

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
April 20, 2017**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order at 5:30 p.m. Thursday, April 20, 2017, in the Council Chambers located at 1500 Blowing Rock Road. Mayor Rennie Brantz presided. Council members present were Mayor Pro Tem Lynne Mason, Loretta Clawson, Charlotte Mizelle, Jennifer Teague and Jeannine Underdown Collins. Town Attorney Allison Meade was in attendance. Staff present were Town Manager John Ward, Assistant Town Manager Jim Byrne, Town Clerk Christine Pope, Public Works Director Rick Miller, Planning Director Jane Shook, Human Resources Director Peri Moretz, Fire Chief Jimmy Isaacs and Police Chief Dana Crawford.

ANNOUNCEMENTS

Police Chief Dana Crawford presented plaques of recognition and award to Detectives Katrina Eller and Kevin Wilson.

Mayor Brantz presented proclamations celebrating Greening My Plate Month and National Public Safety Telecommunicators Week as well as announced the Spring Litter Sweep and Boone Clean-Up Day.

TENTATIVE AGENDA ADOPTION

Town Manager John Ward noted there were no changes to the agenda.

ADOPTION OF AGENDA

Upon a motion by Council Member Mason, seconded by Council Member Clawson, Council moved to adopt the agenda as presented.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Lynne Mason, Mayor Pro Tem
SECONDER:	Loretta Clawson, Council Member
AYES:	Mason, Clawson, Mizelle, Teague, Collins

PUBLIC COMMENT

Jeff Boyer of 803 W. Brushy Fork Road in Creston, N.C., along with Rene Ochoa and Ingrid Kraus, spoke as representatives of the Immigrant Justice Committee of the Watauga Chapter of the NAACP regarding the federal executive order and pending state legislation regarding deportation of immigrants, and to ask that Council take action to craft a smart, innovative statement to reclaim the Town's tradition as a caring and welcoming community. (A copy of the information provided to Council is located in the April 2017 Town Council meeting file.)

Jennie Carlisle, of the Smith Gallery and representing the High Country Spring Procession Event, announced the date and timeline of the event and invited Council to attend.

Town Manager John Ward noted current State law regarding sanctuary cities as well as Senate Bill 145 regarding the potential loss of Powell Bill funding if a municipality is designated as a sanctuary city. Council Member Mizelle wondered if this group should instead be lobbying the State. Council Member Mason stated she would still like to ponder this matter and a possible statement by the Town.

CONSENT AGENDA ADOPTION

Upon a motion by Council Member Mizelle, seconded by Council Member Mason, Council moved to adopt the Consent Agenda.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charlotte Mizelle, Council Member
SECONDER:	Lynne Mason, Mayor Pro Tem
AYES:	Mason, Clawson, Mizelle, Teague, Collins

TOWN COUNCIL - REGULAR MEETING - MAR 16, 2017 5:30 PM

ADOPTION OF ORDINANCE - KELLWOOD DRIVE

ORDINANCE OF THE TOWN OF BOONE, NORTH CAROLINA, PERTAINING TO DECLARING A SPEED LIMIT REDUCTION ALONG KELLWOOD DRIVE AND REQUESTING NCDOT FOR CONCURRING ORDINANCE

Ordinance #17-03

WHEREAS, the existing speed limit on Kellwood Drive (SR 1636) between SR 1524 and 0.121 mile west of SR 1602 is 35 miles-per-hour; and,

WHEREAS, the North Carolina Department of Transportation determined that the speed limit should be lowered to 25 miles-per-hour along this route; and,

WHEREAS, General Statute 20-141(f) specifies the speed limit inside municipal corporate limits for all vehicles to be 35 miles-per-hour unless otherwise specified; and,

WHEREAS, the North Carolina Department of Transportation is requesting the Town's concurrence on repealing the existing 35 miles-per-hour speed limit on SR 1636 (Kellwood Drive) between SR 1524 and 0.121 mile west of SR 1602; and,

WHEREAS, the adoption of this ordinance will authorize the North Carolina Department of Transportation to post the appropriate speed limit signs along this route and allow the police department to enforce the posted speed limit; and,

WHEREAS, the lower speed limit shall become effective when the North Carolina Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

NOW, THEREFORE, BE IT ORDAINED that the Boone Town Council hereby repeals the existing speed limit of 35 miles-per-hour on SR 1636 (Kellwood Drive) between SR 1524 and 0.121 mile west of SR 1602 and concurs with reducing the speed limit to 25 miles per hour.

Adopted this 20th day of April, 2017.

ATTEST:

Mayor Rennie Brantz

Town Clerk Christine Pope

(ORDINANCE TO BE TYPED IN BOOK 4, PAGE 99)

APPROVAL OF RESOLUTION DIRECTING THE CLERK TO INVESTIGATE AN ANNEXATION PETITION (MANSA HOSPITALITY)

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31
(Mansa Hospitality, LLC)**

WHEREAS, a petition requesting annexation of an area described in said petition was received on April 20, 2017, by the Town Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Boone deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Boone that:

The Town Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Town Council the result of her investigation.

ATTEST:

Mayor

Clerk

(RESOLUTION TO BE TYPED IN BOOK 3, PAGE 318)

**CONSIDERATION OF RESOLUTION OF SUPPORT - ABANDONMENT OF
LANDFILL ROAD AND ADDITION OF INNOVATION DRIVE TO NCDOT STATE-
MAINTAINED SYSTEM**

**RESOLUTION OF THE TOWN OF BOONE IN SUPPORT OF THE ABANDONMENT OF
LANDFILL ROAD AND THE ADDITION OF INNOVATION DRIVE TO THE NCDOT STATE-
MAINTAINED SYSTEM OF ROADWAYS**

WHEREAS, a portion of the roadway of Landfill Road (SR 1655) is located within the corporate limits of the Town of Boone, Watauga County, North Carolina; and,

WHEREAS, Watauga County, the property owner along Landfill Road, intends to petition the State of North Carolina Department of Transportation (NCDOT) to abandon and remove Landfill Road from the state-maintained system; and,

WHEREAS, Watauga County also intends to petition NCDOT to add Innovation Drive to the NCDOT state-maintained system; and,

WHEREAS, the Town of Boone has reviewed the details regarding the request by Watauga County to add Innovation Drive to the state-maintained system of roadways upon the successful deletion of Landfill Road (SR 1655) from the state-maintained system.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Boone, North Carolina, supports Watauga County's petition to NCDOT to abandon Landfill Road (SR 1655) and add Innovation Drive to the NCDOT state-maintained system of roadways.

Adopted this the 20th day of April, 2017.

ATTEST:

Mayor Rennie Brantz

Town Clerk Christine Pope

(RESOLUTION TO BE TYPED IN BOOK 3, PAGE 319)

CONSIDERATION OF EASEMENT AGREEMENT WITH FRONTIER NATURAL GAS COMPANY

STATE of North Carolina
COUNTY of Watauga

Tract No.
2901-90-8365-000

EASEMENT AGREEMENT

Grantor for and in consideration of the sum of zero Dollars (\$0), paid by FRONTIER NATURAL GAS COMPANY, having its principal place of business at 110 PGW Drive, Elkin, North Carolina 28621 ("Grantee"), to Town of Boone ("Grantor"), the receipt and sufficiency of which is hereby acknowledged, does hereby give, grant, bargain, sell and convey unto Grantee, its successors and assigns, subject to the limitations and reservations herein stated, a permanent ten foot (10') wide right of way and easement over, under, across and upon the Property for the purpose of laying, constructing, inspecting, maintaining, operating, altering, replacing, repairing, abandoning and removing an underground pipeline or pipelines and other underground appurtenant facilities, including but not limited to data acquisition, valves, tie-overs, meters, regulators, cathodic protection devices, and/or pig launchers/receivers, all of which shall be and remain the property of Grantee, for the transmission of natural gas and all by-products thereof. All facilities shall be underground with the single exception of line markers.

Grantee warrants and agrees that all pipe and any appurtenant facilities will be installed in a workmanlike manner, and in full compliance with all applicable federal, state, and local law and regulations. Grantee further agrees to fully indemnify and hold Grantor harmless from any and all claims and liabilities of any nature whatsoever arising from or related to Grantee's use of the easements conveyed herein.

The property subject to the easement ("Property") is identified as PIN number 2901-90-8365-000 and described at Book 1440 page 312 of the Watauga County Registry of Deeds. Right of way shall be ten feet (10') in width from the edge of the pavement of Eastbrook Drive starting approximately seven feet (7') from the Southeastern corner of Grantor's property and running South to North approximately two hundred eight feet (208') adjacent to Eastbrook Drive then exiting said property approximately eleven feet (11') from the Northeastern corner of the property, all as shown on Exhibit "A" which is attached hereto and made a part of this agreement. [AMM1]

Grantor also conveys herein a temporary easement consisting of the use of an additional thirty-five foot (35') temporary work space along and adjacent to the **ten foot (10') permanent easement**. Grantee's right to use such temporary work space will expire six (6) months after completion of construction of the pipeline. The temporary easement may only be used as access for construction and installation of pipe in the permanent easement and not for any other purpose. Without limiting the foregoing, it is specifically agreed that Grantee may not cut any trees on the property without the express advance written approval of the Town Manager of Boone.

Grantor reserves the right to use and enjoy said land except as may be necessary for the purpose(s) herein granted, provided Grantor shall not construct or permit to be constructed any house, structure, paving, reservoir, or other obstruction or excavation on, over, or within said 10' permanent easement and shall not change the grade over any pipeline constructed hereunder without first obtaining the written permission of Grantee, which permission shall not unreasonably be withheld. Immediately upon the conclusion of Grantee's construction and installation of the pipeline and following any other occasion on which Grantee accesses the 10' permanent easement, Grantee will restore the premises to the same condition as it was before construction.

An original counterpart of the Agreement shall be recorded in the public registry in the County in which the Property is located.

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WITNESS my hand and official seal this _____ day of _____, 20____.

Notary Public

My Commission Expires:

GRANTEE:

The foregoing instrument is approved, this ____ day of _____, 2017.

Town of Boone

By: _____
Mayor

Attested By: _____ (SEAL)
Clerk, Town of Boone

STATE OF NORTH CAROLINA
COUNTY OF WATAUGA

I, a Notary Public of the County and State aforesaid, certify that _____ personally appeared before me this day and acknowledged that she is the Clerk for the Town of Boone, a North Carolina municipality, and that by authority duly given and as an act of the Town of Boone, the foregoing instrument was signed in its name by its Mayor, _____, and attested by her as the Town Clerk.

Witness my hand and official stamp or seal, this ____ day of _____, 2017.

Notary Public

Printed Name of Notary Public

My Commission Expires: _____

**REQUEST FOR APPROVAL FOR THE 2017 BOONE CYCLO.VIA! FESTIVAL AND
ACCOMPANYING BUDGET AMENDMENT**

Description:	Account Number:	To:	From:
Overtime – Police Department	010-500-300-501201	\$750	
Overtime – Street Department	010-600-401-501201	\$750	
Appropriated Fund	010-000-000-		(\$1,500)

Balance – General Fund	499900		
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REQUEST FOR APPROVAL OF SPECIAL EVENT PERMIT HIGH COUNTRY SPRING PROCESSION EVENT AND ACCOMPANYING BUDGET AMENDMENT

Description:	Account Number:	To:	From:
Overtime – Police Department	010-500-300-501201	\$750	
Overtime – Street Department	010-600-401-501201	\$750	
Appropriated Fund Balance – General Fund	010-000-000-499900		(\$1,500)

APPROVAL OF ENCROACHMENT AGREEMENT - CAROLINA PIZZA CO.

STATE OF NORTH CAROLINA

ENCROACHMENT AGREEMENT

COUNTY OF WATAUGA

THIS ENCROACHMENT AGREEMENT is made and entered into this the 3rd day of April, 2017, by and between the TOWN OF BOONE, party of the first part, and Soulhammer Corp. (dba Carolina Pizza Co.), party of the second part.

W-I-T-N-E-S-S-E-T-H

THAT WHEREAS, the party of the second part desires to encroach on the right of way of the public road(s) designated as 454 B W. King Street located with the following: projecting sign;

WHEREAS, it is to the material advantage of both parties to effect this encroachment, and the party of the first part, in the exercise of authority conferred upon it by statute, is willing to permit the encroachment within the limits of the right of way as indicated, subject to the conditions of this agreement.

NOW, THEREFORE, IT IS AGREED that the party of the first part hereby grants to the party of the second part the right and privilege to make this encroachment upon the following conditions, to wit:

That the said party of the second part binds and obligates itself, its successors and assigns, to install and maintain the encroaching facility in such safe and proper condition that it will not interfere with or endanger travel upon said public land, nor obstruct nor interfere with the proper maintenance thereof, to reimburse the party of the first part for the costs incurred for any repairs or maintenance to its roadways, sidewalks and other structures resulting from the installation and existence of the encroaching facility of the party of the second part, and if at any time the party of the first part shall require the removal of or changes in the location of the encroaching facility, that the said party of the second part binds itself, its successors or assigns, to promptly remove or alter the said encroaching facility in order to conform to the said requirements of the party of the first part, without any cost to the party of the first part.

That the party of the second part agrees to provide during construction and any subsequent maintenance proper signs, signal lights, flagmen and/or other warning devices, as necessary or as requested by the party of the first part's Director of Public Works or his designee, for the protection of the public and in the case of encroachment into a street right of way, in conformance with the latest Manual on Uniform Traffic Control Devices for Streets and Highways and amendments or supplements thereto. Information as to the above rules and regulations may be obtained from the party of the first part.

That to the extent permitted by law, the party of the second part shall be responsible for all liability associated with the encroaching facility. The party of the second part agrees to indemnify and hold harmless the party of the first part from and against all claims based upon actions or omissions occurring during construction and maintenance, damages, losses and expenses, including court costs and attorney fees, arising out of or in any way related to the encroaching facility. The party of the second part shall cause its contractors to name the party of the first part as an additional insured on general liability insurance policies applicable to the project contemplated by this agreement.

It is clearly understood by the party of the second part that the party of the first part will assume no responsibility for any damage that may be caused to such facilities, within the highway or street rights of way limits, in carrying out its construction and maintenance operations.

The party of the second part agrees to restore all areas disturbed during installation and maintenance to the satisfaction of the party of the first part. The party of the second part agrees to exercise every reasonable precaution during construction and maintenance to prevent eroding of soil; silting or pollution to the rivers, streams, lakes, reservoirs, other water impoundments; ground surfaces or other property; or pollution of the air. There shall be compliance with applicable rules and regulations of the North Carolina Sedimentation Control Commission, and all other applicable laws and regulations relating to pollution prevention and control. When any installation or maintenance operation disturbs the ground surface and the existing ground cover, the party of the second part agrees to remove and replace the sod or otherwise re-establish the grass cover to meet the satisfaction of the party of the first part.

That the party of the second part agrees to assume the actual cost of any inspection of the work considered to be necessary by the party of the first part.

That the party of the second part agrees to have available at the encroaching site, at all times during construction, a copy of this agreement showing evidence of approval by the party of the first part. The party of the first part reserves the right to stop all work unless evidence of approval can be shown.

Provided the work referred to in this agreement is being performed on a completed public street open to traffic, the party of the second part agrees to give written notice of when work will begin to the party of the first part.

That in the case of noncompliance with the terms of this agreement by the party of the second part, the party of the first part reserves the right to stop all work until the facility has been brought into compliance or removed from the right of way at no cost to the party of the first part.

That it is agreed by both parties that this agreement shall become void if actual construction of the work contemplated herein is not begun and completed within ____ year(s) from the date of this agreement unless written waiver is secured by the party of the second part from the party of the first part.

The party of the first part expressly reserves the unrestricted right to require the party of the second part to change the location of the encroachments described herein at no expense to the party of the first part.

IN WITNESS WHEREOF, each of the parties to this agreement has caused the same to be executed as of the day and year first above written.

TOWN OF BOONE

By: _____
Mayor

ATTEST:

Town Clerk

By: _____
President/Member-Manager/Owner

Printed Name: Party of the Second Part

ATTEST:

Secretary/Witness

AWARD OF BID FOR REPLACEMENT/UPGRADE TO SANITARY SEWER ON PINNACLE DRIVE - IRON MOUNTAIN CONSTRUCTION

APPROVAL OF CHANGE ORDER NO. 2 FOR WHITENER DRIVE SEWER IMPROVEMENTS PROJECT

AUTHORIZATION TO CONTRACT WITH NCDOT - PEDESTRIAN SIGNALS AND CROSSWALKS

TRANSPORTATION COMMITTEE RECOMMENDATION - REQUEST REMOVAL OF HOMESPUN HILLS CONNECTION AS OPTION FROM THE NC 105/BODENHEIMER DRIVE CONNECTOR ROAD PROJECT

APPROVAL OF BUDGET AMENDMENTS

Description:	Account Number:	To:	From:
Community Development	010-418-000-553112	\$350	
Concrete Materials/Supplies	010-600-401-514308	\$125	
Miscellaneous Revenue	010-000-000-489900		(\$475)
Uniform Equipment	010-500-300-511220	\$2,515	
Miscellaneous Revenue	010-000-000-489900		(\$2,515)
Maintenance – Vehicles	010-500-300-525301	\$791	
Miscellaneous Revenue	010-000-000-489900		(\$791)

COUNCIL MATTERS

CONSIDERATION OF ITEMS HEARD AT MARCH PUBLIC HEARING

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

Town Manager John Ward recommended that this item be tabled for consideration after discussion in closed session. Upon a motion by Council Member Clawson, seconded by Council Member Underdown Collins, Council moved to table this item.

RESULT:	TABLED [UNANIMOUS]
MOVER:	Loretta Clawson, Council Member
SECONDER:	Jeannine Underdown Collins, Council Member
AYES:	Mason, Clawson, Mizelle, Teague, Collins

CASE PL00258-020917 ARTICLE 24 PARKING REVISIONS - UDO TEXT AMENDMENT

CASE PL00258-020917 VOTE #1

Upon a motion by Council Member Mason, seconded by Council Member Underdown Collins, Council moved that the proposed amendment to the Town's zoning ordinance is consistent with the Town's Comprehensive Plan and other applicable adopted plans of the Town which relate to this application because, primarily related to the economic development parts of the Comprehensive Plan where the Town shall encourage a public service regulatory environment conducive to business recruitment and expansion, while at the same time enhancing the area's physical and human resources. In addition, it provides sufficient parking, both vehicular and bicycle, associated with each development.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Lynne Mason, Mayor Pro Tem
SECONDER:	Jeannine Underdown Collins, Council Member
AYES:	Mason, Clawson, Mizelle, Teague, Collins

CASE PL00258-020917 VOTE #2

Upon a motion by Council Member Mason, seconded by Council Member Clawson, Council moved to approve the proposed amendment to the Town's zoning ordinance and believe approval is reasonable and in the public interest because it improves the ability to administer the ordinance effectively by cleaning up the language to make the ordinance more clear for potential development and redevelopment interests, and ensures that there is sufficient parking associated with each development as the town continues to grow, and because the amendments meet the objectives to support and enhance the cultural significance of downtown Boone by providing exceptions in the B-1 zoning district.

PARKING

24.01 Parking Spaces Required

24.01.01 All developments in all zoning districts shall initially and continually provide a sufficient number of ~~parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question.~~

~~**24.01.02** The number of permanent off-street motor vehicle ~~parking spaces included in a~~ and bicycle parking spaces, in compliance with this Article, to accommodate the residents, employees, customers, visitors and others who may spend time at that development.~~

~~**24.01.02** Unless otherwise expressly stated, every development shall ~~comply with the standards in this Article.~~~~

~~**24.01.03** Required Parking By Use:~~

~~**24.01.04** Uses which have provide the parking spaces required per Table 24.01 below and the other provisions of this Article. Parking spaces may be provided in a parking structure. For uses not covered in Table 24.01, the parking requirements ~~which are to~~ shall be "as determined by the Administrator" as ~~listed in~~ set forth at 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.~~¹¹
below.

~~The Administrator shall make the determination based upon the expected~~^{24.01.03} Unless otherwise expressly stated, these requirements apply as follows:

A. New Construction. Any new buildings or structures must provide parking ~~needs~~ as required by this Article at such times as a Certificate of Occupancy or other zoning Certificate required for use or occupancy is issued.

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 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 enlarged or expanded building area, use or occupancy only; *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.

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 ten (10) percent in the required number of parking spaces or fewer than four (4) spaces, no additional motor vehicle parking shall be required.

2. Notwithstanding the foregoing provision, when there is a proposed change in use of the structure(s) on an existing parcel that does not involve any enlargement of a structure, 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.

Table 24.01 Minimum or Maximum 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
4.06 Post Office, Distribution 14.0 Manufacturing 16.02 Outdoor Storage 16.03 Warehouse 16.04 Fuel Storage Facility 17.02 & 17.03 Trucking or Freight Terminal A-24 Chemical Storage Facility	2 spaces/1000 ft ² GFA
10.0 Daycare 11.32 Gas Station	3 spaces/1000 ft ² GFA
11.01 Kennel 11.02-11.03 Veterinary Office/Hospital 11.04 & 11.05 Financial Institution 11.11 ABC Store 11.12 - 11.13 Personal Service Establishment 11.14-11.16 Retail Store 11.17 Shopping Center/Mall 11.18 - 11.19 Business or Professional Office 11.20-11.23 Medical Office 11.16 Specialty Medical Facility 11.26 Open Air Market 11.33 Car Wash	5 spaces/1000 ft ² GFA or outdoor area used for principal use

Commercial Land Uses	Maximum Parking Allowed
12.0 Recreation 18.0 Waste Related Uses 19.0 Particular Activities which Pose Particular..	
11.06 - 11.10 Restaurant	12 spaces/1000 ft ² GFA
4.03 Funeral Home Establishment	12 spaces/1000 ft ² of visitation area, plus one space per every two seats in the chapel.
4.05 Post Office	1 space per employee plus 5 spaces/1000 ft ² GFA
6.0 Non-Government Utility Facility	3 spaces per facility
7.0 Telecommunication	1 space per service provider
8.0 Assembly	1 space for every two seats in sanctuaries/chapels plus 3 spaces per 1000 ft ² for daycares
9.0 Education	5 spaces per classroom
11.27 Vehicle Sales and Service 11.28 Equipment Sales and Service 11.29 Moped Sales and Service 11.30 Boat or Marine Craft Sales and Service	3 spaces/1000 ft ² GFA, plus 2 spaces/1000 ft ² of outdoor display, plus 2 per service bay
1.05 Manufactured Home Park 4.01 Airport/Land Strip 4.02 Heliport 4.04 Cemetery 4.07 Animal Sanctuary 5.0 Government Uses 13.0 Agricultural Uses 17.01 Passenger Terminals A-19 Helistop T-8 Temporary Non-Fixed Site Event Venue	As determined by the Administrator

~~, recognizing the Town's goal of preventing~~

24.01.04 Exceptions in the B-1 Downtown District

Development in the B-1 Downtown District is not required to meet the requirements of this Article, and will be construed as conforming to the requirements of this Article; provided, however, that (i) this exception does not apply to multi-family residential use(s), and (ii) this exception applies with respect to motor vehicle parking and loading/unloading areas, and does not apply with respect to bicycle 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.

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

- ~~24.01.05~~ 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 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** 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.
- ~~A. All spaces must otherwise be maintained for the life of the development.~~
- 24.01.09** 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—which supports a conclusion) demonstrating that application of the minimums established by Subsection 24.01.03 the minimum parking required per the provisions of this Article would result in excess and unnecessary parking for the development, or ~~maximums established by Subsection 24.01.03 are~~ 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 Subsection 25.01.03~~ herein 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 24.01.03~~ herein, 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.~~
- 24.01.0710** When a use is proposed which is not listed in ~~Subsection~~Table 24.01.03, 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 ~~listed in Subsection 24.01.03(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 may require the applicant to submit 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.~~
- ~~A.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
- v. The submitted demand study must include an executive summary that succinctly outlines the methodology and recommendation.

24.01.08 — 11 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 ~~20%~~ based on these factors: 15%:
 - 1. ~~If the development is located within 1½ mile of linear sidewalk distance from any portion of the the Appalachian State University library, 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; or the Appalachian Health Sciences Building, the minimum parking may be reduced by 10%.~~
 - 2. ~~Bus service to the development exists or is arranged by the applicant and a transit shelter or bus pull-off for use by the residents is built or exists within ½ mile linear sidewalk distance from the development boundary.~~
 - 2. ~~The number of automobile~~ If the development is served by a public transit route, with a transit shelter or bus pull-off existing or to be constructed within ¼ mile of the development, 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.
 - 3. For every six (6) bicycle parking spaces for Use 1.300 Multi-Family Residences shall not exceed one hundred and twenty percent (120%) of the minimum in excess of the short or long term bicycle parking space requirements, the motor vehicle parking requirement may be reduced by one (1) space.

24.01.12 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.
- 24.02.03** C. Compact spaces must be signed as "Compact." 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
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 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	50.0	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 ~~shall be prohibited~~.

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.

24.03.09 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.

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

Vehicle Accommodation Area Surfaces

24.04.0112 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%).

24.04.0213 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.

24.04.0314 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.

24.04.0415 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 (~~10~~15%) 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.

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

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.

~~1.01~~ ~~Satellite Parking~~

~~24.06.01~~ ~~If the number of off-street~~ 24.06.01 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 ~~required by this Ordinance cannot reasonably~~.

24.05.06 Bicycle parking may be provided ~~on the same lot where~~ in a common area of a shared parking area for adjacent sites.

24.05.07 An applicant proposing the ~~principal use associated with these~~ of shared parking must:

- A. Demonstrate that the applicant has the express legal right to use the spaces is located, then 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
- 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 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 feet~~ ¼ mile 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. ~~Satellite parking spaces intended for employee use may be located within any reasonable distance; 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.

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 ~~permission of the owner or other person in charge of~~ legal right to use the satellite parking spaces ~~to use, and that such spaces right is exclusive during the operating hours of the use in question.~~ 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 be~~ are not ~~be held accountable~~ responsible for ensuring that the satellite parking areas from which they obtain their spaces satisfy the design requirements of this Article.

~~1.02~~ ~~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.~~

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.

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~~ 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 ~~and~~:

- 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:~~

~~A. When a new building is constructed;~~

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

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

~~24.09.03~~**24.09.02** The number of bicycle spaces included in the required bicycle parking facilities shall be determined by the following table of uses. Use descriptions are abbreviated and are for descriptive purposes only. Uses listed below are preceded by a number which corresponds to a use category in the Table of Principal Uses, Section 15.07, *supra*, and include all specific uses described in association with that number. In those instances when alternative measures are associated with a particular use, e.g., "2, or 1 per 20 units," the measure providing the higher number of bicycle parking spaces shall be used.

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

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

Table 24.09

Use Type	Specific Use	<u>Short-Term Bicycle Parking Minimum²</u>	<u>Long-Term Bicycle Parking Minimum³</u>
1.0 Household Living	1.01 Single-Family Dwelling 1.02 Manufactured Home "Class A" 1.03 Manufactured Home "Class B" 1.06 Duplex 1.07 Duplex	-	-
	1.08-1.10 Townhouse 1.11-1.13 Multi-Family 1.14-1.16 Multi-Family	1 per 20 units	1 per 4 units
	1.05 Manufactured Home Park	1 per 20 beds	
2.0 Group Living	2.01 Family Care Home	=	<u>1 space per 5 employees</u>
	2.08-2.09 Retirement Community <u>2.10-2.12 Residence Hall</u>	1 space per 20 beds	1 space per 10 beds
	2.02 Family Care Institutions 2.03-2.04 Halfway House 2.05-2.06 Nursing Care 2.07 Skilled Nursing Facility		<u>1 space per 5 employees</u>
	2.13 Fraternity or Sorority Dwelling	1 space per 20 beds	1 space per 10 beds
	2.14 Board Housing	1 space per 20 beds	1 space per 10 beds
3.0 Transient Living	3.01 Home for Survivors of Domestic Violence	2 spaces	2 spaces
	3.02-3.03 Shelter for Homeless	2 spaces	2 spaces
	3.04-3.05 Bed & Breakfast	2 spaces	2 spaces
	3.06 Vacation Rental	2 spaces	2 spaces
	3.07 Motel 3.08 Hotel	2 spaces	2 spaces

Use Type	Specific Use	<u>Short-Term Bicycle Parking Minimum</u> ²	<u>Long-Term Bicycle Parking Minimum</u> ³
4.0 Institutional Uses	4.01 Airport/Land Strip 4.02 Heliport 4.04 Cemetery 4.07 Animal Sanctuary 4.03 Funeral Home Establishment 4.05 Post Office 4.06 Post Office, Distribution	<u>TBD</u>	<u>TBD</u>
5.0 Government Uses	All Government Uses	<u>TBD</u>	<u>TBD</u>
6.0 Non-Governmental Utility Facility	All Non-Government Utility Facility	-	-
7.0 Telecommunications	All Telecommunication Uses	-	-
8.0 Assembly	8.01-8.03 Religious Assembly	1 space per 2,000 ft ² GFA ⁶	1 space per 5,000 ft ² GFA ⁶
	8.04-8.05 Assembly Uses	1 space per 1,000 ft ² GFA ⁶	1 space per 10,000 ft ² GFA ⁶
9.0 Education	9.01-9.05 Education Uses	<u>3</u> spaces per classroom	.5 spaces per classroom
	9.06-9.09 Education Uses	<u>3</u> spaces per classroom	.5 spaces per classroom
10.0 Daycare	All Daycare Uses	<u>2</u> spaces	<u>2</u> spaces
11.0 General Sales & Service	11.01 Kennel 11.11 ABC Store 11.12 - 11.13 Personal Service Establishment 11.14-11.16 Retail Store 11.17 Shopping Center/Mall 11.26 Open Air Market 11.04 & 11.05 Financial Institution 11.18 - 11.19 Business or Professional Office 11.20-11.23 Medical Office 11.02-11.03 Veterinary Office/Hospital	1 space per 5,000 ft ² GLA ⁴	1 space per 10,000 ft ² GLA ⁴
	11.06 - 11.10 Restaurant	1 space per 5,000 ft ² GLA ⁴	1 space per 10,000 ft ² GLA ⁴
	11.32 Gas Station	-	-
	11.33 Car Wash	-	-
	11.27 Vehicle Sales and Service 11.28 Equipment Sales and Service 11.29 Moped Sales and Service 11.30 Boat or Marine Craft Sales and Service	-	-
12.0 Recreation & Entertainment Uses	12.01 Indoor Shooting Range	1 space per 5,000 ft ² GFA ⁶	1 space per 10,000 ft ² GFA ⁶
	12.03 Indoor Theater 12.05 Event Venue Cat I	1 space per 5,000 ft ² GFA ⁶	1 space per 10,000 ft ² GFA ⁶
	12.10 Recreation Cat I	1 space per 5,000	1 space per 10,000 ft ² GFA ⁶

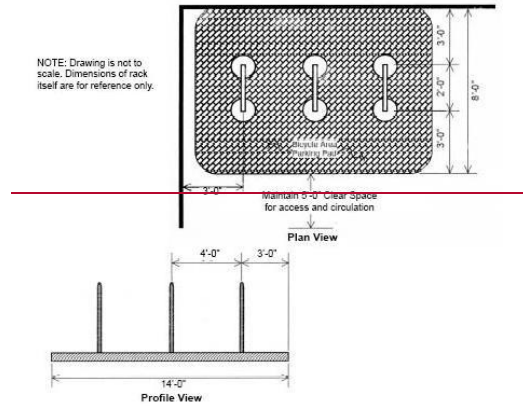
Use Type	Specific Use	<u>Short-Term Bicycle Parking Minimum²</u>	<u>Long-Term Bicycle Parking Minimum³</u>
		ft ² GFA ⁶	
	12.04 Outdoor Theater 12.06 Event Venue Cat. II 12.07 Event Venue Cat III	1 space per 2,000 ft ² GFA ⁶	1 space per 10,000 ft ² GFA ⁶
	12.09 Coliseum 12.11 Recreation Cat II 12.12 Recreation Cat III 12.01,	<u>1 space per 20 motor vehicle spaces</u>	<u>TBD</u>
	12.08 Campgrounds/RV Parks	-	-
13.0 Agriculture Uses	All Agricultural Uses	-	-
14.0 Manufacturing	14.01 Microbrewery 14.02 Brew Pub	1 space per 5,000 ft ² GLA ⁴	1 space per 10,000 ft ² GLA ⁴
	All other Manufacturing Uses	<u>TBD</u>	<u>TBD</u>
16.0 Storage	16.01 Mini-Storage 16.02 Outdoor Storage	-	-
	16.03 Warehouse 16.04 Fuel Storage Facility	<u>TBD</u>	<u>TBD</u>
	17.01 Passenger Terminals 17.02 & 17.03 Trucking or Freight Terminal	<u>TBD</u>	<u>TBD</u>
18.0 Waste Related Uses	All Waste Related Uses	-	-
19.0 Particular Activities which Pose Particular Concerns to Public Health	All Particular Activities which Pose Particular Concerns to Public Health Uses	1 space per 5,000 ft ² GFA ⁶	1 space per 10,000 ft ² GFA ⁶
Accessory Uses	A-1 Secondary Suite A-3 Accessory Dwelling Unit	-	-
	A-10 Produce Stand	-	-
	A-21 Caretaker's Residence	-	-
	A-19 Helistop	<u>TBD</u>	-
	A-24 Chemical Storage Facility	-	-
Temporary Uses	T-1 Temporary Care Provider Dwelling T-2 Temporary Construction or Repair Dwelling T-3 Temporary Construction Trailer	-	-
	T-8 Temporary Non-Fixed Site Event Venue	<u>TBD</u>	-

- ~~.04~~ — 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 parking facilities shall meet the following standards:

- ~~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.~~

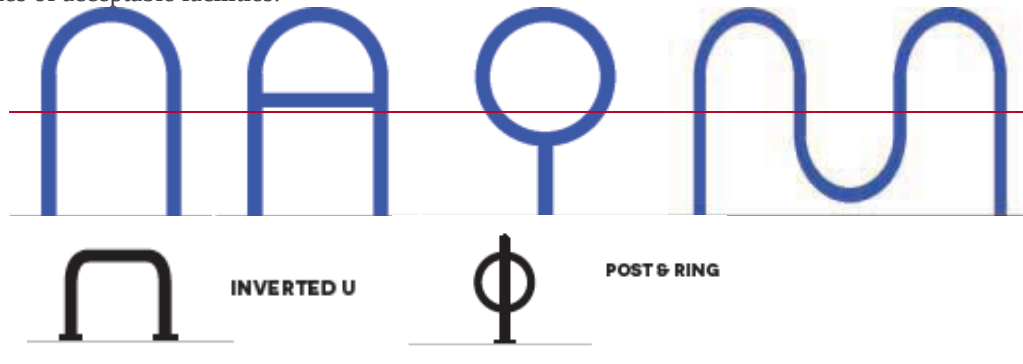
~~A. Bicycle parking facilities shall be constructed of materials of sufficient strength to significantly resist their displacement or removal, and they shall be securely anchored in concrete or other equivalent material or system of sufficient strength to significantly resist removal. Bicycle parking 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.~~

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.)

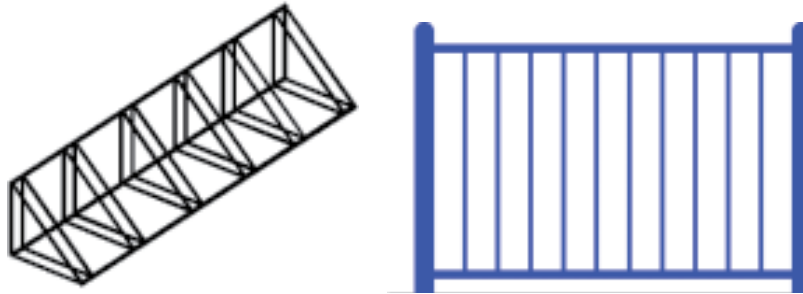
C. All racks must be safe, sturdy and well-anchored.

Examples of acceptable facilities:





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



- 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.
- 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:



- 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.

24.09.05

Short Term Bicycle Parking

- A. ~~Short-term bicycle parking is parking intended or utilized for~~ [shall meet the needs of people visiting businesses, institutions and other uses with similar needs – typically lasting up to two](#)

(2) hours ~~or less by customers or~~. Since short-term users are infrequent visitors to a particular use, these locations, the parking installation should be readily visible and self-explanatory.

~~A.B.~~ A.B. 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.

~~B.C.~~ B.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 ~~is intended or utilized~~

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

~~(20140384-08212014)~~

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.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Lynne Mason, Mayor Pro Tem
SECONDER:	Loretta Clawson, Council Member
AYES:	Mason, Clawson, Mizelle, Teague, Collins

CONSIDERATION OF PROPOSAL BY UNC SCHOOL OF GOVERNMENT DEVELOPMENT FINANCE INITIATIVE AND ACCOMPANYING BUDGET AMENDMENT

Town Manager John Ward presented a proposal by the UNC School of Government's Development Finance Initiative with an accompanying budget amendment for Council's consideration to determine key development sites and engage in a pre-development process for multiple project sites in downtown Boone along the Howard Street corridor in order to attract private investment and further the Town's community and economic development. Mr. Ward added that the Downtown Boone Development Association may also be interested in partnering with the Town to do not just Howard Street but the full Municipal Service District and get data on that as well. Council Member Teague felt that people are already interested in moving into downtown and was not sure the Town needed to spend the \$98,000 to complete this. Mr. Ward stated that one of the main ideas for this project is the parking deck, noting that the School of Government could help the Town find potential partners to finance this project without the Town taking out a debt for it. Council Member Underdown Collins noted that this would give staff time to focus on other important things that need to be expedited while the School of Government focuses on this project.

Upon a motion by Council Member Mason, seconded by Council Member Underdown Collins, Council moved to accept the proposal by the UNC School of Government's Development Finance Initiative and the accompanying budget amendment.

Description:	Account Number:	To:	From:
UNC School of Government – Development Finance Initiative	010-411-000-549107	\$98,000	
Appropriated Fund Balance – General Fund	010-000-000-499900		(\$98,000)

RESULT:	APPROVED [4 TO 1]
MOVER:	Lynne Mason, Mayor Pro Tem
SECONDER:	Jeannine Underdown Collins, Council Member
AYES:	Mason, Clawson, Mizelle, Collins
NAYS:	Teague

TOWN MANAGER UPDATE

Town Manager John Ward advised Council of upcoming construction projects, new flood area warning signs, Earth Week events, and updates on the water intake project, Boone Cemetery and Watauga County Farmers' Market.

ANNOUNCEMENT OF BOARD VACANCIES

Mayor Brantz announced current board vacancies being advertised.

Town Manager John Ward asked Council for direction regarding the future of the Water Use Committee. Council Member Mason suggested reaching out to the committee members to see if what they would like to discuss is within the direction of the committee or if Council needs to give the committee a new direction. It was the consensus of Council to bring this discussion back to the May meeting to make a decision and to hold off on considering any new applications for this committee until a decision is made.

APPOINTMENT TO BOARD OF ADJUSTMENT

One application was submitted by James Milner for consideration to transfer from an alternate position to a full-time position. Council Member Mason recommended keeping Mr. Milner's application on file for consideration once they receive additional applications. Council Member Teague nominated Mr. Milner for the full-time position. A vote was called on the nomination of Mr. Milner.

VOTE:	Aye - 1 (Teague)
	The motion failed.

It was the consensus of Council to hold Mr. Milner's application until more applications are received for consideration.

CLOSED SESSION

ENTERING CLOSED SESSION

Upon a motion by Council Member Teague, seconded by Council Member Underdown Collins, Council moved to enter closed session at 7:10 p.m. to hear the following item:

1. Pursuant to N.C.G.S. 143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council and consider and give instructions to the attorney concerning various potential claims involving the Town of Boone.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jennifer Teague, Council Member
SECONDER:	Jeannine Underdown Collins, Council Member
AYES:	Mason, Clawson, Mizelle, Teague, Collins

EXITING CLOSED SESSION

Upon a motion by Council Member Teague, seconded by Council Member Underdown Collins, Council moved to exit closed session at 7:50 p.m.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jennifer Teague, Council Member
SECONDER:	Jeannine Underdown Collins, Council Member
AYES:	Mason, Clawson, Mizelle, Teague, Collins

POSSIBLE ACTION FOLLOWING CLOSED SESSION

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

Council Member Mason stated that the ASU zoning matter would be handled administratively as recommended by the Town Attorney. No action was taken.

ADJOURNMENT

MOTION TO ADJOURN

Upon a motion by Council Member Teague, seconded by Council Member Mizelle, Council moved to adjourn the meeting at 7:52 p.m.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jennifer Teague, Council Member
SECONDER:	Charlotte Mizelle, Council Member
AYES:	Mason, Clawson, Mizelle, Teague, Collins

Christine Pope, Town Clerk

Rennie Brantz, Mayor