

**MINUTES - SPECIAL MEETING
BOONE TOWN COUNCIL
MARCH 14, 2012**

A special meeting of the Boone Town Council was called to order at 6:03 p.m., Wednesday, March 14, 2012, in the Council Chambers, 1500 Blowing Rock Road. Mayor Loretta Clawson presided. Council Members present were Mayor Pro-Tem Jamie Leigh, Lynne Mason, Rennie Brantz, Andy Ball, and Allan Scherlen. Staff members present were Greg Young-Town Manager, Kimberly Brown-Town Clerk, Bill Bailey-Planning Director, and Jane Shook-Planner. Town Attorney Sam Furguele was also in attendance.

The purpose of the meeting was to receive an update on the UDO Table of Permissible Uses.

ACTION TO AMEND THE AGENDA

Upon a motion by Council Member Brantz, seconded by Council Member Leigh, Council moved to amend the agenda to go into Closed Session at the end of the meeting for legal advice regarding the recent Court of Appeals decision on the Templeton Medical Clinic case.

VOTE: Aye – All
 Nay – None

UPDATE ON UDO TABLE OF PERMISSIBLE USES

Mr. Bailey provided a recap of the work that had been accomplished so far on the Table of Permissible Uses. He noted that the work had begun around October of 2010 and how the changes to the Table of Permissible Uses had spread to other part of the UDO. He noted that the overall goal was to clarify and streamline the Table of Permissible Uses and the associated regulations. Mr. Bailey thanked Council for their patience with the project and noted that the Council would also have an additional chance to discuss the work at the annual Planning Retreat.

Mr. Bailey noted that the Planning Commission had reviewed the next to last use on Monday, March 12, 2012. Mr. Bailey explained that Council will see changes from the information presented to Council after the review with Mr. Furguele, due in part to some legal issues.

Ms. Shook discussed the process that had taken place during the review of the Table of Permissible Uses with the Planning Commission. Ms. Shook noted that Council had handouts distributed for them that evening of the Planning Commission minutes and a portion of the Planning Commission Subcommittee minutes.

Ms. Shook explained that the Planning Commission Subcommittee had reviewed the Table and made recommendations to the Planning Commission by each individual use. Ms. Shook noted that Council should contact her if they had not received the correct copies of the Subcommittee's meeting minutes. Ms. Shook noted that the Planning Commission had used the exact same format as the Subcommittee and the information was contained within the Planning Commission minutes as well as the recommendations from the Planning Commission on the use.

Ms. Shook noted that Staff had met with Mr. Furguele and wasn't able to work very far into the table but had been able to work out some procedural issues and issues with the transitional zone language. Ms. Shook asked the Council if they would prefer to work on the Table of Permissible uses in the same use by use manner or if they would prefer to see the Table put together before proceeding.

Council Member Mason noted she would prefer to go over each individual use because that was the format used by both the Planning Commission Subcommittee and the Planning Commission and then have all the uses put together in a table for further review.

Mr. Bailey noted that the Planning Staff was working on putting together a draft Table for the Planning Retreat. Mr. Bailey also noted that some of the changes made after reviewing the Table and definitions with Mr. Furguele came about because case law or other legal issues and that some of the changes would be quite substantial.

Mr. Furgiuele noted that one reason the process was taking so long was because of the review of each definition. He noted that many words were not used consistently throughout the UDO so the result was that a word was used in one specific way in one area but used in different way somewhere else. Mr. Furgiuele noted that another reason the process was taking so long was that he and Staff felt that there had been a mandate from Council to review the Table of Permissible Uses and review and possibly limit the number of uses going to the Board of Adjustment for a Special Use Permit. Mr. Furgiuele noted that some uses would remain having to obtain a Special Use Permit and some uses would be subject to transitional zone requirements. He noted that Council would have pay attention to the transitional zones and how broad they should be.

Ms. Shook noted that it was important to note that neither the Planning Commission Subcommittee nor the Planning Commission had seen the changes made after Staff had reviewed the uses with Mr. Furgiuele. She noted that all three reviews were at different points in the process. She explained that Staff was keeping track of all the changes made and that Council will see the same information presented tonight again with the specific changes made after review with the Town Attorney.

Mr. Bailey gave an example of words not used consistently. He discussed how words such as building, structure, and dwelling were used interchangeable when in fact they should not be.

Ms. Shook noted that one set of the Planning Commission meeting minutes handed out that evening needed to be revised to include tables and that Staff would be approaching the Planning Commission for permission to revise because Staff would like to see the process document consistently the same way.

Mr. Furgiuele asked Staff to review the changes in the “P” and “L” as shown in the revised Table of Permissible Uses. Ms. Shook reviewed how the current UDO utilizes a “Z” for uses permitted by right and an “S” for uses permitted with a Special Use Permit. She explained that the revised Table is made up of “P” for uses permitted by right, “L” for uses permitted by right but subject to additional limited use standards and “S” for uses permitted with a Special Use Permit. Ms. Shook noted that initially many of the uses were permitted with an “L” because of the need to meet standards related to appearance standards or landscaping but that Staff and the Town Attorney were concerned because then the Table was mostly made up of “L’s”. She noted language at the front of the Table had been modified to explain that an “L” was for uses that had to meet the basic standards of the ordinance and in addition to other specific standards.

Mr. Furgiuele noted that the standards would be specific for that particular use alone.

Ms. Shook noted that Staff would be presenting at the Planning Retreat changes in how transitional zones would be treated. She noted that instead of a superscript “T” in the use line item, the superscript “T” would be placed in the individual cell of the use/zoning district. She noted that this change was an attempt to make the document more user-friendly. Mr. Furgiuele noted that the change would give Council the flexibility to look at each particular use when evaluating the use in each zoning district. Mr. Furgiuele noted that a user would be able to tell at a glance which transitional zone would be required. He noted that the transitional zone language would have to be reworked and that Council would have to decide on distances because the existing text does not cover the proposed distances. Mr. Bailey noted that the UDO currently has three transitional zones and that five are being proposed. Ms. Shook noted that the transitional zones distance discussed were 50 feet, 75 feet, 125 feet, 200 feet and 300 feet. Ms. Shook explained that the transitional zones had also been modified to apply within the protected districts and would apply to the property line of the lot rather than to the boundary of the protect district. Mr. Furgiuele noted that more zones could mean that there could be more flexibility on what transitional zone should be applied based on the use and the zoning district.

(Shaded Gray Area is an Excerpt from the 10-10-11 Planning Commission meeting minutes)

HOUSEHOLD LIVING 1.0

Use Number	Specific Use	Zoning Districts														Reference
		R1	R1A	RR	R2	R3	R4	RA	MH	OI	B1	B2	B3	U1	M1	
Household Living 1.0																
1.01	Single-Family Dwelling	P	P	P	P		P	P						P		

DEFINITION:

~~A single dwelling unit used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that is occupied for living purposes by a single family, as the term is defined.~~

A dwelling that is developed with open yards on all sides, contains one dwelling unit not attached to any other building or dwelling unit, and is not on the same lot as any other dwelling unit. This shall not include a manufactured home.

Ms. Shook noted that the use had changed from the current UDO based upon Council’s agreement upon the existing zoning district descriptions with the exception of adding limited service use to the RA district. Ms. Shook noted the single family dwelling use was removed from the R3 and commercial zoning district. She noted that the intent had been to preserve the residential districts for residential uses, the commercial districts for commercial uses and the industrial districts for industrial uses. She noted that the revised table allows single family dwelling in the R1, R1A, RR, R2, R4, RA and U1 zoning districts. Ms. Shook noted that the Planning Commission had a discussion on the removal of the use from the commercial districts but in the end had ended up in agreement with how the table was populated.

Ms. Shook asked the Council if they had any questions. Mr. Furgiuele stated that it was important to note that council had been concerned about creating non-conforming uses and that there are areas Staff had pointed out that may need to be rezoned. He explained that a property owner could always petition for rezoning which may be a better method so that Council could review if a property was better suited for single family residential use.

Mr. Bailey noted that there are three or four areas to discuss for rezoning because the zoning is out of sorts with what is exists in the area. Ms. Shook noted that single-family homes in the commercial districts would be allowed to rebuild or expand under the current non-conforming language. Mr. Bailey noted that the Council would see further in the Table uses in which existing single-family homes could convert to.

Council had no further questions or comments on Use 1.01 Single Family Dwelling.

(Shaded Gray Area is an Excerpt from 12-07-2011 Planning Commission meeting minutes)

Use Number	Specific Use	Zoning Districts														Reference
		R1	R1A	RR	R2	R3	R4	RA	MH	OI	B1	B2	B3	U1	M1	
Household Living 1.0																
1.02	Manufactured Home “Class A”			P	P		P	P	P					P		
1.03	Manufactured Home “Class B”							P	P							
1.04	Manufactured Home “Class C”															

DEFINITIONS:

- Manufactured Home “Class A”: A ~~mobile~~ manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and satisfies each of the following additional criteria:
 - The home has a length not exceeding four (4) times its width;
 - The pitch of the home's roof shall have a minimum vertical rise of one (1) foot for each five (5) feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction.
 - The exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
 - A continuous permanent masonry foundation, not pierced except for required ventilation and access, is installed under the home; and,
 - The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.
- Manufactured Home “Class B”: A ~~mobile~~ manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a Class A ~~mobile~~ manufactured home.

criteria of a Class A or Class B **mobile** manufactured home.

Ms. Shook noted that there are three manufactured home uses: Manufactured Home “Class A”, Manufactured Home “Class B” and Manufactured Home “Class C”. She explained that the “Class A” manufactured homes were currently allowed in the RR, R2, R3,R4, RA, MH, B1, B2, B3, and U1 zoning districts; the “Class B” manufactured homes were currently allowed in the R4, RA and MH zoning districts; and the “Class C” manufactured homes were not allowed. She noted the revised table allowed “Class A” in the RR, R2, R4, RA and MH and U1 zoning districts; the “Class B” in the RA and MH zoning districts and the “Class C” was still not allowed.

Ms. Shook noted that the Planning Commission had discussions on the differences between the “Class A” and “Class B” manufactured homes and that Staff had directed them to the definitions [above] and that in the end the Planning Commission had been in agreement with how the Table was populated with the modification that the “Class A” manufactured home be removed as permitted use in the R2 zoning district.

Council Member Mason asked what the R2 zoning district was for. Ms. Shook noted that the title was for two-family. Council Member Mason asked how many areas in the jurisdiction were zoned R2. Ms. Shook pointed out the R2 zoned areas on the zoning map located in Council Chambers. Mr. Bailey read the description of the R2 zoning district from the UDO:

The R-2 Two-Family Residential District is established to provide a medium density living area consisting of single-family and two-family dwellings, limited home occupations and other related uses necessary for a sound neighborhood.

Mr. Bailey noted that the Planning Commission had looked at the title “Two-Family” and didn’t feel that the manufactured home use was appropriate for that district. Ms. Shook noted that the Planning Commission may have had discussion on value.

Council Member Mason noted that “Class A” manufactured home was on permanent foundation and that she didn’t have a problem leaving the use in the R2 zoning district because it is an affordable housing option.

Council Member Leigh noted she was confused over the definitions and that she needed a visual to understand the differences. Mr. Bailey noted that a “Class A” manufactured home takes on the characteristics of a single family home with a permanent foundation and pitched roof and that someone would not be able to move it easily. He noted that a “Class B” was exactly the same as a “Class A” but one or more the required elements may not have been met. Discussion ensued on variations that may occur with a “Class B” manufactured home.

Mayor Clawson asked if there were any “Class C” manufactured homes around. Mr. Bailey noted that there were still some “Class C” manufactured homes left in the jurisdiction.

Ms. Shook noted that by law the Town was not allowed to regulate by age other than the 1976 date. Discussion ensued on “Class C” manufactured homes.

Council Member Mason asked how modular structures were regulated. Ms. Shook replied that the old code language called for “site built or modular structures” and that they are considered to be the same as stick built homes.

Discussion ensued on where the zoning districts which allowed “Class A” manufactured homes were located. Council Member Brantz noted that there seemed to be sufficient places in town that allow “Class A” manufactured homes. Mr. Furguele noted that seemed to be case for “Class B” as well in the RA and MH.

Council Member Brantz noted that manufactured homes seemed to be an affordable housing option. Mr. Bailey noted that there are problems because they are taxed as vehicles and that they also have financial hurdles in lending.

Council Member Leigh asked why the Planning Commission recommended removal of the use from the R2 zoning district. Ms. Shook noted that the discussion seemed to be focused upon the district description and the potential decreased values for adjacent single-family dwellings.

Council Member Leigh noted that the she keeps going back to 1976 and that it was just going to be an aging number.

Mr. Furgiuele noted that more than likely a manufactured home built in 1976 would not be able to meet the “Class A” requirements because more than likely structural alterations would have to be made. Discussion ensued whether older home could meet the “Class A” requirements.

Council had no further comments or questions on the manufactured home uses.
(Shaded Gray Area is an Excerpt from 12-07-11 Planning Commission meeting minutes)

Use Number	Specific Use	Zoning Districts														Reference
		R1	R1A	RR	R2	R3	R4	RA	MH	OI	B1	B2	B3	U1	M1	
Household Living 1.0																
1.05	Caretaker's Residence									L			L	P		10.01

DEFINITION:
A dwelling unit on the site of a non-residential use and occupied only by a guard or the person who oversees the operation of the non-residential facility.

Ms. Shook noted that this use would be covered under accessory uses, which would be discussed at a later date.
(Shaded Gray Area is an Excerpt from 12-07-2011 Planning Commission meeting minutes)

Use Number	Specific Use	Zoning Districts														Reference
		R1	R1A	RR	R2	R3	R4	RA	MH	OI	B1	B2	B3	U1	M1	
Household Living 1.0																
1.06	Duplex				L	L	L	L						P		10.02

DEFINITION:
A dwelling on one lot that has open yards on all sides and contains two (2) dwelling units that share a common wall or ceiling/floor and where each dwelling unit has separate access from the outside.

Ms. Shook noted that the duplex use was a current use in the UDO and was currently permissible in the R2, R3, R4, RA, O/I, B1, B2, B3, and U1 zoning districts with a “Z”. She noted that the use was permitted in the revised table [above] in the R2, R3, R4, RA zoning districts with an “L” and in the U1 zoning district with a “P”.

She noted that in the final table this use would be populated with “P’s” because the use is allowed by right. She noted that the “L” was used before a way was figured out how to capture landscaping requirements when using a “P”.

Ms. Shook noted that the Planning Commission agreed with how the Table was populated but had recommended that the duplex use in the R2, R3, and R4 zoning district should not have to install a landscape buffer because the use would be an expected use in those districts but require the landscape buffer in the RA.

Council Member Mason asked if any consideration had been given to allowing the use in the RR zoning district. Ms. Shook noted that the use was not currently allowed in the RR zoning district. Mr. Furgiuele noted that the nature of that particular neighborhood is very small lots with very small homes and did not want to encourage a new duplex which would be incompatible with the general nature of the district. Ms. Shook noted that the lots in the RR district are very small and that the duplex use has to meet current floor area regulations which would make the district impractical for duplex use. Mr. Furgiuele noted that could be a concern over people buying adjacent properties to tear down the houses to build a duplex rental and thus changing a largely owner-occupied neighborhood. Discussion ensued over potential non-conformities in the RR district. Mr. Furgiuele noted some could request a rezoning to resolve any particular situation. He noted that the issue would be to evaluate what could create problem for the people who currently live in the different zones and ensure compatibility.

Council Member Mason asked for verification that the “L” would become “P” based upon the earlier discussion. Ms. Shook replied yes because the “P” would still cover landscaping. Discussion ensued on the type of landscape buffer a duplex would have to install. Mr. Furgiuele noted that landscape standards are triggered by use and not by zoning district which can create confusion. He noted that Council may want to revisit those standards to revise them to be district based.

Mr. Bailey noted that Staff had tried to introduce that concept in the revision by going away from use to a pure zoning model. He noted that one of the reasons some of the uses were being removed from certain districts was because it ends up penalizing the use you want. Council Member Mason noted that there would be transitional zones as well. Discussion ensued on what made up a landscape buffer.

Discussion ensued on what change from “L” to “P” meant. Council Member Leigh noted that what the Planning Commission really meant by saying change from an “L” to a “P” was that they didn’t want buffers. Ms. Shook replied yes. Mr. Bailey noted that at the time the concept that the “P” could cover the landscape buffers was not conceived. He noted that if left alone the table would be heavily populated with “L’s” and the reference column would always be referencing the same sections. Ms. Shook noted that she thought the draft table along with the language changes would help Council understand better.

Council Member Mason asked why the Planning Commission treated the RA district differently. Ms. Shook stated that she thought the RA was treated differently was because the other districts were for medium to high density while the RA was not.

Council Member Leigh asked why the Planning Commission had a 6-5 vote on the idea of not having a landscape buffer in the R2, R3 and R4 zoning districts. Ms. Shook noted that some of the Planning Commission members were not comfortable with idea of removing the buffer.

Discussion ensued on the R3 district and how single-family dwellings would not be allowed. Council Member Leigh asked if there were any R3 districts that contained largely single family homes. Ms. Shook noted on the zoning map in the Council Chambers the White Laurel area, the Kellwood area, the 194 area and the Wood Circle area. Council Member Leigh asked if those areas were included to be rezoned. Mr. Bailey noted that a comprehensive property by property analysis had not been created because it would take a lot of time and that he thought that Council didn’t want to revamp the entire map. Council Member Leigh noted that she hadn’t understood how many single-family homes would be impacted.

Council Member Leigh noted it seemed to be important to have landscape standards. Mr. Furgiuele noted that he didn’t think Council needed to decide on landscaping tonight, that whether or not there is a landscaping requirement wouldn’t change the “P” or the “L”.

Ms. Shook noted that Council would have an opportunity to discuss the landscaping because the landscape article was use based and would have to be revised because of the new uses.

Ms. Shook asked if everyone was okay with the districts the use was in allowed in. The Council was in agreement with the district the duplex use was allowed.

(Shaded Gray Area is an Excerpt from 12-07-2011 Planning Commission meeting minutes)

Use Number	Specific Use	Zoning Districts														Reference
		R1	R1A	RR	R2	R3	R4	RA	MH	OI	B1	B2	B3	U1	M1	
Household Living 1.0																
1.07	Townhouse (up to 30 bedrooms) ^T					L				L				P		10.03
1.08	Townhouse					L				S				P		10.03

	(31 to 100 bedrooms) ^T															
1.09	Townhouse (more than 100 bedrooms) ^T					S								L		10.03

DEFINITION:

A dwelling unit on its own lot owned in fee simple by the owner of the unit, with a private entrance that is part of a structure where the dwelling units are all joined side-by-side and separated by party walls, with no unit being located above or below another unit, and having exposed front and rear walls for access, light and ventilation. This shall include any such dwelling, regardless of the form of ownership (condominium or rental) of the individual dwelling units herein.

Ms. Shook noted that the definition presented had been changed after review with Mr. Furgiuele to clean up what a townhouse is and how it could be developed. She noted that the Townhouse use was the first time the superscript “T” appears. Ms. Shook explained that the table [above] reflects the time when “L” was for stormwater and landscaped standards and now could be shown as a “P” because the “P” now includes all the regular standards and the “L” is for specific supplemental standards and that this use was not subject to any specific supplemental standards. She noted that there was change in how the use was permitted moving away from the number of units to the number of bedrooms because the number of bedrooms was the real indicator of impact. Mr. Bailey noted the shift from four bedrooms to two and three bedrooms in the multi-family industry.

Mr. Furgiuele noted to Council that it would be up to them to decide if the division of the use in terms of the number of bedrooms was satisfactory. He noted that may want more categories or to make other changes.

Ms. Shook noted to Council that the townhouse use was reintroduced into the O/I zoning district based upon the Boone 2030 Land Use Plan. Ms. Shook noted that this would be displayed more in the Medical District Overlay that Council would be reviewing at the planning retreat. She discussed the idea of having the medical district be sustainable and be aligned with the 2030 Plan. Mr. Bailey discussed the Medical District Overlay.

Discussion ensued over the differences in impacts of townhouse and other multi-family apartment development and the application of transitional zones.

Council Member Leigh asked if the recent proposal on Park Street had been townhomes because they had been owner-occupied. Ms. Shook noted that it had been considered multi-family apartments even though they were to be owner occupied as condominiums. Mr. Bailey noted there was a difference between a townhouse and a townhome. Discussion ensued over townhouses or “row” houses. Ms. Shook noted that the definition defined the townhouse use to be specifically like “row” houses which would be side by side in a row and not stacked units one on top of the other.

Council Member Leigh noted a concern with the middle category [Townhouse (31 to 100 bedrooms) ^T] because it seemed too broad. Mr. Furgiuele noted that the question would be if Council would want to have something of that density to be located near low density residential by right as opposed to going before the Board of Adjustment. Discussion ensued on possible impacts of townhouses and the transitional zones which should apply. Mr. Furgiuele noted that it was important to figure out where the critical point was going to be where a Special Use Permit would always be required.

Council Member Mason noted that some of the decisions may be based on the work of the Affordable Housing Task Force who has asked Staff to work on multi-family standards including the configuration of units and other occupancy issues.

Mr. Furgiuele noted that the number of categories would be depend on how Council felt about the number of bedrooms subject to a specific transitional zone. He noted that by having the broad range in the middle category that the larger transitional zone applies even to the 31 bedroom complex. He noted when reviewed with Staff, the 100 bedrooms was the maximum that could be allowed by right, as the mandate had been to eliminate as many “S’s” as possible.

Mr. Bailey noted how only the smaller concepts were introduced into the O/I.

Mr. Furgiuele noted he thought Council would be able to make better decisions on this use when the superscript “T” was associated to a specific transitional zone. Council Member Leigh noted that she would have to see the whole picture include what the transitional zone would be.

Mr. Furgiuele noted that the superscript “T” in the over 100 bedroom use category was still necessary because it would force an applicant to meet the transitional zone requirements of mitigating impacts if the use fell into that area.

Mr. Bailey asked Council if they were okay with the use as currently presented. Council Member Leigh indicated that it would depend on how the transitional zones were applied. Mr. Bailey noted that Council would see those populated better at the planning retreat.

Ms. Shook asked Council how long they wanted to meet that evening. She noted that Staff was working on a presentation regarding building size which Council may find beneficial.

(Shaded Gray Area is an Excerpt from 12-07-2011 Planning Commission meeting minutes)

Use Number	Specific Use	Zoning Districts														Reference
		R1	R1A	RR	R2	R3	R4	RA	MH	OI	B1	B2	B3	U1	M1	
Household Living 1.0																
1.10	Cottage Housing															10.04

DEFINITION: CONCEPT UNDER REVIEW WITH THE AFFORDABLE HOUSING TASK FORCE

Ms. Shook indicated that this use was a place holder for work being conducted with the Affordable Housing Task Force.

(Shaded Gray Area is an Excerpt from 12-07-11 Planning Commission meeting minutes)

Use Number	Specific Use	Zoning Districts														Reference
		R1	R1A	RR	R2	R3	R4	RA	MH	OI	B1	B2	B3	U1	M1	
Household Living 1.0																
1.11	Manufactured Home Park								L							10.05

DEFINITION: A residential use in which more than one (1) ~~mobile~~ manufactured home is located on a single lot.

EXISTING SUPPLEMENTAL REGULATIONS:

10.05.01 Manufactured home parks (~~use 1.122~~) shall be developed in accordance with the following general requirements:

- A. A manufactured home park shall have one (1) sign designating the park.
- B. A manufactured home park may have a manufactured home as a designated office.
- C. A manufactured home park may have material and equipment storage buildings for maintenance of the park. Said buildings shall be located a minimum of twenty five (25) feet from any residential units.
- D. Each manufactured home shall be set up and installed in accordance with the state of North Carolina regulation for installation of manufactured homes adopted and published by the North Carolina Department of Insurance.
- E. Each manufactured home foundation shall be fully enclosed with aluminum, vinyl or masonry materials.
- F. All units within manufactured home parks must be constructed to HUD standards and contain the appropriate seals to verify this fact.

10.05.02 The requirements for the manufactured home space shall be:

- A. Each manufactured home space shall have a permanent site number sign that is clearly visible from the street and located on each power panel box serving the home.
- B. Each manufactured home space shall have proper drainage to prevent accumulation of water.

- C. Each manufactured home space shall have a solid ground surface where the home will be placed.
- D. The following separation requirements are established for fire protection purposes and are designed to ensure the public health, safety and general welfare of individuals in manufactured home parks. Each manufactured home shall be located at least twenty (20) feet from any other manufactured home and at least twenty five (25) feet from any other building within the park, excluding storage buildings accessory to individual manufactured homes. Each home shall be at least twenty (20) feet from any property line or right-of-way. Each home shall be set back at least ten (10) feet from any private streets within the park. No structure or fence may be placed in the open area between the rear of the units.
- E. Accessory storage buildings shall be located flush with the rear of the home, a minimum of five (5) feet from the principal home and no less than eight (8) feet from any adjoining home, unless otherwise approved by the Town Fire Marshal.
- F. There shall be an open area within the park provided by the owner and designated for recreational purposes. Said area shall comply with Section 204.
- G. There shall be adequate space for off street parking of two (2) passenger cars at each home. Said spaces shall be located a minimum of four (4) feet from any unit.
- H. There shall be front and rear steps for each manufactured home. If the resident elects to have decks, the home will be required to have steps until decks are completed.

10.05.03 The streets in a manufactured home park shall meet the following requirements:

- A. Streets within the manufactured home park shall be a minimum width of eighteen (18) feet and have a minimum easement width of thirty (30) feet.
- B. Traffic control signs (i.e. stop, yield and speed signs) shall be placed throughout the manufactured home park where necessary, as specified by the Administrator.
- C. Each street shall have a permanent sign installed with a designated name identifying each street.
- D. Streets and parking areas shall be maintained by the operator/manager of the manufactured home park.
- E. Street lighting shall be provided throughout the manufactured home park.
- F. The utilities and solid waste disposal in a manufactured home park shall meet the following requirements:
 - 1. The source of the water supply shall be through the municipal public water system.
 - 2. A municipal sewage disposal system shall be provided in the manufactured home park.
 - 3. There shall be a storage and disposal system for solid waste for the manufactured home park in order to alleviate health and pollution hazards. Bulk solid waste storage containers shall be provided on site. There shall be a minimum of one (1) ten (10) yard container for every twenty (20) residential units. These containers shall be distributed throughout the park as per the recommendations of the supervisor of sanitation, and screened in accordance with local regulations. It shall be the responsibility of the operator/manager of the manufactured home park to see that a municipal or private solid waste disposal service is provided to the residents of the manufactured home park on a weekly basis. This may or may not be at the expense of the residents.

10.05.04 The buildings and grounds in Manufactured Home Park shall meet the following requirements:

- A. The grounds of the manufactured home park shall be free of debris, trash and litter.

- B. Grounds, buildings and storage areas within the manufactured home park shall be maintained to prevent the infestation of rodents, flies, mosquitoes and other pests.
- C. Grounds within the manufactured home park shall also be maintained to prevent the growth of ragweed, poison ivy, poison oak and other weeds.
- D. All grounds within the manufactured home park shall have proper drainage to prevent the accumulation of water.
- E. All recreational areas provided by the owner for the manufactured home park shall be maintained in a safe and sanitary manner by the operator/manager.
- F. The operator/manager shall provide space on the grounds for mail service to the residents of the manufactured home park.

Ms. Shook noted that the next use “Manufactured Home Park” was subject to existing supplemental standards. She noted that if anyone wanted to open a new manufactured home park they would have to approach Council for a rezoning. Ms. Shook noted that the Planning Commission had reviewed the use with the existing supplemental standards but that Staff was in the process of reworking them after meeting with Mr. Furguele. Ms. Shook noted that the Planning Commission had recommended that conflicting language in 10.05.02 be cleaned up and graphics inserted and modify the term “local regulations” in 10.05.03 [f][3] and to look at adding flexibility for parking regulations and home placement language.

Mr. Bailey discussed some of the flexibility available for parking and lot size in manufactured home parks. Ms. Shook noted that the conflicting language was related to the location of accessory structures to the rear of the individual units. Mr. Furguele noted that he thought the revisions would simplify and clean up the supplemental standards for manufactured home parks.

(Shaded Gray Area is an Excerpt from 12-07-2011 Planning Commission meeting minutes)

Use Number	Specific Use	Zoning Districts														Reference
		R1	R1A	RR	R2	R3	R4	RA	MH	OI	B1	B2	B3	U1	M1	
Household Living 1.0																
1.12	Family Designed Multi-Family (up to 30 bedrooms) ^T															10.06
1.13	Family Designed Multi-Family (31- 100 bedrooms) ^T															10.06
1.14	Family Designed Multi-Family (> than 100 bedrooms) ^T															10.06

DEFINITION: CONCEPT UNDER REVIEW WITH THE AFFORDABLE HOUSING TASK FORCE

Ms. Shook noted the concept was under review with the Affordable Housing Taskforce. She noted that she was not certain if the same terminology would be used.

(Shaded Gray Area is an Excerpt from 09-26-2011 PC Subcommittee Meeting Minutes)

Use Number	Specific Use	Zoning Districts														Reference
		R1	R1A	RR	R2	R3	R4	RA	MH	OI	B1	B2	B3	U1	M1	
Household Living 1.0																
1.15	Multi-Family Dwelling (up to 30 bedrooms) ^T					L								P		10.06
1.16	Multi-Family Dwelling (31-100 bedrooms) ^T					L								P		10.06
1.17	Multi-Family Dwelling (> 100 bedrooms) ^T					S								L		10.06

DEFINITION: A dwelling that contains three or more individual dwelling units attached along and sharing one or more common walls between any two units and/or stacked one above the other, or one or more dwelling units located in the same building as a non-residential use in a non-residential zoning district. This type of structure shall include any such building, regardless of the form of ownership (condominium or rental) of the individual dwelling units therein.

Ms. Shook noted that the same division by bedrooms was used in the multi-family dwelling uses as was in the townhouse use and that the use was only allowed in the R3 and U1 zoning districts. Mr. Furguele stated that the definition [above] had been reworked and was different after his review with Staff. Ms. Shook noted that many changes had occurred to the definitions so to try and limit loopholes and to clear up what type of building this use actually is. Mr. Furguele noted that the new definition captured every other multi-family use other than townhouse.

Mr. Bailey noted that a townhouse was legally required to be located on its own lot but that there could be “townhouse” style development that would qualify as multi-family dwellings.

Ms. Shook asked Council if they had any questions and noted that she knew that Council would want to see how the transitional zones were applied to the use. Mr. Furgiuele noted that Council could apply a smaller transitional zone to the townhouse use as incentive to the type of development they may want to see but Council would be the final decision maker on those choices. Discussion ensued on possible high limitations for townhouses.

There were no further comments or questions.

(Shaded Gray Area is an Excerpt from 09-26-2011 PC Subcommittee Meeting Minutes)

Use Number	Specific Use	Zoning Districts														Reference
		R1	R1A	RR	R2	R3	R4	RA	MH	OI	B1	B2	B3	U1	M1	
Household Living 1.0																
1.18	Planned Residential Development				S	L	L									10.07

DEFINITION:		A development constructed on a tract or tracts of at least five (5) acres under single ownership, planned and developed as an integral unit, and consisting of single-family detached residences combined with either two family residences or multi-family residences, or both, all developed in accordance with Section 178.														
EXISTING SUPPLEMENTAL REGULATIONS:																
10.07.01	Planned residential developments (PRD’s) are permissible only on tracts of land of at least five acres located within an R-2, R-3, or R-4 zoning district.															
10.07.02	The overall density of a tract developed by a PRD shall be determined as provided in Section 200.															
10.07.03	Permissible types of residential uses within a PRD include single family detached dwellings (use classification 1.111), two family residences (1.200), and multi-family residences (1.300). At least fifty percent (50%) of the total number of dwelling units must be single family detached residences on lots of at least 6,000 square feet.															
10.07.04	A PRD shall be an architecturally integrated subdivision.															
10.07.05	To the extent practicable, the two family and multi-family portions of a PRD shall be developed more toward the interior rather than the periphery of the tract so that the single family detached residences border adjacent properties.															
10.07.06	In a PRD, the screening requirements that would normally apply where two family or multi-family development adjoins a single family development, shall not apply within the tract developed as a PRD, but all screening requirements shall apply between the tract so developed and adjacent lots.															

Ms. Shook noted that the Planned Residential District use was not used probably because of the specific supplemental requirements associated with the use. She noted the use was allowed in the R2, R3 and R4 and were considered to be architecturally integrated subdivisions.

Ms. Shook noted that the Planned Residential Development or Planned Unit Development concept need more work than Staff could devote at this time and had recommended to the Planning Commission that the existing use be left as is and then be one of the first priorities that Staff work on after the adoption of the rest of the Table. She noted the concepts needed a lot of evaluation as well as the number of properties where the use could be utilized. Mr. Bailey discussed further on planned unit developments could work.

Council Member Leigh asked if cluster housing would be located in this category. Mr. Bailey agreed.

Ms. Shook noted that it would be difficult for anyone to take advantage of the use because of the strict zoning requirements. Council Member Mason suggested that since the use needed so much work that perhaps the use should only be inserted as a placeholder. Discussion ensued on how to handle Planned Residential Developments as they currently exist in the UDO. Ms. Shook noted that she thought if any wanted to develop one, they would use the conditional district zoning approach.

Discussion ensued on the size of properties that should be allowed to take advantage of the Planned Residential Development use. Mr. Furgiuele noted to Council that this would be the opportunity for Council to revisit the idea of free-form conditional district zoning. Mr. Bailey indicated that the topic would be discussed at the planning retreat.

Council agreed to have more discussion on the idea of different types of conditional district rezoning and asked Staff to prepare a full table for review for the planning retreat.

CLOSED SESSION

Upon a motion by Council Member Brantz, seconded by Council Member Ball, Council moved to recuse Mayor Clawson from consideration of the Closed Session matter.

VOTE: Aye – All
 Nay – None

Upon a motion by Council Member Brantz, seconded by Council Member Ball, Council moved to enter Closed Session at 8:07 p.m. pursuant to NCGS 143-318.11a(3) to hear the following matter:

- Legal Action – Recent Court of Appeals Decision on the Templeton Medical Clinic Case.

VOTE: Aye – All
 Nay – None

Upon a motion by Council Member Brantz, seconded by Council Member Mason, Council moved to exit Closed Session at 9:27 p.m.

VOTE: Aye – All
 Nay – None

Upon a motion by Council Member Ball, seconded by Council Member Brantz, Council moved to reseal Mayor Clawson.

VOTE: Aye – All
 Nay – None

ADJOURNMENT

Upon a motion by Council Member Ball, seconded by Council Member Brantz, Council moved to adjourn at 9:28 p.m.

Kimberly S. Brown, Town Clerk

Loretta Clawson, Mayor