

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
November 19, 2019**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order at 6:00 p.m. on Tuesday, November 19, 2019 at the Town Council Chambers located at 1500 Blowing Rock Road in Boone. Mayor Rennie Brantz presided. Council members present included Mayor Pro-Tem Loretta Clawson, Connie Ulmer, Marshall Ashcraft, Sam Furguele and Lynne Mason. Staff present included Town Manager John Ward, Town Clerk Nicole Harmon, Public Works Director Rick Miller, Planning Director Jane Shook, Fire Chief Jimmy Isaacs, Police Chief Dana Crawford, and Downtown Boone Development Coordinator Lane Moody. Town Attorney Allison Meade was also in attendance.

ANNOUNCEMENTS

Mayor Brantz welcomed all in attendance and asked anyone who wished to speak during the public comment session to please sign up.

A resolution of appreciation was presented to Officer Glen Kornhauser in recognition of his 26 years of service with the Town of Boone Police Department.

Mayor Brantz congratulated Mayor Pro-Tem Clawson on her upcoming 7th term as a Town Council member, and welcomed new members Dustin Hicks and Nancy LaPlaca who both secured terms in November's municipal election.

TENTATIVE AGENDA ADOPTION

Upon a motion by Mayor Pro-Tem Clawson, seconded by Ms. Mason, Council voted to approve the tentative agenda as presented.

VOTE:	Aye:	All
	Nay:	None

PUBLIC INFORMATION MEETING - HOWARD STREET PROJECT FUNDING

Mr. Ward began the public information meeting for Howard Street project funding by giving a brief outline of the project. He noted that the project would incorporate curb and guttering along Howard Street, as well as parking for tractor trailer delivery trucks during the morning hours which would switch to metered parking during the afternoon hours. Mr. Ward stated that the project would also integrate trees, bushes and other landscaping elements, as well as crosswalks and four-way intersections at Burrell and Depot Streets. He added that all overhead utilities would be moved underground in collaboration with AT&T, New River Light and Power and others. Mr. Ward believed that once the project was complete, Howard Street would be viewed as the gateway to the downtown area. He indicated that the construction design plans were 100% complete and reminded those in attendance of the future Peacock Lot parking deck, which will include commercial parking, as well as the daylighting of the creek that runs behind Howard Street. Mr. Ward noted that with the upcoming opening of Howard Station and other businesses in the area, he anticipated additional foot traffic, and added that Howard Street would connect to the new Rivers Walk development. He noted that the project also incorporated the replacement of a significant amount of aging water and sewer lines in the downtown area, and stated that approximately \$4 million in cost was allocated toward utilities, with the rest going toward aesthetic improvements. Mr. Ward noted that staff had also worked to expand programming in an effort to be more inclusive of the Howard Street area, and would work to increase it more in the future as the project progresses. He indicated that Council had given their approval to move forward with funding for the project, and that staff had been working on three different options for Council's consideration. Mr. Ward stated that the USDA Community Facilities loan required that the Town hold a public information meeting, and noted that the loan would be for a total amount of approximately \$9-10 million. He reminded Council that the Tourism Development Authority had previously agreed to set aside a portion of hotel/motel tax funds received to go toward funding the Howard Street project, and noted that currently the fund held \$1.2 million, and that he anticipated approximately \$450-485,000 per year which would go toward paying the note on the loan. Mr. Ward indicated that the other two funding possibilities were short-term loans, and then asked Council for questions. Ms. Mason asked when the project would be placed out to bid. Mr. Ward responded that this would depend on when a loan was obtained, and noted that a new requirement to the USDA Community Facilities loan was that an applicant

must obtain a financial feasibility study. He indicated that staff was having difficulty finding an auditor who held the proper qualifications to complete this study, but were working with the USDA to get this completed soon and hoped to be able to begin construction in early 2020. Ms. Mason asked whether there were plans to phase in construction on the project. Mr. Ward indicated that the plan was to remove the existing roadway before placing the project out to bid, scheduling and staging the program. He continued by stating that utilities would then be replaced, with easements being coordinated in collaboration with New River Light and Power, and noted that a cost savings had been identified in the area from Magic Cycles through the alleyway to the Wilcox building, which would save approximately \$1 million. Mr. Ward indicated that further specifics would not be known until a contractor had been chosen for the project. Ms. Mason asked whether it would be better to complete the project one side of the road at a time, to which Mr. Ward stated that he was unsure, but that staff would work with the chosen contractor to make the best decision. Mayor Pro-Tem Clawson expressed her support for the project and thanked staff for their work. She stated that it had taken a long time to get to this point, and that she believed Council and staff would finally be able to complete it. Mr. Furguele stated that when the Tourism Development Authority made the commitment to direct hotel/motel revenue toward the project, they indicated that they would need to pass an ordinance before moving forward, and asked staff whether that had taken place. Mr. Ward stated that the TDA had not yet passed the resolution and that they did not intend to do so until the Town obtained a loan for the project. Mr. Furguele asked what would happen if the Town was not approved for the USDA loan, to which Mr. Ward answered that staff had two other contingency loans with competitive rates but shorter terms. As a requirement of the USDA Community Facilities loan program, Mr. Ward read the following statement: *"A public meeting of the Boone Town Council was held on November 19, 2019 at 6:00 p.m. in the Boone Town Council Chambers. It is the desire of the Boone Town Council to secure a loan from the United States Department of Agriculture, Rural Development to obtain sufficient funds for Howard Street improvements. Assets acquired by the Town may be encumbered to secure any loan obtained. The public is invited to attend the meeting and comment on the proposed action."*

Mayor Brantz opened the floor to comments from the audience. An unidentified female stated that she was very happy with the Howard Street project. Nancy LaPlaca of Boone asked whether solar could be incorporated into the project, with Mr. Ward asking what it would be incorporated into, and noting that the project scope would have to be expanded and the design completely changed. Ms. LaPlaca responded that if the roadway was going to be dug up that solar conduit could be installed underground before it was replaced. Mr. Ward indicated that conduit could only be installed in the existing right-of-way, and that everything would have to meet travel standards since Howard Street was a public roadway. He believed that solar could possibly be installed in the area behind Town Hall, but it could not be installed in structures located within travel areas. An unidentified female in the audience asked about bike lanes along Howard Street. Mr. Ward stated that a bike lane would be installed along Howard Street but that since there were no greenways in the area, it would not connect, though he hoped to be able to connect to a greenway in the future. Mike Trew of Boone thanked Mr. Ward for his work in moving the project ahead and believed that it would move the downtown area forward. Hearing no further comment from the public, Mayor Brantz closed the public information meeting at 6:28 p.m.

PUBLIC COMMENT

Ella Carroll and Catherine Pierce with Western Youth Network asked Council for their support for a resolution against the privatization of the liquor system in the State of North Carolina. Upon a motion by Mr. Furguele, seconded by Mayor Pro-Tem Clawson, Council voted to consider approval of the proposed resolution as the first item under Council Matters.

VOTE: Aye: All
 Nay: None

Mike Trew of Boone spoke regarding case PL02634-060519: Sidewalk Fee-in-Lieu - UDO text amendment. He stated that he and his family recently moved to Cherry Drive and that they were excited to be able to walk to different areas downtown, but that walking down Cherry Drive was dangerous since there was no sidewalk. He believed the fee-in-lieu program to be a good way to remedy the lack of sidewalks in Town, and to ensure that they were installed in areas where they were most needed. Mr. Trew indicated that he had checked with Public Works staff and that Cherry Drive was 31st on the Town's sidewalk priority list. He suggested three amendments, including replacing the word "impossible" with the word "impractical"; removing the provision for satellite annexations, since he did not believe there to be a value in installing them outside Town limits, since there were none available to

connect to; and to task the Public Works department with making decisions of when fee-in-lieu provisions would be assessed since they built and maintained sidewalks, instead of the Planning Department.

REQUESTED APPEARANCES

BROOKE KORNEGAY - WATAUGA FOOD COUNCIL

Brooke Kornegay, Dave Walker, Margie Mansure, Christina Bailey, and Elena Dalton of the Watauga Food Council presented Council with a PowerPoint outlining their recommendations to Council on ways the Town of Boone could work to implement a food policy action plan. Mr. Furgiuele complimented Food Council representatives on their presentation, and believed that Council should definitely endorse the first two recommendations, the approval of a resolution formally adopting the 10% Campaign and that the Town of Boone explore adopting policies supporting edible landscaping on public property. Mr. Furgiuele felt that there would be several steps to this, such as figuring out where to plant the edible landscaping and the appropriate plants, and believed it to be an appropriate topic for the Community Appearance Commission as they moved forward with the bird/bee habitat project. He also believed that a discussion regarding signage to promote local food outlets, as well as food vouchers should be held during the budget retreat. Mr. Furgiuele further expressed support for the development of a shared commercial kitchen, and suggested that the Food Council work with staff on a feasibility study. Mr. Furgiuele then made a motion to move forward with recommendations one (the approval of a resolution formally adopting the 10% Campaign) to be brought back at the December 16 special meeting; recommendation two (the Town of Boone explores adopting policies supporting edible landscaping on public property and that this project be referred to the Community Appearance Commission, and to work with the Food Council if needed as part of the bird/bee habitat campaign, as well as to Public Works to help identify appropriate parcels and to look at different types of plants); ask that staff work with the Food Council to explore funding for the proposed feasibility study for the development of a shared commercial kitchen; to commit to the concept of signage to promote local food outlets and vegetable CSA vouchers for Town employees to be discussed during the budget retreat; and formally suggest that the Watauga Food Council make an application to the Outside Agency Funding Committee in response to their fifth recommendation (create, support, or expand a staff position to coordinate local food initiatives, including emergency food). Mr. Ward noted that currently, there was no extra money in the budget for signage and that there were some restrictions in the sign ordinance that he would want to review before moving forward. Mayor Pro-Tem Clawson suggested that Food Council members take their presentation to the County as well. Mr. Ashcraft agreed, and stated that he thought that the staff position recommendation in particular would be more appropriate being funded at the County level. He explained that since Town residents paid County and Town taxes, Town residents were essentially paying 75% of the cost whenever a joint position, or something similar, was shared between the Town and County. Mr. Furgiuele agreed, and believed that in this instance that the Town had done more than its fair share.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sam Furgiuele, Council Member
SECONDER:	Loretta Clawson, Mayor Pro-Tem
AYES:	Mason, Clawson, Furgiuele, Ulmer, Ashcraft

CHRIS THAXTON - UNIVERSITY VILLAGE PROPERTY OWNERS ASSOCIATION

Chris Thaxton of Boone appeared before Council to give a PowerPoint presentation, and ask members to consider ways to manage the deer and wildlife population in the Town of Boone. When asked by Mr. Furgiuele why he targeted primarily deer in his presentation, Mr. Thaxton responded that he believed that all wildlife should be addressed, but that the increased amount of deer had become a problem. Mr. Furgiuele did not believe that the amount of deer had increased over the last 25 or 30 year since he had moved to Town, and asked whether University Village, where Mr. Thaxton lived, did not have restrictive covenants in place or the ability to adopt them in an attempt to address the issue outlined in his presentation. Mr. Thaxton responded that University Village only had a property owners association and that he believed all the association could do legally was to ask the people feeding the wildlife to not do so and that they were unable to take enforcement

action. Ms. Meade indicated that she believed the community to only have a voluntary property owners association without fully formed restrictive covenants. Mr. Furgiuele felt that as close as houses were, he could not imagine the Town allowing hunting deer in Town limits, even with bows and arrows. He stated that people often put out bird feeders, which occasionally got knocked down by squirrels and subsequently eaten by deer and other wildlife and questioned whether those should also be banned. Mr. Furgiuele asked whether Mr. Thaxton wished for the Town to ban fruit trees since people often did not pick up apples that fell from the trees and were left on the ground for deer to eat. He stated that he did not see how prohibiting feeding deer would solve the problem Mr. Thaxton believed existed. Mr. Furgiuele added that according to his research, the average range of a deer was one square mile, which would indicate that they did not travel much, as was indicated in the information presented. He asked how many police officers were typically on shift during the night, to which Mr. Ward indicated that there were usually five or less, and confirmed that it would be difficult at that staff level to enforce a prohibition of the feeding of deer. Mr. Furgiuele felt that if a potential ordinance was not comprehensive it would not be effective, and believed this to be more of a national problem in that the increased tick population was connected to climate change. He added that the most effective tool for tick control were opossums and did not believe that the Town had the capacity or funds to take on a wildlife management plan. When asked by Mayor Brantz what was involved in a wildlife management program, Mr. Thaxton responded that he believed data should be revisited and other town's programs should be researched to find a program best suited for Boone. He further added that feeding deer was unhealthy for them, and that the result was concentrating the population in a smaller area. Mr. Thaxton explained that his intention was not to cull the herd, but to prevent their population from concentrating in one small area, which could help to decrease car accidents and damage to gardens. Ms. Ulmer was of the opinion that since Boone was a small town in the country, deer would always be an issue. Ms. Mason expressed her thanks to Mr. Thaxton for bringing his research to Council, and noted that members had previously held a discussion about deer birth control measures. She agreed that there appeared to be more deer in the area and that Council needed to look at the issue subjectively. She asked staff whether they were seeing more deer-related vehicle accidents in Town, and stated that she had concerns about public health and safety in terms of accidents and lyme disease from ticks. She felt that members needed to be sensitive and to take into consideration the negatives the animal population had on the community as well. Mr. Furgiuele agreed that he saw more deer killed as a result of automobile accidents, but not in Boone town limits, mainly on Highways 105 and 421. He believed the problem to be system-wide and was concerned about taking action to penalize citizens for things that would have no affect on the deer population. Mr. Thaxton asked that Council allow him and other concerned citizens to collect additional data and present a plan at a later date that was more comprehensive and appropriate for Boone. Mayor Brantz welcomed that idea. Mr. Furgiuele suggested that word needed to be spread throughout the entire Town about any potential action, and noted that he would not support any action moving forward without a broader distribution of information. He indicated that he was still concerned with the enforcement aspect of the issue, and stated that unless citizens wanted their property taxes increased in order to increase the police force to allow for enforcement, there was not much that could be done. In response to Ms. Mason, Chief Crawford reported that there had been 67 wildlife related calls within the last year. He noted that since reports were not required to be filed for this type of call, often times that information was not included in the call log or calls were not made at all. Chief Crawford added that this number had increased from 61 in the previous year. He offered to go back five years to get a report for Council, but noted that since every incident was not logged, it would be a low estimate. When Ms. Mason asked whether there were other types of wildlife involved in calls to the department, Chief Crawford responded that officers routinely responded to calls involving skunks and coyotes in addition to deer. She responded that she believed this was an issue that Council needed to watch, to which Mr. Furgiuele replied that he did not believe that the Town had resources to solve this issue. He added that he thought the only solution to the problem could be to allow for culling of the herd, which he was not enthusiastic about. Mr. Furgiuele continued by stating that deer birth control methods involved injection, which personnel would have to be trained to administer, plus the cost for each injection was between \$300 and \$1,000 a dose. Mr. Thaxton agreed to come back to Council at a future date with additional information, and agreed to a request made by Mr. Furgiuele to include information about issues related to deer over population throughout the state. Mr. Thaxton concluded his presentation by asking the Council members keep an open mind about the information gathered and presented to them.

ERICA ANDREWS - CALDWELL HOSPICE & PALLIATIVE CARE

Upon a motion by Ms. Mason, seconded by Mr. Ashcraft, Council voted to approve the proclamation as presented.

National Hospice and Palliative Care Month – November 2019

WHEREAS, for more than 40 years, hospice has helped provide comfort and dignity to millions of people, allowing them to spend their final months at home, surrounded by their loved ones;

WHEREAS, the hospice model involves an interdisciplinary, team-oriented approach to treatment, including expert medical care, quality symptom control, and comprehensive pain management as a foundation of care;

WHEREAS, beyond providing physical treatment, hospice attends to the patient's emotional, spiritual and family needs, and provides family services like respite care and bereavement counseling;

WHEREAS, palliative care delivers expertise to improve quality of life and relief from pain, can be provided at any time during an illness, and hospices are some of the best providers of community-based palliative care;

WHEREAS, in an increasingly fragmented and broken health care system, hospice is one of the few sectors that demonstrates how health care can – and should – work at its best for its patient;

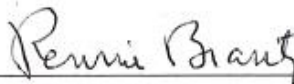
WHEREAS, every year 1.5 million Americans living with life-limiting illness, and their families, received care from the nation's hospice programs in communities throughout the United States;

WHEREAS, hospice and palliative care organizations are advocates and educators about advance care planning that help individuals make decisions about the care they want;

WHEREAS, the Centers for Medicare and Medicaid Services have pledged to put patients first in all of its programs – including hospice – ensuring a coordinated and patient-led approach to care, protecting patient choice and access to individualized services based on a patient's unique care needs and wishes.

NOW, THEREFORE, be it resolved that I, Rennie Brantz, Mayor, by virtue of the authority vested in me by the Town of Boone, do hereby proclaim November 2019 as **National Hospice and Palliative Care Month** and encourage citizens to increase their understanding and awareness of care at the end of life, discuss their end of life wishes with their families, and observe this month with appropriate activities and programs.

This the 19th day of November, 2019.



Rennie Brantz, Mayor

ATTEST:



Town Clerk



P.O. BOX 1234, NORTH CAROLINA 28607

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Lynne Mason, Council Member
SECONDER:	Marshall Ashcraft, Council Member
AYES:	Mason, Clawson, Furgieuele, Ulmer, Ashcraft

APPROVAL OF ITEMS ON CONSENT AGENDA

Ms. Mason made a motion to approve the consent agenda as presented, with Mr. Ashcraft seconding the motion. After confirming with Downtown Boone Development Coordinator Lane Moody that she had informed business owners who would be affected by the additional road closure during Festive First Friday, Council voted to approve the following items on the consent agenda:

1. Resolution of Appreciation - Glen Kornhauser
2. Budget Amendment - Police Department (Capital Outlay/Other Equipment/Canine Unit)
3. Road Closure During Festive First Friday Event

VOTE: Aye: All
 Nay: None

COUNCIL MATTERS

UDO MODIFICATION - REQUIRE LANDLORDS IN NCD TO REQUIRE COMPLIANCE WITH NOISE ORDINANCE IN LEASE

Consideration of Approval of Resolution in Support of the Current Control System for the Sale of Liquor

Mr. Ward noted that the ABC bill was assigned to committee and died. Locally, he noted that if stores were made private, the Town would lose approximately \$500,000 in revenue and that the Town would see an increase in funding needs for police enforcement. Mr. Furgieuele asked whether the bill could potentially be considered during the next session, with Mr. Ward indicating that it was up in the air, but he believed it could come back for consideration in the future. He reported that he had managed towns in states that allowed private liquor stores, and that the comparison was astounding at how many fewer problems there were here. Mr. Furgieuele felt that Council should adopt the resolution and that it should be conformed to be from the whole Council, not as written by an individual, and that the information contained within should be confirmed before adoption. He went on to make a motion to adopt with those conditions, to come back for final consideration at Thursday's meeting, and that the final resolution should be sent to State Representatives, the General Assembly and the Town's lobbyists upon adoption. Mayor Pro-Tem Clawson seconded the motion.

VOTE: Aye: All
 Nay: None

UDO Modification - Require Landlords in NCD to Require Compliance with Noise Ordinance in Lease

Mr. Furgieuele presented a request that Council consider a UDO modification that would require landlords in neighborhood conservation districts to require compliance with the Town's noise ordinance in their leases. He added that the Town Attorney had been charged with researching the noise ordinance, and that in his own research of the neighborhood conservation district protections, he felt that the current protections were limited, mainly parking. Although he believed these to be valuable protections, Mr. Furgieuele felt that Council ought to consider mandating in the UDO that there be provisions included in residential leases that would allow a landlord with property located in a neighborhood conservation district to terminate a lease if their tenants violated, or at least repeatedly violated a lease by breaking the Town's noise ordinance. Ms. Shook felt that there were already protections as far as landlord liability in UDO article 12, with Mr. Furgieuele requesting that a component be added in specifically for noise violations. Ms. Meade expressed concerns with taking this approach through the UDO, and believed that it was beyond the Town's zoning authority in that zoning was limited. She believed that if this rule was enacted, it should be done so under the Town's police powers, though she had some question about that, though less than as a UDO requirement. She believed the matter could bring up a vicarious liability issue and noted a case in Chapel Hill regarding the enforcement of occupancy. Ms. Meade felt that the idea of putting the requirement into a lease was a way of reiterating the noise ordinance, but

she was uncomfortable with it because landlords were not required to have leases unless it was a rental of three years or more. She stated that she had not found any other places that required this sort of compliance in their leases, though she believed that the Town could enforce against both the tenant and the landlord for not complying with the noise ordinance, and was uncomfortable with telling them what to put in their lease. Mr. Furgiuele noted that there was a requirement in the UDO currently that a landlord be required to disclose that a property was located in a floodplain. Ms. Meade stated that she was aware of this requirement but she was not comfortable with it. Mr. Furgiuele felt that the most important piece was the notice piece. He stated that he did not personally live in a neighborhood conservation district, but felt that the Town should have a policy that tenants who lived in these districts should be provided a summary or a copy of the noise ordinance. Ms. Meade agreed, and added that a copy of the community improvement enforcement list could also be provided. Mr. Ward added that the information that was distributed during the Planning/Public Works neighborhood walks be included into a welcome packet to be handed out when tenants picked up their neighborhood conservation district parking stickers. Mr. Furgiuele stated that he was not as concerned about the mechanism, but that he wanted to give notice to landlords and get the word out about the noise ordinance requirements, and invited recommendations from staff. Ms. Shook noted that there was a noise ordinance section included in the brochure handed out during the neighborhood walks, and indicated that the brochure was mailed to the property owners as well. Ms. Meade noted that the Police Department had not been issuing warning citations for noise ordinance violations to landlords as practice, but felt that when violators received a citation, they generally took notice. Ms. Shook noted that staff had been discussing making zoning maps available to the different property management companies. Mr. Furgiuele reiterated that it would be nice for this requirement to be incorporated into leases in a way similar to floodplain notices that would require tenants to sign a disclosure that they were subject to the Town's noise ordinance. When asked by Ms. Meade whether this disclosure would just apply to properties in neighborhood conservation districts, Mr. Furgiuele replied that he was unsure.

Mayor Brantz declared a break at 8:19 p.m. Council reconvened at 8:29 p.m.

CONSIDERATION TO DELAY START OF JANUARY 21, 2020 REGULAR TOWN COUNCIL MEETING

Upon a motion by Mayor Pro-Tem Clawson, seconded by Mr. Furgiuele, Council voted to delay the start of the January 21, 2020 regular Town Council meeting until 6:30 p.m. to allow interested members to attend a training session held by the N.C. School of Government in Asheville.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Loretta Clawson, Mayor Pro-Tem
SECONDER:	Sam Furgiuele, Council Member
AYES:	Mason, Clawson, Furgiuele, Ulmer, Ashcraft

CONSIDERATION OF CHRISTOPHER TAYLOR ANNEXATION PETITION

Ms. Shook presented a petition by Christopher Taylor for annexation and noted that he was granted a service connection due to hardship. After pointing out a few minor errors including an incorrect date and a misspelling, Mr. Furgiuele made a motion to adopt the Resolution Directing the Clerk to Investigate as amended. Mayor Pro-Tem Clawson seconded the motion.

VOTE: Aye: All
 Nay: None

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-58.1
(Christopher Taylor)**

WHEREAS, a petition requesting annexation of an area described in said petition was received on November 21, 2019 by the Town Council; and

WHEREAS, G.S. 160A-58.2 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEERAS, 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.

Mayor

ATTEST:

Town Clerk

Mr. Furgiuele then made a second motion to approve the resolution fixing the date of the public hearing and to send the annexation to public hearing on February 20, 2020. Mayor Pro-Tem Clawson seconded the motion.

VOTE: Aye: All
 Nay: None

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G.S. 160A-58.2
(Christopher Taylor)

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to the sufficiency of the petition has been made;

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at Council Chambers at 6:00 p.m. on February 20, 2020.

Section 2. The area proposed for annexation is described as follows:

A 1.172 acre parcel situated 100 feet northerly of Paul Critcher Drive (NCSR 1633) and being described in Book of Records 1760 at page 195; bounded on the north and west by Annisa C. Castle (BoR 369, pg. 408) and Derek Critcher (BoR 369, pg. 405), on the east by Sandra Laverne Franklin (BoR 1589, pg. 311 and Plat Book 21, pg. 375) and Wyatt Wells (BoR 397, pg. 288) and on the south by Paul Critcher Drive; said 1.172 acres being surveyed by me, Russell C. Shaw, PLS L-2899 and being more particularly described as:

BEGINNING on a ¾ inch pipe found, a common corner of Tract Two of BoR 1760 at page 195, Derek Critcher (BoR 369, pg. 405) and Anissa Castle and being located South 60 degrees 58 minutes 00 seconds West 96.93 feet from the southwesterly corner of the one-story frame house situated on the parcel described herein; THENCE from the beginning and along the line of Castle, North 11 degrees 08 minutes 25 seconds East 199.21 feet to a ¾ inch pipe found; THENCE South 84 degrees 45 minutes 25 seconds East 140.31 feet to a ¾ inch pipe found and being located South 01 degree 25 minutes 10 seconds East 16.22 feet from a 5/8 inch rebar

found; THENCE leaving Castle and along the lines of Franklin, South 03 degrees 35 minutes 45 seconds West 195.51 feet to a ½ inch pipe found; THENCE leaving Franklin and along the line of Tract Two and Wells, South 05 degrees 11 minutes 40 seconds West 22.93 feet to a ¾ inch pipe found; THENCE leaving said line and along the line of Wells, South 11 degrees 37 minutes 25 seconds West 127.43 feet to a ¾ inch pipe found on the northerly side of Paul Critcher Drive; THENCE leaving Wells and running along the northerly side of said road, North 68 degrees 26 minutes 45 seconds West 169.35 feet to a ¾ inch pipe found on the western side of a private paved driveway in the line of Critcher, said iron being located North 03 degrees 20 minutes 50 seconds East 18.91 feet from a leaning concrete right-of-way monument and said ¾ inch pipe also being located North 71 degrees 34 minutes 00 seconds East 1,935.96' from NCGS monument "Airport"; THENCE along the easterly line of Critcher, North 11 degrees 09 minutes 15 seconds East 99.82 feet to the BEGINNING, bearings being relative to Plat Book 21 at page 375 and rounded to the nearest five seconds.

Section 3. Notice of the public hearing shall be published in the Watauga Democrat, a newspaper having general circulation in the Town of Boone, at least ten (10) days prior to the date of the public hearing.

Mayor

ATTEST:

Town Clerk

Mr. Furgiuele made a third motion to direct staff to provide information on R1 zoning with Watershed WS-IV Protected Area overlay. Ms. Shook pointed out that there were single family homes with some rural areas. Ms. Meade asked whether the applicant made a zoning request. Ms. Shook responded that she did not believe the applicant made any request. Mayor Pro-Tem Clawson seconded the motion.

VOTE: Aye: All
 Nay: None

CONSIDERATION OF CASES HEARD AT THE SEPTEMBER 27, 2019 PUBLIC HEARING

Case PL02634-060519: Sidewalk Fee-in-Lieu - UDO Text Amendment

Ms. Shook noted that the Planning Commission spent a significant amount of time on both cases on the agenda for Council's consideration. Mr. Furgiuele asked how much money the fee-in-lieu program brought in last year. Mr. Ward and Mr. Miller both confirmed that the amount was insignificant, and that most of what staff operated with was collected in years prior. Mr. Furgiuele felt that adoption of this text amendment was the right thing to do, and felt that it was better practice to get sidewalks built. Mr. Miller noted that any properties located outside of Town limits would require an encroachment agreement from NCDOT and that they were often reluctant to give easements to private property owners. Mr. Ward also noted that there had been problems with the certification of sidewalks in certain situations. Mr. Furgiuele believed that the one-mile requirement with satellite annexations should remain in the text. Mr. Ashcraft asked how the mile was calculated, with Ms. Shook indicating that the mile was normally calculated as the crow flies. After outlining other changes, Ms. Shook noted the difficulty the Planning Commission had with defining the term "mature" in terms of trees, since it would be different for each species of tree. Mr. Furgiuele suggested that this be defined in a Public Works specification book used in connection with landscaping, and wondered if in the future, the Town could consider a replacement program for significant/mature trees. Mr. Furgiuele offered other amendments before discussion turned to the cost of installation of sidewalks compared to the cost of installation to greenways, with Mr. Miller indicating that they were about the same. After other minor amendments were suggested, Mr. Furgiuele made a motion to table this item until Thursday to be heard as the first item under Council matters before the board liaison report. Ms. Mason seconded the motion.

Case PL03076-090919: 55+ Housing - UDO Text Amendment

Ms. Shook presented changes made to text regarding housing for the 55 and older community. Mr. Furgiuele was concerned with the definition and the usage, and thought that an assisted living facility was less intense than a residential care facility. Ms. Meade agreed that the level of care given was different in an institutional facility as opposed to an independent living facility. Mr. Furgiuele also felt that bicycle parking at the facility should be mandated, specifically visitor parking. He asked why there could not be one visitor bicycle parking spot allotted per 5-10 units and one for every so many units after that. Ms. Shook answered that this would not be consistent with other parts of the ordinance, and noted that car parking regulations were located within each individual section of the ordinance and believed that it would be easier to specify that these suggested per unit parking amendments be directed toward multifamily developments by asterisk or parentheses. Ms. Meade felt that most people would take their bikes up to their units since there were elevators. Mr. Furgiuele stated that he wanted to encourage people to ride bikes, and that multifamily-only bicycle parking requirements could be specified and allocated as one space for every ten units. Mr. Ashcraft suggested a special allowance in the B3 as a conditional use, to which Ms. Shook responded that the UDO currently only allowed it as a component of mixed use. She noted that the Planning Commission was for it, but that they wanted to have the mixed-use component mixed in. Mr. Furgiuele made a motion that the proposed text to the Town's zoning ordinance is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because of Comprehensive Plan Policy 2.1.1 (a) The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy; 2.1.1(k) Boone shall identify and provide services consistent with the needs of the area's growing retiree population; 2.3.2(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 community as a High Country small town; 2.3.3(c) Proposed residential development which would expose residents to harmful effects of incompatible development or to environmental hazards shall be prohibited; 2.3.3(f) The affordable housing needs of area residents, particularly elderly and low to moderate income residents, shall be recognized in Town policies and actions regarding residential development; 2.3.3(a) The protection and rehabilitation of viable neighborhoods shall be encouraged to insure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community. Ms. Mason seconded the motion.

VOTE: Aye: All
 Nay: None

Mr. Furgiuele made a second motion to approve the proposed amendment to the Town's zoning ordinance and believes approval is reasonable and in the public interest because the amendment is in the public interest because the amendment is a priority for middle aged citizens who have a need for diverse housing, and would allow for further diversity for people who are retired and because it is in the best interest for the community as a whole. Mayor Pro-Tem Clawson seconded the motion.

VOTE: Aye: All
 Nay: None

ORDINANCE # _____

**AN ORDINANCE TO REVISE THE TOWN OF BOONE
UNIFIED DEVELOPMENT ORDINANCE CREATING THE R5 55+ HOUSING RESIDENTIAL DISTRICT**

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

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

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

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

WHEREAS, the Town of Boone Comprehensive Plan Update Policy 2.2.3(H) states the affordable housing needs of area residents, particularly elderly and low to moderate income residents, shall be recognized in Town policies and actions regarding residential development.

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

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

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

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

Article 34 Definitions

...

Adult Living Community

An age-restricted planned residential development, consisting of a building or group of buildings for independent living for persons who are fifty-five years of age or older (55+). Residents may be offered a variety of housing choices with shared common areas, from detached single-homes on a single lot to multi-family dwellings. Services may be provided and may include food service, social service and referral consultation, housekeeping assistance and central laundry. No licensed professional medical care or related service are directly provided by on-site staff.

Residential Care Facility

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

Multi-Family Residences for the Elderly

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

Nursing Care Home

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

Nursing Care Institution

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

Retirement Community, Category 1

A group of buildings on a single lot that each contain no more than two dwelling units, where the occupancy is restricted to persons who are at least 55 years of age, or married couples in which one of the persons is at least 55 years of age, in which nursing and/or medical care may be provided, as well as support services, such as common dining facilities, retail stores, and personal service establishments, which are operated by the owner of the retirement community or lessees of the owner and which are only for the use of the residents. Retirement communities are designed to meet the residents' basic needs for shelter, food, and healthcare, regardless of the level of independence of the individual resident and regardless of how these needs may change over time.

Retirement Community, Category 2

A building or group of buildings where at least one building contains more than two dwelling units, where the occupancy is restricted to persons who are at least 55 years of age, or married couples in which one of the persons is at least 55 years of age, in which nursing and/or medical care may be provided, as well as support services, such as common dining facilities, retail stores, and personal service establishments, which are operated by the owner of the retirement community or lessees of the owner and which are only for the use of the residents. Retirement communities are designed to meet the residents' basic needs for shelter, food, and healthcare, regardless of the level of independence of the individual resident and regardless of how these needs may change over time.

Skilled Nursing Facility

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

..

Article 14 Zoning Districts and Zoning Map

14.01 Residential Districts Established

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

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

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

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

- A. The majority of the housing stock in the district shall have been constructed before the Town adopted zoning regulations; and
- B. The area must qualify under U.S. Department of Housing and Urban Development standards as a blighted area; and
- C. The district must be a designated target area for which public money has been appropriated for the purpose of rehabilitating housing stock for low and moderate income persons. All existing nonconforming uses and uses with nonconforming structures, within the Residential Rehabilitation District, shall comply with Article 7 Nonconformities.

- 14.01.05** The R2 Two-Family Residential District is established to provide a medium density living area consisting of single-family and two-family dwellings, and other related uses necessary for a sound neighborhood. The regulations for this district are designed and intended to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.
- 14.01.06** The R3 Multiple-Family Residential District is established to provide a high density area consisting of three or more dwelling units per lot plus limited service use. The regulations for this district are designed and intended to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.
- 14.01.07** The R4 Two-Family/Manufactured Home Residential District is established to provide a medium density area consisting of two-family uses, and manufactured homes on single lots. The regulations for this district are designed and intended to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.
- 14.01.08** The R5 55+ Housing Residential District is established to provide a medium to high density area consisting of residential housing for persons who are 55+. The regulations for this district are designed and intended to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.
- 14.01.08** The RA Residential/Agricultural District is established as a district in which the principal use of the land is for low density residential and agricultural purposes. Low-density commercial and service uses which serve the day to day convenience needs of the surrounding area are permissible so long as the uses are of such nature as to minimize conflicts with the area they serve. These districts are intended to insure that residential development not having access to public water supplies and dependent upon septic tanks for sewage disposal will occur at a sufficiently low density to provide a healthful environment. The regulations for this district are designed and intended to create a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment for all appropriate uses.

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

Article 15 District Use Requirements

Table 15.07 Table of Principal Uses

Use #	Specific Use	Zoning Districts																	Reference
		Low Density Residential			Medium to High Density Residential					Commercial/Industrial					Education				
		RA	R1	R1A	R2	R3	R4	MH	R3	R5	O1	B1	B2	B3	M1	U1	E1	E2	
1.0 Household Living																			
1.01	Single-Family Dwelling	P	P	P	P	P	P												
1.02	Manufactured Home "Class A"	L		L	L	L	L												15.08
1.03	Manufactured Home "Class B"	L					L												15.08
1.04	Manufactured Home "Class C"																		
1.05	Manufactured Home Park						L												15.09
1.06	Duplex (one duplex building per lot)	P					P	P											
1.07	Duplex (more than one duplex building per lot)																		
1.08	Townhouse (up to 30 bedrooms)						L ⁷⁵⁰	L ⁷⁵⁰											15.10
1.09	Townhouse (31-100 bedrooms)						L ⁷⁵	L ⁷⁵											15.10
1.10	Townhouse (> 100 bedrooms)						L ⁷⁵	L ⁷⁵											15.10
1.11	Multi-Family Dwelling (up to 30 bedrooms)							L ⁷²⁵											15.10
1.12	Multi-Family Dwelling (31-100 bedrooms)							L ⁷⁵⁰											15.10
1.13	Multi-Family Dwelling (> 100 bedrooms)							L ⁷⁵⁰											15.10
1.14	Multi-Family Dwelling in Mixed Use (up to 30 bedrooms)									L	L ⁷⁷⁵	L							15.11
1.15	Multi-Family Dwelling in Mixed Use (31-100 bedrooms)									L ⁷²⁵		L ⁷²⁵							15.11
1.16	Multi-Family Dwelling in Mixed Use (> 100 bedrooms)									L ⁷²⁵		L ⁷²⁵							15.11

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		Low Density Residential				Medium to High Density Residential					Commercial/Industrial					Education			
		RA	R1	R1A	RR	R2	R4	MH	R3	R5	O1	B1	B2	B3	M1	U1	E1	E2	E3
1.17	Adult Living Community																		
2.0 Group Living																			
2.01	Family Care Home	L	L	L	L	L	L	L											
2.02	Family Care Institutions										L113B								15.13
2.03	Halfway House, Category 1										L								15.24
2.04	Halfway House, Category 2										L113B								15.24
2.05	Residential Care Facility										P130				P120				
2.06	Fraternity or Sorority Dwelling									CD									
2.07	Boarding House									S1300					L				15.16
										L									15.17

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- 15.10 1.07 Duplex; 1.08-1.10 Townhouse; 1.11-1.13 Multi-Family Dwelling; 1.14-1.16 Multi-Family Dwelling In Mixed Use (unless specifically excluded)
- 15.10.01 Applicable standards described in this Section are required for Uses 1.07-1.16 and apply to all of the following:
- A. New construction, whether such construction constitutes a new development or an expansion of an existing development;
 - B. Multi-family dwelling units created by a change in use of a portion or all of an existing development to multi-family use; and
 - C. Renovation or replacement of a portion or all of an existing multi-family development when the costs of renovation or replacement trigger the requirements of Article 7 for compliance with this Ordinance.
- 15.10.02 This Section shall not apply to:
- A. Multi-family dwelling units in mixed-use building(s) constructed pursuant to and in accordance with the requirements of Section 15.11,
 - B. Multi-family dwelling units in single use buildings within a mixed use project constructed pursuant to and in accordance with the requirements of Section 15.11, if:
 - 1. The development is approved through a Conditional District, B-1 General Business, B-2 Neighborhood Business, B3 General Business rezoning process; and
 - 2. No phasing of construction is proposed or approved unless:
 - a. The commercial portions of the development will be constructed as part of the initial phase; or
 - b. All phases approved prior to the construction of the phase in which the commercial portions of the development are completed, together allow the construction of no more than one-third (1/3) the number of multi-family dwelling units which are approved for the development as a whole; or
 - c. The applicant provides adequate assurances in the form of financial commitments which will guarantee that all commercial portions of the development will be completed within the approved vesting period. For purposes of this alternative, by example only and not by way of exclusion, an irrevocable letter of credit from an appropriate financial institution in favor of the Town in a sufficient amount to cover 125% of the projected costs of construction, said projection sealed by a North Carolina licensed engineer, is considered such a guarantee.
- 15.10.03 Each new multi-family development shall meet the following standards:

- A. A townhouse style design and a mixture of unit configuration and sizes per development shall be encouraged. No one type of dwelling units, as defined by the number of bedrooms, shall comprise more than 50% of the total units.
- B. Parking shall be limited to a maximum of two (2) spaces per unit and a clearly designated parking area for visitors.
 - 1. The square footage of the parking designated for visitors may not exceed ten percent (10%) of the total parking area. A minimum of twenty-five percent (25%) of units shall have a garage or carport.
 - 2. If freestanding, garages and carports shall be architecturally integrated with the development. To the greatest extent practicable, parking shall be located behind or underneath proposed building(s).
- C. The fee-in-lieu provisions contained in Section 23.08.05 shall not apply. All required sidewalks shall be installed.
- D. A livability space ratio of .50 must be met for the development. Fifty percent (50%) of the required livability space shall be designated to a defined area exclusively for the use of ground floor units. This space must consist of a common yard with accompanying private outdoor space for each ground level unit, or individual yards contiguous with the unit served. Either configuration must provide direct access from all ground floor units. The remaining livability space shall be designated for the use of the development as a whole as recreation space and shall be located so as to provide for direct auditory, visual, and physical access from the dwelling units served.
- E. On-site property management or an owners association shall be required.
- F. Recreation space
 - 1. A minimum of 5% of the parcel shall be provided as recreation space for residents.
 - 2. In general, required recreation space shall have a least dimension of twenty-five feet (25'), an average dimension of fifty feet (50'), and a minimum area of 2,500 square feet. Smaller dimensions are acceptable if:
 - a. Less than 2500 square feet of recreation area is required, or
 - b. The recreation area is a suitably improved roof area or enclosed floor area, or
 - c. The anticipated needs of the residents require smaller facilities, such as tot lots or shuffle board courts, or
 - 3. The dedication of a greenway easement may be used to satisfy the requirements for recreational space.
 - 4. Outdoor recreation area for common use should be located twenty feet (20') or more from any residential windows at the same general level.
 - 5. Recreation areas shall be maintained in a safe and sanitary manner.

- 15.10.04 Each residential building shall meet the following standards:
- A. The maximum building height shall be three (3) stories of occupied space, and in no case shall the building exceed fifty feet (50') in total height including the roof or the maximum in the particular zoning district, whichever is less.
 - B. Roof Requirements:
 - 1. If a pitched roof is proposed, the pitched roof area may be used as attic or storage space.
 - 2. If a flat roof is proposed, fifty percent (50%) of the roof area must be used as livability space.
 - C. The front entrance of each unit on the first floor must be at ground level to the greatest extent practicable.
- 15.10.05 Each dwelling unit shall meet the following standards:
- A. The bedroom to bathroom ratio of each unit within the development shall be limited as follows:
 - 1. Efficiency unit and one (1) bedroom unit: one (1) bathroom.
 - 2. Two (2) bedroom unit: one (1) or two (2) bathrooms, with no less than one bathroom with common access.
 - 3. Three (3) bedroom unit: Two (2) bathrooms with no less than one (1) bathroom with common access.
 - 4. Four (4) or more bedroom unit: Three (3) bathrooms with no less than two (2) bathrooms with common access from a hall.
 - B. In every unit with two (2) or more bedrooms, a designated master suite must be included and shall be at least twenty-five percent (25%) larger than every other bedroom and not less than 144 square feet excluding closet space.
 - C. Dedicated storage space of at least fifty square feet (50 ft²) per unit must be provided for units without garages. Any storage space which is not within or attached to the building containing the units served by the space must be architecturally integrated with the development.
 - D. Occupancy of each unit shall be limited to (2) two unrelated persons.
- (Ord. 20150028, 11-19-2015; Ord. 20160438, 03-16-2017; 20160751, 03-16-2017; Ord. PL01265-011618, 03-22-2018)
- 15.11 Multi-Family in Mixed Uses
- 15.11.01 Multi-family residential uses (Use 1.114, 1.115 and 1.116) are allowed in the B1, B2 and B3 zoning districts when the criteria in this Section are met.

- A. For purposes of this Section, "commercial" shall include the following issues from Section 15.07 Table of Principal Uses: 3.07 Motel, 3.08 Hotel, 4.03 Funeral Home Establishment, 4.05 Post Office, 5.01 Government Cultural Facility, 5.02-5.03 Government Neighborhood Cultural Facility, 5.04-5.06 Recreation Facility, 5.07-5.09 Event Venue, 5.12 Police Substation, 5.16 Government Facility, 8.0 Assembly, 9.0 Education, 10.02 Child Daycare Center, 10.04 Adult Daycare Center, 10.5 All Other Daycare, 11.0 General Sales and Service, 12.0 Recreation, 14.0 Manufacturing, 16.01 Mini-Storage, 17.0 Transportation, and 19.0 Particular Activities which pose Particular Concerns about Public Health.
- B. To the extent this Section conflicts with other Articles of this Ordinance, this Section shall control.
- C. "Commercial use" and "street level commercial land use" as referred to in this section 15.11 means only space in a building used or to be used for commercial uses unrelated to the residential use of the building or development. By way of clarification and not as a limitation, the following uses may not be counted as "commercial use": amenities operated entirely or in the main for residents (including but not limited to swimming pools, gyms, etc.); required recreation space; space used to operate and maintain the residential portion of the development, including leasing, management, and/or maintenance-related office space; and/or common areas of the residential units.
1. Notwithstanding the foregoing, only parking spaces located in a single-use parking structure (not containing residential units below or above) may be counted as "street level commercial land use."
- D. A minimum of 60% of the street facing street level building facade shall be comprised of transparent, non-reflective windows.
- E. Pedestrian weather protections such as awnings or canopies are encouraged along public streets provided they do not encroach into the roadway. Awnings or canopies which encroach above a public sidewalk shall obtain an encroachment agreement from the Town of Boone.
- F. No one type of dwelling units, as defined by the number of bedrooms, shall comprise more than 50% of the total units.
- G. The bedroom to bathroom ratio of each unit within the development shall be limited as follows:
1. Efficiency unit and one bedroom unit: one bathroom.
 2. Two bedroom unit: one or two bathrooms, with no less than one bathroom with common access.
 3. Three bedroom unit: two bathrooms with no less than one bathroom with common access.

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

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

15.11.02 Multi-family residential uses, either as the result of new construction or conversion, are allowed in the Central Business District (B1) only if the projects in which they are included meet all the following criteria:

- A. Each project shall provide primary street level commercial land uses (i.e. retail, office, restaurant) of at least fifty percent (50%) of the square footage of the footprint of each building on the primary street level. For developments located on lots which abut more than one public street in the Central Business District, each additional street level floor shall provide commercial uses of at least 30% of that level's square footage. For purposes of this Subsection, the "primary street" shall be determined according to the following order: King Street, Howard Street, Depot Street, all other streets. For example, if a project is located on a lot that abuts both King Street and Howard Street, King Street shall be considered the "primary street" while for a project which abuts Howard Street and Depot Street, Howard Street shall be considered the "primary street" and so on.
- B. The entire frontage of the primary street level of the building abutting the street shall provide commercial uses. Required entrances for ingress and egress to secondary uses are permitted along said frontage so long as they are no larger than necessary to meet building code and safety requirements for ingress and egress. Commercial uses on the non-primary street level(s) shall front on the non-primary street.
- C. The entire primary street level floor of the building shall be constructed to commercial standards in accordance with North Carolina Building Code Group A, B, E or M.
- D. New projects on property which was vacant as of February 1, 2018 shall be at least two floors above the primary street level.
- E. Buildings facades shall be oriented to each public street and shall have a primary entrance door facing each abutting public sidewalk.
- F. A minimum of 30% of non-primary street level facing building facades shall be comprised of transparent, non-reflective windows.
- G. Surface parking shall be located away from each public street to the extent possible, and if practical, to the rear of the principal building.
- H. Structured parking is permitted to the rear of the building or below the street level floor.
- I. Building facades may be no further than 0'-0" from the established street setback line, except where necessary to provide landscaped courtyards, plazas, pocket parks, other pedestrian oriented amenities, or when there would be interference with public utilities.

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

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

- A. Each project shall provide street level commercial land uses (i.e. retail, office, restaurant) of at least 100% of the street-level floor square footage.
- B. Buildings facades shall be oriented to the public street and shall have a primary entrance door facing the public sidewalk.
- C. Surface parking shall be located to the side or most preferably to the rear, and in no case shall parking extend beyond the front building line.
- D. Structured parking is permitted but shall be located to the rear or below street level commercial uses.
- E. In the area between the primary façade and the street the applicant is encouraged to preserve existing significant or historic trees, to provide landscaped courtyards, landscaped greenspace, plazas, pocket parks, and other pedestrian oriented amenities.
- F. Pedestrian weather protection such as awnings or canopies count toward the recreation space requirements found in Section 16.05 of this Ordinance.
- G. All development shall comply with the landscape standards set forth in Article 31 except that Type "A" interior landscape buffers may be provided regardless of adjacent land use classifications.

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

- A. Multi-family uses wholly or partially on property zoned B3 General Business within the Corridor Districts.
 - 1. Mixed Use Building(s):
 - a. Each building shall fully consist of street level commercial uses (i.e. retail, office, and restaurant).
 - b. Surface parking shall be located to the side or most preferably to the rear, and in no case shall parking extend beyond the front building line. Structured parking is permitted but shall be located to the rear or under street level commercial uses.
 - c. In the area between the primary façade and the street the applicant is encouraged to preserve existing significant or historic trees, to provide landscaped courtyards, landscaped greenspace, plazas, pocket parks, and other pedestrian oriented amenities.

2. Single Use Building(s)
 - a. Single use multi-family building(s) are only allowed as part of a mixed use project if approved through the Conditional District B3 General Business rezoning.
 - b. A mixed use project shall meet the following criteria:
 - i. Each project shall fully consist of street level commercial uses (i.e. retail, office, and restaurant) of 100% of the street level gross floor area on every building which fronts a corridor protected by the Corridor District. In addition, at least 50% of the total gross floor area of all buildings located within the Corridor District shall fully consist of commercial uses. This requirement may be satisfied if the commercial floor area is distributed among buildings or within one building.
 - ii. The street level floor of all buildings within the Corridor District shall be built to commercial standards in accordance with North Carolina Building Code Group A, B, E, or M.
 - iii. Surface parking shall be located to the side or most preferably to the rear, and in no case shall parking extend beyond the front building line.
 - iv. Structured parking is permitted but shall be located to the rear or below the commercial uses.
 - v. In the area between the primary façade and the street the applicant is encouraged to preserve existing significant or historic trees, to provide landscaped courtyards, landscaped greenspace, plazas, pocket parks, and other pedestrian oriented amenities.
- B. Multi-Family Uses wholly or partially on Property Zoned B3 General Business Outside the Corridor District but Proximate to Major Streets.
 1. For the purposes of this Section "major street" refers to collector and arterial streets.
 2. "Proximate" shall mean any building wholly or partially within 200 feet of the centerline of a major street.
3. Mixed Use Building(s)
 - a. Mixed use building(s) shall meet the same requirements as described in Subsection 15.11.04(A)(1).
4. Single Use Building(s)
 - a. Single use multi-family building(s) are only allowed as part of a mixed use project.
 - b. A mixed use project shall meet the following criteria:

- i. Each project shall consist of street level commercial uses (i.e. retail, office, and restaurant) of 100% of the street level gross floor area on every building which fronts a major street. In addition, at least 25% of the total gross floor area of all buildings wholly or partially located within 200 feet of the centerline of a major street shall consist of commercial uses. This requirement may be satisfied if the commercial floor area is distributed among buildings or within one building.
 - ii. For any floor containing a commercial use the entire floor shall be built to commercial standards in accordance with North Carolina Building Code Group A, B, E, or M.
 - iii. Surface parking shall be located to the side or most preferably to the rear, and in no case shall parking extend beyond the front building line.
 - iv. Structured parking is permitted but shall be located to the rear or below the commercial uses.
 - v. In the area between the primary façade and the street the applicant is encouraged to preserve existing significant or historic trees, to provide landscaped courtyards, landscaped greenspace, plazas, pocket parks, and other pedestrian oriented amenities.
 - C. Multi-Family Uses wholly or partially on property zoned B3 General Business in all other areas.
 - 1. Multi-family uses not part of a mixed use development may be allowed if an applicant demonstrates that within $\frac{1}{4}$ mile (1,320 feet) of the borders of the lot that is to be developed there exists commercial uses with gross floor area square footage equal to the gross floor area square footage of the proposed multi-family project. If this standard cannot be met then the proposed project must meet the requirements in Subsection 15.11.04(B) above.
 - D. Recreation space shall be provided for multi-family development in the B-3 district as provided at Section 15.10.03(f).
- I. 20160751, 03-16-2017; Ord. PL01340-022718, 04-26-2018; Ord. PL01817-062318, 04-10-2019)
- .3 Family Care Home**
- .3.01** A Family Care Home shall not be located within one-half mile of another Family Care Home.
- .3.02** A Family Care Home shall provide adequate supervision in light of the number and needs of the residents and security concerns for the use.
- .4 Family Care Institution, Halfway House Category 1, Halfway House Category 2**

- 15.14.01** A Family Care Institution shall not locate within one-half (.5) mile of any Family Care Home or Family Care Institution.
- 15.14.02** A Family Care Institution, Halfway House Category 1 and Halfway House Category 2 shall provide adequate supervision in light of the number and needs of the residents and security concerns for the use.
- 15.14.03** Without limiting the applicability of other Ordinance requirements, a Family Care Institution, Halfway House Category 1, Halfway House Category 2 are subject to Article 25 Community Appearance Standards as well as Article 31 Landscape Standards.
- 15.15** Reserved

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Article 16 District Standards

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16.01.02 Intensity Table

Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	Minimum Livability Space Ratio* (LSR)	Minimum Setbacks	
					Street	Interior
Residential Zoning Districts						
RA No Public Water & Sewer Available	20,000 sq. ft.	100 ft.	80 ft.	.65	20 ft.	18 ft.
RA Public Water Available	15,000 sq. ft.	80 ft.	64 ft.	.65	20 ft.	18 ft.
RA Public Water & Sewer Available	10,000 sq. ft.	65 ft.	52 ft.	.65	20 ft.	14 ft.
R1	8,000 sq. ft.	70 ft.	56 ft.	.53	20 ft.	14 ft.
RIA	8,000 sq. ft.	70 ft.	56 ft.	.53	20 ft.	14 ft.
RR	6,000 sq. ft.	70 ft.	56 ft.	.48	20 ft.	13 ft.
R2	6,000 sq. ft.	70 ft.	56 ft.	.48	20 ft.	13 ft.
R4	6,000 sq. ft.	70 ft.	56 ft.	.48	20 ft.	13 ft.
R3	5,000 sq. ft.	80 ft.	64 ft.	.40	20 ft.	13 ft.
R5	10,000 sq. ft.	70 ft.	56 ft.	.27	20 ft.	17 ft.
MH	87,120 sq. ft.	None	56 ft.	.51	20 ft.	20 ft.
Commercial/Industrial Zoning Districts						
CI	10,000 sq. ft.	100 ft.	80 ft.	.27	20 ft.	17 ft.

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B1	5,000 sq. ft.	15 ft.	12 ft.	None	Refer to Section 16.06.02	Refer to Section 16.06.04
B2	5,000 sq. ft.	50 ft.	40 ft.	.27	20 ft.	17 ft.
B3	5,000 sq. ft.	50 ft.	40 ft.	.27	20 ft.	17 ft.
M1	17,000 sq. ft.	80 ft.	64 ft.	.3	20 ft.	22 ft.
Educational Zoning Districts						
U1	None	None	None	.27	Refer to Section 16.06.09	Refer to Section 16.06.08
E1	5,000 sq. ft.	50 ft.	40 ft.	.27	20 ft.	17 ft.
E2	5,000 sq. ft.	50 ft.	40 ft.	.27	20 ft.	17 ft.
E3	5,000 sq. ft.	50 ft.	40 ft.	.27	20 ft.	17 ft.

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

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16.08 Building Height

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

Zone	Height Limitation
R1, R1A, RR, R2, R4, RA	3 stories/40'; accessory structures may not exceed 15'
R3	3 stories/50'
R5	4 stories/36'
MH	35'
O1	4 stories/47'
B1	See Subsection 16.08.04
B2	3 stories/35' (primary) – 3 stories/40' (secondary)
B3, E1, E2, E3	3 stories/45' (primary) – 5 stories/67' (secondary)
U1	Refer to Subsection 16.08.09
M1	67'

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

Article 24 Parking

Table 24.01 Required Parking By Use:

Residential Land Uses	Minimum Parking Required
A-1 Secondary Suite A-3 Accessory Dwelling Unit T-1 Temporary Care Provider Dwelling T-2 Temporary Construction or Repair Dwelling T-3 Temporary Construction Trailer	1 space
1.01 Single-Family Dwelling 1.02 Manufactured Home "Class A" 1.03 Manufactured Home "Class B" 1.06 Duplex (each unit) 1.07 Duplex (each unit) 1.08-1.10 Townhouse (each unit) 2.01 Family Care Home A-21 Caretaker's Residence	2 spaces
1.05 Manufactured Home Park	2 spaces /Manufactured Home plus, 1 visitors parking space/10 Manufactured Homes, plus 2 spaces for Manufactured Home Park Employees
1.11-1.116 Multi-Family	0.7 space per bedroom
3.01 Home for Survivors of Domestic Violence 3.06 Vacation Rental	3 Spaces
1.17 Adult Living Community	1 space/ unit plus visitors parking space/dwelling unit
2.02 Family Care Institutions 2.03-2.04 Halfway House 2.05 Residential Care Facility 2.06 Fraternity or Sorority Dwelling	1 space/4 beds Residential care facilities plus one space for every two Staff members

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Residential Land Uses	Minimum Parking Required
3.02-3.03 Shelter for Homeless	
2.07 Boarding Housing	1.25 space/rentable room, plus 10 per 1000 ft ² of restaurant/lounge, plus 10 per 1000 ft ² per meeting/banquet room
3.04-3.05 Bed and Breakfast	
3.07 Motel	
3.08 Hotel	

Commercial Land Uses	Maximum Parking Allowed
16.01 Mini-Storage A-10 Produce Stand	1 space/1000 ft ² GFA
4.06 Post Office, Distribution 14.0 Manufacturing 16.02 Outdoor Storage 16.03 Warehouse 16.04 Fuel Storage Facility 17.02 & 17.03 Trucking or Freight Terminal A-24 Chemical Storage Facility	2 spaces/1000 ft ² GFA
10.0 Daycare 11.34 Gas Station	3 spaces/1000 ft ² GFA
11.01 Kennel 11.02-11.03 Veterinary Office/Hospital 11.04 & 11.05 Financial Institution 11.13 ABC Store 11.14 - 11.15 Personal Service Establishment 11.16-11.18 Retail Store 11.20 - 11.21 Business or Professional Office 11.22-11.25 Medical Office 11.35 Specialty Medical Facility 11.28 Open Air Market 11.35 Car Wash 12.0 Recreation 18.0 Waste Related Uses 19.0 Particular Activities which Pose Particular...	5 spaces/1000 ft ² GFA or outdoor area used for principal use
11.06 - 11.11 Restaurant	12 spaces/1000 ft ² GFA
4.03 Funeral Home Establishment	12 spaces/1000 ft ² of visitation area, plus one space per every two seats in the chapel.

Commercial Land Uses	Maximum Parking Allowed
4.05 Post Office	1 space per employee plus 5 spaces/1000 ft ² GFA
6.0 Non-Government Utility Facility	3 spaces per facility
7.0 Wireless Communications	1 space per service provider
8.0 Assembly	1 space for every two seats in sanctuaries/chapels plus 3 spaces per 1000 ft ² for daycares
9.0 Education	5 spaces per classroom
11.29 Vehicle Sales and Service 11.30 Equipment Sales and Service 11.31 Moped Sales and Service 11.32 Boat or Marine Craft Sales and Service	3 spaces/1000 ft ² GFA, plus 2 spaces/1000 ft ² of outdoor display, plus 2 per service bay
3.05 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 Hellstop T-8 Temporary Non-Fixed Site Event Venue	As determined by the Administrator

24.08 Bicycle Parking

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

- A. When required, the minimum number of bicycle parking spaces for any multi-family or non-residential use is two (2) spaces or one (1) rack.
- B. A single "Inverted U" bicycle parking rack will count as two bicycle parking spaces.

Table 24.08

Use Type	Specific Use	Short-Term Bicycle Parking Minimum ²	Long-Term Bicycle Parking Minimum ³
1.0 Household Living	1.01 Single-Family Dwelling		
	1.02 Manufactured Home "Class A"		
	1.03 Manufactured Home "Class B"		
	1.06 Duplex		
	1.07 Duplex		
	1.08-1.10 Townhouse		
	1.11-1.13 Multi-Family	1 per 20 units	1 per 4 units
	1.14-1.16 Multi-Family		
	1.05 Manufactured Home Park	1 per 20 beds	
	1.17 Adult Living Community (Multi-Family Only)	1 per 20 units	1 per 10 units
2.0 Group Living	2.01 Family Care Home		1 space per 5 employees
	2.02 Family Care Institutions		
	2.03-2.04 Halfway House		1 space per 5 employees
	2.05 Residential Care Facility		
	2.06 Fraternity or Sorority Dwelling	1 space per 20 beds	1 space per 10 beds
	2.07 Board Housing	1 space per 20 beds	1 space per 10 beds
3.0 Transient Living	3.01 Home for Survivors of Domestic Violence	2 spaces	2 spaces
	3.02-3.03 Shelter for Homeless	2 spaces	2 spaces
	3.04-3.05 Bed & Breakfast	2 spaces	2 spaces
	3.06 Vacation Rental	2 spaces	2 spaces
	3.07 Motel		
	3.08 Hotel	2 spaces	2 spaces
4.0 Institutional Uses	4.01 Airport/Land Strip		
	4.02 Heliport		
	4.04 Cemetery	TBD	TBD
	4.07 Animal Sanctuary		

Use Type	Specific Use	Short-Term Bicycle Parking Minimum ¹	Long-Term Bicycle Parking Minimum ¹
	4.03 Funeral Home Establishment 4.05 Post Office 4.06 Post Office, Distribution		
5.0 Government Uses	All Government Uses	TBD	TBD
6.0 Non-Governmental Utility Facility	All Non-Government Utility Facility	-	-
7.0 Telecommunications	All Telecommunication Uses	-	-
8.0 Assembly	8.01-8.03 Religious Assembly	1 space per 2,000 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	3 spaces per classroom	5 spaces per classroom
	9.06-9.09 Education Uses	3 spaces per classroom	5 spaces per classroom
10.0 Daycare	All Daycare Uses	2 spaces	2 spaces
11.0 General Sales & Service	11.01 Kennel 11.12 ABC Store 11.14 - 11.15 Personal Service Establishment 11.16 - 11.18 Retail Store 11.28 Open Air Market 11.04 & 11.05 Financial Institution 11.20 - 11.21 Business or Professional Office 11.22-11.25 Medical Office 11.02-11.03 Veterinary Office/Hospital	1 space per 5,000 ft ² GLA ⁴	1 space per 10,000 ft ² GLA ⁴
	11.08 - 11.11 Restaurant	1 space per 5,000 ft ² GLA ⁴	1 space per 10,000 ft ² GLA ⁴
	11.34 Gas Station	-	-
	11.35 Car Wash	-	-
	11.29 Vehicle Sales and Service 11.30 Equipment Sales and Service	-	-

Use Type	Specific Use	Short-Term Bicycle Parking Minimum ²	Long-Term Bicycle Parking Minimum ³
12.0 Recreation & Entertainment Uses	11.31 Moped Sales and Service		
	11.32 Boat or Marine Craft Sales and Service		
	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	1 space per 5,000 ft ² GFA ⁶	1 space per 10,000 ft ² GFA ⁶
	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 ft ² GFA ⁶	1 space per 10,000 ft ² GFA ⁶
	12.04 Outdoor Theater	1 space per 2,000 ft ² GFA ⁶	1 space per 10,000 ft ² GFA ⁶
	12.06 Event Venue Cat. II		
	12.07 Event Venue Cat III		
13.0 Agriculture Uses	12.09 Coliseum	1 space per 20 motor vehicle spaces	TBD
	12.11 Recreation Cat II		
14.0 Manufacturing	12.12 Recreation Cat III 12.01,		
	12.08 Campgrounds/RV Parks	-	-
	All Agricultural Uses	-	-
15.0 Storage	14.01 Microbrewery	1 space per 5,000 ft ² GLA ⁴	1 space per 10,000 ft ² GLA ⁴
	14.02 Brew Pub		
	All other Manufacturing Uses	TBD	TBD
16.0 Transportation	15.01 Mini-Storage	-	-
	15.02 Outdoor Storage		
	15.03 Warehouse	TBD	TBD
17.0 Waste Related Uses	15.04 Fuel Storage Facility		
	17.01 Passenger Terminals	TBD	TBD
18.0 Particular Activities which Pose Particular Concerns to Public Health	17.02 & 17.03 Trucking or Freight Terminal		
	All Waste Related Uses	-	-
Accessory Uses	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
	A-1 Secondary Suite	-	-

Use Type	Specific Use	Short-Term Bicycle Parking Minimum ¹	Long-Term Bicycle Parking Minimum ¹
	A-9 Accessory Dwelling Unit	-	-
	A-10 Produce Stand	-	-
	A-21 Caretaker's Residence	-	-
	A-19 Helicopter	TBD	-
	A-24 Chemical Storage Facility	-	-
Temporary Uses	T-1 Temporary Care Provider Dwelling	-	-
	T-2 Temporary Construction or Repair Dwelling	-	-
	T-3 Temporary Construction Trailer	-	-
	T-8 Temporary Non-Fixed Site Event Venue	TBD	-

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Article 27 Residential Occupancy Control

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

Number of Persons	Relationship	RA	R1	R1A	RR	R2	R4	R5	MH	R3	O1	B1	E2	R3	M1	U1	E1	E2
Unlimited	Family	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Up to 2	Unrelated	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Up to 4	Unrelated								P	P				P	P	P		
5+	Unrelated																P	

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Article 31 Landscape Standards**31.04 Screening Land Use Classification**

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

A. Classification 1: 1.01 Single-Family Dwelling, 1.02-1.04 Manufactured Homes, 1.05 Manufactured Home Park, 2.01 Family Care Home, 3.01 Home for Survivors of Domestic Violence, 13.01-13.02 Garden

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- B. Classification II: 1.06-1.07 Duplex, 1.08-1.10 Townhouse, 1.11-1.13 Multi-Family Dwelling, 1.14-1.16 Multi-Family Dwelling in Mixed-Use, 1.17 Adult Living Community, 2.02 Family Care Institution, 2.03-2.04 Halfway House, 2.05 Residential Care Facility, 2.06 Fraternity or Sorority Dwelling, 2.07 Boarding House, 3.02-3.03 Shelter for Homeless, 3.04-3.05 Bed and Breakfast, 3.06 Vacation Rental, 4.04 Cemetery, 5.01-5.03 Cultural Facility, 5.04-5.05 Recreation Facility, 5.07 Event Venue, 5.12 Police Substation, 5.13-5.15 Utility Facility, 5.16 Government Facility, 6.01-6.02 Utility Facility, 8.01-8.03 Religious Assembly, 9.0 Education, 12.04 Outdoor Theater, 12.07 Event Venue, 12.10-12.11 Recreation Facility
- C. Classification III: 3.07 Motel, 3.08 Hotel, 4.01 Airport/Landing Strip, 4.02 Heliport, 4.03 Funeral Home Establishment, 4.05-4.06 Post Office, 5.06 Government Recreation Facility Category 3, 5.08-5.09 Event Venue, 8.04-8.05 Club/Lodge, 10.0 Daycare, 11.0 General Sales and Service,; 12.01 Indoor Shooting Range, 12.03 Indoor Theater, 12.06-12.07 Event Venue, 12.08 Campground and Recreational Vehicle Park, 12.12 Recreation Facility, 13.03-13.04 Agricultural Operation, 13.07 Custom Slaughterhouse, 14.01 Microbrewery, 14.02 Brewpub, 14.03 Brewery/Distillery, 14.05 Winery Associated with a Vineyard, 14.06 Winery, 14.09 Machine/Welding Shop, 15.0 Parking, 16.01 Mini-Storage, 16.02 Outdoor Storage, 16.03 Warehouse, 17.0 Transportation, 18.01 Recycling Drop-off Station, 19.0 Particular Activities which pose Particular Concerns about Public Health
- D. Classification IV: 4.07 Animal Sanctuary, 5.10 Landfill, 5.11 Solid Waste Processing, 7.0 Telecommunications (excluding 7.01, 7.03, and 7.10), 12.09 Coliseum, 14.08 Extraction of Earth Materials, 14.10 Manufacturing Other, 16.04 Fuel Storage Facility, 18.04 Recycling and Salvage

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

RESULT:	TABLED [4 TO 0]	Next: 11/21/2019 6:00 PM
MOVER:	Sam Furguele, Council Member	
SECONDER:	Lynne Mason, Council Member	
AYES:	Mason, Clawson, Furguele, Ashcraft	
ABSTAIN:	Ulmer	

END OF YEAR UPDATE ON PLANNING & INSPECTIONS ANNUAL WORK PLAN

Ms. Shook presented Council with an end of year update on the Planning Department's annual work plan, and noted that the department had completed 38 tasks in the last two years. Mr. Furguele noted that he wished Council could have finished the R3/R4 review since staff and Council had spent so much time on it.

CONSIDERATION OF REPAIR WORK AT WINKLER'S CREEK RAW WATER PUMP STATION

Mr. Miller presented a request for approval of proposals for repair work at the Winkler's Creek Raw Water Pump Station. Mr. Furguele asked whether there would be a contract involved or at least a guarantee of some sort with the work being performed. Mr. Miller answered that staff had experience with the firm being used for this repair work and that they were satisfied. He indicated that staff would get a written warranty and/or contract, and noted that the repair work could be paid for with existing funds. Mr. Furguele made a motion to approve with the condition that staff obtain a written warranty for the work performed. Ms. Ulmer seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sam Furguele, Council Member
SECONDER:	Connie Ulmer, Council Member
AYES:	Mason, Clawson, Furguele, Ulmer, Ashcraft

DISCUSSION OF HAYES-BRYAN CEMETERY

Mayor Brantz began discussion by asking who owned the property on which the Hayes-Bryan Cemetery was located. Mr. Ward stated that staff had not been directed to research ownership yet. Mr. Furguele stated that the cemetery interred some of Boone's founders and felt that staff should investigate to see who maintained the property. He believed that the cemetery was different from the Boone Cemetery and Mount Lawn in that there would not be new burials. Mr. Ward was unsure of this fact, but stated that if directed, staff could research the topic further, but noted that any further direction would need to be tied to budget discussions. Mr. Furguele stated that Ms. Moretz had previously asked for signage, and that he believed she should discuss this with the Historic Preservation Commission. Ms. Shook reported that her father-in-law and cousin maintained the cemetery, but she was unsure whether the cemetery would allow for new burials. Mr. Miller noted that staff had installed sewer line through the cemetery in the early 1990's and that he had several concerns that were tied to this. He also believed that a policy should be developed in that this was not the only historic cemetery in Boone, and that people would continue to come to Council for this type of request. Mr. Furguele stated that he did not disagree, but felt that this cemetery had more than its fair share of Boone's founders. He asked whether staff felt it was worthwhile to give the task to the Historic Preservation Committee to discuss a policy, to which Mr. Ward responded that he believed it was a good idea to get their perspective, but he was unsure if they should take into consideration the cost of maintaining the cemetery. Mr. Furguele felt that cost would not be discussed until the matter came back before Council. Mr. Ward added that the committee would need to be made aware of the abandoned cemetery statute. Mr. Miller suggested that Council direct that the owners be located if a fence were to be installed. Mr. Furguele made a motion to direct the Historic Preservation Committee to discuss a policy and criteria for the Town's consideration regarding the full or partial maintenance of cemeteries located in the Town limits and that this task be next in line after the design guidelines are completed. Mayor Pro-Tem Clawson seconded the motion. Ms. Meade clarified that the committee may need legal guidance in this matter.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sam Furgiuele, Council Member
SECONDER:	Loretta Clawson, Mayor Pro-Tem
AYES:	Mason, Clawson, Furgiuele, Ulmer, Ashcraft

REQUEST FOR AUTHORITY TO PROCEED WITH DISCUSSION REGARDING PROPANE PATROL CARS

Mr. Ward noted the great difficulty staff had in the delivery of the hybrid police car, though it has operated perfectly, as has the administration hybrid vehicle. He noted that both were 2-wheel drive and got good gas mileage, but that Ford has discontinued the police hybrid package due to a lack of interest. Mr. Ward stated that staff had been receiving information recently for a hybrid SUV, but that they were unsure when they would be available to purchase due to electronic problems. He added that the department needed to purchase vehicles and that the Chief had identified a propane alternative. Chief Crawford presented a request for authority to proceed with discussion regarding propane patrol cars, and specifically the conversion of two cars to biopropane for a test phase. He indicated that the Waynesville police fleet used this method to fuel their vehicles, and though they had problems initially with their Chargers, that issue had been fixed. Chief Crawford noted that the cost of propane was approximately half of what gas cost now and that there were no negative impacts that he knew of. Mr. Ashcraft asked that staff hold Blossman representatives' feet to the fire on their claim of the propane used being plant based. While the carbon generated by propane was less per gallon than gas, Mr. Ashcraft indicated that the energy content was also less than gas and that the mileage per gallon would also drop. He noted that this conversion would also need to be factored in when a vehicle was retired. Chief Crawford noted that there were several places using this technology and that Blossman representatives were hoping to meet with AppalCart to discuss this conversion on their busses. Ms. Mason made a motion to approve the request as presented. Ms. Ulmer seconded the motion. Mr. Furgiuele asked what the life span of a police car was, to which Chief Crawford answered that the engine usually lasted 11-12 years, with the body lasting less than 10 years. Mr. Furgiuele then asked what the next step was after the trial phase. Chief Crawford answered that staff would analyze the data and noted that the cost for conversion per vehicle after the first two was around \$5,000. Mr. Furgiuele asked how many of these vehicles Waynesville was using. Chief Crawford answered that the department had 16 of one type of vehicle and 20 Chargers, which was the type they initially had trouble with.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Lynne Mason, Council Member
SECONDER:	Connie Ulmer, Council Member
AYES:	Mason, Clawson, Furgiuele, Ulmer, Ashcraft

CLOSED SESSION

Upon a motion by Mayor Pro-Tem Clawson, seconded by Mr. Furgiuele, Council voted to enter into closed session at 10:20 p.m. pursuant to:

1. N.C.Gen.Stat.§ 143-318-11 (a)(1), to review, approve and seal closed session minutes from Council's prior closed session(s).
2. N.C.Gen.Stat.§ 143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council and obtain legal advice, consider and/or give instructions to the attorney concerning one or more potential legal claims or other legal matter(s).
3. N.C.Gen.Stat.§143.318.11 (a)(5), to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (I) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease (PIN 2911-33-9240-000 and PIN 2900-79-5183-000).

VOTE: Aye: All
 Nay: None

ADJOURNMENT

Upon a motion by Mayor Pro-Tem Clawson, seconded by Ms. Mason, Council voted to adjourn the meeting at 11:02 p.m.

VOTE:	Aye:	All
	Nay:	None

Nicole Harmon, Town Clerk

Rennie Brantz, Mayor