Town of Boone
Planning Commission
Special Meeting
6:00 PM, Dec. 9, 2019
Council Chambers, 1500 Blowing Rock Road

I. Call to Order

II. Approval of Meeting Minutes

September 23, 2019 Planning Commission Meeting Minutes

October 28, 2019 Planning Commission Meeting Minutes

III. Case PL03271-110419 Hacket Properties Inc - General Use Zoning Map Amendment - WITHDRAWN

IV. Case PL03227-101819 T-13 temporary Use 9.01 Public Colleges and Universities in B1 - UDO Text Amendment-WITHDRAWN

V. Case PL03178-100319 Maximum Height in B3 - UDO Text Amendment

Case PL03178-100319 Application Information

Case PL03178-100319 Staff Report

VI. Case PL03173-100319 Minimum Lot SIze in R3 - UDO Text Amendment

Case PL03173-100319 Application Information

Case PL03173-100319 Staff Report

VII. Case PL03171-100319 Creation of R1 Small Home Residential District - UDO Text Amendment

Case PL03171-100319 Application Information

Case PL03171-100319 Staff Report

VIII. Other Matters

IX. Adjournment of Planning Commission

PUBLIC HEARING MINUTES
MONDAY, SEPTEMBER 23, 2019, 6:00 P.M.
TOWN COUNCIL CHAMBERS

COUNCIL MEMBERS: Rennie Brantz-Mayor, Loretta Clawson-Mayor Pro-Tem, Marshall Ashcraft, Sam Furgiuele, Connie Ulmer, and Lynne Mason

PLANNING COMMISSION MEMBERS: Eric Plaag-Vice Chairman, Frank Veno, Chris Behrend, and James Hedrick

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

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

CALL TO ORDER

Mayor Brantz called the Town Council to order at 6:00 p.m.

Vice Chairman Plaag called the Planning Commission to order at 6:00 p.m.

Mayor Brantz pointed out the General Guidelines for Each Case Presented at Public Hearing listed in the meeting packet.

CASE PL02977-082019 Caldwell Hospice – General Use Zoning Map Amendment

The Town of Boone has initiated the zoning of a 10.009 acre property off Archie Carrol Road (Watauga County PIN: 2921-52-6451-000) owned by Carroll NC Properties, LLC & Robert L. Idol, Jr. to OI Office/Institutional. Zoning is to coincide with the property owner's voluntary annexation of the property.

Mr. Little presented the request as it was outlined in the meeting packet.

Council Member Furgiuele asked if it was correct that a number of uses in OI would trigger transitional zone requirements. Mr. Little replied that was correct. Council Member Furgiuele asked if it was correct that transitional zones would not be triggered in this instance because the surrounding single family homes are outside the Town's jurisdiction. Mr. Little stated that was correct. Council Member Furgiuele asked if any of the uses in OI would be allowed there if the property was zoned OI. Mr. Little stated that was correct. Mr. Little explained to Planning Commission members that Caldwell Hospice submitted an annexation petition to Town Council and indicated a desire to place a Hospice facility on the property, which would be allowed in an OI.

Vice Chairman Plaag mentioned the 55+ Housing text amendment that would be heard later in this hearing and asked if the proposed R5 zoning district would be more appropriate zone for the Caldwell Hospice property than OI. Council Member Furgiuele stated there could be some objection to the R5 district being available for both senior living and care facilities. Mr. Little responded to Vice Chairman Plaag's question noting that the Hospice Use could be allowed in the R5 district. Vice Chairman Plaag wondered if R5 would be better than OI for the subject island parcel, if adopted, given that it might be more restrictive and offer better protection from the nearby residential property.

Council Member Furgiuele stated this was a general zoning and noted that, once the zoning was approved, the property owner could sell the property to someone else who could then develop any of the allowed uses in the approved district.

Council Member Mason asked if any other zoning districts were considered, noting the property was zoned B3 when it was located in the ETJ. Mr. Little replied that R1, B3, and OI were all considered. Council Member Furgiuele asked if the proposed R5 district was considered. Mr. Little stated it was not considered at the time the staff report was compiled. Ms. Meade added that staff felt they had been directed by Town Council to request an OI zoning district after the annexation discussion and added that

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the new R5 district was only conceptual at that point. Council Member Furgiuele asked if it was correct that the applicant also requested OI. Ms. Meade stated that was correct.

Vice Chairman Plaag asked if the subject property was, at one time, part of the larger adjacent property that was also zoned B3. Mr. Little replied that this was part of a larger parcel and the subject 10 acre tract was divided from the large parcel.

Commission Member Behrend asked if it was uncommon to have parcels that are not adjacent to property inside the Town limits to want to annex. Ms. Meade replied that it was not an uncommon occurrence.

Mayor Brantz asked if there were other Hospice sites in Boone or Watauga County. Mr. Little replied that there were no other facilities in Boone or Watauga County to his knowledge. Vice Chairman Plaag felt that some of the nursing care facilities in Town would have some Hospice care but would not be considered a Hospice facility.

Mayor Brantz opened the hearing for public comment.

Michael Trew with Municipal Engineering, engineer for the Hospice project, stated that Hospice has currently outgrown the space they are in and need to expand. He noted the project was planned to happen in two stages with the first stage being office space and the second being the care facility.

Mayor Brantz asked how many beds the facility would have. Mr. Trew replied that the plan was for seven beds.

Ms. Meade reminded everyone that specifics of the project were not to be taken into account with respect to the application.

Commission Member Veno mentioned Mr. Trew's comment about Hospice having outgrown their current location and asked where they were currently located. Mr. Trew replied that Hospice was currently leasing a space in Carriage Square for office use only.

Council Member Furgiuele expressed concern that they keep talking, in a general rezoning, about a specific plan because once the property is rezoned the plans could change. He stated there was no guarantee a specific project would be built and felt it was wrong to continue talking about a particular project.

Council Member Mason noted that properties that were already zoned could come before Council and ask for a Conditional District and asked if properties who were annexing could request a Conditional District. Ms. Meade felt this could have been done. Ms. Shook stated that a base zoning district should still be identified and added that there had never been an instance that general use zoning was not done first. Council Member Furgiuele noted that a Conditional District was a stand-alone zoning district so it would be no different than asking for general rezoning, even if the property had not previously been zoned, because you would be establishing a one of a kind zoning district. Ms. Shook stated that was correct in the fact that the site specific plan would be different than any other site specific plan but the basic zoning would still apply. Ms. Meade stated that seeking a Conditional District for a property that was annexing meant the owner would have to front a great deal of money to develop a site specific plan and could create a very high expense for a lot of unknowns.

Vice Chairman Plaag asked if there was any notification requirement for property owners who lived outside the Town's jurisdiction. Mr. Little replied that adjacent property owner notifications were sent to all property owners, whether in or out of the Town's jurisdiction, for this case. Council Member Furgiuele asked, for clarification, if the Town sent notifications to property owners who were not in Town limits. Ms. Shook replied that was correct. Ms. Meade added that it was a conservative way to go even though it was not legally required.

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Council Member Furgiuele stated the reason he asked the question about transitional zones was that, even though he was really pleased the Town sent notifications to the affected property owners outside the Town's jurisdiction, as a practical matter, in a satellite annexation the transitional zones mean nothing because they are not triggered if there are no low density zoning districts in the area. Council Member Furgiuele suggested a future discussion about reframing the transitional zones to at least address the areas the areas that were previously zoned. He stated he did not feel totally comfortable with a general rezoning with many uses that would normally trigger transitional zones but were not going to in this case. Council Member Furgiuele stated he was not opposing the proposal but was concerned about this as a future practice.

Council Member Mason asked, since this property borders single family dwellings, what the landscape buffer requirements would be. Mr. Little replied that they would be required to do a Type C buffer and read the following: Opaque Screen, Type "C" is a screen that is opaque from the ground to a height of at least six feet (6'), with intermittent visual obstructions from the opaque portion to a height of at least twenty feet (20'). An opaque screen is intended to exclude completely all visual contact between uses and to create a strong spatial separation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstruction should not contain any completely unobstructed openings more than ten feet (10') wide. Council Member Furgiuele asked if this was true even though the adjoining properties were outside the Town's jurisdiction. Mr. Little stated that was correct. Council Member Furgiuele asked what triggered the landscape buffer requirement. Mr. Little replied that it was triggered by the adjacent land use and not by zoning district. Council Member Furgiuele asked what land use triggered the requirement. Mr. Little stated that the proposed land use of Family Care Institution being adjacent to residential land uses. Council Member Furgiuele noted that two of the structures were vacant and asked if they would be considered uses because they were presumed to be for single family purposes. Ms. Shook wished to clarify the issue and noted that UDO Section 31.03.01 B. stated if the abutting area is undeveloped, the required screening shall be that which would be required for a use necessitating the greatest visual obstruction. Council Member Furgiuele stated that an adjacent use could change before a permit application was received. Ms. Shook replied that was correct and explained that buffering requirements would then be determined by whatever use was adjacent at the time of application.

With no further questions or public comment, Mayor Brantz closed the public hearing for this case at 6:25 p.m.

Case PL03012-082619 Glenn – General Use Zoning Map Amendment

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

Ms. Turner presented the request as it was outlined in the packet. She noted that Town Council requested an R1 zoning for this property at their August meeting.

Council Member Furgiuele asked if it was correct that the house was located on the portion of the parcel that was outside the Town limits and the other portion of the property that was located in the Town was zoned R1 and vacant. Ms. Turner replied that was correct and further explained that the property was being annexed into the Town due to a failed septic system. She noted that the house was already serviced by Town water but not sewer and, due to the failed septic system, the house has now been hooked up to Town sewer.

Council Member Mason felt this was fairly straightforward.

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Mayor Brantz opened the hearing for public comment.

Chase Glenn thanked Council and Planning Commission for their consideration of the request. He stated he was somewhat forced to seek annexation. He explained that, after speaking with the County health inspector about his failed septic system, he was told getting on Town sewer was his only option. Mr. Glenn stated, due to a hardship policy act, he was able to go ahead and hook up to Town sewer before the annexation process was complete because he really had no other choice.

Council Member Furgiuele felt this request made sense, noting a portion of the property was already zoned R1 and this would help protect the adjacent R1 properties. He stated it would also correct one of the split zoned parcels in Town and felt the request should be supported.

Vice Chairman Plaag asked if it was correct that this request was just to zone the portion of the property that is currently still undergoing the annexation process. Ms. Turner stated that was correct.

With no further questions or public comment, Mayor Brantz closed the public hearing for this case at 6:30 p.m.

Case PL02634-060519 Sidewalk Fee-in-lieu – UDO Text Amendment

The Town of Boone has initiated a UDO Text Amendment to revise UDO Articles 15, 17 & 23 to limit when an applicant can utilize fee-in-lieu for sidewalks. Amendments may also be made to other Articles to conform them to changes made in these Articles.

Ms. Shook presented the request as it was outlined in the packet noting that Town Council requested modifications be made to when an applicant can pay a sidewalk fee-in-lieu. Ms. Shook explained that, in some commercial development cases, the applicant can choose to pay a fee-in-lieu if there is no adjacent sidewalk structure or if the sidewalk has not been identified on the Town's primary route. She stated that the proposed modification would require all commercial development to install a sidewalk instead of paying a fee-in-lieu unless specific criteria are met to be granted an exemption.

Ms. Shook noted some changes regarding the allowance of greenways as an alternative method to sidewalks. Mr. Ward stated the Town just received a grant in conjunction with the High Country Council of Governments for stormwater on Winklers Creek for a potential waterway enhancement with a greenway design that would allow for a connection to the existing greenway. He stated that the proposed text amendment would help facilitate this project.

Ms. Shook stated the exemptions that would allow payment of fee-in-lieu were steep slopes or other factors that would make a sidewalk impractical or dangerous to the public or; damage to sensitive habitat, natural watercourses, or mature trees. Additional proposed language states that the Administrator must find that there is no reasonable alternative manner of building that particular section of sidewalk (such as changing its location) that would avoid the problems posed by the identified site-specific factors.

Council Member Mason asked if there was redevelopment on 421 from Bamboo to Perkinsville how this would affect the multi-use pathway that was planned. Mr. Ward suggested the properties could pay in to the fee-in-lieu and that money could be used toward the cash match to install the multi-use trail. Ms. Shook stated this would require a modification of the text as presented.

Council Member Furgiuele stated, if there was an approved plan with construction by DOT, that property owners along the way couldn't just construct the portions of the pathway that are located on their property.

Ms. Shook stated the Town was fortunate to get the grant through the Statewide Transportation Improvement Program (STIP) funding.

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Mr. Ward stated he would be working with Public Works to update fees for sidewalk fee-in-lieu payments. He noted that in areas where previous developments have chosen to pay the fee-in-lieu, installation of the sidewalk has sometimes been delayed by the Town and because an easement to put the sidewalk in was not obtained to begin with the Town is having to go back and negotiate to get the easement they should have gotten at the beginning of the development. Mr. Ward suggested that if the Town does accept fee-in-lieu they should require right-of-way easements at that time so the Town does not have to go back and purchase something they could have potentially had given to them. Council Member Furgiuele asked how the Town would know where the easement would be if the reason a fee-in-lieu was allowed to begin with was that the installation of sidewalk would be dangerous to the public or the environment. Mr. Ward replied that Council Member Furgiuele was correct. Council Member Furgiuele suggested there could be some other contractual agreement instead of an easement that would be a commitment to dedicate an appropriate area at the appropriate time if the Town ultimately constructed some type of pedestrian way across their property.

Mayor Pro Tem Clawson felt it was important to get sidewalks installed whenever possible as well as getting the fee-in-lieu so sidewalks can be installed later.

Mayor Brantz asked if the sidewalk plan covered the entire town. Ms. Shook replied that primary priority and secondary routes are identified but the plan does not cover all town streets. Mr. Ward asked if the site on Archie Carroll road would be required to install sidewalks under this proposed amendment. Ms. Shook stated that they would and noted that there have been times when DOT did not want to provide an encroachment agreement for sidewalks that were sidewalks to nowhere. She also felt it should be made clear that the Town would not maintain sidewalks that were not connected to other infrastructure. Council Member Furgiuele suggested that Council consider putting some type of distance limit on the sidewalk requirement, noting that a satellite annexation 3 miles out was pretty far out. He suggested annexed properties more than a mile outside Town could pay fee-in-lieu. Mr. Ward stated that if there were sections of sidewalk installed it might make it easier to come back and make connections later to create a larger area of sidewalk. Mr. Ward stated he liked the environmental section of the proposed language.

Ms. Meade asked Ms. Shook if she thought it was possible that NCDOT would not grant an encroachment at the Hospice property on Archie Carroll Road so that the sidewalk could not be built. Ms. Shook stated she would like to speak with DOT because she did not have that answer. Ms. Meade felt if DOT would not grant an encroachment for a property it would be a good item to include as an exemption. Council Member Furgiuele stated at that point the sidewalk would be impossible instead of impractical, which was the wording in the text and the noted that he had a problem with the word impractical. Mr. Ward added that, in his experience, there were not a lot of places where DOT would certify their right-of-way. Council Member Furgiuele stated that a sidewalk did not always have to hug the street and could still be constructed across someone's property. Ms. Meade asked if the UDO permitted for that kind of flexibility. Ms. Shook felt that it could be done but thought there could be issues connecting to those sidewalks as other development occurred. Council Member Furgiuele stated this issue could be addressed in the sidewalk handbook and not necessarily through the UDO.

Ms. Meade stated if you had a property that already had a greenway running through the front yard, it would not make sense to require a sidewalk on that section. Ms. Shook replied that was correct and stated that some clarifications may need to be made. She asked if the changes that had been discussed should be made during this hearing process or should the text amendment request be pulled and brought back for consideration at a later date. Council Member Furgiuele felt the text amendment should go forward in this hearing process but stated he had a lot of questions.

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Vice Chairman Plaag mentioned the requirement of a property owner to install a sidewalk when they could not get access within the DOT right-of-way and then the Town would not have an easement to that sidewalk and the property owner would control access to the sidewalk. Ms. Meade replied that the Town does require an easement for a public sidewalk if a sidewalk is built.

Council Member Furgiuele asked what constituted a major subdivision. Ms. Shook stated a major subdivision was more than 10 lots. Council Member Furgiuele stated someone might want to do a 6-unit cottage housing development along a public street and asked why the Town would not want sidewalks constructed along the public street. He stated he understood a larger subdivision required internal infrastructure but asked if the sidewalk requirements should not apply to all development, even minor subdivisions. Ms. Shook replied that a minor subdivision could be only one lot. Council Member Furgiuele felt, during phase two of this text amendment, that there should be some consideration about extending sidewalk requirements to development that might be less than 10 lots. Ms. Shook requested that Council provide direction on the number of lots they wished to include. She noted that there is an expectation by commercial projects to install sidewalks but that is not currently an expectation of smaller residential projects and this could affect project costs. Council Member Mason expressed concern with installing small sections of sidewalks in neighborhoods that would never be fully serviced by a sidewalk. Vice Chairman Plaag explained that he had just attempted to do this kind of development on a street that did not have public sidewalks and stated that the installation of the sidewalks along the public street caused the project to be completely cost prohibitive. He stated if the goal in having smaller, high density development was to provide affordable housing, the Town needed to pick a reasonable number of lots and he thought 10 felt about right. Vice Chairman Plaag agreed that 1-3 lot subdivisions should not be required to install sidewalks. He stated the Town needed to decide what it's priorities were between encouraging housing that is affordable or requiring this infrastructure element. Vice Chairman Plaag suggested requiring less than 10 lots to install sidewalks could create a lot of pockets to nowhere. Council Member Furgiuele replied that maybe the answer was to leave the text as it was but felt there should be more conversation about the issue in the future.

Council Member Ashcraft mentioned the idea of cost sharing with the Town for installing sidewalks as an option to increase affordability and sidewalk locations in town.

Council Member Furgiuele referred to the language in 23.08.03 B. 1. a. that states Deviations may only be allowed when strict compliance with the Roadway & Sidewalk Program Handbook is not reasonably possible. He stated this was under the heading Design Requirements and asked if this suggested that someone could deviate from the structural requirements like the PSI or the way the sidewalks are created. Ms. Shook replied that, in the entire time this language has been in the Ordinance, she has never known anyone to deviate from the standards set forth. Council Member Furgiuele felt there should be an attempt to identify what things could be deviated from and suggested the UDO language could be modified to direct users to the Sidewalk Handbook and include the deviation guidelines there.

Council Member Furgiuele referred to the language in 23.08.04 B. regarding alternative methods and asked if the Town had standards for alternative methods of pedestrian circulation. Ms. Shook replied that the Town currently does not have standards for alternative methods but noted that Public Works was working on some details and specifications. Ms. Meade stated that while there may not be written standards there were still unwritten standards. Council Member Furgiuele asked if unwritten standards could be enforced. Ms. Meade asked if an unwritten standard had ever been challenged. Ms. Shook replied that she was not aware of that happening. Council Member Furgiuele stated if the Town had standards they should be written and should be the responsibility of the Town to let the public know what those standards are. Ms. Meade explained that the Town did not have the staff to reduce every Town policy into a procedure. She stated it could be done but it would cost time and resources and while things are better in writing, as a practical matter, all policies are not always written. Council Member Furgiuele

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felt that standards should not be referenced if they do not exist but stated if they were going to exist he would be okay with that. Ms. Shook explained that Public Works had submitted a request to an engineer to get a quote on some different details and specifications that would include details for greenways.

Council Member Furgiuele referred to the language in 23.08.05 C. 1. that referred to the sidewalk being impractical and stated the word impractical was not a strong or necessary word and should not be the basis for avoiding building a sidewalk. Council Member Furgiuele noted the mention of mature trees in the same section and asked what a mature tree was and if it was defined. He stated that significant and historic trees were defined and asked why the language did not reference something that was already defined. Council Member Ashcraft suggested they could reference horticulture guidelines that list the mature height of most tree species. Council Member Furgiuele stated that significant and historic trees were defined by trunk size. Ms. Meade asked for the definition of significant. Ms. Shook replied that a significant tree was any healthy tree with a diameter of 8" or more at breast height and a historic tree was a 25" diameter at breast height. Council Member Furgiuele stated that, without a definition, a mature tree meant nothing to him. He suggested that the term mature be defined or the language should be changed to the term historic. Ms. Meade explained that if the word was not defined in the UDO a court would look up the common usage of that term.

Council Member Furgiuele asked if fees-in-lieu were rounded to the nearest foot. Ms. Shook replied that the Town does not currently round and typically goes to the nearest tenth.

Vice Chairman Plaag referred to the language in 23.08.04 that references a greenway that was expected to be constructed in the next several years and stated he was not crazy about the vagueness of the next several years. Ms. Meade stated she was not either and she drafted that language.

There was discussion about the STIP and the timing of funded and unfunded projects. Mr. Ward stated it was difficult to know the specific number of years that it would take for a greenway project to take place due to the uncertainties with grants and outside funding sources.

Vice Chairman Plaag questioned the allowance of a greenway instead of a sidewalk along a public street. Council Member Furgiuele felt there could be instances where this alternative might work.

Council Member Mason felt Section 23.08.04 Alternative Methods for Pedestrian Circulation needed to be revisited and more discussion needed to take place. Ms. Meade stated there did not seem to be a consensus regarding the language in 23.08.04 so she was unsure what direction to take regarding revising the language and whether or not Council wanted to proceed with any type of text amendment at this time. Vice Chairman Plaag suggested the text be considered again at the next public hearing after staff has had an opportunity to rework some of the language. Ms. Meade stated that some of the smaller language revisions could be made without any problem but direction would need to be given by Council on the larger issues of greenways and timeframes. Council Member Furgiuele stated he was satisfied with 23.08.04 for the time being. He suggested they look at their greenway plans to see what was or was not built but stated he would not hold up the consideration of this text amendment for that.

Council Member Mason asked if there was a suggested number of years that could replace the wording of next several years in 23.08.04. Council Member Ashcraft suggested 5 years or which are approved and funded by the Department of Transportation. Council Member Furgiuele noted he was okay with several years, 3 years, or 5 years but felt offering a reasonable certainty would give the administrator the ability to address other issues such as funding. Council Member Mason stated she liked Council Member Ashcraft's suggestion of 5 years or included and funded by DOT. Council Member Furgiuele stated he was okay with that as well.

Council Member Ashcraft asked if the cost per foot for sidewalk installation was an in-house cost or a contractor cost. Ms. Shook replied this was a forced labor cost. She stated there was a fee charged for

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sidewalks and a separate fee was charged for curb and gutter. Ms. Shook noted that these charges only cover the cost of the materials. Mr. Ward stated he would like to update those charges through the fee structure to incorporate the true cost of installation which he felt should include labor and equipment. Ms. Meade stated that could be brought back as an amendment. Council Member Ashcraft stated, if the contractor cost was higher than the Town's, the fee-in-lieu charges should reflect the contractor price to cover any additional contingencies. Council Member Furgiuele stated that could be done through the fee schedule and not through this text amendment. Mr. Ward stated he hoped to keep the fee schedule updated every year. He noted that some of the current funds that were collected for fee-in-lieu were probably collected eight years ago when there was a very different cost structure.

Council Member Mason asked if it was the consensus to use the term historic trees instead of mature trees. Council Member Furgiuele stated he did not care but felt mature trees should be defined if it was used. Ms. Meade noted that a 25" diameter tree was fairly large. Vice Chairman Plaag stated he preferred the term mature with the addition of a definition for mature trees. Council Member Mason stated that would be her preference as well. Council Member Furgiuele stated he would rather than not be a reason to not have to build a sidewalk. He felt that should be a reason to build a sidewalk that takes a path that preserves the trees. Ms. Meade felt that was addressed in 23.08.05 C.

With no further questions or public comment, Mayor Brantz closed the public hearing for this case at 7:38 p.m.

Case PL03076-090919 55+ Housing – UDO Text Amendment

The Town of Boone has initiated a UDO Text Amendment to revise UDO Articles 14, 15, 16 and 34 to create a new residential zoning district and a new principal use for housing developments for persons who are 55+ in age. Amendments may also be made to other Articles to conform them to changes made in these Articles.

Ms. Shook presented the request as it was outlined in the packet. She noted that a zoning district as well as a use had to be created for this text amendment. Ms. Shook explained that she did an assessment of similar use categories and narrowed them down to two categories; Adult Living Community and Residential Care Facility and the zoning district would be R5. She noted there was not a lot of input from Council regarding what the standards should be so the proposed text was the most inclusive possible. Ms. Shook explained that the Residential Care Facility was a combination of the current Nursing Care Home, Nursing Care Institution, and Skilled Nursing Facility categories.

Ms. Shook stated she had noticed some incorrect language in the R3, R4, and MH district sections and included changes to that language in this request.

Ms. Shook referred to the Use Table and noted the Residential Care Facility use was populated in the R3, R5, OI, and B3 zoning districts.

Ms. Meade noted the wording in the Adult Living Community that states this is an age-restricted development. She stated that Federal law does not generally allow discrimination based on age but has carved out an exemption for those who are 55 and older so retirement communities can be organized. Ms. Meade noted that every unit would not be required to be occupied by someone 55 or older and stated she thought the Federal requirement was 80% or more of units. She stated these communities could look like anything from cul-de-sac housing to condos to a facility that has everything including single family living, apartment living, assisted living, and skilled nursing.

Ms. Shook again referred to the Use Table and stated that Use 2.05 Residential Care Facility would be taking the place of the current uses 2.05 through 2.09. She explained that she had proposed the R3, R5, OI, and B3 with an L and a 300' transitional zone, noting that this was placed on there for discussion as there had been no direction regarding this. Ms. Shook noted the current Nursing Care Home was allowed

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in RA, R1, R1A, R2, and R4 and in an effort to protect residential neighborhoods she did not feel it was appropriate to include the Residential Care Facility in those residential districts.

Vice Chairman Plaag asked Ms. Shook if she was intending proactive zoning where the Town would identify various parcels that would be ripe for rezoning as R5 or would this be done by request of a property owner. Ms. Shook replied that it would be reactive.

Mr. Ward explained that there was currently a retirement development in Town that was designed to have three buildings but due to the recession only two were built. He noted that the slab and plumbing were already in place for the third building but due to zoning changes this development is no longer allowed. Ms. Meade asked Ms. Shook to explain why the third building could not be built under the current zoning. Ms. Shook explained that the original project was approved with a Special Use Permit and the buildings were to be phased. Vesting expired so to build the third building current requirements would have to be met, meaning meeting the requirements of Section 15.10 which does not match with the rest of the development.

Council Member Furgiuele stated it did not make sense, when you had a specific development for older people, to require the array of bedrooms in a normal multi-family project. He also noted that he did not remember a request to consolidate all of the care facilities into one or to make those available in the new zoning district. Ms. Shook stated that was correct and noted the direction was to create a new zoning district and a new zoning district cannot be created without creating a new use to populate within that zoning district. Council Member Furgiuele stated he understood that. Ms. Shook explained that it caused her to review all of the uses that were similar and it seemed cleaner to have them consolidated.

Council Member Furgiuele asked why they would not want to retain the different use categories instead of rolling them all into the Residential Care Facility category and suggested that there be at least two categories. Ms. Shook stated she may have overstepped what Council thought they wanted to see but was given very little direction about that vision.

Council Member Furgiuele referred to the definition of Adult Living Community and the language that states this is specifically designed for independent living for persons who are fifty-five years of age or older and asked if the wording *specifically designed* could be removed. Ms. Meade agreed that the wording could be removed. Ms. Shook stated that building code requires there to be a certain number of handicapped accessible units. Ms. Shook explained that the intent behind the development being specifically designed for those 55+ was to incorporate things such as wider doorways and other things that would be helpful if there was a need to transition to some additional care.

Council Member Furgiuele expressed concern about the proposed minimum lot size and noted that 5,000 sq. ft. was way too small, especially for a 56' building. Ms. Shook stated the idea was to have discussion about the proposed text and the definitions and figures proposed were provided as a starting point.

Council Member Furgiuele suggested the idea of requiring a Conditional District instead of transitional zone for Residential Care Facilities in the R3 or R5. Vice Chairman Plaag agreed that would make sense. Council Member Furgiuele stated if the scope was not so broad he might not have had that reaction. Ms. Shook reiterated that she went very broad with the proposed text due to the lack of discussion. Council Member Furgiuele stated he did not have a problem with what was proposed for the Adult Living Community in an R3 with a transitional zone but felt medical care facilities were different in that they could have ambulances coming and going due to the level of care needed would be very different from a residential development. He stated he had some nervousness about a one size fits all approach when it came to drafting the regulations.

Council Member Furgiuele asked why no bicycle parking requirements were included in the proposed text for the Adult Living Community. Ms. Shook replied that she was unsure if Council and Planning

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Commission would want to allow single family homes in the Adult Living Community and there are no bicycle parking requirements for single family. Council Member Furgiuele felt if a certain number of units were required that bicycle parking should also be required. Council Member Furgiuele also questioned the requirement of two vehicle parking spaces per unit in the Adult Living Community and felt that was too much. Ms. Meade asked if the parking requirements could be based on the type of development built. Council Member Furgiuele stated you would not need quite as many spaces as a typical multi-family development.

Council Member Mason mentioned subdivisions and Ms. Shook stated this text would not affect subdivisions.

Council Member Furgiuele stated it was a growing trend to have mixed and transitional housing for people over 55 but felt it might be a little ambitious to try to include that concept in this text amendment.

Council Member Furgiuele suggested making Adult Living Community uses a Conditional District until the district standards were more fully developed.

Mayor Pro Tem Clawson stated that nursing homes needed to have ample visitor parking.

Ms. Meade asked how the parcel was zoned that currently houses a 55+ development. Ms. Shook replied that the property was currently zoned OI. Council Member Ulmer asked why residences were in an office district. Council Member Furgiuele explained that residential uses were previously allowed in the OI but UDO revisions removed residential from OI.

Vice Chairman Plaag asked how most of the properties were zoned in the Wellness District. Ms. Shook stated there was a mixture of R3, OI, and B3. Vice Chairman Plaag asked if it was correct that if someone wanted to do a residential care facility they would currently fall under the old categories and those uses would be allowed in most areas depending on the specific use. Ms. Shook replied that was correct.

Ms. Meade asked Council Member Furgiuele if his intent was to require Conditional District in all the allowed zoning districts for the Adult Living Communities. Council Member Furgiuele stated he was initially thinking about just the Residential Care Facilities but given the small lot size and large height allowance he thought maybe the CD should be required in every instance. He explained that the R5 zoning district was a district by design and, upon request, could be located in any part of town. Council Member Furgiuele felt, until more specific standards were developed, requiring a CD would offer more protection and allow Council and Planning Commission to review a site specific plan. He stated the text should not be held up while staff developed the parameters and felt the requirement of a Conditional District would be a good interim measure.

Vice Chairman Plaag stated it looked as though Ms. Shook had contemplated the idea that someone could want to develop a small community that might include restaurants or stores or activities.

Council Member Mason asked if the Adult Living Community was in an R3 if it would have to meet the height requirements of an R3 zone and would only be allowed to go up to 4 stories in the R5. Ms. Shook replied that was correct.

Ms. Shook pointed out that, as the proposed text currently stands, there could be no mix of uses because no other uses would be allowed in the R5 until the Use Table gets revised. Until that time, Adult Living Communities would be limited to only a residential element. Ms. Meade suggested possibly having Adult Living with Mixed Uses and Adult Living without Mixed Uses with one being subject to the CD and one not.

Council Member Furgiuele stated he was disturbed by the potential height in the R5 and the small lot size.

Council Member Ashcraft stated he was okay with the CD approach for now.

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Ms. Meade asked if the idea was to only allow the Adult Living Community in the R5 as a CD. Council Member Furgiuele suggested allowing the Adult Living Community in all of the zoning districts proposed in the text and have them all be with a Conditional District.

Ms. Shook noted the reason she proposed allowing Adult Living Communities in the B3 was because there was a lot more areas with B3 zoning and stated this was up for discussion by the boards. Council Member Furgiuele stated if there was a suitable B3 parcel the applicant could seek to have it rezoned to R5.

Ms. Shook expressed concern with the possibility that applying this zoning district to a parcel might not be legal and could be considered spot zoning if the surrounding area was not carefully considered. Ms. Meade stated she was not uncomfortable with creating a very specific district like this and felt it would be a floating district that could be called upon when there was a desire to develop this type of project.

Ms. Shook agreed with Council Member Furgiuele that requesting a rezoning of B3 property to R5 was acceptable.

Ms. Meade asked if Conditional Districts would be required for the Residential Care Facilities. Council Member Furgiuele stated he was satisfied with the transitional zones in the OI and B3 but felt the R3 and R5 should require CD. Council Member Furgiuele noted that, on the long term, he would not be looking for the CD on the Adult Living but suggested it as a stop-gap measure while staff worked on the language. Ms. Meade asked Council Member Furgiuele why he felt differently about the Adult Living Community and the Residential Care Facility in the B3. Council Member Furgiuele stated it was because the Residential Care Facility was a commercial use so he felt it fit into the General Business District.

Ms. Shook pointed out that the "L" that was populated in the Use Table would now be a "P". She explained that she placed an "L" there in case there were some standards that Council wished to apply but because there have been none the "L" would change to a "P". Council Member Furgiuele stated he thought there would be standards that would be adopted. Ms. Shook replied that there would be but, because they were not yet created, the use would be permitted with the transitional zone, until the time that the standards were developed and the text was revised. Council Member Furgiuele stated he had suggested requiring the CD until the standards were developed and the text was revised. Ms. Shook asked Council Member Furgiuele if he would like to have a CD in the OI and B3 as well as the R3 and R5 and he replied that he was only suggesting the CD for R3 and R5 and the OI and B3 could remain as transitional zone. Ms. Shook explained that the OI and B3 districts would have to be populated with a "P" instead of an "L" with this text amendment and could change to an "L" once the text had been revised and brought back before the Boards for another amendment to the text. Council Member Furgiuele stated that putting pure residential development in a commercial district was different than the Care Facilities which were commercial.

Vice Chairman Plaag asked if there was a guardrail to protect against the mega development that would mix these two uses. He asked if a safeguard could be to remove the Residential Care Facility from the R3, which would force an applicant who wanted to do a mega development to come in and do a Conditional District. Ms. Shook stated that was correct but would not preclude them from choosing another district or requesting split zoning. Council Member Furgiuele suggested that staff look at possible combination use categories when revising the text.

Mayor Brantz opened the hearing for public comment.

John Grasinger, owner of a 55+ residential development, stated his development did not have a 20% variance in the development and noted that at least one resident had to be 55 or older to live there. He stated there were two fully occupied buildings that were four stories tall with two bedrooms and an office-type bedroom. Mr. Grasinger stated there were some residents that were 100 years old, some that were in wheelchairs, and some very active residents. He felt the project had been very successful but the crash

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in the economy caused him to be unable to get funding to complete the third building. Mr. Grasinger stated there was nothing said at the meeting tonight that he had any disagreement with. He noted his development did not have bicycle parking and a lot of people had bicycles which they parked in various places including their apartment.

Vice Chairman Plaag asked Mr. Grasinger where his development was located. Mr. Grasinger stated the development was off of Dale Street which was off of State Farm Road. He noted the development was buffered from ASU's parking lot and you could get right on the Greenway from the property.

Commission Member Behrend asked if a third building would fit into the development. Mr. Grasinger stated that the building pad was already in place because they poured all three building pads at the same time. He explained that they got the first building built and sold all of those units. Then they got the second building built and had to rent those because people could not get financing to buy but most of those units have now been sold. Mr. Grasinger stated the third building is just standing there as a foundation and an eyesore with a significant amount of money invested in it. He explained that he tried to keep the permit open for as long as possible but finally had to let it expire.

Vice Chairman Plaag asked Mr. Grasinger if he knew whether or not single family home retirement communities were typically done in a condo type manner where you would not own the parcel. Mr. Grasinger stated he had limited experience but thought there were probably more rental developments than condo developments. He added that there were very few places in Boone where a larger development with transitional housing could go.

Commission Member Behrend asked if the 55+ wording implied there were federal requirements involved to allow a percentage of residents under 55 years old. Mr. Grasinger explained that federal law stated you could not discriminate based on age but it did provide something called HOPA (Housing for Older People Act). He stated that HOPA allowed you to have 55 and older but it required that you at least have 80% of the occupancy be 55+. Mr. Grasinger noted that it did offer some flexibility for the times you may have only 75% occupancy of 55+ because you were making a good faith effort but the law did not say you had to have 20% occupancy that was under 55. Commission Member Behrend asked if the HOPA language should be included in the text. Ms. Meade replied that could be done but explained her thinking was that people would be subject to the federal law and the federal law applied no matter what the Town said. Commission Member Behrend thought including the language might make the 55+ more understandable. Vice Chairman Plaag thought it gave the Town some cover to have an ordinance that mandated a zoning category and provided standards desired by the Town versus just referring to a federal law and not providing standards that the Town would like to have as well. Ms. Meade stated the definition could definitely be adjusted.

With no further questions or public comment, Mayor Brantz closed the public hearing for this case at 8:44 p.m.

OTHER MATTERS

There were no other matters discussed at this hearing.

ADJOURNMENT OF TOWN COUNCIL

Council Member Furgiuele made a motion for Town Council to adjourn at 8:45 p.m. The motion was seconded by Commission Member Ulmer.

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

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Mayor Pro-Tem Clawson made a motion to enter closed session pursuant to authority granted under North Carolina General Statute 160A-71(b)(1), the Boone Town Council hereby gives notice to those concerned that a Special Meeting of the Boone Town Council will be held immediately following the public hearing scheduled for 6:00 p.m. on Monday, September 23, 2019 at Town Council Chambers located at 1500 Blowing Rock Road in Boone. The purpose of the meeting will be for Council to continue its closed session meeting from September 19th pursuant to: 1. N.C. Gen. Stat. § 143-318.11(a)(1), to review, approve and seal closed session minutes from Council's prior closed session(s); 2. N.C. Gen. Stat. § 143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council and obtain legal advice, consider and/or give instructions to the attorney concerning one or more potential legal claims or other legal matter(s) and; 3. N.C. Gen. Stat. § 143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council and obtain legal advice, consider and/or give instructions to the attorney concerning the legal matters involving Zhiyuan Chen. The motion was seconded by Council Member Furgiuele.

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

_____ _____

Rennie Brantz, Mayor **Brenda Henson, Board Secretary**

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Eric Plaag, Planning Commission Vice Chairman

Continuation of Planning Commission Meeting

Vice Chairman Plaag called a break in the Planning Commission meeting from 8:49 p.m. until 8:56 p.m.

Commission members discussed how they would like to proceed with the cases heard at the Public Hearing and how late they would be able to stay. Commission Member Behrend stated she would be able to stay until 10 p.m. Other members were open to staying until whatever time was needed. It was the consensus of the Commission members to proceed in the order presented at the hearing and see how far they could get.

Case PL02977-082019 Caldwell Hospice – General Use Zoning Map Amendment

The Town of Boone has initiated the zoning of a 10.009 acre property off Archie Carrol Road (Watauga County PIN: 2921-52-6451-000) owned by Carroll NC Properties, LLC & Robert L. Idol, Jr. to OI Office/Institutional. Zoning is to coincide with the property owner's voluntary annexation of the property.

Vice Chairman Plaag stated his understanding was that the applicant for annexation had requested the OI zoning classification. Mr. Little replied that Town Council directed staff to advertise as a request to zone to OI. Vice Chairman Plaag stated he thought he heard in the hearing that the applicant also requested an OI zoning. Mr. Little stated that was correct.

Vice Chairman Plaag stated a concern he heard at the hearing from a Council member was about the impact of zoning this satellite parcel as OI when it is surrounded on three sides by what is essentially residential property. Mr. Little noted that former ETJ zoning had properties from the northwest to

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southwest zoned as RA, property to the south was B3, and no zoning immediately to the north because that area was located in the County's jurisdiction. Chairman Plaag asked what uses those unzoned properties contained. Mr. Little replied that there appeared to be a farm use and possibly single family homes.

Vice Chairman Plaag noted the subject parcel was originally part of a larger parcel zoned B3 when in the ETJ.

Commission Member Behrend stated she heard a concern from Town Council that the rezoning of this parcel would allow any of the allowed uses in the OI district. Vice Chairman Plaag noted that Ms. Meade had cautioned them not to consider the proposed Hospice use when contemplating a zoning classification but to consider the wide range of uses currently allowed in the UDO for OI zoned property.

Vice Chairman Plaag stated there were concerns raised about transitional zones and his understanding was that because none of the surrounding parcels were zoned so there would be no transitional zone requirements. Mr. Little confirmed that, without a zoned property to trigger a transitional zone, there would not be a transitional zone.

Commission Member Behrend stated she did not understand how they were supposed to justify a zoning classification without considering a proposed use.

Vice Chairman Plaag stated he did not think all of the properties near the subject property would ever be incorporated into the Town limits but felt the Town had an obligation to the surrounding property owners, whether they were in the Town or County, to be sensitive to their uses when deciding on a zoning for a property that will be annexed into the Town.

Mr. Little noted that adjacent property owners were notified of the hearing whether their properties were located inside the Town limits or not. Commission Member Hedrick asked if the Town received any response from the public. Mr. Little replied that he received a couple of calls asking what the request was for.

Commission members reviewed the uses permitted in the OI.

Commission Member Behrend asked why OI was requested instead of B3. Mr. Little replied that a Hospice facility would be classified as a Use 2.06 Nursing Care Institution and that use would currently be allowed in OI and B3. Commission Member Behrend stated they could have requested B3 instead of OI in that case. Vice Chairman Plaag asked if there was a reason OI was requested instead of B3. Mr. Little felt it could be the thought that OI was a less intense zoning district than B3. Vice Chairman Plaag noted that B3 presented some more problematic uses than OI.

Commission Member Hedrick asked what limitations there would be on the property if it remained in the County's jurisdiction. Mr. Little replied that the property would not be subject to any Town limitations.

Vice Chairman Plaag asked if a Conditional District was considered for this application. Mr. Little stated there was some discussion about it but there were concerns about the fact that it had not been done before and whether or not it could be done initially, along with the annexation. Mr. Little noted there was also a significant cost associated with seeking a Conditional District. Vice Chairman Plaag asked what the additional cost were to go through a CD process as opposed to by right zoning. Mr. Little explained there was the up-front cost of hiring engineers, designers, or architects, and producing plans for an unknown outcome in the CD process whereas, if a use was allowed by right in a zoning district and you could meet the Ordinance requirements, you could get a zoning permit.

Vice Chairman Plaag stated that, in looking through the uses in OI, he did not see a lot of egregious uses that would be allowed in the OI.

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Commission Member Behrend stated if the property was not annexed and remained in the County's jurisdiction it could become anything and she felt OI uses would be better for the neighbors than what might be allowed there otherwise.

Commission Member Hedrick agreed with Commission Member Behrend and felt zoning the property OI with the annexation would present a better result than if the property were left in the County.

Vice Chairman Plaag asked if it was the property owner's responsibility to pay for the extension of water and sewer services. Ms. Shook responded that there could be times when cost sharing might occur and added that those parameters were set out in the Water and Sewer Ordinance.

Vice Chairman Plaag asked what the gray area depicted on the Growth Strategy Map. Mr. Little stated the gray area was the Primary Growth Area.

Vice Chairman Plaag asked if there was a structure on the subject property. Mr. Little stated the only structure on the property was a shed. Vice Chairman Plaag asked if there was any historic designation on the property. Mr. Little replied there was no historic designation to his knowledge.

First Motion and Vote: Commission Member Veno made a motion, seconded by Commission Member Behrend, that the proposed amendment to the Town's zoning map is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that is applicable because it complies with:

1.1 Overall Objectives for the Boone Comprehensive Plan

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.

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.

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

Comprehensive Plan Policy 2.1.1 Economic Development

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

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

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

Commission Member Hedrick expressed a concern about policy 2.2.2 Utilities A. Extensions of water and/or sewer services that could result in scattered, non-directed development and costly provision of other urban services shall be prohibited. Vice Chairman Plaag stated that this Comprehensive Plan policy was part of the reason he had asked who bore the cost of extending water and sewer. He felt that if the Town did not generally require the applicant to bear the cost or a portion of the cost for extension, this policy would be a significant argument against approving this request.

Vice Chairman Plaag stated he was also a little on the fence because of policy 2.2.2 Utilities B. Water and sewer services shall be concentrated within the limits of a geographically defined Urban Growth Area. The Primary Growth Area shall receive first priority for the provision or enhancement of water and sewer services. Vice Chairman Plaag noted the subject property was located within the Secondary Growth Area. He stated he shared Commission Member Hedrick's concerns.

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Vote: Aye – 2 (Veno, Behrend)
Nay – 2 (Plaag, Hedrick)
The motion failed.

Commission Member Hedrick asked if what was hanging them up was Comprehensive Plan policies 2.2.2 A. & B. Vice Chairman Plaag stated that the property annexed in order to get water and sewer and these policies seemed to discourage the practice of extending water and sewer to island parcels, especially when they are not in the Primary Growth Area.

Ms. Shook replied that the Comprehensive Plan text was drafted in 2006 and the way the Town provides water may change because of the Town's new water intake system. Ms. Shook felt that the Growth Strategy Map, as well as the language in 2.2.2 Utilities, would likely change whenever the Comprehensive Plan was updated to reflect new policies. Ms. Shook noted that based on information from GIS water and sewer lines are already in place in front of the property. Vice Chairman Plaag stated that was very helpful to him. Commission Member Hedrick agreed. Vice Chairman Plaag felt it would be helpful to include this type of information in the board packet. Ms. Shook replied that Public Works would have to make that type of statement in their comments and she could ask if they would be willing to provide the information in the future.

Vice Chairman Plaag stated that they had a motion, second, and split vote but did not have all of the information about the water and sewer prior to voting. He asked if proper procedure would be to make a new motion to mirror the first motion. Ms. Shook stated she was unsure but felt that either a new motion or a recall of the first vote would be acceptable.

Commission Member Behrend, seconded by Commission Member Veno, made a motion to recall the last vote.

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

Vice Chairman Plaag stated that the motion and second, as originally stated by Commission Member Veno and seconded by Commission Member Behrend, was back on the table and asked there was any further discussion in light of the new information regarding the water and sewer.

Commission Member Hedrick stated the new information satisfied his concerns.

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

Second Motion and Vote: Commission Member Hedrick made a motion that the Planning Commission recommends approval of the proposed amendment to the Town's Zoning map and believes approval is reasonable and in the public interest because there are no foreseeable negative impacts to surrounding properties and it falls in line with the Town's Unified Development Ordinance as far as the Commission can see. Vice Chairman Plaag wished to amend the motion to add that, given the other possible zoning classifications that align with the past history of this property, the OI is a less intensive zoning classification than the B3 would be and would probably be more appealing to residential neighbors to this property. Commission Member Hedrick agreed with the amendment. The motion, as amended, was seconded by Commission Member Behrend.

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

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Ms. Shook explained for the audience members that Planning Commission's recommendations would be reduced to writing and submitted to Town Council meeting in October.

Case PL03012-082619 Glenn – General Use Zoning Map Amendment

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

Vice Chairman Plaag reminded Commission members that half of this property was already located within Town limits and was zoned R1 while the other half of the property was located in the County. He noted his recollection of the facts in this case were that Mr. Glenn experienced a septic system failure and was told by the health inspector from the County that the only solution to the problem would be to get on Town sewer and that could only be done through the annexation process. Vice Chairman Plaag noted that the Town had already hooked up sewer for Mr. Glenn although his property has not yet been annexed. Ms. Shook explained that the Water and Sewer Code contained a provision for single family residential homes only that if an emergency situation arose and the owner was able to annex the Town could go ahead and make the connection with the understanding that the owner must follow up with the annexation. Vice Chairman Plaag noted that he was not trying to imply Mr. Glenn did anything wrong.

Vice Chairman Plaag recalled hearing that the Town was already looking at this parcel because of its split jurisdiction and asked if this parcel would have been addressed at some point anyway. Ms. Shook explained that Council was looking at taxation issues with split jurisdiction parcels and there was an on-going assessment of all of those parcels, not just this parcel. She added that, while the Town would love to bring all of the split jurisdiction parcels into Town limits, she has not been directed to do so at this time.

Commission Member Veno asked if Mr. Glenn's house was on the part of the property that was located in the County. Vice Chairman Plaag stated that was correct. Ms. Turner added that the failed septic system was located on the portion of property that was already located within Town limits. Ms. Shook noted that the hardship provision would only apply if an annexation could occur. If Mr. Glenn could not have annexed, Ms. Shook stated he would have had to find a different solution for his failed septic issue which could cost thousands and thousands of dollars.

Commission Member Hedrick agreed with the comment from Council that this request seems pretty straightforward and reasonable.

First Motion and Vote: Commission Member Behrend made a motion that the proposed amendment to the Town's zoning map is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that is applicable because it complies with:
Comprehensive Plan Policy 2.2.2 Utilities

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

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

Vice Chairman Plaag stated he was not sure 2.2.2 D. would apply because the property was located in the Primary Growth area. Commission Member Behrend stated she was okay to remove 2.2.2 D.

The motion, as amended, was seconded by Commission Member Hedrick.

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

Second Motion and Vote: Commission Member Behrend made a motion, seconded by Commission Member Veno, that the Planning Commission recommends approval of the proposed amendment to the Town's Zoning map and believes approval is reasonable and in the public interest because it makes sense to make this property consistent with the portion of the property that is already located in the Town.

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

At this time, Planning Commission members had discussion regarding whether to hear the remaining cases at this meeting, schedule a special meeting, or move the remaining items to their next regularly scheduled meeting.

Commission Member Veno stated he was confused about what they were being asked to do with the text amendments. Vice Chairman Plaag replied that he felt Council would like to see some form of each of the text amendments pushed through. He stated there was a lot of discussion about different components and suggested changes to the draft text. Vice Chairman Plaag stated it fell to them to essentially revise, on the fly, based on what they heard at the public hearing and make a recommendation to Council. He felt the discussion and revision process could take some time. Ms. Shook added that, based on the discussion of both text amendments, she would feel most comfortable if they went through the text change by change and take the time to write down suggested language.

Vice Chairman Plaag asked what the consequences would be if the text amendments were pushed to their next meeting and asked if Council would go ahead and take action. Ms. Shook replied that Council could not take action until 30 days had lapsed so they would not be able to take any action until the November Town Council meeting. Vice Chairman Plaag asked if they were unable to make quorum for the October Planning Commission meeting, would Council be able to vote on the amendments in November without Planning Commission recommendations. Ms. Shook stated Council could move forward without Planning Commission recommendations in that scenario. Vice Chairman Plaag asked if there were currently other agenda items for the October meeting. Ms. Shook replied that there were no other agenda items other than an update on another matter that she would provide. She added that the October meeting was not a public hearing and would be a Planning Commission meeting only.

Commission Member Veno asked if Commission members could get a copy of the sidewalk handbook. Ms. Shook stated the handbook could be viewed on the Town's website.

Vice Chairman Plaag asked if Commission members could get some type of highlights of the concerns raised at the public hearing prior to the Planning Commission meeting. Ms. Shook replied that every effort would be made to have draft minutes prepared and sent to Planning Commission before their meeting.

Vice Chairman Plaag made a motion, seconded by Commission Member Behrend, that the two remaining cases, sidewalk fee-in-lieu and 55+ housing, be tabled until the October 28 Planning Commission meeting.

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

OTHER MATTERS

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Ms. Shook noted that Town Council was presented two options at their last meeting regarding a time frame for the potential town-wide rezoning. Ms. Shook stated Council also discussed the annual Planning & Inspections Work Plan that lists priorities set by Town Council for the Department. She noted that the first priority was completing project focused on the Downtown, which includes work the Community Appearance Commission was currently working on which would be text and a map amendment. Ms. Shook told Commission members they could expect to see the CAC's work come before them soon. She explained that there would be a recommendation to rezone properties in the Downtown area, as well as new design standards for those properties. She noted that the Historic Preservation Commission was also working on a potential Local Historic District which would have separate design guidelines. Ms. Shook stated that Town Council felt these items higher in priority so the potential town-wide rezoning project will be tabled until the Downtown projects are complete. She asked Commission members to hold onto their binders of information regarding the potential town-wide rezoning.

Ms. Shook noted there would be a lot of small text amendments at the November public hearing. Vice Chairman Plaag asked Ms. Shook if she anticipated cases on the November agenda other than the text amendments she had mentioned. Ms. Shook replied that there was a case associated with an annexation and noted that the submission deadline was not until Friday so there was a potential to have something else come in.

ADJOURNMENT OF PLANNING COMMISSION

Commission Member Hedrick made a motion, seconded by Commission Member Behrend, to adjourn the meeting at 9:59 p.m.

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

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Eric Plaag, Planning Commission Vice Chairman **Brenda Henson, Board Secretary**

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PLANNING COMMISSION MEETING MINUTES
MONDAY, OCTOBER 28, 2019 AT 6:00 P.M.
IN TOWN COUNCIL CHAMBERS

PLANNING COMMISSION MEMBERS PRESENT: Elizabeth Shay-Chairperson, Eric Plaag-Vice Chairman, Chris Behrend, James Hedrick, and Frank Veno

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections and Brenda Henson-Board Secretary

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CALL TO ORDER

Chairperson Shay called the Planning Commission meeting to order at 6:01 p.m.

CASE PL02634-060519 Sidewalk Fee-in-Lieu – UDO Text Amendment

The Town of Boone has initiated a UDO Text Amendment to revise UDO Articles 15, 17 & 23 to limit when an applicant can utilize fee-in-lieu for sidewalks. Amendments may also be made to other Articles to conform them to changes made in these Articles.

Vice Chairman Plaag asked the Commission how they felt about proceeding because he felt uncomfortable with proceeding with editing by committee while in session. He stated he thought they were all up to the task but did not want the Commission spend the time with all the edit and have whatever they come up with at the end of the meeting not pass.

Chairperson Shay noted she was not at the public hearing where these text amendments were discussed and asked if there was discussion on them. Ms. Shook stated there was a great deal of discussion and directed Commission members to the September 23, 2019 draft minutes that were emailed to them prior to this meeting. She noted that paper copies of the minutes had been provided for them tonight and encouraged Commission members to take a few moments to look over the draft minutes if they had not already done so.

Vice Chairman Plaag asked if Commission members could make reference to the draft public hearing minutes if they needed to. Ms. Shook felt that they could reference the draft and noted the minutes were prepared for that purpose and were not intended to be considered for approval at this time.

Chairperson Shay asked for the reasoning behind the requested text amendment. Ms. Shook explained that Town Council wanted developments to pay their own way and go ahead and install sidewalks rather than paying a fee-in-lieu. Ms. Shook stated that the fees-in-lieu do not usually cover the actual cost of sidewalk installation noting that fees are for materials only and do not include labor costs. Ms. Shook pointed out, that though requiring sidewalk construction would cause pockets of sidewalks that would not connect to existing sidewalks the goal was to eventually have the sidewalks connect.

Ms. Shook stated the sidewalk handbook, handled by Public Works, was scheduled to be updated, would require the involvement of engineers, and was currently out to bid.

Chairperson Shay asked what happened after Planning Commission made a decision on the amendment. Ms. Shook explained that once Planning Commission makes a recommendation, Town Council has a certain number of days to act on that recommendation and if no recommendation is made this evening, Town Council could act on the request because it has been 30 days since the hearing. Ms. Shook stated if Planning Commission members felt there were things in the text that still needed to be addressed they could recommend those items be addressed in a subsequent revision.

Chairperson Shay referred to Section 23.08.03 Design Requirements and asked why the wording was being

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changed from *approval by the Public Works Director* to *approval by the Administrator*. Ms. Shook replied that the change to Administrator was broader and would provide staff with more flexibility.

Ms. Shook asked Commission members if they had any concerns outside of the concerns that were discussed at the public hearing. Members indicated they did not.

Commission Member Veno asked what about the proposed text made it harder for someone to pay a fee-in-lieu. Ms. Shook explained that applicants must install sidewalks if they are constructing a new major subdivision, a new multi-family residential development, or a new office, institutional, commercial or industrial development. She stated that sometimes applicants chose not to install sidewalks because the fee-in-lieu was cheaper than putting in the sidewalk. Ms. Shook noted that the fee-in-lieu charge would be revised as well and would be more of a true estimate of labor and materials costs. She stated that this text would require developments to install a sidewalk, as well as curb and gutter if necessary, regardless of whether or not there was existing sidewalks to connect to. Sidewalks must be constructed to the Town standards that are listed in the Town's Sidewalk and Street Manual. Ms. Shook stated the proposed text would only allow payment of fee-in-lieu in the event of steep slope or other environmental issues that would be damaging or dangerous. Ms. Shook stated that fee-in-lieu payments go into a fund that is then used to install sidewalks on the Sidewalk Priority List. She explained that the Town did not have to use the money paid by the development to build the sidewalk at the development. Vice Chairman Plaag felt if the development was not located in an area on the sidewalk priority that it could be years before a sidewalk might be installed there and the in-lieu amount paid might not cover the cost of building that sidewalk after a number of years had passed.

Vice Chairman Plaag referred to Section 23.08.01 and the requirement that sidewalks must be installed for new major subdivisions. He noted there was discussion at the public hearing regarding major and minor subdivisions and Council Member Furgiuele raised the question of why this requirement does not apply to minor subdivisions. Vice Chairman Plaag noted that more than 10 lots would be considered a major subdivision and 10 lots or less would be considered a minor subdivision. He stated that if minor subdivisions were required to install sidewalks then a two lot subdivision would have to put a sidewalk along the street even if it was on a street that had no other sidewalks or was a satellite property and that could make a project cost prohibitive or impractical. Vice Chairman Plaag felt that, in a town where we should be encouraging people to develop affordable housing, it seemed onerous to impose upon a small land owner who was proposing a small subdivision the requirement to install sidewalk infrastructure. He stated he would like to propose to Town Council that the language in 23.08.01 not be changed to include minor subdivisions at this time. Ms. Shook replied that her understanding from the public hearing was that this was a topic that could possibly be revisited in a future text amendment. She noted that she echoed Vice Chairman Plaag's concerns. Commission members were in agreement with Vice Chairman Plaag's recommendation to leave minor subdivisions out of Section 23.08.01.

Commission Member Veno thought that John Ward brought up a similar issue on Archie Carroll Road to what Vice Chairman Plaag was talking about with sidewalks for minor subdivisions. Ms. Shook replied that there was some mention of possibly placing a distance limit outside of corporate limits on the sidewalk requirement. She noted the possibility that DOT might not give an approval for an encroachment to build a sidewalk in some cases and this may be a topic for consideration at a later date. Vice Chairman Plaag asked if an exception should be considered at this time to allow a fee-in-lieu in the instances where DOT does not approve of the installation of a sidewalk. Ms. Shook stated that was not contemplated in the proposed text and had not happened very often.

Vice Chairman Plaag referred to Section 23.08.04 and the clause that stated *greenway that is expected with reasonable certainty to be constructed within the next several years.* He noted that he and several Council members were uncomfortable with that language and stated there seemed to be consensus at

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the public hearing to change the wording to *to be constructed within the next 5 years or which are approved and funded by the Department of Transportation.* There was consensus of Commission members to make this recommendation.

Commission Member Veno asked for clarification on the installation of a greenway instead of a sidewalk. Ms. Shook gave the example of the new multi-modal path from Brookshire Park to Bubble's Car Wash that has already been approved on DOT's Statewide Transportation Improvement Plan and stated that any new development along that area would be required to install the 10' wide multi-modal path as approved in the STIP.

Commission Member Veno referred to 23.08.04(A) and asked who the applicant would be if it was not the property owner. Ms. Shook explained that the applicant could be the developer of the project instead of the property owner.

Chairperson Shay directed Commission members to Section 23.08.05. Vice Chairman Plaag stated he did not recall any concerns being expressed about either (A) or (B) or the introductory part of (C)(1).

Commission Member Veno stated there was concern expressed at the public hearing about the term *mature trees*. Ms. Shook stated that mature tree was not defined in the UDO but noted there was language in the UDO that indicated if a term was not defined the dictionary definition should be used. Ms. Shook explained that the UDO had protection for significant and historic trees and Council Member Furgiuele felt this language should mirror that and this was reflected in the draft public hearing minutes.

Vice Chairman Plaag offered the following language change to 23.08.05(C)(1)(ii) to say *where such damage cannot be mitigated by the use of an alternative path, and is not justified*. Ms. Shook replied that she thought that was what the last sentence in that section was trying to accomplish when it stated *the Administrator must find that there is no reasonable alternative manner of building that particular section of sidewalk (such as changing its location) that would avoid the problems posed by the identified site-specific factors*. She stated she would like for the text to be as clear as possible in case someone appealed their decision to the Board of Adjustment. Vice Chairman Plaag felt that adding the phrase he proposed as well as keeping the last sentence would satisfy this concern. There was consensus of Commission members to recommend Vice Chairman Plaag's suggested language.

Vice Chairman Plaag suggested the following language change to 23.08.05(C)(1)(ii) to say *the certainty or likelihood of damage resulting to sensitive habitat, natural watercourses, or significant, historic, and/or mature trees*. Ms. Shook explained that a significant tree could be 8" and the Ordinance does not require the retention of 8" trees in certain circumstances. She stated that significant trees were not required to be retained if they were in the vehicular surface area or the building footprint. Ms. Shook stated that historic trees were required to be retained and could result in a project redesign in order to accommodate those trees. In light of this information, Vice Chairman Plaag felt significant trees should be removed from his suggested language and a definition of mature trees be added to the UDO that would mimic the industry definition. Ms. Shook asked if Commission members wanted to craft a definition of have Staff handle that. Vice Chairman Plaag suggested Staff create the definition based on the U.S. Forestry Service or other industry standard.

Vice Chairman Plaag referred to 23.08.05(C)(1)(i) and the word *impractical,* noting this was an item of concern discussed at the public hearing. Commission Member Veno asked if the word should be removed completely from this section. Vice Chairman Plaag suggested using the word *impossible*. Commission members agreed to the suggested change from *impractical* to *impossible.*

Commission Member Veno stated he had looked at the Sidewalk Handbook and asked if it was just specifications for building sidewalks. Ms. Shook replied that was correct and noted the handbook was small and not very in-depth but did provide some detail. She stated the Town Public Works Department

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was working on a new details and specifications for a new Town of Boone Details and Specification Manual and the new manual would contain both Public Works related items and items that would likely be moved over from the UDO.

Commission Member Veno asked what constituted a steep slope. Ms. Shook replied that a steep slope was any slope that was over 30%. She explained that this was the slope you would cut into to install the sidewalk and not the slope of the sidewalk itself. Ms. Shook noted that the slope of the actual sidewalk had to meet ADA standards.

Chairperson Shay directed Commission members to 23.08.05(C)(2). Vice Chairman Plaag stated there was some discussion at the public hearing regarding rounding of fees and he felt that was an internal policy that did not belong in the UDO. Ms. Shook noted that the Town had an adopted fee schedule and the fee structure would be addressed in the Public Works fee schedule.

Chairperson Shay referred to the last sentence in 23.08.05(C)(2). that states *The applicable fee shall be determined by the rate in effect on the date the fee is paid.* She noted the previous language referred to *the rate in effect on the date the development plan is approved* and asked if there was a split between when the fee was paid and when the development plan was approved. Ms. Shook stated that the date the application was submitted and the date the fee was paid were different dates. She added that, in reality, it sometimes can take up to six months to get a project approved and during that time fees could change.

Vice Chairman Plaag stated that one of the issues that recurred several times during the public hearing was accepting a fee-in-lieu and then the Town coming back 10 years later to install the sidewalk because it has been reached on the Sidewalk Priority List and the Town does not have an easement and will have to pay the property owner to obtain one. Vice Chairman Plaag stated there was some discussion of acquiring the easement. Ms. Shook stated there seemed to be some confusion regarding easements and stated that easements were currently required. She felt the problem would be when a 5' easement was given and more would be needed to install the sidewalk or a multi-modal path. Ms. Shook referred to Section 23.08.02 that states *Sidewalks along any public street shall require the dedication of a permanent easement for public use to the Town of Boone.* She suggested including similar language in Section 23.08.05 for clarifying purposes. Ms. Shook noted there was also an argument that if there were impossible or dangerous circumstances preventing the installation of a sidewalk a sidewalk may never be installed in that location therefore negating the need for an easement. She stated if there were environmental issues, those issues would likely remain in the future but if the issue was trees, that could change over time. Ms. Shook then suggested crafting one requirement similar to 23.08.02 that would cover the entire 23.08 section and address any exceptions or deviations. There was consensus of Commission members to make this recommendation.

The Commission then discussed satellite annexation properties that were located outside of the main corporate limits. Vice-Chair Plaag suggested that 23.08.05(C)(2) should actually be reformatted as a 23.08.05(D)and add the following new 23.08.05(C)(2) *In the instance where the applicant is unable to secure permission from the North Carolina Department of Transportation to install sidewalks in compliance with the Town's requirements* and 23.08.05(C)(3) where Staff would draft language to allow an exemption from this section for properties located in satellite annexations more than 1 mile from corporate limits. There was consensus of Commission members to make this recommendation.

The Commission asked Ms. Shook to summarize the changes that had been discussed. Ms. Shook noted the following:

1. Revise Section 23.08.04 to strike " *next ~~several years~~*" and replace it with "*next five years or where approved and funded by the North Carolina Department of Transportation*"

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2. Relocate and have Staff draft language regarding easements that would apply to the different scenarios throughout the entire section
3. Revise Section 23.08.05(C)(1) by changing the word as follows:

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

   Define "mature trees".

4. Revise and create Sections 23.08.05(C)(2) and (3) as follows:

   2. In the instance where the applicant is unable to secure permission from NCDOT to install sidewalks in compliance with the Town's requirements.

   3. In the instance where a satellite parcel of the Town (due to annexation) is greater than one (1) mile from the Town's main corporate limits. This exemption shall not apply when contiguous sidewalk infrastructure exists along the public street.

5. Reformat the rest of the section for a new subsection on payment.

Vice-Chair Plaag made a motion, seconded by Commission Member Behrend, the proposed amendment, as amended, to the Town's zoning ordinance is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because it is in alignment with the following:

1. Comprehensive Plan Overall Objective 1.1: 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;
2. Comprehensive Plan Overall Objective 1.1: Trees**:** Conserve existing trees and plant new trees, especially hardwoods;
3. Comprehensive Plan Overall Objective 1.1: Bikeways**:** Implement the planned system of bikeways as a legitimate transportation alternative. Unify with greenways and other pedestrian facilities where possible.
4. Comprehensive Plan Overall Objective 1.1: Pedestrian Movement: Encourage a system of sidewalks, paths, crosswalks and compact development patterns which make it easy to get around Boone on foot.
5. Comprehensive Plan Policy 2.2.1: Planned systems of pedestrian ways, bikeways, greenways, and similar facilities shall be encouraged as energy efficient and environmentally sound transportation

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alternatives. Site planning that incorporates secure bicycle storage at places of living, working or schooling, shopping, and gathering shall be required, where appropriate.

6. Comprehensive Plan Policy 2.2.1: All future road construction within the Town shall be examined for bike and pedestrian feasibility. Wherever possible, compatible bike lanes and pedestrian walkways shall be implemented in conjunction with accompanying road construction.

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

Vice-Chair Plaag made a motion, seconded by Commission Member Veno, that the Planning Commission recommends approval of the proposed amendment, as amended, to the Town's Zoning ordinance and believes approval is reasonable and in the public interest because proposed changes further ensure that appropriate sidewalk and greenway construction will actually occur on a timely basis in areas of new development and provide a viable means of cost recovery for the Town in those instances where the Town must do the sidewalk construction itself.

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

The Chair called for a five minute recess.

Case PL03076-090919 55+ Housing – UDO Text Amendment

The Town of Boone has initiated a UDO Text Amendment to revise UDO Articles 14, 15, 16 and 34 to create a new residential zoning district and a new principal use for housing developments for persons who are 55+ in age. Amendments may also be made to other Articles to conform them to changes made in these Articles.

Chair Shay asked Ms. Shook to outline the history of the request. Ms. Shook noted that the Town was approached by an applicant who originally had been given approval for a 55+ multi-family development project consisting of three buildings. The first two buildings were constructed and the slab was constructed for the third building. At that time, the economy took a hit and the developers were not able to complete the third building. Subsequently, the Town adopted new language which requires the multi-family developments to develop in accordance with the standards in UDO Section 15.10. When the developers of the 55+ multi-family development came back in they found that they could only proceed with the requirements of Section 15.10, of which based upon the majority of the development would have necessitated the need for many variances. The developer then approached Council, who was supportive of the need for this type of housing and directed language to be drafted to create a new zoning district for this use.

Ms. Shook noted that the creation of a zoning district had to coincide with the creation of a new use because the only multi-family uses in the ordinance had to either meet the requirements of UDO Section 15.10 or UDO Section 15.11 which regulates multi-family with mixed-use. Upon review of the current uses, including retirement communities, Staff realized that uses were related to the uses for Nursing Care Home, Nursing Care Institution, and skilled nursing communities.

Ms. Shook also noted that Staff evaluated where the current uses were allowed and noticed that some of the uses were currently allowed in multiple residential zoning districts. She noted that after evaluating the uses, the districts, and limited availability of housing, Staff decided to draft the text to not allow the new uses in those same residential districts. She also noted two errors in the Staff Report: the table with a "L" in the table for the new uses should be a "P" since there were no supplemental standards

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recommended at this time and the definitions for retirement communities should be deleted as shown in the table of principal uses.

Ms. Shook also noted that as discussed at the Public Hearing that Staff anticipates making further changes to the text in the near future because though the text anticipates mixed-use it doesn't currently outlines the uses that would be permissible in an Adult Living Community.

Vice-Chair asked how rental of rooms, specifically, rooms rented out by the residents for an event, would work. Ms. Shook noted that would be an accessory use that would fall under the principal use of Adult Living Community.

The Commission agreed to review the text in the order in which it was presented in the Staff Report.

Vice-Chair Plaag noted he concurred with the decision to remove the uses from the lower density residential districts. He noted essentially the text replaced "multi-family residences for the elderly" with "adult living communities" and then condensed the other three uses under "residential care facility". He noted that there were concerns about condensing the uses but that he felt that the new definition greatly simplified things.

Discussion ensued as to the term adult living community as a use and to whether it should be referred to and defined as "Housing for Older Persons" and defined as in the Housing for Older Persons Act which was discussed at the public hearing. It was the consensus of the committee to leave the language for "Adult Living Community" as is but to change "*specifically*" to "*primarily*" so that the new language reads "*primarily designed for independent living for person who are fifty-five years of age or older (55+)*".

Ms. Shook noted that the changes in Subsections 14.01.06, 14.01.07, and 14.01.09 were to clean up the language of some of the other existing residential districts.

Discussion ensued on the revisions to the Table of Principal Uses. Chair Shay noted that several of the uses had been struck through and replaced with the one use and asked if the two new uses were broader to cover all of the previous uses. Ms. Shook that was the intent.

Commission Member Veno asked for confirmation that medical services, such as an urgent care, could not be provided in the adult living community use. Ms. Shook confirmed that no, medical service could not be provided.

Vice-Chair Plaag noted that as proposed the adult living community use was proposed to be allowed in the R3, R5 and B3 zoning districts and the residential care facility was proposed to be allowed in the R3, R5, OI and B3 zoning districts. Ms. Shook noted that yes, Staff had populated the table for the new uses with the districts Staff had thought Council would want to consider. She noted that there hadn't been discussion on this prior to the drafting so Staff had included more districts knowing that there may be some objection to them.

Vice-Chair Plaag and Commission Member Veno concurred that during the public hearing that it had been discussed about not allowing the residential care facility use in the R3 or R5 zoning district by right, but with conditional district approval only. Vice-Chair Plaag noted that Council Member Furgiuele had stated at the public hearing that while he was satisfied with Adult Living Community in the R3 he had concerns with the residential care facility use because they could have ambulances coming and going depending on the level of service provided and is different than a residential development. Vice-Chair Plaag noted he shared Council Member Furgiuele's concerns about residential care facilities in the R3 but was confused about the R5 because if the district was designed for these uses, why would an applicant have to ask for a conditional district approval. Ms. Shook asked the Committee to remember that when Council tasked the drafting of the language they may not have anticipated the changes presented so this was the Council's first opportunity to review. Ms. Shook noted that at this point she felt that maybe Council's goal

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was to create the district for the just adult living communities. Ms. Shook asked the Commission to envision a piece of property zoned R5 which was surrounded by R1 neighborhoods and what would be the difference in impacts between and adult living community and a residential care facility. She noted that Staff presented the text in a conservative way and so each use was marked with a 300' transitional zone which could be modified. Vice-Chair Plaag asked noted it would be similar to the hotel case that previously had been through the process. Ms. Shook agreed, but noted that it would have to be conditional district if Council and the Planning Commission wanted to discuss development details, such as ambulances, because that type of discussion was not allowed under a general use rezoning case.

Vice-Chair Plaag asked if the R4 district description would have to be rewritten if the residential care facility was removed as a permissible use. Ms. Shook stated she did not think it would have to be rewritten.

Commission Member Behrend said that the question then is whether to allow the residential care facility in the R3 or R5. Vice-Chair Plaag noted his preference was to not allow the residential care facility in the in the R3 or R5 for the reasons Council Member Furgiuele had mentioned at the public hearing. Commission Member Behrend noted that she thought it should be allowed in the R5 because it would allow for someone to transition from use to the other. Vice-Chair Plaag noted that he had a hard time envisioning a combination use where you would want to allow the residential use care facility by right and suggests.

Discussion ensued on the ability of an applicant to apply for a project that could request a rezoning for two different zoning districts to cover the areas covered by the two different uses. Ms. Shook noted though if someone wanted to come back with one facility that had both, then that would require a text amendment.

Chair Shay noted she wasn't comfortable pushing the residential care facility to be allowed only in commercial areas and would like to leave it as an opportunity if the circumstances were right and further noted she liked the text as presented. Ms. Shook noted that to ensure the right conditions, then permitting would have to be with a site specific approval with conditional district zoning.

Chair Shay asked the Commission how they felt about the adult living community use. Ms. Shook noted that the Commission may want to consider not allowing it in the B3 at this time because Staff had not identified standards for the mixed use portion of the development and that when the next draft was presented that it would detail the uses and the standards for the development. She noted that the definition of adult living community would need to be revised to remove the "*with or without mixed uses*" clause.

Vice-Chair Plaag recommended that at this time, use 1.17 Adult Living Community only be allowed in the R3 and R5 zoning district subject to the 300' transitional zone and the and use 2.05 Residential Care Facility not be allowed in the R3 zoning district, allowed in the R4 zoning district only with conditional district approval, and allowed in the OI and B3 zoning districts by right subject to a 300' transitional zone. There was consensus of Commission members to make this recommendation.

Discussion ensued on the intensity standards for the R5 zoning district. Ms. Shook noted that the smaller 5,000 square foot lot size was proposed to accommodate the single-home on a single-lot concept that the adult living community allows. She noted that she recognized that this is one of the few districts which would allow either a single-home on a single-lot or allow a multi-family style of development so coming up with standards to cover that spectrum was hard and noted that a multi-family style of development would still need to meet the livability space requirements, landscaping and parking requirements for the use. Discussion ensued as to whether the property in the single-family home development for adult living communities would be a single-home on a single-lot or if it would be more of a condo type development

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where the homeowner would own the home but the development would take care of the exterior elements. Vice-Chair Plaag that he would be more comfortable with the minimum lot size increasing to 10,000 square feet and then being lowered when Staff came back with the revisions that incorporated different levels so a distinction could be made between the single-family on single-lots adult living communities and the multi-family version of adult living communities. There was consensus of Commission members to make this recommendation.

Discussion ensued on the automobile parking requirements for the adult living community uses. There was consensus from the Commission that the parking requirements of 1 parking space per unit plus 1 parking space for visitor parking per dwelling for adult living communities was too much, therefore their recommendation would to be modify the requirement from 1 visitor parking space per dwelling to .5.

Discussion ensued on the automobile parking requirements for residential care facility use and the need to ensure enough staff parking and visitor parking. There was consensus from the Commission the standards proposed was not sufficient and therefore recommended that residential care facilities should provide 1 space for every 4 beds but also one space for every two staff members. They noted that these facilities usually had 24 hour care and had employees for different shifts.

Discussion ensued regarding bicycle parking. Ms. Shook noted that Staff had not recommended bicycle parking for the adult living community at this time because she felt there need to be more tiers that would cover both the multi-family component and the single-family component of the use. The Planning Commission was in consensus not to make changes at this time.

The Planning Commission noted that there was an error in Subsection 31.04.01(B) in the fact that 2.05 referenced the wrong uses. Ms. Shook noted that was an error and would add it to their list of recommended changes.

The Commission asked Ms. Shook to summarize the changes that had been discussed. Ms. Shook noted the following:

1. Revise the adult living community definition by striking the clause “with or without mixed uses” and replacing “specifically” with “primarily”.
2. Revise the table of principal uses Section 15.07 so that use 1.17 Adult Living Community not be permissible in the B3 zoning district, allowed in the R3 and R5 zoning district by right subject to the 300’ transitional zone and use 2.05 Residential Care Facility not be permissible in the R3 zoning district, allowed in the R4 zoning district only with conditional district approval, and allowed in the OI and B3 zoning districts by right subject to a 300’ transitional zone.
3. Revise Subsection 16.01.02 Intensity Table by requiring a 10,000 square foot minimum lot size rather than a 5,000 square foot minimum lot size in the R5 zoning district.
4. Revise Table 24.01 to require use 1.17 Adult Living Community to provide 1 parking space per unit plus .5 visors parking space per unit.
5. Revise Table 24.01 to require use 2.05 Residential Care Facility to provide 1 parking space for every four beds and one parking space for every two Staff members.
6. Correct errors in Subsection 31.04.01(B) to say 2.05 Residential Care Facility and strike the definitions for retirement community in UDO Article 34.

Commission Member Behrend made a motion, seconded by Commission Member Veno, the proposed amendment, as amended, to the Town’s zoning ordinance is consistent with the Town’s comprehensive plan and any other adopted plan(s) of the Town that are applicable because of the following:

1. Comprehensive Plan Policy 2.1.1(A): The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy.

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2. Comprehensive Plan Policy 2.1.1(K):Boone shall identify and provide services consistent with the needs of the area's growing retiree population.

Commission Member Veno asked to amend the motion to include:

1. Comprehensive Plan Policy 2.3.3(F): The affordable housing needs of area residents, particularly elderly and low to moderate income residents, shall be recognized in Town policies and actions regarding residential development.
2. Comprehensive Plan Policy 2.3.3(G): Compact, full service neighborhoods, offering opportunities for living, working, shopping, and gathering places, shall be encouraged in newly planned developments, as well as for redeveloping areas.
3. Comprehensive Plan Policy 2.3.3(H): The overall housing unit density for proposed infill residential development or redevelopment should be compatible with the average density of existing areas.

Vice-Chair Plaag asked to amend the motion to also include:

1. Comprehensive Plan Policy 2.3.3(A): The protection and rehabilitation of viable neighborhoods shall be encouraged to insure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community.
2. Comprehensive Plan Policy 2.3.3(C): Proposed residential development which would expose residents to harmful effects of incompatible development or to environmental hazards shall be prohibited.
3. Comprehensive Plan Policy 2.3.3(E): Factors in determining preferred locations for high density residential development shall include: close proximity to the university, employment or shopping centers; access to major thoroughfares and the transit system; the availability of public services and facilities; and compatibility with adjacent land uses.

Commission Member Behrend and Veno accepted the friendly amendments.

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

Chair Shay made a motion, seconded by Vice-Chair Plaag, that the Planning Commission recommends approval of the proposed amendment, as amended, to the Town's Zoning ordinance and believes approval is reasonable and in the public interest because the amendment honors our community values of inclusive multi-generational and economically diverse neighborhoods.

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

OTHER MATTERS

Ms. Shook asked the Planning Commission if they would be available to meet on November 18, 2019 to for a special public hearing to replace the regularly scheduled public hearing on November 25, 2019. She noted that the goal was to be able to have the same Council who heard the case at the public hearing have time to meet to decide on the case prior to the new Council who would be seated in mid-December. Several members of the Commission indicated that they were not available at that time. Ms. Shook asked if they would be available to attend the regularly scheduled meeting on the 25th and all indicated that they would be available.

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There being no other matters, Commission Member Hedrick made a motion, seconded by Commission Member Veno, to adjourn the meeting at 10:13 p.m.

_____ _____

Elizabeth Shay, Planning Commission Chairperson **Brenda Henson, Board Secretary**

DRAFT

Communication: October 28, 2019 Planning Commission Meeting Minutes (Approval of Meeting Minutes)

UDO Text Amendment Application

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

A. Contact Information

Applicant: Town of Boone Company:

Address: PO Drawer 192, Boone, NC 28607

Phone Number: 828-268-6960 Email Address:

B. Text Information

Amendment is to:

Article(s): 16

Section(s): 16.08

Brief Description of Amendment (Attach Proposed Text):

Modify the Town of Boone Unified Development Ordinance to modify the maximum height allowed in the B3 General Business Zoning district.

C. Applicant Signature

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

Jane Shook	/s/ Jane Shook	October 3, 2019
Applicant (Print)	**Applicant Signature**	**Date**

Official Use Only

Permit Name:
Maximum Height in B3 General Business Zoning District

Permit Number:
PL03178-100319

Date:	Fee:	Receipt Number:	Method of Payment:	Paid By:
10/3/2019	NA	NA	☐ Cash ☐ Check Number:____	NA

Official Use Only - Hearing/Decision Information

Public Hearing Meeting Date: November 25, 2019

PC Meeting Date: November 25, 2019

TC Meeting Date: December 16, 219

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

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

Communication: Case PL03178-100319 Application Information (Case PL03178-100319 Maximum Height in B3 - UDO Text Amendment)

STAFF REPORT
PUBLIC HEARING
NOVEMBER 25 2019
Case PL03178-100319, Maximum Height in the B3 General Business Zoning District - UDO Text Amend

Request

In August 2019, Town Council requested that the Town of Boone Unified Development Ordinance be modified to reduce the maximum building height in the B3 Zoning District to 4 stories.

Proposed Ordinance Amendment

ORDINANCE #_____

AN ORDINANCE TO REVISE ARTICLE 16 OF THE TOWN OF BOONE UNIFIED DEVELOPMENT ORDINANCE RELATING TO HEIGHT IN THE B3 GENERAL BUSINESS ZONING DISTRICT

WHEREAS, the Boone Town Council recognizes and finds that there are significant public interests involved in the preservation and protection of community character as identified and discussed in the Town of Boone Comprehensive Plan and as previously codified in UDO Article 16; and

WHEREAS, the Town of Boone Comprehensive Plan policy 2.3.2 calls for new development, redevelopment and rehabilitation of structures and sites in a manner that is consistent with the neighborhood and architectural context of the immediate area, and supportive, when possible, of Boone's original community character as a High Country small town.

WHEREAS, recent development of buildings of five stories are higher have caused concern in the community because of the mass and scale of such buildings relative to other buildings and the natural environment;

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

WHEREAS, this proposed UDO text amendment was duly noticed for public hearing; a public hearing was held with respect to the proposed amendment on November 25 2019; and the Boone Planning Commission has had an opportunity to submit a written report to the Boone Town Council with respect to the proposed amendment;

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

SECTION 1. The following subsections of Article 15 of the Boone UDO are hereby amended as follows, with deletions and additions shown in ~~red~~ and blue respectively:

****

Article 16 District Standards

…

16.08 Building Height

16.08.01 For the purposes of this Section:

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

Communication: Case PL03178-100319 Staff Report (Case PL03178-100319 Maximum Height in B3 - UDO Text Amendment)

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

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

Zone	Height Limitation
R1, R1A, RR, R2, R4, RA	3 stories/40'; accessory structures may not exceed 25'
R3	3 stories/50'
MH	35'
OI	4 stories/67'
B1	~~See~~ 30-33', Refer to Subsection 16.08.04
B2	3 stories/~~35' (primary) – 3 stories/~~40' ~~(secondary)~~*
B3	3 stories/45' (primary) – 4 stories/56' (secondary)
~~B3,~~ E1, E2, E3	3 stories/45' (primary) – 5 stories/67' (secondary)
U1	Refer to Subsection 16.08.09
M1	67'

16.08.03 In the R3, B2, B3, E1, E2 and E3 districts the height limitation may range between the primary height limitation in the table to the secondary height limitation (which is the maximum for the district), subject to the provisions below:

A. ~~that f~~For each foot the height of the structure exceeds the primary height limitation, the boundary lot setback applicable to the entire structure shall increase by one ~~(1)~~ foot (1').

B. For each story which exceeds the primary height limitation, the boundary lot setback applicable to the entire structure shall increase by 11 feet (11').

C. ~~-~~In no case shall the height of a structure exceed the secondary height limitation established in the table.

***Note: Error in text found. Text was modified in 2016 but was not codified correctly.**

16.08.04 Height in the B1 Central Business District

…

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

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

Communication: Case PL03178-100319 Staff Report (Case PL03178-100319 Maximum Height in B3 - UDO Text Amendment)

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

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

A. Belfries, chimneys, church spires, cupolas, domes and similar structural appendages not intended or used as places of storage or occupancy; and

B. Accessory antennas, flagpoles, solar collectors and similar equipment fixtures and devices provided that such features do not exceed 15% of the maximum height requirements; and

C. Except as provided at 16.08.04(B)(2), parapets which do not exceed five feet (5') past the maximum building height; by way of clarification, the height of parapets above 5' shall be counted toward the building height for purposes of applying building height; and

D. Elevator and mechanical equipment and penthouses; and

E. Utility transmission poles and cables; and

F. Limited structures to enable recreation uses of open rooftops. As used in this provision, "limited structure" does not include areas that are simply decking to be used for standing or sitting.

G. The features listed above are exempt from the height limitations subject to the following requirements:

1. Not more than one-third (1/3) of the total roof area may be consumed by such features.

2. The features must be set back from the edge of the roof at primary and secondary facades a minimum of one foot for every foot which such features extend above the roof surface to which they are attached.

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

A. All buildings proposed within 100 feet of an R1, R1A, RR, R2, R4, or RA zoned property shall be limited to a maximum height of 40 feet.

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

Communication: Case PL03178-100319 Staff Report (Case PL03178-100319 Maximum Height in B3 - UDO Text Amendment)

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

(Ord. 20160751, 03-16-2017; Ord. PL00479-050817, 07-20-2017; Ord. PL01340-22718, 04-26-2018; Ord. PL01389-032818, 04-26-2018)

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

Adopted this _____th day of _____, _____.

_____ ATTEST: _____

Rennie Brantz, Mayor Town Clerk

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.

Communication: Case PL03178-100319 Staff Report (Case PL03178-100319 Maximum Height in B3 - UDO Text Amendment)

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

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

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

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

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

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

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

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

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

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

COMPREHENSIVE PLAN POLICIES

2.1 THE ECONOMY

2.1.1 Economic Development

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

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

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

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

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

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

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

Communication: Case PL03178-100319 Staff Report (Case PL03178-100319 Maximum Height in B3 - UDO Text Amendment)

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

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

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

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

…

2.1.2 Commercial Development

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

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

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

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

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

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

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

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

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

J. Highway Oriented Commercial uses shall be clustered along segments of major streets and contain land uses which are mutually compatible and reinforcing in use and design. Businesses shall be encouraged to coordinate their site designs with other nearby businesses. Design factors shall include,

Communication: Case PL03178-100319 Staff Report (Case PL03178-100319 Maximum Height in B3 - UDO Text Amendment)

at a minimum, shared parking and street access, convenient pedestrian and vehicular movement, and consistent sign standards.

...

2.3 THE COMMUNITY

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

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

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

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

2.3.1 Community Appearance

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

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

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

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

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

2.3.2 Community Character

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

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

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

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

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

Communication: Case PL03178-100319 Staff Report (Case PL03178-100319 Maximum Height in B3 - UDO Text Amendment)

PLANNING BOARD REPORT/RECOMMENDATIONS

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

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

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

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

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

Communication: Case PL03178-100319 Staff Report (Case PL03178-100319 Maximum Height in B3 - UDO Text Amendment)

TOWN COUNCIL ACTION

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

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

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

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

Communication: Case PL03178-100319 Staff Report (Case PL03178-100319 Maximum Height in B3 - UDO Text Amendment)

UDO Text Amendment Application

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

A. Contact Information

Applicant: Town of Boone Company:

Address: PO Drawer 192, Boone, NC 28607

Phone Number: 828-268-6960 Email Address:

B. Text Information

Amendment is to:

Article(s): 16

Section(s): 16.01

Brief Description of Amendment (Attach Proposed Text):

Modify the Town of Boone Unified Development Ordinance to modify the minimum lot size in the R3 Multiple Family Zoning District.

C. Applicant Signature

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

Jane Shook	/s/ Jane Shook	October 3, 2019
Applicant (Print)	**Applicant Signature**	**Date**

Official Use Only

Permit Name: R3 Minimum Lot Size				
Permit Number: PL03173-100319				
Date: 10/3/2019	Fee: NA	Receipt Number: NA	Method of Payment: ☐ Cash ☐ Check Number:____	Paid By: NA

Official Use Only - Hearing/Decision Information

Public Hearing Meeting Date: November 25, 2019

PC Meeting Date: November 25, 2019

TC Meeting Date: December 16, 219

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

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Communication: Case PL03173-100319 Application Information (Case PL03173-100319 Minimum Lot SIze in R3 - UDO Text Amendment)

STAFF REPORT
PUBLIC HEARING
NOVEMBER 25 2019
Case PL03173-100319 Minimum Lot Size in R3 Multiple Family Zoning District - UDO Text Amend

Request

In August 2019, Town Council requested that the Town of Boone Unified Development Ordinance be modified to increase the minimum lot size of the R3 Multiple Family Zoning District to 20,000 square feet.

Proposed Ordinance Amendment

ORDINANCE #_____

AN ORDINANCE TO REVISE ARTICLE 16 OF THE TOWN OF BOONE UNIFIED DEVELOPMENT ORDINANCE RELATING TO THE MINIMUM LOT SIZE REQUIRED IN THE R3 MULTIPLE FAMILY ZONING DISTRICT

WHEREAS, the Town of Boone Comprehensive Plan policy 2.3.2 calls for new development, redevelopment and rehabilitation of structures and sites in a manner that is consistent with the neighborhood and architectural context of the immediate area, and supportive, when possible, of Boone's original community character as a High Country small town.

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

WHEREAS, this proposed UDO text amendment was duly noticed for public hearing; a public hearing was held with respect to the proposed amendment on November 25 2019; and the Boone Planning Commission has had an opportunity to submit a written report to the Boone Town Council with respect to the proposed amendment;

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

SECTION 1. The following subsections of Article 15 of the Boone UDO are hereby amended as follows, with deletions and additions shown in ~~red~~ and blue respectively:

****

Article 16 District Standards

…

16.01.02 Intensity Table

Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	Minimum Livability Space Ratio* (LSR)	Minimum Setbacks	
					Street	Interior
Residential Zoning Districts						
RA No Public Water & Sewer Available	20,000 sq. ft.	100 ft.	80 ft.	.65	20 ft.	18 ft.
RA Public Water Available	15,000 sq. ft.	80 ft.	64 ft.	.65	20 ft.	18 ft.
RA	10,000 sq. ft.	65 ft.	52 ft.	.65	20 ft.	14 ft.

Communication: Case PL03173-100319 Staff Report (Case PL03173-100319 Minimum Lot Size in R3 - UDO Text Amendment)

Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	Minimum Livability Space Ratio* (LSR)	Minimum Setbacks	
					Street	Interior
Public Water & Sewer Available						
R1	8,000 sq. ft.	70 ft.	56 ft.	.53	20 ft.	14 ft.
R1A	8,000 sq. ft.	70 ft.	56 ft.	.53	20 ft.	14 ft.
RR	6,000 sq. ft.	70 ft.	56 ft.	.48	20 ft.	13 ft.
R2	6,000 sq. ft.	70 ft.	56 ft.	.48	20 ft.	13 ft.
R4	6,000 sq. ft.	70 ft.	56 ft.	.48	20 ft.	13 ft.
R3	~~5,000~~ 20,000 sq. ft.	80 ft.	64 ft.	.40	20 ft.	13 ft.
MH	87,120 sq. ft.	None	56 ft.	.51	20 ft.	20 ft.
Commercial/Industrial Zoning Districts						
OI	10,000 sq. ft.	100 ft.	80 ft.	.27	20 ft.	17 ft.
B1	5,000 sq. ft.	15 ft.	12 ft.	None	Refer to Section 16.06.02	Refer to Section 16.06.04
B2	5,000 sq. ft.	50 ft.	40 ft.	.27	20 ft.	17 ft.
B3	5,000 sq. ft.	50 ft.	40 ft.	.27	20 ft.	17 ft.
M1	17,000 sq. ft.	80 ft.	64 ft.	.3	20 ft.	22 ft.
Educational Zoning Districts						
U1	None	None	None	.27	Refer to Section 16.06.09	Refer to Section 16.06.08
E1	5,000 sq. ft.	50 ft.	40 ft.	.27	20 ft.	17 ft.
E2	5,000 sq. ft.	50 ft.	40 ft.	.27	20 ft.	17 ft.
E3	5,000 sq. ft.	50 ft.	40 ft.	.27	20 ft.	17 ft.

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

16.01.03 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.

16.02 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.

Communication: Case PL03173-100319 Staff Report (Case PL03173-100319 Minimum Lot Size in R3 - UDO Text Amendment)

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

…

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

Adopted this _____th day of _____, _____.

_____ ATTEST: _____
Rennie Brantz, Mayor Town Clerk

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.

Communication: Case PL03173-100319 Staff Report (Case PL03173-100319 Minimum Lot Size in R3 - UDO Text Amendment)

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

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

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

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

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

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

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

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

COMPREHENSIVE PLAN POLICIES

2.1 THE ECONOMY

2.1.1 Economic Development

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

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

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

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

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

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

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

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

Communication: Case PL03173-100319 Staff Report (Case PL03173-100319 Minimum Lot Size in R3 - UDO Text Amendment)

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

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

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

…

2.3 THE COMMUNITY

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

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

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

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

2.3.1 Community Appearance

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

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

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

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

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

2.3.2 Community Character

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

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

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

D. The destruction of significant architectural, historic, scenic, natural and archaeological resources in the

Communication: Case PL03173-100319 Staff Report (Case PL03173-100319 Minimum Lot Size in R3 - UDO Text Amendment)

planning area shall be discouraged.

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

2.3.3 Housing and Neighborhoods

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

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

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

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

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

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

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

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

2.3.4 Public Involvement

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

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

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

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

Communication: Case PL03173-100319 Staff Report (Case PL03173-100319 Minimum Lot Size in R3 - UDO Text Amendment)

PLANNING BOARD REPORT/RECOMMENDATIONS

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

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

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

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

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

TOWN COUNCIL ACTION

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

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

Communication: Case PL03173-100319 Staff Report (Case PL03173-100319 Minimum Lot Size in R3 - UDO Text Amendment)

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

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

Communication: Case PL03173-100319 Staff Report (Case PL03173-100319 Minimum Lot Size in R3 - UDO Text Amendment)

UDO Text Amendment Application

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

A. Contact Information

Applicant: Town of Boone Company:

Address: PO Drawer 192, Boone, NC 28607

Phone Number: 828-268-6960 Email Address:

B. Text Information

Amendment is to:

Article(s): 14, 15, 16, 26, 27

Section(s): 14.01, 15.07, 16.01, 16.06, 16.08, 26.05, 26.14, 27.01

Brief Description of Amendment (Attach Proposed Text):

Modify the Town of Boone Unified Development Ordinance to create a R1S Small Home zoning district.

C. Applicant Signature

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

Jane Shook	/s/ Jane Shook	October 3, 2019
Applicant (Print)	**Applicant Signature**	**Date**

Official Use Only

Permit Name: R1S Small Home Zoning District				
Permit Number: PL03171-100319				
Date: 10/3/2019	Fee: NA	Receipt Number: NA	Method of Payment: ☐ Cash ☐ Check Number:____	Paid By: NA

Official Use Only - Hearing/Decision Information

Public Hearing Meeting Date: November 25, 2019

PC Meeting Date: November 25, 2019

TC Meeting Date: December 16, 219

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

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Communication: Case PL03171-100319 Application Information (Case PL03171-100319 Creation of R1 Small Home Residential District - UDO

STAFF REPORT
PUBLIC HEARING
NOVEMBER 25 2019
Case PL03171-100319 R1S Small Home Zoning District- UDO Text Amendment

Request

In January 2018, Town Council requested Staff research the possibilities regarding higher density for single-family dwellings due to the desirability of create acceptable transitions between higher density and lower density uses and due to the concern over the lack of affordable housing in the Town of Boone.

The following November, Staff presented a preliminary report on cottage housing outlined two different concepts. The first concept was a new zoning district which would allow smaller single-family homes to be built on lots smaller than currently allowed in the UDO. The second concept was for a cottage housing type of principal use, which in concept, would be allowed to be constructed in existing residential zoning district subject to limitations. After discussion, Council authorized Staff to proceed with the a new zoning district, "R1S" and outlined parameters for the new district, including implementation process, application process, density, building height, setbacks, uses, and parking (see proposed amendment below).

Subsequent to this direction, Staff drafted text based upon the requested parameters and brought draft text back to Council in August 2019 for review. At that time, with some modification, Council authorized the text to be sent to public hearing.

Proposed Ordinance Amendment

ORDINANCE #_____

AN ORDINANCE TO REVISE THE TOWN OF BOONE
UNIFIED DEVELOPMENT ORDINANCE RELATING TO
THE CREATION OF THE R1S SMALL HOME RESIDENTIAL ZONING DISTRICT

WHEREAS, the Town Council recognizes the need for affordable housing in the Town of Boone;

WHEREAS, the Town of Boone Comprehensive Plan notes both the shortage of well located, affordable and buildable land is having an effect on residential development;

WHEREAS, the Town of Boone Comprehensive Plan additionally notes that the most critical housing issue is the constant challenge to preserve existing single-family neighborhoods;

WHEREAS, the Town Council finds that there is significant public interest and benefit in encouraging the development of additional single-family housing;

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

WHEREAS, this proposed UDO text amendment was duly noticed for public hearing; a public hearing was held with respect to the proposed amendment on November 25 2019; and the Boone Planning Commission has had an opportunity to submit a written report to the Boone Town Council with respect to the proposed amendment;

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

SECTION 1. The following subsections of Article 15 of the Boone UDO are hereby amended as follows, with deletions and additions shown in ~~red~~ and blue respectively:

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Communication: Case PL03171-100319 Staff Report (Case PL03171-100319 Creation of R1 Small Home Residential District - UDO Text

Article 14 Zoning Districts
14.01 Residential Districts Established

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

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

14.01.03 The R1S Small Home Residential District is established to provide a medium density living area consisting of detached single-family dwellings at a higher density than other residential zoning districts. The regulations for this district are intended to maintain the essential character of traditional single-family neighborhoods while allowing new single-family dwellings at a higher density, which also may serve as a transition to higher density residential and nonresidential districts.

14.01.0~~3~~4 The R1A Single-Family Residential with Accessory Dwelling District is established to provide a low-density living area consisting of single-family dwellings with or without subordinate, accessory dwellings. The regulations for this district are intended to maintain the essential character of a single-family neighborhood but allow for the establishment of accessory dwellings which are clearly subordinate to the single-family dwelling. The regulations for this district are designed to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.

14.01.0~~4~~5 The RR Residential Rehabilitation District is designed to recognize the need to preserve existing housing stock for low income occupants through rehabilitation efforts. Residential Rehabilitation Districts shall possess the following three characteristics:

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

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

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

Communication: Case PL03171-100319 Staff Report (Case PL03171-100319 Creation of R1 Small Home Residential District - UDO Text

14.01.0~~5~~6 The R2 Two-Family Residential District is established to provide a medium density living area consisting of single-family and two-family dwellings, and other related uses necessary for a sound neighborhood. The regulations for this district are designed and intended to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.

14.01.0~~6~~7 The R3 Multiple-Family Residential District is established to provide a high density area consisting of three or more dwelling units per lot plus limited service use. The regulations for this district are designed and intended to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment in which to live and provide for compatible and disruptive activities that properly belong in nonresidential districts.

14.01.0~~7~~8 The R4 Two-Family/Manufactured Home District is established to provide a medium density area consisting of two-family uses, and manufactured homes on single lots. The regulations for this district are designed and intended to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment in which to live and provide for compatible and disruptive activities that properly belong in nonresidential districts.

14.01.0~~8~~9 The RA Residential/Agricultural District is established as a district in which the principal use of the land is for low density residential and agricultural purposes. Low-density commercial and service uses which serve the day to day convenience needs of the surrounding area are permissible so long as the uses are of such nature as to minimize conflicts with the area they serve. These districts are intended to insure that residential development not having access to public water supplies and dependent upon septic tanks for sewage disposal will occur at a sufficiently low density to provide a healthful environment. The regulations for this district are designed and intended to create a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment for all appropriate uses.

14.01.~~09~~10 The MH Manufactured Home Park District is established to encourage well planned, attractive land development in the Town by providing fair standards and beneficial requirements for the siting, operation, and maintenance of manufactured homes. The regulations for this district are designed and intended to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment in which to live and provide for compatible and disruptive activities that properly belong in nonresidential districts.

Communication: Case PL03171-100319 Staff Report (Case PL03171-100319 Creation of R1 Small Home Residential District - UDO Text

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Article 15 District Uses

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15.07 Table of Principal Uses

Use #	Specific Use	Zoning Districts																	Reference
		Low Density Residential				Medium to High Density Residential					Commercial/Industrial					Education			
		RA	R1	R1A	RR	R1S	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	E3	
1.0 Household Living																			
1.01	Single-Family Dwelling	P	P	P	P	P	P	P											
1.02	Manufactured Home "Class A"	L			L		L	L	L										15.08
1.03	Manufactured Home "Class B"	L							L										15.08
1.04	Manufactured Home "Class C"																		
1.05	Manufactured Home Park								L										15.09
1.06	Duplex (one duplex building per lot)	P					P	P		P									
1.07	Duplex (more than one duplex building per lot)									L									15.10
1.08	Townhouse (up to 30 bedrooms)							L^{T50}		L^{T50}									15.10
1.09	Townhouse (31-100 bedrooms)							L^{T50}		L^{T75}									15.10
1.10	Townhouse (> 100 bedrooms)							L^{T75}		L^{125}									15.10
1.11	Multi-Family Dwelling (up to 30 bedrooms)									L^{T125}									15.10
1.12	Multi-Family Dwelling (31-100 bedrooms)									L^{T200}									15.10
1.13	Multi-Family Dwelling (> 100 bedrooms)									L^{T300}									15.10

Communication: Case PL03171-100319 Staff Report (Case PL03171-100319 Creation of R1 Small Home

Use #	Specific Use	Zoning Districts																	Reference
		Low Density Residential				Medium to High Density Residential					Commercial/Industrial					Education			
		RA	R1	R1A	RR	R1S	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	E3	
1.14	Multi-Family Dwelling in Mixed Use (up to 30 bedrooms)											L	L T75	L						15.11
1.15	Multi-Family Dwelling in Mixed Use (31-100 bedrooms)											L T125		L T125						15.11
1.16	Multi-Family Dwelling in Mixed Use (> 100 bedrooms)											L T125		L T200						15.11
2.0 Group Living																				
2.01	Family Care Home	L	L	L	L	L	L	L		L										15.13
2.02	Family Care Institutions										L T125									15.14
2.03	Halfway House, Category 1										L									15.14
2.04	Halfway House, Category 2										L T125									15.14
2.05	Nursing Care Home	L	L	L			L	L		L	L			L						15.14
2.06	Nursing Care Institution										L T125			L T125						15.14
2.07	Skilled Nursing Facility										L T300			L T300						15.14
2.08	Retirement Community, Category 1	L					L	L		L	L									15.15
2.09	Retirement Community, Category 2									L T200	L T125									15.15
2.13	Fraternity or Sorority Dwelling									S T300										15.16
2.14	Boarding House									L				L						15.17
3.0 Transient Living																				

Communication: Case PL03171-100319 Staff Report (Case PL03171-100319 Creation of R1 Small Home

Use #	Specific Use	Zoning Districts																	Reference
		Low Density Residential				Medium to High Density Residential					Commercial/Industrial					Education			
		RA	R1	R1A	RR	R1S	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	E3	
3.01	Home for Survivors of Domestic Violence	L	L	L			L	L			L		L							15.18
3.02	Shelter for Homeless, Category 1									L^{T50}	L^{T50}	L^{T50}		L^{T50}						15.19
3.03	Shelter for Homeless, Category 2									L^{T300}	L^{T300}			L^{T300}						15.19
3.04	Bed and Breakfast, Category 1	L	S^{T50}	S^{T50}			L^{T50}	L^{T50}				L	L							15.20
3.05	Bed and Breakfast, Category 2						L	L^{T125}				L^{T125}		L^{T125}						15.20
3.06	Vacation Rental	L^{T75}								L^{T75}		L^{T75}	L^{T75}	L^{T75}						15.21
3.07	Motel													P^{T300}						
3.08	Hotel											P^{T200}		P^{T200}						
4.0 Institutional																				
4.01	Airport/Landing Strip	S^{T300}																		15.22
4.02	Heliport	S^{T300}																		15.22
4.03	Funeral Home Establishment										P	P	P	P						
4.04	Cemetery	P	P	P	P		P	P	P	P	P	P	P	P	P					
4.05	Post Office										P	P	P	P	P					
4.06	Post Office, Distribution														P					
4.07	Animal Sanctuary	S^{T300}																		
5.0 Government Uses																				
5.01	Government Cultural Facility										P	P		P						
5.02	Government Neighborhood Cultural Facility, Indoor Activity Only	S	S	S	S		S	S		P	P	P	P	P						

Communication: Case PL03171-100319 Staff Report (Case PL03171-100319 Creation of R1 Small Home

Use #	Specific Use	Zoning Districts																	Reference
		Low Density Residential				Medium to High Density Residential					Commercial/Industrial					Education			
		RA	R1	R1A	RR	R1S	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	E3	
5.03	Government Neighborhood Cultural Facility, Includes Outdoor Activity										P	P		P						
5.04	Recreation Facility, Category 1	P								P	P	P	P	P	P					
5.05	Recreation Facility, Category 2	P	P	P	P		P	P	P	P	P	P	P	P	P					
5.06	Recreation Facility, Category 3	P[T50]	S	S	S		S	S	S	S	P[T50]	P[T50]	P[T50]	P[T50]	P[T50]					
5.07	Event Venue, Category 1										P	P	P	P						
5.08	Event Venue, Category 2										P	P	P	P						
5.09	Event Venue, Category 3										P[T50]	P[T50]	P[T50]	P[T50]						
5.10	Landfill														S					
5.11	Solid Waste Processing														S					
5.12	Police Substation	P	P	P	P		P	P	P	P	P	P	P	P	P					
5.13	Utility Facility, Town	L	L	L	L	L	L	L	L	L	L	L	L	L	L					15.23
5.14	Utility Facility, Government, Neighborhood	L	L	L	L	L	L	L	L	L	L	L	L	L	L					15.23
5.15	Utility Facility, Government, Regional	L[T300]									L[T300]			L[T300]	L[T300]					15.23
5.16	Government Facility	P								P	P	P	P	P	P					
6.0 Non-Government Utility Facility																				
6.01	Utility Facility, Neighborhood	L	L	L	L	L	L	L	L	L	L	L	L	L	L					15.23

Communication: Case PL03171-100319 Staff Report (Case PL03171-100319 Creation of R1 Small Home

Use #	Specific Use	Zoning Districts																	Reference
		Low Density Residential				Medium to High Density Residential					Commercial/Industrial					Education			
		RA	R1	R1A	RR	R1S	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	E3	
6.02	Utility Facility, Regional	L[T300]									L[T300]			L[T300]	L[T300]					15.23
7.0 Wireless Communications																				
7.01	Small Wireless Collocation	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	15.25
7.02	Wireless Facility Collocation on Existing Wireless Support Structure or Utility Pole	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	15.24
7.03	Stealth Wireless Facility Attached to Existing Building or Structure	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	15.24
7.04	Non-stealth Wireless Facility Attached to Existing Building or Structure																			15.24
7.05	Non-stealth Wireless Facility Collocation on Electrical Transmission Towers	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	15.24
7.06	Stealth Wireless Support Structure	S/L	S/L	S/L	S/L	S/L	L	L	L	L	L	L	L	L	L	L	L	L	L	15.24
7.07	Non-stealth Wireless Support Structure									L	L			L	L	L				15.24
7.08	Reserved																			

Communication: Case PL03171-100319 Staff Report (Case PL03171-100319 Creation of R1 Small Home

Use #	Specific Use	Zoning Districts																	Reference
		Low Density Residential				Medium to High Density Residential					Commercial/Industrial					Education			
		RA	R1	R1A	RR	R1S	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	E3	
7.09	Reserved																			
7.10	Emergency Response Communication Antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	P					
7.11	Emergency Response Communication Antenna																			
8.0 Assembly																				
8.01	Religious Assembly, Category 1	P	P	P	P			P	P	P	P	P	P	P						
8.02	Religious Assembly, Category 2	P[T125]	P[T125]	P[T125]	P[T125]			P[T125]	P[T125]	P[T125]	P[T75]	P		P						
8.03	Religious Assembly, Category 3	P[T200]					P					P[T200]		P[T200]						
8.04	Club/Lodge, Category 1						P[T125]					P [T75]		P [T75]						
8.05	Club/Lodge Which Does Not Serve Alcohol	P										P		P						
9.0 Education																				
9.01	Public colleges and universities															P[T200]	P[T200]	P[T200]		
9.02	Private colleges and universities																P[T200]	P[T200]		
9.03	Trade school																		P[T200]	
9.04	High school																		P[T200]	
9.05	Elementary school																		P[T200]	
9.06	Boarding school																			

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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	R1S	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	E3	
9.07	College- or university-operated community enterprise											L								15.70
10.0 Daycare																				
10.01	Child Daycare, Large	L						L		L			L	L						15.26
10.02	Child Daycare Center										L			L						15.26
10.03	Adult Daycare, Large	L						L		L			L	L						15.26
10.04	Adult Daycare Center										L			L						15.26
10.05	All Other Daycare										CD									
11.0 General Sales and Service																				
11.01	Kennel	L^{T125}												L^{T125}						15.27
11.02	Veterinary Office/Hospital with Outdoor Kennels	L^{T125}									L^{T125}			L^{T125}						15.27
11.03	Veterinary Office/Hospital without Outdoor Kennels	P									P	P	P	P						
11.04	Financial Institution ≤ 5,000 ft^2										P	P	P	P						
11.05	Financial Institution > 5,000 ft^2										P	P		P						
11.06	Restaurant ≤ 2,500 ft^2 open to the public during 10 pm – 6 am										P^{T75}	P^{T75}	P^{T75}	P^{T75}	P^{T75}					
11.07	Other Restaurants ≤ 2,500 ft^2										P	P	P	P	P					
11.08	Restaurant > 2,500 ft^2 open to the public during 10 pm – 6 am										P^{T200}	P^{T125}		P^{T200}						
11.09	Other Restaurants > 2,500 ft^2										P^{T125}	P^{T75}		P^{T125}						

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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	R1S	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	E3	
11.10	Restaurant ≤ 3,500 ft² open to the public during 10 pm-6 am														P T300					
11.11	Other Restaurants ≤ 3,500 ft²														P T300					
11.12	Bar																			
11.13	ABC Store											P		P	P					
11.14	Personal Service Establishment open to the public during 10 pm – 6 am										P T75	P T50		P T75	P					
11.15	Other Personal Service Establishments										P	P	P	P	P					
11.16	Retail Store up to 5,000 ft²										P	P	P	P	P					
11.17	Retail Store more than 5,000 but less than 25,000 ft²											P T125	P T200	P T200						
11.18	Retail Store 25,000 ft² and greater													L T300						15.28
11.19	Reserved																			
11.20	Business or Professional Office open to the public during 10 pm–6 am										P T75	P T50		P T75	P T75					
11.21	Other Business or Professional Office										P	P	P	P	P					
11.22	Medical Office, Category 1										P T300	P T300		P T300						
11.23	Medical Office, Category 2										P T125	P T125		P T125						
11.24	Medical Office, Category 3										P T125			P T125						

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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	R1S	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	E3	
11.25	Medical Office, Category 4										P	P	P	P						
11.26	Hospital										P[T300]									
11.27	Medical Emergency Response										P[T300]	P[T300]		P[T300]						
11.28	Open Air Market, Recurring	L[T75]									L[T50]			L[T75]						15.29
11.29	Vehicle Sales and Service												L[T125]	L[T75]						15.30
11.30	Equipment Sales and Service													L[T125]	L[T125]					15.31
11.31	Moped Sales and Service											P	P	P						
11.32	Boat or Marine Craft Sales and Service													L[T75]	L[T75]					15.32
11.33	Impound Lot/Towing Service													L[T125]	L[T125]					15.33
11.34	Gas Station	P[T125]											P[T125]	P[T125]	P[T125]					
11.35	Car Wash												P[T125]	P[T125]	P[T125]					
11.36	Seasonal Retail Activities and Amusements	P									P	P	P	P	P					
12.0 Recreation and Entertainment Uses																				
12.01	Indoor Shooting Range	L[T75]												L[T75]						15.34
12.02	Outdoor Shooting Range																			
12.03	Indoor Theater											P		P						
12.04	Outdoor Theater	P[T200]										P[T125]		P[T125]						
12.05	Event Venue, Category 1											P	P[T75]	P	P					
12.06	Event Venue, Category 2											P[T50]	P[T125]	P[T125]						

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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	R1S	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	E3	
12.07	Event Venue, Category 3											P[T200]		P[T200]						
12.08	Campground and Recreational Vehicle Park	L[T200]												L[T200]						15.35
12.09	Coliseum													S[T300]						
12.10	Recreation Facility, Category 1	P[T125]									P	P	P	P	P					
12.11	Recreation Facility, Category 2	P[T125]									P[T50]			P[T50]						
12.12	Recreation Facility, Category 3	P[T200]												P[T200]						
12.13	Racetrack																			
13.0 Agriculture																				
13.01	Garden, Community	L	L	L	L	L	L	L	L	L	L	L	L	L						15.36
13.02	Garden, Residential	L	L	L	L	L	L	L	L	L	L	L	L	L						15.37
13.03	Agricultural Operation Excluding Livestock	P																		
13.04	Agricultural Operation Including Livestock	P																		
13.05	Swine Farm																			
13.06	Confined Animal Feeding Operation (CAFO)																			
13.07	Custom Slaughterhouse	P																		
13.08	Other Slaughterhouse																			
13.09	Forestry	L	L	L	L	L	L	L	L	L	L	L	L	L	L					15.38
14.0 Manufacturing																				
14.01	Microbrewery											L[T75]		L[T125]	L[T125]					15.39

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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	R1S	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	E3	
14.02	Brewpub											L^{T75}		L^{T125}	L^{T125}					15.39
14.03	Brewery/Distillery													L^{T125}	L^{T125}					15.40
14.04	Brewery/Distillery, Other																			15.41
14.05	Winery Associated with a Vineyard	L^{T125}													L^{T125}					15.42
14.06	Winery													L^{T125}	L^{T125}					15.42
14.07	Winery, Other																			
14.08	Extraction of Earth Materials																			
14.09	Machine/Welding Shop													L^{T200}	L^{T200}					15.44
14.10	Manufacturing, Other														L^{T300}					15.45
15.0 Parking																				
15.01	Parking Lot										L	L		L						15.46
15.02	Parking Structure									L^{T125}	L	L		L						15.47
15.03	Park and Ride Lots	L									L			L	L					15.46
16.0 Storage																				
16.01	Self-Storage Facilities	L^{T125}												L^{T75}	L^{T75}					15.48
16.02	Outdoor Storage														L^{T75}					15.49
16.03	Warehouse														P^{T75}					
16.04	Fuel Storage Facility													P^{T300}	P^{T300}					
16.05	Chemical Storage Facility																			
17.0 Transportation																				
17.01	Passenger Terminals													P^{T200}	P					
17.02	Trucking or freight terminal ≤ 10,000 ft²													P^{T125}	P^{T125}					
17.03	Trucking or freight terminal > 10,000 ft²														P^{T300}					
18.0 Waste Related Uses																				

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Use #	Specific Use	Zoning Districts: Low Density Residential RA	R1	R1A	RR	Medium to High Density Residential R1S	R2	R4	MH	R3	Commercial/Industrial OI	B1	B2	B3	M1	Education U1	E1	E2	E3	Reference
18.01	Recycling Drop-off Station	L[T300]													L[T200]					15.49
18.02	Recycling and Salvage														L[T300]					15.49
18.03	Junkyard																			
18.04	Private Landfill																			
19.0 Particular Activities Which Pose Particular Concerns About Public Health																				
19.01	Electronic and Internet Gaming													S						15.50
19.02	Adult Establishments													S						15.51

15.07.02 Table of Accessory Uses

Use #	Accessory Use	Zoning Districts: Low Density Residential RA	R1	R1A	RR	Medium to High Density Residential R1S	R2	R4	MH	R3	Commercial/Industrial OI	B1	B2	B3	M1	Education U1	E1	E2	E3	Reference
A-1	Secondary suite	L	L	L	L	L	L	L	L	L	L	L	L	L						15.52
A-2	Home occupation	L	L	L	L	L	L	L	L	L	L	L	L	L						15.53
A-3	Accessory dwelling unit			L	L		L	L		L	L	L	L	L						15.54
A-4	Drive-through										L			L	L					15.55
A-5	Outdoor display										L	L	L	L	L					15.56
A-6	Outdoor storage													L	L					15.57
A-7	Outdoor dining										L	L	L	L	L[T300]					15.58
A-8	Automated teller machine (ATM)										P	P	P	P	P					
A-9	Automated teller machine (ATM), freestanding									L	L	L	L	L	L					15.59
A-10	Produce stand	L																		15.60
A-11	Poultry	L	L	L	L		L	L	L	L	L		L	L						15.61
A-12	Livestock, small	L	L	L	L		L	L	L	L	L			L						15.62
A-13	Livestock, large	L																		15.63

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Use #	Accessory Use	Zoning Districts																	Reference
		Low Density Residential				Medium to High Density Residential					Commercial/Industrial					Education			
		RA	R1	R1A	RR	R1S	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	E3	
A-14	Bees	L	L	L	L	L	L	L	L	L	L	L	L	L						15.64
A-15	Garden, residential	L	L	L	L	L	L	L	L	L	L	L	L	L	L					15.65
A-16	Satellite receiving antennas less than 1 meter in diameter	P	P	P	P	P	P	P	P	P	P	P	P	P	P					
A-17	Satellite receiving antennas less than 2 meters in diameter	P									P	P	P	P	P					
A-18	Satellite receiving antennas 2 meters and greater in diameter										S			S	P					
A-19	Helistop	S[T300]									S[T300]			S[T300]	S[T300]					
A-20	Swimming pools, spas, and hot tubs	L	L	L	L	L	L	L	L	L	L	L	L	L	L					15.66
A-21	Caretaker's residence										L			L	L					15.67
A-22	Vehicular gate	L	L	L	L	L	L	L	L	L	L	L	L	L	L					15.68
A-23	Vehicle washing station	P								P	P		P	P	P					
A-24	Chemical storage facility													P[T125]	P[T125]					
A-25	Open air market, accessory	L	L	L	L		L	L	L	L	L	L	L	L	L					15.29
A-26	Daycare, small	P	P	P	P	P	P	P	P	P	P	P	P	P	P					

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15.07.03 Table of Temporary Uses

Use #	Temporary Use	Zoning Districts																	Reference
		Low Density Residential				Medium to High Density Residential					Commercial/Industrial					Education			
		RA	R1	R1A	RR	R1S	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	E3	
T-1	Temporary care provider dwelling	L			L		L	L	L	L	L	L	L	L						15.69
T-2	Temporary construction or repair dwelling	L	L	L	L	L	L	L	L	L	L	L	L	L	L					15.69
T-3	Temporary construction trailer	L	L	L	L	L	L	L	L	L	L	L	L	L	L					15.69
T-4	Temporary mobile medical unit											L		L						15.69
T-5	Temporary classroom										L			L						15.69
T-6	Temporary portable storage containers	L	L	L	L	L	L	L	L	L	L	L	L	L	L					15.69
T-7	Temporary staging										L			L	L					15.69
T-8	Temporary non-fixed site event venue	L									L			L						15.69
T-9	Carrier on wheels (cow)	L	L	L	L	L	L	L	L	L	L	L	L	L	L					15.69
T-10	Yard sales	L	L	L	L	L	L	L	L	L	L	L	L	L	L					15.69
T-11	Itinerant merchant/peddler	L	L	L	L	L	L	L	L	L	L	L	L	L	L					15.69
T-12	Open air market, temporary	L									L	L	L	L	L					15.69
T-13	Temporary Use 9.01 Public Colleges and Universities										L			L	L					15.69

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

C. In the R1S Zoning District, a maximum building footprint of 800 square feet exclusive of decks, porches or steps is allowed. Buildings shall be oriented to the primary public way.

~~B.~~1. An upper-story of no more than 400 square feet is permissible.

16.01.02 Intensity Table

Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	Minimum Livability Space Ratio* (LSR)	Minimum Setbacks	
					Street	Interior
Residential Zoning Districts						
RA No Public Water & Sewer Available	20,000 sq. ft.	100 ft.	80 ft.	.65	20 ft.	18 ft.
RA Public Water Available	15,000 sq. ft.	80 ft.	64 ft.	.65	20 ft.	18 ft.
RA Public Water & Sewer Available	10,000 sq. ft.	65 ft.	52 ft.	.65	20 ft.	14 ft.
R1	8,000 sq. ft.	70 ft.	56 ft.	.53	20 ft.	14 ft.
R1A	8,000 sq. ft.	70 ft.	56 ft.	.53	20 ft.	14 ft.
RR	6,000 sq. ft.	70 ft.	56 ft.	.48	20 ft.	13 ft.
R1S	5,000 sq. ft.	35 ft.	28 ft.	Refer to UDO Subsection 16.01.01(C)	20'	7' Refer to Subsection 16.06.10
R2	6,000 sq. ft.	70 ft.	56 ft.	.48	20 ft.	13 ft.
R4	6,000 sq. ft.	70 ft.	56 ft.	.48	20 ft.	13 ft.
R3	5,000 sq. ft.	80 ft.	64 ft.	.40	20 ft.	13 ft.
MH	87,120 sq. ft.	None	56 ft.	.51	20 ft.	20 ft.

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

16.06 Building Setback Requirements

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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.
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.

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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 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.

16.06.10 Whenever a lot in a R1S district has a common boundary line with a lot in a different zoning district, the interior setback requirement applicable to that boundary of the R1S lot shall be the interior setback required for the adjacent lot. By way of illustration, if the R1S lot shares a common boundary with a lot zoned so as to require a 14-foot interior setback, the R1S lot

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would be required to have a 14-foot interior setback along its common boundary with that different-zoned lot.

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16.08 Building Height

16.08.01 For the purposes of this Section:

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

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

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

Zone	Height Limitation
R1, R1A, RR, R2, R4, RA	3 stories/40'; accessory structures may not exceed 25'
R1S	1.5 stories/25'
R3	3 stories/50'
MH	35'
OI	4 stories/67'
B1	See Subsection 16.08.04
B2	3 stories/40'
B3, E1, E2, E3	3 stories/45' (primary) – 5 stories/67' (secondary)
U1	Refer to Subsection 16.08.09
M1	67'

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Article 26 Signs

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26.05 Signs Permitted in the R1, R1S, RA, RR, R1A, R2, R4 and MH Districts

26.05.01 The residential districts provide for a quiet environment and sound neighborhoods. While some service oriented businesses are allowed, the general usage is for family life. The intent of this Section is therefore to provide for a limited use of signs which are generally not illuminated and which will preserve the family oriented character of neighborhoods.

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26.05.02 One sign at each entrance announcing the name of a subdivision, residential development or mobile home park is allowed.

A. The sign copy is limited to the name of the development only.

B. The sign may be freestanding or placed on the entrance wall of the development.

C. The sign may not exceed thirty square feet (30 ft^2) in area, or eight feet (8') in height.

D. The sign may be illuminated.

26.05.03 Any Use 5.2 Churches, Synagogues and Temples is permitted two signs from the following categories: attached or freestanding.

A. Freestanding signs may not exceed thirty square feet (30 ft^2) in area, or eight feet (8') in height.

B. Attached signs may not exceed an area equal to one square foot (1 ft^2) of sign area per linear foot of the building frontage. The maximum square footage for an attached sign is thirty square feet (30 ft^2).

C. Signs may be illuminated.

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26.14.01 The following regulations shall apply solely to home occupation signs.

A. Home occupation signs are permitted in the R1, R1S, R1A, RA, R2, R3, R4, MH, B1, B2, and B3 districts.

B. The sign may not be illuminated.

C. The sign must be an attached sign mounted flat on the building.

D. The sign may not exceed four square feet (4 ft^2) in size.

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Article 27 Residential Occupancy Controls

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

Number of Persons	Relationship	RA	R1	R1S	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2
Unlimited	Family	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Up to 2	Unrelated	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

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Up to 4	Unrelated								P	P				P	P	P		
5+	Unrelated															P		

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

Adopted this _____th day of _____, _____.

_____ ATTEST: _____

Rennie Brantz, Mayor Town Clerk

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.

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

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

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

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

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

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

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

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

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

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

COMPREHENSIVE PLAN POLICIES

2.1 THE ECONOMY

2.1.1 Economic Development

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

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

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

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

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

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

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

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

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

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

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

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2.3 THE COMMUNITY

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

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

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

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

2.3.1 Community Appearance

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

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

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

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

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

2.3.2 Community Character

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

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

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

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

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

2.3.3 Housing and Neighborhoods

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

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

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

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

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

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

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

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

2.3.4 Public Involvement

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

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

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

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

PLANNING BOARD REPORT/RECOMMENDATIONS

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

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

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

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

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

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TOWN COUNCIL ACTION

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

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

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

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

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