

**Town of Boone
Town Council/Planning Commission
Public Hearing
5:30 PM, Mar. 27, 2017
Council Chambers, 1500 Blowing Rock Road**

I. Call to Order

II. Approval of Minutes

February 22, 2017, Special Town Council, Planning Commission and
Community Appearance Commission Meeting Minutes

February 27, 2017 Public Hearing Minutes

III. Case PL00320-030917 Information: Dayton Cole with Appalachian State University (State of North Carolina) has filed a Planning Permit Application for a General Use Zoning Map Amendment to rezone 949 Blowing Rock Road from B3 General Business to U1 University.

Application for ASU Panhellenic Hall

Staff Report for ASU Panhellenic Hall

IV. Case PL00258-020917 Article 24 Parking Revisions: Revisions to UDO Article 24 Parking. Amendments may also be made to other Articles to conform them to changes made in these Articles.

PL00258 Planning Permit Information

PL00258 Staff Report

PL00258 Revised Article 24 Subsection 24.01.04 and 24.01.05

V. Adjournment

**SPECIAL TOWN COUNCIL, PLANNING COMMISSION AND COMMUNITY APPEARANCE
COMMISSION
WEDNESDAY, FEBRUARY 22, 2017
5:30 PM**

COUNCIL MEMBERS PRESENT:	Mayor Rennie Brantz, Mayor Pro-Tem Lynne Mason, Loretta Clawson and Jeannine Underwood Collins
PLANNING COMMISSION MEMBERS PRESENT:	Chairperson Connor Boyle, Adrian Thompson and Elizabeth Shay
COMMUNITY APPEARANCE COMMISSION MEMBERS PRESENT:	Chairperson Brian Williams and Sarah Davis Cagle
PLANNING STAFF MEMBERS PRESENT:	Jane Shook, Director of Planning & Inspections, Brian Johnson, Urban Design Specialist, Christy Turner, Senior Planner and Marlene Crosby, Board Secretary
OTHERS PRESENT:	John Ward, Town Manager, Jim Byrne, Assistant Town Manager and Eric Gustaveson, Deputy Public Works Director

At 5:30 p.m. Mr. Herbie Hames from Criterion Healthcare and Mr. Chuck Mantooth, President and CEO of the Appalachian Regional Healthcare System welcomed everyone to the meeting.

Mr. Mantooth welcomed Mr. Bryon Edwards and the university students from Clemson University. Mr. Edwards explained that this workshop is an analysis of the Wellness District prepared by the Clemson University. Mr. Edwards said the dates of the two public forums would be on Wednesday, April 5, 2017 at 5:30 p.m. and on Wednesday May 3, 2017 at 5:30 p.m. in the Watauga Medical Center Auditorium.

There were several students from Clemson University that reviewed each section of the presentation. Some of the highlights from the presentation were: topography and site analysis, site conditions, vehicular transportation, floodplain and water shed, literature review and guidelines, pedestrian dimensions such as traffic calming, sustainable environment, accessible transportation, sustainable parking and street side parking, masterplan and analysis of Watauga Medical Center, department and corridor plan, future expansion, constraints and growth opportunities, building form, landscaping requirements, parking and existing street elevations.

This meeting was an introductory meeting prior to two upcoming workshops.

Rennie Brantz, Mayor

Marlene Crosby, Board Secretary

**PUBLIC HEARING MINUTES
MONDAY, FEBRUARY 27, 2017 AT 5:30 P.M.**

COUNCIL MEMBERS PRESENT: Mayor Rennie Brantz, Mayor Pro-Tem Lynne Mason, Loretta Clawson and Jeannine Underdown Collins

PLANNING COMMISSION MEMBERS PRESENT: Chairperson Connor Boyle, Adrian Thompson, Elizabeth Shay and Kate Hayes

STAFF PRESENT: Jane Shook, Director of Planning and Inspections, Christy Turner, Senior Planner and Marlene Crosby, Board Secretary

OTHERS PRESENT: Jim Byrne, Assistant Town Manager and Allison Meade, Town Attorney

CALL TO ORDER

Mayor Brantz called the Council to order at 5:31 p.m.

Chairperson Boyle called the Planning Commission to order at 5:32 p.m.

Discussion ensued on choosing a specific meeting date for a Special Planning Commission meeting to be held before the March 2017 Council meeting. It was the consensus of the Council and the Planning Commission to have the meeting on Monday, March 6, 2017 with a backup date of Tuesday, March 7, 2017 at 5:30 p.m. depending on the availability of the Council Chambers. Ms. Jane Shook, Director of Planning and Inspections said that the Staff would check the availability of the Council Chambers and schedule the meeting accordingly and notify the Council and Planning Commission of the meeting date.

APPROVAL OF MINUTES

Council Member Collins made a motion, seconded by Mayor Pro-Tem Mason to approve the November 28, 2016 Public Hearing minutes and the January 23, 2017 Public Hearing minutes as written.

Vote:

Aye – All

Nay – None

The motion passed.

CASE PL00264-021317 SHOPPING CENTER REVISIONS – UDO TEXT AMENDMENT: The Town of Boone has initiated a text amendment to modify the UDO to remove or alter regulations related

Communication: February 27, 2017 Public Hearing Minutes (Approval of Minutes)

to “shopping centers”. The “shopping center” concept was identified as needing more work before implementation of the revised UDO which became effective January 1, 2014 and was inadvertently left in the draft.

Ms. Shook said the request is to temporarily remove “shopping centers” from the Table of Permissible Uses and from the supplemental use requirements.

Ms. Shook said this topic had been discussed before the UDO major revision in 2013 and it was noted that the shopping center use still needed more work and that the text was inadvertently left in the final draft.

Ms. Shook said the goal of the Staff has been to create a use category for shopping centers. She further explained that the category would outline how a variety of uses would be managed.

Mayor Pro-Tem Mason asked Ms. Shook, if the shopping center category is removed, how the Planning Department will proceed on making decisions on permits. Ms. Shook explained that the Staff will look at the use of each permit to determine if a special use permit is needed or if the request is triggering any transitional zones.

Mayor Brantz asked if the request to remove this text temporarily is streamlining the UDO. Ms. Allison Meade, Town Attorney said this request does not change any current practice.

There were no public speakers on this case.

Mayor Brantz closed the public comment on this case.

CASE 20160438 CAC REVISIONS – UDO TEXT AMENDMENT: Revisions to UDO Articles 2, 6, 15 and 25 to align the duties and responsibilities of the Community Appearance Commission with state law. Amendments may also be made to other Articles to conform them to changes made in these Articles.

Ms. Shook explained that in 2016 the Staff and Town Attorney began to review the responsibilities of the Community Appearance Commission and how they are aligned with the General Statutes. Ms. Shook said in their review of the responsibilities, they found that the existing UDO language gave powers to the CAC regarding deviations that needed to be changed. Ms. Shook said the proposed change brings the UDO language for the CAC responsibilities in alignment with the general statutes.

Mayor Brantz asked if this affects the Historic Preservation Commission. Ms. Meade said it does not affect the Historic Preservation Commission. She explained that CAC should not be making

decisions that should be appealed. She further explained that the UDO was allowing the CAC to review and make recommendations on zoning permit cases. She said the Administrator should be reviewing these cases and these cases should be appealed to the Board of Adjustment for their review and decision.

There were no public speakers on this case.

Mayor Brantz closed the public comment on this case.

CASE PL00258-020917 ARTICLE 24 PARKING REVISIONS – UDO TEXT AMENDMENT: Revisions to UDO Article 4 Parking. Amendments may also be made to other Articles to conform them to changes made in these Articles.

Ms. Shook noted that the Council has approved some of the amendments to UDO Article 24 Parking. She explained that this is the remainder of Article 24 with some revised changes that are outlined in the staff report.

Ms. Shook said that Article 24 is being presented at this public hearing to begin discussion on this topic to see if the Council and Planning Commission are comfortable with the proposed parking standards.

Ms. Meade explained that in the fall of 2016 the issue of minimum parking was drawn to the Staff's attention. She said the issue was that minimum parking was not sufficient. Ms. Meade said that Mr. Bill Bailey, former Director of Planning and Inspections began working on this issue and she took over and made some sufficient changes which resulted in a re-write of the article.

Ms. Meade said while she was revising Article 24, she addressed the two changes directed by Council for multi-family parking. She noted that it would be helpful, if Article 24 was reviewed for changes along with Article 15 and 16, especially with respect to parking structures.

Ms. Meade noted that the proposed changes raise some significant issues.

Discussion ensued on these significant issues. Ms. Meade asked for direction on parking as it relates to redevelopment and the percentage of parking needed for re-development of an existing building. She said as she reviewed the UDO's of other Towns, she saw where different Towns approach parking in different ways. She said some Towns have ten percent margin and the Town of Raleigh, North Carolina as a 25 percent margin. She noted this topic needs more discussion.

Ms. Meade gave another example of potentially allowing fee-in-lieu for parking in the Downtown district.

Mayor Pro-Tem Mason asked Ms. Shook to outline the parking requirements for the Downtown district. Ms. Shook referred to page 79 of the online meeting packet. Ms. Shook noted that the

new addition to the text are some revisions in the B-1 zoning district. Ms. Shook said that currently parking in the B-1 is the same as it is in throughout the entire jurisdiction. Ms. Shook said currently it allows for the exceptions for the existing buildings to a certain point and it adds the payment in lieu. Mayor Pro-Tem Mason asked if the Staff knew what the payment in lieu would be. Ms. Shook said the Staff does not yet know what that will be. Ms. Shook noted that it would be a substantial payment.

Discussion ensued regarding the need for different residential and commercial parking standards in the B-1 zoning district. Mayor Pro-Tem Mason noted that the Town does have public parking and potential parking decks that will absorb most of the commercial parking that do not park to stay in Town, they are coming and going throughout the day.

Mayor Pro-Tem Mason talked about the provision of more than ten motor vehicles. Ms. Meade said that the proposed language has to go hand in hand with the minimum and maximum parking table. Ms. Meade further explained that the existing parking language was drafted, when the thought was to have minimums for all uses.

Mayor Brantz asked about the commercial unloading zones in the Downtown area. He said that the proposed language does not address this topic. He also noted that he has heard complaints about large trucks obstructing the traffic lanes in the Downtown area.

Discussion ensued on the unloading zones in the Downtown area. Ms. Shook talked about the requirements for unloading zones. She noted that loading zones in a Downtown should be handled differently due to the permissible lot line to lot line construction. She further explained there are ways to manage unloading zones through Town Code requirements, such as restricting deliveries to a certain time of day.

Mr. Jim Byrne, Assistant Town Manager noted that in the new proposed design for Howard Street incorporates a whole new way of looking at loading zones. He said that Mr. John Ward, Town Manager has been working with Davenport Engineering on this issue. Mr. Byrne said the new proposed design will be carried out throughout the Downtown. Mr. Byrne said the new proposed design does not impose on the residential use, it is only for delivery trucks. Ms. Meade noted enforcement of these areas may be needed.

Mayor Pro-Tem Mason said she has noticed that delivery trucks in the Downtown area are not using the current delivery zones. Ms. Shook said that the Staff may need to review the size of the loading zones to accommodate the larger trucks.

Mr. Byrne said that the proposed design will include the education for the use of the loading zones. He said that they will see how the new design works on Howard Street first before they apply it throughout the rest of the Town.

Mayor Pro-Tem Mason asked Ms. Shook to review the minimum standards for residential parking. Ms. Shook explained the two changes adopted by Council. The changes allow for a

residential parking percentage of .7 percent for number of bedrooms and that a licensed engineer can submit a parking analysis or other research can be submitted to show how they are deviating from the parking minimum or maximum requirements.

Mayor Pro-tem Mason asked Ms. Shook about the Retirement Community in the current table and she referred to page 77 of the electronic meeting packet. Mayor Pro-Tem Mason pointed out that the table reads that there is one space per unit, plus one visitor's parking space and the table also says "dwelling units". Mayor Pro-Tem Mason asked if there is a difference between unit and dwelling unit. Ms. Shook said there is no difference but the language needs to be consistent.

Ms. Shook requested from the Council and Planning Commission that they email either herself or Ms. Meade with any questions or comments on the proposed revisions for their review.

Mayor Pro-Tem Mason asked Ms. Shook if she knows of other possible problem areas regarding parking that the Council needs to be made aware of.

Ms. Shook talked about another potential issue where Staff has no way to evaluate the parking for a development to see if they are providing sufficient parking for the businesses. She further explained that the parking can be reviewed and enforcement steps can be taken after a permit has been issued. Ms. Shook confirmed that if the developer is not going over the maximum parking requirement, they are in compliance.

Mayor Pro-Tem Mason asked Ms. Shook, if the other parking requirements in the table have been working except for residential. Ms. Shook noted that the Staff has concluded that the B-1 zoning district needs to be reviewed for changes to its parking standards that need to be different than what is required for any other place in Town. Ms. Shook there are occasional times, when a commercial property will need to go over the maximum for parking for their development.

Planning Commission Chairperson Boyle talked about adequate parking for residential areas. He said if parking requirements are not considered, there will be parking all over the area. He said we do not want anyone to have twice as much parking as what they need because of the additional asphalt, etc. He said he feels that the developer's business plan should be a part of the parking requirements. Ms. Shook noted that there are maximums parking requirements to prevent too much parking at a development.

Ms. Meade noted that the parking analysis and other research is only needed, when there is a deviation from the existing parking requirements.

Mayor Pro-Tem Mason talked about getting input from the Planning Commission and the Council regarding new residential units, she said she feels that parking spaces should be included in the developments because the Downtown area is not able to absorb this type of parking right now. She said this topic could be re-evaluated after the Town gets more parking garages. She also noted that the parking spaces need to be convenient to the Downtown area.

The only speaker for this case was Mr. Rob Holton from Holton Mountain Rentals. Mr. Holton said the .7 percentage for parking will work being close to the university campus. He said he felt that the parking should be more than one to one further away from the university campus. He noted that a lot of the university students that have a vehicle do ride the Applacart to campus.

ADJOURNMENT

At 6:06 p.m. Mayor Brantz adjourned the Council from the public hearing.

At 6:07 p.m. Commission Member Shay made a motion to adjourn the Planning Commission meeting to Monday, March 6, 2017 at 5:30 p.m., seconded by Commission Member Thompson.

VOTE:

Aye – All

Nay – None

The motion passed.

Rennie Brantz, Mayor

Marlene Crosby, Board Secretary

Connor Boyle, Planning Commission Chairperson

Zoning/Planning Permit Application

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

PERMIT IS FOR (CHOOSE ONE):

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

A. CONTACT INFORMATION

Applicant: Dayton T. Cole Company: Appalachian State University
Address: PO Box 32126, Boone, NC 28608
Phone Number: 828.262.2751 Email Address: coledt@appstate.edu
Property Owner: Appalachian State University Company: _____
Address: c/o Office of General Counsel, PO Box 32126, Boone, NC 28608
Phone Number: 828.262.2751 Email Address: coledt@appstate.edu

B. PROPERTY INFORMATION

Watauga County Parcel Identification Number(s): 2910-24-3993-000
Address/Location: 949 Blowing Rock Rd.
Project Name: _____

C. PERMIT SUBCATEGORIES

Additional Forms Needed

Zoning Permits

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

Board of Adjustment Hearings

- | | |
|--|---|
| ☐ Special Use Permit/Modification | *Special Use Permit Form |
| ☐ Variance | *Variance Form |
| ☐ Major Subdivision Preliminary Plat Approval | *Major Subdivision Preliminary Plat Approval Form |

Planning/Other

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

D. PROJECT DESCRIPTION

The State of North Carolina acquired the property in 2005, and allocated it for use by Appalachian State University. The University has used the property for student housing. More recently, the kitchen has been renovated for the purpose of operating a brewery for academic instruction and research. See attached.

E. PROJECT MANAGER DESIGNATION

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

Name: _____ Company: _____
 Address: _____ License #: _____
 Phone Number: _____ Email Address: _____

F. DESIGN PROFESSIONAL INFORMATION

Engineer:

Name: _____ Company: _____
 Address: _____ License #: _____
 Phone Number: _____ Email Address: _____

Architect:

Name: _____ Company: _____
 Address: _____ License #: _____
 Phone Number: _____ Email Address: _____

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

Dayton T. Cole
 Applicant¹ (Print)

Dayton T. Cole
 Applicant Signature

3/9/17
 Date

Appalachian State University
 Property Owner (Print)

Dayton T. Cole
 Property Owner Signature

3/9/17
 Date

Official Use Only

Project File Name:

ASU Panhellenic Hall- Rezoning

Permit Number:

Project Name/Number:

PL 00320 - 030917

Date: 03-09-2017	Fee: \$300.00	Receipt Number: 799795	Method of Payment: ✓ #: 1025224	Paid By: Appalachian State University
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¹ Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person must be submitted along with this application. Execution by property owner of this application signifies that the applicant is authorized to proceed.

General Use Zoning Map Amendment

Project Data Form

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

Official Use Only

Project Name/Number:

Permit Name/Number:

PL00320 - 030917

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

A. ADDITIONAL APPLICATION INFORMATION

Hearing Date Requested¹: March 27, 2017

B. DEVELOPMENT INFORMATION

Existing Zoning District(s): BOB3 Proposed Zoning District(s): U-1

Existing Land Use(s): Student housing

Adjacent Land Use(s): N: Outdoor theater, museum, market E: Bank, offices

W: Retail, restaurant, commercial S: Bank, restaurant, fuel/convenience store

Are there are any existing variances granted to the property? ☐ Yes ☐ No ☒ Unknown

If yes, describe: _____

Total Land Area: 5.48 acres

C. DOCUMENTS REQUIRED FOR SUBMITTAL

- ☐ Application Fee
- ☐ Deed(s) of all property included in the request
- ☐ A written metes & bounds legal description with accompanying survey map is required for a request that would rezone only a portion of a tax parcel or requests for multiple zoning districts

D. PROPERTY OWNER SIGNATURE:

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

Appalachian State University
Property Owner (Print)


Property Owner Signature

3/9/17
Date

¹ Each applicant must provide the meeting date for which they wish their request to appear. Each completed application must have met published meeting deadlines.

Official Use Only

Public Hearing Meeting Date: 03-27-17

PC Meeting Date: 03-27-17

TC Meeting Date: 04-20-17

Date of APO Mailed Notification: 03-10-17

Date of Posted Notification:

Project Approved: ☐ Yes ☐ No

Date Order Recorded:

Order Recordation Information: Book: Page: S:\FORMS\FORMS_2015\GeneralUseZoningMapAmendmentProjectDataForm_062015.doc

**Attachment to Zoning Permit Application
Appalachian State University
Appalachian Panhellenic Hall
949 Blowing Rock Road**

Section D. Detailed Description of Project, continued

The university will seek inspection/zoning compliance approvals in support of its application to the North Carolina ABC Commission for permits to conduct brewery and distilling operations (fuel production for laboratories) on a small scale in the near future. Federal permits have been obtained, and the brewery has been operated since 2012 in the Broyhill Inn and Conference Center facility.

[Space Above This Line For Recording Data]

Watauga County NC 05/16/2005
State of North Carolina
Real Estate Excise Tax
Excise Tax: \$19600.00

Excise Tax: 19,600.00

Recording Time, Book & Page
File Number: 12050195 (ST)

State of North Carolina

WARRANTY DEED

County of Watauga

This Deed, made this 12th day of May, 2005, by and between

ACC BOONE, LLC, a North Carolina Limited Liability Company
(hereinafter called "Grantor")

and

✓ **STATE OF NORTH CAROLINA**
Department of Justice
9001 Mail Service Center
Raleigh, NC 27699-9001
(hereinafter called "Grantees")

WITNESSETH

TAX INFORMATION
RECORDED
May 16-05 BC
TAX DEPARTMENT

Grantor(s) for and in consideration of the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION to them paid by the said Grantee(s), the receipt of all of which is hereby acknowledged, have, subject to any exceptions, conditions, provisions, restrictions or reservations herein contained, bargained and sold, and by these presents do grant, bargain, sell and convey unto the said Grantees, their heirs, successors and assigns, all that certain tract(s) or parcel(s) of land lying and being in **Boone Township, Watauga County, North Carolina**, more particularly described as follows:

BEING 5.48 acres as described on Exhibit "A" attached hereto and incorporated herein by reference.

Return to Grantee

Prepared by: **di Santi Watson Capua & Wilson**
P O Box 193, 642 West King Street
Boone, NC 28607

20050516000063590 DEED
Bk:BR1075 Pg:847
05/16/2005 09:08:42AM 3/4

Exhibit "A"
To Deed from ACC Boone, LLC
To
State of North Carolina

BEING 5.48 acres as shown and described on plat recorded in Plat Book 17, Page 139, Watauga County Registry, to which plat reference is hereby made.

This conveyance is subject to the following restrictive covenant: Grantee intends to use the improvements constructed on the property as a dormitory residence for students attending Appalachian State University. For so long as Grantee holds title to the property, the improvements constructed on the property shall not be used as a hotel or otherwise as an overnight lodging facility open to the public. Provided, that this restriction shall not prevent Grantee's future transfer of the property free of this restriction.

The Grantor reserves a right of first refusal in letter form in favor of the Grantor to repurchase the Premises from Grantee at the same price and under the same terms and conditions as are offered to Grantee by a third party; provided however, such right of first refusal must be exercised by Grantor's execution and delivery to Grantee of an identical contract within thirty (30) days following its receipt of a copy of such third party's written offer. If the right of first refusal is not so exercised, it shall be deemed by the parties to have been waived and extinguished. Notice of this first right of refusal shall survive the closing and be made in writing to the Grantor at the above noted address or to a subsequent address as notified in writing to the Grantee.

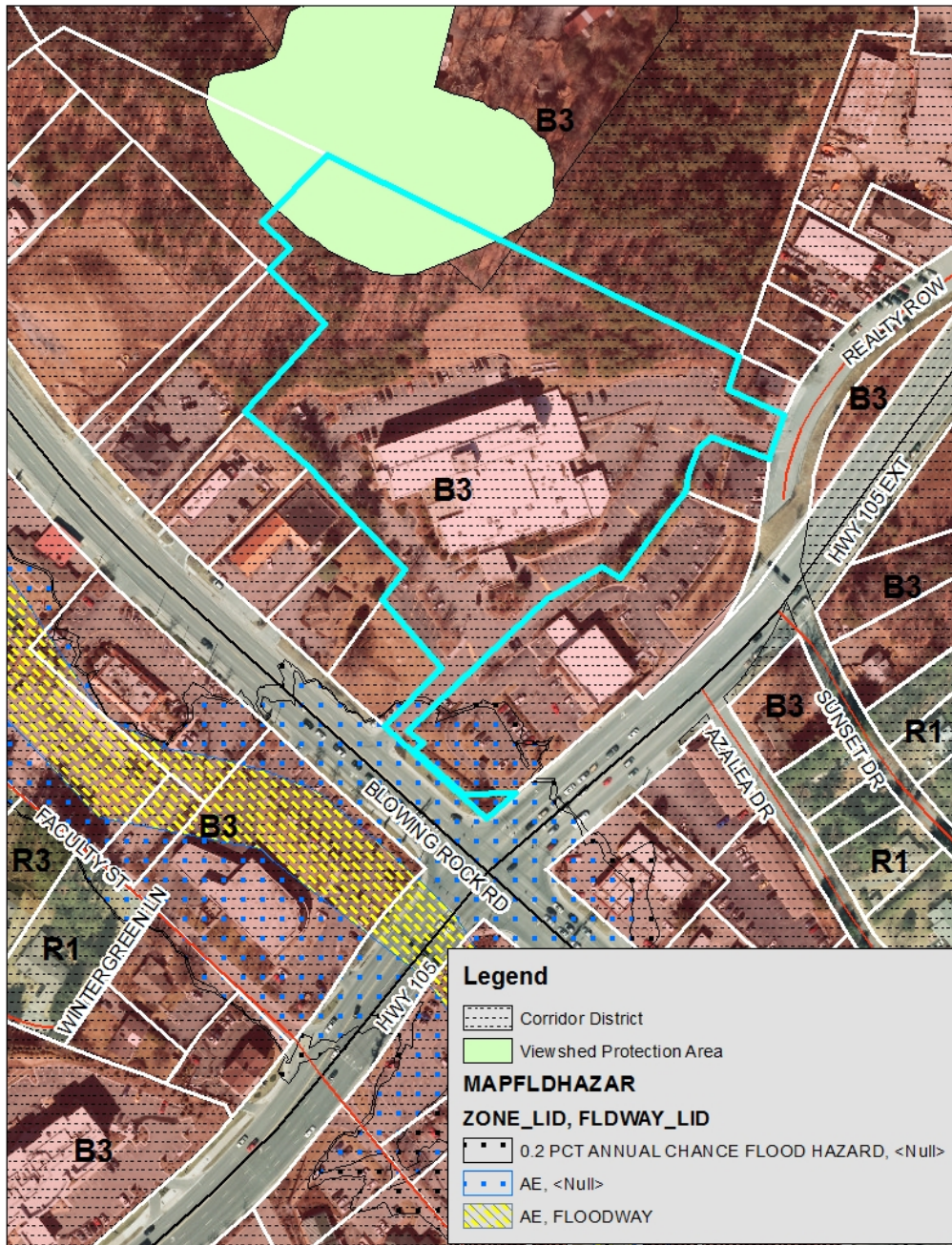
This conveyance is subject to that certain Cross Access and Parking Easement Agreement recorded in Book 83, Page 89, Watauga County Registry; Rights of Way recorded in Book 157, Page 228, Book 534, Page 312, Book 95, Page 548, Book 317, Page 335, Book 168, Page 725, Book 168, Page 728, Book 168, Page 730 and Book 168, Page 733, Watauga County Registry; and Agreement for Reciprocal Easements recorded in Book 589, Page 313, Watauga County Registry, to which reference is hereby made.

Sjt\reestate\state of north Carolina\legal description.doc/12050195



STAFF REPORT
PUBLIC HEARING
MARCH 27, 2017

CASE PL00320-030917 ASU (STATE OF NC) GENERAL USE ZONING MAP AMENDMENT



REQUEST

Dayton Cole with Appalachian State University (State of North Carolina) has filed a Planning Permit Application for a General Use Zoning Map Amendment to rezone 949 Blowing Rock Road Street from B3 General Business to U1 University.

APPLICANT INFORMATION

Applicant Name/Position: Dayton Cole, General Counsel
Applicant Organization: Appalachian State University
Applicant Address: PO Box 32126, Boone, NC 28608
Applicant Contact Phone: (828) 262-2751
Applicant Email: coledt@appstate.edu

PARCEL INFORMATION

Address: 949 Blowing Rock Road
Watauga County PINs: 2910243993000
Property Owner: NC Department of Justice
Total Lot size: 5.48 acres
Jurisdiction: Corporate limits
Access: Blowing Rock Road (NCDOT maintained) and Realty Row (Town maintained)
Topography: Approximate 132' change in elevation from (NW to SE)
SFHA: Yes (small portion of Blowing Rock Rd. driveway is located in the AE zone)
Watershed District: No
Corridor District: Yes
NCD: No
Viewshed: Yes (upper SW corner of property)
Transit Route: Yes
Utilities: Town water and sewer are available.
Current Zoning: B3 General Business
Vesting: NA
2030 Plan Designations: O1 Preserved Open Space, University Campus, Regional Mixed Use Center
Current Uses: ASU Residence Hall

Zoning & Use of Adjacent Properties		
	Adjacent Zoning	Adjacent Land Use
North	B3 General Business	Town owned property (laydown yard and Horn in the West)
East	B3 General Business	Commercial (office, financial institution, etc)
South	B3 General Business	Commercial (office, retail, restaurant)
West	B3 General Business	Commercial (medical office) and vacant

IMPACT ANALYSIS**Zoning District Descriptions:**

B3: The B3 General Business District is established to provide a wide range of consumer goods, convenience goods and personal services for the community and surrounding region. Appropriate residential uses are allowed in this district, normally as part of mixed-use developments. The regulations for this district are designed and intended to create a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment for all appropriate uses.

U1: Per UDO Subsection 14.0301, educational districts are established to provide areas which promote the enhancement of compatible educational institutions and opportunities within the Town's planning area while preserving the overall small-town character of Boone. For their principal and accessory uses, the entities which are subject to the U1, E1 and E2 districts may only function within those districts. Uses allowed in those districts must be integral to the entity or must be specifically identified and authorized for those districts in the Table of Principal Uses, Table of Accessory Uses and Table of Temporary Uses.

The U1 University District is established for Appalachian State University (ASU). This district is intended to provide for the planning and expansion of ASU's main campus that is consistent with the Town's overall planning objectives. Specific uses listed in the U1 column in the Table of Principal Uses, the Table of Accessory Uses, and the Table of Temporary Uses are only allowed if they are associated with and have the approval of the institution authorized under Use Category 9.01 and 9.02.

Permissible Uses:

UDO Article 15, Section 15.07 contains the Table of Principal Uses, which should be read in conjunction with the definition of terms set forth in UDO Article 34. Below is a comparison of the uses allowed in the B3 and U1 zoning districts.

15.07 Table of Principal Uses

Use #	Specific Use	Zoning Districts		Reference
		B3	U1	
1.0 Household Living				
1.01	Single-Family Dwelling		P	
1.02	Manufactured Home “Class A”		P	15.08
1.03	Manufactured Home “Class B”			15.08
1.04	Manufactured Home “Class C”			
1.05	Manufactured Home Park			15.09
1.06	Duplex (one duplex building per lot)		P	
1.07	Duplex (more than one duplex building per lot)		L	15.10
1.08	Townhouse (up to 30 bedrooms)		L ^{T50}	15.10
1.09	Townhouse (31-100 bedrooms)		L ^{T75}	15.10
1.10	Townhouse (> 100 bedrooms)		L ^{T125}	15.10
1.11	Multi-Family Dwelling (up to 30 bedrooms)		L ^{T125}	15.10
1.12	Multi-Family Dwelling (31-100 bedrooms)		L ^{T200}	15.10
1.13	Multi-Family Dwelling (> 100 bedrooms)		L ^{T300}	15.10
1.14	Multi-Family Dwelling in Mixed Use (up to 30 bedrooms)	L	L ^{T75}	15.11
1.15	Multi-Family Dwelling in Mixed Use (31-100 bedrooms)	L ^{T125}	L ^{T75}	15.11
1.16	Multi-Family Dwelling in Mixed Use (> 100 bedrooms)	L ^{T200}	L ^{T75}	15.11
2.0 Group Living				
2.01	Family Care Home		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			15.14
2.05	Nursing Care Home	L	L	15.14
2.06	Nursing Care Institution	L ^{T125}		15.14
2.07	Skilled Nursing Facility	L ^{T300}		15.14
2.08	Retirement Community, Category 1		L	15.15
2.09	Retirement Community, Category 2		L ^{T125}	15.15
2.10	Residence Hall, Category 1	L	L	15.15
2.11	Residence Hall, Category 2	L ^{T200}	L ^{T200}	15.15
2.12	Residence Hall, Category 3	L ^{T300}		15.15

Use #	Specific Use	Zoning Districts		Reference
		B3	U1	
2.13	Fraternity or Sorority Dwelling		pT300	15.16
2.14	Boarding House	L	P	15.17
3.0 Transient Living				
3.01	Home for Survivors of Domestic Violence		L	15.18
3.02	Shelter for Homeless, Category 1	L ^{T50}	L ^{T50}	15.19
3.03	Shelter for Homeless, Category 2	L ^{T300}	L ^{T300}	15.19
3.04	Bed and Breakfast, Category 1		L	15.20
3.05	Bed and Breakfast, Category 2	L ^{T125}	L ^{T125}	15.20
3.06	Vacation Rental	L ^{T75}	L ^{T75}	15.21
3.07	Motel	pT300	pT300	
3.08	Hotel	pT200	pT200	
4.0 Institutional Uses				
4.01	Airport/Landing Strip			15.22
4.02	Heliport		S ^{T300}	15.22
4.03	Funeral Home Establishment	P	P	
4.04	Cemetery	P	P	
4.05	Post Office	P	P	
4.06	Post Office, Distribution			
4.07	Animal Sanctuary		S ^{T300}	
5.0 Government Uses				
5.01	Government Cultural Facility	P	P	
5.02	Government Neighborhood Cultural Facility, Indoor Activity Only	P	P	
5.03	Government Neighborhood Cultural Facility, Includes Outdoor Activity	P	P	
5.04	Recreation Facility, Category 1	P	P	
5.05	Recreation Facility, Category 2	P	P	
5.06	Recreation Facility, Category 3	p ^{T50}	p ^{T50}	
5.07	Event Venue, Category 1	P	P	
5.08	Event Venue, Category 2	P	P	
5.09	Event Venue, Category 3	p ^{T50}	p ^{T50}	
5.10	Landfill			
5.11	Solid Waste Processing			
5.12	Police Substation	P	P	
5.13	Utility Facility, Town	L	L	15.23
5.14	Utility Facility, Government, Neighborhood	L	L	15.23
5.15	Utility Facility, Government, Regional	L ^{T300}	L ^{T300}	15.23
5.16	Government Facility	P	P	
6.0 Non-Government Utility Facility				
6.01	Utility Facility, Neighborhood	L	L	15.23
6.02	Utility Facility, Regional	L ^{T300}	L ^{T300}	15.23
7.0 Telecommunications				
7.01	Antenna Collocation on Existing Wireless Support Structure not requiring additional accessory equipment	P	P	
7.02	Antenna Collocation on Existing Wireless Support Structure requiring additional accessory equipment	L	L	15.24
7.03	Building Mounted Antenna not requiring additional accessory equipment	L	L	15.24
7.04	Building Mounted Antenna requiring additional accessory equipment	L	L	15.24
7.05	Antenna Collocation on Electrical Transmission Towers			15.24
7.06	Other Antenna	L	L	15.24
7.07	Wireless Support Structure which meets district height requirements	L	L	15.24
7.08	Stealth Wireless Facility which exceeds district height requirements	L	L	15.24
7.09	Wireless Support Structure which does not meet district height requirements up to and including 120'		L	15.24

Use #	Specific Use	Zoning Districts		Reference
		B3	U1	
7.10	Other Tower that exceeds 120' in height			15.24
7.11	Emergency Response Communication Antenna	P	P	
8.0 Assembly				
8.01	Religious Assembly, Category 1	P	P	
8.02	Religious Assembly, Category 2	P	P	
8.03	Religious Assembly, Category 3	pT200	pT200	
8.04	Club/Lodge, Category 1	pT75	P	
8.05	Club/Lodge Which Does Not Serve Alcohol	P	P	
9.0 Education				
9.01	Appalachian State University		P	
9.02	Caldwell Community College and Technical Institute		P	
9.03	Other Public Colleges and Universities			
9.04	Private Colleges and Universities	pT300		
9.05	Trade School	pT200	P	
9.06	High School		P	
9.07	Elementary School			
9.08	Boarding School	pT300	P	
9.09	All other Educational Facilities			
10.0 Daycare				
10.01	Child Daycare, Large	L	P	15.25
10.02	Child Daycare Center	L	P	15.25
10.03	Adult Daycare, Large	L	P	15.25
10.04	Adult Daycare Center	L	P	15.25
10.05	All Other Daycare			
11.0 General Sales and Service				
11.01	Kennel	L ^{T125}		15.26
11.02	Veterinary Office/Hospital with Outdoor Kennels	L ^{T125}	L ^{T125}	15.26
11.03	Veterinary Office/Hospital without Outdoor Kennels	P	P	
11.04	Financial Institution ≤ 5,000 ft ²	P	P	
11.05	Financial Institution > 5,000 ft ²	P	P	
11.06	Restaurant ≤ 2,500 ft ² open to the public during 10 pm – 6 am	pT75	P	
11.07	Other Restaurants ≤ 2,500 ft ²	P	P	
11.08	Restaurant > 2,500 ft ² open to the public during 10 pm – 6 am	pT200	P	
11.09	Other Restaurants > 2,500 ft ²	pT125	P	
11.10	Bar			
11.11	ABC Store	P		
11.12	Personal Service Establishment open to the public during 10 pm – 6 am	pT75	P	
11.13	Other Personal Service Establishments	P	P	
11.14	Retail Store up to 5,000 ft ²	P	P	
11.15	Retail Store more than 5,000 but less than 25,000 ft ²	pT200	P	
11.16	Retail Store 25,000 ft ² and greater	L ^{T300}		15.27
11.17	Shopping Center/Mall	S ^{T300}	S ^{T125}	15.28
11.18	Business or Professional Office open to the public during 10 pm–6 am	pT75	P	
11.19	Other Business or Professional Office	P	P	
11.20	Medical Office, Category 1	pT300	P	
11.21	Medical Office, Category 2	pT125	P	
11.22	Medical Office, Category 3	pT125	P	
11.23	Medical Office, Category 4	P	P	
11.24	Hospital		pT300	
11.25	Medical Emergency Response	pT300		
11.26	Open Air Market, Recurring	L ^{T75}	L ^{T75}	15.29
11.27	Vehicle Sales and Service	L ^{T75}		15.30

Use #	Specific Use	Zoning Districts		Reference
		B3	U1	
11.28	Equipment Sales and Service	L ^{T125}		15.31
11.29	Moped Sales and Service	P		
11.30	Boat or Marine Craft Sales and Service	L ^{T75}		15.32
11.31	Impound Lot/Towing Service	L ^{T125}	P	15.33
11.32	Gas Station	p ^{T125}	P	
11.33	Car Wash	p ^{T125}	P	
11.34	Seasonal Retail Activities and Amusements	P	P	
12.0 Recreation				
12.01	Indoor Shooting Range	L ^{T75}	P	15.34
12.02	Outdoor Shooting Range			
12.03	Indoor Theater	P	P	
12.04	Outdoor Theater	p ^{T125}	P	
12.05	Event Venue, Category 1	P	P	
12.06	Event Venue, Category 2	p ^{T125}	P	
12.07	Event Venue, Category 3	p ^{T200}	P	
12.08	Campground and Recreational Vehicle Park	L ^{T200}	L	15.35
12.09	Coliseum	S ^{T300}	p ^{T300}	
12.10	Recreation Facility, Category 1	P	P	
12.11	Recreation Facility, Category 2	p ^{T50}	P	
12.12	Recreation Facility, Category 3	p ^{T200}		
12.13	Racetrack			
13.0 Agriculture				
13.01	Garden, Community	L	P	15.36
13.02	Garden, Residential	L	L	15.37
13.03	Agricultural Operation Excluding Livestock			
13.04	Agricultural Operation Including Livestock			
13.05	Swine Farm			
13.06	Confined Animal Feeding Operation (CAFO)			
13.07	Custom Slaughterhouse			
13.08	Other Slaughterhouse			
13.09	Forestry	L	L	15.38
14.0 Manufacturing				
14.01	Microbrewery	L ^{T125}	L	15.39
14.02	Brewpub	L ^{T125}	L	15.39
14.03	Brewery/Distillery	L ^{T125}	L	15.40
14.04	Brewery/Distillery, Other			15.41
14.05	Winery Associated with a Vineyard		L	15.42
14.06	Winery	L ^{T125}	L	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			15.45
15.0 Parking				
15.01	Parking Lot	L	P	15.46
15.02	Parking Structure	L	P	15.47
15.03	Park and Ride Lots	L	P	15.46
16.0 Storage				
16.01	Mini-Storage	L ^{T75}	P	15.48
16.02	Outdoor Storage		P	15.49
16.03	Warehouse		P	
16.04	Fuel Storage Facility	p ^{T300}		
16.05	Chemical Storage Facility			

Use #	Specific Use	Zoning Districts		Reference
		B3	U1	
17.0 Transportation				
17.01	Passenger Terminals	pT200	pT200	
17.02	Trucking or freight terminal ≤ 10,000 ft²	pT125		
17.03	Trucking or freight terminal > 10,000 ft²			
18.0 Waste Related Uses				
18.01	Recycling Drop-off Station		P	15.49
18.02	Recycling and Salvage			15.49
18.03	Junkyard			
18.04	Private Landfill			
19.0 Particular Activities which pose Particular Concerns about Public Health				
19.01	Electronic and Internet Gaming	S		15.50
19.02	Adult Establishments	S		15.51

15.07.01 Table of Accessory Uses

Use #	Accessory Uses	Zoning Districts		Reference
		B3	U1	
A-1	Secondary Suite	L	L	15.52
A-2	Home Occupation	L	L	15.53
A-3	Accessory Dwelling Unit	L	L	15.54
A-4	Drive-Through	L	L	15.55
A-5	Outdoor Display	L	L	15.56
A-6	Outdoor Storage	L	L	15.57
A-7	Outdoor Dining	L	L	15.58
A-8	Automated Teller Machine (ATM)	P	P	
A-9	Automated Teller Machine (ATM), Freestanding	L	L	15.59
A-10	Produce Stand		L	15.60
A-11	Poultry	L	P	15.61
A-12	Livestock, Small	L	P	15.62
A-13	Livestock, Large			15.63
A-14	Bees	L	P	15.64
A-15	Garden, Residential	L	P	15.65
A-16	Satellite receiving antennas less than 1 meter in diameter	P	P	
A-17	Satellite receiving antennas less than 2 meters in diameter	P	P	
A-18	Satellite receiving antennas 2 meters and greater in diameter	S	P	
A-19	Helistop	ST300	ST300	
A-20	Swimming pools, spas, and hot tubs	L	L	15.66
A-21	Caretaker's residence	L	L	15.67
A-22	Vehicular Gate	L	L	15.68
A-23	Vehicle Washing Station	P	P	
A-24	Chemical Storage Facility	pT125	P	
A-25	Open Air Market, Accessory	L	L	15.29
A-26	Daycare, Small	P	P	

15.07.03 Table of Temporary Uses

Use #	Temporary Uses	Zoning Districts		Reference
		B3	U1	
T-1	Temporary Care Provider Dwelling	L	L	15.69
T-2	Temporary Construction or Repair Dwelling	L	L	15.69
T-3	Temporary Construction Trailer	L	L	15.69
T-4	Temporary Mobile Medical Unit	L	L	15.69
T-5	Temporary Classroom	L	L	15.69
T-6	Temporary Portable Storage Containers			15.69
T-7	Temporary Staging	L	P	15.69
T-8	Temporary Non-Fixed Site Event Venue	L	P	15.69
T-9	Carrier on Wheels (COW)	L	L	15.69
T-10	Yard Sales	L		15.69
T-11	Itinerant Merchant/Peddler	L		15.69
T-12	Open Air Market, Temporary	L	L	15.29

Intensity Regulations: Per UDO Section 16.01 development shall comply with the intensity regulations indicated in the Intensity Table (below) with the following exceptions (as noted in Subsection 16.01.01):

16.01.02 Intensity Table

Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	Minimum Livability Space Ratio (LSR)	Setbacks	
					Street	Interior
B3	5,000 sq. ft.	50 ft.	40 ft.	.27	20 ft.	17 ft.
U1	None*	None*	None*	.27	16.06.09	16.06.08

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.

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

Building Height Limitations: Subject to other provisions of UDO Section 16.08, building height limitations in the B3 and U1 shall be as follows:

Zone	Height Limitation (Feet)
B3	3 stories/45' (primary) – 5 stories/67' (secondary)
U1	Refer to Subsection 16.08.09

UDO Subsection 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 building proposed within 100 feet of an R1, R1A, RR, R2, R4, or RA zoned property shall be limited to a maximum height of 3 stories/45 feet.
- B. All building proposed within fifty feet (50') of an R3, OI, B1, B2, or B3 zoned property shall be limited to the maximum height allowed in the adjoining district. Additional height restrictions in Subsection 16.08.04 and 16.08.05 shall not apply in the U1 district.

CONFORMITY TO ADOPTED PLANS

COMPREHENSIVE PLAN UPDATE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 Board should review these policies carefully. Each member may make his or her own interpretation as to the relevance of each and which carry the most weight thereby shaping their overall recommendation.

2.1 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.
- D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas.
- 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.

2.3 THE COMMUNITY

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

2.3.2 Community Character

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

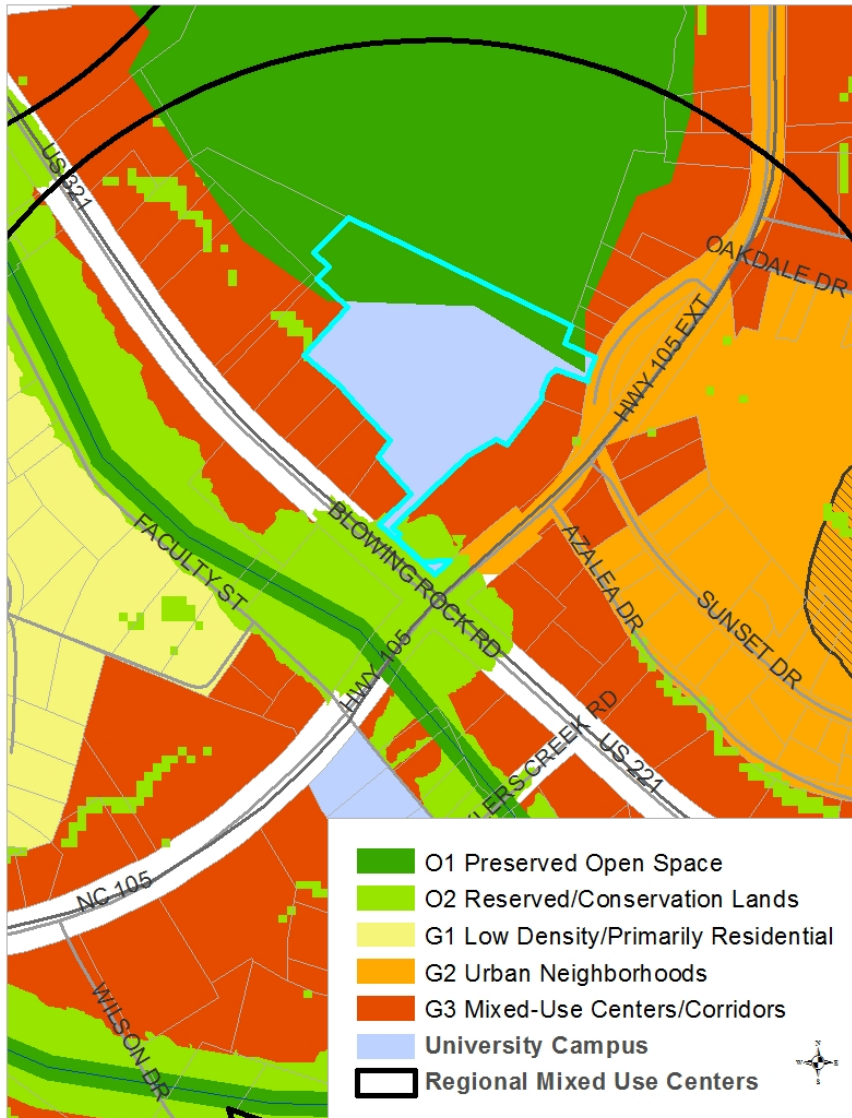
2.3.3 Housing & Neighborhoods

- 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.

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.

BOONE 2030 LAND USE PLAN



The 2030 Land Use Plan works together with the Town's Comprehensive Plan and other plans and programs to provide for the Town's long range growth. The Land Use Plan is a three-dimensional framework for the comprehensive plan and serves as the basis for all the facility and service needs of the Town. The Land Use Plan serves as the guiding vision and policy basis for determining the appropriateness of any development or redevelopment that is proposed for the Town's planning jurisdiction.

These properties are located within multiple sectors as shown on the Framework Map in the Boone 2030 Land Use Plan. These sectors include the O1 Preserved Open Space sector, the University Campus (existing schools) sector and a Regional Mixed-Use Center.

The O-1 sector represents the basic "green infrastructure" of the community providing critical habitat for wildlife; protection of water quality and protection from flooding and erosion; and needed recreation and greenspace for the human habitat. This category, indicated in dark green on the Framework Map, comprises lands that are already

non-developable, such as wetlands, required stream buffers, and parks. For Boone, this sector specifically consists of:

- existing parks & greenways
- wetlands and streams
- 25 ft stream buffer - standard
- 30 ft stream buffer - watershed area
- 35 ft stream buffer - steep slopes
- federal or state lands
- conservation easements
- cemeteries

Appropriate Land Uses/Development Types:

- conservation areas
- parks & greenways
- limited agricultural/forestry uses
- water access areas ..
- limited civic uses such as schools ..

In addition to the geographic sectors, the Framework Plan indicates two related special land uses: the existing schools and other civic sites such as the hospital, the community college, and the library. The ASU's main campus property is shown in light blue. These civic and institutional uses properties are related to the community's permanent green infrastructure since large pieces of land on many these properties will continue be undeveloped open space. Recommended details of the ASU campus/downtown Boone interface are laid out in Section 7, Downtown Boone. Additional recommendations for Town/Campus coordination are included in Section 6, Transportation and Section 8, Focus Areas, and in the implementation matrix in the Executive Summary.

Regional Centers are mixed-use activity centers with employment and commercial uses that attract people from beyond the immediate neighborhoods and from surrounding communities. These centers are appropriate for commercial and employment development as well as the area's highest density housing. The area of these centers is based on a 1/2 mile radius (a typical 10-minute walk)—the larger black circles on the map. Regional centers are envisioned for downtown Boone and the historic university core; around the hospital and the current high school site; and at the intersection of US 321 and NC 105; and around the intersection of US321 and Shadowline Drive. These centers will provide the highest concentrations of residential and employment in the Plan area.

ULTIMATE ISSUE BEFORE COUNCIL (UDO SECTION 9.07)

Per UDO Section In deciding whether to adopt a proposed amendment to this Ordinance, the central issue before the Council is whether the proposed amendment advances the public health, safety, or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the Mayor and be excluded. In particular, when considering proposed general use map amendments:

- A. The Council shall not consider any representations made by the petitioner that if the change is granted the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Council shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.
- B. The Council shall only consider the impact of the proposed change on the public at large.

CERTIFICATION OF NOTIFICATION BY MAIL

I, Brenda Henson, certify that individual notices meeting the requirements of Article 9, Subsection 9.03.03(B)(2) of the Town of Boone UDO were placed in the mail (first class) on March 17, 2017.

Brenda Henson, Administrative Support Specialist

CERTIFICATION OF POSTING

I, Chris Hughes, certify that the subject property was posted as required in Article 9, Subsection 9.03.03(C) of the Town of Boone UDO on March 17, 2017.

Chris Hughes, P & I Staff

PLANNING BOARD REPORT

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

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

First motion and vote: The proposed Amendment to the Town's zoning map ☐is OR ☐is not consistent with the Town's comprehensive plan and other applicable adopted plans of the Town which relate to this application because:

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

TOWN COUNCIL ACTION

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

First motion and vote: The proposed amendment to the Town's zoning map ☐is OR ☐is not consistent with the Town's Comprehensive plan and other applicable adopted plans of the Town which relate to this application because:

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

Zoning/Planning Permit Application

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

PERMIT IS FOR (CHOOSE ONE):

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

A. CONTACT INFORMATION

Applicant: Town of Boone Company: _____
Address: PO Drawer 192, Boone, NC 28607
Phone Number: _____ Email Address: _____
Property Owner: _____ Company: _____
Address: _____
Phone Number: _____ Email Address: _____

B. PROPERTY INFORMATION

Watauga County Parcel Identification Number(s): NA
Address/Location: NA
Project Name: Article 24 Parking, Revisions- UDO Text Amendment

C. PERMIT SUBCATEGORIES

Additional Forms Needed

Zoning Permits

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

Board of Adjustment Hearings

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

Planning/Other

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

D. DETAILED DESCRIPTION OF PROJECT

See Project Data Form

E. PROJECT MANAGER DESIGNATION

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

Name: NA Company: _____
 Address: _____ License #: _____
 Phone Number: _____ Email Address: _____

F. DESIGN PROFESSIONAL INFORMATION**Engineer: NA**

Name: _____ Company: _____
 Address: _____ License #: _____
 Phone Number: _____ Email Address: _____

Architect: NA

Name: _____ Company: _____
 Address: _____ License #: _____
 Phone Number: _____ Email Address: _____

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

Jane Shook
Applicant¹ (Print)

Jane Shook
Applicant Signature

02/09/2017
Date

NA
Property Owner (Print)

NA
Property Owner Signature

NA
Date

Official Use Only

Project File Name:

Article 24 Parking, Revisions- UDO Text Amendment

Permit Number:

PL00258-020917

Project Name/Number:

NA

Date:	Fee:	Receipt Number:	Method of Payment:	Paid By:
February 9, 2017	NA	NA	NA	NA

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

UDO Text Amendment Project Data Form

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

Official Use Only

Project Name/Number:

Permit Name/Number:

PL00258-020917/Article 24 Parking, Revisions

A. TEXT INFORMATION

Amendment is to:

Article(s): Article 24

Section(s): varies

Brief Description of Amendment (Attach Proposed Text):

Modification of the UDO text regarding Parking to modernize requirements

Reason for Change: Modifications requested by Council

Official Use Only

Public Hearing Meeting Date: February 27, 2017

PC Meeting Date: February 27, 207

TC Meeting Date: March 16, 2017

Text Approved: ☐ Yes ☐ No

Date UDO Updated: _____

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Communication: PL00258 Planning Permit Information (Case PL00258-020917 Article 24 Parking Revisions: Revisions to UDO Article 24



**STAFF REPORT
PUBLIC HEARING
CASE PL00258-020917 PARKING REVISIONS, UDO TEXT AMENDMENT**

Request

The Town of Boone has initiated a text amendment to modify the UDO regulations related to Article 24 Parking. Amendments may also be made to other Articles to conform them to changes made in Article 24 Parking.

Note: This text amendment has been published for discussion. Text will be modified before brought to a final public hearing.

Analysis

Many of these changes were first proposed in 2016 at Council's request. A portion related to multi-family standards, required number of parking spaces at time of development approval, adjustments of minimum and maximums parking requirements and parking for proposed uses not identified in the parking table were adopted in November 2016 with the direction that the remainder of the text be brought forth at a later date.

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

ARTICLE 24 PARKING

24.01 Parking Spaces Required

- 24.01.01** All developments in all zoning districts shall initially and continually provide a sufficient number of permanent off-street motor vehicle and bicycle parking spaces, in compliance with this Article, to accommodate the ~~number of vehicles that ordinarily are likely to be attracted to the development in question~~ residents, employees, customers, visitors and others who may spend time at that development.
- 24.01.02** Unless otherwise expressly stated, every development shall provide the parking spaces required per Table 24.01 below and the other provisions of this Article. ~~The number of off-street vehicle parking spaces included in a development shall comply with the standards in this Article.~~ Parking spaces may be provided in a parking structure. For uses not covered in Table 24.01, the parking requirements shall be as determined by the Administrator as set forth at subsection 24.01.11 below.
- 24.01.03** Unless otherwise expressly stated, these requirements apply as follows:~~to:~~
- A. -New Construction. ~~All~~ Any new buildings or structures~~being constructed~~ must provide parking as required by this Article at such times as a Certificate of Occupancy or other zoning Certificate required for use or occupancy is issued.~~;~~~~or~~

B. Additions & Renovations.

1. A building or site may be renovated or repaired without providing additional parking provided that there is no increase in gross floor area or improved site area, subject to the provisions of subsection (C) below.
2. When~~ever~~ an existing building, use and/or occupancy is enlarged or expanded to include additional dwelling units, floor area, seating capacity, or other units of measurement used for establishing parking and loading requirements, parking is required for the ;~~provided, however, that~~
1. ~~Any additional off-street parking and loading spaces are required only as needed to serve the enlarged or expanded building area, use or occupancy only, not the entire building or use; provided, however, that if the enlarged area, use or occupancy would require an increase of less than ten (10) percent in the required number of parking spaces or fewer than four (4) spaces, no additional motor vehicle parking shall be required.]; ~~and or~~~~

C. Change of Use or Occupancy

1. Upon conversion from one type of use or occupancy to another, or any change in the manner in which the use is constructed that would result in additional parking requirements, parking is required for the new use or occupancy; provided, however, that if a change in use or occupancy would require an increase of less than ~~five~~ten (5)10 percent in the required number of parking spaces or fewer than ~~five~~four (4)5 spaces, no additional motor vehicle parking shall be required
2. ~~Notwithstanding the foregoing, if a residential use is established in a building formerly used for nonresidential purposes, parking must be provided in accordance with the requirements in Table 24.1.]~~

(Raleigh: must have 25% increase in floor area or improved site area before (B) is triggered, and must have 25% increase in required additional spaces before (C) is triggered ; GSO and Davidson – any change triggers;)

2. Notwithstanding the foregoing provision, when there is a change in use of the structure(s) on an existing parcel that does not involve any enlargement of a structure is proposed for such lot, and the parking requirements of Section 24.01 that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking, then the applicant need only comply with the requirements of Section 24.01 to the extent that (i) parking space is practicably available on the lot where the development is located, and (ii) satellite parking space is reasonably available. It shall be a continuing condition of the permit authorizing development on such lot that the applicant obtain satellite parking when it does become available. [From prior section 24.07]

Table 24.01 Required Parking By Use:

Residential Land Uses	Minimum Parking Required
A-1 Secondary Suite A-3 Accessory Dwelling Unit T-1 Temporary Care Provider Dwelling T-2 Temporary Construction or Repair Dwelling T-3 Temporary Construction Trailer	1 space
1.01 Single-Family Dwelling 1.02 Manufactured Home "Class A" 1.03 Manufactured Home "Class B" 1.06 Duplex (each unit) 1.07 Duplex (each unit) 1.08-1.10 Townhouse (each unit) 2.01 Family Care Home A-21 Caretaker's Residence	2 spaces
1.05 Manufactured Home Park	2 spaces /Manufactured Home plus, 1 visitors parking space/10 Manufactured Homes, plus 2 spaces for Manufactured Home Park Employees
1.11-1.16 Multi-Family	0.7 space per bedroom
3.01 Home for Survivors of Domestic Violence 3.06 Vacation Rental	3 Spaces
2.08-2.09 Retirement Community 2.10-2.12 Residence Hall	1 space/ unit plus 1 visitors parking space/dwelling unit
2.02 Family Care Institutions 2.03-2.04 Halfway House 2.05-2.06 Nursing Care 2.07 Skilled Nursing Facility 2.13 Fraternity or Sorority Dwelling 3.02-3.03 Shelter for Homeless	1 space/4 beds
2.14 Board Housing 3.04-3.05 Bed and Breakfast 3.07 Motel 3.08 Hotel	1.25 space/rentable room, plus 10 per 1000 ft ² of restaurant/lounge, plus 20 per 1000 ft ² per meeting/banquet room
Commercial Land Uses	Maximum Parking Allowed
16.01 Mini-Storage A-10 Produce Stand	1 space/1000 ft ² GFA

Commercial Land Uses	Maximum Parking Allowed
4.06 Post Office, Distribution 14.0 Manufacturing 16.02 Outdoor Storage 16.03 Warehouse 16.04 Fuel Storage Facility 17.02 & 17.03 Trucking or Freight Terminal A-24 Chemical Storage Facility	2 spaces/1000 ft² GFA
10.0 Daycare 11.32 Gas Station	3 spaces/1000 ft² GFA
11.01 Kennel 11.02-11.03 Veterinary Office/Hospital 11.04 & 11.05 Financial Institution 11.11 ABC Store 11.12 - 11.13 Personal Service Establishment 11.14-11.16 Retail Store 11.17 Shopping Center/Mall 11.18 - 11.19 Business or Professional Office 11.20-11.23 Medical Office 11.16 Specialty Medical Facility 11.26 Open Air Market 11.33 Car Wash 12.0 Recreation 18.0 Waste Related Uses 19.0 Particular Activities which Pose Particular..	5 spaces/1000 ft² GFA or outdoor area used for principal use
11.06 - 11.10 Restaurant	12 spaces/1000 ft² GFA
4.03 Funeral Home Establishment	12 spaces/1000 ft² of visitation area, plus one space per every two seats in the chapel.
4.05 Post Office	1 space per employee plus 5 spaces/1000 ft² GFA
6.0 Non-Government Utility Facility	3 spaces per facility
7.0 Telecommunication	1 space per service provider
8.0 Assembly	1 space for every two seats in sanctuaries/chapels plus 3 spaces per 1000 ft² for daycares
9.0 Education	5 spaces per classroom
11.27 Vehicle Sales and Service 11.28 Equipment Sales and Service 11.29 Moped Sales and Service	3 spaces/1000 ft² GFA, plus 2 spaces/1000 ft² of outdoor display, plus 2 per service bay

Commercial Land Uses	Maximum Parking Allowed
11.30 Boat or Marine Craft Sales and Service	
1.05 Manufactured Home Park	As determined by the Administrator
4.01 Airport/Land Strip	
4.02 Heliport	
4.04 Cemetery	
4.07 Animal Sanctuary	
5.0 Government Uses	
13.0 Agricultural Uses	
17.01 Passenger Terminals	
A-19 Helistop	
T-8 Temporary Non-Fixed Site Event Venue	

24.01.04 Exceptions in the B-1 Downtown District

The following exceptions apply only in the B-1 downtown district. These exceptions apply only with respect to -motor vehicle parking and loading/unloading areas and do not apply to bicycle parking.

- A.** Existing buildings ~~which were~~ legally constructed without the provision of on-site parking ~~[and infill building on existing lots of record]~~ are not required to meet the requirements of this Article and will be construed as conforming to ~~parking~~ the requirements of this Article; *provided, however, that this exception does not apply to a change in use, change in occupancy, or renovation, addition or enlargement, of a building that would require the provision of more than 10 motor vehicle parking spaces [note – this provision effectively relates only to multi-family developments unless minimum parking requirements are imposed on commercial uses other than multi-family]*
- B.** Payments in lieu of providing required motor vehicle parking may be made to the Town's Off-Street Parking Fund in accordance with the Schedule of Fees/Payments established by the Town Council. Such payment must be made prior to issuance of a Certificate of Occupancy or such other zoning Certificate as is required to be issued prior to use or occupancy.

[Alternative 2: The parking requirements set forth in this Article do not apply to development in the B-1 district except for development that would require provision of more than 10 motor vehicle parking spaces upon application of the parking requirements set forth in this Article].

[Alternative 3: No exceptions for the B-1 district.]

~~24.01.04~~ — Uses which have parking requirements which are to be “as determined by the Administrator” as listed in Subsection 24.01.03 are required to submit a parking demand analysis prepared by a qualified engineer if requested to do so by the Administrator.

~~A.~~ The Administrator shall make the determination based upon the expected parking needs of the development, recognizing the Town’s goal of preventing excess parking.

24.01.05 Maximum Parking; Excess Parking

A. The maximum allowed parking spaces for a use subject only to a minimum per Table 24.01 shall be 120% of the required minimum, provided that the applicant may establish the need for a higher maximum as provided at subsection 24.01.09 below.s

B. An applicant may be allowed additional parking in excess of the maximum established per subsection (A) above in the following instances:

1. The applicant is proposing to develop structured parking and is proposing extra spaces that will be available for public use and/or for shared or satellite parking as defined in this Article.
2. In the R3 and B3 districts, an applicant may be allowed additional parking spaces in surface parking lots in excess of the maximum established per subsection (A) above in the following instances:
 - i. The additional parking spaces are to be used for shared parking or satellite parking, as defined in this Article, or for public use, and
 - ii. -The applicant provides double the landscape buffer otherwise required under this Ordinance.

24.01.06 Except as otherwise provided herein, all required parking shall be located on the same parcel as the use to be served.

24.01.07 When more than one (1) use is provided on any development or building lot, the parking requirements enumerated herein shall be the sum total of the parking requirements of the various uses, except as otherwise provided herein.

~~24.01.08~~5 The number of parking spaces provided at the time of approval of the development may not be subsequently reduced or increased without the written approval of the permit issuing authority upon proper written application.

24.01.09 ~~All spaces must otherwise be maintained for the life of the development.~~

Minimums and maximums may be adjusted by the permit issuing authority when the applicant provides reliable and persuasive evidence (which may include but is not necessarily limited to a parking demand analysis prepared by a qualified engineer) demonstrating that the minimum parking required per the provisions of this Article would result in excess and unnecessary parking for the development, or that maximum parking allowed per the provisions of this Article is inadequate to meet the parking needed for the development.

A. Without limiting the generality of the foregoing, the permit issuing authority may allow deviations from the parking requirements set forth in ~~herein Subsection 25.01.03~~ when it finds that:

1. A residential development is irrevocably oriented toward the elderly;
 2. A business is primarily oriented to walk-in trade.
- B. Whenever the permit issuing authority allows or requires a deviation from the presumptive parking requirements set forth ~~in Subsection herein 24.01.03~~, it shall enter on the face of the permit the parking requirement that it imposes and the reasons for allowing or requiring the deviation.

~~24.01.06 — If the permit issuing authority concludes, based upon information it receives in the consideration of a specific development proposal, that the presumption established by 19.01.03 for a particular use classification is erroneous, it shall initiate a request for an amendment in accordance with the procedures set forth in Article 9.~~

24.01.1007 When a use is proposed which is not listed in ~~Subsection 24.01.03~~ Table 24.01 or is listed “To Be Determined”, the permit issuing authority shall determine the number of spaces required or permitted, as relevant, by referencing the most similar use(s) listed in Table 24.01 and such other factors as are reasonably deemed relevant, including the particular parking demand and trip generation characteristics of the proposed use.

A. If the permit issuing authority concludes that no reasonably similar use is listed, ~~it~~ it may require the applicant to ~~submit evidence such as~~ a parking demand analysis prepared by a qualified engineer or such other evidence as it reasonably deems necessary and/or adequate to determine the number of needed or permitted spaces for the proposed use, ~~or the permit issuing authority may procure its own parking demand analysis.~~

B. A parking demand analysis shall include, at a minimum:

- i. Estimates of parking demand based on reliable data collected from comparable uses or based on external data from credible research organizations; and
- ii. Be based on developments and/or uses that are comparable in density, intensity, bulk, scale, type of activity and location; and
- iii. Studies must document the source of all data used to develop the recommended requirements; and
- iv. The submitted study must include all source materials and data logs used to develop the recommendation as exhibits to the recommendation; and
- ~~i.~~ The submitted demand study must include an executive summary that succinctly outlines the methodology and recommendation.

24.01.1108 Allowed Reductions in Parking Requirements for Multi-Family Dwellings

- A. The minimum parking required for multi-family dwellings may be reduced ~~by a factor of 10%~~ for each ~~one~~ of the following by the factor indicated, with a maximum reduction of 1520% ~~based on these factors~~:

1. ~~The~~ If the development is located within ½ mile ~~1-mile of linear sidewalk distance from of any portion of the~~ Appalachian State University ~~library~~ main campus or the Appalachian Health Sciences Building, and public sidewalks or public pedestrian walkways exist or will be constructed in connection with the development which allow safe pedestrian travel between the development and the main campus, the minimum parking may be reduced by 10%.
2. ~~Bus service to the development exists or is arranged by the applicant and all the development is served by a public transit route, with a transit shelter or bus pull-off for use by the residents is built or exists~~ existing or to be constructed within ¼ ½-mile linear sidewalk distance from of the development, ~~boundary~~ the minimum parking may be reduced by 10%; provided, that the transit route has capacity to serve the development and that such is demonstrated by the applicant to the reasonable satisfaction of the Administrator. To be entitled to this reduction for a route and/or transit stop that is not currently in existence, the applicant must provide written documentation establishing to the satisfaction of the Administrator that the transit authority will establish the route and/or facility prior to or simultaneously with first occupancy of the development.
- 2.3. [In the B-1 district only] For every six (6) bicycle parking spaces in excess of the short or long term bicycle parking space requirements, the motor vehicle parking requirement may be reduced by one (1) space.

~~B. The number of automobile parking spaces for Use 1.300 Multi-Family Residences shall not exceed one hundred and twenty percent (120%) of the minimum requirement.~~

24.01.125 For Residential Uses 1.01 through 1.10, driveways may be used to satisfy minimum on-site parking requirements, provided that sufficient space is available to prevent vehicle encroachment onto sidewalk and/or into adjoining vehicular travel lanes

24.02 Parking Space Dimensions and Required Widths of Parking Area Aisles and Driveways

- 24.02.01** Subject to Subsections 24.02.02, 24.02.03 and 24.02.06, each parking space shall contain a rectangular area at least seventeen and one half feet long (17.5') and nine feet (9') wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this Section.
- 24.02.02** In parking areas containing ten (10) or more parking spaces, a rectangular area of only seven and one half feet (7.5') in width by fifteen feet (15') in length, may be conspicuously designated as reserved for compact cars in the following situations:
- A. Multi-family uses may provide up to fifty percent (50%) of the parking spaces for compact cars.
 - B. All other uses may provide up to thirty-five percent (35%) of the parking spaces for compact cars.

B.C. Compact spaces must be signed as “Compact.”

- 24.02.03** Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall be not less than twenty-three feet (23') by nine and one half feet (9.5').
- 24.02.04** Parking area aisle widths shall conform to the [Table 24.02](#) Geometric Design Standards for Parking Table, which varies the width requirement according to the angle of parking.
- 24.02.05** Driveways shall not be less than eleven feet (11') in width for one way traffic and eighteen feet (18') in width for two way traffic, except that eleven feet (11') wide driveways are permissible for two way traffic when:
- A. The driveway is no longer than fifty feet (50'), and
 - B. The driveway provides access to not more than six (6) spaces, and
 - C. Sufficient turning space is provided so that vehicles need not back into a public street.

TABLE 24.02-06 Geometric Design Standards for Parking-Table**Geometric Design for Standard Automobiles**

Parking Angle (degrees)	Stall Width (Feet)*	Stall Depth (to Curb) (feet)	Aisle Width (feet)	Stall Width Parallel to Aisle (feet)	Module Width (feet)	Bumper Overhang (feet)
0	9.5	N/A	12.0	23.0	31.0	N/A
45	9.0	17.5	12.0	12.7	47.2	2.0
60	9.0	19.0	16.0	10.4	54.0	2.5
75	9.0	19.5	23.0	9.3	62.0	2.5
90	9.0	18.0	24.0	9.0	60.0	3.0

**Note: Stall width shall be measured perpendicular to the vehicle not parallel to the aisle.*

Geometric Design for Standard Automobiles (Alternative for B-1) (Millcreek 17.27.040)

Parking Angle (degrees)	Stall Width (Feet)*	Stall Depth (to Curb) (feet)	Aisle Width (feet)		Stall Width Parallel to Aisle (feet)	Module Width (feet)		Bumper Overhang (feet)
			1 way	2 way		1 way	2 way	
0	9.0	18.0	13.0	13.0	12.7	22.0	31.0	2.0
45	9.0	18.0	13.0	22.0	10.4	31.0	58.0	2.5
60	9.0	18.0	18.0	22.0	9.3	54.0	58.0	2.5
90	9.0	18.0	22.0	22.0	9.0	58.0	58.0	3.0

**Note: Stall width shall be measured perpendicular to the vehicle not parallel to the aisle.*

Geometric Design for Compact Automobiles

Parking Angle (degrees)	Stall Width (Feet)*		Stall Depth (to Curb) (feet)	Aisle Width (feet)	Stall Width (Parallel to Aisle (feet)	Module Width (feet)	Bumper Overhang (feet)
	Multi-Family	Other Uses					
0	8.0	8.0	N/A	11.0	1.0	27.0	N/A
45	7.5	8.0	16.0	11.0	10.5	43.0	2.0
60	7.5	8.0	16.7	14.0	8.7	47.4	2.3
75	7.5	8.0	16.3	17.4	7.8	50.0	2.5
90	7.5	8.0	15.0	20.0	7.5	50.	2.5

*Note: Stall width shall be measured perpendicular to the vehicle not parallel to the aisle.

General Design Requirements

- 24.03.01** Unless no other practicable alternative is available, vehicle accommodation areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing into a public street. This requirement does not apply to parking areas consisting of driveways that serve one or two dwelling units, ~~although~~ but a design requiring backing onto arterial streets is ~~discouraged~~ to be avoided unless there is no reasonable alternative.
- 24.03.02** Vehicle accommodation areas of all developments shall be designed so sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.
- 24.03.03** Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.
- 24.03.04** Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.
- 24.03.05** All vehicle accommodation areas shall designate parking space for handicapped persons in accordance with the state Building Code.
- 24.03.06** **Location of Residential Parking:** Parking outside a substantially enclosed structure of more than four (4) motor vehicles between the front building line of the principal building and the street is prohibited on any lot used for purposes that fall within the following principal use classifications: 1.01, 1.02, 1.03, 1.04, 1.05, 1.06.
- 24.03.07** Vehicle accommodation areas shall be designed to minimize breaks in the pedestrian environment along the public street and create safe and comfortable passage for pedestrians. Curb cuts shall be minimized in width and number.
- 24.03.08** To the extent such can be reasonably avoided, property located at a street intersection shall not have parking, loading, or service areas within 25' of a corner.

24.04.07 Uninterrupted areas of parking lot shall be limited to 36 spaces. Parking lots with more than 36 spaces shall be broken by landscape features, which can include natural features designed to handle storm water runoff.

24.04.08 Multiple parking lots serving a non-residential or multi-family development should be interconnected where reasonably possible.

Vehicle Accommodation Area Surfaces

24.04.12~~01~~ Except for single or two family dwellings and excluding vehicle accommodation areas designed for two (2) vehicles or less, all vehicle accommodation areas shall be surfaced with a bituminous paving or NCDOT standard ABC stone. ABC stone may not be used on vehicle accommodation areas with slopes greater than five percent (5%).

24.04.13~~02~~ Parking spaces in areas surfaced with bituminous paving shall be appropriately demarcated with painted lines or other markings. Parking spaces in areas surfaced with NCDOT standard ABC stone shall be demarcated whenever practicable.

24.04.14~~03~~ Vehicle accommodation areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, vehicular accommodation area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

24.04.15~~04~~ Use of pavement or asphalt sealant, coating or like product (hereafter referred to as “sealant”).

A. Any sealant may only be used in conformity with its manufacturer’s specifications and is further subject to the following requirements:

1. No person may apply a sealant nor authorize its application without first obtaining a zoning permit from the Administrator. As part of the permit application, the applicant must disclose the date the sealant will be applied, the location of the area to which the sealant will be applied, the type of sealant which will be applied and such other information as the Administrator shall request. The Administrator may charge appropriate fees to defray the costs of inspections needed to verify compliance with this Section.
2. A sealant may not be applied unless the pavement and air temperatures at the location of the application, at all times during application and for at least forty-eight hours thereafter, are and are predicted to be at least fifty-five degrees (55°) Fahrenheit and stable or rising, but less than eighty degrees (80°) Fahrenheit.
3. A sealant may not be applied during rainy or wet weather.
4. Any person applying a sealant must have on site for ready inspection by the Administrator a copy of the manufacturer’s specifications for application of the sealant.

B. Additional Requirement for Non-Coal-Tar-Based Sealants: In addition to the foregoing requirements of Subsection 24.04.04(A), a non-coal-tar-based sealant may not be applied if at the time the application is to begin, any chance of precipitation is predicted by the

National Weather Service for any portion of the period during which the sealant is expected to be applied, or at the time application begins there is more than a ~~ten~~-fifteen percent (15~~0~~%) chance of precipitation predicted by the National Weather Service for any portion of the forty-eight (48) hours following the anticipated completion of the application.

C. Additional Requirement for Coal-Tar-Based Sealants:

1. In addition to the foregoing requirements of Subsection 24.04.04(A), a sealant containing coal tar may not be applied if at the time the application is to begin, any chance of precipitation is predicted by the National Weather Service for any portion of the period during which the sealant is expected to be applied; at the time application begins there is a ten percent (10%) or more chance of precipitation predicted for any period within the forty-eight (48) hours following the anticipated completion of the application; or if at the time application begins, there is more than a twenty percent (20%) chance of precipitation predicted for any period within seven (7) full days following the anticipated completion of the application, each as predicted by the National Weather Service.
2. A sealant containing coal tar may never be applied to a surface, any part of which is located within a flood way, nor to a surface, any part of which is within 200 feet from the closest point of any natural watercourse, and shown on a map labeled as the "NC Stream Map" as produced by the North Carolina Stream Mapping Project (<http://www.ncstreams.org>)" on file with and available through the Administrator.
3. A sealant containing coal tar may only be applied to a surface, any part of which is located in an area of special flood hazard, if buffering is placed along all portions of the downslope perimeter of the surface sufficient to absorb and impede any draining of the sealant from the surface to a degree equivalent or more effective than the absorption and impedance which can be achieved with bales of hay, laid end to end, and such buffering is maintained in place for a period of no less than seven days following application of the sealant. For purposes of this paragraph, the use of bales of hay of normal size and weight, laid end to end, shall be considered sufficient to meet the requirements of this paragraph.
4. A sealant containing coal tar may only be applied to a surface, any part of which contains a storm drain, if buffering or filters are placed around the full perimeter of the storm drain sufficient to absorb and impede any draining of the sealant from the surface to a degree equivalent or more effective than the absorption and impedance which can be achieved with bales of hay, laid end to end, and such buffering is maintained in place for a period of no less than seven days following application of the sealant. For purposes of this paragraph, the use of bales of hay of normal size and weight forming an unbroken perimeter around a storm drain shall be considered a sufficient buffer and filter to meet the requirements of this paragraph.

24.05 ~~Joint Use of Required Parking Spaces~~ Shared Parking

24.05.01 One parking area may contain required spaces for several different uses, but except as otherwise provided in this Section, the required space assigned to one use may not be credited to another use.

24.05.02 To the extent that developments that wish to make joint use of the same parking spaces operate at different times, the same spaces may be credited to both uses. For example, if a parking lot is used in connection with an office building on Monday through Friday but is generally ninety percent (90%) vacant on weekends, another development that operates only on weekends could be credited with ninety percent (90%) of the spaces on that lot. Or, if a church parking lot is generally occupied only to fifty percent (50%) of capacity on days other than Sunday, another development could make use of fifty percent (50%) of the church lot's spaces on those other days.

24.05.03 If the joint use of the same parking spaces by two or more (2+) principal uses involves satellite parking spaces, then the provisions of Section 24.06 are also applicable.

24.05.04 Where motor vehicle access is provided between adjoining non-residential sites and the operating hours of adjoining uses do not significantly overlap, the uses may share up to 50 percent of required parking spaces.

24.05.06 Bicycle parking may be provided in a common area of a shared parking area for adjacent sites.

24.05.07 An applicant proposing the use of shared parking must:

A. Demonstrate that the applicant has the express legal right to use the spaces in question; and

B. Provide the shared use agreement detailing how the spaces will be shared among the uses; and

C. Provide proof to the Administrator of a continuation of the right to use the shared parking annually, on January 15 of each year, unless the Administrator has provided for a different frequency of such reporting; and

~~A-D.~~ The applicant must sign an acknowledgment that the continuing validity of the applicant's permit depends upon the continuing ability to provide the requisite number of parking spaces. If the shared parking is no longer available or the property owner or applicant fails to comply with the requirements of the Section, the parking requirement reverts to those requirements found in Table 24.01 and the property owner or applicant must demonstrate compliance with said requirements or its zoning Certificate shall be revoked.

24.06 Satellite Parking

24.06.01 ~~If the number of off-street parking spaces required by this Ordinance cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces~~Required parking spaces may be provided on adjacent or nearby lots in accordance with the provisions of this Section. These off-site spaces are referred to in this Section as satellite parking spaces.

- 24.06.02** All ~~such~~ satellite parking spaces ~~(except spaces intended for employee use)~~ must be located within ~~500-¼ mile~~feet of a public entrance of a principal building housing the use associated with such parking, or within ~~500-feet~~ ¼ mile of the lot on which the use associated with such parking lot is located if the use is not housed within any principal building; provided, however, that this limitation does not apply to on-campus housing located in the UI district; and further provided that satellite parking may not be used for visitor or customer parking required for any use unless the satellite parking spaces are within 200 feet of the parcel to be served by such parking. ~~Satellite parking spaces intended for employee use may be located within any reasonable distance.~~
- 24.06.03** The applicant wishing to take advantage of the provisions of this Section must present satisfactory written evidence that ~~he~~the applicant has the legal right ~~has the permission of the owner or other person in charge of~~to use the satellite parking spaces, ~~and that such right is exclusive during the operating hours of the use in question.~~to use such spaces. The applicant must also sign an acknowledgment that the continuing validity of ~~his~~the applicant's permit depends upon ~~his~~the continuing ability to provide exclusive use during operating hours of the requisite number of parking spaces. If the parking spaces are required for residential uses, "operating hours" shall be considered to be 24 hours a day for purposes of this section.
- 24.06.04** Persons who obtain satellite parking spaces in accordance with this Section ~~shall not be held accountable for~~are not responsible for ensuring that the satellite parking areas from which they obtain their spaces satisfy the design requirements of this Article.
- 24.06.05** The applicant using satellite parking to comply with the requirements of this Article must provide proof to the Administrator of a continuation of the right to use the shared parking annually, on January 15 of each year, unless the Administrator provides for a different frequency of reporting.
- 24.06.07** The applicant using satellite parking to comply with the requirements of this Article must sign an acknowledgment that the continuing validity of the applicant's permit depends upon the continuing ability to provide the requisite number of parking spaces. If the applicant or property owner fails to comply with the requirements of the Section, the parking requirement reverts to those requirements found in Table 24.01 and the property owner or applicant must demonstrate compliance with said requirements or the zoning Certificate may be revoked.

~~Special Provisions For Lots With Existing Buildings~~

- 24.07.01** ~~Notwithstanding any other provisions of this Ordinance, whenever (i) there exists a lot with one or more structures on it constructed before the effective date of this Ordinance, and (ii) a change in use that does not involve any enlargement of a structure is proposed for such lot, and (iii) the parking requirements of Section 24.01 that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking, then the applicant need only comply with the requirements of Section 24.01 to the extent that (i) parking space is practicably available on the lot where the development is located, and (ii) satellite parking space is reasonably available.~~

~~24.07.02 — Should satellite parking subsequently become reasonably available, then it shall be a continuing condition of the permit authorizing development on such lot that the applicant obtain satellite parking when it does become available.~~ [prior 24.07 moved to 24.01]

24.08 Loading and Unloading Areas

- 24.08.01** Subject to subsection 24.08.06 below, whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area, located at the rear, side or end of the business, must be provided initially and continually in accordance with this Subsection to accommodate the delivery or shipment operations in a safe and convenient manner.
- 24.08.02** The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development in question. Subsection 24.08.03 indicates the number of spaces that, presumably satisfies the standard set forth in this Subsection. However, the permit issuing authority may require more or less loading and unloading area if reasonably necessary ~~to satisfy the standard in Subsection 24.08.03 to~~ serve the development.
- 24.08.03** For the purpose of this Section, the off-street loading and unloading space shall have the minimum dimensions of twelve feet (12') by fifty-five feet (55') and overhead clearance of fourteen feet (14') from street grade.
- A. Retail business shall provide one (1) space of 300 square feet for each 5,000 square feet of floor space.
 - B. Wholesale and industry shall provide one (1) space of 500 square feet for each 10,000 square feet of floor area.
 - C. In the case of mixed uses, the total requirements for off-street loading or unloading space shall be the sum of the requirements for the various uses except to the extent the applicant can demonstrate to the satisfaction of the Administrator that different operating hours or other factors will permit different users or tenants to share the same loading spaces. ~~It shall be an express condition of the permit issued to an applicant taking advantage of this provision that the loading spaces are to be practically adequate to serve the development, and if such spaces prove to be inadequate the Administrator may require that the development provide additional loading spaces or, if additional spaces are not provided, revoke the permit for the development.~~
- 24.08.04** Loading and unloading areas shall be so located and designed that the vehicles intended to use them can (i) maneuver safely and conveniently to and from a public right-of-way, and (ii) complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.
- 24.08.05** No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

- 24.08.06** Whenever (i) there exists a lot with one or more structures on it constructed before the effective date of this Ordinance, and (ii) a change in use that does not involve any enlargement of a structure is proposed for such lot, and (iii) the loading requirements of this Section cannot be satisfied because there is not sufficient area available on the lot that can be practicably be used for loading and unloading, then the applicant need only comply with this Section to the extent reasonably possible.

24.09 Bicycle Parking

~~**24.09.01** The B — 1 Central Business zoning district is exempt from the requirements of this Section.~~

~~**24.09.02** Except for Use 1.01 Single Family Dwelling, Uses 1.02 and 1.03 Manufactured Home, Use 1.06 Duplex, Use 12.0, and any accessory or temporary use, bicycle parking facilities meeting the standards of this Section shall be provided by a permit applicant under each of the following circumstances:~~

~~When a new building is constructed;~~

~~When any addition to or enlargement of an existing building is constructed;~~

~~When a change in occupancy of any building occurs which results in a requirement for additional vehicle parking facilities under Section 24.01.~~

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

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

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

Table 24.09

<u>Use Type</u>	<u>Specific Use</u>	<u>Short-Term Bicycle Parking Minimum²</u>	<u>Long-Term Bicycle Parking Minimum³</u>
<u>1.0 Household Living</u>	<u>1.01 Single-Family Dwelling</u>		
	<u>1.02 Manufactured Home “Class A”</u>		
	<u>1.03 Manufactured Home “Class B”</u>	-	-
	<u>1.06 Duplex</u>		
	<u>1.07 Duplex</u>		

<u>Use Type</u>	<u>Specific Use</u>	<u>Short-Term Bicycle Parking Minimum²</u>	<u>Long-Term Bicycle Parking Minimum³</u>
	1.08-1.10 Townhouse	1 per 20 units	1 per 4 units
	1.11-1.13 Multi-Family		
	1.14-1.16 Multi-Family		
	1.05 Manufactured Home Park	1 per 20 beds	
2.0 Group Living	2.01 Family Care Home	-	1 space per 5 employees
	2.08-2.09 Retirement Community	1 space per 20 beds	1 space per 10 beds
	2.10-2.12 Residence Hall		
	2.02 Family Care Institutions		1 space per 5 employees
	2.03-2.04 Halfway House		
	2.05-2.06 Nursing Care		
	2.07 Skilled Nursing Facility		
	2.13 Fraternity or Sorority Dwelling	1 space per 20 beds	1 space per 10 beds
	2.14 Board Housing	1 space per 20 beds	1 space per 10 beds
3.0 Transient Living	3.01 Home for Survivors of Domestic Violence	2 spaces	2 spaces
	3.02-3.03 Shelter for Homeless	2 spaces	2 spaces
	3.04-3.05 Bed & Breakfast	2 spaces	2 spaces
	3.06 Vacation Rental	2 spaces	2 spaces
	3.07 Motel	2 spaces	2 spaces
	3.08 Hotel		
4.0 Institutional Uses	4.01 Airport/Land Strip	TBD	TBD
	4.02 Heliport		
	4.04 Cemetery		
	4.07 Animal Sanctuary		
	4.03 Funeral Home Establishment		
	4.05 Post Office		
	4.06 Post Office, Distribution		

<u>Use Type</u>	<u>Specific Use</u>	<u>Short-Term Bicycle Parking Minimum²</u>	<u>Long-Term Bicycle Parking Minimum³</u>
<u>5.0 Government Uses</u>	<u>All Government Uses</u>	<u>TBD</u>	<u>TBD</u>
<u>6.0 Non-Governmental Utility Facility</u>	<u>All Non-Government Utility Facility</u>	<u>-</u>	<u>-</u>
<u>7.0 Telecommunications</u>	<u>All Telecommunication Uses</u>	<u>-</u>	<u>-</u>
<u>8.0 Assembly</u>	<u>8.01-8.03 Religious Assembly</u>	<u>1 space per 2,000 ft² GFA⁶</u>	<u>1 space per 5,000 ft² GFA⁶</u>
	<u>8.04-8.05 Assembly Uses</u>	<u>1 space per 1,000 ft² GFA⁶</u>	<u>1 space per 10,000 ft² GFA⁶</u>
<u>9.0 Education</u>	<u>9.01-9.05 Education Uses</u>	<u>3 spaces per classroom</u>	<u>.5 spaces per classroom</u>
	<u>9.06-9.09 Education Uses</u>	<u>3 spaces per classroom</u>	<u>.5 spaces per classroom</u>
<u>10.0 Daycare</u>	<u>All Daycare Uses</u>	<u>2 spaces</u>	<u>2 spaces</u>
<u>11.0 General Sales & Service</u>	<u>11.01 Kennel</u>	<u>1 space per 5,000 ft² GLA⁴</u>	<u>1 space per 10,000 ft² GLA⁴</u>
	<u>11.11 ABC Store</u>		
	<u>11.12 - 11.13 Personal Service Establishment</u>		
	<u>11.14-11.16 Retail Store</u>		
	<u>11.17 Shopping Center/Mall</u>		
	<u>11.26 Open Air Market</u>		
	<u>11.04 & 11.05 Financial Institution</u>		
	<u>11.18 - 11.19 Business or Professional Office</u>		
	<u>11.20-11.23 Medical Office</u>		
	<u>11.02-11.03 Veterinary Office/Hospital</u>		
	<u>11.06 - 11.10 Restaurant</u>	<u>1 space per 5,000 ft² GLA⁴</u>	<u>1 space per 10,000 ft² GLA⁴</u>
	<u>11.32 Gas Station</u>	<u>-</u>	<u>-</u>
	<u>11.33 Car Wash</u>	<u>-</u>	<u>-</u>
	<u>11.27 Vehicle Sales and Service</u>	<u>-</u>	<u>-</u>
	<u>11.28 Equipment Sales and Service</u>	<u>-</u>	<u>-</u>

<u>Use Type</u>	<u>Specific Use</u>	<u>Short-Term Bicycle Parking Minimum²</u>	<u>Long-Term Bicycle Parking Minimum³</u>
	<u>11.29 Moped Sales and Service</u> <u>11.30 Boat or Marine Craft Sales and Service</u>		
<u>12.0 Recreation & Entertainment Uses</u>	<u>12.01 Indoor Shooting Range</u>	<u>1 space per 5,000 ft² GFA⁶</u>	<u>1 space per 10,000 ft² GFA⁶</u>
	<u>12.03 Indoor Theater</u> <u>12.05 Event Venue Cat I</u>	<u>1 space per 5,000 ft² GFA⁶</u>	<u>1 space per 10,000 ft² GFA⁶</u>
	<u>12.10 Recreation Cat I</u>	<u>1 space per 5,000 ft² GFA⁶</u>	<u>1 space per 10,000 ft² GFA⁶</u>
	<u>12.04 Outdoor Theater</u> <u>12.06 Event Venue Cat. II</u> <u>12.07 Event Venue Cat III</u>	<u>1 space per 2,000 ft² GFA⁶</u>	<u>1 space per 10,000 ft² GFA⁶</u>
	<u>12.09 Coliseum</u> <u>12.11 Recreation Cat II</u> <u>12.12 Recreation Cat III</u>	<u>1 space per 20 motor vehicle spaces</u>	<u>TBD</u>
	<u>12.08 Campgrounds/RV Parks</u>	<u>-</u>	<u>-</u>
	<u>12.01</u>		
<u>13.0 Agriculture Uses</u>	<u>All Agricultural Uses</u>	<u>-</u>	<u>-</u>
<u>14.0 Manufacturing</u>	<u>14.01 Microbrewery</u> <u>14.02 Brew Pub</u>	<u>1 space per 5,000 ft² GLA⁴</u>	<u>1 space per 10,000 ft² GLA⁴</u>
	<u>All other Manufacturing Uses</u>	<u>TBD</u>	<u>TBD</u>
<u>16.0 Storage</u>	<u>16.01 Mini-Storage</u> <u>16.02 Outdoor Storage</u>	<u>-</u>	<u>-</u>
	<u>16.03 Warehouse</u> <u>16.04 Fuel Storage Facility</u>	<u>TBD</u>	<u>TBD</u>
<u>17.0 Transportation</u>	<u>17.01 Passenger Terminals</u> <u>17.02 & 17.03 Trucking or Freight Terminal</u>	<u>TBD</u>	<u>TBD</u>
<u>18.0 Waste Related Uses</u>	<u>All Waste Related Uses</u>	<u>-</u>	<u>-</u>
<u>19.0 Particular Activities which Pose Particular Concerns to Public Health</u>	<u>All Particular Activities which Pose Particular Concerns to Public Health Uses</u>	<u>1 space per 5,000 ft² GFA⁶</u>	<u>1 space per 10,000 ft² GFA⁶</u>

<u>Use Type</u>	<u>Specific Use</u>	<u>Short-Term Bicycle Parking Minimum²</u>	<u>Long-Term Bicycle Parking Minimum³</u>
<u>Accessory Uses</u>	<u>A-1 Secondary Suite</u>	-	-
	<u>A-3 Accessory Dwelling Unit</u>	-	-
	<u>A-10 Produce Stand</u>	-	-
	<u>A-21 Caretaker's Residence</u>	-	-
	<u>A-19 Helistop</u>	TBD	-
	<u>A-24 Chemical Storage Facility</u>	-	-
<u>Temporary Uses</u>	<u>T-1 Temporary Care Provider Dwelling</u>	-	-
	<u>T-2 Temporary Construction or Repair Dwelling</u>	-	-
	<u>T-3 Temporary Construction Trailer</u>	-	-
	<u>T-8 Temporary Non-Fixed Site Event Venue</u>	TBD	-

Notes: 1. For uses not listed, or for uses To Be Determined by the Administrator, refer to 24.01.09

2. The minimum number of short-term bicycle parking spaces is 2 unless no bicycle parking is required. In no case shall more than 20 short-term spaces be required. (Davidson Table 8.1¹) & (Davidson 8.6.1)

3. The minimum number of long-term bicycle parking spaces is 2 unless no bicycle parking is required.

4. GLA = Gross Leasable Area

5. DU = Dwelling Unit.

6. GFA = Gross Floor Area and includes both indoor and outdoor space used

7. Calculating spaces based on employees or other occupants must be based on the total number of persons present or on duty at the time of maximum use

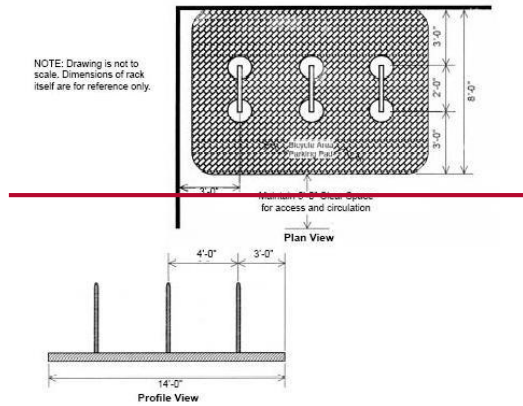
24.09.04 Bicycle pParking facilities shall meet the following standards:

A. Bicycle parking facilities shall conform with the design guidelines promulgated by the Association of Pedestrian and Bicycle Professionals (APBA) as found in the "Bicycle Parking Guidelines" manual.

B. Bicycle racks shall provide for at least two (2) points of contact with the bicycle frame and for the locking of at least one wheel using varying types of bike locks (U-lock, wire cable, etc.)

C. All racks must be safe, sturdy and well-anchored.

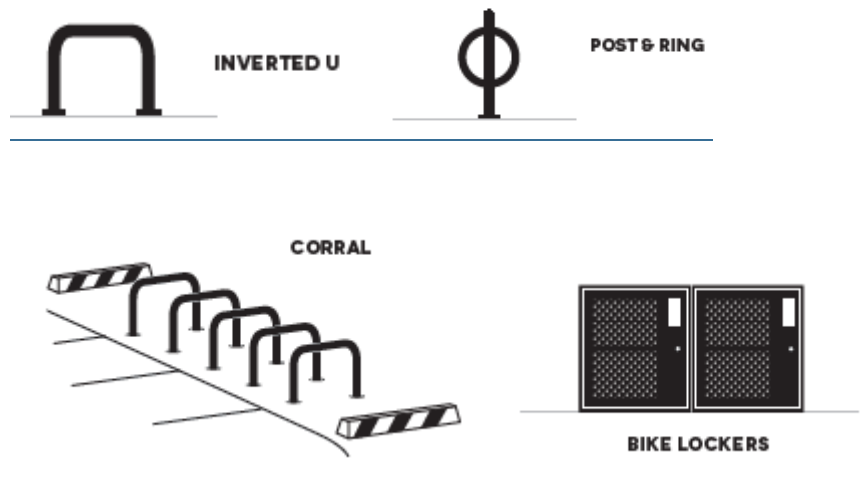
~~A. Each bicycle parking space shall be no less than six feet (6') long by two feet (2') wide, plus sufficient area for access. A "rack" is a bicycle facility which includes multiple contiguous bicycle parking spaces. Exact conformity with the following diagram for a single rack bicycle facility is not required, but adherence to this design shall meet the requirements of this Section:~~



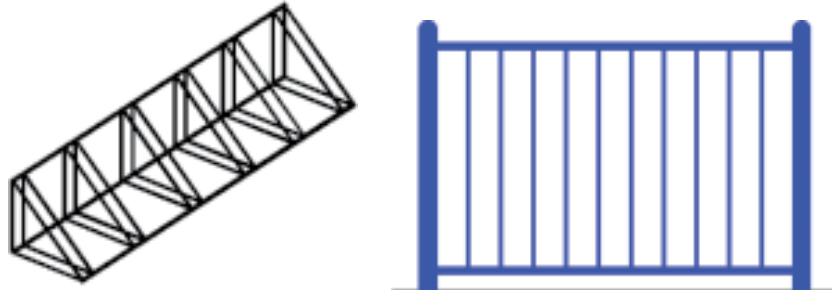
~~B. No less than four feet (4') must be provided between parallel racks.~~

~~C. Bicycle parking facilities shall be constructed of materials of sufficient strength to significantly resist their displacement or removal, and they shall be securely anchored in concrete or other equivalent material or system of sufficient strength to significantly resist removal. Bicycle parking facilities shall support bicycles in a stable position without damage to wheels, frame or other components and allow for the use of either a cable, U-shaped, or similar lock to secure the bicycle.~~

Examples of acceptable facilities:



Examples of **unacceptable** facilities (because they secure only one wheel):



~~D.A.~~ Outside bicycle parking facilities shall be illuminated in conformity with the standards for "open parking areas" of UDO Section 25.05. Inside bicycle parking facilities shall be illuminated in conformity with the standards for "building entries" of UDO Section 25.05.

~~E.B.~~ Areas set aside for outside bicycle parking shall be clearly marked and reserved for bicycle parking only. Where the location of said parking is not easily visible from the street, a sign that does not exceed four square feet (4 ft²) in area and directs cyclists to parking shall be provided on site and must be visible from the street or from the main building entrance. For purposes of this Section, "main building entrance" shall connote and refer to the primary doorway by which residents, visitors or customers enter and exit a building, whether or not said entrance is oriented facing the public street. Signs shall comply with the MUTCD for Bicycle parking signage

Examples of acceptable signs:



~~F.C.~~ Bicycle parking shall be located so as to avoid impeding or creating a hazard to pedestrians from parked or approaching bicycles, and to avoid creating a hazard to bicyclists or bicycles from automobiles or other motor vehicles. Bicycle racks installed on private sidewalks within the development must provide a clear, unobstructed passage of at least five feet (5') for pedestrians and should be installed at least three feet (3') from the face of any curb. Bicycle racks may not be installed on public sidewalks without the express authorization of the Boone Town Council, subject to such conditions which may be attached to such authorization.

~~(20140384-08212014)~~

24.09.05 Short Term Bicycle Parking

A. Short-term bicycle parking shall meet the needs of people visiting businesses, institutions and other uses with similar needs – typically lasting up to two (2) hours. Since short-term users are infrequent visitors to these locations, the parking installation should be readily visible and self-explanatory.

~~B.~~ ~~Short term bicycle parking is parking intended or utilized for 2 hours or less by customers or visitors to a particular use.~~ Parking facilities for short term bicycle parking must be located no farther from the main building entrance than the distance to the closest non-handicap vehicle space, or fifty feet (50'), whichever is ~~less~~ greater, and ~~they must be~~ visible from public sidewalk areas along the public street frontage adjoining the use and located directly in front of the main building entrance unless the main building entrance is not oriented toward the public street. In those instances where the main building entrance is not oriented toward the public street, the parking facilities must be visible from such locations, as determined by the Administrator or permit issuing authority, which will provide the greatest level of visibility to achieve the dual purposes of security for the bicycles using the facilities and availability to bicyclists visiting the building for the first time.

~~A.C.~~ Short term bicycle parking, when allowed within a public right-of-way, should be coordinated with street furniture as applicable and may (but is not required to) be covered.

24.09.06 Long term bicycle parking

~~A.~~ Long term bicycle parking ~~is intended or utilized for~~ shall provide for daily, overnight or even longer duration bicycle parking by residents and employees. These users often leave bicycles unattended and unmonitored for extended periods and require exclusive access, additional security and weather protection.

~~A.B.~~ Long term bicycle parking shall be covered or enclosed, and must provide security and protection from weather and the elements. Long term parking spaces may include indoor parking, racks in covered loading dock areas, racks in garage structures, bicycle lockers or other means, and ~~Long term bicycle parking~~ should be incorporated whenever possible into the building design.

~~24.09.07 — Bicycle parking exceeding the requirements of this Section may reduce by up to 10% required motor vehicle parking for residential uses and other uses where a parking demand analysis establishes a minimum motor vehicle parking expectation. For every five bicycle parking spaces in excess of the short or long term bicycle parking requirements of Subsection 24.09.03, the use's motor vehicle parking requirement is reduced by one (1) space.~~

Motorcycle Parking

24.10.01 The B – 1 Central Business zoning district is exempt from the requirements of this Section.

24.10.02 Motorcycle parking facilities meeting the standards of this Section shall be provided by a permit applicant under each of the following circumstances, and one (1) motorcycle parking space shall be provided for every 40 motor vehicle parking spaces:

- A. When a new building is constructed;
- B. When any addition or enlargement of an existing building is constructed;
- C. When a change in occupancy of any building occurs where 40 or more vehicle parking spaces are provided.

24.10.03 Motorcycle parking facilities shall meet the following design standards:

- A. Each motorcycle parking space shall be no less than eight feet (8') long by four feet (4') wide, and sufficient space for access shall be provided.
- B. Motorcycle parking facilities must be visible from public sidewalk areas along the public street frontage adjoining the use and located directly in front of the main building entrance unless the main building entrance is not oriented toward the public street. In those instances where the main building entrance is not oriented toward the public street, the motorcycle parking facilities must be visible from such locations, as determined by the Administrator or permit issuing authority, which will provide the greatest level of visibility to achieve security for the motorcycles using the facilities. Motorcycle parking facilities must also include features to provide reasonable security for motorcycles. Designers are encouraged to include fixed features such as rails, hoops, or posts designed to provide a simple locking point to secure a motorcycle or scooter using a chain or similar device.
- C. Motorcycle parking facilities shall be clearly marked and reserved for motorcycle parking only, using signage and/or pavement marking determined by the Administrator or permit issuing authority as adequate to both direct motorcycle riders to the proper facilities and to prevent use of the motorcycle parking facilities by other motor vehicles.
- D. The slope of motorcycle parking facilities should be as close to level as possible while still providing adequate drainage. "Adequate drainage" is such drainage as will prevent the buildup of water and ice in included motorcycle parking spaces. Motorcycle parking facilities must have a firm surface capable of supporting the weight supported by the stand of the heaviest of models of motorcycle.

CONFORMITY TO ADOPTED PLANS

COMPREHENSIVE PLAN UPDATE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COMPREHENSIVE PLAN POLICIES

2.1 THE ECONOMY

2.1.1 Economic Development

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

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

PLANNING BOARD REPORT/RECOMMENDATIONS

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the

Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

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

First motion and vote: The proposed amendment to the Town's zoning ordinance ☐is OR ☐is not consistent with the Town's comprehensive plan and other applicable adopted plans of the Town which relate to this application because:

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

TOWN COUNCIL ACTION

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

First motion and vote: The proposed amendment to the Town's zoning ordinance ☐is OR ☐is not consistent with the Town's Comprehensive plan and other applicable adopted plans of the Town which relate to this application because:

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

24.01.04 Exceptions in the B-1 Downtown District

The following exceptions apply only in the B-1 downtown district. These exceptions apply only with respect to -motor vehicle parking and loading/unloading areas and do not apply to bicycle parking.

[Alternative 1: Existing buildings excluded] Existing buildings legally constructed without the provision of on-site parking *[and infill building on existing lots of record]* are not required to meet the requirements of this Article upon renovation, alteration, or change of use, and will be construed as conforming to the requirements of this Article.

[Alternative 2: Existing buildings excluded up to 10 parking spaces] Existing buildings legally constructed without the provision of on-site parking are not required to meet the requirements of this Article upon renovation, alteration, or change of use, and will be construed as conforming to the requirements of this Article; *provided, however, that this exception does not apply to a change in use, change in occupancy, or renovation, addition or enlargement- of a building that would require the provision of more than 10 motor vehicle parking spaces.*

[Alternative 3: Exclusion for an development (including new development) requiring fewer than 10 parking spaces] The parking requirements set forth in this Article do not apply to development in the B-1 district except for development that would require provision of more than 10 motor vehicle parking spaces upon application of the parking requirements set forth in this Article].

[Alternative 3: No exceptions for the B-1 district.]

~~24.01.04~~ ~~Uses which have parking requirements which are to be "as determined by the Administrator" as listed in Subsection 24.01.03 are required to submit a parking demand analysis prepared by a qualified engineer if requested to do so by the Administrator.~~

~~A. The Administrator shall make the determination based upon the expected parking needs of the development, recognizing the Town's goal of preventing excess parking.~~

24.01.05 Maximum Parking; Excess Parking

A. The maximum allowed parking spaces for a use subject only to a minimum per Table 24.01 shall be 120% of the required minimum, provided that the applicant may establish the need for a higher maximum as provided at subsection 24.01.09 below.s

B. An applicant may be allowed additional parking in excess of the maximum established per subsection (A) above in the following instances:

1. The applicant is proposing to develop structured parking and is proposing extra spaces that will be available for public use and/or for shared or satellite parking as defined in this Article.