Town of Boone
Planning Commission
Special Meeting
5:30 PM, Mar. 6, 2017
Council Chambers, 1500 Blowing Rock Road

I. Call to Order

II. Adoption of Agenda

III. Approval of Minutes

November 28, 2016 Public Hearing Minutes

November 28, 2016 Planning Commission Minutes

January 23, 2017 Public Hearing Minutes

January 23, 2017 Planning Commission Minutes

IV. Case 20160751 Modification to UDO Articles 15 & 16

Case 20160751 Application Information

Case 20160751 Staff Report

Case 20160751 UDO Article 15 District Uses UDO Text Modifications

Case 20160751 UDO Article 16 District Standards UDO Text Modifications

Case 20160751 2009 Density Subcommittee Report

V. Case PL00264-021317 Shopping Center Revisions

PL00264 Planning Permit Information

PL00264 Staff Report

VI. Case 20160438 CAC Revisions

20160438 Planning Permit Information

20160438 Staff Report

VII. Case PL00258-020917 Article 24 Parking Revisions

PL00258 Planning Permit Information

PL00258 Staff Report

VIII. Adjournment

PUBLIC HEARING
MEETING MINUTES
MONDAY,
NOVEMBER 28, 2016
5:30 P.M.

COUNCIL MEMBERS:	Mayor Rennie Brantz, Mayor Pro-Tem Lynne Mason, Loretta Clawson, Jeannine Underdown Collins, Jennifer Teague and Charlotte Mizelle
PLANNING COMMISSION MEMBERS:	Chairperson Eric Woolridge, Connor Boyle, Caroline Catoe, Matthew Vincent, Adrian Thompson, Susan McCracken and Kate Hayes
PLANNING STAFF:	Jane Shook-Interim Planning Director, Brian Johnson-Urban Design Specialist and Marlene Crosby-Board Secretary
OTHERS PRESENT:	John Ward, Town Manager and Allison Meade, Town Attorney

Call to Order

Mayor Rennie Brantz called the hearing to order at 5:38 p.m.

Case 20160735 Beverly Heights Ave/VFW Dr. NCD – General Use Zoning Map

At the request of neighbors, the Town of Boone has initiated a General Use Zoning Map Amendment to apply a "Neighborhood Conservation Overlay District" to 35 properties in the neighborhood off of Beverly Heights Avenue and VFW Drive. Neighborhood Conservation District requirements are intended to ensure that rental property owners, managers, and tenants share responsibilities to obey town codes and ordinances adopted to protect property values and to stabilize and maintain a low-density living environment suitable for family life. The establishment of a Neighborhood Conservation District does not change the existing zoning classification of properties within the District, but would impose additional requirements applicable to rental property only. Neighborhood Conservation District requirements can be found in Section 14.09 in the Town's Unified Development Ordinance.

Ms. Jane Shook, Interim Planning Director presented and answered questions on this case. Ms. Shook explained that if a rental property owner lives over 50 miles from Boone, they are required to have a local property manager. She noted that the property manager could be a neighbor or a professional management agency. She also noted that a $5.00 parking sticker is issued to tenants in the Neighborhood Conservation District.

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Council Member Clawson asked about the enforcement of this process. Ms. Shook said that annually the Staff sends out letters to every property owner because from year to year the rental properties could change. Ms. Shook noted that the enforcement is usually done on a complaint basis because it is difficult for Staff to determine if a property is a rental by just driving by a property.

Commission Member McCracken asked if it is allowed for a property to be rezoned in a NCD. Ms. Shook yes it is allowed to propose a rezoning in a NCD.

Commission Member McCracken said in the UDO, the changes are not listed with a notification to the property owner. She asked how the tenants would know that they are living in a NCD. Ms. Shook noted that the conservation districts are online which is searchable by address or on the GIS map or they may contact the Planning and Inspections Department office for this information.

Mayor Brantz asked Ms. Shook how effective these districts have been in the past. Ms. Shook said they have been extremely effective with a dramatic reduction in complaints. She noted that the districts were created to address large occupancy complaints throughout the Town. She also noted that they started out with four and have gone to five districts.

Mayor Pro-Tem Mason asked who is allowed to use a parking permit decal. Ms. Shook said the tenant received the decal.

Mr. John Ward, Town Manager asked if we know the number of rentals in this proposed district. Mr. Shook said it difficult to tell but it could be one or two. Council Member Clawson said she felt there are more.

Ms. Shook further explained that a way to tell if there has been a change is if the tax bill is going to another address.

Mayor Brantz confirmed that there are a total of 35 properties in the proposed district.

Planning Commission Member Boyle asked if all of the 35 property owners on board with the proposed district. Ms. Shook explained that Council received a request from the Beverly Heights neighborhood for this proposed district. Ms. Shook added that the Council felt this request was important enough to move forward with it.

Mr. Ward said that the property owners have been notified by letter regarding this proposed district as well as the adjacent property owners of a possible zoning change. Ms. Shook added

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that notification letters are mailed to property owners within the district and to property owners within 150 feet of the district.

The first speaker was Ms. Cathy LaMarre who lives at 156 Olancha Avenue in the Beverly Heights neighborhood. She is in support of this proposed change. She showed concern for commercial business coming into some vacant land in their R-1 zoned neighborhood. She asked if in the future if the UDO could be enhanced to include more ways to further protect the R-1 neighborhoods. Ms. Shook confirmed that at this time the NCD is just for rental properties. Ms. LaMarre noted that other neighborhoods are starting to speak up to protect their neighborhoods.

The second speaker was Mr. Donald Bates who owns the property at 299 VFW Drive which is part of his parent's estate. He is in support of this proposed district. Mr. Bates asked if the university tenants who are renting the property have a study group at their house does all of the vehicles have to have a parking decal or just the tenants.

The third speaker was Mr. James Pullam who lives at 155 Olancha Avenue. He is in support of the proposed district because he does not want commercial business in his neighborhood.

The fourth speaker was Ms. Joan McLaughlin who lives at 229 VFW Drive. She is in support of the proposed district because she wants to preserve the neighborhood.

The fifth speaker was Mr. Ben Miller who lives at 190 Beverly Heights. He is in support of the proposed district because he wants to preserve the neighborhood.

Mayor Brantz closed the public comment on this case.

Case 20160734: Green Street (R2 to R1A and NCD) – General Use Zoning Map Amendment

At the request of neighbors, the Town of Boone has initiated a General Use Zoning Map Amendment to rezone 22 properties located along Green Street and Old Bristol Road from "R2 Two-Family Residential" to "R1A Single Family with Accessory Apartment" and "Neighborhood Conservation Overlay District (NCD)". Note: Neighborhood Conservation District requirements are intended to ensure that rental property owners, managers, and tenants share responsibilities to obey town codes and ordinances adopted to protect property values and to stabilize and maintain a low-density living environment suitable for family life. The establishment of a Neighborhood Conservation District does not change the existing zoning classification of properties within the District, but would impose additional requirements applicable to rental property only. Neighborhood Conservation District requirements can be found in Section 14.09 in the Town's Unified Development Ordinance.

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Ms. Shook presented and answered questions on this case. Ms. Shook reviewed the request and noted that there is a map on page 17 of the hearing packet.

Ms. Shook pointed out that there were a few parcels that were already zoned R-1A along Green Street but were not in the NCD and they were not included in this request. She requested Council to approve adding those parcels at a future meeting.

Council Member Mizelle asked for Ms. Shook to clarify the difference between the R-2 and the R-1A. Ms. Shook explained the differences which included the changes if this request is approved. It was confirmed that the existing duplexes can be grandfathered in.

Council Member Collins asked about the renovation of the buildings. Ms. Shook said they would have to follow the requirements in UDO Article 7.

Mayor Brantz asked about the rules to add an accessory apartment. Ms. Shook said it would require the change of use process which includes applying for a zoning permit. She further explained that they would have to meet the requirements in the UDO Article 15.54 which includes parking and size limitations and other criteria.

Mayor Pro-Tem Mason asked about the required occupancy between the R2 and the R1-A zoning districts. Ms. Shook said there are no more than two-unrelated allowed in each zoning district. Ms. Shook noted that occupancy violations in these areas led to the proposed change to this zoning map amendment. Mr. Ward confirmed that those occupancy violations have been addressed.

Planning Commission Member McCracken asked about the visitor parking at rental properties. Ms. Shook said that parking stickers are not issued for visitors. Ms. Shook said an investigation is done, if the Staff receives a complaint of a vehicle that has been parked for an extended period of time. Ms. Shook said a violation process is started, if the tenant does not have a parking sticker. Ms. Shook said the tenant is contacted and made aware that they need to purchase a parking sticker to come into compliance with the UDO.

Planning Commission Member McCracken asked Ms. Shook to explain how the determination was made for the UDO to require that the tenant must have a sticker and not the permanent residents. Ms. Shook explained that at the time the UDO language was created; there were a number of occupancy violations in several neighborhoods. Ms. Shook said a sub-committee was

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formed that took about one-year to provide recommendations to create the Neighborhood Conservation Districts. Ms. Shook noted that the problems were not with families but with the unrelated people. Ms. Shook said this is the tool that they used to bring the properties into compliance and maintain compliance in regards to occupancy.

The first speaker was Ms. Diane Blanks who lives at 357 Green Street. Ms. Blanks noted that she is also presenting for Ms. Sally Reynolds who was not able to attend this hearing. Ms. Blanks read a statement from Ms. Reynolds that stated that she is in support of the proposed zoning map amendment request because she feels it will help the neighborhood.

Ms. Blanks said that she circulated a petition among all of the home owner occupied dwellings on her section of Green Street and all of them signed the petition to change the zoning from R2 to R1A. The property owners want to preserve their neighborhood. She further talked about the occupancy issues on Green Street. She noted that the Town of Boone did a study and found that 16 students were living in three homes. Ms. Blanks requested that Council approve the requested rezoning.

The second speaker was Ms. Diane A. Brown who lives at 311 Green Street. She is in support of the proposed zoning change because she does not want to be crowded by university students and noise pollution.

The third speaker was Ms. Janice Koppenhaver who lives at 212 Charles Street. She is in support of the zoning change. She noted that enforcement does work in this district, if the Town Staff knows about it.

The fourth speaker was Mr. Will Hadaway. He is in support of protecting the neighborhood. He was adamantly opposed to his property being rezoned and the NCD change because he feels the regulations are overreaching. He said if there is another way to protect the neighborhood without the overreaching laws he would support it.

Mr. Hadaway talked about having an accessory apartment on his property and how much square footage is allowed for it. Ms. Shook said for an accessory dwelling unit should be clearly subordinate to the dwelling residence where an attached accessory dwelling unit shall not be more than 50 percent more than the floor area ratio of the primary residence and never exceed 800 square feet. The floor area of a detached accessory dwelling may not be more than fifty percent of the floor area ratio of the primary residence and may never exceed 600 square feet.

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The fifth speaker was Ms. Donna Carter who lives 631 Queen Street. She is in support of the proposed zoning request. She and her husband own an accessory apartment and they want to preserve their neighborhood.

Mayor Brantz closed the public comment on this case.

Case 20160566: Farm Bureau – Conditional District Zoning Map Amendment

Hunter Coffey on behalf of Watauga County Farm Bureau Insurance has filed a Planning Permit Application for a Conditional District Zoning Map Amendment to rezone 135 and 169 State Farm Road from B3 General Business and R1 Single-Family Residential to Conditional District B3 General Business subject a site specific development plan for Use 11.19 Other Business or Professional Office.

Ms. Shook said this is a site specific development plan for Farm Bureau Insurance. She introduced Mr. Hunter Coffey from Coffey Architecture to present this case for the applicant.

Mr. Coffey explained the two options that are needed to create the facility that Farm Bureau is proposing at the State Farm Road location.

Mr. Coffey said the parcel that the existing Farm Bureau Insurance building is located on is zoned B3 and the parcel they have acquired is zoned R1. Therefore, the R1 zoned property needs to be rezoned to allow for the proposed new Farm Bureau Insurance building.

Mr. Coffey noted that Farm Bureau Insurance has been at this location since the early 1970's. He also noted that the commercial business and the neighborhood have worked well together all of this time.

Mr. Coffey said the Traffic Analysis noted that after investigating a number of intersections there was no adverse effect on traffic.

Mr. Coffey explained that they have improved the traffic flow by consolidating entrances. He said a copy of the Traffic Analysis Impact Study is available in a digital format.

Mr. Coffey said the scale of the footprint is compatible at 5,300 square feet.

Mr. Coffey said the residential scale and style of the proposed building is not going to look like a commercial building and will have a mountain type look to it.

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Mr. Coffey said the number of required buffer enhancements will be better for the neighborhood. He further noted that this business will operate from 8 a.m. until 5 p.m. for five days a week.

Mr. Coffey noted that State Farm Road is a developing part of the Town and there will be these types of small-business projects being proposed near neighborhoods all over the Town. And he feels this is a positive way to move forward with future development.

Mayor Pro-Tem Mason asked Mr. Coffey if they have met with the neighbors regarding this proposed project to hear any concerns they may have and how they can be addressed. Mr. Coffey said that he and some officials from Farm Bureau Insurance have met with the neighbors to make sure that the neighbors knew what they were proposing. He said that Farm Bureau Insurance had meetings before he was hired as their architect. He said last week they had another meeting with the neighborhood to find out their concerns and he has revised the plans to address their concerns.

Council Member Clawson asked Mr. Coffey if Farm Bureau Insurance knew the parcel was zoned R1 before they acquired it.

Mr. Coffey clarified that Farm Bureau Insurance is asking for the rezoning and approval for this specific project.

Mayor Brantz asked about the two-year vesting for the completion of the project. Ms. Shook said the two-year vesting period is automatic.

Mayor Brantz asked if there was a problem with the applicant submitting information on storm water mitigation. Ms. Shook explained that the detailed information necessary is not required until the zoning permit. She said the applicant does need to demonstrate that they can meet the requirements of the ordinance regarding storm water.

Planning Commission Member McCracken asked the status of the R1 zoned property. It was noted that the R1 property is now vacant.

A person from the audience asked the square footage of the existing and proposed buildings. Mr. Coffey said the R1 house is 1,200 square feet and the proposed Farm Bureau building is 5,300 square feet.

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Planning Commission Chairperson Woolridge asked about the orientation of the building. Mr. Coffey explained that the proposed building is orientated that way because of topography. Mr. Coffey further explained that the upper parking lot is for the clientele and the lower parking lot is for the employees of the business.

Mr. Coffey noted that they will be able to grade the area between the businesses enough to not need a retaining wall.

Planning Commission Member Boyle discussed options for storm water other than underground detention. Mr. Coffey said he would take this information under advisement.

Council Member Collins asked since the house was owned by the Farthings family has it been occupied or has it been vacant for a while. It was noted that the residential house was rented for some time but it is not the intention of Farm Bureau Insurance to rent out this house until the conditional district rezoning process has been completed.

Planning Commission Member Vincent asked about the landscape buffer around the proposed project. Mr. Coffey said the buffer requirement is a 25 foot yard buffer adjacent to a R1. Mr. Coffey said there is a provision for reducing that buffer to 15', if they provide a six-foot high fence. Mr. Coffey said they are planning to put in a fence between the proposed R1 property and the Miller property and along the northern and southern edge of the R1 property. Mr. Coffey said there is a requirement for the trees to be maintained on the proposed property. Mr. Coffey said they would endeavor to do this moving forward. Mr. Coffey noted that they will try very hard to leave the cedars and conifers to add an additional buffer between the properties.

A person from the audience asked what the setback is for the proposed building. Ms. Shook said there is a 20 foot setback and they are up against this setback at one part of their building.

The first speaker was Ms. Joan McLaughlin who lives at 229 VFW Drive. She was not in support of the proposed project at this location. She noted that she has trouble calling the proposed building a small business. She said that she has not reviewed the Traffic Impact Analysis study. She further talked about the difficulty in making a left hand turn into the business, if coming up State Farm Road. She said she was not aware of the neighborhood meetings, therefore, she did not attend any meetings.

The second speaker was Mr. Ben Miller who lives at 190 Beverly Heights Drive. He is not in support of the proposed project at this location.

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The third speaker was Ms. Cathy LaMarre who lives at 156 Olancha Drive. She was not in support of the proposed project having two parking lots. She showed concern regarding the building height.

The fourth speaker was Mr. Denny Norris who is a board member of the Farm Bureau Insurance. He explained why they are proposing two parking lots and a two-story building. He said they are trying to get all the agents and customers on one level and make it a more professional operation.

The fifth speaker was Ms. Judy Miller. She said that when Farm Bureau Insurance bought the R1 property, they knew it was residential.

Ms. Cathy LaMarre made the comment that the neighbors was contacted is not true. Mr. Norris clarified that the direct adjoining neighbors were contacted.

The sixth speaker was Ms. Brenda Farthing from the Farm Bureau Insurance Board of Directors. She said that Mr. Harold Farthing requested before he died for his widow to sell Farm Bureau Insurance the R1 property, if she ever decided to sell it.

The seventh speaker was Mr. Toby Oliver an agent with Farm Bureau Insurance. He said that the office space of the business is maxed out and if they are not allowed to build the proposed building, they will have to sell out and move the business. He said that there is no guarantee a new business will have office hours of 8 a.m. to 5 p.m. and will operate only five days a week.

The eighth speaker was Ms. Sarah Brown who is an employee of Farm Bureau Insurance. She explained that Farm Bureau Insurance chose to use the lower parking lot for the employees. She said the employees seldom leave the building during the day because it is a more difficult to enter and exit the parking lot at that location.

Mayor Brantz closed the public comment on this case.

Mayor Brantz a called for a ten minute recess at 7:00 p.m.

Mayor Brantz reconvened the meeting at 7:17 p.m.

Case 20160736: Wellness District Expansion – General Use Zoning Map Amendment and Case 20160737: Modifications to Article 17 Wellness District Standards – UDO Text Amendment

The Town of Boone has initiated a General Use Zoning Map Amendment to rezone properties located adjacent to or near Birch St, Doctors Dr, Furman Rd, Longvue Dr, and Mary St. as well as

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properties in the same area adjacent to or near portions of State Farm Rd, Deerfield Rd, and Blowing Rock Rd to Wellness District (WD).

Council directed Staff to revise the Wellness District Standards as they were presented at the October 2016 Wellness District Workshop and send the text and associated zoning map amendment to the November Public Hearing. Wellness District Standards were formulated using the language and guidance located within the Wellness District Small Area Plan.

Ms. Shook stated that she would present both of the Cases 20160736 and 20160737 at the same time. She first presented the General Use Zoning Map Amendment information. She noted that this is the same area that is in the Wellness Plan Small Area Plan. She said that currently the College of Health Sciences property is already zoned Wellness District and Council has already have adopted the standards for this district.

Ms. Shook explained that there was a workshop on September 19, 2016 on the proposed Wellness District standards and Council directed the Staff to move forward with a General Use Map Amendment to rezone the area as Wellness District. She pointed out the location of the university property on the map in the Staff report.

Ms. Shook reviewed the modifications of the UDO text amendment. Ms. Shook pointed out that Ms. Allison Meade, Town Attorney has not had the opportunity to review these changes. Ms. Shook noted that there may be additional changes to the UDO text amendment after Ms. Meade has reviewed them.

Ms. Shook went over the proposed changes to Article 17:
Ms. Shook stated that the Staff added the Residential uses and Group Living uses that relate to Residential.

Ms. Shook said there is a new UDO Section, 17.02.04 for multi-family in mixed-use since UDO Section 15.11 dealt only with B1, B2 and B3. Ms. Shook read UDO Section 17.02.04 A-E., WD Supplemental Regulations for Multi-Family in Mixed Uses. Ms. Shook noted a change in E. the occupancy of each residential unit shall be limited to family or to (3) unrelated persons.

Ms. Shook explained the proposed change in UDO Section 17.04.02, A.1. Building Siting: Setbacks. She said this change would help prevent the buildings from being built so close to the sidewalk. She said this change was made as a result of the discussion at the workshop on height requirements.

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Ms. Shook explained the proposed change in the UDO Section 17.05.01 C. Building Materials: She said at the workshop there was discussion on building materials, windows and tinting. Ms. Shook said that the current ordinance requires 25 percent of the façade to be stone or brick. The Staff removed this language at Council's direction, the language has been added back as follows: the primary façade is 35 percent, the secondary façade is 25 percent and there are no other requirements for any other façade.

Ms. Shook pointed out that the original language was to only allow stone. She said during the workshop discussion ensued on brick or stone being allowed as a building material. She noted that the Staff would need clarification moving forward on whether just stone or stone and brick are allowed.

Ms. Shook pointed out a change in UDO Section 17.05.01 (C)(2) Wood as a building finish material is limited to twenty percent of the total façade except for timber-frame. And she read the features that are exempt from this calculation.

Ms. Shook pointed out a change to UDO Section 17.05.01 (C)(4) Tinted glass for windows and doors is allowed as follows: a. Tinted glass on the primary façade shall be limited to no more than 30 percent tint. b. Tinted glass on other facades is not restricted except that spandrel (opaque glass is limited as described in Subsection 17.05.01(C)(4)(c) below. c. Spandrel (opaque) glass is permissible only to hide the structural features between the floors of a building. Ms. Shook said the primary façade is the only one regulated.

Ms. Shook said there was concern for the amount of windows and the limitation of tinting on windows in medical offices or exam rooms.

Mr. Brian Johnson, Urban Design Specialist talked about the questions that came up at the workshop regarding the use of blinds or tinting that would be allowed on the windows. He said currently 30 percent is in the ordinance. He asked the Council how much tinting that they want to allow on windows. Mr. Johnson passed around tinted window samples for review.

It was noted that the spandrel glass would be allowed to hide window features such as at the College of Health Sciences.

Mr. Johnson said there are companies that provide certain kinds of tinting. He said that the energy code requires a certain amount of tinting. He said it begins with the design of the building and the location of the windows in the building. He said the question is do you use blinds or not.

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He said there is a section in the ordinance that does not allow mirrorized or a reflective type of glass on buildings.

Discussion ensued on the spandrel glass. It was noted that this is an opaque window that is used between the floors to hide concrete and pipes on the building.

Discussion ensued on the range of percentage of glass. Mr. Johnson said the lower end of the range was to allow for flexibility for more entry way glass entrances.

Discussion ensued on having a range of percentage of glass. Ms. Shook said this helps to keep from either having a fortress with no windows but would prohibit having a whole glass building.

Planning Commission Chairperson Woolridge said the standard urban design is 60 percent and this is what you want in a pedestrian environment. He talked about creating this type of environment.

Discussion ensued on the windows regarding the first floor of the building. Council Member Mizelle said the OBGYN office is placed on the interior of the building. She noted that a dental type office is placed on the exterior of building because natural light be available to help choose teeth colors.

Ms. Shook talked about Streetscapes Standards. She said due to concerns of buildings being on the back of the sidewalks of tall buildings. She said a change has been made to add a seven and one-half street yard buffer to push the building back further from the street. One row of parking has been added to the front of the building or the use the handicap spaces in the front of the building to help with this concern.

Ms. Shook talked about a change to UDO Section 17.07.02 Vehicular Parking D. 2,3,4 allow for a reduction in parking.

Discussion ensued on parking reductions.

Council Member Teague said that she has a concern for using a transit line to reduce parking without the communication with Appalcart to see if they can maintain it.

Mayor Pro-Tem Mason said she did not think we were at the point to look at reductions in parking in the Wellness District. Council Members Clawson and Collins agreed with Mayor Pro-Tem

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Mason. Council Member Mizelle said she thought that having to walk for a quarter of a mile after leaving the emergency room is not workable.

Ms. Meade noted that the parking minimums only apply to residential uses and multi-family in particular. Ms. Shook said it is in the requests for mixed use buildings is where parking reductions are seem most often.

Discussion ensued on parking and public transit. Planning Commission Member McCracken asked where do you park your car to use the public transit system.

Discussion ensued on parking structures as a principal use and as accessory use.

Ms. Meade clarified the if you are going to have a mixed-use building that has structured parking the parking is going to be at least on the first floor of that building. She said at the same time you want commercial space to give a commercial business affect to the bottom floor that is orientated to the pedestrian.

She said at the very least we could allow parking as part of the parking structure on the first floor as long as there is still other commercial space around the outside. She said otherwise you cannot have a parking structure by definition.

Council Member Clawson asked if there was a minimum for commercial parking. Ms. Shook said what we are currently doing is saying that the entire floor has to be commercial. Ms. Shook said the commercial building can go up higher or have a separate building. Ms. Meade said that would not allow you to have a building with an integrated structure as a part of the building for parking.

Planning Commission Member Woolridge said the main objective is to create a zone that has a variety of uses that can be developed by right.

Discussion ensued on parking structures. Ms. Meade said the Council may want to consider allowing parking structures and language to encourage more integrated parking structures. Mayor Pro-Tem Mason agreed as long as it is public. Ms. Meade said even if it was public, it would be a better thing to have in the Wellness District. Ms. Meade said if the developer would build an integrated parking structure, they could be exempt from the requirement to have commercial parking in front or greatly lessen the it.

Council Member Teague said her greatest fear is that space would become more residential space. She noted that people will not walk where there is no commercial retail. She said she did

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not envision the Wellness District with multi-family buildings. She said that she felt that we allow more commercial use on the bottom floor with residential above that we will have more student housing farther away from the university. And, we will have more people on the roads.

Ms. Meade talked about the issue of the Appalcart, she suggested adding to the language that the applicant demonstrate that Appalcart can increase capacity regardless of a possible reduction in parking.

Ms. Shook said that lighting has been added to the UDO Article 17.10.06. It was noted that there should be a consistent feel to the Wellness District as in the Downtown Boone area. And Council directed the Staff to use the color black rather than the silver for the light poles.

Mayor Brantz asked to what extent, do we know if the property owners in the Wellness District have bought into these standards. Ms. Shook said she thinks some of the property owners are ambiguous, a few were okay and many had concerns. She said she has spoken with a couple of property owners and was able to tell them how the standards would impact their properties.

Ms. Shook added that when there is a large scale development, you will not have a 100 percent buy in on the idea of it. She noted that it Council's discretion to move forward with the large scale rezoning or to drop back and look at moving forward at a smaller pace.

Discussion ensued on how many Wellness Districts are there in the country. Ms. Shook said there are different types of Wellness Districts throughout the country that they are medical centered.

Discussion ensued on street lighting. Ms. Shook said that the Town is responsible for street lighting. The property owners are responsible for lighting their own public portions of their property like parking lots, and building entries. .

Planning Commission Chairperson Woolridge asked about the standards for street lighting. Ms. Shook said that the Public Works Department is aware of the proposed plan. She noted that there is an understanding that there will need to be a check for consistency throughout the district. He said he would like to see the recommendations for the street lighting.

Mayor Brantz asked about incentives for the district. Ms. Shook talked about the setbacks and building height as incentives to have a different type of development than before. She pointed out that this development is by right. She said there would be no need to have an additional board review. She said the only time an additional board review would be necessary, if a variance was needed.

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Discussion ensued on sidewalks.

Planning Commission Chairperson Woolridge talked about UDO Article 17.08.03 Sidewalks. He said that the standard is for a five-foot sidewalk. He confirmed even as the building gets higher the sidewalk stays at five-foot. Ms. Shook agreed. He said he felt that a two-story building in the Wellness District should have a minimum of a 10 foot sidewalk. He also said that he felt that as the buildings go to six-stories the sidewalk should be even wider. He said that he felt that the hardscape could be mixed in with the streetscape.

Mr. Ward asked how to you deal with the five-foot and the ten-foot sidewalk as you progress down the street. Planning Commission Chairperson Woolridge said all the sidewalk should be a minimum of ten feet wide. Planning Commission Member Vincent said that will take up a lot of usable property. Planning Commission Chairperson Woolridge said it is difficult to have a walkable environment with a five-foot sidewalk. Mr. Johnson noted that the majority of the walking trail of the Greenway is eight to ten feet wide.

Discussion ensued on the sidewalk widths in the Town. It was noted that the sidewalks in the Downtown area are various widths. It was noted that the sidewalk at the Standard at Boone has five foot sidewalks and they are installing brick pavers alongside it.

Planning Commission Chairperson Woolridge said if a building goes higher the sidewalk should be wider with a landscape buffer with a more of a hardscape type of design.

Planning Commission Chairperson Woolridge noted that the sidewalk with a vegetated buffer is twelve and one-half feet wide. He noted that a sidewalk should be 12 and one-half feet wide as a minimum. He added that the tree grates would be imbedded into the hardscape.

Discussion ensued on Appalcart. Council Member Teague said she agreed with what Ms. Meade suggested earlier about Appalcart.

Council Member Clawson said that she did not know how Appalcart is going to do what Appalcart would like to do or could do because the Appalcart is having to bypass bus stops routes because they are already full.

Mr. Ward talked about there being a written agreement that the developer works out with Appalcart regarding public transit and they submit that agreement to the Planning and Inspections Department.

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Planning Commission Member McCracken said more discussion is needed on incentives. She said she thinks without incentives we will get the minimal in redevelopment.

Mr. Ward explained the process for identifying and budgeting and re-prioritizing the priorities to set aside funds to provide for incentives and allocate it. Planning Commission Chairperson Woolridge noted that without an investment on the public end that it will not work. Planning Commission Chairperson Woolridge said that the hospital, NCDOT and Town will need to come together on this. Mr. Ward said they have already had two meetings and another meeting has been scheduled with the hospital, NCDOT and the Town. It was noted that the Town does fund Appalcart.

The first speaker was Mr. Larry Stigall and he owns property at 240 Doctors Dr. He did not receive a property owner notification letter. He was opposed to the concepts because they do not make sense. He said that lighting is not needed because people will not be walking around there at night. He said there is no need for restaurants because his Staff does not have time to take lengthy lunches. He is concerned about privacy with the medical offices. He is concerned with the entrance into his building because he is on a corner lot. He said he thought the Council should think about the impact to the area for the property owners that are there and if this will be a feasible project to proceed on.

The second speaker was Ms. Denise Smith and she owns 166 Doctors Drive. She was opposed to the modifications and felt that further study should be done to the area and some thought should be given on the concerns that have been made regarding the proposed standards.

The third speaker was Dr. Blair Warren and she is a partial owner of 144 Doctors Drive. She was strongly opposed to making this area a Wellness District. She said there are areas that need improvement in this area. She was concerned for the possibility of extreme costs that may have to be made to meet the proposed standards. She said it does not make it very attractive for young professionals to want to come back to this area. She said this is not the way to go about improving the area.

The fourth speaker was Dr. Lee Warren the father of Dr. Blair Warren. He was in opposed to the proposed standards. He talked about his concern to the proposed ten-foot wide sidewalk. He said if you would take ten-feet of his sidewalk, it would be in the parking lot which would wipe out what parking that they have. He said that he has provided his own lighting over the years which is a security feature for his Staff. He said he would like to ask the Council to really think about what the proposed standards will do for this area.

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Mayor Brantz asked if the proposed standards would apply to new construction. Ms. Shook said yes, it would be to new construction to the extent that in Article Seven where there is a tiered system that requires projects to come into compliance based on total development value and the value of their improvements. She noted a ten percent tier, a twenty-five percent tier and a fifty percent tier. She said the improvements are tracked for 36 months. She said if you trigger one of these tiers, they are expected to bring the site into compliance to the extent practical with the requirements of that tier.

The fifth speaker was Ms. Mary Horn. Ms. Horn said she gets the feeling that the standards are requiring more about residential and shopping in this area. She said that she does feel a need for a medical community in this area. She said that she does not see a medical community walking very much in this type of area. She said it does not seem very practical to her to have all the parking requirements that are being proposed on these small lots.

The sixth speaker was Ms. Cathy LaMarre talked about her concern for transportation in this area. She said that she was involved in an accident in this area that caused her to have seven surgeries. She pointed out that some of the Appalcart routes do not run year-round. She said that she tried to plan a dental visit and it was going to take her one-hour and forty-minutes to her appointment by riding the bus. She suggested that the transportation and parking issues be addressed for this area.

Planning Commission Chairperson Woolridge said he did not know why more stakeholders from the Wellness District have not been able to attend all the meetings that have been held regarding it.

Planning Commission Chairperson Woolridge explained that the idea of the Wellness District came from the Boone 2030 Plan which involved a lot of community outreach. He explained that the Planning Commission is just a recommending body that looks at how this Wellness District fits into the larger picture of what is happening in the Town. He said the Planning Commission looks at the areas of growth and where the growth is occurring. He explained that there are many overlay districts and explained that in the overlay district there is a special type of zoning. He said in an overlay district a certain identity is created based on a certain geography. He said that this is really what is being proposed rather than a medical district. He said this is a neighborhood plan that is meant to be mixed-use that is anchored by the medical community. He talked about the development of the standards for this area and noted that the Town is being pro-active and look at the whole area which is unique. He said we are trying to figure out the best way to move forward in this area. He said the Council asked the Planning Commission to

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look at this area to see if there was an opportunity for redevelopment and if so what would it look like.

Planning Commission Woolridge said the standards that are being proposed do not affect the property owner unless they re-develop the property. He further explained that they are proposing a two-story and more denser community developed and do it all by right.

Mr. Larry Stigall noted his concern about the green space at his office and that he will lose it if he must move his parking area as in the proposed standards. He said if the sidewalks are changed, the vehicles will be driving right beside his building and he showed a concern for his patients' privacy. He noted that if his building were to burn, he would have to follow the proposed standards to come into compliance. He further talked about his son working in his office and having a wonderful place to work in this area. He said if every building should be built in a certain way, he doesn't want the buildings to look like the VA buildings where they all look the same. He said the concept of people walking around in this area will not be happen.

Council Member Clawson said she really appreciated the medical community in the Boone area. She said she did not know why the medical doctors were not consulted on what is needed in this area. She showed concern for trying to find out what needs to be done for the medical community in this area.

Planning Commission McCracken asked about the previous workshops on this topic. Ms. Shook noted that in the earlier workshops this area was referred to as the Medical District.

Ms. Shook noted that property owner mailings were sent out to the property owners within the district and within 150 feet outside of the district.

Planning Commission McCracken said that she feels that there needs to be some correction made on the trajectory. She said the work that has been done in the past on the district was done in the best interest of this community. She said there are about 40 students living in Boone in the PA field.

Discussion ensued on the Boone 2030 Master Plan and the issues with it for Boone area. It was noted that the Town is working on improving the Boone 2030 Master Plan.

Mayor Brantz closed the public comment on this case.

Case 20160742: NCD Modifications- UDO Text Amendment

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Request to amend Section 14.09 to change how Neighborhood Conservations Districts are referenced in the UDO. The purpose of the proposed text change would allow Council to create additional NCD's without amending the UDO each time a zoning map amendment occurred.

Ms. Shook presented and answered questions on this case. She said this is a text amendment that was created to go along with a map amendment. She said this modification is so the UDO does not have to be amended every time a Neighborhood Conservation District is created.

Planning Commission Member McCracken asked about the parking stickers. Mr. Ward said the parking stickers were created to focus on the rental property. He noted that the Town does not always know when the renters change.

Mayor Brantz asked how is a NCD created. Ms. Shook explained the two options. She said the Town or a Citizen can initiate a zoning map amendment change. She said in this case, it was a Citizen that asked the Council to initiate the change. Mr. Ward said the Council would approve the request for the change on the Council agenda and the Council would approve the district.

The first speaker was Ms. Cathy LaMarre who lives at 156 Olancha Avenue. She asked how would she know, if she is in a NCD. Ms. Shook explained that the NCD is shown as a zoning layer on the GIS system. Ms. LaMarre said she has trouble finding items on the Town website. She suggested having items on the Town website in a listing form so the public can find items.

Council Member Teague asked if the NCD areas are located on the Town website. Mr. Ward said there is a link on the Town website that leads to it. Mr. Ward noted that the Staff can help an individual locate the link on the Town website, if needed. Ms. Shook noted that when the zoning of a property is requested all the zoning layers of the property are explained.

Mayor Brantz closed the public comment on this case.

Case 20160750: Parking, Parking Structures & Intensity Regulation Modifications – UDO Text Amendment

Ms. Shook and Ms. Meade noted that this case will be discussed at the January 2017 Public Hearing due to time constraints.

Mayor Brantz closed the public comment on this case.

Case 20160751: Modifications to UDO Articles 15 and 16 – UDO Text Amendment

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At the November 15, 2016 Planning Retreat, Council directed that modifications to the UDO be made in regards to intensity and use within UDO Article 15 District Uses and UDO Article 16 District Standards. Amendments may also be made to other Articles to conform them to changes made in these Articles.

Ms. Meade said the following changes are a result from the recent 2017 Mid-Year Planning Retreat. Ms. Meade referred to a memorandum dated November 18, 2016 (in the meeting packet) that included proposed changes to UDO Article 15 for Recreation space, Setbacks for mixed-use multi-family buildings in the B-3 and clarification of what counts as "commercial space" in a mixed-use multi-family development.

Ms. Meade noted for the Planning Commission members that Council also discussed at the Retreat the requirements imposed by UDO Article 15.10 on multi-family development and the feedback from the development community. She said Council also directed the Affordable Housing Task Force to review UDO Section 15.10 and made recommendations to Council for their consideration in January or February of 2017.

Planning Commission Member Boyle asked if the five percent was to help administratively. Ms. Meade said basically yes.

Planning Commission Member Boyle asked about the setback and the hulking affect regarding The Standard at Boone. He said personally this might be premature on it. He suggested waiting until the project is completed and walk by it to see if it still feels that way. He said he was in Greeneville, South Carolina recently and there are a lot of tall buildings and they create a pleasant pedestrian feeling. He said at this point, he is not willing to make a setback change.

Planning Commission Member Boyle said he feels like the Town is regressing and getting away from walkability and wanting more parking than we need.

Ms. Meade talked about a zero-foot setback for multi-family mixed use developments but a 20' for all other developments. She said this is an inconsistency that is difficult for her to understand and justify. She said you can imagine a domino effect. She said it would be easier to justify zero or twenty but not both.

Council Member Teague talked about Winkler Square being built right on the sidewalk. Planning Commission Member Boyle talked about the adding of hardscape and landscape to improve a site.

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It was noted that on a zero-foot setback there is still the accounting for sidewalks and landscaping. Ms. Shook said in the mixed-use the landscape buffer is not a requirement.

Planning Commission Chairperson Woolridge said we need to be widening the space and push the building up as much as possible so the parking can be obtained. He said he is having difficulty with UDO Article 15.11.4(C). He said this is one of the biggest changes. He noted that we are working towards the Boone 2030 Master Plan and the article for multi-family and mixed use was a way to do this. He said that now the Council is moving away from the Boone 2030 Master Plan. He said that the Planning Commission needs to regroup on the setback issue.

Planning Commission Chairperson Woolridge suggested that the Planning Commission members and Council try to focus on the architectural and pedestrian stand points.

Discussion ensued on setbacks. It was the consensus of the Council Members to not allow buildings to be built right on the street.

Planning Commission Chairperson Woolridge talked about the sidewalk in front of The Standard at Boone. He said he feels that the Planning Commission should have pushed for a better public space in the front of The Standard at Boone.

Ms. Meade said it would be better to develop standards by right for setbacks.

Ms. Meade talked about a concern to possibly increase the hardscape to get the desired effect.

Council Member Teague suggested that the Planning Commission discuss either the setback or the hardscape to create a pedestrian environment.

Planning Commission Chairperson Woolridge said the buildings should be up front and higher with two-stories and 60 percent of it should be glass with a great sidewalk with vegetation and a nice awning.

Mayor Pro-Tem Mason said she wants walkability in the Downtown area. She talked about the Downtown buildings and wanting them closer to the street. She said do we want to use these same criteria on our corridors. She talked about finding the right building scale for Boone with what looks and feels right.

Mayor Pro-Tem Mason talked about the Faculty Street side of The Standard at Boone. She said this side of that building is more in scale and it is because it is one continuous building. She said

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she has heard less complaints about the Holiday Inn, Modern Toyota and the LifeStore building. She said she has heard more complaints about The Standard at Boone and it's position next to the street.

Discussion ensued on comparing the buildings in Boone with other buildings in Chapel Hill. Planning Commission Member McCracken said that the density in Chapel Hill did not have a negative impact on their Town.

The first speaker was Ms. Cathy LaMarre who lives at 156 Olancha Avenue. She said that she did attend a meeting that talked about a potential mixed-use five-story building on the old Subaru site. She said that she heard them say at the meeting that the developer had to put the building next to the street because the Town of Boone is requiring it.

Planning Commission Chairperson Woolridge noted that there needs to be a larger public realm, when planning new building sites. He said this space should be a minimum of ten feet, if it is going to be walkable.

Council Member Mizelle said she attended the same Subaru meeting that Ms. LaMarre attended. She told them that the Council would work on the turn outs for the Appalcart to get the buses off the main highway so they do not impede traffic. She said that she talked to the developer at this meeting and suggested that they include turn outs and they were acceptable to it. Council Member Mizelle suggested insisting on this on new projects.

Ms. Meade talked about modification to UDO Article 16. She said these changes stemmed from Mr. Alan Crees from Municipal Engineering who came to a past meeting to discuss issues with parking structures as a principal use. She said at that time, the UDO language was saying you cannot have a parking garage at least not a big one but you can have a large surface parking lot.

Ms. Meade said the language has been changed to eliminate maximum floor area and open space.

Ms. Meade said livability space will remain in the language but it has been redefined to show more green space, amenities and hardscape areas. She said it does not include paved areas.

Ms. Meade asked the Planning Commission to consider review of setbacks and interior setbacks and make recommendations to Council on them.

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Ms. Shook said the Staff's concern is the ten-feet street yard buffer. She said if the requirements go to 20 feet, there are a lot of smaller lots and an additional ten-foot takes up almost a row of parking.

Ms. Meade talked about starting to think about making changes to height limitations and the stories and the scale of the building. She suggested controlling scale in a good way where it still allows flexibility. She said the idea is to provide the stories and the height limitations. She said in the R1 there are differences in height limitations in a couple of cases.

Ms. Meade said that she would like to work more with the Planning Staff on height limitations.

Ms. Meade said in the M1 a height limitation has not been added. Ms. Shook said there was not a limitation placed on the M1. It was noted that the zoning of M1 is light industrial.

Ms. Meade suggested making a change to UDO Article 15.10 to allow for more flexibility. Ms. Shook said the developer will use the district that gives the greater intensity which is the B1 and B3 and not the B2.

Planning Commission Member McCracken appreciated the discussion on stories and not just building height. She talked about UDO Article 16.08.08(D)(E). and she said are now saying that parapets are expected rather than other types of screening. Ms. Meade said she believes this is the case.

Planning Commission Member McCracken confirmed that the Rivers Walk could be grandfathered in regarding parapets.

Planning Commission Member McCracken talked about building height in UDO Article 16.08.09 A. she asked if there was a discrepancy in the language. Ms. Shook said it gives a greater radius for the properties listed in it.

It was noted that UDO Article 16.08.09 would need to be changed from 35 feet to 40 feet for consistency purposes.

The first speaker was Ms. Cathy LaMarre. She said she was angered because she thought the UDO language was allowing taller buildings. She asked would the Council consider going down in building height to protect the R1 neighborhoods.

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Ms. Meade said the proposed UDO language will not allow any more stories than what is allowed currently. It was noted that three stories with a cap of 40 feet are allowed.

The second speaker was Mr. Bob Flanigan who commented on building height. He said that he is proposing a new project on King Street. And, he said that the terrain should be taken into consideration, when looking at building height.

Mayor Brantz closed the public comment on this case.

ADJOURNMENT

Mayor Brantz adjourned the hearing at 9:39 p.m.

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Mayor, Rennie Brantz **Board Secretary, Marlene Crosby**

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Planning Commission Chairperson, Eric Woolridge

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PLANNING COMMISSION

MEETING MINUTES

MONDAY, NOVEMBER 28, 2016

(Immediately following the Public Hearing)

PLANNING COMMISSION MEMBERS:	Chairperson Eric Woolridge, Vice-Chairperson Connor Boyle, Caroline Catoe, Matthew Vincent, Susan McCracken and Kate Hayes
PLANNING STAFF:	Jane Shook, Interim Director of Planning and Inspections, Marlene Crosby, Board Secretary

CALL TO ORDER

Chairperson Woolridge called the meeting to order at 9:45 p.m.

DISCUSSION TO RESCHEDULE THE MEETING

Discussion ensued on the rescheduling of a Special Planning Commission meeting to discuss and make recommendations on the cases heard at the November 28, 2016 Public Hearing.

It was the consensus of the Planning Commission members to have the next Commission meeting on Wednesday, December 14, 2016 at 5:30 p.m. with the understanding that the meeting would need to adjourn by 7:00 p.m. It was the consensus of the Planning Commission to try and make recommendations on as many cases as possible, especially Beverly Heights/VFW - General Use Zoning Map Amendment, Green Street - General Use Zoning Map Amendment, Farm Bureau Insurance - Conditional District Zoning Map Amendment and Neighborhood Conservation District - UDO Text Amendment, with all other cases not discussed to be sent to the regular scheduled Planning Commission meeting in January 2017.

ADJOURNMENT

Chairperson Woolridge adjourned the meeting at 10:00 p.m.

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Eric Woolridge, Chairperson Marlene Crosby, Board Secretary

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PUBLIC HEARING
MINUTES
MONDAY, JANUARY 23, 2017
5:30 P.M.

COUNCIL MEMBERS:	Mayor Rennie Brantz, Mayor Pro-Tem-Lynne Mason, Jeannine Underdown Collins and Charlotte Mizelle
PLANNING COMMISSION MEMBERS:	Chairperson Eric Woolridge, Vice-Chairperson Connor Boyle, Kate Hayes, Elizabeth Shay, Matthew Vincent and Adrian Thompson
STAFF PRESENT:	Jane Shook, Director of Planning and Inspections, Brian Johnson, Urban Design Specialist and Marlene Crosby, Board Secretary
OTHERS PRESENT:	John Ward-Town Manager and Allison Meade-Town Attorney

CALL TO ORDER

Mayor Rennie Brantz called the hearing to order at 5:35 p.m.

CASE 20160796 KING AND COLLEGE – MIXED USE PLANNED DEVELOPMENT

Robert Flanigan has filed a Zoning Map Amendment Petition for a planned development consisting of a mixed-use building containing both residential and commercial uses, along with a separate a townhouse building for properties located at and near 302 W. King Street (Watauga County PINs: 2900988588000 and 2900988402000). The mixed-use building will contain 60 dwelling units with 60 bedrooms; with the following uses proposed to be allowed for the commercial portion of the building: Use 11.21 Medical Office Category 2. The Townhouse building will contain 2 dwelling units with a total of 4 bedrooms.

Ms. Jane Shook, Director of Planning and Inspections presented the case as presented in the meeting packet and she said the applicant was at the meeting to answer any questions on the case.

Mr. Tucker Deal, Attorney from Deal, Moseley and Smith introduced the team that is working on the development. He gave a presentation of the proposed planned development and answered questions on it.

Mr. Deal said that Mr. Bill Dixon and Leigh Blevins from Appalachian Architecture, Mr. Michael Trew from Municipal Engineering and Mr. Trent Moody from Davenport were present at this meeting to answer questions.

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Mr. Deal said the property owners are Dr. Ryan Woods and Mr. Bob Flanigan and Ms. Annie Pipes. Mr. Deal noted that it is the expansion of Dr. Wood's chiropractic business that was the seed for the proposed planned development.

Mr. Deal said that both parcels of this project are zoned B-1 and they front on King Street. He said the lot owned by Dr. Woods is the former Hospitality House parcel which includes two non-conforming buildings and the other parcel is owned by Mr. Flanigan and Ms. Pipes which is a vacant parking lot area formerly owned by the First Baptist Church. Mr. Deal said that both properties are tax exempt and if they are developed, would yield tax value for the Town.

Mr. Deal talked about the long-range plans of the Town. He said this would be an infill project in the Town's G-4 sector which is covered on page 38 of the meeting packet.

Mr. Bob Flanigan came to the podium and gave a brief history of his and Ms. Pipes work history in Boone. Mr. Flanigan said that he and Ms. Pipes own a successful real estate business in Boone. Mr. Flanigan said he has worked as a CPA and has worked with the Mountain Television Network and has done consulting type work at the local CPA firms in Town.

Mr. Flanigan further noted that he, Ms. Pipes and Dr. Woods are not developers and they rely heavily upon the professionals that are working on their team because they realize their team knows the Town of Boone very well.

Mr. Flannigan said that he did meet with the neighbors and he did take their concerns into consideration. He encouraged the property owners present at this meeting to share their concerns for this proposed planned development.

Dr. Ryan Woods talked about his need to expand his business to get more square footage and parking. He said that when learned about the Hospitality House property from Mr. Flanigan and Ms. Pipes and they all decided to invest in the two properties for this proposed planned development.

Mr. Bill Dixon, Appalachian Architecture presented the information on this case. He noted that he is from Boone. He went away for architecture school for about ten years and came back to Boone and has been practicing for about 25 years. He said that his firm has been involved in many of the mixed-use developments of late starting with Boone Point. He said his firm believes in this proposed planned development and is proud to be a part of it.

Mr. Dixon presented a model and said the team has been working on it for about one year and a half year. He said they explored about nine iterations of the proposed model.

Mr. Dixon said while the team was working on this, they had met with Mr. John Ward, Town Manager and his Staff and the neighbors.

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Mr. Dixon talked about the topography of the proposed site. He said from the lowest point on E. King Street to the highest point on Wallace Circle there is a 65-foot elevation. He said along E. King Street from the lowest point to the highest point, there is a 15-foot elevation change.

Mr. Dixon said the property was rezoned B-1 several years ago, he said the history of the rezoning is located in the meeting packet.

Mr. Dixon said one of the main concerns is the zoning that is around the proposed site. (He said immediately to the right and east and the side of the project is a property which is and old single-family home which is a multi-family use with five or six apartments). Mr. Dixon said the Campus Ridge Apartments are behind the proposed project which is a R-1 zoned property and it is a multi-family building with 12 or 16 units. Mr. Dixon said that the property owned by Mr. Todd Pearce does not have a structure but Mr. Pearce has indicated that he is going to build a structure on it. Mr. Dixon said the property directly across from Wallace Circle is owned by Mr. Richard Kilma and that property is zoned R-1A. Mr. Dixon said the property located immediately to the left in the upper right owned is owned by Ms. Marsha Turner and it is zoned B-2 with a single-family use. Mr. Dixon pointed out that the building to the left of the building is The Beanstalk building.

Mr. Dixon noted that the applicant's primary concerns are protecting the neighbors. He said a lot of the design was made to protect the Grand Boulevard and Wallace Circle neighborhoods.

Mr. Dixon explained the proposed project includes the two town homes on Wallace Circle. These town homes will have two parking spaces and a private garage in the basement.

Mr. Dixon talked about the interface and overlay districts being considered in the Downtown area. He said this project is just inside the interface district and just outside of the Downtown Historic Core.

Mr. Dixon pointed out on the map the location of the chiropractic office and the parking inside and outside of the building with a surface lot.

Mr. Dixon pointed out that the King Street building is a mixed-use building with commercial and parking on the main level with three-stories of apartments about the commercial. He said the primary entrance will be off King Street because of the topography.

Mr. Dixon said the overall design was to put the primary building on King Street and transition into a small type residential space at the top of Wallace Circle.

Mr. Dixon explained the deviations from the Unified Development Ordinance with a PowerPoint Presentation permanently attached). He noted that the deviations should be looked at as a whole because they are all tied together, he said it is difficult to separate each one and judge them on their own.

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Mr. Dixon explained the first deviation regarding the square footage of the proposed building, they are providing a 38 percent commercial use on King Street for Dr. Wood's office. He said he felt like it was not appropriate to have commercial use on Wallace Circle because it is would not viable in that residential neighborhood, therefore they proposed a zero-commercial use in that area.

Mr. Dixon said that currently the UDO does not consider parking a commercial use for mixed-use projects. He said that commercial parking is essential for their commercial space. He said the rare thing about this commercial use is it comes with its own commercial tenant. He said this commercial space will not be vacant with a for lease sign on it like other buildings in Boone. He said the chiropractor business needs parking located adjacent to his business that is covered and on the same level as his business.

Mr. Dixon explained the second deviation and he said the current UDO wants 100 percent frontage on King Street, he said they are proposing to have 42 percent which is shown in the hatch lines on the plans. He said the other 58 percent is for parking that is essential for the commercial success of the property. The parking is screened from the public view with store front windows to simulate a commercial use.

Mr. Dixon explained the third deviation of the frontage the street level façade is supposed to have 60 percent of windows on King Street and 30 percent on Wallace Circle. He said the reasons for the King Street percentages and the 28 percent for Dr. Wood's area is two-fold. He said the topography does not allow for full height windows nor does a doctor's office want full-height windows in their office. He said it was a compromise to reach 28 percent in his office area. He said the blue lines that are seen on the drawing represents a full 100 percent. He said there is 43 percent in the parking area. He said the primary reason for the difference in the 100 percent and 43 percent is because the wall was raised up to conceal the cars and their bumpers and tires. He said this deviation is because of the topography change where King Street goes up 15 feet from right to left.

Mr. Dixon explained the fourth deviation he said the UDO required that structured parking be at the rear of the building or below street level floor. He said at the Wallace Circle the parking is below and behind the building. He said that part of the King Street parking is behind the building. He said the reason for this deviation is because of the topography not allowing the parking to be at street level. He said the blue-shaded area on the map is at street-level on King Street which is at the primary entrance and the covered parking area.

Mr. Dixon explained the fifth deviation to the site footprint. He said the current UDO requires that the footprint cover 50 percent of the square footage on the site. He said the topography would not allow that percentage, therefore, they are proposing a 25 percent of lot square footage for the site. He said this deviation is being proposed due to the topography and to provide open green space on the site. He said a 50 percent footprint would overwhelm Downtown Boone and it would in his opinion be inappropriate.

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Mr. Dixon explained the sixth deviation. He said the buildings meet the setbacks. He said the deviation that they are requesting is shown on the drawing in the blue hatched area which shows the retaining wall along the eastern property line that borders the Mac house and Campus Ridge Apartments. He said the retaining wall has to be eight feet tall due to the topography. He explained that the UDO requires a 15-foot buffer and sidewalks are allowed in the buffer. He said the UDO allows the buffer to be reduced to ten-feet, if you have a six-foot opaque fence located in the middle of your 10-foot buffer. He said on the site, they have an 8 foot retaining wall as you leave King Street. He said it did not seem reasonable to put in a six-foot opaque fence in addition to an eight-foot high retaining wall to separate two multi-family parcels. He said the deviation request is to allow the applicant to not have a fence but allow the retaining wall to act as a fence. He said the neighboring property owners have been positive about these proposed changes which includes the landscaping and buffering on their property. He said there are some off-site improvements that they are proposing regarding the gulley.

Mr. Allisson Meade, Town Attorney asked if the building code will require fencing as a safety requirement at the top of the retaining wall. Mr. Dixon explained it depends on the distance between the sidewalk and railing. He said they have discussed a small fence with a 42-inch railing that could be planted with holly and other thick landscaping. He said there is about 10 feet between the walkway and the top of the wall.

Mr. Dixon explained the seventh deviation. He said the building height restriction is 40 feet. He explained because of a 15 feet elevation change along King Street and in some places the building height is below 40 feet; there is no way that they can acknowledge up front that they can reach the current UDO requirement of 40 feet. He said the proposed project is not viable without a four-story building. He said they have tried to keep the building height as low as possible while at the same time try to appeal to a better upper end market. He said they are proposing to deviate from the standards and propose 49' to 54', (9-14') over maximum building height.

Mr. Dixon talked about the Wellness District allowing the parapet height to not be included in the calculation because they are better screening than a chain-link fence.

Mr. Dixon said with Wallace Circle being 65 feet higher than King Street, it is impossible to screen the rooftop units from some places on Wallace Circle. He said it is a trade off on what is allowed on King Street and the scale of King Street from what the applicant needs to make it viable. He said that topography and the market had a lot to do with these proposed deviations.

Mr. Dixon noted that Mr. Flanigan and Ms. Pipes have investigated for the project to include solar power by taking advantage of the south facing area. He said he would try to get some passive solar proposed into the project with taking into consideration the budget of the proposed project.
Mr. Dixon said the height deviation is relative. He said the proposed building on King Street is 52. 4 feet down to 40 feet high in some places.

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Mr. Dixon explained that the eighth deviation is dealing with height because of the R-1 zoned property. He said the adjoining property to the East which is Campus Ridge Apartments exceeds 35 feet in height and is zoned R1. He noted that he felt that the R1 property is not zoned correctly. He said the current non-conforming use is multi-family. He said it is required for structures located within 100 feet of an R1 property may not exceed 35 feet in height. He said they feel that it does not seem reasonable to limit the use of the subject property.

Mr. Dixon explained the ninth deviation, he said the UDO requires that no site walls shall exceed eight feet in height. He said because of a change in elevation across the lot, the exceeding of the maximum wall height is necessary to provide adequate parking for the development. He said that allowing this small deviation will help minimize the amount of grading while allowing them to meet the Town's new minimum parking standards for mixed-use. He said that section of the wall will be located between the buildings and shielded from the view of the public.

Mr. Dixon explained in deviation 10-A, the UDO required that they provide a Type "B" buffer along the Western property line. He said due to site constraints, they are requesting a deviation to reduce to a Type "A" buffer by adding a fence as an option. He noted that the UDO requires that the fence be placed in the middle of the buffer. Mr. Dixon said the applicant would like the flexibility to work with Ms. Turner on the placement color and materials of the fence.

Mr. Dixon said that Ms. Turner has expressed that she wanted a walkway with a gated entrance that will allow her a safer entrance to King Street.

Mr. Dixon explained in deviation 10-b, the UDO requires a 15 foot buffer. He said on the Eastern property line, they are proposing a reduced buffer from 15 feet to 10 feet and only installing the fence along the dumpster enclosure.

Mr. Dixon explained in deviation 10-B, the UDO requires a 15 foot buffer. He said they are proposing on the Eastern property line to have a reduced buffer from 15 feet to 10 feet and are not planning on installing the fence except along the dumpster enclosure.

Mr. Dixon opened the floor for questions. Mr. John Ward, Town Manager asked about the approximate height of the parapet wall. Mr. Dixon said the parapet height is about four and one-half feet high and it tapers down to 18 or 20 inches at the lower part of it. He said this is to insulation and other building issues.

Planning Commission Thompson asked what the backing parking is for along King Street. Mr. Dixon said that parking is essential to making this project work. Mr. Dixon explained that there are three tiers of parking for this proposed project and it would all be controlled within the residential leases. Mr. Dixon said the applicant felt like parking is needed to appeal to the market. Mr. Dixon explained that topographically, they tried to get a driveway steep enough to come up to the upper parking from King Street but it was too steep. He said the other option was to locate the driveway on Campus Ridge Drive and get it below and beyond Wallace Circle.

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Mr. Ward noted that the parking ratio is 87 ½ percent.

Mayor Pro-Tem Mason asked Mr. Dixon to review the current parking proposal for residential and commercial parking. Mr. Michael Trew from Municipal Engineering said on the first level in covered parking there are 22 spaces which includes 10 commercial spaces, the second level surface parking has 27 spaces, long-term parking is 13, the town homes have four spaces for a total of 66 parking spaces. Mr. Tucker said the parking would be assigned to prevent any further increased traffic.

Mayor Pro-Tem Mason asked if there will be any visitor parking. Mr. Trew said that this could be addressed.

Mayor Pro-Tem Mason asked about the eleven commercial spaces and are they for specific uses 24/7. Dr. Ryan said the 11 spaces could roll over but they are specifically for his chiropractic business from 8 am to 5 p.m. Planning Commission Member Vincent asked how many employees would be parking there. Dr. Ryan said right now, he has three employees. Mr. Dixon reiterated that it is critical that Dr. Ryan can get enough commercial reserved parking for his chiropractic business.

Council Member Mizelle asked would the employees' park in five of the parking spaces. Dr. Ryan said yes potentially they would. He also noted that he does have one employee that walks to work.

Council Member Mizelle said that visitor parking has been an issue in the past as it relates to towing and booting.

Council Member Mizelle asked if there has been any resolution on how the storm water draining into King Street will be handled because it will be a lot of water due to the steep topography and surface parking. Mr. Trew said that this topic has been a concern since the beginning. He said that they have spoken with the North Carolina Department of Transportation regarding this topic and there is no infrastructure on King Street. He said the closest storm drainage where the water can go underground into a pipe is at Earthfare. He said there are some improvements slated for the intersection of King Street and College Street. The NCDOT has a preliminary approved plan for a round-about. He said they have been in communication with the Wilkesboro NCDOT office to get a design for it, so they can try to tie into it. He said this project has been delayed. He said that one option is to discharge the storm water into King Street similar to what happened across the street. He said the UDO does not allow the proposed project to discharge any more than what is currently running off of the site. He said a storm water retention system will have to be provided that will go in the middle of the surface parking lot. He said the UDO says you have to pick a certain size design storm to detain. He noted that the storm has recently been changed from a 10-year storm to a 25-year storm. He said he has been in conversation with the Planning and Inspection Department and NCDOT regarding creative ways to throttle that discharge down. He said any storm less than a 25-year storm will run right through the system and will not detain. He said these are the types of storms that we get in the summer in afternoon thunder storms,

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like when the Boone Mall gets flooded. He said these types of storms are not to the caliber of a 25-year storm.
Mr. Trew further explained that the Town has a small drainage system that dumps onto the proposed development that will have to be dealt with for this proposed project. He said it currently runs across the property.

Vice-Planning Commission Chairperson Boyle asked Mr. Trew if all the water that comes across this property will go into the retention system. Mr. Trew said they can catch 90 or 95 percent but they cannot catch every single drop that lands on the site, like the driveway below the site. Mr. Trew noted that the roof is designed for the water to go into the retention system.

Vice-Chairperson Boyle said if they can include any techniques to reduce the water even further before it gets to the retention system to reduce the amount that goes onto the streets.

Mr. Trew talked about obtaining an easement for a retaining wall along the property line and a proper walkway and a set of steps could be constructed by the applicant. Mr. Trew further explained that Ms. Turner asked for a pathway for her to access King Street and they have accommodated her request.

Mayor Brantz asked about the widening of the King Street sidewalk. Mr. Trew said he has spoken with Mr. Eric Gustaveson from the Town of Boone Street Department. Mr. Trew said at first, they were going to try to put in brick pavers where there is only a little bit of grass but Mr. Gustaveson requested that the sidewalk be made of concrete similar to the sidewalk in front of the Turchin Center. Mr. Trew said that they can honor this request.

Mayor Pro-Tem Mason asked if the applicant would willing to put in a sidewalk that is consistent with the Town of Boone's sidewalk plan because this part of Town has been incorporated into the Downtown area. Mr. Trew said that when they talked with Mr. Gustaveson, he noted that he preferred just a concrete sidewalk because of maintenance issues. Mr. Trew said the applicant would entertain that request, if it is in the long-range plans of the Town.

Council Member Collins said that this proposed project needs to be a part of the Municipal Service District.

Mayor Brantz asked if the balconies were decorative and not functional. Mr. Dixon said that was correct so the window can be opened to obtain fresh air.

Chairperson Woolridge asked Mr. Dixon to explain the long-term parking. Mr. Dixon said this type parking will be controlled by the leases. It is intended to be used for people that do not use their cars daily or who only uses their cars once or twice a week. Mr. Dixon said the intent of this topic is to reduce the traffic impact on Wallace Circle.

Chairperson Woolridge had some questions on the rendering regarding the proposed building facade. Mr. Dixon said there are pilasters every 20 or so feet which are coming out 4 inches on

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the brick and 6 inches on the rock. Mr. Dixon said that pilasters are being used to divide up the building on the façade. Chairperson Woolridge asked about the depth of the planters. Mr. Dixon said they vary and some of them are about five to eight feet on the front of the building.

Chairperson Woolridge asked if the window-like openings in the garage were open. Mr. Dixon said yes because the code requires a certain amount of ventilation due to exhaust. Mr. Dixon said some fans may need to be added to the back left of the parking area.

Mayor Pro-Tem Mason asked about the two-bedroom town homes and if they would be for rent or for sale. Mr. Dixon said he thinks they will be for rent. She asked would the applicant be willing to restrict the occupancy to the single-family occupancy requirements to no more than two unrelated to facilitate a transition.

Mayor Brantz asked about a lighting plan. Mr. Dixon said the Town of Boone have strict standards regarding lighting plans. Mr. Dixon said they would meet or exceed the lighting requirements and they plan on keeping the lighting low as to not impact Ms. Turner. He said they are working on a proposed lighting plan.

Mayor Brantz if the bus stop they refer to, the Appalcart. Mr. Dixon said yes it is the main bus stop on campus.

Mayor Pro-Tem Mason asked about the building materials. Mr. Dixon said they are using re-purposed rock on the entry way of the building.

Vice-Chairperson Boyle asked if the applicant is considering active solar. Mr. Dixon said yes but it would be budget driven.

Vice-Chairperson Woolridge asked Mr. Dixon about the scale of the building to the size of the sidewalk. Mr. Dixon said the seven-foot sidewalk and the eight-foot planter will make the scale of the building much better. He said he is alright with the scale of the building with the addition of the belly band dividing up the building. Chairperson Woolridge asked if the seven-foot sidewalk is adequate for a sidewalk to the scale of the building. Chairperson Woolridge asked from a design perspective, is it possible for the sidewalk to be made wider or look at possibly changing the planters. Mr. Dixon said he is not sure the building can be moved because it is so tight on the site.

Chairperson Woolridge confirmed that from the curb to the back of the building there is approximately 15 to 18 feet or so with a planter along the side of the building. He asked if the applicant has explored other options rather that the use of the planters. Mr. Dixon said that the water meter installation may affect the planter installation.

Mr. Ward said that he had directed Staff to work on modified language to the ordinance that will help the meter installation situation. Mr. Dixon said they would love their planters to not be covered with water meters.

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Mr. Dixon said that it is an engineering question regarding a change to the scale of the building, if the Planning Commission feels the sidewalk should be changed to nine feet wide and the planters width reduced by two feet, they will consider it.

Chairperson Woolridge talked about giving the applicant giving more thought to alternative designs for the sidewalk and about the possibility of 10, 12, 16 feet sidewalks in relation to the scale of the building.

Mayor Pro-Tem Mason asked for the breakdown of units. She said she knows there are 64 bedrooms and does that number include the town homes. Mr. Dixon said there are 60 dwelling units with 60 bedrooms in the King Street building and there are two dwelling units and four bedrooms in the town homes.

Vice-Chairperson Boyle asked Mr. Dixon to provide the Planning Commission with their presentation on this case.

The first speaker is Joe Todd. He grew up on Orchard Street and his family still owns two homes on Orchard Street. He had a concern for the property owners on Wallace Street because of the added traffic through Orchard Street and Grand Boulevard to the proposed project. He feels that Wallace Circle needs to be widened because fire trucks cannot get in and out safely. He said that he would like to see this proposed project be planned so that the construction traffic does not degrade the neighborhood.

The second speaker is Pam Williams. She pointed out that the neighborhood meeting information was supposed to be placed on the Town website, when large developments were being proposed in the Town. She said she liked the layout of the building and the buffering around it are good. She said if the town home is to serve as a buffer, then it needs to be zoned R-1 to actually serve as a buffer. She said the floor level presented looks like it will fit in into the area. She said she also felt this type of floor level should be required on every proposed project because you need to be able to see from street level. She supports the use of planters on the proposed project. She did note that she feels like the trees being embedded into planters is not a very good practice for the trees. She said that she likes the large concrete planters to be used. She said that the facades should be required on every large project. She is concerned with the increased traffic going through the neighborhoods. She had some questions on the traffic analysis and the expected 22 trips per day onto King Street. She said she finds this difficult to believe because of the young professionals that will be traveling to and from work and suggested that the applicant revisit the traffic impact analysis and to please put it on the Town website for the public to view. She had a concern for the 10-foot retaining wall and suggested that it be revisited to try to minimize the look of a high retaining wall and have the feel that you are driving through a tunnel.

The third speaker was Diane Sprague. She lives on the upper side of Wallace Circle. She thinks the appearance of the proposed building look good. She showed concern for the increase in traffic because she has small children. She supports a walkable community.

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Ms. Sprague asked if the applicant would consider removing one of the floors of the King Street building to reduce the amount of people living there. She noted that King Street has a huge traffic problem. She asked what will be on the roof top of the King Street building. Mr. Dixon said there will be some rooftop mechanical units and he can show her a drawing of the rooftop. She asked about the traffic flow during construction and noted that the Wallace Circle is narrow and congested.

The fourth speaker was Mark Suggs. He said that he works at Appalachian State University and walks to work. He said he has the same concerns as Ms. Diane Sprague. He is concerned with increased traffic. He noted that a left-hand turn cannot be made from the proposed project and he felt that this issue would put more traffic into Downtown Boone.

The fifth speaker was Mr. Luke Turner the son of Ms. Marsha Turner. He showed a concern for increased traffic during the day. He said the number of trips for Dr. Wood's business traffic should be included in the traffic study with the residential unit traffic.

The sixth speaker was Mr. Richard Kilma. He lives across from the proposed town homes. He showed a concern for the increased traffic and speed of traffic because he has small children. He said he would like to see a way to limit the speed of vehicles on the upper part of Wallace Circle he suggested speed humps and making it a one-way street.

Council Member Mizelle said that the traffic report suggested some speed humps be installed on Wallace Circle.

Mr. Tucker said that Mr. Trent Moody from Davenport Engineering was available to answer questions and to address the suggested speed humps.

Mr. Moody talked about the traffic concerns at this proposed project. He said from a proposed project of this size 156 trips would be generated per day. He said the 22 trips that were referenced earlier in this meeting were during peak hours. He said 22 trips were entering and exiting in the morning and 22 trips entering and exiting in the evening for the chiropractic facility and the residential units.

Mr. Moody explained that how the traffic information was retrieved and after this review, the level of service at each intersection was maintained. In this traffic study, it was taken into consideration that a lot of the tenants will be walking especially with Sanford Hall and Downtown being close by.

Vice-Chairperson Boyle asked if anything can be done to alleviate the construction on King Street. Mr. Moody said short of widening, there is a round-a-bout concept at King Street and College Street to keep cars flowing on King Street.

Mr. Ward told the Council that if they wanted to require the recommended speed humps or a speed limit change they could make those recommendations as part of the conditions and the

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Town could work with the developer to install the speed humps to the Town's standards they could work out a reimbursement with the Town and the developer. Mr. Ward also mentioned to the Council that they may want to look at including Wallace Circle, when they look to prioritize the streets from year to year.

Mayor Pro-Tem Mason talked about Wallace Circle being in an older area of Town not meeting current road standards. She asked about the fire department review. Mr. Ward said the fire department has run templates so they can have a turning radius so they can access per all their regular standards.

Ms. Meade asked if there has been any consideration to making Wallace Circle one way. Mr. Ward said not that he is aware of. Mr. Ward said with other streets have been made one-way streets, there has been a ripple effect of some other impact that has occurred.

Mayor Pro-Tem Mason talked about the Transportation committee proposing to Council in February 2017 to have an engineer look at traffic calming on various streets in the Town and some alternatives to foster increased safety in the neighborhoods.

Mayor Pro-Tem Mason asked if there is any on street parking is allowed on Wallace Circle. Mr. Deal said there is some parking across from his house on Wallace Circle but it is not public parking.

Mr. Trew said that he heard someone say at one of the neighborhood meetings that the residents of Wallace Circle had tried to make it one way and it did not work out very well. It was noted that one time Wallace Circle was tried to be made one-way in each direction and because of the issues with angles for entering the driveways, they decided to go back to a two-way street.

Mr. Trew asked Mr. Moody if Dr. Ryan's, chiropractic business traffic was considered in the number of trips. Mr. Moody said yes and it did not degrade the service level.

Ms. Sprague asked for clarification on the number of trips at the proposed project during peak times. Mr. Moody confirmed that the traffic study shows 22 trips per day which is one entry and one exit equals a trip. It was noted that only one-third of the cars would be coming out of the development in the mornings. He further explained that the use of Appalcart was considered as well in the trip study.

Mr. Dixon said the construction period would be about 16 months. He said they are looking off-site for construction parking. He said they have started a preliminary staging plan that would attempt to keep construction traffic off of Wallace Circle with a goal to build from King Street and up. He said they have spoken to the First Baptist Church about using their property for the construction staging for the proposed project and there has been no commitment from either party. He said there are spaces available at the church and they will talk with them about it. He said they would like the flexibility to work the church on the organizing of the construction staging.

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Mr. Dixon noted that NCDOT is putting in a five-foot bike lane coming into Town on King Street.

Mr. Turner asked if the project will be some pre-fab and traditional framing. Mr. Dixon said he thinks there will be some pre-fab sections that would help speed up construction.

Council Member Mizelle asked Mr. Dixon about the scheduling of delivery trucks carrying building materials. Mr. Dixon said they could build into the timeframe deliveries times that do not affect the neighborhoods.

Mr. Ward said another request would be to hold off on leasing until the timing is appropriate.

Ms. Lindsey, employee at Marathon Chiropractic encouraged walking in the Downtown area.

Mr. Deal gave a closing statement for this proposed project. He said in order to approve a planned development it needs to be of equal or higher quality than otherwise required by a strict application of district regulations that would otherwise govern. He said the design of the town homes on Wallace Circle rather than commercial which would be required by the underlying ordinance, the reduction in commercial space allows for additional parking for the business and the residents, the ground floor level parking has a positive impact on Downtown Boone by supplying sufficient parking for both commercial and residential uses, the reduction in building footprint is sensitive to the environment and to the surrounding properties, the four-story building height is in line with the Town's long-range plans as represented in the Boone 2030 Plan, whereas strict compliance with the ordinance would require a much greater footprint where they would be lower height but much more building mass and excavation and impact on all of the surrounding properties. He said these are not the only areas where they believe that this proposed project strongly supports a positive finding from the Council but it is their opinion that these items strongly support a good project for the property owners, the Town and for the neighbors.

Mayor Brantz adjourned this public hearing.

Mayor Brantz called for a short break at 7:22 p.m.

Mayor Brantz reconvened the public hearing at 7:40 p.m.

CASE PL00145-010417 BROWN OF BOONE, III, LLC – GENERAL USE ZONING MAP AMENDMENT

The Town of Boone has initiated the zoning of a portion of property (Watauga County PIN: 2921303920000) owned by Brown of Boone III, LLC to B3 General Business and Corridor District Overlay to coincide with the voluntary annexation of the property which is scheduled to be completed on January 19, 2017 with an effective date of February 16, 2017.

Zoning is necessary due to the recent NC Supreme Court decision in December 2016 which upheld Senate Bill 865 which removed the Town of Boone's ability to exercise any extra-territorial

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jurisdiction (ETJ) related powers (Effective January 10, 2017). Prior to January 10th, this property was zoned B3 General Business and Corridor District overlay.

Ms. Shook presented this case as outlined in the meeting packet. Ms. Shook said the annexation process has been started on this property and during this process, the Town lost the ETJ. She said the annexation is complete and the request is to rezone the property. She said that Staff is recommending the same zoning as it was before the ETJ change.

There were no speakers for this case.

Mayor Brantz closed the public hearing on this case.

CASE PL00147-010417 – ARTICLE 2 ADMINISTRATIVE MECHANISMS – UDO TEXT AMENDMENT

The Town of Boone has initiated a text amendment to modify the UDO to remove or alter regulations related to the Extra-Territorial Jurisdiction (ETJ). Modifications are necessary due to the recent NC Supreme Court decision in December 2016 which upheld Senate Bill 865 which removed the Town of Boone's ability to exercise any extra-territorial jurisdiction (ETJ) related powers (Effective January 10, 2017).

Ms. Shook said the loss of the ETJ caused the Town to amend their ordinance which causes some modifications to the size of some of the Town boards.

Mr. Meade explained that she also wanted to make some modifications to clarify continuation meetings and quorum requirements. Ms. Meade said the Board of Adjustment will have five persons with a quorum of four. And, she is suggesting that the Planning Commission go to a number of seven members. It is currently eight in-town residents and five ETJ residents. She said they chose seven because it is a very common number throughout the State. She said we already have six town residents so the board roster can be filled quickly.

Mr. Ward confirmed that the quorum for the Planning Commission will be the majority. It was noted that this proposed modification should help with getting a quorum for the Board of Adjustment and the Planning Commission.

Mayor Brantz closed the public hearing on this case.

ADJOURNMENT

Mayor Brantz closed the public hearing for the Town Council at 7:22 p.m. and stated that the Planning Commission can continue its deliberations.

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Rennie Brantz, Mayor **Marlene Crosby, Board Secretary**

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Eric Woolridge, Planning Commission Chairperson

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PLANNING COMMISSION MEETING MINUTES

MONDAY, JANUARY 23, 2017

(Immediately following Public Hearing)

COMMISSION MEMBERS:	Chairperson Eric Woolridge, Vice-Chairperson Connor Boyle, Kate Hayes, Adrian Thompson, Matthew Vincent and Elizabeth Shay
STAFF MEMBERS:	Jane Shook, Director of Planning & Inspections, Brian Johnson, Urban Design Specialist and Marlene Crosby, Board Secretary
OTHERS:	John Ward, Town Manager and Allison Meade, Town Attorney

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CALL TO ORDER

Chairperson Woolridge called the meeting to order at 7:50 p.m.

Ms. Meade gave direction to the Chairperson on the new procedure on calling the Planning Commission to order. Ms. Meade said that the Planning Commission Chairperson should call the Planning Commission meeting to order before the public hearing is opened, then when the public hearing is closed continue with the Planning Commission meeting.

ADOPTION OF AGENDA

Discussion ensued on the modifying of the agenda for this meeting. It was the consensus of the Planning Commission members to add the Election of Officers to the end of the agenda and if time permitting they would address it at this meeting.

Vice-Chairperson Boyle made a motion to adopt the agenda as modified, seconded by Member Vincent.

Vote:

Aye – All
Nay – None

The motion passes.

APROVAL OF MINUTES

Member Shay made a motion to accept the December 14, 2016 Special Planning Commission meeting minutes as written, seconded by Member Vincent.

Vote:

Aye – All
Nay – None

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The motion passes.

CASE 20160796 KING & COLLEGE – MIXED USE PLANNED DEVELOPMENT

Robert Flannigan has filed a Zoning Map Amendment Petition for a planned development consisting of a mixed-use building containing both residential and commercial uses, along with a separate a townhouse building for properties located at and near 302 W. King Street (Watauga County PINs: 2900988588000 and 2900988402000). The mixed-use building will contain 60 dwelling units with 60 bedrooms; with the following uses proposed to be allowed for the commercial portion of the building: Use 11.21 Medical Office Category 2. The Townhouse building will contain 2 dwelling units with a total of 4 bedrooms.

Ms. Jane Shook, Director of Planning and Inspections presented this case as outlined in the meeting packet.

Vice-Chairperson Boyle said that he is in favor of this project as it has been presented. He said he has some concerns about increased traffic. He said there is a traffic issue at this proposed project location now. He also said there will be a traffic issue with any project at this location. He said that he agreed with Chairperson Woolridge on widening the sidewalk space in the front of the development. He suggested that he would like to see some of type of design be proposed to keep the building from looking so monolithic.

Vice-Chairperson Boyle asked Mr. Tucker Deal, Attorney for the applicant what he had said at the Public Hearing regarding the findings required for a planned development? Mr. Deal came to the podium and gave a brief history of this proposed project and outlined the reasons that the proposed Planned Development meets the four findings in the UDO.

Mr. Deal stated the reasons that the proposed planned development meets the findings in 1.a., the town homes fronting Wallace Circle rather than commercial produces a development of higher quality, the buffer zones deviations including rehabilitation of an adjacent path walkway from Campus Ridge Drive to the sidewalk, the placing of fencing along Ms. Turner's property line with the accordance with her wishes, the commercial use reduction results in additional parking for the business and the residence, additionally the parking is pre-leased and it is not a deviation and it is not speculative commercial use, ground floor structured parking helps meet the parking demand and prevent a negative impact on Downtown Boone, the reduction of the building's footprint is sensitive to the environment and surrounding property and the four-story height is in line with the Town's long-range plans where a stricter application would require a larger footprint and massing of the building on the lot.

Mr. Deal stated the reasons that the proposed planned development meets the findings in 1.b.,the structured parking would reduce the need to dig below grade, the Town Homes are an innovative solution to blend development with the needs of the R-1 neighborhood, the sensitive design of the parking areas meets the development and Town by hiding the parking between the buildings and the rehabilitation of the right-of-way path from Campus Ridge Drive to King Street which is an innovative use of open space and proposing to protect some of Ms. Turner's viewshed.

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Mr. Deal stated the reasons that the proposed planned development meets the findings in 1.c., it blends the mixed-use at its most appropriate location fronting on King Street with lower density, the town homes being in an appropriate location on Wallace Circle near a R-1A neighborhood, the parking areas both long-term and commercial supply ample parking in a cohesive development with commercial and residential uses, the sensitive design and architecture of the building blends the development with the proposed standards of the Downtown Boone corridor, it provides for continuity and provides an attractive entrance into the traditional Downtown area.

Mr. Deal stated the reasons that the proposed planned development meets the findings in 1.d., it is the applicant's firm belief that this proposed development fits squarely within the Town's long-range plans specifically being an in-fill mixed-use development of vacant and under-utilized parcels that are dilapidated and non-conforming structures located within the G-4 sector where growth should be encouraged, the two parcels are tax exempt which will improve the Town's tax base, it will not only benefit the adjacent parcels but the Town, it will enhance adjacent properties specifically by the renovation of the walkway from Campus Ridge Road to King Street, the town homes on Wallace Circle respects the neighborhood, identifies an unidentified housing need of the Town and mitigates the negative impact on that residential area, the commercial use of the chiropractic office is far less intrusive for neighbors and other potential allowable uses in the B-1 zoning district such as bars and restaurants.

Member Shay made a motion to re-open the public hearing for this case, seconded by Member Hayes.

Vote:

Aye – All
Nay – None

The motion passes.

Mr. Bill Dixon, Architect with Appalachian Architecture said that he has a sketch-up of the proposed plans on a laptop for the Planning Commission members to view of the proposed project.

Member Vincent asked about the traffic for this proposed project and the possibility of cars sliding down onto King Street, when icy road conditions occur. Mr. Michael Trew of Municipal Engineering said that the proposed building is facing the South and there is less chance of ice staying on the driveway. Mr. Dixon said the building will have a maintenance crew to maintain the driveway during winter weather conditions.

Chairperson Woolridge asked Mr. Dixon to review the proposed building elevations. Mr. Dixon explained where the location of the building will be with the addition of planters in the front of the building. Mr. Dixon said, I don't think so, but some of the residential units have patios. He talked about the use of cornices to help bring the height of the building down.

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Mr. Dixon said they are limited on the placement of the building in relationship to the sidewalk because of the topography. He said if they push the building back; then they would have to deal with steeper driveways and potentially larger retaining walls. Chairperson Woolridge said at this point, the building cannot be made any smaller.

Member Vincent asked about the height of the front retaining wall. Mr. Dixon said it would be from the sidewalk and it would be one to two feet high. Mr. Trew said on the illustration on the proposed plan, the retaining wall goes up to four feet tall at the highest part of it. Mr. Dixon said the retaining wall would be made with re-purposed rock. Member Vincent asked if they would have enough re-purposed rock to build this retaining wall. Mr. Dixon said he was not sure but their mason knows of several different sources to purchase the same type of rock.

Chairperson Woolridge asked if the purpose of the retaining wall was centered on asethetics. Mr. Dixon said the retaining wall and planters are to help make up for some topography and made a transition from the building to the sidewalk.

Mr. Trew noted from a mechanical standpoint, the retaining wall is needed to be able to place a basin and drop the flow of storm water under the sidewalk. He said the retaining wall would help to hide the storm water related infrastructure.

Mr. Dixon said that the Town is considering an option to reduce the number of water meters to a one-meter base where the owner controls the water and would eliminate having to find a location for several meters on the site.

Member Vincent asked if there were sidewalks on Wallace Circle. Mr. Dixon said no, but the applicant decided it was a better option to pay the fee in lieu for sidewalks. Mr. Dixon said the Town sidewalk would help control water run-off and traffic to some degree.

Chairperson Woolridge asked Mr. Bob Flanigan, if he had agreed to Mayor Pro-Tem Mason's request to have no more than two-unrelated people in the town homes. Ms. Jane Shook, Director of Planning and Inspections said a condition can be placed on the proposed project for this request. Mr. Flanigan said he is agreeable to no more than two-unrelated occupants in the town homes.

Chairperson Woolridge asked Mr. Flanigan about the location of the development being in the Municipal Service District. Mr. Flanigan said he would like to wait a couple of years before making that decision. Mr. Tucker Deal said that this topic would involve too many financial implications for a decision to be made on it at this time.

Chairperson Woolridge talked about the sidewalk material that is being proposed for this project.

Discussion ensued on sidewalk material.

Mr. Dixon said he would respond to either the Town Maintenance Department or the Town

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Planning and Inspections Department on the sidewalk materials that should be used on the proposed project. Mr. Ward said that he would work with the Council and the Public Works Department on the sidewalk material.

Mr. Ward clarified the certain expectations for sidewalks in the Municipal Service District. And it was noted that the proposed project is not in the MSD area.

Chairperson Woolridge asked Member Vincent about his thoughts on the proposed architecture for this project. Member Vincent asked if anyone knew what the Council is looking for regarding the façade of the proposed building.

Mr. Ward asked Mr. Johnson for an update on the draft Community Appearance Standards guidelines. Mr. Johnson said that the Community Appearance Commission would be prepared to present the draft guidelines to Council by the February 2017 public hearing.

Mr. Johnson noted that Mr. Dixon has proposed less materials and yet is giving a better architectural look for the proposed building.

Mr. Dixon explained that the belly band material is a hard concrete stucco-type material. He further explained that in the AF Bank Building, they used pre-cast on the belly band and used EFIS, a synthetic stucco above it. He said ten years later the pre-cast material has cracks and is discolored and it was heavy and expensive and the EFIS looks brand new. Therefore, he recommends the use of the EFIS material on the proposed building. Mr. Ward asked about the freeze and thaw affect. Mr. Dixon said there is no problem with it.

Discussion ensued on the traffic analysis and recommendations for Wallace Circle. Member Vincent asked what is the speed limit on Wallace Circle. Ms. Shook said the speed limit is possibly 20 mph. Mr. Deal noted that he lives in that area and walks to work, he said in general people drive faster than they should in these type locations.

Mr. Dixon noted that Wallace Circle would be used to enter and exit the parking spaces for the town homes.

Ms. Meade said the Planning Commission could recommend a zero tolerance speeding zone for Wallace Circle. Mr. Dixon said that the applicant is also willing to work with the Town on speed humps.

Member Vincent asked if there was room to put sidewalks on Wallace Circle, he also said he wasn't sure if they would help or not.

Mr. Ward talked about the involvement of the Town with the speed humps, he said they come with drainage problems. He said we need to make sure that when deciding on the location of the speed humps that there is consideration for the additional water drainage for the home owners located below the speed humps.

Member Hayes told the applicant that they have done a great job appeasing the neighbors in the neighborhood meeting.

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Member Shay said she is not troubled by the façade of the proposed building. She likes the way that the belly band breaks up the look of the front of the building, she approved of the number of trips listed in the traffic analysis, she liked the town homes being included to add some commercial buildings to the project and she liked the idea of more tenants being able to leave their cars at the complex, while walking to work, etc.

Mr. Ward asked about the fencing along Ms. Turner's property. He wanted to know, if the fence would be allowed to be on the property line as opposed to the current requirement and a recommendation associated with it.

Mr. Dixon said that Ms. Turner does not want a 10-foot tall opaque fence but she wants a white picket fence. Mr. Ward suggested that if the Planning Commission makes this a recommendation to get in writing the wishes of Ms. Turner for the Council's consideration.

Chairperson Woolridge asked if the Planning Commission needed to put this in a recommendation or is the flexibility already built into it. Ms. Meade said it would need to be properly articulated. Mr. Dixon said there is a PowerPoint presentation that contains detailed drawings that could be included in with the letter.

Member Shay asked if the chiropractor office is the only commercial business in the building. Mr. Dixon said yes.

Mr. Dixon talked about the required windows for a storefront. He explained that they are proposing to put in open windows with aluminum frames with no glass in them on the first floor parking area.

Ms. Shook pointed out that in the deviations there is a mention of changing the location of the fence to the actual property line but it does not mention the actual type of fence. Chairperson Woolridge asked the applicant if they wanted to work with the Town on this topic and with whatever the Council requests. Ms. Meade said she was alright with giving the applicant total flexibility.

Discussion ensued on putting a fence in the middle of a buffer screen. Ms. Meade said it seems like this proposal would be unworkable. Mr. Johnson said in reality the property owners do not always maintain the landscaping on their side of the fence. Mr. Johnson said the intent is to have a landscape buffer on both side of the fence. Ms. Meade said that both property owners can work out what works best for them to maintain the landscaping. Ms. Meade said she supports allowing for this flexibility for the landscaping.

Vice-Chairperson Boyle clarified that the buffer on the eastern side of the building will have a driveway that will require an eight-foot retaining wall on the right as entering the site. He said the proposal is to not put an opaque fence on top of the retaining wall but to install a thick buffer. Mr. Trew said it would be redundant to put in another fence. Ms. Meade asked Mr. Dixon and Mr. Trew, if they were confident that no one can get through the buffer and fall off. Mr. Dixon said from a liability point of view, they have discussed whether or not they need to install a guard rail type fence. Mr. Dixon said they had not reached a decision on whether it was necessary or not. Vice-Chairperson Boyle said he would not like to see another fence on top of the retaining wall and he suggested having some type of barrier that could be embedded in the buffer.

Mr. Trew said they are already encroaching on the neighbor's property and they did not want to encroach any further to get the second tier of wall in. He said the spacing is really tight and they

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do not want to get into the building foundation on the adjoining property.

Discussion ensued regarding storm water.

Mr. Trew talked about the Town changes the ordinance for the 25 year storm. He said there are pluses and minuses just like all regulations. He said the plus is the detention systems get larger and the minus is that every storm below the 25 year storm goes straight through and you are not containing smaller storms. He said there is some room for improvement in the ordinance on this topic. He said he has talked to Mr. Johnson about doing a graduated or staged release where you can use your detention system more often to get a better benefit from it.

Vice-Chairperson Boyle said he feels it would be better for the Town if every storm water system got detained. He talked about potential storm water issues on the south side of the proposed project because of the freezing and thawing process. He thinks the storm water is doable, it is just a matter of having proper engineering. He suggested to incorporate pervious pavement into the proposed project, he said this would reduce the impervious area and reduce the detention some. He also suggested having some pervious parking stalls so the snow could be pushed there and the south sun would melt it and it would not freeze and thaw. He suggested that the engineering include ways to keep a lot of the storm water on site rather than putting it into a pipe to move off the site. He suggested putting a retention area near where the meters are going to be placed.

Discussion ensued on the conditions to be placed on the proposed project.

Chairperson Woolridge talked about including as a condition the installation of traffic calming devices such as speed humps and signage as recommended in the Traffic Analysis. Ms. Meade said by combining both of them together, it needs to show who is going to be financially responsible for the speed humps. Ms. Meade said there should be a reference in the condition that the applicant will reimburse the Town for the speed humps and she noted that the Town would be responsible for the signage. Mr. Ward said they could install the speed humps after the town has reviewed and approved the proposed project and or reimburse the Town, he said this would give the flexibility needed for the Town to work with the applicant.

Mr. Deal said that the applicant's perspective they would deal specifically with the traffic calming speed humps and work with the Town on either in construction upon the Town's direction or a fee in lieu situation to proper locate the speed humps.

Ms. Shook talked about additional improvements that were mentioned in the TIA report recommendations regarding guard rails. It was recommended that if possible that guard rails should be installed.

Discussion ensued on the installation of guard rails.

Ms. Shook said noted that Campus Ridge Drive is a private drive and the applicant would be responsible for the installation of the guard rails. Ms. Meade asked Mr. Deal if the applicant had discussed the guard rails. The applicant noted that they were not sure if guard rails were a necessity at this time because of the grading of the property.

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Mr. Deal said the road is not constructed as originally platted but it could be accomplished if necessary basically by coming into an agreement with the Campus Ridge owners and other property owners. He said it is actually the way it was constructed left a little piece of land from the original Cherry Brook subdivision. He further stated that that piece of land does not have a property owner at this time.

Member Vincent asked how about the linear feet for the guard rail. Ms. Shook said that the report does not specify that information.

Mr. Trew said that beside the Campus Ridge Road the grade is not being changed other than adding some fill near where the Campus Ridge Apartments mailbox system is. He said that the Campus Ridge Apartments mailbox system is located on the applicant's property and there has been discussion to move the mailbox system so it is not in front of the proposed.

Mr. Trew noted that Wallace Circle coming down to the entrance of the proposed project is about 75 feet. Ms. Meade asked why a guard-rail installation was suggested. Mr. Moody said it was suggested because of the topography and the drop-off at this location and for safety purposes. Mr. Moody confirmed that this is an existing situation and not a condition that the applicant is creating with the proposed project.

Mr. Trew said there are some possible problems with putting a guard rail on a street that is not owned by the applicant of the proposed project. He further noted the area for the possible guard rail would be about 20 feet long and about a six-foot drop off from Campus View to the entrance of the proposed project.

Chairperson Woolridge confirmed that the TIA recommendation to install guard rails is on the right side of the upper parking area where vehicles comes down into the development. Mr. Moody said it is recommended that the guard rails to be installed on the southern side of Campus Ridge Drive between Wallace Circle and the access point and it roughly works out to about 75 linear feet. Ms. Shook said the TIA recommendation says that it qualifies the guard rails, if permission can be obtained. Chairperson Woolridge said the condition is not changing but the proposed project is creating more cars and traffic.

Ms. Shook confirmed that the recommendations from the TIA report were for only the guard rails and the speed humps on Wallace Circle.

Mr. Dixon said the applicant is willing to install a guard rail, if they can work it out with the property owner.

Ms. Meade said on the map it looks like the property should all be owned by Mr. Deal's client but because of the way the old plat reads, it may not be owned by his client. Mr. Deal explained that the little green triangle area on the plat is the original plat of the proposed road according to Mr. Hagaman in the 1950's. Mr. Deal explained that as the road is built, it runs onto his client's property. Ms. Meade said who would have any claim to said property. Mr. Deal said it would be Mr. Hagaman because the proper was never deeded out from the 1950's from the Cherry Brook

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subdivision. Mr. Deal said that the applicant will propose to work with the neighbors to work out an agreement on the said property for the shared road.

Chairperson Woolridge asked Mr. Deal if they have a secured easement to access the road. Mr. Deal said the easement is built onto the proposed property. It was noted that Campus Ridge Drive is a private road and Mr. Deal stated that the road is located on private property as well.

Mr. Deal said that he has spoken with the current owners of Campus Ridge Drive and he said it is just a matter of working out the details moving forward on a shared maintenance agreement which would include Lot 10 of the Cherry Brook Subdivision. Mr. Deal said that Campus Ridge Drive did not get the full easement that was required, when the road was built. Mr. Deal said the applicant is not pursuing any sort of issue with this easement.

Chairperson Woolridge talked about the guard rail being in condition five. He asked the Planning Commission, if they were other comments on the discussed conditions. The Planning Commission members were in consensus of the discussed conditions.

Chairperson Woolridge closed the public hearing on this case.

Vice-Chairperson Boyle asked the Planning Commission members if there was anyone that thought that the proposed project as presented does not meet the four findings listed on page 39 of the meeting packet and UDO Subsection 14.05.01(B).

Vice-Chairperson Boyle asked Mr. Deal to give a summary of why the proposed project meets the criteria of the four findings found in UDO Subsection 14.05.01(B). Mr. Deal restated the reasons that he had stated in his opening presentation on this case.

Vice-Chairperson Boyle asked Ms. Shook would it be fair to say that if another developer came along and wanted to develop this site without going through the PD process that the amount of grading and retaining walls to meet the footprint and parking requirements would be more disruptive that proposed in this project. Ms. Shook said it would need to be very similar or it could be more for a larger building because the larger the building mass gets, there might be a need for more complicated grading in the back of the building.

First Motion and Vote:
Vice-Chairperson Boyle made a motion, seconded by Member Thompson, that the proposed amendment to the Town's zoning map is consistent with the Town's Comprehensive Plan and other applicable adopted plans of the Town which relate to this application because it is consistent with Comprehensive Plan Section 2.1.1(D), Economic development which encourages revitalization and use of currently under-utilized structures, sites and infrastructure in appropriately located areas. The proposed development is also consistent with Comprehensive Plan 1.2, the Growth Strategy Map as it is located in a primary growth area where near term growth is supposed to be especially encouraged.

Chairperson Woolridge made a friendly amendment to include that the PD will add a higher

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quality than would otherwise be required and encourages innovative arrangement of buildings and open spaces to provide an efficient, attractive, environmentally sensitive design, the PD produces a development functioning as a cohesive unified project and it will not substantially injure the use or value or enjoyment of surrounding property, it will hinder the development of surrounding property in accordance with the adopted plans and policies of the Town.

Vote:

Aye – All

Nay – None

The motion passes.

Second Motion and Vote:

Chairperson Woolridge made a motion, seconded by Vice-Chairperson Boyle, to recommend approval for the reasons previously stated, subject to the applicant meeting all of the following conditions:

1. Where there is a conflict between the application information and the plans (site plans and architectural plans bearing a received date of January 13, 2017), the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.

2. Any commitments and representations concerning the proposed project made by the applicant or its (his or her) representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.

3. Final plans shall be submitted that are in compliance with the provisions of the UDO and other provisions of the Town Code.

4. No more than two unrelated persons are allowed to live in the town house portion of the proposed development.

5. The applicant will work with the Town to implement the appropriate sidewalk material in accordance with other Town plans.

6. The applicant be provided flexibility to work with the Town and neighbors related to fencing location and type.

7. The applicant will work with the Town to implement traffic calming speed humps in accordance with the Traffic Impact Analysis.

8. The applicant construct a guard rail along Campus Ridge Drive in accordance with the Traffic Analysis Report.

Vote:

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Aye – All
Nay – None

The motion passes.

Mr. Ward told the applicant that with the recommendations stated above the proposed project will be moved forward to next months' Council agenda.

Discussion ensued on which other cases they wanted to discuss at this meeting.

Ms. Shook asked the Planning Commission which of the other cases on the agenda they would like to discuss at this meeting. Ms. Meade clarified that if the Planning Commission would like to table the case for Article 15 and 16 to the February 2017 meeting, it would be alright with Staff. Ms. Meade said the Staff may add some possible changes to Article 24 Parking to the February agenda.

It was the consensus of the Planning Commission to table the case for Article 15 or 16 to the February 2017 meeting.

CASE PL 00145-010417 BROWN OF BOONE, III, LLC – GENERAL USE ZONING MAP AMENDMENT

The Town of Boone has initiated the zoning of a portion of property (Watauga County PIN: 2921303920000) owned by Brown of Boone III, LLC to B3 General Business and Corridor District Overlay to coincide with the voluntary annexation of the property which is scheduled to be completed on January 19, 2017 with an effective date of February 16, 2017.

Zoning is necessary due to the recent NC Supreme Court decision in December 2016 which upheld Senate Bill 865 which removed the Town of Boone's ability to exercise any extra-territorial jurisdiction (ETJ) related powers (Effective January 10, 2017). Prior to January 10th, this property was zoned B3 General Business and Corridor District overlay.

Ms. Shook noted that there have been no changes to the request for this case. Ms. Shook explained that the request is to zone the property like it was on January 9, 2017.

There was no discussion by the Planning Commission on this case.

First Motion and Vote:

Vice-Chairperson Boyle made a motion, seconded by Member Vincent, that the proposed amendment to the Town's zoning map is consistent with the Town's comprehensive plan and other applicable adopted plans of the Town which relate to this application because that zoning had been in effect previously.

Vote:

Aye – All
Nay – None

The motion passes.

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Second Motion and Vote:
Chairperson Woolridge made a motion, seconded by Vice-Chairperson Boyle to recommend approval for the reasons previously stated.

Vote:

Aye – All

Nay – None

The motion passes.

CASE PL 00147 ARTICLE 2 ADMINISTRATIVE MECHANISMS - UDO TEXT AMENDMENT

The Town of Boone has initiated a text amendment to modify the UDO to remove or alter regulations related to the Extra-Territorial Jurisdiction (ETJ). Modifications are necessary due to the recent NC Supreme Court decision in December 2016 which upheld Senate Bill 865 which removed the Town of Boone's ability to exercise any extra-territorial jurisdiction (ETJ) related powers (Effective January 10, 2017).

Member Shay asked Ms. Meade why the number of Board of Adjustment members is going down to five from seven. Ms. Shook noted that currently for in Town cases the member number is five members. Ms. Shook further explained that the BOA membership numbers are only expanded for ETJ cases. Ms. Meade said the number of members has to be five just for the numbers to work out. Ms. Meade further added that the requirements for the Board of Adjustment are driven by the state law as it relates to the quorum and the voting majority requirements. Ms. Meade said she was able to add the ability to call continuation meetings without a quorum which is a nice option. Ms. Shook added that the reason for this proposed change is to bring the UDO into compliance with recent court decisions. Ms. Meade confirmed that this proposed change would delete all of the ETJ provisions in the UDO.

First Motion and Vote:
Chairperson Woolridge made a motion, seconded by Vice-Chairperson Boyle to the proposed amendment to the Town's zoning ordinance is consistent with the Town's Comprehensive plan and other applicable adopted plans of the Town which relate to this application because it brings the UDO into compliance with state law and makes appropriate changes considering the Town of Boone no longer has an ETJ.

Vote:

Aye – All

Nay – None

The motion passes.

Second Motion and Vote:
Chairperson Woolridge made a motion, seconded by Vice-Chairperson Boyle to recommend approval to the proposed amendment to the Town's zoning ordinance and believe approval is reasonable and in the public interest because for the reasons previously stated.

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Vote:

Aye – All
Nay – None

The motion passes.

CASE 20160751: MODIFICATION TO UDO ARTICLES 15 and 16 – UDO AMENDMENT

At the November 15, 2016 Planning Retreat, Council directed that modifications to the UDO be made in regards to intensity and use within UDO Article 15 District Uses and UDO Article 16 District Standards. Amendments may also be made to other Articles to conform them to changes made in these Articles.

Chairperson Woolridge made a motion, seconded by Vice-Chairperson Boyle to table this case to the February 2017 Planning Commission meeting.

Vote:

Aye – All
Nay – None

The motion passes.

Ms. Meade asked the Planning Commission to send their comments or questions to her or to Ms. Shook as they review Articles of 15 and 16.

ELECTION OF OFFICERS

Chairperson Woolridge asked Ms. Shook about the Council's decision on sub-committee positions. He asked Ms. Shook to let the Planning Commission know once this decision has been made. Mr. Ward said after one more Planning Commission member slot is filled that the Planning Commission roster will be complete.

Chairperson Woolridge noted that he is serving his third term on the Planning Commission and his term will expire in June of 2017. He suggested that the Planning Commission nominate another Chairperson at this time.

Vice-Chairperson Boyle asked if the Staff can provide the members with their term dates at the next meeting.

Member Vincent made a motion, seconded by Member Shay to nominate Vice-Chairperson Boyle for the position of Chairperson. Vice-Chairperson Boyle accepted the nomination. There were no other nominations for the position of Chairperson.

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Vote:

Aye – All
Nay – None

The motion passes.

Member Hayes nominated Member Shay for the position of Vice-Chairperson and Member Shay declined the nomination because she felt she is still too new to the Commission.

Member Shay made a motion, seconded by Member Thompson, to nominate Member Vincent for the position of Vice-Chairperson. Member Vincent accepted the position of Vice-Chairperson. There were no other nominations for the position of Vice-Chairperson.

Vote:

Aye – All
Nay – None

The motion passes.

OTHER MATTERS FROM BOARD MEMBERS OR STAFF

There were no other topics discussed at this meeting.

ADJOURNMENT

Chairperson Woolridge adjourned the meeting at 9:15 p.m.

Eric Woolridge, Chairperson	**Marlene Crosby, Board Secretary**

Communication: January 23, 2017 Planning Commission Minutes (Approval of Minutes)

Zoning/Planning Permit 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
www.townofboone.net

PERMIT IS FOR (CHOOSE ONE):

- ❑ Single Family or Duplex (Residential)
- ❑ Commercial
- ❑ Board of Adjustment Hearing (other than Appeals)
- ☑ Planning/Other

A. CONTACT INFORMATION

Applicant: Town of Boone Company: _____

Address: PO Drawer 192, Boone, North Carolina 28607

Phone Number: 828-268-6200 Email Address: _____

Property Owner: _____ Company: _____

Address: _____

Phone Number: Email Address:

B. PROPERTY INFORMATION

Watauga County Parcel Identification Number(s): _____

Address/Location: _____

Project Name: Intensity and Use Modifications

C. PERMIT SUBCATEGORIES

Additional Forms Needed

Zoning Permits

❒ Accessory Building	*Zoning Project Data Form (Residential or Commercial)
❒ Addition/Expansion including decks and patios	*Zoning Project Data Form (Residential or Commercial)
❒ Change of Use	*Commerical Project Data Form
❒ Land Disturbance (not associated with the construction of a bldg.)	*Zoning Project Data Form (Residential or Commercial)
❒ Manufactured Home Set-up in Park	*Manufactured Home in Park Form
❒ New Building Construction	*Zoning Project Data Form (Residential or Commercial)
❒ Renovation/Remodel	*Zoning Project Data Form (Residential or Commercial)
❒ Accessory Use (as listed in UDO Subsection 15.07.01)	*Zoning Project Data Form (Residential or Commercial)
❒ Temporary Use (as listed in UDO Subsection 15.07.02)	*Zoning Project Data Form (Residential or Commercial)
❒ Sign	*Sign Project Data Form (Zoning)
❒ Pavement Sealant	*Pavement Sealant Project Data Form
❒ Major Subdivision Zoning Permit	*Commercial Project Data Form

Board of Adjustment Hearings

❒ Special Use Permit/Modification	*Special Use Permit Form
❒ Variance	*Variance Form
❒ Major Subdivision Preliminary Plat Approval	*Major Subdivision Preliminary Plat Approval Form

Planning/Other

❒ Exempt Division of Land	*Subdivision Exemption Project Data Form
❒ Minor Subdivision (Preliminary and Final Plat)	*Minor Subdivision Project Data Form
❒ Major Subdivision (Final Plat)	*Major Subdivision Final Plat Project Data Form
❒ UDO Text Amendment	*Text Amendment Project Data Form
☑ General Use Zoning Map Amendment	* General Use Map Zoning Map Amendment Project Data Form
❒ Conditional District Zoning Map Amendment	*Conditional District Zoning Map Amendment Project Data Form
❒ Voluntary Annexation	*Annexation Petition (Satellite or Contiguous)
❒ UDO Text Interpretation	*UDO Interpretation Data Form

Communication: Case 20160751 Application Information (Case 20160751 Modification to UDO Articles 15 & 16)

D. DETAILED DESCRIPTION OF PROJECT

At the November 15, 2016 mid-year Planning Retreat, Council directed modifications to the UDO in regards to Use and Intensity.

E. PROJECT MANAGER DESIGNATION

A project manager is responsible for the activities listed in UDO Section 4.19. Single-family and two-family projects involving less than ½ acre of land disturbing activity or commercial site improvements that involve no more than 2,500 square feet of land disturbing activity are exempt from this requirement.

Name: NA Company:

Address: License #:

Phone Number: Email Address:

F. DESIGN PROFESSIONAL INFORMATION

Engineer:

Name: NA Company:

Address: License #:

Phone Number: Email Address:

Architect:

Name: NA Company:

Address: License #:

Phone Number: Email Address:

G. 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.

Town of Boone	Jane Shook	11/16/2016
Applicant[1] (Print)	**Applicant Signature**	**Date**
NA	**NA**	**NA**
Property Owner (Print)	**Property Owner Signature**	**Date**

Official Use Only

Project File Name:

Intensity and Use Modifications-UDO Text Amendment

Permit Number:

20160751

Project Name/Number:

Date:	Fee:	Receipt Number:	Method of Payment:	Paid By:
November 16, 2016	NA	NA	NA	NA

S:\FORMS\Forms_2015\Zoning\ZoningPlanningPermitApplication_052016.doc

Communication: Case 20160751 Application Information (Case 20160751 Modification to UDO Articles 15 & 16)

[1] Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person must be submitted along with this application. Execution by property owner of this application signifies that the applicant is authorized to proceed.

UDO Text Amendment Project Data Form

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

Official Use Only
Project Name/Number: Wellness District Modification- UDO Text Amendment
Permit Name/Number: 20160737

A. TEXT INFORMATION

Amendment is to:

Article(s): Article 15 District Uses; Article 16 District Standards; Article 34 Definitions

Section(s):

Brief Description of Amendment (Attach Proposed Text):

Modification of regulations related to use and intensity

Reason for Change:

Official Use Only

Public Hearing Meeting Date: November 28, 2016

PC Meeting Date: November 28, 2016

TC Meeting Date: December 15, 2016

Text Approved: ❑ Yes ❑ No

Date UDO Updated:

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Communication: Case 20160751 Application Information (Case 20160751 Modification to UDO Articles 15 & 16)

STAFF REPORT
PUBLIC HEARING
CASE 20160751 INTENSITY AND USE MODIFICATIONS- UDO TEXT AMENDMENT

REQUEST

At the November 15, 2016 Planning Retreat, Council directed that modifications to the UDO be made in regards to intensity and use within UDO Article 15 District Uses and UDO Article 16 District Standards. Amendments may also be made to other Articles to conform them to changes made in these Articles.

ANALYSIS

See attached documentation

CONFORMITY TO ADOPTED PLANS

COMPREHENSIVE PLAN UPDATE

1.1 Overall Objectives for the Boone Comprehensive Plan (p. 15):

The following objectives, which have not been listed in any particular order of importance, are deliberately broad in scope and less specific than either a policy statement or an implementation action.

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

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

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

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

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

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

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

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

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

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

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

Communication: Case 20160751 Staff Report (Case 20160751 Modification to UDO Articles 15 & 16)

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

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.

E.1 Continue to look for ways to make development regulations and permit procedures more predictable and timely. Evaluate opportunities for administrative review and permit issuance for development projects which, due to their small size or relatively minor impacts, may not require review by a formal public commission or board.

Communication: Case 20160751 Staff Report (Case 20160751 Modification to UDO Articles 15 & 16)

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 ordinance ☐is OR ☐is not consistent with the Town's comprehensive plan and other applicable adopted plans of the Town which relate to this application because:

_____

_____

Second Motion and Vote:

The Planning Commission recommends ☐approval ☐denial for the following reasons:

_____

_____

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 ☐is not consistent with the Town's Comprehensive plan and other applicable adopted plans of the Town which relate to this application because:

_____

_____

Second Motion and Vote:

I move to ☐approve ☐deny the proposed amendment to the Town's zoning ordinance and believe ☐approval ☐denial is reasonable and in the public interest because:

_____

_____

Communication: Case 20160751 Staff Report (Case 20160751 Modification to UDO Articles 15 & 16)

MEMORANDUM

To: Planning Commission members

From: Allison M. Meade, Town Attorney

Re: Proposed changes to UDO Article 15

Date: November 18, 2016

****

Attached please find proposed changes to Article 15 in follow up to Town Council's planning retreat held November 15th. The changes and the intent behind them are described below:

(1) *Recreation space*: this requirement has been removed from the intensity table in Article 16 (where it had populated the whole table despite applying only to manufactured home parks and multifamily), and placed in the district use-specific standards of Article 15. In addition, a single standard of 5% is established for all uses, whereas previously the requirement had ranged from 3.9% to 6.2%. The 5% standard was proposed by a Planning Commission "Density Subcommittee" in its proposal issued in 2009.

(2) *Setbacks for multi-use multi-family buildings in the B-3*: This has been changed from a 0' setback to a 20' minimum setback. This reflects the consensus of Council members that the "hulking" effect of large buildings immediately on the sidewalk (*e.g.*, The Standard) is not appropriate for the B-3 district. For essentially the same reason, the prior prohibition on parking in front of such buildings has been deleted. [Note that the current 0' setback provision applies only to multi-use developments involving multi-family; all other uses are subject to the minimum 20' setback. This change simply puts the same requirements on multi-use multifamily as already are applied with other developments in the B-3.]

(3) *Clarification of what counts as "commercial space" in a multi-use multi-family development*. These changes at 15.11.01(C) are intended to fulfill Council's intent in requiring "real" commercial space in multi-use buildings.

Council would appreciate the Planning Commission providing a recommendation on these proposed changes in time for the Council to act on them at its December 15, 2016 regular meeting.

****

In addition, Planning staff and I request that the Planning Commission consider taking up the following question and providing a recommendation prior to Council's January meeting, if possible:

In addition to applying the same 20' minimum setback to multifamily multi-use as is applied to other developments in the B-3 district, Council members indicated interest in requiring a 20-foot landscaped street yard for B-3 (and potentially B-2 and O/I) developments. This would require 20' of landscaped space between any street right-of-way and the building/parking areas of the development. Council's interest is in more greenery and a more "buffered" space between the street and buildings. In its proposal issued in 2009, the Planning Commission's Density Subcommittee proposed requiring 20' street yards in the B-2, B-3 and O/I, but also proposed decreasing interior setbacks. (The Subcommittee's

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report is attached.) Currently, a 10’ to 25’ street yard is required in these zoning districts, and almost all developments go with the lowest (10’) number. The required interior setbacks are 17’.

However, Planning staff are concerned that a 20’ street yard, especially when combined with current interior setback requirements, may result in a great deal of difficulty for development of many parcels.

Accordingly, we ask that the Planning Commission (or a subcommittee) take up this issue and make a recommendation as to how, if at all, Council should consider changing the required street yards and/or interior setbacks applicable in the B-2, B-3 and O/I districts.

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DISTRICT USE REQUIREMENTS

Manufactured Home Park

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

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

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

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

D. Recreation Space; and

E. Landscape buffers; and

F. Office location; and

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

15.09.02 General Requirements for the Manufactured Home Park

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

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

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

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

E. Streets:

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

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F. Parking:

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

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

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

I. Recreation space:

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

~~1.~~4. Outdoor recreation area for common use should be located twenty feet (20') or more from any residential windows at the same general level. ~~A recreation area constructed in accordance with Section 16.05 is required in all manufactured home parks.~~

~~2.~~5. Recreation areas shall be maintained in a safe and sanitary manner.

J. Utilities:

1. All utilities must be installed underground in accordance with Article 22.

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2. The source of the water supply system shall be the public water system.
3. The source of the sewer system shall be the public sewer system.
4. Solid waste and recycling enclosures shall be provided in accordance with Section 22.13.

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

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

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

M. Maintenance:

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

*** * * ***

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,

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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 or PD 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.

(20150028-11192015)

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

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 and be approved by the Community Appearance Commission. 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.

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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.
~~1.~~5. Recreation areas shall be maintained in a safe and sanitary manner.

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.

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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 and approved by the Community Appearance Commission.

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

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.

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.

~~**B.**~~**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

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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. Notwithstanding the foregoing, parking spaces in a parking structure may be counted as "street level commercial land use" where the parking is located in the interior of the building and all street frontage consists of non-parking commercial uses (e.g., retail, office, restaurant, etc.)

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 shall be at least two floors above the primary street level.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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count toward the recreation space requirements found in Section 16.05 of this Ordinance.

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

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

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

1. Mixed Use Building(s):

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

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

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

   ~~d. Building facades may be no further than 10' from the street right-of-way line, except where necessary to preserve existing significant or historic trees which shall be preserved, if practical, or to provide landscaped courtyards, landscaped greenspace, plazas, pocket parks, other pedestrian oriented amenities, in which case the maximum setback shall not exceed 20' or there would be interference with public utilities, or the placement of stormwater facilities and no reasonable alternative to that placement exists.~~

   ~~e.~~d. Interior setbacks for all mixed use buildings shall be a minimum of 10' except where abutting a residential zoning district, in which case the interior setback shall at a minimum equal the required interior setback in the abutting residential district.

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

2. Single Use Building(s)

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

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

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

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

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

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

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

~~vi. Building facades may be no further than 10' from the street right-of-way line, except where necessary to preserve existing significant or historic trees, which shall be preserved, if practical, or to provide landscaped courtyards, landscaped greenspace, plazas, pocket parks, other pedestrian oriented amenities, in which case the maximum setback shall not exceed 20' or there would be interference with public utilities, or the placement of stormwater facilities and no reasonable alternative to that placement exists.~~

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

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

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B. Multi-Family Uses wholly or partially on Property Zoned B3 General Business Outside the Corridor District but Proximate to Major Streets.

1. For the purposes of this Section "major street" refers to collector and arterial streets.
2. "Proximate" shall mean any building wholly or partially within 200 feet of the centerline of a major street.
3. Mixed Use Building(s)
   a. Mixed use building(s) shall meet the same requirements as described in Subsection 15.11.04(A)(1).
4. Single Use Building(s)
   a. Single use multi-family building(s) are only allowed as part of a mixed use project.
   b. A mixed use project shall meet the following criteria:
      i. Each project shall consist of street level commercial uses (i.e. retail, office, and restaurant) of 100% of the street level gross floor area on every building which fronts a major street. In addition, at least 25% of the total gross floor area of all buildings wholly or partially located within 200 feet of the centerline of a major street shall consist of commercial uses. This requirement may be satisfied if the commercial floor area is distributed among buildings or within one building.
      ii. For any floor containing a commercial use the entire floor shall be built to commercial standards in accordance with North Carolina Building Code Group A, B, E, or M.
      iii. A minimum of 60% of the major street facing street level façade of a building containing commercial use(s) shall be comprised of transparent, non-reflective windows.
      ~~iv. Surface parking shall be located to the side or most preferably to the rear, and in no case shall parking extend beyond the front building line.~~
      ~~v.~~iv. Structured parking is permitted but shall be located to the rear or in the interior of the building, or below the commercial uses.
      ~~vi. Building facades fronting the major street may be no further than 10' from the street right-of-way line, except where necessary to preserve existing significant or historic trees, which shall be preserved, if practical, or to provide landscaped courtyards, landscaped greenspace, plazas, pocket parks, other pedestrian oriented amenities, in which case the maximum setback shall not exceed 20' or there would be interference with public~~

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~~utilities, or the placement of stormwater facilities and no reasonable alternative to that placement exists.~~

~~vii.~~v. Interior setbacks shall be 10' except where abutting a residential zoning district in which case the interior setback shall equal the required interior setback in the abutting residential district.

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

C. Multi-Family Uses wholly or partially on property zoned B3 General Business in all other areas.

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

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Use #	Specific Use	Zoning Districts																Reference
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial					Education			
		RA	R1	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	
15.0 Parking																		
15.01	Parking Lot									L	L		L		P			15.46
15.02	Parking Structure								L[T125]	L	L		L	L	P			15.47
15.03	Park and Ride Lots	L								L			L	L	P			15.46

15.07 Table of Principal Uses

Communication: Case 20160751 UDO Article 15 District Uses UDO Text Modifications (Case 20160751

MEMORANDUM

To: Planning Commission members

From: Allison M. Meade, Town Attorney

Re: Proposed changes to UDO Article 16

Date: November 18, 2016

****

Attached please find proposed changes to Article 16 in follow up to Town Council's planning retreat held November 15th. The changes and the intent behind them are described below:

(1) *Simplification of intensity tables; removal of requirements related to Floor Area Ratio and "open space"; revised definition of "livability space"*: Removing the FAR and so-called "open space" requirements is intended to simplify the intensity requirements and focus on "livability space" as the real attribute of public value. "Open space" is essentially what is left over after livability space and building structures -- i.e, surface parking and other vehicular areas -- and actually discourages alternatives to surface parking lots such as parking structures. Council and Planning staff believe it is appropriate to focus on the amount of green space/recreation area and, upon ensuring that area is sufficient, allow flexibility as to how the remainder of a parcel's area is used.

(2) *Recreation space requirements* – moved to Article 15 (see comments regarding that Article).

(3) *Height limitations*: Height limitations per 16.08 have been changed to focus on the maximum number of stories, with height constituting a second limitation. Maximum heights in the B-1 district have been adjusted with the intent of allowing typical parapet-walled flat-roof construction to come within the height limitations.

(4) *Exemptions from height limitations.* Changes at 16.08.08 are intended to exempt mechanical items that extend thorough a roof from the height limitations, and to provide flexibility so as to allow for appropriate recreational use of roof-tops. Such roof-top structures will have to be screened from view below by parapet walls and set back from roof edges.

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Schedule of Land Use Intensity Regulations

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

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

~~**B.** A site specific development plan consisting of no other use than one (1) "single family dwelling" is not subject to the maximum floor area ratio requirements but all other intensity rules apply.~~

~~**C.**~~**B.** In the B-1 Zoning District, a minimum "Building Footprint" of fifty percent (50%) of the lot or parcel area is required. All other regulations in the Intensity Table apply.

~~**D.** In the B2 Zoning District, a development may utilize the values in the Intensity Table or may substitute a maximum "Building Footprint" of thirty percent (30%) and an open space ratio of seventy percent (70%). All other regulations in the Intensity Table apply.~~

~~**E.** In the B3 Zoning District, a development may utilize the values in the Intensity Table or may substitute a maximum "Building Footprint" of thirty percent (30%) and an open space ratio of seventy percent (70%). All other regulations in the Intensity Table apply.~~

(20150028-11192015)

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16.01.02 Intensity Table

Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	~~Maximum Floor Area Ratio (FAR)~~	~~Minimum Open Space Ratio (OSR)~~	Minimum Livability Space Ratio* (LSR)	~~Minimum Recreation Space Ratio (RSR)~~	Minimum Setbacks	
								Street	Interior
Residential Zoning Districts									
RA No Public Water & Sewer Available	20,000 sq. ft	100 ft.	80 ft.	~~.100~~	~~.80~~	.65	~~.025~~	20 ft.	18 ft.
RA Public Water Available	15,000 sq. ft.	80 ft.	64 ft.	~~.100~~	~~.80~~	.65	~~.025~~	20 ft.	18 ft.
RA Public Water & Sewer Available	10,000 sq. ft.	65 ft.	52 ft.	~~.100~~	~~.80~~	.65	~~.025~~	20 ft.	14 ft.
R1	8,000 sq. ft.	70 ft.	56 ft.	~~.162~~	~~.77~~	.53	~~.032~~	20 ft.	14 ft.
R1A	8,000 sq. ft.	70 ft.	56 ft.	~~.162~~	~~.77~~	.53	~~.032~~	20 ft.	14 ft.
RR	6,000 sq. ft.	70 ft.	56 ft.	~~.283~~	~~.74~~	.48	~~.042~~	20 ft.	13 ft.
R2	6,000 sq. ft.	70 ft.	56 ft.	~~.283~~	~~.74~~	.48	~~.042~~	20 ft.	13 ft.
R4	6,000 sq. ft.	70 ft.	56 ft.	~~.283~~	~~.74~~	.48	~~.042~~	20 ft.	13 ft.
R3	5,000 sq. ft.	80 ft.	64 ft.	~~.480~~	~~.72~~	.40	~~.062~~	20 ft.	13 ft.
MH	87,120 sq. ft.	None	56 ft.	~~.214~~	~~.76~~	.51	~~.039~~	20 ft.	20 ft.
Commercial/Industrial Zoning Districts									
OI	10,000 sq. ft.	100 ft.	80 ft.	~~.340~~	~~.71~~	.27	~~.032~~	20 ft.	17 ft.
B1	5,000 sq. ft.	15 ft.	12 ft.	~~None~~	~~None~~	None	~~None~~	Refer to Section 16.06.02	Refer to Section 16.06.04
B2	5,000 sq. ft.	50 ft.	40 ft.	~~.264~~	~~.76~~	.27	~~.049~~	20 ft.	17 ft.
B3	5,000 sq. ft.	50 ft.	40 ft.	~~.429~~	~~.71~~	.27	~~.062~~	20 ft.	17 ft.
M1	17,000 sq. ft.	80 ft.	64 ft.	~~.350~~	~~.65~~	.3	~~None~~	20 ft.	22 ft.
Educational Zoning Districts									
U1	None	None	None	~~.429~~	~~.71~~	.27	~~.039~~	Refer to Section 16.06.09	Refer to Section 16.06.08

(20140384-08212014)

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

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

~~**A.** However, the floor area permitted on that portion of the gross land area located within one district may be transferred to any portion of the lot's land area located in a district with a higher land use intensity ratio.~~

Gross Land Area

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

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

Minimum Lot Widths

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

A. Could be used for purposes that are permissible in that zoning district, and

B. Could satisfy any applicable setback requirements for that district.

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

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

Minimum Street Frontage Widths

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

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

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

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~~**Minimum Recreation Space**~~

~~**16.05.01** Recreation space is only required for multifamily developments and manufactured home parks.~~

~~**16.05.02** 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~~

~~**D.** In the B1 district, canopies are provided to cover the sidewalk.~~

~~**16.05.03** The dedication of a greenway easement may be used to satisfy the requirements for recreational space.~~

~~**16.05.04** Outdoor recreation area for common use should be located twenty feet (20') or more from any residential windows at the same general level.~~

Building Setback Requirements

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

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

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

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

1. Gas pumps and overhead canopies or roofs.

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2. Fences running along lot boundary adjacent to public street rights-of-way if such fences exceed nine feet (9') in height and are substantially opaque.

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

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

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

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

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

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

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

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

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

D. Loading and parking shall be in compliance with Article 24 of this Ordinance.

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

16.06.07 Setback distances shall be measured from the property line or street right-of-way line to a point on the lot that is directly below the nearest extension of any part of the building that

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is substantially a part of the building itself and not a mere appendage to it (such as a flagpole, etc.).

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

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

Accessory Structure Setback Requirements

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

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

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

16.07.04 An accessory structure must be clearly subordinate to the principal structure in all dimensional aspects.

16.07.05 An accessory structure shall not be located in an easement unless expressly allowed.

Building Height Limitations

16.08.01 For the purposes of this Section:

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

~~A point of access to a roof shall be the top of any parapet wall or the lowest point of a roof's surface, whichever is greater.~~

"Stories" as used herein refers to the number of heated, habitable floors above grade at the primary facade. Where both stories and heights are listed in the table below at section 16.08.02, the building can have no more than the listed number of stories, and also may not exceed the specified height in feet.~~Roofs with slopes greater than seventy five percent (75%) are regarded as walls.~~

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 ~~(Feet)~~
R1, R1A, RR, R2, R4, RA	3 stories~~35~~;
R3	3 stories/~~50 (primary) – 90 (secondary)~~

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MH	35'
OI	4 stories/67'
B1	On King St. from Water to College and on Depot Street from King to Howard: 3 stories/450'; elsewhere: 4 stories/55'
B2	3 stories/ ~~35 (primary) –~~ /40' ~~(secondary)~~
B3	3 stories/454' (primary) – 5 stories/~~-~~67' (secondary)
U1	Refer to Subsection 16.08.09
M1	67'

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

16.08.04 In the B1 district the maximum building height shall be limited to forty-five feet (~~40'~~45'), as measured from the average elevation of the existing or proposed sidewalk along the primary street at the middle of the building elevation facing the street to the highest point of the building or structure. Where a property has primary street frontages on opposite sides the applicable height limitation shall apply for each side and the building height limitation for each side shall terminate at the midpoint of the ~~lot~~building. ~~with the same standard being applied to the opposite street frontage~~. Where a property does not border a primary street on any side, the maximum height shall be measured from the average finished ground elevation of the finished building. For the purpose of this Section, the following are considered primary streets: King Street, Queen Street, Howard Street, Rivers Street, Water Street, Depot Street, Appalachian Street, Grand Boulevard, Poplar Grove Road, Straight Street, Bent Street, Orchard Street, and Wallace Circle.

16.08.05 In all nonresidential zones and the R3 zone, all structures located within 100 feet of an R1 zoned property shall not exceed ~~thirty-five feet~~forty feet (~~35'~~40') in height.

16.08.06 Where a multi-unit or nonresidential structure has a height in excess of twenty feet (20') and adjoins a low density residential district, the structure shall meet an additional setback of one and one half feet (1 ½') for each foot in height above twenty feet (20').

16.08.07 If a structure is located at an elevation of 3000 feet above mean sea level and 500 feet above the valley floor, in no case shall the height of such structure exceed forty feet (40') above the mean natural grade.

16.08.08 The following features are ~~exempt from~~not included in calculating the height of a structure for purposes of applying the district height limitations set forth in Subsection 16.08.02, except that on a corner lot in any residential district no planting, structures, fence, wall or obstruction to vision more than three feet (3') in height measured from the street center line

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shall be placed or maintained within the triangular area formed by the intersecting~~on~~ street lines and a straight line connecting points on said street lines each o~~f~~f which is twenty-five feet (25') from the point of intersection.

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

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

C. Utility transmission poles and cables.

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

~~C.~~**E.** Limited structures to enable recreational use of open rooftops; provided, however, that such features must be screened from view by parapets and set-back from roof edges and may be no more than 1/3 the area of the entire roof. As used in this provision, "structures" do not include areas that are simply decking to be used for standing or sitting.

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

A. All buildings proposed within 100 feet of an R1, R1A, RR, R2, R4, or RA zoned property shall be limited to a maximum height of thirty-five feet (35').

B. All buildings proposed within fifty feet (50') of an R3, OI, B1, B2, or B3 zoned property shall be limited to the maximum height allowed in the adjoining district. Additional height restrictions in Subsection 16.08.04 and 16.08.05 shall not apply in the U1 district.

Minimum Building Spacing

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

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

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

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

Intensity Regulations for the U1 District

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

Architecturally Integrated Subdivisions

16.11.01 In an architecturally integrated subdivision, the applicant may create lots and construct buildings without regard to any minimum lot size, ~~maximum floor area ratio for single family residences (use 1.100),~~ lot width or setback restrictions except that:

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

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

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

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

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

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Density On Lots Where Portion Dedicated to Town

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

Chapter 39 DEFINITIONS

Livability Space

~~The portion of total open space including existing natural~~Natural areas, lawns and other landscaped areas, walkways, ~~paved~~ terraces, sitting areas, outdoor recreational areas and the pervious, landscaped portion of street rights-of-way. ~~Such space shall not include open space used for motorized vehicles.~~ Livability space does not include paved pedestrian sidewalks or vehicular areas. A maximum of one-third of the livability space required for a development may be impervious (e.g., paved terraces or sitting areas).

~~**Open Space (using FAR)**~~

~~The total gross land area not covered by buildings, including covered open areas with at least two (2) sides which are open and unobstructed fifty percent (50%) or more.~~

~~**Open Space (using Building Footprint)**~~

~~Space outside the building(s) footprint.~~

Primary Façade.

The face of the building that is its primary orientation to the street or other public thoroughfare; normally the front of the building that faces ~~façade which faces the public~~the street and ~~which~~ contains the building's primary pedestrian entrance.

~~**Recreation Space**~~

~~The portion of total open space and livability space plus enclosed floor area, which is reserved and improved for the common recreational use of residents of multi-family developments.~~

Communication: Case 20160751 UDO Article 16 District Standards UDO Text Modifications (Case 20160751 Modification to UDO Articles 15 &

Draft: Density Subcommittee Proposal for Planning Commission Review December 7, 2009

Background & Purpose

Our work has been in response to the Town Council's memo of Nov. 20, 2008, related to Case 20080389 "Density & Dimensional Requirements" presented at the Fall 2008 Quarterly Public Hearing. In reference to this case, the Town Council has expressed that, "*There was general agreement to the concepts presented on increasing the intensity regulations for the following zones: R3, O/I, B-1, B-2, B-3 and M-1. The Planning Commission should evaluate whether the following ratios are needed: Maximum Floor Area Ratio, Minimum Open Space Ratio, Minimum Livability Ratio, And Minimum Recreation Space Ratio. Attention needs to be given to see what if any can be combined or eliminated*." At the August 10th Planning Commission meeting, a Density Subcommittee was formed to examine these issues and make recommendations to the Town Council for modification to the Town's regulatory system related to height, setbacks, and density in the districts of interest.

Goals

- Encourage greater density and infill development where appropriate
- Facilitate site design and building form in accordance with Smart Growth principles
- Encourage mixed-use development
- Reduce sprawl
- Increase walkability
- Make the UDO's Schedule of Land Use Intensity Regulations more user-friendly

Proposed Changes

- Remove the Maximum Floor Area Ratio (FAR), and create a Maximum Building Footprint (BF) (see Proposed Intensity Table below)
    - B-1 and B-2: Minimum two-story building required
    - Other Districts: Removal of FAR permits the development of a two-story building
- Require maximum street setbacks and reduced interior setbacks
    - See new "Max/Min" in proposed chart above
    - Increase street yard from 10 to 20 ft. in B-2, B-3, O/I
- Require 70% of developed building frontage at street setback on all facing streets (i.e. corner lots)
- Change the name of Livability Space Ratio to Landscaping Space to make it more understandable
- Eliminate the Open Space Ratio (OSR). This area represents the balance of land after Building Footprint.
- Eliminating the Minimum Recreation Space Ratio (RSR)
    - Add recreation requirements to Section 204
        - All multi-family recreation space = 5%
        - Rather than provide recreation space, developer can provide "fee in lieu of"

Communication: Case 20160751 2009 Density Subcommittee Report (Case 20160751 Modification to UDO Articles 15 & 16)

Proposed Intensity Table

Zone	Min. Gross Land Area (GLA) (sq.ft.)	Min. Lot Width (ft.)	Max. Building Footprint % GLA (BF)	Number of Building Stories (NBS)	Min. Landscape Space % GLA (LS)	Street Setback (Min./Max.) (ft.)	Interior Setback (Min.) (ft.)
R-3	2000	30	50	-	25	20/-	5
O/I	5,000	50	50	-	25	0/0 [5]	10
B-1	5,000	15	100	Min. 2	none	0/0 [1]	0 [1]
B-2	5,000	50	50	Min. 2	25	0/0 [5]	10
B-3	5,000	50	50	-	25	0/0 [5]	10
U-1 [2]	none	none	25	-	25	10/- [3]	10 [4]
M-1	17,000	80	35	Max. 2	25	20/-	22

1 Refer to 205 [b] and [c]
2 Refer to 209 [a]
3 Refer to 205 [g]
4 Refer to 205 [h]
5 Proposed increase of street yard from 10 to 20 ft.

Communication: Case 20160751 2009 Density Subcommittee Report (Case 20160751 Modification to UDO Articles 15 & 16)

Supporting Documentation

&

References

Conformity to Adopted Plans

Boone 2030 Land Use Plan

1: Executive Summary

MARKET ASSESSMENT, page 3

The plan includes a qualitative market assessment. Key findings of the assessment include: The most important housing issues facing Boone and the region include: affording housing for working residents; affordable housing for low income residents & seniors; infill housing on vacant or underutilized sites; mixed-use buildings (residential over commercial).

SUMMARY OF PUBLIC INPUT: COMMUNITY PRIORITIES, page 4

The list below summarizes the major points made by the public during the plan process in the various venues for feedback: the kick-off meeting, the community survey, and the public workshop meetings. The list very much reinforces and corroborates the vision statement developed by the Advisory Committee.

6. Create attractive streetscapes and corridors
7. Encourage denser/pedestrian-friendly, mixed-use development
8. Facilitate infill/redevelopment

ACTION ITEMS, page 6 (excerpt from Table)

Pg	Project/Task Type	Project/Task	Implementing Agency	Coordinate With	Yr.
50	Policy & Ordinance Amendments	Encourage infill in developed areas with regulations and incentives.	Town of Boone	Landowners, developers	2009-2014
92	Policy & Ordinance Amendments; Studies & Plans	Evaluate various strategies to help maximize the use of existing parking facilities and help promote continued infill development downtown.	Town of Boone, ASU	Watauga County	2009-2014
93	Support, Assistance, Coordination	Promote mixed-use infill along King Street	Town of Boone	ASU	On-going
98-110	Support, Assistance, Coordination	Various development/redevelopment model sites which exemplify the principles of mixed-use, pedestrian-orientation, compact development/ infill, and conservation subdivision.	Landowners, developers	Town of Boone	On-going
117	Policy & Ordinance Amendments	Rewrite the UDO and revise the zoning map based on the Framework Plan.	Town of Boone	Developers, landowners, advocacy organizations	2009-2014

Communication: Case 20160751 2009 Density Subcommittee Report (Case 20160751 Modification to UDO Articles 15 & 16)

2: Civic Dialogue & Participation

VISION FOR BOONE IN 2030, page 28

Vibrant Downtown

- Urban neighborhood/downtown living, historic core that is surrounded by density

Infill/Redevelopment

- Planning infill
- Old buildings redeveloped or torn down

Redevelopment/High Density Areas

- Context-sensitive heights; appropriate location for higher buildings: 5-6 stories, concentrated in/around: B1 & B3 districts; Howard St; ASU; Hardin Street; Blowing Rock Road; NC 105
- Density, density, density !!!! Especially close to downtown & university
- Give incentives for redevelopment/height

Revise the UDO

- Current UDO not development/redevelopment friendly
- Setbacks, parking requirements, height requirements make interconnectivity an issue along corridors
- Special zoning district for higher density/mixed-use (i.e., Old High School site)
- Until UDO is overhauled, very little can happen; Make UDO change recommendations ASAP
- Prioritize parcels for form improvement (form-based codes)

4: The Framework Plan

FRAMEWORK PLAN: METHODOLOGY, page 37 (excerpt from table)

Sector/Transect Zone Allocation for Boone:

T-6 Urban Core

General Character: Medium to high-density mixed use buildings, entertainment, civic and cultural uses. Attached buildings forming a continuous street wall; trees within the public right-of-way; highest pedestrian and transit activity

Building Placement: Shallow setbacks or none; buildings oriented to street, defining a street wall

Frontage Types: Stoops, shopfronts, and arcades

Typical Building Height: 2- to 4-story with a few taller buildings

5: Infrastructure and Sustainability

GREEN INFRASTRUCTURE, page 50 (last paragraph)

Encourage Infill in Developed Areas with Regulations and Incentives:

"In addition [NCWRC] encourage[s] 'infill' (new development in unused or underutilized land in existing urban areas) development in urbanized portions of the jurisdiction" as one of the most basic ways to protect and preserve more sensitive environmental features elsewhere. This Plan recommends that downtown and the Town's existing commercial corridors are the most important infill areas for the Town because of the established utilities and infrastructure there, but also because these areas are the most accessible and most appropriate locations to develop in a mountain environment. The Town should develop guidelines and development incentives for infill development as part of updates of the Town's policies and regulations. Incentives

Communication: Case 20160751 2009 Density Subcommittee Report (Case 20160751 Modification to UDO Articles 15 & 16)

might include tax rebates, streamlined permitting, density bonuses, and tax increment financing or other public participation for projects in key locations."

7: Downtown Boone
SUGGESTED DOWNTOWN IMPROVEMENTS, page 87
Long Term Improvements

- Uniform look in downtown
- Lacking quaint charm of… Banner Elk, Blowing Rock, etc—apply concept to the streets as many shops are doing
- New investment and development in downtown
- Redevelopment of entire blocks (facilitate density)
- Planning & Inspections—need flexibility to minimize cost of rehab [goal to make it better than it is now]

Boone 2007 SmartGrowth Audit

Executive Summary (page 2, excerpts from Table)

Pg	Project/Task Type	Project/Task	Priority	Implementing Agency	Coordinate With (Project/Task Section)
22	Policy & Ordinance Amendments	Encourage Greater Density	2	Town of Boone	Develop Strategic Land Use Master Plan; Apply the Transect
25	Policy & Ordinance Amendments	Update Density & Height Requirements	2	Town of Boone	Apply the Transect; Use Form-Based Coding

Analysis by SmartGrowth Principle

2. TAKE ADVANTAGE OF COMPACT BUILDING DESIGN
OPPORTUNITIES/CHALLENGES (page 21)
Need for increased Building height/density

- "Increased density will be the only way to make this sustainable, but need to sell idea – one of the biggest obstacles"
- "Interest in density bonuses"
- "Land intensity ratios in the UDO are hindrance to Smart Growth because of height restrictions; 6-7 stories would be ideal"
- "Need to make downtown more vibrant and build up, but council scared of tweaking heights"
- "Need infill, go vertical"
- "ASU would like to look into building higher, but need to rezone to university zoning to not be subject to setbacks or height requirements."
- "Secondary height requirement kills projects"

RECOMMENDATIONS (page 22)
ENCOURAGE GREATER DEVELOPMENT DENSITY
One of the greatest and most obvious opportunities for Boone—as pointed out by numerous stakeholders—given the high cost of land, the sensitive environmental conditions, and the

Communication: Case 20160751 2009 Density Subcommittee Report (Case 20160751 Modification to UDO Articles 15 & 16)

challenges of the High Country terrain is to use the most buildable land more efficiently by building more compactly and more vertically. Compact development can help Boone to achieve many of its other Smart Growth goals.

Higher-density development:

- Is a key element to creating walkable communities and providing more transportation options. (Walkable urbanism is said to become feasible at floor area ratios of 0.8. Typical auto-oriented suburban development has floor area ratios of 0.2 to 0.3. Outside of the B-1 district, Boone's Intensity Regulations allow *maximum* floor area ratios of 0.48.)
- Can also contribute to a wider range of housing choices and more affordable housing options. (Smart Growth Network,2005)

REDUCE SETBACK/DIMENSIONAL STANDARDS (page 24)
The current UDO's Schedule of Land Use Intensity Regulations represents a major obstacle to Smart Growth development in Boone and specifically compact development. With the exception of the B-1 standards, the requirements are overly complex, redundant, not context-sensitive or context-dependent, very suburban in orientation, and work against many of the environmental and Smart Growth goals that the community has articulated in its policy plans.

UPDATE DENSITY & HEIGHT REQUIREMENTS (page 25)
In addition to minimum lot sizes and minimum dimensional standards, Boone's UDO includes maximum Floor Area Ratios (FAR), and minimum ratios for Open Space, Livability Space, and Recreation Space which must be included on each lot, as well as maximum height limitations. The UDO's Schedule of Land Use Intensity Regulations also includes various restrictions on the mass and height of buildings. When combined with the relatively large minimum lot sizes, these regulations result in a land use pattern that is inefficient and not at all compact.

In general, the density and height requirements could be simplified and made more context-sensitive, based on a land use plan and the location in Town. For example, instead of FAR the Town should consider maximum heights and maximum pervious areas based on a development's location in a more urban or more rural context.

APPENDIX (page 102)
UDO ASSESSMENT

Promote SG?	**Smart Growth Principle**	**Policy/Recommendation /Regulation**	**Commentary: Implementation? Consistency with Town programs, policies, regulations, decisions? Recommendations for Implementation.**
N	2,3,4,5,6	Sec. 200 Schedule of Land Use Intensity Regulations	These standards represent a major obstacle to Smart Growth development in Boone. With the exception of the B-1 standards, the requirements are overly complex, redundant, not context sensitive or context dependent, very suburban in orientation, and work against many of the environmental and Smart Growth goals that the community is trying to achieve. Consider maximum densities vs. minimum gross land area Reduce minimum lot widths. Consider maximum heights and maximum pervious areas versus FAR.

Communication: Case 20160751 2009 Density Subcommittee Report (Case 20160751 Modification to UDO Articles 15 & 16)

			Minimum number of stories (or FARs) may be appropriate in some areas, including downtown. The ratios need to be simplified and made context-sensitive (e.g. rural, suburban, urban). Setbacks are too large in many cases for pedestrian-oriented development.

Boone 2006 Comprehensive Plan Update

Section 2.1.1 ECONOMIC DEVELOPMENT (page 21)
POLICIES & ACTIONS
D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas.

D.1 Evaluate development regulations for amendments providing flexibility in the renovation and redevelopment of existing structures and sites.

Section 2.1.5 DOWNTOWN (page 34)
Residential Uses Downtown
The downtown is a logical area for higher density residential development: close to town services, bus lines, entertainment, and other urban services. In many instances, where residential development can be established over ground floor commercial uses, there are no land costs involved, thereby contributing to the affordability of these units. Further, the more pedestrian oriented the downtown area and the more residential areas convenient to the downtown area, the less traffic and parking demand will be generated by automobiles in the area.

POLICIES & ACTIONS (page 35)
C. A variety of mutually compatible and supportive mixed uses shall be encouraged in the downtown area.

C.1 Examine zoning ordinances and revise as necessary to encourage construction of buildings with residences over ground-floor businesses.

Outside Resources:

Consisting of documents and excerpts from model codes, ordinances, and plans dealing with land use impacts on individual communities or larger regions.

Model Development Code for Small Cities

www.oregon.gov/LCD/TGM/modelCode05.shtml

The code is designed with smaller communities in mind using a template format with suggested ranges listed in [] to be determined by a community which best fulfills its goals. One of many templates available for use or reference.

The Chattanooga Climate Action Plan

www.Chattanooga.gov/Final_CAP_adopted.pdf

Chattanooga, TN Climate Action Plan with highlighted sections relating to Smart Growth, Food, and Transportation. Begin reading at page 39-50 Regarding Healthy Communities

Communication: Case 20160751 2009 Density Subcommittee Report (Case 20160751 Modification to UDO Articles 15 & 16)

The Infill and Redevelopment Code Handbook
www.lcd.state.or.us/LCD/docs/publications/infilldevcode.pdf
A more lengthy and technical document with a template code that identifies common infill/redevelopment issues with a "Problem, Objective, and Strategy" format, and includes an appendix of samples of codes, worksheets, and principles.

Colorado Springs, CO – Types of Zone Districts
www.springsgov.com/Page.aspx?NAVID=1036
A general listing of zoning districts for the City of Colorado Springs, CO with minimum lots sizes, setbacks, widths, and coverage.

Creating Great Neighborhoods: Density in Your Community
www.lgc.org/freepub/docs/community_design/reports/density_manual.pdf
A short manual created by the Local Government Commission and EPA discussing benefits of density, several case studies, and design issues to consider.

Envision Utah Toolbox
Link to entire Toolbox-- http://www.envisionutah.org/eu_resources_toolboxes.html
Scroll to bottom of page for listing of chapters.

Envision Utah strives to address the enormous growth pressures facing the state in the next 40 years affecting quality of life for current and future residents.

Chapters of interest:

Chapter 2 Meeting Housing Needs
http://www.envisionutah.org/Urban%20Planning%20Tools%20for%20QG_ch2_1.pdf

Chapter 3 Making Our Community a Good Place to Walk
http://www.envisionutah.org/Urban%20Planning%20Tools%20for%20QG_ch3_1.pdf

Chapter 4 Reuse and Infill
http://www.envisionutah.org/Urban%20Planning%20Tools%20for%20QG_ch4_1.pdf

Chapter 8 Strategies for Walkable Commercial Development
http://www.envisionutah.org/Urban%20Planning%20Tools%20for%20QG_ch8_sup.pdf
Pages 1-7 and 24-end should be of particular interest.

EPA-Essential Smart Growth Fixes for Urban and Suburban Zoning Codes (Draft)
http://www.epa.gov/smartgrowth/pdf/2009_essential_fixes.pdf

Communication: Case 20160751 2009 Density Subcommittee Report (Case 20160751 Modification to UDO Articles 15 & 16)

Town of Davidson
http://www.ci.davidson.nc.us/DocumentView.aspx?DID=1302
Section 9

Town of Cornelius
http://www.cornelius.org/landdevelopmentcode.html
Chapter 4 (Pages 4-1 thru 4-4)
Chapter 5 (All of Sections 5.4, 5.5, 5.6, & 5.7)

Town of Huntersville
http://www.huntersville.org/Planning%20Info/Z-Ord%2009-09.pdf
Article 3 (.pdf pages 39-50)
Article 4 (begins at .pdf Page 97)

Zoning/Planning Permit 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
www.townofboone.net

PERMIT IS FOR (CHOOSE ONE):

- ❑ Single Family or Duplex (Residential)
- ❑ Commercial
- ❑ Board of Adjustment Hearing (other than Appeals)
- ☑ Planning/Other

A. CONTACT INFORMATION

Applicant: Town of Boone Company: _____

Address: PO Drawer 192, Boone, NC 28607

Phone Number: _____ Email Address: _____

Property Owner: _____ Company: _____

Address: _____

Phone Number: Email Address:

B. PROPERTY INFORMATION

Watauga County Parcel Identification Number(s): NA

Address/Location: NA

Project Name: Shopping Center Revisions- UDO Text Amendment

C. PERMIT SUBCATEGORIES

Additional Forms Needed

Zoning Permits

❒ Accessory Building	*Zoning Project Data Form (Residential or Commercial)
❒ Addition/Expansion including decks and patios	*Zoning Project Data Form (Residential or Commercial)
❒ Change of Occupancy	*Commerical Project Data Form
❒ Land Disturbance (not associated with the construction of a bldg.)	*Zoning Project Data Form (Residential or Commercial)
❒ Manufactured Home Set-up in Park	*Manufactured Home in Park Form
❒ New Building Construction	*Zoning Project Data Form (Residential or Commercial)
❒ Renovation/Remodel	*Zoning Project Data Form (Residential or Commercial)
❒ Accessory Use (as listed in UDO Subsection 15.07.01)	*Zoning Project Data Form (Residential or Commercial)
❒ Temporary Use (as listed in UDO Subsection 15.07.02)	*Zoning Project Data Form (Residential or Commercial)
❒ Sign	*Sign Project Data Form (Zoning)
❒ Pavement Sealant	*Pavement Sealant Project Data Form
❒ Major Subdivision Zoning Permit	*Commercial Project Data Form

Board of Adjustment Hearings

❒ Special Use Permit/Modification	*Special Use Permit Form
❒ Variance	*Variance Form
❒ Major Subdivision Preliminary Plat Approval	*Major Subdivision Preliminary Plat Approval Form

Planning/Other

❒ Exempt Division of Land	*Subdivision Exemption Project Data Form
❒ Minor Subdivision (Preliminary and Final Plat)	*Minor Subdivision Project Data Form
❒ Major Subdivision (Final Plat)	*Major Subdivision Final Plat Project Data Form
☑ UDO Text Amendment	*Text Amendment Project Data Form
❒ General Use Zoning Map Amendment	* General Use Map Zoning Map Amendment Project Data Form
❒ Conditional District Zoning Map Amendment	*Conditional District Zoning Map Amendment Project Data Form
❒ Voluntary Annexation	*Annexation Petition (Satellite or Contiguous)
❒ UDO Text Interpretation	*UDO Interpretation Data Form

Communication: PL00264 Planning Permit Information (Case PL00264-021317 Shopping Center Revisions)

D. DETAILED DESCRIPTION OF PROJECT

See Project Data Form

E. PROJECT MANAGER DESIGNATION

A project manager is responsible for the activities listed in UDO Section 4.19. Single-family and two-family projects involving less than ½ acre of land disturbing activity or commercial site improvements that involve no more than 2,500 square feet of land disturbing activity are exempt from this requirement.

Name: NA Company:

Address: License #:

Phone Number: Email Address:

F. DESIGN PROFESSIONAL INFORMATION

Engineer: NA

Name: Company:

Address: License #:

Phone Number: Email Address:

Architect: NA

Name: Company:

Address: License #:

Phone Number: Email Address:

G. 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	Jane Shook	02/13/2017
Applicant[1] (Print)	**Applicant Signature**	**Date**
NA	**NA**	**NA**
Property Owner (Print)	**Property Owner Signature**	**Date**

Official Use Only

Project File Name:

Shopping Center Revisions- UDO Text Amendment

Permit Number:

PL00264-021317

Project Name/Number:

NA

Date:	Fee:	Receipt Number:	Method of Payment:	Paid By:
February 13, 2017	NA	NA	NA	NA

S:\FORMS\Forms_2015\ZoningPermitApplication_052015.doc

[1] Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person must be submitted along with this application. Execution by property owner of this application signifies that the applicant is authorized to proceed.

Communication: PL00264 Planning Permit Information (Case PL00264-021317 Shopping Center Revisions)

UDO Text Amendment Project Data Form

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

Official Use Only
Project Name/Number:
Permit Name/Number: PL00264-021317 Shopping Center Revisions- UDO Text Amend

A. TEXT INFORMATION

Amendment is to:

Article(s): Article 15, Article 24

Section(s): varies

Brief Description of Amendment (Attach Proposed Text):

Modification of the UDO text as it relates to shopping centers.

Reason for Change: Text was inadvertently included in the major UDO revisions which were adopted in January 2013 (effective January 1, 2014). Text was identified as needing more work prior to adoption.

Official Use Only

Public Hearing Meeting Date: February 27, 2017

PC Meeting Date: February 27, 2017

TC Meeting Date: March 16, 2017

Text Approved: ❑ Yes ❑ No

Date UDO Updated: _____

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Communication: PL00264 Planning Permit Information (Case PL00264-021317 Shopping Center Revisions)

STAFF REPORT
PUBLIC HEARING
CASE PL00264-021317 SHOPPING CENTER MODIFICATIONS-UDO TEXT AMENDMENT

Request

The Town of Boone has initiated a text amendment to modify the UDO to remove or alter regulations related to "shopping centers". The "shopping center" concept was identified as needing more work before implementation of the revised UDO which became effective January 1, 2014 and was inadvertently left in the draft.

Analysis

The UDO defines a shopping center as "A development containing more than one commercial use with shared parking and/or interconnecting walkways enabling patrons to walk from unit to unit." UDO regulations require a special use permit for this combination of uses no matter which use categories are proposed for the shopping center (even if the two uses are permitted by right). The discussion at the time of adoption was to come up with a category which did not require a development to need board modification each time a new use was introduced into the shopping center. This was not accomplished in the adopted text. Discussion prior to adoption noted that the shopping center use needed additional work before adding it as an "use" in the UDO. Please note the shopping center/mall concept was already introduced to the UDO through sign regulations prior to the major UDO revisions which introduced the concept as a "use", therefore the definition will remain at this time.

The text below in ~~red strikethrough~~ is the text proposed to be deleted and the blue underline is the new text for consideration. Please note, text amendments now contain the case number and effective date in italicized font at the end of the section in which the text was modified.

Article 15 District Use Standards

15.07 Table of Principal Uses

…

Use #	Specific Use	Zoning Districts																Refe
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial					Education			
		RA	R1	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	
1.0 Household Living																		
11.17	~~Shopping Center/Mall~~ Reserved									~~S[T300]~~	~~S~~	~~S[T125]~~	~~S[T300]~~		~~S[T125]~~			~~15~~

…

§ 15.28 ~~SHOPPING CENTER/MALL~~ (Reserved).

~~A. All structures within a shopping center/mall shall be architecturally compatible.~~

Communication: PL00264 Staff Report (Case PL00264-021317 Shopping Center Revisions)

Article 24 Parking

Commercial Land Uses	Maximum Parking Allowed
1.08-1.10 Townhouse 1.11-1.13 Multi-Family	2 spaces/unit Visitor parking spaces not to exceed 25% of total parking area
1.14-1.16 Mixed-Use Multi-Family	1 space / 1 bedroom units 2 spaces / 2 bedroom units 3 spaces / 3 or more bedroom units 1 space / unit for multi-family residences limited to the Elderly 1 space / unit for affordable rental dwelling units 1 space / unit for affordable owner-occupied dwelling units
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 11.32 Gas Station	3 spaces/1000 ft^2 GFA
11.01 Kennel 11.02-11.03 Veterinary Office/Hospital 11.04 & 11.05 Financial Institution 11.11 ABC Store 11.12 - 11.13 Personal Service Establishment 11.14-11.16 Retail Store ~~11.17 Shopping Center/Mall~~ 11.18 - 11.19 Business or Professional Office	5 spaces/1000 ft^2 GFA or outdoor area used for principal use

Communication: PL00264 Staff Report (Case PL00264-021317 Shopping Center Revisions)

Commercial Land Uses	Maximum Parking Allowed
11.20-11.23 Medical Office 11.16 Specialty Medical Facility 11.26 Open Air Market 11.33 Car Wash 12.0 Recreation 18.0 Waste Related Uses 19.0 Particular Activities which Pose Particular..	

…

CONFORMITY TO ADOPTED PLANS

COMPREHENSIVE PLAN UPDATE

1.1 Overall Objectives for the Boone Comprehensive Plan (p. 15):

The following objectives, which have not been listed in any particular order of importance, are deliberately broad in scope and less specific than either a policy statement or an implementation action.

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

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

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

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

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

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

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

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

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

Communication: PL00264 Staff Report (Case PL00264-021317 Shopping Center Revisions)

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

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.

E.1 Continue to look for ways to make development regulations and permit procedures more predictable and timely. Evaluate opportunities for administrative review and permit issuance for development projects which, due to their small size or relatively minor impacts, may not require review by a formal public commission or board.

Communication: PL00264 Staff Report (Case PL00264-021317 Shopping Center Revisions)

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 other applicable adopted plans of the Town which relate to this application because:

Second Motion and Vote: The Planning Commission recommends ☐**approval** OR ☐**denial** for the following reasons:

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 other applicable adopted plans of the Town which relate to this application because:

Second Motion and Vote: I move to ☐**approve** OR ☐**deny** the proposed amendment to the Town's zoning ordinance and believe ☐**approval** OR ☐**denial** is reasonable and in the public interest because:

Communication: PL00264 Staff Report (Case PL00264-021317 Shopping Center Revisions)

Zoning/Planning Permit Application

Town of Boone Planning & Inspections Department
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Phone (828) 268-6960 ◆ Fax (828) 268-6961
www.townofboone.net

PERMIT IS FOR (CHOOSE ONE):

- ❑ Single Family or Duplex (Residential)
- ❑ Commercial
- ❑ Board of Adjustment Hearing (other than Appeals)
- ☑ Planning/Other

A. CONTACT INFORMATION

Applicant: Town of Boone Company: _____

Address: PO Drawer 192, Boone, NC 28607

Phone Number: _____ Email Address: _____

Property Owner: _____ Company: _____

Address: _____

Phone Number: Email Address:

B. PROPERTY INFORMATION

Watauga County Parcel Identification Number(s): NA

Address/Location: NA

Project Name: Community Appearance Commission – Text Amendment

C. PERMIT SUBCATEGORIES

Additional Forms Needed

Zoning Permits

❒ Accessory Building	*Zoning Project Data Form (Residential or Commercial)
❒ Addition/Expansion including decks and patios	*Zoning Project Data Form (Residential or Commercial)
❒ Change of Occupancy	*Commerical Project Data Form
❒ Land Disturbance (not associated with the construction of a bldg.)	*Zoning Project Data Form (Residential or Commercial)
❒ Manufactured Home Set-up in Park	*Manufactured Home in Park Form
❒ New Building Construction	*Zoning Project Data Form (Residential or Commercial)
❒ Renovation/Remodel	*Zoning Project Data Form (Residential or Commercial)
❒ Accessory Use (as listed in UDO Subsection 15.07.01)	*Zoning Project Data Form (Residential or Commercial)
❒ Temporary Use (as listed in UDO Subsection 15.07.02)	*Zoning Project Data Form (Residential or Commercial)
❒ Sign	*Sign Project Data Form (Zoning)
❒ Pavement Sealant	*Pavement Sealant Project Data Form
❒ Major Subdivision Zoning Permit	*Commercial Project Data Form

Board of Adjustment Hearings

❒ Special Use Permit/Modification	*Special Use Permit Form
❒ Variance	*Variance Form
❒ Major Subdivision Preliminary Plat Approval	*Major Subdivision Preliminary Plat Approval Form

Planning/Other

❒ Exempt Division of Land	*Subdivision Exemption Project Data Form
❒ Minor Subdivision (Preliminary and Final Plat)	*Minor Subdivision Project Data Form
❒ Major Subdivision (Final Plat)	*Major Subdivision Final Plat Project Data Form
☑ UDO Text Amendment	*Text Amendment Project Data Form
❒ General Use Zoning Map Amendment	* General Use Map Zoning Map Amendment Project Data Form
❒ Conditional District Zoning Map Amendment	*Conditional District Zoning Map Amendment Project Data Form
❒ Voluntary Annexation	*Annexation Petition (Satellite or Contiguous)
❒ UDO Text Interpretation	*UDO Interpretation Data Form

Communication: 20160438 Planning Permit Information (Case 20160438 CAC Revisions)

D. DETAILED DESCRIPTION OF PROJECT

See Project Data Form

E. PROJECT MANAGER DESIGNATION

A project manager is responsible for the activities listed in UDO Section 4.19. Single-family and two-family projects involving less than ½ acre of land disturbing activity or commercial site improvements that involve no more than 2,500 square feet of land disturbing activity are exempt from this requirement.

Name: NA Company:

Address: License #:

Phone Number: Email Address:

F. DESIGN PROFESSIONAL INFORMATION

Engineer: NA

Name: Company:

Address: License #:

Phone Number: Email Address:

Architect: NA

Name: Company:

Address: License #:

Phone Number: Email Address:

G. 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	**Jane Shook**	07/09/2016
Applicant[1] (Print)	**Applicant Signature**	**Date**
NA	**NA**	**NA**
Property Owner (Print)	**Property Owner Signature**	**Date**

Official Use Only

Project File Name:

CAC Modifications

Permit Number:

20160438

Project Name/Number:

NA

Date:	Fee:	Receipt Number:	Method of Payment:	Paid By:
July 2016	NA	NA	NA	NA

S:\FORMS\Forms_2015\ZoningPermitApplication_052015.doc

[1] Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person must be submitted along with this application. Execution by property owner of this application signifies that the applicant is authorized to proceed.

Communication: 20160438 Planning Permit Information (Case 20160438 CAC Revisions)

UDO Text Amendment Project Data Form

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

Official Use Only
Project Name/Number: Community Appearance Commission- UDO Text Amendment
Permit Name/Number: 20160438

A. TEXT INFORMATION

Amendment is to:

Article(s): Article 2 Administrative Mechanisms; Article 6 Board of Adjustment Hearings; Article 15 District Use Requirements; Article 25 Community Appearance Standards;

Section(s): 2.03; 6.05; 15.10; 15.54; 25.02; 25.07

Brief Description of Amendment (Attach Proposed Text):

Modification of the power and duties of the Community Appearance Commission

Reason for Change:

To bring the powers and duties of the Community Appearance Commission in alignment with NC General Statues and case law.

Official Use Only

Public Hearing Meeting Date: February 27, 2017

PC Meeting Date: February 27, 2017

TC Meeting Date: March 16, 2017

Text Approved: ❑ Yes ❑ No

Date UDO Updated: _____

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Communication: 20160438 Planning Permit Information (Case 20160438 CAC Revisions)

STAFF REPORT
PUBLIC HEARING
CASE 20160438 COMMUNITY APPEARANCE COMMISSION, UDO TEXT AMENDMENT

Request

The Town of Boone has initiated a text amendment to modify the UDO regulations related to the Community Appearance Commission to bring the UDO into alignment with North Carolina General Statute 160A-452.

Analysis

North Carolina General Statute 160A-452 sets forth the powers and duties of a Community Appearance Commission as follows:

§ 160A-452. Powers and duties of commission.

The commission, upon its appointment, shall make careful study of the visual problems and needs of the municipality or county within its area of zoning jurisdiction, and shall make any plans and carry out any programs that will, in accordance with the powers herein granted, enhance and improve the visual quality and aesthetic characteristics of the municipality or county. To this end, the governing board may confer upon the appearance commission the following powers and duties:

(1) To initiate, promote and assist in the implementation of programs of general community beautification in the municipality or county;

(2) To seek to coordinate the activities of individuals, agencies and organizations, public and private, whose plans, activities and programs bear upon the appearance of the municipality or county;

(3) To provide leadership and guidance in matters of area or community design and appearance to individuals, and to public and private organizations, and agencies;

(4) To make studies of the visual characteristics and problems of the municipality or county, including surveys and inventories of an appropriate nature, and to recommend standards and policies of design for the entire area, any portion or neighborhood thereof, or any project to be undertaken;

(5) To prepare both general and specific plans for the improved appearance of the municipality or county. These plans may include the entire area or any part thereof, and may include private as well as public property. The plans shall set forth desirable standards and goals for the aesthetic enhancement of the municipality or county or any part thereof within its area of planning and zoning jurisdiction, including public ways and areas, open spaces, and public and private buildings and projects;

(6) To participate, in any way deemed appropriate by the governing body of the municipality or county and specified in the ordinance establishing the commission, in the implementation of its plans. To this end, the governing body may include in the ordinance the following powers:

a. To request from the proper officials of any public agency or body, including agencies of the State and its political subdivisions, its plans for public buildings, facilities, or projects to be located within the municipality or its area of planning and zoning jurisdiction of the city or county.

b. To review these plans and to make recommendations regarding their aesthetic suitability to the appropriate agency, or to the municipal or county planning or governing board. All plans shall be reviewed by the commission in a prompt and expeditious manner, and all recommendations of the commission with regard to any public project shall be made in writing. Copies of the recommendations shall be transmitted promptly to the planning or governing body of the city or county, and to the appropriate agency.

Communication: 20160438 Staff Report (Case 20160438 CAC Revisions)

c. To formulate and recommend to the appropriate municipal planning or governing board the adoption or amendment of ordinances (including the zoning ordinance, subdivision regulations, and other local ordinances regulating the use of property) that will, in the opinion of the commission, serve to enhance the appearance of the municipality and its surrounding areas.
d. To direct the attention of city or county officials to needed enforcement of any ordinance that may in any way affect the appearance of the city or county.
e. To seek voluntary adherence to the standards and policies of its plans.
f. To enter, in the performance of its official duties and at reasonable times, upon private lands and make examinations or surveys.
g. To promote public interest in and an understanding of its recommendations, studies, and plans, and to that end to prepare, publish and distribute to the public such studies and reports as will, in the opinion of the commission, advance the cause of improved municipal or county appearance.
h. To conduct public meetings and hearings, giving

The modified text brings the powers and duties into alignment with those authorized under NC General Statutes.

The text below in ~~red strikethrough~~ is the text proposed to be deleted and the blue underline is the new text for consideration. Please note, text amendments now contain the case number and effective date in italicized font at the end of the section in which the text was modified.

2.03.06 Powers and Duties of the Community Appearance Commission

A. The Community Appearance Commission may:

1. Make studies and recommend to the Council plans, goals, and objectives relating to the visual appearance, community beautification, landscape development, and redevelopment of the Town's planning area; and

2. Develop and recommend to the Council policies, Ordinances, administrative procedures, and other means for carrying out plans for community beautification in a coordinated and efficient manner. ~~The Community Appearance Commission shall not, however, have the power to "initiate" changes to this Ordinance, as the term "initiate" is used in Section 9.02~~; and

~~3. Respond to requests made by the Administrator for recommendations concerning the suitability of site landscaping for proposed special use permits; and~~

~~4. Upon request of the Administrator, review and approve or reject requests for approval of alternative means to address the Community Appearance Standards of Article 25, as well as when such approval is a condition adopted by the Board in connection with the issuance of a special use permit or one adopted by the Council in a conditional zoning determination; and~~

~~5.~~3. Perform any other duty and exercise any other power enumerated at ~~assigned by the Council which is authorized pursuant to~~ N.C. Gen. Stat. § 160A-452.

Communication: 20160438 Staff Report (Case 20160438 CAC Revisions)

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6.05 Appeal of Decisions of ~~Community Appearance and~~the Historic Preservation Commission~~s~~

6.05.01 The Board shall hear and decide appeals of any decision by ~~the Community Appearance Commission allowing or denying a deviation of Article 25 Community Appearance Standards, or any decision by~~ the Historic Preservation Commission granting or denying a Certificate of Appropriateness.

6.05.02 An appeal is initiated by a person timely filing an Notice of Appeal, in accordance with Article 4, accompanied by the required fee.

A. An appeal may be filed by any of the following:

1. A person who has an ownership interest in the property that is the subject of the decision being appealed.
2. A person who has a leasehold interest in the property that is the subject of the decision being appealed.
3. A person who has an interest created by easement, restriction or covenant in the property that is the subject of the decision being appealed.
4. A person who has an option or contract to purchase the property that is the subject of the decision being appealed.
5. A person who was the applicant for the decision in question.
6. Any other person who will suffer special damages as the result of the decision being appealed.
7. An incorporated or unincorporated association to which owners or lessees of property in a designated area belong by virtue of their owning or leasing property in that area, or an association otherwise organized to protect and foster the interest of the particular neighborhood or local area, so long as at least one of the members of the association would have standing as an individual to challenge the decision being appealed, and the association was not created in response to the particular development or issue that is the subject of the appeal.
8. The Town.

B. An appeal must be taken within thirty (30) days after decision by the Commission.

C. An appeal is taken by filing a notice of appeal with the Administrator on the prescribed form, accompanied by the required fee. The notice of appeal shall state the grounds for the appeal, which should generally be sufficient information to allow for a thorough review by the Board.

Communication: 20160438 Staff Report (Case 20160438 CAC Revisions)

D. The Administrator shall stamp the appeal with the date received

6.05.03 Once the application has been filed, the Administrator must schedule a public hearing at the first available Board meeting and give public notice in accordance with Section 6.01.04.

A. The Administrator shall prepare a report detailing the facts relevant to the decision and shall transmit to the board all documents and exhibits constituting the record of the decision from which the appeal is taken. The official shall also provide a copy of the record to the appellant.

6.05.04 Appeal Stays Commission Decision:

A. ~~An appeal of a decision by the Community Appearance Commission allowing a deviation of Article 25 Community Appearance Standards, or a~~A decision by the Historic Preservation Commission granting a Certificate of Appropriateness shall be stayed while the appeal is pending.

6.05.05 Burden of Proof: The burden of proof and burden of persuasion shall be on the party appealing the decision of the Commission.

6.05.06 Scope of Action: An appeal of a Commission decision shall be in the nature of certiorari. The hearing shall be based on the Commission record and the scope of review shall be as follows:

A. The Board shall uphold the decision of the Commission unless it finds the decision is:

1. In violation of constitutional provisions, including those protecting procedural due process rights.
2. In excess of the authority conferred upon the Commission by statute or ordinance.
3. Inconsistent with applicable procedures specified by statute or ordinance.
4. Affected by other error of law.
5. Unsupported by substantial competent evidence in view of the entire record.
6. Arbitrary or capricious.

B. The term "competent evidence," as used in this Section, shall not preclude reliance by the Commission on evidence that would not be admissible under the rules of evidence as applied in the trial division of the General Court of Justice if the evidence appears to be sufficiently trustworthy and was obtained under such circumstances that it was reasonable for the Commission to rely upon it.

6.05.07 Board Action

A. The Board may reverse or affirm, wholly or in part, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The Board shall have all the powers of the Commission which made the decision.

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

Communication: 20160438 Staff Report (Case 20160438 CAC Revisions)

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 ~~and be approved by the Community Appearance Commission~~. To the greatest extent practicable, parking shall be located behind or underneath proposed building(s).

****

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 ~~and approved by the Community Appearance Commission~~.

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

****

15.54.08 Detached accessory dwelling unit are those which are not attached to the primary residence.

A. A detached accessory apartment may be located over a garage, workshop, studio or similar structure or built as a free standing cottage.

Communication: 20160438 Staff Report (Case 20160438 CAC Revisions)

B. Every detached accessory apartment must be architecturally compatible with the primary residence~~, and certified as such by the Community Appearance Commission~~.

C. A detached accessory apartment shall be located to the side or rear of the primary residence and its front most point may be no closer to the fronting street than the front most point of the primary residence.

D. A two story detached accessory apartment may be allowed only when the primary residence is 1 ½ stories or more~~, and its architectural compatibility has been certified by the Community Appearance Commission~~.

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ARTICLE 25 COMMUNITY APPEARANCE STANDARDS

Applicability

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

A. An element of a building shall be deemed publicly visible when any of the following conditions are met:

1. At least seventy percent (70%) of the element occurs above adjacent grade and is visible from any street adjacent to the property;
2. At least seventy percent (70%) of the element is visible from an adjacent residentially zoned property;
3. At least seventy percent (70%) of the element is taller than the vegetative buffer at the time of planting.

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

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

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

Building Design

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

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

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

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

1. The main building entrance, when not facing the primary public way, shall provide a safe and convenient access for pedestrians from the main building entrance to the primary public way. The pedestrian way must provide additional landscape amenities.
2. Entrances which are oriented on a diagonal are permitted, provided that they are integrated with the overall architectural design, and not merely angled appendages or alcoves.
3. Ground floor windows or window displays shall be provided along at least ten percent (10%) of the building's (ground floor) street-facing elevation(s); windows and display boxes shall be integral to the building design and not mounted to an exterior wall. Parapets above the first floor are excluded from the calculations when the building is over eighty feet (80') in length.

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

A. Features include:

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

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

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

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

Table A

Feature Schedule – Plan

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

Table B

Feature Schedule – Elevation

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

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

Communication: 20160438 Staff Report (Case 20160438 CAC Revisions)

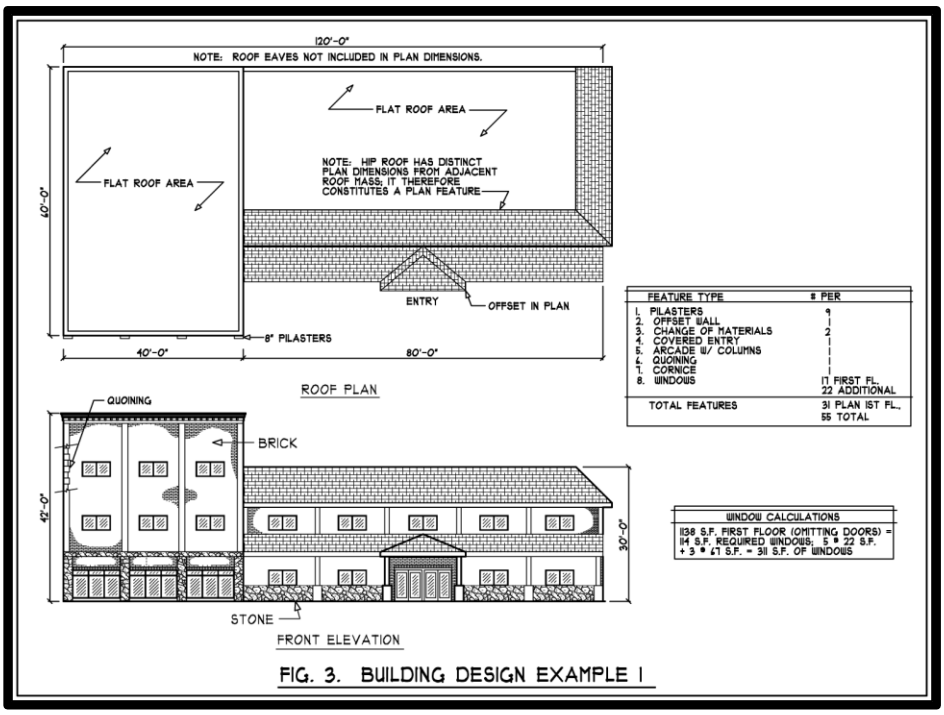

FIG. 3. BUILDING DESIGN EXAMPLE 1

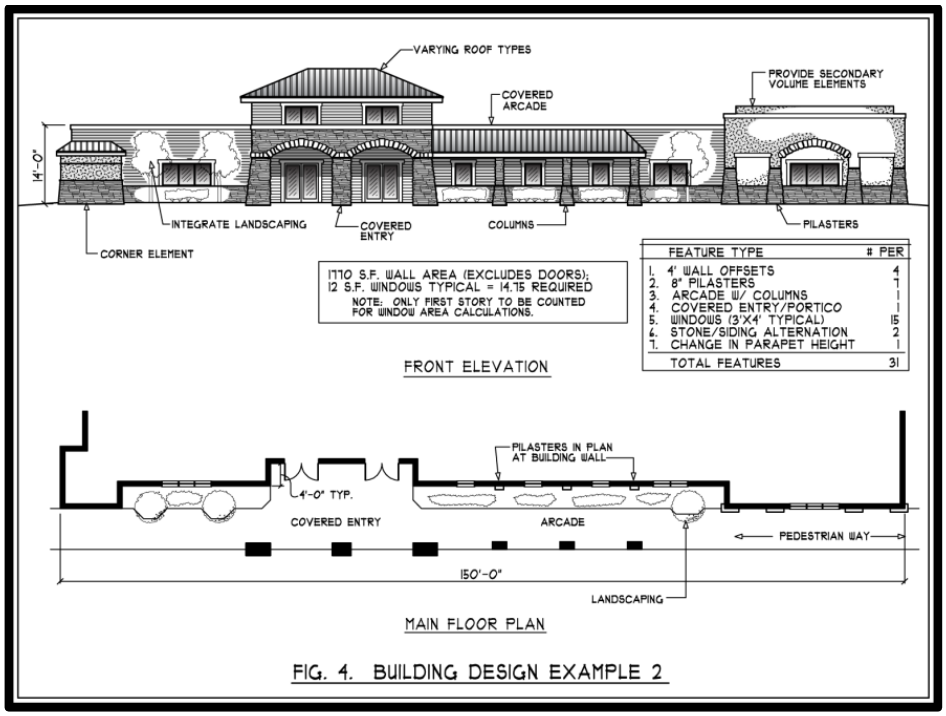

FIG. 4. BUILDING DESIGN EXAMPLE 2

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

Communication: 20160438 Staff Report (Case 20160438 CAC Revisions)

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

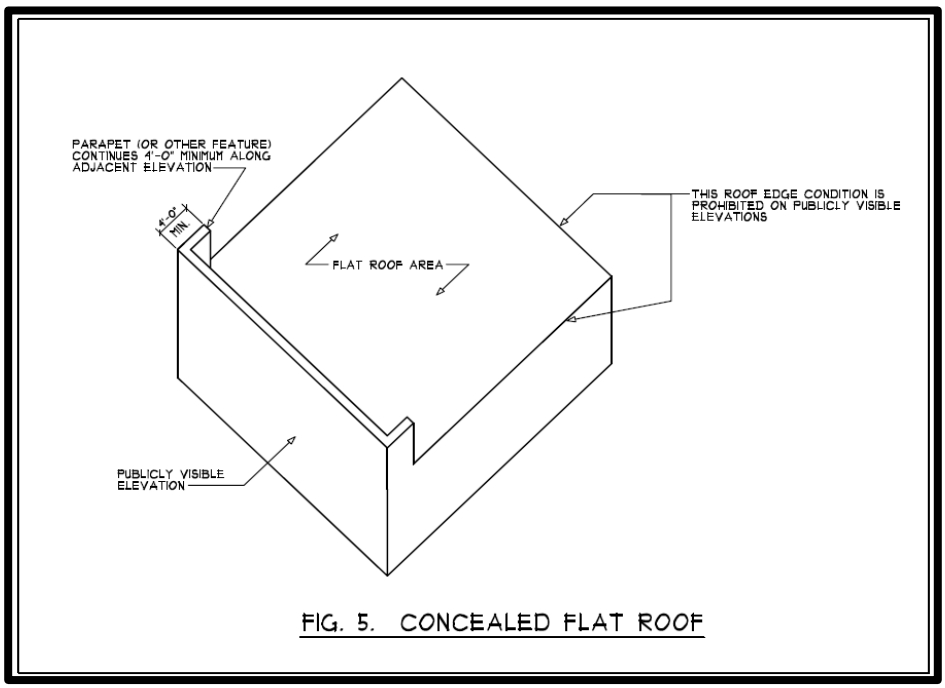

FIG. 5. CONCEALED FLAT ROOF

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

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

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

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

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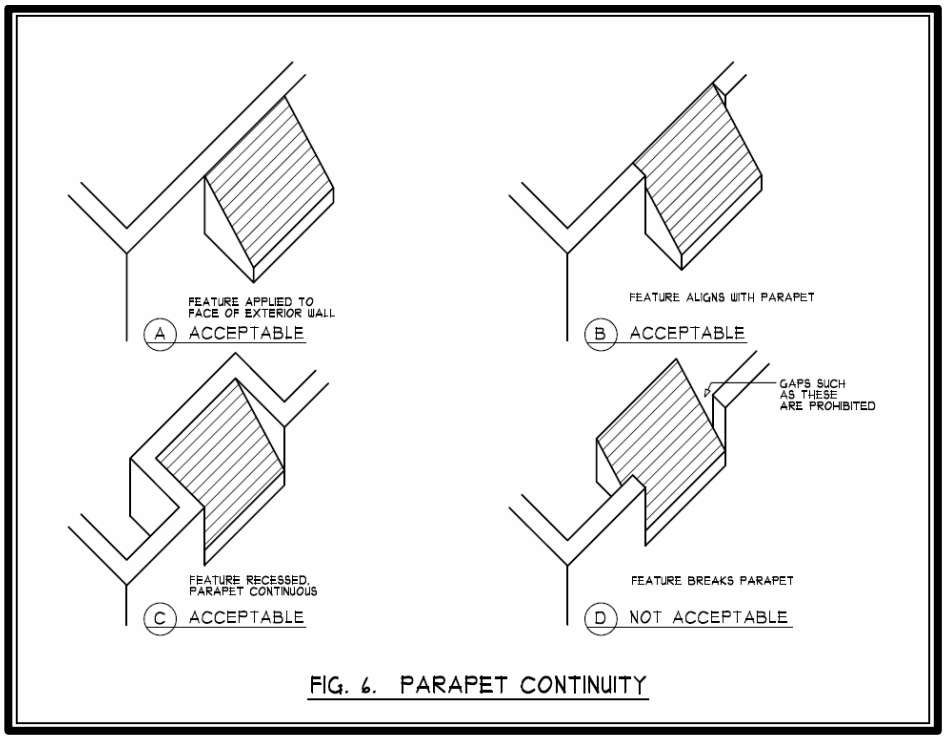


FIG. 6. PARAPET CONTINUITY

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

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

Table C

Feature Schedule – Roof Areas

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

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

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

Communication: 20160438 Staff Report (Case 20160438 CAC Revisions)

A. For any publicly visible elevation, other than the B-1 Central Business District, a minimum of twenty-five percent (25%) of the building finish material must be stone or concrete-simulated stone, wood or simulated wood in concrete board (such as "Hardi" products), or brick or concrete-simulated brick.

B. In the B-1 Central Business District, the main building façade must be comprised of unpainted red or darker colored brick or natural stone.

1. Use of concrete simulated brick or stone is prohibited.
2. Cultured stacked stone is prohibited.
3. Properties designated as historic landmarks or under consideration for the historic landmark designation shall be exempt from this requirement.

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

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

E. Stucco and synthetic stone are acceptable finish materials.

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

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

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

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

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

(20150767-11192015)

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

Communication: 20160438 Staff Report (Case 20160438 CAC Revisions)

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

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

1. The "LRV" Light Reflection Value of field colors must be below 60. Any colors above "60 LRV" are subject to review by the Community Appearance Commission.
2. Black is prohibited as a field color in the series "Essential".

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

Parking Structures

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

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

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

25.03.04 Exterior vehicle ramps are subject to review by the Community Appearance Commission to minimize the appearance of tilted ramps.

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

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

25.03.07 In the B1 Central Business District, the façade must be in harmony with the historic look of the area. Facades that are 75% native rock or red brick are presumptively consistent with the historic look of the B1 Central Business District. Any other combination of materials must be approved by the Community Appearance Commission.

Site Walls

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

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

Communication: 20160438 Staff Report (Case 20160438 CAC Revisions)

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

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

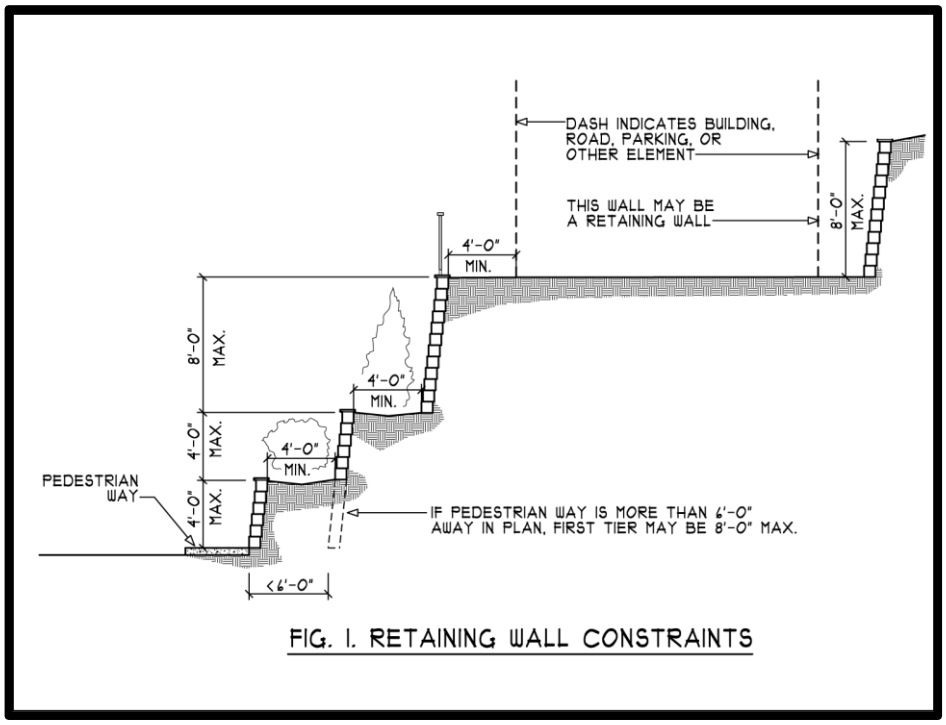


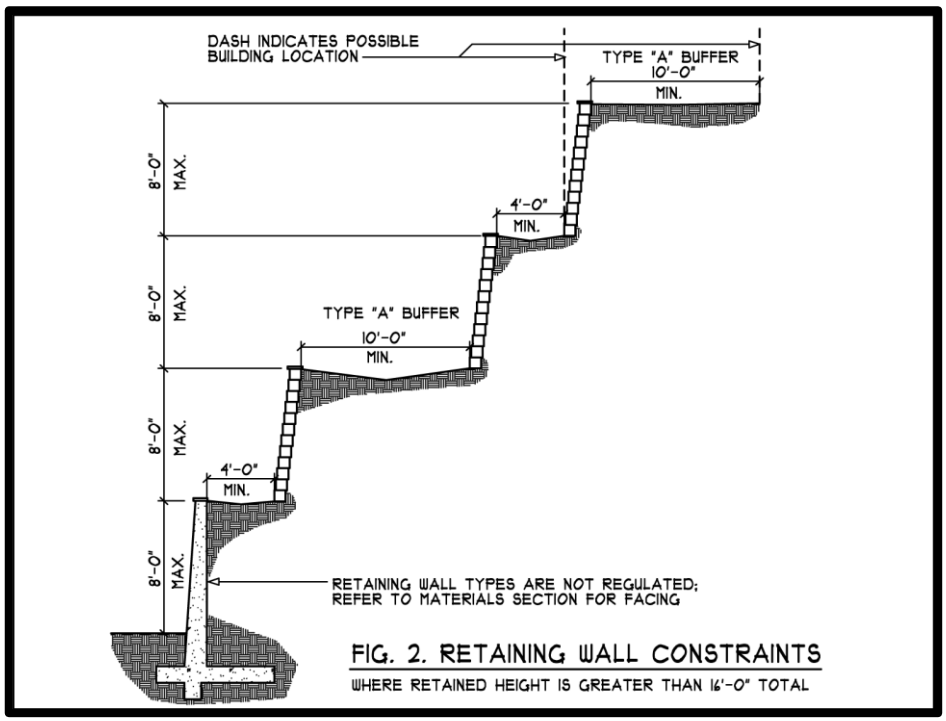
FIG. 1. RETAINING WALL CONSTRAINTS

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

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

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

Communication: 20160438 Staff Report (Case 20160438 CAC Revisions)



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

Lighting

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

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

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

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

Communication: 20160438 Staff Report (Case 20160438 CAC Revisions)

25.05.04 Lighting for sports fields and outdoor courts is generally in excess of general outdoor lighting levels. Recreation lighting levels established by the IESNA are to be used as the standard. Higher lighting levels for tournament or high league play are sometimes required and must be approved by the Community Appearance Commission. All sportsfields or tennis courts must meet the following minimum standards:

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

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

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

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

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

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

Flexibility in Administration

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

~~**Community Appearance Commission Review**~~**Alternatives**

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

~~**A.** Applications containing alternatives shall be forwarded to the Community Appearance Commission for review at their next regularly scheduled meeting.~~

25.07.02 The ~~Commission Appearance Commission~~Administrator may approve ~~such~~ an alternative~~s~~ not to exceed +/- 25% of the relevant standard or requirement if he or she~~it~~ finds that the alternative~~s involved~~ meets the purpose and intent of the provisions contained within this Article. When the ~~Commission~~ Administrator approves an alternative, he or she~~it~~ must specifically identify how the alternative meets the purposes and intent of this Article. The Administrator may, but is not required, to seek the recommendation of the Community

Communication: 20160438 Staff Report (Case 20160438 CAC Revisions)

Appearance Commission with respect to any proposed alternative. An applicant may not seek a variance with respect to any deviation allowed by the Administrator under this section.

~~**25.07.03** Unless otherwise specified, the Community Appearance Commission's review and approval of any deviation from the standards contained herein is required prior to permit approval.~~

CONFORMITY TO ADOPTED PLANS

COMPREHENSIVE PLAN UPDATE

1.1 Overall Objectives for the Boone Comprehensive Plan (p. 15):

The following objectives, which have not been listed in any particular order of importance, are deliberately broad in scope and less specific than either a policy statement or an implementation action.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Communication: 20160438 Staff Report (Case 20160438 CAC Revisions)

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

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.

E.1 Continue to look for ways to make development regulations and permit procedures more predictable and timely. Evaluate opportunities for administrative review and permit issuance for development projects which, due to their small size or relatively minor impacts, may not require review by a formal public commission or board.

Communication: 20160438 Staff Report (Case 20160438 CAC Revisions)

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 other applicable adopted plans of the Town which relate to this application because:

Second Motion and Vote: The Planning Commission recommends ☐**approval** OR ☐**denial** for the following reasons:

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 other applicable adopted plans of the Town which relate to this application because:

Second Motion and Vote: I move to ☐**approve** OR ☐**deny** the proposed amendment to the Town's zoning ordinance and believe ☐**approval** OR ☐**denial** is reasonable and in the public interest because:

Communication: 20160438 Staff Report (Case 20160438 CAC Revisions)

Zoning/Planning Permit 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
www.townofboone.net

PERMIT IS FOR (CHOOSE ONE):

- ❑ Single Family or Duplex (Residential)
- ❑ Commercial
- ❑ Board of Adjustment Hearing (other than Appeals)
- ☑ Planning/Other

A. CONTACT INFORMATION

Applicant: Town of Boone Company: _____

Address: PO Drawer 192, Boone, NC 28607

Phone Number: _____ Email Address: _____

Property Owner: _____ Company: _____

Address: _____

Phone Number: Email Address:

B. PROPERTY INFORMATION

Watauga County Parcel Identification Number(s): NA

Address/Location: NA

Project Name: Article 24 Parking, Revisions- UDO Text Amendment

C. PERMIT SUBCATEGORIES

Additional Forms Needed

Zoning Permits

❒ Accessory Building	*Zoning Project Data Form (Residential or Commercial)
❒ Addition/Expansion including decks and patios	*Zoning Project Data Form (Residential or Commercial)
❒ Change of Occupancy	*Commerical Project Data Form
❒ Land Disturbance (not associated with the construction of a bldg.)	*Zoning Project Data Form (Residential or Commercial)
❒ Manufactured Home Set-up in Park	*Manufactured Home in Park Form
❒ New Building Construction	*Zoning Project Data Form (Residential or Commercial)
❒ Renovation/Remodel	*Zoning Project Data Form (Residential or Commercial)
❒ Accessory Use (as listed in UDO Subsection 15.07.01)	*Zoning Project Data Form (Residential or Commercial)
❒ Temporary Use (as listed in UDO Subsection 15.07.02)	*Zoning Project Data Form (Residential or Commercial)
❒ Sign	*Sign Project Data Form (Zoning)
❒ Pavement Sealant	*Pavement Sealant Project Data Form
❒ Major Subdivision Zoning Permit	*Commercial Project Data Form

Board of Adjustment Hearings

❒ Special Use Permit/Modification	*Special Use Permit Form
❒ Variance	*Variance Form
❒ Major Subdivision Preliminary Plat Approval	*Major Subdivision Preliminary Plat Approval Form

Planning/Other

❒ Exempt Division of Land	*Subdivision Exemption Project Data Form
❒ Minor Subdivision (Preliminary and Final Plat)	*Minor Subdivision Project Data Form
❒ Major Subdivision (Final Plat)	*Major Subdivision Final Plat Project Data Form
☑ UDO Text Amendment	*Text Amendment Project Data Form
❒ General Use Zoning Map Amendment	* General Use Map Zoning Map Amendment Project Data Form
❒ Conditional District Zoning Map Amendment	*Conditional District Zoning Map Amendment Project Data Form
❒ Voluntary Annexation	*Annexation Petition (Satellite or Contiguous)
❒ UDO Text Interpretation	*UDO Interpretation Data Form

Communication: PL00258 Planning Permit Information (Case PL00258-020917 Article 24 Parking Revisions)

D. DETAILED DESCRIPTION OF PROJECT

See Project Data Form

E. PROJECT MANAGER DESIGNATION

A project manager is responsible for the activities listed in UDO Section 4.19. Single-family and two-family projects involving less than ½ acre of land disturbing activity or commercial site improvements that involve no more than 2,500 square feet of land disturbing activity are exempt from this requirement.

Name: NA Company:

Address: License #:

Phone Number: Email Address:

F. DESIGN PROFESSIONAL INFORMATION

Engineer: NA

Name: Company:

Address: License #:

Phone Number: Email Address:

Architect: NA

Name: Company:

Address: License #:

Phone Number: Email Address:

G. 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	Jane Shook	02/09/2017
Applicant[1] (Print)	**Applicant Signature**	**Date**
NA	**NA**	**NA**
Property Owner (Print)	**Property Owner Signature**	**Date**

Official Use Only

Project File Name:

Article 24 Parking, Revisions- UDO Text Amendment

Permit Number:

PL00258-020917

Project Name/Number:

NA

Date:	Fee:	Receipt Number:	Method of Payment:	Paid By:
February 9, 2017	NA	NA	NA	NA

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Communication: PL00258 Planning Permit Information (Case PL00258-020917 Article 24 Parking Revisions)

[1] Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person must be submitted along with this application. Execution by property owner of this application signifies that the applicant is authorized to proceed.

UDO Text Amendment Project Data Form

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

Official Use Only
Project Name/Number:
Permit Name/Number: PL00258-020917/Article 24 Parking, Revisions

A. TEXT INFORMATION

Amendment is to:

Article(s): Article 24

Section(s): varies

Brief Description of Amendment (Attach Proposed Text):

Modification of the UDO text regarding Parking to modernize requirements

Reason for Change: Modifications requested by Council

Official Use Only

Public Hearing Meeting Date: February 27, 2017

PC Meeting Date: February 27, 207

TC Meeting Date: March 16, 2017

Text Approved: ❑ Yes ❑ No

Date UDO Updated: _____

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Communication: PL00258 Planning Permit Information (Case PL00258-020917 Article 24 Parking Revisions)

STAFF REPORT
PUBLIC HEARING
CASE PL00258-020917 PARKING REVISIONS, UDO TEXT AMENDMENT

Request

The Town of Boone has initiated a text amendment to modify the UDO regulations related to Article 24 Parking. Amendments may also be made to other Articles to conform them to changes made in Article 24 Parking.

Note: This text amendment has been published for discussion. Text will be modified before brought to a final public hearing.

Analysis

Many of these changes were first proposed in 2016 at Council's request. A portion related to multi-family standards, required number of parking spaces at time of development approval, adjustments of minimum and maximums parking requirements and parking for proposed uses not identified in the parking table were adopted in November 2016 with the direction that the remainder of the text be brought forth at a later date.

The text below in ~~red strikethrough~~ is the text proposed to be deleted and the blue underline is the new text for consideration. Please note, text amendments now contain the case number and effective date in italicized font at the end of the section in which the text was modified.

ARTICLE 24 PARKING

24.01 Parking Spaces Required

24.01.01 All developments in all zoning districts shall initially and continually provide a sufficient number of permanent off-street motor vehicle and bicycle parking spaces, in compliance with this Article, to accommodate the ~~number of vehicles that ordinarily are likely to be attracted to the development in question~~residents, employees, customers, visitors and others who may spend time at that development.

24.01.02 Unless otherwise expressly stated, every development shall provide the parking spaces required per Table 24.01 below and the other provisions of this Article. ~~The number of off-street vehicle parking spaces included in a development shall comply with the standards in this Article.~~Parking spaces may be provided in a parking structure. For uses not covered in Table 24.01, the parking requirements shall be as determined by the Administrator as set forth at subsection 24.01.11 below.

24.01.03 Unless otherwise expressly stated, these requirements apply as follows:~~to:~~

A. ~~-~~**New Construction.** ~~All~~ Any new buildings or structures~~being constructed~~ must provide parking as required by this Article at such times as a Certificate of Occupancy or other zoning Certificate required for use or occupancy is issued.~~; or~~

Communication: PL00258 Staff Report (Case PL00258-020917 Article 24 Parking Revisions)

B. **Additions & Renovations**.

1. A building or site may be renovated or repaired without providing additional parking provided that there is no increase in gross floor area or improved site area, subject to the provisions of subsection (C) below.

2. Whenever an existing building, use and/or occupancy is enlarged or expanded to include additional dwelling units, floor area, seating capacity, or other units of measurement used for establishing parking and loading requirements, parking is required for the ~~; provided, however, that~~

~~1. Any additional off-street parking and loading spaces are required only as needed to serve the~~ enlarged or expanded building area, use or occupancy only~~, not the entire building or use~~; [*provided, however*, that if the enlarged area, use or occupancy would require an increase of less than ten (10) percent in the required number of parking spaces or fewer than four (4) spaces, no additional motor vehicle parking shall be required.]; ~~and~~ or

C. **Change of Use or Occupancy**

1. Upon conversion from one type of use or occupancy to another, or any change in the manner in which the use is constructed that would result in additional parking requirements, parking is required for the new use or occupancy; [*provided, however*, that if a change in use or occupancy would require an increase of less than ~~five~~ten (~~5~~10) percent in the required number of parking spaces or fewer than ~~five~~four (4~~5~~) spaces, no additional motor vehicle parking shall be required~~2. Notwithstanding the foregoing, if a residential use is established in a building formerly used for nonresidential purposes, parking must be provided in accordance with the requirements in Table 24.1.~~]

(*Raleigh: must have 25% increase in floor area or improved site area before (B) is triggered, and must have 25% increase in required additional spaces before (C) is triggered ; GSO and Davidson – any change triggers;*)

2. Notwithstanding the foregoing provision, when there is a change in use of the structure(s) on an existing parcel that does not involve any enlargement of a structure is proposed for such lot, and the parking requirements of Section 24.01 that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking, then the applicant need only comply with the requirements of Section 24.01 to the extent that (i) parking space is practicably available on the lot where the development is located, and (ii) satellite parking space is reasonably available. It shall be a continuing condition of the permit authorizing development on such lot that the applicant obtain satellite parking when it does become available. *[From prior section 24.07]*

Communication: PL00258 Staff Report (Case PL00258-020917 Article 24 Parking Revisions)

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
1.11-1.16 Multi-Family	0.7 space per bedroom
3.01 Home for Survivors of Domestic Violence 3.06 Vacation Rental	3 Spaces
2.08-2.09 Retirement Community 2.10-2.12 Residence Hall	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 2.13 Fraternity or Sorority Dwelling 3.02-3.03 Shelter for Homeless	1 space/4 beds
2.14 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

Communication: PL00258 Staff Report (Case PL00258-020917 Article 24 Parking Revisions)

Commercial Land Uses	Maximum Parking Allowed
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 11.32 Gas Station	3 spaces/1000 ft^2 GFA
11.01 Kennel 11.02-11.03 Veterinary Office/Hospital 11.04 & 11.05 Financial Institution 11.11 ABC Store 11.12 - 11.13 Personal Service Establishment 11.14-11.16 Retail Store 11.17 Shopping Center/Mall 11.18 - 11.19 Business or Professional Office 11.20-11.23 Medical Office 11.16 Specialty Medical Facility 11.26 Open Air Market 11.33 Car Wash 12.0 Recreation 18.0 Waste Related Uses 19.0 Particular Activities which Pose Particular..	5 spaces/1000 ft^2 GFA or outdoor area used for principal use
11.06 - 11.10 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 Telecommunication	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
11.27 Vehicle Sales and Service 11.28 Equipment Sales and Service 11.29 Moped Sales and Service	3 spaces/1000 ft^2 GFA, plus 2 spaces/1000 ft^2 of outdoor display, plus 2 per service bay

Communication: PL00258 Staff Report (Case PL00258-020917 Article 24 Parking Revisions)

Commercial Land Uses	Maximum Parking Allowed
11.30 Boat or Marine Craft Sales and Service	
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

24.01.04 Exceptions in the B-1 Downtown District

The following exceptions apply only in the B-1 downtown district. These exceptions apply only with respect to ~~-~~motor vehicle parking and loading/unloading areas and do not apply to bicycle parking.

A. Existing buildings ~~which were~~ legally constructed without the provision of on-site parking ~~*[and infill building on existing lots of record]*~~ are not required to meet the requirements of this Article and will be construed as conforming to ~~parking~~the requirements of this Article; *provided, however*, that this exception does not apply to a change in use, change in occupancy, or renovation, addition or enlargement~~.~~ of a building that would require the provision of more than 10 motor vehicle parking spaces [note – *this provision effectively relates only to multi-family developments unless minimum parking requirements are imposed on commercial uses other than multi-family]*

B. Payments in lieu of providing required motor vehicle parking may be made to the Town's Off-Street Parking Fund in accordance with the Schedule of Fees/Payments established by the Town Council. Such payment must be made prior to issuance of a Certificate of Occupancy or such other zoning Certificate as is required to be issued prior to use or occupancy.

[Alternative 2: The parking requirements set forth in this Article do not apply to development in the B-1 district except for development that would require provision of more than 10 motor vehicle parking spaces upon application of the parking requirements set forth in this Article].]

[Alternative 3: No exceptions for the B-1 district.]

Communication: PL00258 Staff Report (Case PL00258-020917 Article 24 Parking Revisions)

~~**24.01.04** Uses which have parking requirements which are to be "as determined by the Administrator" as listed in Subsection 24.01.03 are required to submit a parking demand analysis prepared by a qualified engineer if requested to do so by the Administrator.~~

~~**A.** The Administrator shall make the determination based upon the expected parking needs of the development, recognizing the Town's goal of preventing excess parking.~~

24.01.05 Maximum Parking; Excess Parking

A. The maximum allowed parking spaces for a use subject only to a minimum per Table 24.01 shall be 120% of the required minimum, provided that the applicant may establish the need for a higher maximum as provided at subsection 24.01.09 below.~~s~~

B. An applicant may be allowed additional parking in excess of the maximum established per subsection (A) above in the following instances:

1. The applicant is proposing to develop structured parking and is proposing extra spaces that will be available for public use and/or for shared or satellite parking as defined in this Article.
2. In the R3 and B3 districts, an applicant may be allowed additional parking spaces in surface parking lots in excess of the maximum established per subsection (A) above in the following instances:
   i. The additional parking spaces are to be used for shared parking or satellite parking, as defined in this Article, or for public use, and
   ii. ii. ~~The~~ The applicant provides double the landscape buffer otherwise required under this Ordinance.

24.01.06 Except as otherwise provided herein, all required parking shall be located on the same parcel as the use to be served.

24.01.07 When more than one (1) use is provided on any development or building lot, the parking requirements enumerated herein shall be the sum total of the parking requirements of the various uses, except as otherwise provided herein.

24.01.0~~**8**~~**5** The number of parking spaces provided at the time of approval of the development may not be subsequently reduced or increased without the written approval of the permit issuing authority upon proper written application.

24.01.09 ~~All spaces must otherwise be maintained for the life of the development.~~

Minimums and maximums may be adjusted by the permit issuing authority when the applicant provides reliable and persuasive evidence (which may include but is not necessarily limited to a parking demand analysis prepared by a qualified engineer) demonstrating that the minimum parking required per the provisions of this Article would result in excess and unnecessary parking for the development, or that maximum parking allowed per the provisions of this Article is inadequate to meet the parking needed for the development.

A. Without limiting the generality of the foregoing, the permit issuing authority may allow deviations from the parking requirements set forth ~~in~~ herein ~~Subsection 25.01.03~~ when it finds that:

Communication: PL00258 Staff Report (Case PL00258-020917 Article 24 Parking Revisions)

1. A residential development is irrevocably oriented toward the elderly;
2. A business is primarily oriented to walk-in trade.

B. Whenever the permit issuing authority allows or requires a deviation from the presumptive parking requirements set forth ~~in Subsection~~herein ~~24.01.03~~, it shall enter on the face of the permit the parking requirement that it imposes and the reasons for allowing or requiring the deviation.

~~**24.01.06** If the permit issuing authority concludes, based upon information it receives in the consideration of a specific development proposal, that the presumption established by 19.01.03 for a particular use classification is erroneous, it shall initiate a request for an amendment in accordance with the procedures set forth in Article 9.~~

24.01.10~~07~~ When a use is proposed which is not listed in ~~Subsection 24.01.03~~Table 24.01 or is listed "To Be Determined", the permit issuing authority shall determine the number of spaces required or permitted, as relevant, by referencing the most similar use(s) listed in Table 24.01 and such other factors as are reasonably deemed relevant, including the particular parking demand and trip generation characteristics of the proposed use.

A. If the permit issuing authority concludes that no reasonably similar use is listed~~, it~~ it may require the applicant to ~~submit evidence such as~~ a parking demand analysis prepared by a qualified engineer or such other evidence as it reasonably deems necessary and/or adequate to determine the number of needed or permitted spaces for the proposed use~~, or the permit issuing authority may procure its own parking demand analysis~~.

B. A parking demand analysis shall include, at a minimum:

i. Estimates of parking demand based on reliable data collected from comparable uses or based on external data from credible research organizations; and

ii. Be based on developments and/or uses that are comparable in density, intensity, bulk, scale, type of activity and location; and

iii. Studies must document the source of all data used to develop the recommended requirements; and

iv. The submitted study must include all source materials and data logs used to develop the recommendation as exhibits to the recommendation; and

~~i.~~ The submitted demand study must include an executive summary that succinctly outlines the methodology and recommendation.

24.01.11~~08~~ Allowed Reductions in Parking Requirements for Multi-Family Dwellings

A. The minimum parking required for multi-family dwellings may be reduced ~~by a factor of 10%~~ for each ~~one~~ of the following by the factor indicated, with a maximum reduction of 15~~20~~% ~~based on these factors~~:

Communication: PL00258 Staff Report (Case PL00258-020917 Article 24 Parking Revisions)

1. ~~The~~ If the development is located within ½ mile ~~1 mile of linear sidewalk distance from~~ of ~~any portion of~~ the Appalachian State University ~~library~~main campus or the Appalachian Health Sciences Building~~, and public sidewalks or public pedestrian walkways exist or will be constructed in connection with the development which allow safe pedestrian travel between the development and the main campus~~, the minimum parking may be reduced by 10%.~~.~~

2. ~~Bus service to the development exists or is arranged by the applicant and a~~If the development is served by a public transit route, with a transit shelter or bus pull-off ~~for use by the residents is built or exists~~existing or to be constructed within ¼ ~~½~~ mile ~~linear sidewalk distance from~~of the development~~, boundary~~ the minimum parking may be reduced by 10%; *provided*, that the transit route has capacity to serve the development and that such is demonstrated by the applicant to the reasonable satisfaction of the Administrator.~~.~~ To be entitled to this reduction for a route and/or transit stop that is not currently in existence, the applicant must provide written documentation establishing to the satisfaction of the Administrator that the transit authority will establish the route and/or facility prior to or simultaneously with first occupancy of the development.

~~2.~~3. [In the B-1 district only], For every six (6) bicycle parking spaces in excess of the short or long term bicycle parking space requirements, the motor vehicle parking requirement may be reduced by one (1) space.~~.~~

~~**B.** The number of automobile parking spaces for Use 1.300 Multi-Family Residences shall not exceed one-hundred and twenty percent (120%) of the minimum requirement.~~

24.01.12~~5~~ For Residential Uses 1.01 through 1.10, driveways may be used to satisfy minimum on-site parking requirements, provided that sufficient space is available to prevent vehicle encroachment onto sidewalk and/or into adjoining vehicular travel lanes

24.02 Parking Space Dimensions and Required Widths of Parking Area Aisles and Driveways

24.02.01 Subject to Subsections 24.02.02, 24.02.03 and 24.02.06, each parking space shall contain a rectangular area at least seventeen and one half feet long (17.5') and nine feet (9') wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this Section.

24.02.02 In parking areas containing ten (10) or more parking spaces, a rectangular area of only seven and one half feet (7.5') in width by fifteen feet (15') in length, may be conspicuously designated as reserved for compact cars in the following situations:

A. Multi-family uses may provide up to fifty percent (50%) of the parking spaces for compact cars.

B. All other uses may provide up to thirty-five percent (35%) of the parking spaces for compact cars.

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~~B.~~C. Compact spaces must be signed as "Compact."

24.02.03 Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall be not less than twenty-three feet (23') by nine and one half feet (9.5').

24.02.04 Parking area aisle widths shall conform to the Table 24.02 Geometric Design Standards for Parking Table, which varies the width requirement according to the angle of parking.

24.02.05 Driveways shall not be less than eleven feet (11') in width for one way traffic and eighteen feet (18') in width for two way traffic, except that eleven feet (11') wide driveways are permissible for two way traffic when:

A. The driveway is no longer than fifty feet (50'), and

B. The driveway provides access to not more than six (6) spaces, and

C. Sufficient turning space is provided so that vehicles need not back into a public street.

TABLE 24.02~~.06~~ Geometric Design Standards for Parking ~~Table~~

Geometric Design for Standard Automobiles

Parking Angle (degrees)	Stall Width (Feet)*	Stall Depth (to Curb) (feet)	Aisle Width (feet)	Stall Width Parallel to Aisle (feet)	Module Width (feet)	Bumper Overhang (feet)
0	9.5	N/A	12.0	23.0	31.0	N/A
45	9.0	17.5	12.0	12.7	47.2	2.0
60	9.0	19.0	16.0	10.4	54.0	2.5
75	9.0	19.5	23.0	9.3	62.0	2.5
90	9.0	18.0	24.0	9.0	60.0	3.0

**Note: Stall width shall be measured perpendicular to the vehicle not parallel to the aisle.*

Geometric Design for Standard Automobiles (Alternative for B-1) *(Millcreek 17.27.040)*

Parking Angle (degrees)	Stall Width (Feet)*	Stall Depth (to Curb) (feet)	Aisle Width (feet)		Stall Width Parallel to Aisle (feet)	Module Width (feet)		Bumper Overhang (feet)
			1 way	2 way		1 way	2 way	
0	9.0	18.0	13.0	13.0	12.7	22.0	31.0	2.0
45	9.0	18.0	13.0	22.0	10.4	31.0	58.0	2.5
60	9.0	18.0	18.0	22.0	9.3	54.0	58.0	2.5
90	9.0	18.0	22.0	22.0	9.0	58.0	58.0	3.0

**Note: Stall width shall be measured perpendicular to the vehicle not parallel to the aisle.*

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Geometric Design for Compact Automobiles

Parking Angle (degrees)	Stall Width (Feet)*		Stall Depth (to Curb) (feet)	Aisle Width (feet)	Stall Width (Parallel to Aisle (feet)	Module Width (feet)	Bumper Overhang (feet)
	Multi-Family	Other Uses					
0	8.0	8.0	N/A	11.0	1.0	27.0	N/A
45	7.5	8.0	16.0	11.0	10.5	43.0	2.0
60	7.5	8.0	16.7	14.0	8.7	47.4	2.3
75	7.5	8.0	16.3	17.4	7.8	50.0	2.5
90	7.5	8.0	15.0	20.0	7.5	50.	2.5

**Note: Stall width shall be measured perpendicular to the vehicle not parallel to the aisle.*

General Design Requirements

24.03.01 Unless no other practicable alternative is available, vehicle accommodation areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing into a public street. This requirement does not apply to parking areas consisting of driveways that serve one or two dwelling units, ~~although~~ but a design requiring backing onto arterial streets is ~~discouraged~~to be avoided unless there is no reasonable alternative.

24.03.02 Vehicle accommodation areas of all developments shall be designed so sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.

24.03.03 Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.

24.03.04 Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

24.03.05 All vehicle accommodation areas shall designate parking space for handicapped persons in accordance with the state Building Code.

24.03.06 **Location of Residential Parking:** Parking outside a substantially enclosed structure of more than four (4) motor vehicles between the front building line of the principal building and the street is prohibited on any lot used for purposes that fall within the following principal use classifications: 1.01, 1.02, 1.03, 1.04, 1.05, 1.06.

24.03.07 Vehicle accommodation areas shall be designed to minimize breaks in the pedestrian environment along the public street and create safe and comfortable passage for pedestrians. Curb cuts shall be minimized in width and number.

24.03.08 To the extent such can be reasonably avoided, property located at a street intersection shall not have parking, loading, or service areas within 25' of a corner.

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24.04.07 Uninterrupted areas of parking lot shall be limited to 36 spaces. Parking lots with more than 36 spaces shall be broken by landscape features, which can include natural features designed to handle storm water runoff.

24.04.08 Multiple parking lots serving a non-residential or multi-family development should be interconnected where reasonably possible.

Vehicle Accommodation Area Surfaces

24.04.12~~01~~ Except for single or two family dwellings and excluding vehicle accommodation areas designed for two (2) vehicles or less, all vehicle accommodation areas shall be surfaced with a bituminous paving or NCDOT standard ABC stone. ABC stone may not be used on vehicle accommodation areas with slopes greater than five percent (5%).

24.04.13~~02~~ Parking spaces in areas surfaced with bituminous paving shall be appropriately demarcated with painted lines or other markings. Parking spaces in areas surfaced with NCDOT standard ABC stone shall be demarcated whenever practicable.

24.04.14~~03~~ Vehicle accommodation areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, vehicular accommodation area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

24.04.15~~04~~ Use of pavement or asphalt sealant, coating or like product (hereafter referred to as "sealant").

A. Any sealant may only be used in conformity with its manufacturer's specifications and is further subject to the following requirements:

1. No person may apply a sealant nor authorize its application without first obtaining a zoning permit from the Administrator. As part of the permit application, the applicant must disclose the date the sealant will be applied, the location of the area to which the sealant will be applied, the type of sealant which will be applied and such other information as the Administrator shall request. The Administrator may charge appropriate fees to defray the costs of inspections needed to verify compliance with this Section.
2. A sealant may not be applied unless the pavement and air temperatures at the location of the application, at all times during application and for at least forty-eight hours thereafter, are and are predicted to be at least fifty-five degrees (55°) Fahrenheit and stable or rising, but less than eighty degrees (80°) Fahrenheit.
3. A sealant may not be applied during rainy or wet weather.
4. Any person applying a sealant must have on site for ready inspection by the Administrator a copy of the manufacturer's specifications for application of the sealant.

B. Additional Requirement for Non-Coal-Tar-Based Sealants: In addition to the foregoing requirements of Subsection 24.04.04(A), a non-coal-tar-based sealant may not be applied if at the time the application is to begin, any chance of precipitation is predicted by the

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National Weather Service for any portion of the period during which the sealant is expected to be applied, or at the time application begins there is more than a ~~ten~~ fifteen percent (15~~0~~%) chance of precipitation predicted by the National Weather Service for any portion of the forty-eight (48) hours following the anticipated completion of the application.

C. Additional Requirement for Coal-Tar-Based Sealants:

1. In addition to the foregoing requirements of Subsection 24.04.04(A), a sealant containing coal tar may not be applied if at the time the application is to begin, any chance of precipitation is predicted by the National Weather Service for any portion of the period during which the sealant is expected to be applied; at the time application begins there is a ten percent (10%) or more chance of precipitation predicted for any period within the forty-eight (48) hours following the anticipated completion of the application; or if at the time application begins, there is more than a twenty percent (20%) chance of precipitation predicted for any period within seven (7) full days following the anticipated completion of the application, each as predicted by the National Weather Service.

2. A sealant containing coal tar may never be applied to a surface, any part of which is located within a flood way, nor to a surface, any part of which is within 200 feet from the closest point of any natural watercourse, and shown on a map labeled as the "NC Stream Map" as produced by the North Carolina Stream Mapping Project (http://www.ncstreams.org)" on file with and available through the Administrator.

3. A sealant containing coal tar may only be applied to a surface, any part of which is located in an area of special flood hazard, if buffering is placed along all portions of the downslope perimeter of the surface sufficient to absorb and impede any draining of the sealant from the surface to a degree equivalent or more effective than the absorption and impedance which can be achieved with bales of hay, laid end to end, and such buffering is maintained in place for a period of no less than seven days following application of the sealant. For purposes of this paragraph, the use of bales of hay of normal size and weight, laid end to end, shall be considered sufficient to meet the requirements of this paragraph.

4. A sealant containing coal tar may only be applied to a surface, any part of which contains a storm drain, if buffering or filters are placed around the full perimeter of the storm drain sufficient to absorb and impede any draining of the sealant from the surface to a degree equivalent or more effective than the absorption and impedance which can be achieved with bales of hay, laid end to end, and such buffering is maintained in place for a period of no less than seven days following application of the sealant. For purposes of this paragraph, the use of bales of hay of normal size and weight forming an unbroken perimeter around a storm drain shall be considered a sufficient buffer and filter to meet the requirements of this paragraph.

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24.05 ~~Joint Use of Required Parking Spaces~~Shared Parking

24.05.01 One parking area may contain required spaces for several different uses, but except as otherwise provided in this Section, the required space assigned to one use may not be credited to another use.

24.05.02 To the extent that developments that wish to make joint use of the same parking spaces operate at different times, the same spaces may be credited to both uses. For example, if a parking lot is used in connection with an office building on Monday through Friday but is generally ninety percent (90%) vacant on weekends, another development that operates only on weekends could be credited with ninety percent (90%) of the spaces on that lot. Or, if a church parking lot is generally occupied only to fifty percent (50%) of capacity on days other than Sunday, another development could make use of fifty percent (50%) of the church lot's spaces on those other days.

24.05.03 If the joint use of the same parking spaces by two or more (2+) principal uses involves satellite parking spaces, then the provisions of Section 24.06 are also applicable.

24.05.04 Where motor vehicle access is provided between adjoining non-residential sites and the operating hours of adjoining uses do not significantly overlap, the uses may share up to 50 percent of required parking spaces.

24.05.06 Bicycle parking may be provided in a common area of a shared parking area for adjacent sites.

24.05.07 An applicant proposing the use of shared parking must:

A. Demonstrate that the applicant has the express legal right to use the spaces in question; and

B. Provide the shared use agreement detailing how the spaces will be shared among the uses; and

C. Provide proof to the Administrator of a continuation of the right to use the shared parking annually, on January 15 of each year, unless the Administrator has provided for a different frequency of such reporting; and

~~A.~~**D.** The applicant must sign an acknowledgment that the continuing validity of the applicant's permit depends upon the continuing ability to provide the requisite number of parking spaces. If the shared parking is no longer available or the property owner or applicant fails to comply with the requirements of the Section, the parking requirement reverts to those requirements found in Table 24.01 and the property owner or applicant must demonstrate compliance with said requirements or its zoning Certificate shall be revoked.

24.06 Satellite Parking

24.06.01 ~~If the number of off-street parking spaces required by this Ordinance cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces~~Required parking spaces may be provided on adjacent or nearby lots in accordance with the provisions of this Section. These off-~~-~~site spaces are referred to in this Section as satellite parking spaces.

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24.06.02 All ~~such~~ satellite parking spaces ~~(except spaces intended for employee use)~~ must be located within ~~500~~ ¼ mile~~feet~~ of a public entrance of a principal building housing the use associated with such parking, or within ~~500 feet~~ ¼ mile of the lot on which the use associated with such parking lot is located if the use is not housed within any principal building; *provided, however*, that this limitation does not apply to on-campus housing located in the UI district; and further provided that satellite parking may not be used for visitor or customer parking required for any use unless the satellite parking spaces are within 200 feet of the parcel to be served by such parking. ~~. Satellite parking spaces intended for employee use may be located within any reasonable distance.~~

24.06.03 The applicant wishing to take advantage of the provisions of this Section must present satisfactory written evidence that ~~he~~ the applicant has the legal right ~~has the permission of the owner or other person in charge of~~to use the satellite parking spaces, and that such right is exclusive during the operating hours of the use in question. ~~to use such spaces~~. The applicant must also sign an acknowledgment that the continuing validity of ~~his~~ the applicant's permit depends upon ~~his~~ the continuing ability to provide exclusive use during operating hours of the requisite number of parking spaces. If the parking spaces are required for residential uses, "operating hours" shall be considered to be 24 hours a day for purposes of this section.

24.06.04 Persons who obtain satellite parking spaces in accordance with this Section ~~shall not be held accountable for~~are not responsible for ensuring that the satellite parking areas from which they obtain their spaces satisfy the design requirements of this Article.

24.06.05 The applicant using satellite parking to comply with the requirements of this Article must provide proof to the Administrator of a continuation of the right to use the shared parking annually, on January 15 of each year, unless the Administrator provides for a different frequency of reporting.

24.06.07 The applicant using satellite parking to comply with the requirements of this Article must sign an acknowledgment that the continuing validity of the applicant's permit depends upon the continuing ability to provide the requisite number of parking spaces. If the applicant or property owner fails to comply with the requirements of the Section, the parking requirement reverts to those requirements found in Table 24.01 and the property owner or applicant must demonstrate compliance with said requirements or the zoning Certificate may be revoked.

~~**Special Provisions For Lots With Existing Buildings**~~

~~**24.07.01** Notwithstanding any other provisions of this Ordinance, whenever (i) there exists a lot with one or more structures on it constructed before the effective date of this Ordinance, and (ii) a change in use that does not involve any enlargement of a structure is proposed for such lot, and (iii) the parking requirements of Section 24.01 that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking, then the applicant need only comply with the requirements of Section 24.01 to the extent that (i) parking space is practicably available on the lot where the development is located, and (ii) satellite parking space is reasonably available.~~

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~~**24.07.02** Should satellite parking subsequently become reasonably available, then it shall be a continuing condition of the permit authorizing development on such lot that the applicant obtain satellite parking when it does become available.~~ [prior 24.07 moved to 24.01]

24.08 Loading and Unloading Areas

24.08.01 Subject to subsection 24.08.06 below, whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area, located at the rear, side or end of the business, must be provided initially and continually in accordance with this Subsection to accommodate the delivery or shipment operations in a safe and convenient manner.

24.08.02 The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development in question. Subsection 24.08.03 indicates the number of spaces that, presumably satisfies the standard set forth in this Subsection. However, the permit issuing authority may require more or less loading and unloading area if reasonably necessary ~~to satisfy the standard in Subsection 24.08.03~~to serve the development.

24.08.03 For the purpose of this Section, the off-street loading and unloading space shall have the minimum dimensions of twelve feet (12') by fifty-five feet (55') and overhead clearance of fourteen feet (14') from street grade.

A. Retail business shall provide one (1) space of 300 square feet for each 5,000 square feet of floor space.

B. Wholesale and industry shall provide one (1) space of 500 square feet for each 10,000 square feet of floor area.

C. In the case of mixed uses, the total requirements for off-street loading or unloading space shall be the sum of the requirements for the various uses except to the extent the applicant can demonstrate to the satisfaction of the Administrator that different operating hours or other factors will permit different users or tenants to share the same loading spaces. ~~-~~ It shall be an express condition of the permit issued to an applicant taking advantage of this provision that the loading spaces are to be practically adequate to serve the development, and if such spaces prove to be inadequate the Administrator may require that the development provide additional loading spaces or, if additional spaces are not provided, revoke the permit for the development.

24.08.04 Loading and unloading areas shall be so located and designed that the vehicles intended to use them can (i) maneuver safely and conveniently to and from a public right-of-way, and (ii) complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.

24.08.05 No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

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24.08.06 Whenever (i) there exists a lot with one or more structures on it constructed before the effective date of this Ordinance, and (ii) a change in use that does not involve any enlargement of a structure is proposed for such lot, and (iii) the loading requirements of this Section cannot be satisfied because there is not sufficient area available on the lot that can be practicably be used for loading and unloading, then the applicant need only comply with this Section to the extent reasonably possible.

24.09 Bicycle Parking

~~**24.09.01** The B – 1 Central Business zoning district is exempt from the requirements of this Section.~~

~~**24.09.02** Except for Use 1.01 Single-Family Dwelling, Uses 1.02 and 1.03 Manufactured Home, Use 1.06 Duplex, Use 12.0, and any accessory or temporary use, bicycle parking facilities meeting the standards of this Section shall be provided by a permit applicant under each of the following circumstances:~~

~~When a new building is constructed;~~

~~When any addition to or enlargement of an existing building is constructed;~~

~~When a change in occupancy of any building occurs which results in a requirement for additional vehicle parking facilities under Section 24.01.~~

24.09.02~~3~~ 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 24.09

Use Type	Specific Use	Short-Term Bicycle Parking Minimum[2]	Long-Term Bicycle Parking Minimum[3]
1.0 Household Living	1.01 Single-Family Dwelling 1.02 Manufactured Home "Class A" 1.03 Manufactured Home "Class B" 1.06 Duplex 1.07 Duplex	-	-

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Use Type	Specific Use	Short-Term Bicycle Parking Minimum[2]	Long-Term Bicycle Parking Minimum[3]
	1.08-1.10 Townhouse 1.11-1.13 Multi-Family 1.14-1.16 Multi-Family	1 per 20 units	1 per 4 units
	1.05 Manufactured Home Park	1 per 20 beds	
2.0 Group Living	2.01 Family Care Home	-	1 space per 5 employees
	2.08-2.09 Retirement Community 2.10-2.12 Residence Hall	1 space per 20 beds	1 space per 10 beds
	2.02 Family Care Institutions 2.03-2.04 Halfway House 2.05-2.06 Nursing Care 2.07 Skilled Nursing Facility		1 space per 5 employees
	2.13 Fraternity or Sorority Dwelling	1 space per 20 beds	1 space per 10 beds
	2.14 Board Housing	1 space per 20 beds	1 space per 10 beds
3.0 Transient Living	3.01 Home for Survivors of Domestic Violence	2 spaces	2 spaces
	3.02-3.03 Shelter for Homeless	2 spaces	2 spaces
	3.04-3.05 Bed & Breakfast	2 spaces	2 spaces
	3.06 Vacation Rental	2 spaces	2 spaces
	3.07 Motel 3.08 Hotel	2 spaces	2 spaces
4.0 Institutional Uses	4.01 Airport/Land Strip 4.02 Heliport 4.04 Cemetery 4.07 Animal Sanctuary 4.03 Funeral Home Establishment 4.05 Post Office 4.06 Post Office, Distribution	TBD	TBD

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Use Type	Specific Use	Short-Term Bicycle Parking Minimum[2]	Long-Term Bicycle Parking Minimum[3]
5.0 Government Uses	All Government Uses	TBD	TBD
6.0 Non-Governmental Utility Facility	All Non-Government Utility Facility	-	-
7.0 Telecommunications	All Telecommunication Uses	-	-
8.0 Assembly	8.01-8.03 Religious Assembly	1 space per 2,000 ft² GFA[6]	1 space per 5,000 ft² GFA[6]
	8.04-8.05 Assembly Uses	1 space per 1,000 ft² GFA[6]	1 space per 10,000 ft² GFA[6]
9.0 Education	9.01-9.05 Education Uses	3 spaces per classroom	.5 spaces per classroom
	9.06-9.09 Education Uses	3 spaces per classroom	.5 spaces per classroom
10.0 Daycare	All Daycare Uses	2 spaces	2 spaces
11.0 General Sales & Service	11.01 Kennel 11.11 ABC Store 11.12 - 11.13 Personal Service Establishment 11.14-11.16 Retail Store 11.17 Shopping Center/Mall 11.26 Open Air Market 11.04 & 11.05 Financial Institution 11.18 - 11.19 Business or Professional Office 11.20-11.23 Medical Office 11.02-11.03 Veterinary Office/Hospital	1 space per 5,000 ft² GLA[4]	1 space per 10,000 ft² GLA[4]
	11.06 - 11.10 Restaurant	1 space per 5,000 ft² GLA[4]	1 space per 10,000 ft² GLA[4]
	11.32 Gas Station	-	-
	11.33 Car Wash	-	-
	11.27 Vehicle Sales and Service 11.28 Equipment Sales and Service	-	-

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Use Type	Specific Use	Short-Term Bicycle Parking Minimum[2]	Long-Term Bicycle Parking Minimum[3]
	11.29 Moped Sales and Service 11.30 Boat or Marine Craft Sales and Service		
12.0 Recreation & Entertainment Uses	12.01 Indoor Shooting Range	1 space per 5,000 ft² GFA[6]	1 space per 10,000 ft² GFA[6]
	12.03 Indoor Theater 12.05 Event Venue Cat I	1 space per 5,000 ft² GFA[6]	1 space per 10,000 ft² GFA[6]
	12.10 Recreation Cat I	1 space per 5,000 ft² GFA[6]	1 space per 10,000 ft² GFA[6]
	12.04 Outdoor Theater 12.06 Event Venue Cat. II 12.07 Event Venue Cat III	1 space per 2,000 ft² GFA[6]	1 space per 10,000 ft² GFA[6]
	12.09 Coliseum 12.11 Recreation Cat II 12.12 Recreation Cat III12.01,	1 space per 20 motor vehicle spaces	TBD
	12.08 Campgrounds/RV Parks	-	-
13.0 Agriculture Uses	All Agricultural Uses	-	-
14.0 Manufacturing	14.01 Microbrewery 14.02 Brew Pub	1 space per 5,000 ft² GLA[4]	1 space per 10,000 ft² GLA[4]
	All other Manufacturing Uses	TBD	TBD
16.0 Storage	16.01 Mini-Storage 16.02 Outdoor Storage	-	-
	16.03 Warehouse 16.04 Fuel Storage Facility	TBD	TBD
17.0 Transportation	17.01 Passenger Terminals 17.02 & 17.03 Trucking or Freight Terminal	TBD	TBD
18.0 Waste Related Uses	All Waste Related Uses	-	-
19.0 Particular Activities which Pose Particular Concerns to Public Health	All Particular Activities which Pose Particular Concerns to Public Health Uses	1 space per 5,000 ft² GFA[6]	1 space per 10,000 ft² GFA[6]

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Use Type	Specific Use	Short-Term Bicycle Parking Minimum[2]	Long-Term Bicycle Parking Minimum[3]
Accessory Uses	A-1 Secondary Suite A-3 Accessory Dwelling Unit	-	-
	A-10 Produce Stand	-	-
	A-21 Caretaker's Residence	-	-
	A-19 Helistop	TBD	-
	A-24 Chemical Storage Facility	-	-
Temporary Uses	T-1 Temporary Care Provider Dwelling T-2 Temporary Construction or Repair Dwelling T-3 Temporary Construction Trailer	-	-
	T-8 Temporary Non-Fixed Site Event Venue	TBD	-

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

24.09.04 Bicycle p~~P~~arking facilities shall meet the following standards:

A. Bicycle parking facilities shall conform with the design guidelines promulgated by the Association of Pedestrian and Bicycle Professionals (APBA) as found in the "Bicycle Parking Guidelines" manual.

B. Bicycle racks shall provide for at least two (2) points of contact with the bicycle frame and for the locking of at least one wheel using varying types of bike locks (U-lock, wire cable, etc.)

C. All racks must be safe, sturdy and well-anchored.

~~**A.** Each bicycle parking space shall be no less than six feet (6') long by two feet (2') wide, plus sufficient area for access. A "rack" is a bicycle facility which includes multiple contiguous bicycle parking spaces. Exact conformity with the following diagram for a single rack bicycle facility is not required, but adherence to this design shall meet the requirements of this Section:~~

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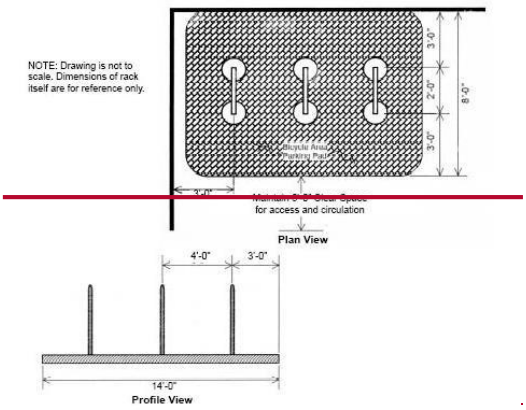
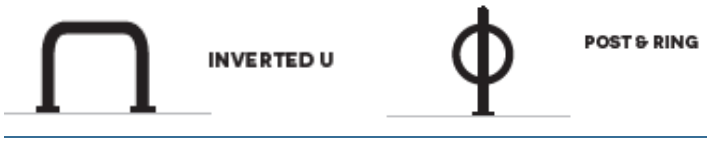
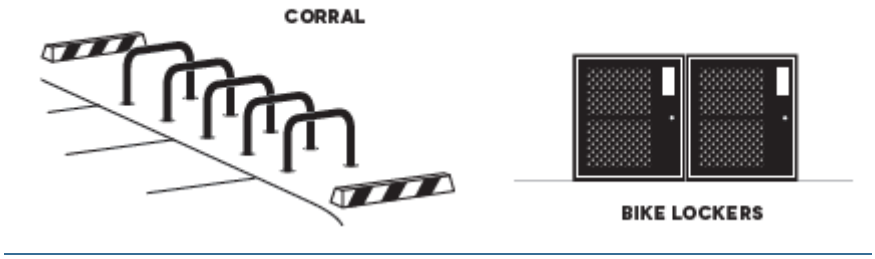


~~**B.** No less than four feet (4') must be provided between parallel racks.~~

~~**C.** Bicycle parking facilities shall be constructed of materials of sufficient strength to significantly resist their displacement or removal, and they shall be securely anchored in concrete or other equivalent material or system of sufficient strength to significantly resist removal. Bicycle parking facilities shall support bicycles in a stable position without damage to wheels, frame or other components and allow for the use of either a cable, U-shaped, or similar lock to secure the bicycle.~~

Examples of acceptable facilities:





Examples of **unacceptable** facilities (because they secure only one wheel):

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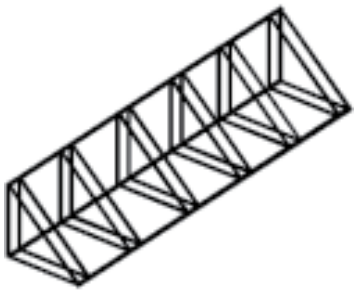

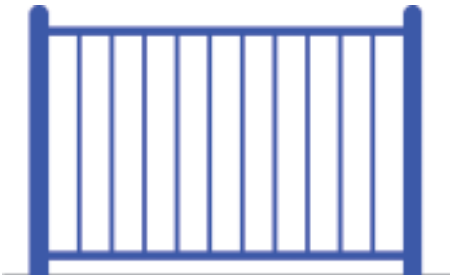

~~D.~~A. Outside bicycle parking facilities shall be illuminated in conformity with the standards for "open parking areas" of UDO Section 25.05. Inside bicycle parking facilities shall be illuminated in conformity with the standards for "building entries" of UDO Section 25.05.

~~E.~~B. Areas set aside for outside bicycle parking shall be clearly marked and reserved for bicycle parking only. Where the location of said parking is not easily visible from the street, a sign that does not exceed four square feet (4 ft^2) in area and directs cyclists to parking shall be provided on site and must be visible from the street or from the main building entrance. For purposes of this Section, "main building entrance" shall connote and refer to the primary doorway by which residents, visitors or customers enter and exit a building, whether or not said entrance is oriented facing the public street. Signs shall comply with the MUTCD for Bicycle parking signage

Examples of acceptable signs:

~~F.~~C. Bicycle parking shall be located so as to avoid impeding or creating a hazard to pedestrians from parked or approaching bicycles, and to avoid creating a hazard to bicyclists or bicycles from automobiles or other motor vehicles. Bicycle racks installed on private sidewalks within the development must provide a clear, unobstructed passage of at least five feet (5') for pedestrians and should be installed at least three feet (3') from the face of any curb. Bicycle racks may not be installed on public sidewalks without the express authorization of the Boone Town Council, subject to such conditions which may be attached to such authorization.

~~*(20140384 08212014)*~~

24.09.05 Short Term Bicycle Parking

A. Short-term bicycle parking shall meet the needs of people visiting businesses, institutions and other uses with similar needs – typically lasting up to two (2) hours. Since short-term users are infrequent visitors to these locations, the parking installation should be readily visible and self-explanatory.

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B. ~~Short-term bicycle parking is parking intended or utilized for 2 hours or less by customers or visitors to a particular use.~~ Parking facilities for short term bicycle parking must be located no farther from the main building entrance than the distance to the closest non-handicap vehicle space, or fifty feet (50'), whichever is ~~less~~greater, and ~~they must be~~ visible from public sidewalk areas along the public street frontage adjoining the use and located directly in front of the main building entrance unless the main building entrance is not oriented toward the public street. In those instances where the main building entrance is not oriented toward the public street, the parking facilities must be visible from such locations, as determined by the Administrator or permit issuing authority, which will provide the greatest level of visibility to achieve the dual purposes of security for the bicycles using the facilities and availability to bicyclists visiting the building for the first time.

~~A.~~C. Short term bicycle parking, when allowed within a public right-of-way, should be coordinated with street furniture as applicable and may (but is not required to) be covered.

24.09.06 Long term bicycle parking

A. Long term bicycle parking ~~is intended or utilized for~~shall provide for daily, overnight or even longer duration bicycle parking by residents and employees. These users often leave bicycles unattended and unmonitored for extended periods and require exclusive access, additional security and weather protection.

~~A.~~B. Long term bicycle parking shall be covered or enclosed, and must provide security and protection from weather and the elements. Long term parking spaces may include indoor parking, racks in covered loading dock areas, racks in garage structures, bicycle lockers or other means, and ~~Long term bicycle parking~~ should be incorporated whenever possible into the building design.

~~**24.09.07** Bicycle parking exceeding the requirements of this Section may reduce by up to 10% required motor vehicle parking for residential uses and other uses where a parking demand analysis establishes a minimum motor vehicle parking expectation. For every five bicycle parking spaces in excess of the short or long term bicycle parking requirements of Subsection 24.09.03, the use's motor vehicle parking requirement is reduced by one (1) space.~~

Motorcycle Parking

24.10.01 The B – 1 Central Business zoning district is exempt from the requirements of this Section.

24.10.02 Motorcycle parking facilities meeting the standards of this Section shall be provided by a permit applicant under each of the following circumstances, and one (1) motorcycle parking space shall be provided for every 40 motor vehicle parking spaces:

A. When a new building is constructed;

B. When any addition or enlargement of an existing building is constructed;

C. When a change in occupancy of any building occurs where 40 or more vehicle parking spaces are provided.

24.10.03 Motorcycle parking facilities shall meet the following design standards:

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A. Each motorcycle parking space shall be no less than eight feet (8') long by four feet (4') wide, and sufficient space for access shall be provided.

B. Motorcycle parking facilities must be visible from public sidewalk areas along the public street frontage adjoining the use and located directly in front of the main building entrance unless the main building entrance is not oriented toward the public street. In those instances where the main building entrance is not oriented toward the public street, the motorcycle parking facilities must be visible from such locations, as determined by the Administrator or permit issuing authority, which will provide the greatest level of visibility to achieve security for the motorcycles using the facilities. Motorcycle parking facilities must also include features to provide reasonable security for motorcycles. Designers are encouraged to include fixed features such as rails, hoops, or posts designed to provide a simple locking point to secure a motorcycle or scooter using a chain or similar device.

C. Motorcycle parking facilities shall be clearly marked and reserved for motorcycle parking only, using signage and/or pavement marking determined by the Administrator or permit issuing authority as adequate to both direct motorcycle riders to the proper facilities and to prevent use of the motorcycle parking facilities by other motor vehicles.

D. The slope of motorcycle parking facilities should be as close to level as possible while still providing adequate drainage. "Adequate drainage" is such drainage as will prevent the buildup of water and ice in included motorcycle parking spaces. Motorcycle parking facilities must have a firm surface capable of supporting the weight supported by the stand of the heaviest of models of motorcycle.

CONFORMITY TO ADOPTED PLANS

COMPREHENSIVE PLAN UPDATE

1.1 Overall Objectives for the Boone Comprehensive Plan (p. 15):

The following objectives, which have not been listed in any particular order of importance, are deliberately broad in scope and less specific than either a policy statement or an implementation action.

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

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

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

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

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

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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.

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

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.

E.1 Continue to look for ways to make development regulations and permit procedures more predictable and timely. Evaluate opportunities for administrative review and permit issuance for development projects which, due to their small size or relatively minor impacts, may not require review by a formal public commission or board.

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

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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 other applicable adopted plans of the Town which relate to this application because:

Second Motion and Vote: The Planning Commission recommends ☐**approval** OR ☐**denial** for the following reasons:

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 other applicable adopted plans of the Town which relate to this application because:

Second Motion and Vote: I move to ☐**approve** OR ☐**deny** the proposed amendment to the Town's zoning ordinance and believe ☐**approval** OR ☐**denial** is reasonable and in the public interest because:

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