7.01	Antenna Collocation on Existing Wireless Support Structure not requiring additional accessory equipment	P	
7.02	Antenna Collocation on Existing Wireless Support Structure requiring additional accessory equipment	L	15.24
7.03	Building Mounted Antenna not requiring additional accessory equipment	L	15.24
7.04	Building Mounted Antenna requiring additional accessory equipment		15.24

Communication: Case PL03012-082619 Glenn General Use Zoning Map Amendment- Staff Report (page 24) (Case PL03012-082619 Glenn -

Use #	Specific Use	R1	Reference
7.05	Antenna Collocation on Electrical Transmission Towers		15.24
7.06	Other Antenna		15.24
7.07	Wireless Support Structure which meets district height requirements	S	15.24
7.08	Stealth Wireless Facility which exceeds district height requirements	S	15.24
7.09	Wireless Support Structure which does not meet district height requirements up to and including 120'		15.24
7.10	Other Tower that exceeds 120' in height		15.24
7.11	Emergency Response Communication Antenna	P	
8.0 Assembly			
8.01	Religious Assembly, Category 1	P	
8.02	Religious Assembly, Category 2	P[T125]	
8.03	Religious Assembly, Category 3		
8.04	Club/Lodge, Category 1		
8.05	Club/Lodge Which Does Not Serve Alcohol		
9.0 Education			
9.01	Public colleges and universities		
9.02	Private colleges and universities		
9.03	Trade school		
9.04	High school		
9.05	Elementary school		
9.06	Boarding school		
9.07	College- or university-operated community enterprise		15.70
10.0 Daycare			
10.01	Child Daycare, Large		15.25
10.02	Child Daycare Center		15.25
10.03	Adult Daycare, Large		15.25
10.04	Adult Daycare Center		15.25
10.05	All Other Daycare		
11.0 General Sales and Service			
11.01	Kennel		15.26

Communication: Case PL03012-082619 Glenn General Use Zoning Map Amendment- Staff Report (page 24) (Case PL03012-082619 Glenn -

Use #	Specific Use	R1	Reference
11.02	Veterinary Office/Hospital with Outdoor Kennels		15.26
11.03	Veterinary Office/Hospital without Outdoor Kennels		
11.04	Financial Institution ≤ 5,000 ft²		
11.05	Financial Institution > 5,000 ft²		
11.06	Restaurant ≤ 2,500 ft² open to the public during 10 pm – 6 am		
11.07	Other Restaurants ≤ 2,500 ft²		
11.08	Restaurant > 2,500 ft² open to the public during 10 pm – 6 am		
11.09	Other Restaurants > 2,500 ft²		
11.10	Restaurant ≤ 3,500 ft² open to the public during 10 pm-6 am		
11.11	Other Restaurants ≤ 3,500 ft²		
11.12	Bar		
11.13	ABC Store		
11.14	Personal Service Establishment open to the public during 10 pm – 6 am		
11.15	Other Personal Service Establishments		
11.16	Retail Store up to 5,000 ft²		
11.17	Retail Store more than 5,000 but less than 25,000 ft²		
11.18	Retail Store 25,000 ft² and greater		15.27
11.19	Reserved		
11.20	Business or Professional Office open to the public during 10 pm–6 am		
11.21	Other Business or Professional Office		
11.22	Medical Office, Category 1		
11.23	Medical Office, Category 2		
11.24	Medical Office, Category 3		
11.25	Medical Office, Category 4		
11.26	Hospital		
11.27	Medical Emergency Response		
11.28	Open Air Market, Recurring		15.29
11.29	Vehicle Sales and Service		15.30

Communication: Case PL03012-082619 Glenn General Use Zoning Map Amendment- Staff Report (page 24) (Case PL03012-082619 Glenn -

Use #	Specific Use	R1	Reference
11.30	Equipment Sales and Service		15.31
11.31	Moped Sales and Service		
11.32	Boat or Marine Craft Sales and Service		15.32
11.33	Impound Lot/Towing Service		15.33
11.34	Gas Station		
11.35	Car Wash		
11.36	Seasonal Retail Activities and Amusements		
12.0 Recreation and Entertainment Uses			
12.01	Indoor Shooting Range		15.34
12.02	Outdoor Shooting Range		
12.03	Indoor Theater		
12.04	Outdoor Theater		
12.05	Event Venue, Category 1		
12.06	Event Venue, Category 2		
12.07	Event Venue, Category 3		
12.08	Campground and Recreational Vehicle Park		15.35
12.09	Coliseum		
12.10	Recreation Facility, Category 1		
12.11	Recreation Facility, Category 2		
12.12	Recreation Facility, Category 3		
12.13	Racetrack		
13.0 Agriculture			
13.01	Garden, Community	L	15.36
13.02	Garden, Residential	L	15.37
13.03	Agricultural Operation Excluding Livestock		
13.04	Agricultural Operation Including Livestock		
13.05	Swine Farm		
13.06	Confined Animal Feeding Operation (CAFO)		

Communication: Case PL03012-082619 Glenn General Use Zoning Map Amendment- Staff Report (page 24) (Case PL03012-082619 Glenn -

Use #	Specific Use	R1	Reference
13.07	Custom Slaughterhouse		
13.08	Other Slaughterhouse		
13.09	Forestry	L	15.38
14.0 Manufacturing			
14.01	Microbrewery		15.39
14.02	Brewpub		15.39
14.03	Brewery/Distillery		15.40
14.04	Brewery/Distillery, Other		15.41
14.05	Winery Associated with a Vineyard		15.42
14.06	Winery		15.42
14.07	Winery, Other		
14.08	Extraction of Earth Materials		
14.09	Machine/Welding Shop		15.44
14.10	Manufacturing, Other		15.45
15.0 Parking			
15.01	Parking Lot		15.46
15.02	Parking Structure		15.47
15.03	Park and Ride Lots		15.46
16.0 Storage			
16.01	Self-Storage Facilities		15.48
16.02	Outdoor Storage		15.49
16.03	Warehouse		
16.04	Fuel Storage Facility		
16.05	Chemical Storage Facility		
17.0 Transportation			
17.01	Passenger Terminals		
17.02	Trucking or freight terminal ≤ 10,000 ft^2		
17.03	Trucking or freight terminal > 10,000 ft^2		
18.0 Waste Related Uses			

Communication: Case PL03012-082619 Glenn General Use Zoning Map Amendment- Staff Report (page 24) (Case PL03012-082619 Glenn -

Use #	Specific Use	R1	Reference
18.01	Recycling Drop-off Station		15.49
18.02	Recycling and Salvage		15.49
18.03	Junkyard		
18.04	Private Landfill		
19.0 Particular Activities Which Pose Particular Concerns About Public Health			
19.01	Electronic and Internet Gaming		15.50
19.02	Adult Establishments		15.51

15.07.01 Table of Accessory Uses

Use #	Accessory Use	R1	OI	Reference
A-1	Secondary suite	L	L	15.52
A-2	Home occupation	L	L	15.53
A-3	Accessory dwelling unit		L	15.54
A-4	Drive-through		L	15.55
A-5	Outdoor display		L	15.56
A-6	Outdoor storage			15.57
A-7	Outdoor dining		L	15.58
A-8	Automated teller machine (ATM)		P	
A-9	Automated teller machine (ATM), freestanding		L	15.59
A-10	Produce stand			15.60
A-11	Poultry	L	L	15.61
A-12	Livestock, small	L	L	15.62
A-13	Livestock, large			15.63
A-14	Bees	L	L	15.64
A-15	Garden, residential	L	L	15.65
A-16	Satellite receiving antennas less than 1 meter in diameter	P	P	
A-17	Satellite receiving antennas less than 2 meters in diameter		P	
A-18	Satellite receiving antennas 2 meters and greater in diameter		S	
A-19	Helistop		S^{T300}	
A-20	Swimming pools, spas, and hot tubs	L	L	15.66
A-21	Caretaker's residence		L	15.67
A-22	Vehicular gate	L	L	15.68
A-23	Vehicle washing station		P	
A-24	Chemical storage facility			
A-25	Open air market, accessory	L	L	15.29
A-26	Daycare, small	P	P	

Communication: Case PL03012-082619 Glenn General Use Zoning Map Amendment- Staff Report (page 24) (Case PL03012-082619 Glenn -

15.07.02 Table of Temporary Uses

Use #	Temporary Use	R1	OI	Reference
T-1	Temporary care provider dwelling		L	15.69
T-2	Temporary construction or repair dwelling	L	L	15.69
T-3	Temporary construction trailer	L	L	15.69
T-4	Temporary mobile medical unit			15.69
T-5	Temporary classroom		L	15.69
T-6	Temporary portable storage containers	L	L	15.69
T-7	Temporary staging		L	15.69
T-8	Temporary non-fixed site event venue		L	15.69
T-9	Carrier on wheels (cow)	L	L	15.69
T-10	Yard sales	L	L	15.69
T-11	Itinerant merchant/peddler	L	L	15.69
T-12	Open air market, temporary		L	15.69
T-13	Temporary Use 9.01 Public Colleges and Universities		L	15.69

ARTICLE 16 DISTRICT STANDARDS

…

16.01 Schedule of Land Use Intensity Regulations

…**16.01.02** Intensity Table

Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	Minimum Livability Space Ratio* (LSR)	Minimum Setbacks	
					Street	Interior
Residential Zoning Districts						
R1	8,000 sq. ft.	70 ft.	56 ft.	.53	20 ft.	14 ft.

…

16.08 Building Height

…

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

Zone	Height Limitation
R1, R1A, RR, R2, R4, RA	3 stories/40'; accessory structures may not exceed 25'

…

General Use Zoning Map Amendment Guidance

Pursuant to UDO Subsection 9.07.01, in deciding whether to adopt a proposed amendment to the UDO, the central issue before the Council is whether the proposed amendment advances the public health, safety, or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be

Communication: Case PL03012-082619 Glenn General Use Zoning Map Amendment- Staff Report (page 24) (Case PL03012-082619 Glenn -

declared irrelevant by the Mayor and be excluded. In particular, when considering proposed general use map amendments, the Council shall not consider any representations made by the petitioner that if the change is granted the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Council shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification. The Council shall only consider the impact of the proposed change on the public at large.

2006 Comprehensive Plan Analysis

1.1 OVERALL OBJECTIVES FOR THE BOONE COMPREHENSIVE PLAN

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.

Communication: Case PL03012-082619 Glenn General Use Zoning Map Amendment- Staff Report (page 24) (Case PL03012-082619 Glenn -

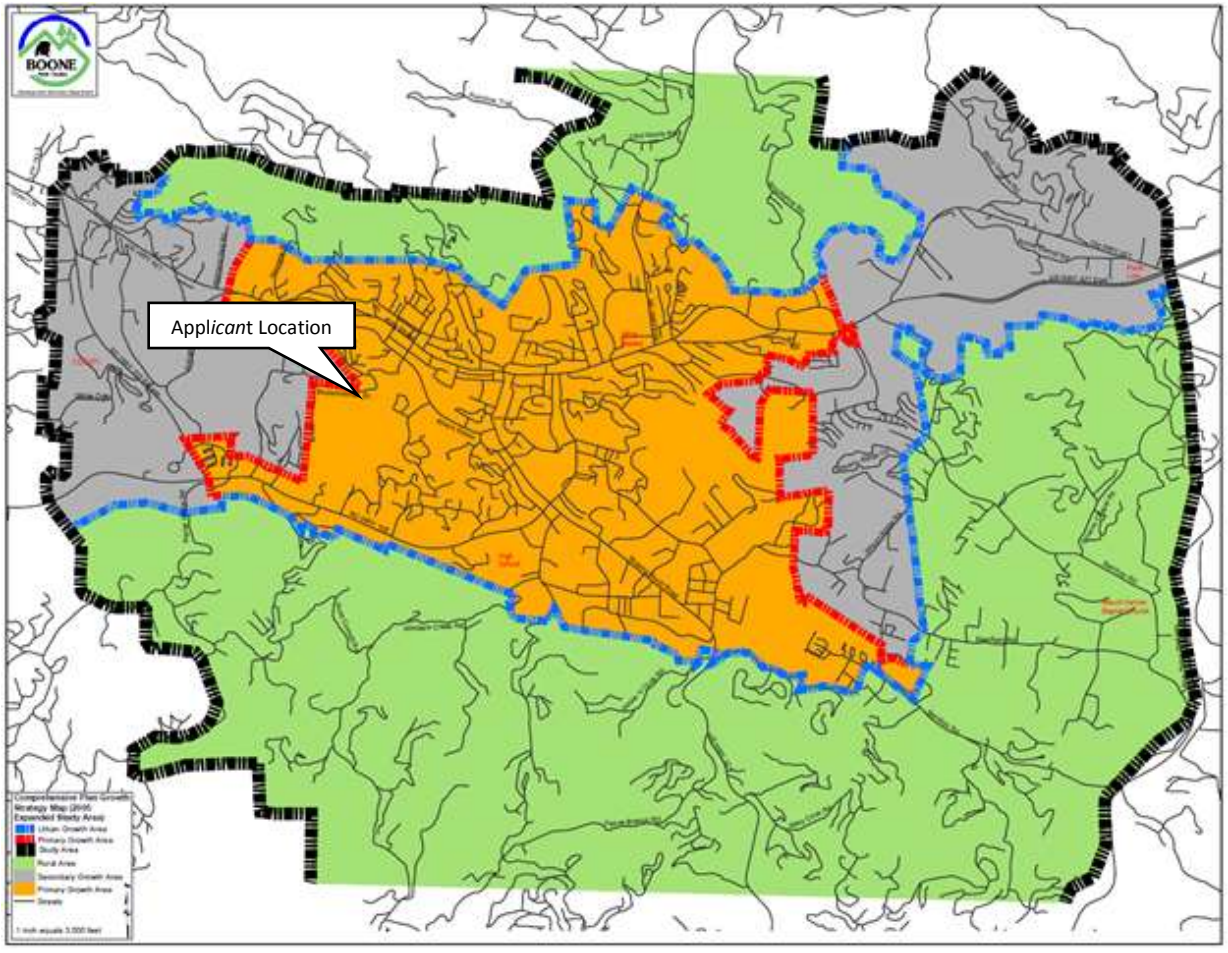
Neighborhoods: Ensure the livability of neighborhoods, especially through land use and traffic planning.

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

1.2 GROWTH STRATEGY MAP

The annexation area is located within the **Rural Area**. The Rural Area is that portion of the planning study area that is influenced by urban area growth forces, but within which urban level development should be strongly discouraged. Urban level services and associated development densities should not be planned for this area, except in case by case evaluations of major economic development projects.

The portion of the property located within the corporate limits (2901-81-9730-000) is located within the **Primary Growth Area**. The Primary Growth Area is that portion of the urban growth area where urban level or facilities are already in place or can be provided most cost effectively. This is the area where near term growth and development is to be especially encouraged. See Growth Strategy Map:



Staff has reviewed land use and comprehensive plan policies, and listed those policies which in staff's opinion have a bearing on the request. 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.

2.1 Economy

2.1.1 Economic Development

Communication: Case PL03012-082619 Glenn General Use Zoning Map Amendment- Staff Report (page 24) (Case PL03012-082619 Glenn -

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.

...

2.2 Infrastructure

2.2.2 Utilities

A. Extensions of water and/or sewer services that could result in scattered, non-directed development and costly provision of other urban services shall be prohibited. ******

B. Water and sewer services shall be concentrated within the limits of a geographically defined Urban Growth Area. The Primary Growth Area shall receive first priority for the provision or enhancement of water and sewer services.

C. The Town shall consider the highest level of participation in the cost of providing water and sewer services within the Primary Growth Area with the next highest level of participation considered for the Secondary Growth Area.

D. Water and sewer services shall not be extended to properties in the Rural Area (outside the Urban Growth Area). Exceptions to this policy may include the provision of services to other local governments, cooperative agreements on major economic development initiatives, and extensions needed to address imminent public health problems or related environmental hazards.

E. The Town shall employ incentives to encourage a concentration of intense urban type development within the Urban Growth Area.

Communication: Case PL03012-082619 Glenn General Use Zoning Map Amendment- Staff Report (page 24) (Case PL03012-082619 Glenn -

F. Area-wide cooperation and support shall be sought in bringing in alternative utility services to the Boone Area.

G. Long range planning for a possible stormwater collection and treatment system shall be supported, including the development of financial and regulatory strategies.

…

2.3 Community

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 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.

Communication: Case PL03012-082619 Glenn General Use Zoning Map Amendment- Staff Report (page 24) (Case PL03012-082619 Glenn -

Certificate of Mailing

I, Brenda Henson, certify that individual notices meeting the requirements of Article 9 of the Town of Boone UDO were placed in the mail (first class) on September 3, 2019.

/s/ Brenda Henson

Brenda Henson, Administrative Support Specialist

Certification of Posting

I, Darrell Pullium, certify that the subject property was posted as required in Article 9, Subsection 9.03.03(B)(2) of the Town of Boone UDO on September 3, 2019.

/s/ Darrell Pulliam

Darrell Pulliam, Building Inspector

PLANNING BOARD REPORT

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 map ☐**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 map 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*]:

Communication: Case PL03012-082619 Glenn General Use Zoning Map Amendment- Staff Report (page 24) (Case PL03012-082619 Glenn -

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 map ☐**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 map 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 Comprehensive Plan (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: Case PL03012-082619 Glenn General Use Zoning Map Amendment- Staff Report (page 24) (Case PL03012-082619 Glenn -

UDO Text Amendment Application

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

A. Contact Information

Applicant: Town of Boone Company:

Address: PO Drawer 192, Boone, NC 28607

Phone Number: 828-268-6960 Email Address:

B. Text Information

Amendment is to:

Article(s): 15, 17, 23

Section(s): 15.10, 17.08, 23.08

Brief Description of Amendment (Attach Proposed Text):

Revise UDO Articles 15, 17 & 23 to limit when an applicant can utilize fee-in-lieu for sidewalks

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	06-05-19
Applicant (Print)	**Applicant Signature**	**Date**

Official Use Only

Permit Name:
Sidewalk Fee in Lieu – UDO Text Amendment

Permit Number:
PL02634-060519

Date:	Fee:	Receipt Number:	Method of Payment:	Paid By:
June 5, 2019	NA	NA	☐ Cash ☐ Check Number:____	NA

Official Use Only - Hearing/Decision Information

Public Hearing Meeting Date: September 23, 2019

PC Meeting Date:

TC Meeting Date:

Text Approved: ❑ Yes ❑ No If yes, date entered into UDO:

S:\FORMS\PI_Forms_Current\Planning Forms\UDOTextAmendApp_06172019.doc

Communication: Case PL02634-060519 Sidewalk Fee-In-Lieu - Application (page 41) (Case PL02634-060519 Sidewalk Fee-in-lieu - UDO Text

STAFF REPORT
PUBLIC HEARING
SEPTEMBER 23, 2019
CASE PL02634-060519 SIDEWALK FEE-IN-LIEU – UDO TEXT AMENDMENT

Request

Currently applicant's with development projects who meet the criteria set forth in UDO Section 23.08.01 are required to install sidewalks as part of their development. In some cases, an applicant may choose to pay a fee-in-lieu to the Town rather than installing the required sidewalk(s). The proposed modification would further limit the circumstances that would allow an applicant to pay a fee-in-lieu.

Proposed Ordinance Amendment

ORDINANCE #_____

AN ORDINANCE TO REVISE ARTICLE 23 OF THE TOWN OF BOONE UNIFIED DEVELOPMENT ORDINANCE RELATING TO SIDEWALK CONSTRUCTION FEE-IN-LIEU

WHEREAS, the Town Council recognizes and finds that there is significant public interest and benefit in encouraging the build-out of the Town of Boone's sidewalk infrastructure;

WHEREAS, the Town Council believes and finds it in the public interest to require sidewalk construction for new development to the greatest extent reasonably feasible;

WHEREAS, it is in the public interest for the Town to collect the actual cost of its sidewalk construction, which it has not in fact done for years;

WHEREAS, in light of the foregoing, the Town Council deems it in the interest of the Town to limit the fee-in-lieu alternative to sidewalk construction to those rare cases in which building sidewalk is, on balance, not in the public interest because of site-specific circumstances;

WHEREAS, the Boone Town Council is authorized to enact this Ordinance pursuant to its zoning authority under G.S. Chapter 160A, Article 19;

WHEREAS, this proposed UDO text amendment was duly noticed for public hearing; a public hearing was held with respect to the proposed amendment on September 23, 2019; and the Boone Planning Commission has had an opportunity to submit a written report to the Boone Town Council with respect to the proposed amendment;

NOW THEREFORE, BE IT ORDAINED BY THE BOONE TOWN COUNCIL THAT:

SECTION 1. The following subsections of the Boone UDO are hereby amended as follows, with deletions and additions shown in ~~red~~ and blue respectively:

****

23.08 Pedestrian Circulation and Sidewalk Requirements

23.08.01 When Sidewalks Must Be Constructed: Sidewalks shall be required for:

A. All new major subdivisions;

B. All new multi-family residential development;

C. All new office, institutional, commercial and industrial development;

Communication: Case PL02634-060519 Sidewalk Fee-In-Lieu Staff Report (page 42) (Case PL02634-060519 Sidewalk Fee-in-lieu - UDO Text

23.08.02 Sidewalks along any public street shall require the dedication of a permanent easement for public use to the Town of Boone.

23.08.03 **Design Requirements**.

A. Sidewalks shall be required along the entire length of any portions of public streets which abut the development parcel.

B. Sidewalks will be constructed in accordance with the Roadway & Sidewalk Program Handbook for the Town of Boone.

1. Any deviation from the requirements must be approved by the ~~Public Works Director~~Administrator.

    a. Deviations may only be allowed when strict compliance with the Roadway & Sidewalk Program Handbook is ~~impractical~~ not reasonably possible due to topography or ~~because there exists~~other site conditions beyond the applicant's control and not of the applicant's making.

C. Whenever curb and gutter construction is used on public streets, wheelchair ramps shall be provided at intersections and other major points of pedestrian flow. Sidewalks, wheelchair ramps, and depressed curbs shall be constructed in accordance with the published standards of the North Carolina Building Code, Volume I-C, Accessibility.

D. In all multi-family residential development, sidewalks shall be provided linking dwelling units with other dwelling units, the public street, and on-site activity centers such as parking areas, laundry facilities, and recreational facilities.

23.08.04 **Alternative Methods for Pedestrian Circulation**: When an alternative method of public pedestrian circulation has been identified in a duly adopted governmental alternative transportation plan or other duly adopted plan, or where a proposed public greenway will connect to an existing greenway or a~~public~~ planned greenway that is expected with reasonable certainty to be constructed within the next several years, the permit issuing authority may allow the installation of a public greenway instead of sidewalks. The following provisions shall apply for the approval of alternative methods for the provision of pedestrian circulation:

A. The applicant with written authorization from the property owner shall submit a written request for an alternative method for pedestrian circulation to the permit issuing authority.

1. The request shall specify the method proposed as a substitute for sidewalk installation.

2. A site plan depicting the location and dimensions of the alternative method of pedestrian circulation and any other information deemed necessary by the Administrator shall be included with the request.

Communication: Case PL02634-060519 Sidewalk Fee-In-Lieu Staff Report (page 42) (Case PL02634-060519 Sidewalk Fee-in-lieu - UDO Text

B. All alternative methods will be constructed to meet Town of Boone standards and will require the dedication of an assignable permanent easement to the Town of Boone.

23.08.05 Fee-in-Lieu of Constructing Sidewalks

A. An applicant may not seek a variance to avoid building a sidewalk required under this section. An applicant may seek approval to pay a fee in lieu of construction as specified herein.

B. ~~Except for development along~~Fee-in-lieu may never be permitted on a Primary Sidewalk Priority Route where there is contiguous sidewalk infrastructure in place (as shown on the Sidewalk Priorities Plan duly adopted by the Town~~), when an applicant is required to construct a sidewalk,~~).

~~A.~~**C.** Except as specified in the immediately preceding subsection (B), the applicant may in lieu of ~~such~~ construct ing a particular section of sidewalk ~~ion~~ deposit funds into a sidewalk fund maintained by the Town of Boone in the following limited circumstances:~~.~~

1. ~~Fee-in-lieu is not an option when existing sidewalks are removed during the course of construction; in this case sidewalks must be replaced.~~ The Administrator finds, based upon clear and convincing evidence, that the building of a particular section of sidewalk is ~~either~~technically ~~impracticalor~~ undesirable as the result of one or more of the following site-specific factors: (i) ~~unique to that development site. These might include, for example,~~ a ~~n extremely~~ steep slope or other site-specific factors making the ~~building or~~ use of that section of~~e~~ sidewalk impractical or dangerous to the public;~~,~~ or (ii) the certainty or likelihood of damage resulting to sensitive habitat, natural watercourses, or mature trees, where such damage ~~that~~ is not justified by ~~the~~ a countervailing public interest in the addition of that particular area of sidewalk. In addition, the Administrator must find that there is no reasonable alternative manner of building that particular section of sidewalk (such as changing its location) that would avoid the problems posed by the identified site-specific factors.

~~**B.** Procedures for Payment of Fee in Lieu~~

~~2. The applicant, with written authorization from the property owner, shall submit a written notification to the Administrator of the applicant's intent to pay a fee in lieu of construction.~~

~~3.~~2. The applicant shall pay the fee-in-lieu prior to the issuance of a Certificate of Occupancy. The fee shall be a fixed amount per linear foot as per the Town's currently adopted fee schedule~~based on the rate calculated and published on a quarterly basis by the Town~~. The applicable fee shall be determined by the rate in effect on the date the ~~development plan is approved~~fee is paid.

Communication: Case PL02634-060519 Sidewalk Fee-In-Lieu Staff Report (page 42) (Case PL02634-060519 Sidewalk Fee-in-lieu - UDO Text

3. All funds collected in lieu of construction shall be in addition to all other sidewalk funding and shall be placed in a separate account to be used only for costs associated with new sidewalk construction as shown on the Sidewalk Priorities Plan duly adopted by the Town.

****

15.10.03 Each new multi-family development shall meet the following standards:

*** * * *** ~~C. The fee-in-lieu provisions contained in Section 23.08.05 shall not apply. All required sidewalks shall be installed.~~

****

17.08.03 **Sidewalks** [Wellness District Requirements]

A. Sidewalks meeting the requirements of UDO Section 23.08 are required along the entire length of any abutting street.

~~**B.** The fee-in-lieu provisions contained in Section 23.08.05 shall not apply.~~

SECTION 2: This Ordinance shall be effective upon the date it is adopted by Town Council.

Conformity to Adopted Plans

COMPREHENSIVE PLAN UPDATE

1.1 Overall Objectives for the Boone Comprehensive Plan:

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.

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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.

Communication: Case PL02634-060519 Sidewalk Fee-In-Lieu Staff Report (page 42) (Case PL02634-060519 Sidewalk Fee-in-lieu - UDO Text

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.

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.

Communication: Case PL02634-060519 Sidewalk Fee-In-Lieu Staff Report (page 42) (Case PL02634-060519 Sidewalk Fee-in-lieu - UDO Text

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.

2.2 INFRASTRUCTURE

2.2.1 Transportation

A. Street patterns shall be designed so as to define the limits of the neighborhood, accentuate focal points and interesting vistas, allow convenient circulation within the neighborhood and provide multiple, alternative outlets from the area to adjoining neighborhoods and /or major streets. Particular attention shall be given to avoid designs that provide convenient "cut-through" traffic opportunities.

B. Planned systems of pedestrian ways, bikeways, greenways, and similar facilities shall be encouraged as energy efficient and environmentally sound transportation alternatives. Site planning that incorporates secure bicycle storage at places of living, working or schooling, shopping, and gathering shall be required, where appropriate.

C. The Boone Thoroughfare Plan shall be employed to promote a hierarchical, functional road network and to promote the proper arrangement of land patterns by controlling the location of streets and roads.

D. Properly designed major street intersections containing right and left turn bays shall be encouraged where crosswalks and pedestrian traffic do not have first priority.

E. Sufficient right-of-way along new roadways and at major intersections shall be acquired to allow future facility expansion.

F. A program of improvements and maintenance to maximize the use of existing streets shall be employed as a cost effective means of meeting area transportation needs, provided that such improvements shall not destroy the livability of a residential or commercial area for the sole purpose of moving greater traffic volumes.

G. The operational success of the area's mass transit system shall be enhanced through the encouragement of compact, transit sensitive development patterns. Site planning that incorporates transit stops and convenience clusters shall be required, where appropriate.

H. Policies that have the effect of reducing automobile dependency, use and congestion in the heart of the urban area shall be supported.

Communication: Case PL02634-060519 Sidewalk Fee-In-Lieu Staff Report (page 42) (Case PL02634-060519 Sidewalk Fee-in-lieu - UDO Text

I. Driveway cuts along major streets and roads shall be limited to allow these streets to serve primarily as safe traffic movement corridors or, alternatively, to maximize curb frontage for on-street parking.

J. Private roads serving multiple uses shall be discouraged in new developments, except where public performance standards can be met, and when provisions for continued maintenance are assured.

K. The Town shall encourage the development and use of park and ride lots at the edge of town when and where demand warrants.

L. All future road construction within the Town shall be examined for bike and pedestrian feasibility. Wherever possible, compatible bike lanes and pedestrian walkways shall be implemented in conjunction with accompanying road construction.

M. Continued improvement and appropriate expansion of regional air facilities shall be encouraged and supported.

2.3 The Community

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.

Communication: Case PL02634-060519 Sidewalk Fee-In-Lieu Staff Report (page 42) (Case PL02634-060519 Sidewalk Fee-in-lieu - UDO Text

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*]:

Communication: Case PL02634-060519 Sidewalk Fee-In-Lieu Staff Report (page 42) (Case PL02634-060519 Sidewalk Fee-in-lieu - UDO Text

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: Case PL02634-060519 Sidewalk Fee-In-Lieu Staff Report (page 42) (Case PL02634-060519 Sidewalk Fee-in-lieu - UDO Text

UDO Text Amendment Application

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

A. Contact Information

Applicant: Town of Boone Company:

Address: PO Drawer 192, Boone, NC 28607

Phone Number: 828-268-6960 Email Address:

B. Text Information

Amendment is to:

Article(s): 14, 15, 16, 24, 27, 31, 34

Section(s): 14.01, 15.07, 15.14, 15.15, 16.01, 16.08, 24.01, 24.08, 27.01, 31.04, 34.01

Brief Description of Amendment (Attach Proposed Text):

Amend UDO to create a new zoning district and standards to address the need for housing for those 55+ in age.

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	September 9, 2019
Applicant (Print)	**Applicant Signature**	**Date**

Official Use Only

Permit Name: 55+ Housing – UDO Text Amendment				
Permit Number: PL03076-090919				
Date: 9/9/2019	Fee: NA	Receipt Number: NA	Method of Payment: ☐ Cash ☐ Check Number:____	Paid By: NA

Official Use Only - Hearing/Decision Information

Public Hearing Meeting Date: September 23, 2019

PC Meeting Date:

TC Meeting Date:

Text Approved: ❑ Yes ❑ No If yes, date entered into UDO:

S:\FORMS\PI_Forms_Current\Planning Forms\UDOTextAmendApp_06172019.doc

Communication: Case PL03076-090919 55+ Housing- Application (page 51) (Case PL03076-090919 55+ Housing - UDO Text Amendment)

STAFF REPORT
PUBLIC HEARING
SEPTEMBER 23, 2019
CASE PL03076-090919 55+ HOUSING – UDO TEXT AMENDMENT

Request

In August 2019, Town Council directed Staff to draft text to create a new zoning district and standards to address the need for housing for those who are 55+ in age, hereafter referred to as "55+ housing".

In doing so, Staff evaluated all existing residential zoning districts and has created a new "R5 55+ Housing Residential Zoning District". Staff also evaluated current Town of Boone Unified Development Ordinance (UDO) standards that have an impact on housing for those who are 55+ in age and have reorganized the uses based on the level of care provided with each use. New use categories include:

1. Adult Living Community
2. Residential Care Facility

Proposed Ordinance Amendment

ORDINANCE #_____

AN ORDINANCE TO REVISE ARTICLE 4 OF THE TOWN OF BOONE UNIFIED DEVELOPMENT ORDINANCE RELATING TO MODIFICATION OF PERMITS

WHEREAS, Boone's population is multi-generational, with a growing segment of the population 55 years in age and older (55+) who need suitable housing accommodations to meet their varying lifestyles and needs.

WHEREAS, age-integrated (55+) housing within the Town of Boone allows our aging population to stay close to their community and families.

WHEREAS, 55+ housing when properly located near services, shopping, support networks and transportation is beneficial to the general welfare and health of seniors and the public.

WHEREAS, 55+ housing can support a variety of housing styles from single-family dwelling unit to multi-family developments to accommodate degrees of affordability and independence.

WHEREAS, the Town of Boone Comprehensive Plan Update Policy 2.2.3(H) states 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.

WHEREAS, the Boone Town Council is authorized to enact this Ordinance pursuant to its zoning authority under G.S. Chapter 160A, Article 19;

WHEREAS, this proposed UDO text amendment was duly noticed for public hearing; a public hearing was held with respect to the proposed amendment on September 23 2019; and the Boone Planning Commission has had an opportunity to submit a written report to the Boone Town Council with respect to the proposed amendment;

NOW THEREFORE, BE IT ORDAINED BY THE BOONE TOWN COUNCIL THAT:

SECTION 1. The following sections of the Boone UDO are hereby amended as follows, with deletions and additions shown in red and blue respectively:

Communication: Case PL03076-090919 55+ Housing - Staff Report (page 52) (Case PL03076-090919 55+ Housing - UDO Text Amendment)

Article 34 Definitions

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Adult Living Community

An age-restricted planned residential development, with or without mixed uses, consisting of a building or group of buildings specifically designed for independent living for persons who are fifty-five years of age or older (55+). Residents may be offered a variety of housing choices with shared common areas, from detached single-homes on a single lot to multi-family dwellings. Services may be provided and may include food service, social service and referral consultation, housekeeping assistance and central laundry. No licensed professional medical care or related service are directly provided by on-site staff.

Residential Care Facility

A residential facility for the elderly, chronically ill, infirm or incurable persons that provides rooms, meals and personal care assistance, and that may provide on-site health care, medical supervision and therapies at a lower level than that available in a hospital. The term includes assisted living residences as defined at G.S. 131D-2.1 of the North Carolina General Statues, nursing homes, and skilled nursing facilities.

~~**Multi-Family Residences for the Elderly**~~

~~Multi-family dwellings for which the United States Department of Housing and Urban Development has determined that the housing is specifically designed for and occupied by elderly persons under a Federal, State or local government program, or is occupied solely by persons who are sixty-two or older (62+) or it houses at least one (1) person who is fifty-five or older (55+) in at least eighty percent (80%) of the occupied units, and adheres to a policy that demonstrates intent to house persons who are fifty-five or older (55+).~~

~~**Nursing Care Home**~~

~~A dwelling maintained for the purpose of providing nursing care and medical supervision for elderly, chronically ill, infirm, or incurable persons, at a lower level than that available in a hospital to not more than six (6) persons plus resident caregivers.~~

~~**Nursing Care Institution**~~

~~An institutional facility, other than a Skilled Nursing Facility, maintained for the purpose of providing nursing care and medical supervision for elderly, chronically ill, infirm, or incurable persons, at a lower level than that available in a hospital to more than six (6) persons plus resident caregivers.~~

~~**Skilled Nursing Facility**~~

~~A facility meeting the definition and licensed pursuant to §1819 of the Social Security Act, containing any number or residents.~~

…

Article 14 Zoning Districts and Zoning Map

14.01 Residential Districts Established

Communication: Case PL03076-090919 55+ Housing - Staff Report (page 52) (Case PL03076-090919 55+ Housing - UDO Text Amendment)

14.01.01 Each of these districts is designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.

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

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

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

A. The majority of the housing stock in the district shall have been constructed before the Town adopted zoning regulations; and

B. The area must qualify under U.S. Department of Housing and Urban Development standards as a blighted area; and

C. The district must be a designated target area for which public money has been appropriated for the purpose of rehabilitating housing stock for low and moderate income persons. All existing nonconforming uses and uses with nonconforming structures, within the Residential Rehabilitation District, shall comply with Article 7 Nonconformities.

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

Communication: Case PL03076-090919 55+ Housing - Staff Report (page 52) (Case PL03076-090919 55+ Housing - UDO Text Amendment)

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

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

14.01.08 The R5 55+ Housing Residential District is established to provide a medium to high density area consisting of residential housing for persons who are 55+. The regulations for this district are designed and intended to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.

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

Communication: Case PL03076-090919 55+ Housing - Staff Report (page 52) (Case PL03076-090919 55+ Housing - UDO Text Amendment)

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

Communication: Case PL03076-090919 55+ Housing - Staff Report (page 52) (Case PL03076-090919 55+ Housing - UDO Text Amendment)

Article 15 District Use Requirements

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Table 15.07 Table of Principal Uses

Use #	Specific Use	Zoning Districts: Low Density Residential				Medium to High Density Residential					Commercial/Industrial					Education				Reference
		RA	R1	R1A	RR	R2	R4	MH	R3	R5	OI	B1	B2	B3	M1	U1	E1	E2	E3	
1.0 Household Living																				
1.01	Single-Family Dwelling	P	P	P	P	P	P													
1.02	Manufactured Home "Class A"	L			L	L	L	L												15.08
1.03	Manufactured Home "Class B"	L						L												15.08
1.04	Manufactured Home "Class C"																			
1.05	Manufactured Home Park							L												15.09
1.06	Duplex (one duplex building per lot)	P				P	P		P											
1.07	Duplex (more than one duplex building per lot)								L											15.10
1.08	Townhouse (up to 30 bedrooms)						L^{T50}		L^{T50}											15.10
1.09	Townhouse (31-100 bedrooms)						L^{T50}		L^{T75}											15.10
1.10	Townhouse (> 100 bedrooms)						L^{T75}		L^{125}											15.10
1.11	Multi-Family Dwelling (up to 30 bedrooms)								L^{T125}											15.10
1.12	Multi-Family Dwelling (31-100 bedrooms)								L^{T200}											15.10
1.13	Multi-Family Dwelling (> 100 bedrooms)								L^{T300}											15.10
1.14	Multi-Family Dwelling in Mixed Use (up to 30 bedrooms)											L	L T75	L						15.11
1.15	Multi-Family Dwelling in Mixed Use (31-100 bedrooms)											L^{T125}		L^{T125}						15.11
1.16	Multi-Family Dwelling in Mixed Use (> 100 bedrooms)											L^{T125}		L^{T200}						15.11
1.17	Adult Living Community								L^{T300}	L^{T300}				L^{T300}						

Communication: Case PL03076-090919 55+ Housing - Staff Report (page 52) (Case PL03076-090919 55+

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	R5	OI	B1	B2	B3	M1	U1	E1	E2	E3	
2.0 Group Living																				
2.01	Family Care Home	L	L	L	L	L	L		L											15.13
2.02	Family Care Institutions										L[T125]									15.14
2.03	Halfway House, Category 1										L									15.14
2.04	Halfway House, Category 2										L[T125]									15.14
~~2.05~~	~~Nursing Care Home~~	~~L~~	~~L~~	~~L~~		~~L~~	~~L~~		~~L~~		~~L~~			~~L~~						~~15.14~~
~~2.06~~	~~Nursing Care Institution~~										~~L[T125]~~			~~L[T125]~~						~~15.14~~
~~2.07~~	~~Skilled Nursing Facility~~										~~L[T300]~~			~~L[T300]~~						~~15.14~~
~~2.08~~	~~Retirement Community, Category 1~~	~~L~~				~~L~~	~~L~~		~~L~~		~~L~~									~~15.15~~
~~2.09~~	~~Retirement Community, Category 2~~								~~L[T200]~~		~~L[T125]~~									~~15.15~~
2.05	Residential Care Facility								L[T300]	L[T300]	L[T300]			L[T300]						
2.~~13~~06	Fraternity or Sorority Dwelling								S[T300]											15.16
2.~~14~~07	Boarding House								L					L						15.17

...

Communication: Case PL03076-090919 55+ Housing - Staff Report (page 52) (Case PL03076-090919 55+

15.10 1.07 Duplex; 1.08-1.10 Townhouse; 1.11-1.13 Multi-Family Dwelling; 1.14-1.16 Multi-Family Dwelling In Mixed Use (unless specifically excluded)

15.10.01 Applicable standards described in this Section are required for Uses 1.07-1.16 and apply to all of the following:

A. New construction, whether such construction constitutes a new development or an expansion of an existing development;

B. Multi-family dwelling units created by a change in use of a portion or all of an existing development to multi-family use; and

C. Renovation or replacement of a portion or all of an existing multi-family development when the costs of renovation or replacement trigger the requirements of Article 7 for compliance with this Ordinance.

15.10.02 This Section shall not apply to:

A. Multi-family dwelling units in mixed-use building(s) constructed pursuant to and in accordance with the requirements of Section 15.11,

B. Multi-family dwelling units in single use buildings within a mixed use project constructed pursuant to an in accordance with the requirements of Section 15.11, if:

1. The development is approved through a Conditional District, B-1 General Business, B-2 Neighborhood Business, B3 General Business rezoning process; and
2. No phasing of construction is proposed or approved unless:
    a. The commercial portions of the development will be constructed as part of the initial phase; or
    b. All phases approved prior to the construction of the phase in which the commercial portions of the development are completed, together allow the construction of no more than one-third (1/3) the number of multi-family dwelling units which are approved for the development as a whole; or
    c. The applicant provides adequate assurances in the form of financial commitments which will guarantee that all commercial portions of the development will be completed within the approved vesting period. For purposes of this alternative, by example only and not by way of exclusion, an irrevocable letter of credit from an appropriate financial institution in favor of the Town in a sufficient amount to cover 125% of the projected costs of construction, said projection sealed by a North Carolina licensed engineer, is considered such a guarantee.

15.10.03 Each new multi-family development shall meet the following standards:

Communication: Case PL03076-090919 55+ Housing - Staff Report (page 52) (Case PL03076-090919 55+ Housing - UDO Text Amendment)

A. A townhouse style design and a mixture of unit configuration and sizes per development shall be encouraged. No one type of dwelling units, as defined by the number of bedrooms, shall comprise more than 50% of the total units.

B. Parking shall be limited to a maximum of two (2) spaces per unit and a clearly designated parking area for visitors.

1. The square footage of the parking designated for visitors may not exceed ten percent (10%) of the total parking area. A minimum of twenty-five percent (25%) of units shall have a garage or carport.
2. If freestanding, garages and carports shall be architecturally integrated with the development. To the greatest extent practicable, parking shall be located behind or underneath proposed building(s).

C. The fee-in-lieu provisions contained in Section 23.08.05 shall not apply. All required sidewalks shall be installed.

D. A livability space ratio of .50 must be met for the development. Fifty percent (50%) of the required livability space shall be designated to a defined area exclusively for the use of ground floor units. This space must consist of a common yard with accompanying private outdoor space for each ground level unit, or individual yards contiguous with the unit served. Either configuration must provide direct access from all ground floor units. The remaining livability space shall be designated for the use of the development as a whole as recreation space and shall be located so as to provide for direct auditory, visual, and physical access from the dwelling units served.

E. On-site property management or an owners association shall be required.

F. Recreation space

1. A minimum of 5% of the parcel shall be provided as recreation space for residents.
2. In general, required recreation space shall have a least dimension of twenty-five feet (25), an average dimension of fifty feet (50’), and a minimum area of 2,500 square feet. Smaller dimensions are acceptable if:
   a. Less than 2500 square feet of recreation area is required, or
   b. The recreation area is a suitably improved roof area or enclosed floor area, or
   c. The anticipated needs of the residents require smaller facilities, such as tot lots or shuffle board courts, or
3. The dedication of a greenway easement may be used to satisfy the requirements for recreational space.
4. Outdoor recreation area for common use should be located twenty feet (20’) or more from any residential windows at the same general level.
5. Recreation areas shall be maintained in a safe and sanitary manner.

Communication: Case PL03076-090919 55+ Housing - Staff Report (page 52) (Case PL03076-090919 55+ Housing - UDO Text Amendment)

15.10.04 Each residential building shall meet the following standards:

A. The maximum building height shall be three (3) stories of occupied space, and in no case shall the building exceed fifty feet (50') in total height including the roof or the maximum in the particular zoning district, whichever is less.

B. Roof Requirements:

1. If a pitched roof is proposed, the pitched roof area may be used as attic or storage space.
2. If a flat roof is proposed, fifty percent (50%) of the roof area must be used as livability space.

C. The front entrance of each unit on the first floor must be at ground level to the greatest extent practicable.

15.10.05 Each dwelling unit shall meet the following standards:

A. The bedroom to bathroom ratio of each unit within the development shall be limited as follows:

1. Efficiency unit and one (1) bedroom unit: one (1) bathroom.
2. Two (2) bedroom unit: one (1) or two (2) bathrooms, with no less than one bathroom with common access.
3. Three (3) bedroom unit: Two (2) bathrooms with no less than one (1) bathroom with common access.
4. Four (4) or more bedroom unit: Three (3) bathrooms with no less than two (2) bathrooms with common access from a hall.

B. In every unit with two (2) or more bedrooms, a designated master suite must be included and shall be at least twenty-five percent (25%) larger than every other bedroom and not less than 144 square feet excluding closet space.

C. Dedicated storage space of at least fifty square feet (50 ft^2) per unit must be provided for units without garages. Any storage space which is not within or attached to the building containing the units served by the space must be architecturally integrated with the development.

D. Occupancy of each unit shall be limited to (2) two unrelated persons.

(Ord. 20150028, 11-19-2015; Ord. 20160438, 03-16-2017; 20160751, 03-16-2017; Ord. PL01265-011618, 03-22-2018)

15.11 Multi-Family in Mixed Uses

15.11.01 Multi-family residential uses (Use 1.114, 1.115 and 1.116) are allowed in the B1, B2 and B3 zoning districts when the criteria in this Section are met.

Communication: Case PL03076-090919 55+ Housing - Staff Report (page 52) (Case PL03076-090919 55+ Housing - UDO Text Amendment)

A. For purposes of this Section, "commercial" shall include the following issues from Section 15.07 Table of Principal Uses: 3.07 Motel, 3.08 Hotel, 4.03 Funeral Home Establishment, 4.05 Post Office, 5.01 Government Cultural Facility, 5.02-5.03 Government Neighborhood Cultural Facility, 5.04-5.06 Recreation Facility, 5.07-5.09 Event Venue, 5.12 Police Substation, 5.16 Government Facility, 8.0 Assembly, 9.0 Education, 10.02 Child Daycare Center, 10.04 Adult Daycare Center, 10.5 All Other Daycare, 11.0 General Sales and Service, 12.0 Recreation, 14.0 Manufacturing, 16.01 Mini-Storage, 17.0 Transportation, and 19.0 Particular Activities which pose Particular Concerns about Public Health.

B. To the extent this Section conflicts with other Articles of this Ordinance, this Section shall control.

C. "Commercial use" and "street level commercial land use" as referred to in this section 15.11 means only space in a building used or to be used for commercial uses unrelated to the residential use of the building or development. By way of clarification and not as a limitation, the following uses may not be counted as "commercial use": amenities operated entirely or in the main for residents (including but not limited to swimming pools, gyms, etc.); required recreation space; space used to operate and maintain the residential portion of the development, including leasing, management, and/or maintenance-related office space; and/or common areas of the residential units.

1. Notwithstanding the foregoing, only parking spaces located in a single-use parking structure (not containing residential units below or above) may be counted as "street level commercial land use."

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

E. Pedestrian weather protections such as awnings or canopies are encouraged along public streets provided they do not encroach into the roadway. Awnings or canopies which encroach above a public sidewalk shall obtain an encroachment agreement from the Town of Boone.

F. No one type of dwelling units, as defined by the number of bedrooms, shall comprise more than 50% of the total units.

G. The bedroom to bathroom ratio of each unit within the development shall be limited as follows:

1. Efficiency unit and one bedroom unit: one bathroom.
2. Two bedroom unit: one or two bathrooms, with no less than one bathroom with common access.
3. Three bedroom unit: two bathrooms with no less than one bathroom with common access.

Communication: Case PL03076-090919 55+ Housing - Staff Report (page 52) (Case PL03076-090919 55+ Housing - UDO Text Amendment)

4. Four or more bedroom unit: three bathrooms with no less than two bathrooms with common access from a hall.

H. In every unit with two or more bedrooms, a designated master suite must be included and shall be at least 25% larger than every other bedroom and not less than 144 square feet excluding closet space.

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 fifty percent (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.

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 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.

Communication: Case PL03076-090919 55+ Housing - Staff Report (page 52) (Case PL03076-090919 55+ Housing - UDO Text Amendment)

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

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. 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.

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

E. 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, pocket parks, and other pedestrian oriented amenities.

F. Pedestrian weather protection such as awnings or canopies count toward the recreation space requirements found in Section 16.05 of this Ordinance.

G. 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. 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 under street level commercial uses.

    c. 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, pocket parks, and other pedestrian oriented amenities.

Communication: Case PL03076-090919 55+ Housing - Staff Report (page 52) (Case PL03076-090919 55+ Housing - UDO Text Amendment)

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. 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.

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

        v. 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, pocket parks, and other pedestrian oriented amenities.

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:

Communication: Case PL03076-090919 55+ Housing - Staff Report (page 52) (Case PL03076-090919 55+ Housing - UDO Text Amendment)

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. 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.

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

v. 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, pocket parks, and other pedestrian oriented amenities.

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 ¼ 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 development in the B-3 district as provided at Section 15.10.03(F).

(Ord. 20160751, 03-16-2017; Ord. PL01340-022718, 04-26-2018; Ord. PL01817-082318, 04-10-2019)

15.13 Family Care Home

15.13.01 A Family Care Home shall not be located within one-half mile of another Family Care Home.

15.13.02 A Family Care Home shall provide adequate supervision in light of the number and needs of the residents and security concerns for the use.

15.14 Family Care Institution, ~~Nursing Care Home, Nursing Care Institution, Skilled Nursing Facility,~~ Halfway House Category 1, Halfway House Category 2

Communication: Case PL03076-090919 55+ Housing - Staff Report (page 52) (Case PL03076-090919 55+ Housing - UDO Text Amendment)

15.14.01 A Family Care Institution ~~or a Nursing Care Home~~ shall not locate within one-half (.5) mile of any Family Care Home or~~,~~ Family Care Institution~~, or Nursing Care Home~~.

15.14.02 A Family Care Institution, ~~Nursing Care Home, Nursing Care Institution, Skilled Nursing Facility,~~ Halfway House Category 1 and Halfway House Category 2 shall provide adequate supervision in light of the number and needs of the residents and security concerns for the use.

15.14.03 Without limiting the applicability of other Ordinance requirements, a Family Care Institution, ~~Nursing Care Home, Nursing Care Institution, Skilled Nursing Facility,~~ Halfway House Category 1, Halfway House Category 2 are subject to Article 25 Community Appearance Standards as well as Article 31 Landscape Standards.

15.15 ~~**Retirement Community Category 1, Retirement Community Category 2**~~ **Reserved**

~~**15.15.01**~~ ~~Retirement Community Category 1 and Retirement Community Category 2 shall provide adequate supervision in light of the number and needs of the residents and security concerns for the use.~~

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Article 16 District Standards

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16.01.02 Intensity Table

Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	Minimum Livability Space Ratio* (LSR)	Minimum Setbacks	
					Street	Interior
Residential Zoning Districts						
RA No Public Water & Sewer Available	20,000 sq. ft.	100 ft.	80 ft.	.65	20 ft.	18 ft.
RA Public Water Available	15,000 sq. ft.	80 ft.	64 ft.	.65	20 ft.	18 ft.
RA Public Water & Sewer Available	10,000 sq. ft.	65 ft.	52 ft.	.65	20 ft.	14 ft.
R1	8,000 sq. ft.	70 ft.	56 ft.	.53	20 ft.	14 ft.
R1A	8,000 sq. ft.	70 ft.	56 ft.	.53	20 ft.	14 ft.
RR	6,000 sq. ft.	70 ft.	56 ft.	.48	20 ft.	13 ft.
R2	6,000 sq. ft.	70 ft.	56 ft.	.48	20 ft.	13 ft.
R4	6,000 sq. ft.	70 ft.	56 ft.	.48	20 ft.	13 ft.
R3	5,000 sq. ft.	80 ft.	64 ft.	.40	20 ft.	13 ft.

Communication: Case PL03076-090919 55+ Housing - Staff Report (page 52) (Case PL03076-090919 55+ Housing - UDO Text Amendment)

R5	5,000 sq. ft.	70 ft.	56 ft.	.27	20 ft.	17 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 16.06.0
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 16.06.0
E1	5,000 sq. ft.	50 ft.	40 ft.	.27	20 ft.	17 ft.
E2	5,000 sq. ft.	50 ft.	40 ft.	.27	20 ft.	17 ft.
E3	5,000 sq. ft.	50 ft.	40 ft.	.27	20 ft.	17 ft.

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

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16.08 Building Height

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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/40'; accessory structures may not exceed 25'
R3	3 stories/50'
R5	4 stories/56'
MH	35'
OI	4 stories/67'
B1	See Subsection 16.08.04

Communication: Case PL03076-090919 55+ Housing - Staff Report (page 52) (Case PL03076-090919 55+ Housing - UDO Text Amendment)

B2	3 stories/35' (primary) –3 stories/40' (secondary)
B3, E1, E2, E3	3 stories/45' (primary) – 5 stories/67' (secondary)
U1	Refer to Subsection 16.08.09
M1	67'

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

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Article 24 Parking

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Table 24.01 Required Parking By Use:

Residential Land Uses	Minimum Parking Required
A-1 Secondary Suite A-3 Accessory Dwelling Unit T-1 Temporary Care Provider Dwelling T-2 Temporary Construction or Repair Dwelling T-3 Temporary Construction Trailer	1 space
1.01 Single-Family Dwelling 1.02 Manufactured Home "Class A" 1.03 Manufactured Home "Class B" 1.06 Duplex (each unit) 1.07 Duplex (each unit) 1.08-1.10 Townhouse (each unit) 2.01 Family Care Home A-21 Caretaker's Residence	2 spaces
1.05 Manufactured Home Park	2 spaces /Manufactured Home plus, 1 visitors parking space/10 Manufactured Homes, plus 2 spaces for Manufactured Home Park Employees
1.11-1.116 Multi-Family	0.7 space per bedroom
3.01 Home for Survivors of Domestic Violence 3.06 Vacation Rental	3 Spaces

Communication: Case PL03076-090919 55+ Housing - Staff Report (page 52) (Case PL03076-090919 55+ Housing - UDO Text Amendment)

Residential Land Uses	Minimum Parking Required
~~2.08-2.09 Retirement Community~~ ~~2.10-2.12 Residence Hall~~ 1.17 Adult Living Community	1 space/ unit plus 1 visitors parking space/dwelling unit
2.02 Family Care Institutions 2.03-2.04 Halfway House ~~2.05-2.06 Nursing Care~~ ~~2.07 Skilled Nursing Facility~~ 2.05 Residential Care Facility 2.~~13~~06 Fraternity or Sorority Dwelling 3.02-3.03 Shelter for Homeless	1 space/4 beds
2.~~14~~07 Board Housing 3.04-3.05 Bed and Breakfast 3.07 Motel 3.08 Hotel	1.25 space/rentable room, plus 10 per 1000 ft^2 of restaurant/lounge, plus 20 per 1000 ft^2 per meeting/banquet room

Commercial Land Uses	Maximum Parking Allowed
16.01 Mini-Storage A-10 Produce Stand	1 space/1000 ft^2 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 ft^2 GFA
10.0 Daycare 11.34 Gas Station	3 spaces/1000 ft^2 GFA
11.01 Kennel 11.02-11.03 Veterinary Office/Hospital 11.04 & 11.05 Financial Institution 11.13 ABC Store 11.14 - 11.15 Personal Service Establishment 11.16-11.18 Retail Store 11.20 - 11.21 Business or Professional Office 11.22-11.25 Medical Office	5 spaces/1000 ft^2 GFA or outdoor area used for principal use

Communication: Case PL03076-090919 55+ Housing - Staff Report (page 52) (Case PL03076-090919 55+ Housing - UDO Text Amendment)

Commercial Land Uses	Maximum Parking Allowed
11.16 Specialty Medical Facility 11.28 Open Air Market 11.35 Car Wash 12.0 Recreation 18.0 Waste Related Uses 19.0 Particular Activities which Pose Particular...	
11.06 - 11.11 Restaurant	12 spaces/1000 ft^2 GFA
4.03 Funeral Home Establishment	12 spaces/1000 ft^2 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 ft^2 GFA
6.0 Non-Government Utility Facility	3 spaces per facility
7.0 Wireless Communications	1 space per service provider
8.0 Assembly	1 space for every two seats in sanctuaries/chapels plus 3 spaces per 1000 ft^2 for daycares
9.0 Education	5 spaces per classroom
11.29 Vehicle Sales and Service 11.30 Equipment Sales and Service 11.31 Moped Sales and Service 11.32 Boat or Marine Craft Sales and Service	3 spaces/1000 ft^2 GFA, plus 2 spaces/1000 ft^2 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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24.08 Bicycle Parking

Communication: Case PL03076-090919 55+ Housing - Staff Report (page 52) (Case PL03076-090919 55+ Housing - UDO Text Amendment)

24.08.01 The number of bicycle spaces included in the required bicycle parking facilities shall be determined by the following table of uses. Use descriptions are abbreviated and are for descriptive purposes only. Uses listed below are preceded by a number which corresponds to a use category in the Table of Principal Uses, Section 15.07, *supra*, and include all specific uses described in association with that number. In those instances when alternative measures are associated with a particular use, e.g., "2, or 1 per 20 units," the measure providing the higher number of bicycle parking spaces shall be used.

A. When required, the minimum number of bicycle parking spaces for any multi-family or non-residential use is two (2) spaces or one (1) rack.

B. A single "inverted U" bicycle parking rack will count as two bicycle parking spaces.

Table 24.08

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" 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~~ 1
	2.02 Family Care Institutions 2.03-2.04 Halfway House 2.05 Residential Care Facility ~~2.05-2.06 Nursing Care~~ ~~2.07 Skilled Nursing Facility~~		1 space per 5 employees
	2.~~13~~06 Fraternity or Sorority Dwelling	1 space per 20 beds	1 space per 10 beds
	2.~~14~~07 Board Housing	1 space per 20 beds	1 space per 10 beds

Communication: Case PL03076-090919 55+ Housing - Staff Report (page 52) (Case PL03076-090919 55+ Housing - UDO Text Amendment)

Use Type	Specific Use	Short-Term Bicycle Parking Minimum[2]	Long-Term Bicycle Parking Minimum[3]
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 4.03 Funeral Home Establishment 4.05 Post Office 4.06 Post Office, Distribution	TBD	TBD
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 11.12 ABC Store 11.14 - 11.15 Personal Service Establishment 11.16 - 11.18 Retail Store	1 space per 5,000 ft² GLA[4]	1 space per 10,000 ft² GLA[4]

Communication: Case PL03076-090919 55+ Housing - Staff Report (page 52) (Case PL03076-090919 55+ Housing - UDO Text Amendment)

Use Type	Specific Use	Short-Term Bicycle Parking Minimum[2]	Long-Term Bicycle Parking Minimum[3]
	11.28 Open Air Market 11.04 & 11.05 Financial Institution 11.20 - 11.21 Business or Professional Office 11.22-11.25 Medical Office 11.02-11.03 Veterinary Office/Hospital		
	11.06 - 11.11 Restaurant	1 space per 5,000 ft² GLA[4]	1 space per 10,000 ft² GLA[4]
	11.34 Gas Station	-	-
	11.35 Car Wash	-	-
	11.29 Vehicle Sales and Service 11.30 Equipment Sales and Service 11.31 Moped Sales and Service 11.32 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

Communication: Case PL03076-090919 55+ Housing - Staff Report (page 52) (Case PL03076-090919 55+ Housing - UDO Text Amendment)

Use Type	Specific Use	Short-Term Bicycle Parking Minimum[2]	Long-Term Bicycle Parking Minimum[3]
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	-	-
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 ft^2 GFA[6]	1 space per 10,000 ft^2 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	-

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Article 27 Residential Occupancy Control

27.01.01 Except for authorized group living, residential occupancy is limited in the Town's jurisdiction based upon zoning district in accordance with the following table.

Communication: Case PL03076-090919 55+ Housing - Staff Report (page 52) (Case PL03076-090919 55+ Housing - UDO Text Amendment)

Number of Persons	Relationship	RA	R1	R1A	RR	R2	R4	R5	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2
Unlimited	Family	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Up to 2	Unrelated	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Up to 4	Unrelated								P	P				P	P	P		
5+	Unrelated															P		

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Article 31 Landscape Standards

31.04 Screening Land Use Classification

31.04.01 Listed below are the classifications of land uses that will determine the required screening established in Section 31.05, Table of Screening Requirements. The land uses are keyed to the Table of Principal Uses contained in Article 15.

A. Classification I: 1.01 Single-Family Dwelling, 1.02-1.04 Manufactured Homes, 1.05 Manufactured Home Park, 2.01 Family Care Home, 3.01 Home for Survivors of Domestic Violence, 13.01-13.02 Garden

B. Classification II: 1.06-1.07 Duplex, 1.08-110 Townhouse, 1.11-13 Multi-Family Dwelling, 1.14 -1.16 Multi-Family Dwelling in Mixed-Use~~,~~; 1.17 Adult Living Community , 2.02 Family Care Institution, 2.03-2.04 Halfway House, ~~2.05-2.06 Nursing Care Home, 2.07 Skilled Nursing Facility, 2.08-2.09 Retirement Community, 2.10-2.12 Residence Hall, 2.13~~ 2.05 Continuing Care Retirement Facility, 2.06 Assisted Living Facility, 2.06 Fraternity or Sorority Dwelling, 2.~~14~~07 Boarding House, 3.02-3.03 Shelter for Homeless, 3.04-3.05 Bed and Breakfast, 3.06 Vacation Rental, 4.04 Cemetery, 5.01-5.03 Cultural Facility, 5.04-5.05 Recreation Facility, 5.07 Event Venue, 5.12 Police Substation, 5.13-5.15 Utility Facility, 5.16 Government Facility, 6.01-6.02 Utility Facility, 8.01-8.03 Religious Assembly, 9.0 Education, 12.04 Outdoor Theater, 12.07 Event Venue, 12.10-12.11 Recreation Facility

C. Classification III: 3.07 Motel, 3.08 Hotel, 4.01 Airport/Landing Strip, 4.02 Heliport, 4.03 Funeral Home Establishment, 4.05-4.06 Post Office, 5.06 Government Recreation Facility Category 3, 5.08-5.09 Event Venue, 8.04-8.05 Club/Lodge, 10.0 Daycare, 11.0 General Sales and Service,; 12.01 Indoor Shooting Range, 12.03 Indoor Theater, 12.06-12.07 Event Venue; 12.08 Campground and Recreational Vehicle Park, 12.12 Recreation Facility, 13.03-13.04 Agricultural Operation, 13.07 Custom Slaughterhouse, 14.01 Microbrewery, 14.02 Brewpub, 14.03 Brewery/Distillery, 14.05 Winery Associated with a Vineyard, 14.06 Winery, 14.09 Machine/Welding Shop, 15.0 Parking, 16.01 Mini-Storage, 16.02 Outdoor Storage, 16.03 Warehouse, 17.0 Transportation, 18.01Recycling Drop-off Station, 19.0 Particular Activities which pose Particular Concerns about Public Health

Communication: Case PL03076-090919 55+ Housing - Staff Report (page 52) (Case PL03076-090919 55+ Housing - UDO Text Amendment)

D. Classification IV: 4.07 Animal Sanctuary, 5.10 Landfill, 5.11 Solid Waste Processing, 7.0 Telecommunications (excluding 7.01, 7.03, and 7.10), 12.09 Coliseum, 14.08 Extraction of Earth Materials, 14.10 Manufacturing Other, 16.04 Fuel Storage Facility, 18.04 Recycling and Salvage

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SECTION 2: This Ordinance shall be effective upon the date it is adopted by Town Council.

Conformity to Adopted Plans

COMPREHENSIVE PLAN UPDATE

1.1 Overall Objectives for the Boone Comprehensive Plan:

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.

Communication: Case PL03076-090919 55+ Housing - Staff Report (page 52) (Case PL03076-090919 55+ Housing - UDO Text Amendment)

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.

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.

Communication: Case PL03076-090919 55+ Housing - Staff Report (page 52) (Case PL03076-090919 55+ Housing - UDO Text Amendment)

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.

2.3 The Community

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 and 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.

Communication: Case PL03076-090919 55+ Housing - Staff Report (page 52) (Case PL03076-090919 55+ Housing - UDO Text Amendment)

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

2.3.4 Public Involvement

A. Public involvement shall be encouraged in decisions concerning land use and development by making the public aware of proposed developments at the earliest opportunity, as well as fostering communication among developers, the Town, the County, the University, and the general public.

B. Neighborhood and special area planning shall be encouraged to foster public involvement in the production of closely tailored, action oriented special area plans and programs.

C. Specific functional plans and implementation tools shall be supported as part of the comprehensive planning program for the Town and County.

D. Special committees, advisory panels, educational forums, public workshops, leadership seminars, town meetings and media contacts shall be encouraged and fostered to enhance the effectiveness of citizen involvement in community planning and action.

Communication: Case PL03076-090919 55+ Housing - Staff Report (page 52) (Case PL03076-090919 55+ Housing - UDO Text Amendment)

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*]:

Communication: Case PL03076-090919 55+ Housing - Staff Report (page 52) (Case PL03076-090919 55+ Housing - UDO Text 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: Case PL03076-090919 55+ Housing - Staff Report (page 52) (Case PL03076-090919 55+ Housing - UDO Text Amendment)