

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Regular Meeting – December 9, 2014

I. CALL TO ORDER

Mayor Owen called the regular meeting of the Beech Mountain Town Council to order at 4:02 p.m., Tuesday December 9, 2014 in the Town Hall Council Chambers. Other Council Members present were Alan Holcombe, Paul Piquet, and E. 'Rick' Miller. Council Member Cindy Keller was not present. Town Attorney Stacy C. Eggers, IV. was present. Staff members present were Town Manager Randy Feierabend; Town Clerk Jennifer Broderick, Finance Officer Nancy Johnson, Public Works Director Riley Hatch, Public Utilities Director Robert Heaton, Fire Chief Robert Pudney, Building Inspector John Merritt, Parks and Recreation Director Sandy Carr, Director of Tourism and Economic Development Kate Gavenus, and Police Chief Shawn Freeman.

II. Invocation – Dewey 'Cyclone' Brett presented the invocation.

III. Pledge of Allegiance – All present joined in the Pledge of Allegiance to the flag.

IV. Adoption of Agenda – Mayor Owen welcomed Shawn Freeman as the Town's new Police Chief. Mayor Owen stated that § IX. Old Business b. '*Directional Sign Banner Request*' would be removed from the agenda. Mayor Owen stated that the agenda would stand as amended.

V. Approval of the Minutes

a. November 12, 2014 Regular Meeting – Councilman Miller motioned to approve the November 12, 2014 Regular Meeting Minutes. Councilman Holcombe seconded the motion and the vote passed unanimously.

b. November 12, 2014 Closed Session – Vice Mayor Piquet motioned to approve the November 12, 2014 Closed Session Minutes. Councilman Holcombe seconded the motion and the vote passed unanimously.

VI. Public Hearing

a. Architectural Standards for Commercial District – Councilman Miller motioned to open the public hearing. Vice Mayor Piquet seconded the motion and the vote passed unanimously. James Scott stated that it was nice to be back on the mountain. Mr. Scott stated that the proposed ordinance in front of Council was about implementing the Comprehensive Plan. One of the most important things that the public provided as feedback during the Comprehensive Plan study was to beautify the space that the public sees. These standards, in the ordinance before Council, help create the harmony that the Town envisioned when the Comprehensive Plan was developed for new development and redevelopment. Mr. Scott reviewed the types of projects these standards would apply to, which were the commercial areas that are zoned C-S1, C-S2, and R-3A that

have street frontage alongside the Beech Mountain Parkway from the entrance of the Town to Ski Beech. Mr. Scott explained that projects would need approval before they could get a permit. This approval would come from the Architectural Review Committee which is designated as the Planning Board. Mr. Scott pointed out that alternative designs that comply with the intent are considered a conditional use and as such would need to go before the Board of Adjustment for the conditional use to be permitted. It is the intent that over time these standards will work together to help Beech Mountain align with the character that Beech Mountain would like to have. Hearing no public comment Vice Mayor Piquet motioned to close the public hearing. Councilman Holcombe seconded the motion and the vote passed unanimously.

VII. *Public Comment* – There was no public comment.

VIII. *New Business*

- a. *Resolution of Appreciation for Roger Turbyfill*** – Mayor Owen stated that the Town had a Resolution of Appreciation for Roger Turbyfill; a retiring staff member. Mayor Owen read aloud the resolution to all present. Mr. Turbyfill received a standing ovation. Councilman Miller motioned to adopt the Resolution of Appreciation for Roger Turbyfill. Vice Mayor Piquet seconded the motion and the vote passed unanimously. Resolution of Appreciation for Roger Turbyfill is attached as Exhibit A and incorporated by reference as if fully set out within these minutes.
- b. *Reimbursement Resolution for Financing for Water Plant Project*** – Vice Mayor Piquet motioned to adopt Resolution 2014-10 '*Resolution of the Town of Beech Mountain, North Carolina Declaring the Intent of the Town of Beech Mountain, North Carolina to Reimburse Itself for Capital Expenditures Incurred in Connection with Certain Water System Improvements from the Proceeds of Certain Obligations.*' Councilman Holcombe seconded the motion and the vote passed unanimously. Resolution No. 2014-10 Financing for the Water Plant Project is attached as Exhibit B and incorporated by reference as if fully set out within these minutes.
- c. *Governor's Crime Commission Grant*** – Police Chief Shawn Freeman explained the Governor's Crime Commission Grant to Council. Police Chief Freeman stated that the grant opportunity was in the amount of \$15,000 and had a deadline of January 31, 2015. There would be a bidding process that would need to be met as well. Councilman Miller asked if staff was going to get cameras. Police Chief Freeman stated staff is looking into getting body cameras. Currently there is a bill in place which would make this a requirement for all officers. Councilman Miller motioned for staff to apply for the Governor's Crime Commission Grant. Vice Mayor Piquet seconded the motion and the vote passed unanimously.
- d. *Approval to Open Bank Account*** – Finance Officer Nancy Johnson stated this request was being made to accept the Fire Department's certificates of deposit. The account would be open with Mountain Community Bank. Councilman Holcombe motioned for staff to open the bank account. Councilman Miller seconded the motion and the vote passed unanimously.

- e. Tax Releases* – Mayor Owen reviewed the 9 tax releases before Council. Councilman Miller motioned to accept the 9 tax releases. Councilman Holcombe seconded the motion and the vote passed unanimously.
- f. Planning Board Appointments* – Mayor Owen stated that Council had information in front of them providing those individuals whose terms were expiring. Vice Mayor Piquet motioned to appoint Mike Chase to the Planning Board and to reappoint John Hoffman to the Planning Board. Attorney Four Eggers stated that individuals may not serve on both the Planning Board and the Board of Adjustment. Mike Chase verbally resigned from the Board of Adjustment. Councilman Holcombe seconded the motion and the vote passed unanimously.
- g. Board of Adjustment Appointments* – Mayor Owen stated that Council had information in front of them providing those individuals whose terms were expiring. Councilman Holcombe motioned to appoint Carl Marquardt to the Board of Adjustment to fill the remainder of Mike Chase’s term. Carl Marquardt was currently serving as a Board of Adjustment Alternate. Vice Mayor Piquet seconded the motion and the vote passed unanimously. Vice Mayor Piquet motioned to reappoint Bernie Kneppka and Fred France to the Board of Adjustment. Councilman Holcombe seconded the motion and the vote passed unanimously. Mayor Owen pointed out to the public that the Town was in need of 2 new Board of Adjustment Alternates.
- h. Recreation Committee Appointments* – Mayor Owen stated that Council had information in front of them providing those individuals whose terms had expired. Vice Mayor Piquet stated that there had been some discussion over what was happening with the direction of this committee. Vice Mayor Piquet motioned to reappoint Fred Pfohl and Barbara Piquet to the Recreation Committee and to appoint Urs Gsteiger and Gloria Algae to the Recreation Committee. Councilman Miller seconded the motion and the vote passed unanimously.
- i. Tourism Development Authority Appointment* – Mayor Owen stated that Council had information in front of them about a member stepping down from their position. Councilman Holcombe motioned to appoint Talia Freeman to fill the remainder of Candi Catoe’s term. Vice Mayor Piquet seconded the motion and the vote passed unanimously.
- j. Adoption of the Town Council 2015 Meeting Schedule* – Mayor Owen stated that the 2014 regular meeting schedule has been 4:00 p.m. on the second Tuesday of the month. Vice Mayor Piquet motioned for Councils regular 2015 meetings to be held on the second Tuesday of the month at 4:00 p.m. at Town Hall in the Council Chamber Room. Councilman Holcombe seconded the motion and the vote passed unanimously.

IX. Old Business

- a. Vote on Architectural Standards for Commercial District* – Mayor Owen stated that Council has had a couple of months to look over his proposed ordinance. Councilman

Miller stated that James Scott had answered his question which was to identify the Architectural Review Committee. Attorney Four Eggers pointed out to Council that they could elect to have either the Planning Board or the Board of Adjustment as the Architectural Review Committee. Council agreed that they liked the Planning Board assuming this role. Vice Mayor stated that he was happy with this proposed ordinance and that it was in align with the Comprehensive Plan. Councilman Miller asked about metal buildings. Mr. Scott stated that under building materials the proposed ordinance does speak to precast buildings. Councilman Miller stated that the Town may be redoing the Public Works Building in the future. Mr. Scott stated that as long as there were other materials that were used as accent points then a metal building could still be used. Vice Mayor Piquet motioned to approve the ordinance for the Architectural Standards for Commercial District. Councilman Holcombe seconded the motion and the vote passed unanimously. Ordinance No. 2014-05 is attached as Exhibit C and incorporated by reference as if fully set out within these minutes.

X. *Town Manager, Staff Reports and Council Concerns*

Quarterly Financial Report – Manager Feierabend stated that this report was in front of Council.

Introduce Town's New Director of Tourism and Economic Development – Manager Feierabend introduced Kate Gavenus as the Town's new Director of Tourism and Economic Development. There was a round of applause.

Vehicle Budget Amendment – Manager Feierabend stated that Building Inspector John Merritt's vehicle frame was broken. Mr. Merritt is happy to have a small sport utility vehicle as a replacement. Manager Feierabend stated that Council had three quotes before them for new vehicles for their consideration. Manager Feierabend stated that staff was happy to get a used vehicle as well. Mayor Owen asked if there was one vehicle that staff would prefer to have in their fleet. Manager Feierabend stated that the Town has traditionally gone with the vehicle that gives the Town the best price and provides the Town with the minimum features that staff is looking for. Councilman Miller motioned to purchase the Jeep Patriot for \$21,940. The motion died for a lack of the second. Council held further discussion. Councilman Miller motioned to purchase the Jeep Patriot for \$21,940. Vice Mayor Piquet seconded the motion and the vote passed unanimously. Mayor Owen asked if staff undercoats the vehicles. Public Works Director Riley Hatch stated that most vehicles come with some type of undercoating and that two of the larger companies that used to provide this undercoating have gone out of business.

Garbage – Manager Feierabend stated that there are citizens that continue to ask the Town to do something about the bear issue with garbage. Manager Feierabend stated that it is not the Town's job to pick up the garbage. Manager Feierabend stated that Watauga County is not interested in working with Republic Services because so much of the garbage that Republic Services would be dealing with is from the Avery County side of the Town. Manager Feierabend informed Council that Republic Services has not provided the Town with more information on what their proposed rates would be. Manager Feierabend

informed Council that he has been in communication with Renee Castiglione, Property Manager of Holiday Beech Villas.

109 Charter Hills and 159 Hornbeam Road – Manager Feierabend informed Council that Sandra Seltzer would like to donate 109 Charter Hills Road and 159 Hornbeam Road to the Town with no conditions. Manager Feierabend stated that he had received an email formally making the request from Sandra Seltzer. Vice Mayor Piquet motioned to accept the lot donation of 109 Charter Hills and 159 Hornbeam Road. Councilman Holcombe seconded the motion and the vote passed unanimously.

Bears – Mayor Owen stated that the Town is constantly hearing about the bears with questions about what the Town is going to do about the bear issue with the garbage. Mayor Owen stated that people can either take their trash to the Recycling Center or that they can take the responsibility that comes along with curb side pickup of picking up their garbage that gets strewn about by the animals when it is placed outside too early. Mayor Owen stated that going away from curb side pickup sounds like a good idea until you have people sticking their trash in the woods. Mayor Owen stated that the Town does have the remedy available to fine individuals who are not picking up their trash when the bears get into it. Mayor Owen stated that the sanitation department is an enterprise fund. Mayor Owen recommended that the Town consider easing into providing more locations for people to take their trash to. Brian Barnes stated his encouragement for providing multiple convenience centers versus continuing with curb side pickup. Mr. Barnes stated that the Town is feeding the bears unless they are using the Town's Recycling Center for their garbage needs. Councilman Miller asked that staff notify the community that garbage needs to be put out that morning of pick up or taken to the Recycling Center. Councilman Miller stated that as discussion continues he is more inclined to go the route of creating neighborhood Recycling Centers. Public Works Director Riley Hatch stated that staff does go out to pick up the garbage when there are animal incidents; up to 2 occasions. After these 2 times have been used owners receive a letter from staff, with pictures of the issue, notifying them of the fine for this continued behavior. Vice Mayor Piquet stated that there is some responsibility of being a property owner. Vice Mayor Piquet stated that neighborhood Recycling Centers cannot be placed in areas where people have residencies.

Condemnation, Pre-condemnation, and Repair Properties Report – Manager Feierabend pointed out the Condemnation, Pre-condemnation, and Repair Properties Report in front of them.

Mayor Owen stated that Council would take a short break at 4:56 p.m.

- XI. Closed Session – Pursuant to NC GS 143-318.11(a)(3) Attorney Client Matters; NC GS 143-318.11(a)(6) Personnel Matters** – Upon motion by Councilman Holcombe at 5:05 p.m., seconded by Vice Mayor Piquet the Council voted unanimously to go into closed session pursuant to NC GS 143-318.11(a)(3) for Attorney Client Matters, including Beech Mountain v. Genesis Wildlife Sanctuary; NC GS 143-318.11(a)(6) for Personnel Matters. Councilman Miller motioned to exit closed session at 5:30 p.m., which was seconded by Vice Mayor Piquet. The motion passed unanimously.

XII. Other Business

Budget Amendment – Vice Mayor Piquet motioned to approve the budget amendment in the amount of \$6,882.20 for the costs, taxes and fees of the Lindsay Scheer property. Councilman Holcombe seconded the motion and the vote passed unanimously.

XIII. Adjourn – Vice Mayor Piquet motioned to adjourn the meeting at 5:31 p.m., which was seconded by Councilman Holcombe. The motion passed unanimously. The meeting was adjourned 5:31 p.m.

Minutes approved by Town Council on January 13, 2015.

Richard H. Owen, Mayor

ATTEST:

Jennifer Broderick, CMC
Town Clerk

ATTACHMENT(S)
TO
MINUTES

EXHIBIT A – A Resolution of Appreciation for Roger Turbyfill

EXHIBIT B – Resolution No. 2014-10: A Resolution of the Town of Beech Mountain, North Carolina Declaring the Intent of the Town of Beech Mountain, North Carolina to Reimburse Itself for Capital Expenditures incurred in Connection with Certain Water System Improvements for the Proceeds of Certain Obligations

EXHIBIT C – Ordinance No. 2014-05: An Ordinance to Establish Architectural Standards for Commercial District



Town of Beech Mountain

Randy E. Feierabend, AICP
Town Manager
Stacy C. Eggers, IV, Attorney

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Council Members
Rick Owen, Mayor
Paul Piquet, Vice Mayor
Alan Holcombe
Cynthia A. Keller
B. "Rick" Miller

Resolution of Appreciation Honoring the Service of Roger Turbyfill

WHEREAS, Roger Turbyfill has served the Town of Beech Mountain since May 13, 1991; and

WHEREAS, Roger Turbyfill has held the title and performed the duties of Equipment Services Supervisor for the Town of Beech Mountain; and

WHEREAS, Roger Turbyfill has dedicated the last 23 years to servicing the Town of Beech Mountain's vehicle fleet and heavy equipment; and

WHEREAS, Roger Turbyfill is retiring effective December 31, 2014; and

WHEREAS, the Town Council desires to recognize and express appreciation to Roger Turbyfill for his invaluable and exceptional service to the Town of Beech Mountain;

NOW THEREFORE, BE IT RESOLVED that the Beech Mountain Town Council formally thanks Roger Turbyfill for his distinguished and dedicated service to the Beech Mountain Public Works Department and wishes him the best in his future endeavors.

Adopted this the 9th day of December, 2014.

Richard H. Owen, Mayor

Attest:

Jennifer Broderick, CMC
Town Clerk

RESOLUTION No. 2014-10

RESOLUTION OF THE TOWN OF BEECH MOUNTAIN, NORTH CAROLINA DECLARING THE INTENT OF THE TOWN OF BEECH MOUNTAIN, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH CERTAIN WATER SYSTEM IMPROVEMENTS FROM THE PROCEEDS OF CERTAIN OBLIGATIONS

WHEREAS, the Town Council of the Town of Beech Mountain, North Carolina ("*Town*") has determined that it is in the best interests of the Town to finance certain improvements to its water system, specifically the construction and equipping of a new water treatment plant (the "*Project*");

WHEREAS, the Town presently intends, at one time or from time to time, to finance all or a portion of the costs of the Project with proceeds of tax-exempt obligations and reasonably expects to execute and deliver such obligations (the "*Obligations*") to finance, or to reimburse itself for, all or a portion of the costs of the Project; and

WHEREAS, the Town desires to proceed with the Project and will incur and pay certain expenditures in connection with the Project prior to the date of execution and delivery of the Obligations (the "*Original Expenditures*"), such Original Expenditures to be paid for originally from a source other than the proceeds of the Obligations, and the Town intends, and reasonably expects, to be reimbursed for such Original Expenditures from a portion of the proceeds of the Obligations to be executed and delivered at a date occurring after the dates of such Original Expenditures;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Beech Mountain, North Carolina as follows:

Section 1. ***Official Declaration of Intent.*** The Town presently intends, and reasonably expects, to reimburse itself for the Original Expenditures incurred and paid by the Town on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the Obligations. The Town reasonably expects to execute and deliver the Obligations to finance all or a portion of the costs of the Project and the maximum principal amount of Obligations expected to be executed and delivered by Town to pay for all or a portion of the costs of the Project is approximately \$4,300,000.

Section 2. ***Compliance with Regulations.*** The Town adopts this Resolution as a declaration of official intent under Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the Town's intent to reimburse itself for the Original Expenditures from proceeds of the Obligations.

Section 3. ***Itemization of Capital Expenditures.*** The Finance Officer of the Town, with advice from bond counsel, is hereby authorized, directed and designated to act on behalf of the Town in determining and itemizing all of the Original Expenditures incurred and paid by the Town in connection with the Project during the period commencing on the date occurring 60 days prior to the date of adoption of this Resolution and ending on the date of execution and delivery of the Obligations.

Section 4. *Effective Date.* This Resolution is effective immediately on the date of its adoption.

On motion of Councilmember Paul Piquet, and second by Councilmember Alan Holcombe, the foregoing resolution entitled "RESOLUTION OF THE TOWN OF BEECH MOUNTAIN, NORTH CAROLINA DECLARING THE INTENT OF THE TOWN OF BEECH MOUNTAIN, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH CERTAIN WATER SYSTEM IMPROVEMENTS FROM THE PROCEEDS OF CERTAIN OBLIGATIONS" was duly adopted by the following vote:

AYES: 4

NAYS: 0

Richard H. Owen, Mayor

STATE OF NORTH CAROLINA)
)
TOWN OF BEECH MOUNTAIN) ss:

I, *Jennifer Broderick*, Town Clerk of the Town of Beech Mountain, North Carolina, *DO HEREBY CERTIFY* that the foregoing is a true and exact copy of a resolution entitled "RESOLUTION OF THE TOWN OF BEECH MOUNTAIN, NORTH CAROLINA DECLARING THE INTENT OF THE TOWN OF BEECH MOUNTAIN, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH CERTAIN WATER SYSTEM IMPROVEMENTS FROM THE PROCEEDS OF CERTAIN OBLIGATIONS" adopted by the Town Council of the Town of Beech Mountain, North Carolina, at a meeting held on the 9th day of December, 2014.

WITNESS my hand and the corporate seal of the Town of Beech Mountain, North Carolina, this the 9th day of December, 2014.

Jennifer Broderick
Town Clerk
Town of Beech Mountain, North Carolina

Ordinance No. 2014-05

TOWN OF BEECH MOUNTAIN

**AN ORDINANCE TO ESTABLISH ARCHITECTURAL STANDARDS FOR
COMMERCIAL DISTRICT**

WHEREAS, Beech Mountain is a resort area that is blessed with abundant environmental beauty; and;

WHEREAS, the Town of Beech Mountain desires to preserve the aesthetic qualities and charm of its public spaces and commercial areas; and;

WHEREAS, Beech Mountain's Commercial Thoroughfare is the "face" that the Town puts on to the public, visitors and residents alike; and

WHEREAS, through the process of soliciting input for a Comprehensive Plan the Town of Beech Mountain identified establishing standards for upholding the aesthetic appearance of its commercial areas and public spaces as a major goal; and

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF BEECH MOUNTAIN THAT:**

SECTION I. The Town of Beech Mountain Code of Ordinances, Sections: §151.05
'Powers and Duties,' of the Planning Board
§151.071 'Overlay District,'
§154.117 'Conditional Use Standards,'
§154.120-154.122 'Architectural Standards for the Commercial Thoroughfare
Overlay District,'
are hereby adopted by the Town Council and codified as follows:

§ 151.05 POWERS AND DUTIES.

The Board shall have the power to perform the following duties:

(H) The members of the Planning Board shall also serve in the capacity of the Architectural Review Committee and shall review development plans for compliance with the Commercial Thoroughfare Overlay District Architectural standards.

§ 154.071 OVERLAY DISTRICT.

(A) Overlay Districts will impose additional restrictions on top of the existing requirements of the underlying General Use District.

(B) Each district described below constitutes an Overlay District.

(4) *Commercial Thoroughfare Overlay District.* The commercial corridor for the Town of Beech Mountain is an area predominantly used for retail, restaurants, inns and other commercial establishments in which the public is typically invited and welcomed to use and enjoy the space. This area is also the face the Town puts on to the public, being the area that visitors and guests are exposed to first, and the area from which their impressions about the town are generated. Good design in this area will increase the value of the town's properties as a whole and promote the town's goals as a resort destination. Therefore this area has a need to ensure design characteristics that are harmonious with the town's vision for the community and that enhance the quaint, mountain-town character. Accordingly, an overlay district has been established in which design regulations are applicable in addition to regulations of the underlying base district. Where provisions of this Overlay District are found to be in conflict with the underlying base zoning district, the more stringent regulations shall apply. Standards for development in the Commercial Thoroughfare Overlay District are found in Sections 154.120-154.129 of this Ordinance ("Architectural Standards for Development in the Commercial Thoroughfare Overlay District").

§ 154.117 CONDITIONAL USE STANDARDS.

The following standards are applied to specific conditional uses. Before issuing a Conditional Use Permit, the Board of Adjustment shall find that all standards for specific uses listed in this section as well as all standards listed in § 154.116 have been met.

(T) Alternative Building Methods in the Commercial Thoroughfare Overlay District.

(1) Roof designs, building materials, building sizes (scale), color schemes, window types and numbers, and landscaping arrangements other than those specifically listed as allowed in 154.122 may be allowed if the totality of the design indicates harmony and compatibility with the Commercial Thoroughfare Overlay District and its purpose of fostering a functional, visually appealing and vibrant Commercial District in Beech Mountain.

(2) The Board may impose additional Conditions necessary to ensure the proposed use will be compliant with the spirit and intent of the Commercial Thoroughfare Overlay District.

ARCHITECTURAL STANDARDS FOR DEVELOPMENT IN THE COMMERCIAL THOROUGHFARE OVERLAY DISTRICT

§ 154.120 SCOPE AND APPLICATION

(A) The provisions of the Commercial Thoroughfare Overlay District Architectural Standards shall apply to all development in the Commercial Thoroughfare Overlay District (exclusive of Single-Family Residential Development) in the following categories:

1. All newly constructed buildings or newly constructed portions of buildings or building components shall comply with all applicable aspects of these regulations.

2. Whenever changes, renovations, or alterations are undertaken to an exterior façade component of a building that is existing at the time of adoption of this section, the portion of that component upon which the work is undertaken shall either:
 - i. Be restored to its original character as it stood at date of adoption of this regulation, using the same or similar materials, colors, and styles.
 - ii. Comply with the applicable standards of this section.
3. On existing buildings, projects requiring a building permit where the total value of such work is greater than 50% of the current tax assessed value of the structure may not occur unless the entire site is brought into compliance with this section. In determining the value of work in regard to this section, the value of multiple projects within the most recent two year period shall be aggregated. For the purposes of this section, bringing an existing site into compliance shall not be construed to require the relocation of any existing structure or portion of a structure.

§ 154.121 PROCEDURE

(A) Whenever it is determined that development is within the scope of the Commercial Thoroughfare Overlay District Architectural Standards, review by the Architectural Review Committee is required. A permit issued by such Architectural Review Committee is required prior to obtaining building and zoning permits for construction. The Architectural Review Committee shall have forty-five (45) days after the first consideration of the application within which to 1) approve, 2) deny, or 3) approve with conditions, any properly submitted application.

(B) After an approved project is reviewed for building permit purposes, a copy of the final approved plans shall be submitted to the Zoning Administrator prior to permit issuance. The Zoning Administrator shall ensure that no significant changes have been made to the plans that were approved by the Architectural Review Committee during the building permit process. If the Zoning Administrator determines that significant changes have occurred, the plans shall be returned to the Architectural Review Committee for re-evaluation prior to permit issuance.

(C) A properly submitted application shall contain two full size sets of plans and one set of plans sized 11" x 17", drawn to scale, one of which shall be returned to the applicant upon approval. The applicant shall also submit one electronic copy of plans in .pdf format. The plans shall contain the following:

- a. A recent survey showing the shape, dimensions, contours and acreage of the lot on which the proposed building is to be erected;
- b. The location of said lot with respect to adjacent rights of way and driveways;
- c. The shape, dimensions, and location on the lot of all buildings, existing and proposed, and required setbacks;
- d. The nature of the proposed use of the building or land, including the extent and location of the use;
- e. The location and dimensions of parking and loading space and means of ingress and egress;

- f. The square feet and percentage of the lot as built upon area if the lot is located in a Watershed;
- g. The location of all required buffers and setbacks;
- h. A landscape plan that includes the location and number of trees to be removed and trees and other vegetation to be planted, The landscaping plan shall include (but is not limited to) the following:
 - i. The location, species, and height of new trees and shrubbery ;
 - ii. The location and dimensions of planting areas;
 - iii. The dimensions of the entire parking or paved area;
 - iv. The location and height of fences or walls
 - v. The number, location, species and size of existing trees between the principal building and the public street right-of-way which are to be maintained and preserved for credit; the size is to be measured by taking the diameter of the tree at approximately four feet (4') above the grade (dbh).
 - vi. The location and description of any barriers to be erected to protect any vegetation from damage both during and after construction.
 - vii. Clear edging shall be provided between landscaped areas and pedestrian/vehicle areas.
- i. The location and dimensions of any outdoor activity areas or assembly areas, outdoor display areas, storage areas, sidewalks or walkways,
- j. An architectural rendering of the elevation view of all sides of the proposed building or buildings to be constructed that includes the materials and colors to be used and provides sufficient details to comprehend the appearance of the building once constructed; and
- k. A grading plan that includes the current and proposed topography of the site and any distinct natural features such as streams, rocky outcrops, etc.;
- l. A sedimentation and erosion control plan (if applicable);
- m. All proposed stormwater drainage structures and systems.

§ 154.122 DESIGN STANDARDS

(A) Site Aspects

1. Relationship of a building to its site.

- a) Building design shall be fitted to the natural contours of the site. Natural features of the site, such as rock outcroppings or natural drainage ways shall be preserved.
- b) On wooded sites, buildings shall be carefully situated to take advantage of the shade and energy conservation provided by the trees.
- c) The impression of buildings tucked into, rather than superimposed on, the natural landscape shall be created.
- d) The view of the building from the street and surrounding areas shall be as important as the view available to the building's occupants.
- e) Buildings shall be located according to the natural characteristics of the site. In hilly terrain, clustering of buildings is encouraged as a strategy to avoid destroying sensitive natural areas.

- f) Buildings shall be designed to harmonize with the existing topography, thereby minimizing land disruption.
- g) Grading shall be held to a minimum and should complement natural land forms (such as smooth gradations or terracing).

2. *Relationships of the project to adjoining area.*

- a) Building projects shall not be designed as isolated units, but instead shall reflect the context of the adjoining properties.
- b) Grading shall blend gently with contours of adjacent properties.
- c) Buildings at the ends of streets, or at street corners, shall serve as visual "terminals." Serving to both unify and conclude the architectural statement made on the street.
- d) Proposed recreation areas or uses shall complement nearby existing uses. The extension of existing parks or recreation areas into a proposed development is a highly desirable design feature.
- e) Buildings or projects located near or adjacent to a greenway shall provide safe and efficient pedestrian connection to that greenway, and also to adjacent properties that might include pedestrian systems in the future.
- f) Buffer zones shall separate and protect the greenway, while at the same time connect it to the building site.
- g) Natural drainage patterns shall be preserved where possible. Changing the natural drainage areas will affect the drainage onto adjoining areas. New offsite drainage created by the development shall be prevented or adequately controlled with Stormwater Best Management Practices (BMPs).
- h) Innovative building and site design can capitalize on natural drainage ways and transform steep slopes into major site amenities.
- i) Design shall insure that drainage occurs only in areas designed to serve a drainage function. Stormwater should not flow over sidewalks, paths or streets.

3. *Streetscape*

- a) Along and adjacent to the street frontage property line, there shall be enough room to accommodate the planting of trees and shrubs (minimum of a 5' wide planting strip). The street will be enclosed, pedestrians will be separated from the cars (where applicable) and the view will be framed. Where a Town-maintained public walkway/ sidewalk is located on the applicant's property in the 5' immediately adjacent to the property line, the 5' planting strip shall be measured from the edge of the walkway/ sidewalk. See Section 154.122(H) for planting requirements in this area.
- b) Street furniture should complement the overall site and landscape design. It shall reflect the natural mountain character of Beech Mountain, such as the use of wood and stone for benches, trash receptacles, etc.
- c) Where a pedestrian plan officially adopted by the Town of Beech Mountain depicts sidewalks/ walkways within the applicant's property, the applicant shall dedicate to the Town of Beech Mountain an easement for the construction, maintenance, and beautification of sidewalks/ walkways and associated landscaping elements. Said easement shall extend to any portion of the applicants property that lies within 7.5

feet on either side of the location of centerline of the walkway as depicted on the plan. This area may count towards the required minimum setback and the 5' planting strip as required above.

(B) Building Scale

Scale and proportion should reflect local traditions of mountain buildings. They should be oriented to the characteristic, simple residential buildings of Beech Mountain. Texture of roof and wall finishes shall provide a scale or reference point for the pedestrian in proximity to the structure.

(1) ALLOWED:

- Harmony with landscape and surroundings
- Residential scale
- Structures using rectangular configurations
- Street front having sense of entry
- Use of stepbacks and architectural elements (windows, stairs, etc) to break up large masses of buildings
- Pedestrian-oriented scale
- Covered walkways
- Canopies
- Alternative designs and configurations that comply with the spirit and intent of this Section are allowed provided a Conditional Use Permit is secured in accordance with 154.117(T).

(2) PROHIBITED:

- Buildings that exceed the maximum height as provided in §154.140.
- Square or rectangular buildings in excess of 50,000 square foot of gross floor area are prohibited
- Continuous flat building faces (no changes in direction) in excess of 100 feet in length are prohibited
- A-frame buildings are prohibited
- Geodesic domes are prohibited

(C) Exterior Materials

Materials shall be selected for suitability to architectural style. For the mountain village character of Beech Mountain, this means using natural traditional materials such as wood and native stone. The number of different materials on exterior finishes should be limited.

(1) ALLOWED:

- Use of materials native to mountain area
- Wood siding (painted, stained, or weathered. Horizontal lap or Vertical Board and Batten)
- Fire Retardant Wood Shingles/Shakes or Synthetic Fire Retardant Wood Shingles/Shakes
- Native stone
- True log construction

- Log siding
- Exposed wood structural members (heavy timbers)
- Trim elements related to primary building elements
- Where materials change there should be a change in wall plane or some architectural device to give sense of transition
- Bark siding
- Brick (allowed as accents for areas of detail – then the brick shall be of constant color and of the wood mold type, no blends)
- Stucco, for wall areas below the first floor level only, or allowed as an accent for areas of detail
- All ASTM approved cement board, at the discretion of the Architectural Review Committee or per requirement of NC State Fire Code
- Alternative materials that comply with the spirit and intent of this Section are allowed provided a Conditional Use Permit is obtained in accordance with 154.117(T).

(2) PROHIBITED:

- Stucco or synthetic stucco, as an entire wall exterior finish is prohibited
- Mix of materials unrelated to architectural form/structure is prohibited
- Pre-form metal siding (covering greater than 40% of the exterior façade) is prohibited
- Vinyl siding (covering greater than 40% of the exterior façade) is prohibited
- T 1-11 or plywood (covering greater than 40% of the exterior façade) is prohibited
- Exposed or painted concrete block is prohibited
- Artificial brick is prohibited
- Non-ASTM approved cement board is prohibited
- Non- fire retardant wood shingles or shakes are prohibited

(D) Roofs

Roofs are a major visible element and shall be compatible with both the building's and neighboring building's architectural styles. Similarities in roof type create a visual continuity in the streetscape and neighborhood. Roof shape, color and texture should be coordinated with the treatment of the building's perimeter walls. Roofs with more than one plane, and containing dormers, add variety to a building and break-up its size.

(1) ALLOWED:

- Gable or hip roofs
- Roof Materials:
 - o Wood Shakes or Synthetic Wood Shakes (Fire Retardant versions only)
 - o Slate (or artificial slate)
 - o Metal
 - o Architectural/ Dimensional asphalt shingles (40 year or 50 year)
- Roof pitches over porches and ancillary structures should be in keeping with principal building
- Earth tone colors for roof materials
- Wide fascia (8 inches minimum) and/or exposed rafter tails
- Large overhangs (minimum of 18 inches)

- Large roof areas shall have more than one plane or be broken up with dormers or other design features. Maximum unbroken roof plane area facing the main thoroughfare on which the parcel is situated is 1,000 square feet)
- Solar panels, provided they are non-reflective
- Alternative roof designs that comply with the spirit and intent of this Section may be allowed provided a Conditional Use Permit is obtained in accordance with 154.117(T)

Rooftop equipment specifications:

- Rooftop mechanical and electrical equipment shall be screened from view of people on street and surrounding properties
- Grouping together of utility structures (vents, ducts, etc.) is required. Utility structures shall be painted to match adjacent building surface.
- Exposed gutters and downspouts shall be painted to match adjacent roof or wall material or trim

(2) PROHIBITED:

- Flat roofs, roofs of less than 6:12 pitch are prohibited
- Gambrel or Mansard roofs are prohibited
- Shed roofs as the primary roof structure are prohibited
- Brightly colored and unnatural looking roof material is prohibited
- Roll felt roofing is prohibited
- Corrugated plastic sheet material is prohibited
- Standard 3-tab asphalt shingles are prohibited
- Non- fire retardant wood shingles or shakes are prohibited

(E) Windows

Windows are an important architectural element to unify a façade. They reflect the character of a building. However, windows not only add to the aesthetics of a building but also provide light and ventilation.

(1) ALLOWED:

- Traditional shapes (forms of square, arches or rectangle)
- Forms of residential scale
- Multi-plane windows (use of muntins to divide glass into unified sections)
- Vertical windows
- Separating large windows (including storefront) by columns
- Windows accentuated by trim work
- A minimum of 10% of each unbroken wall façade facing the main thoroughfare on which the parcel is situated of greater than 100 square feet shall be glazed with windows/ fenestration. For the purposes of this section, wall areas are considered "broken" when interrupted by roofs or changes in direction.
- Windows shall not serve as dominant elements. A higher percentage of wall than window should exist on each unbroken wall section with the potential exception of first floor windows subject to pedestrian traffic.

- Window units visible from the main thoroughfare on which the parcel is situated shall be a minimum of 4' tall and 2' wide.
- Alternative window types and designs that comply with the spirit and intent of this Section are allowed provided a Conditional Use Permit is obtained in accordance with 154.117(T).

Shutter Specifications (if shutters are used):

- Should measure full height and half the width of the windows to which they are applied
- Traditional horizontal slats (wood)

(2) PROHIBITED:

- Large undivided panes of glass greater than 100 square feet surface area are prohibited
- Floor to ceiling windows greater than one story are prohibited.
- Glass block visible from the main thoroughfare on which the parcel is situated are prohibited
- Reflective glass is prohibited

(F) Building Entrance

Every building shall have a well-defined entrance visible from the main thoroughfare on which the parcel is situated (i.e.- if the parcel on which the building is situated has frontage on Beech Mountain Parkway, the entrance shall be visible from Beech Mountain Parkway). These entrances may be covered porches or other architectural amenities that convey an impression of welcome and openness.

(G) Color

Colors shall be natural and subdued (earth tones are recommended) and shall blend in well with the natural surroundings. Openings and entryways should be clearly expressed with changes of texture or color. Principal building and trim colors are subject to review. Trim color shall refer to any or all building's trim elements (such as eaves, soffits, overhangs, and fascias).

(1) ALLOWED:

- Natural and subdued colors (earth tones)
- Alternative color schemes that comply with the spirit and intent of this Section are allowed provided a Conditional Use Permit is obtained in accordance with 154.117(T).

(2) PROHIBITED:

- More than three (3) colors (principal building and trim) is prohibited
- High gloss finishes are prohibited
- Day-glow and fluorescent colors are prohibited
- Bright colors, including pastels that do not harmonize with natural materials are prohibited

(H) Landscaping

(1) *Street Trees*. The planting strip required by Section 154.122(A)(3)(e) shall be planted with street trees as follows:

One (1) large shade tree (expected height of 35 feet or more at maturity) is required for every fifty (50) feet of linear street frontage of the lot minus the width of driveways and access points. Trees do not need to be spaced evenly. They may be clustered with a minimum spacing of 15 feet and a maximum spacing of 75 feet. Ornamental trees (expected height of 25 feet upon maturity) may be used in place of shade trees at the rate of one (1) for every thirty (30) feet. Due to above ground utilities; the Town may require the use of ornamental trees in place of large shade trees.

Inclusion of existing trees in the landscape design is encouraged. Shrubbery, ground cover, and other planting materials shall be used to compliment the tree planting. No area of the street yard may be exposed soil, but instead shall be covered with vegetation, whether grass or shrubbery. The only area that shall remain uncovered is the six-foot radius surrounding the trunk of any tree; however, this area shall be mulched.

(2) *Existing vegetation.* Existing trees and vegetation, other than exotic, non-native species, may count toward meeting the requirements of this section when such vegetation is in good condition, is properly protected during development and helps to further the purpose of the district. Existing vegetation that is used to meet the standards of this section shall be maintained or replaced if it dies during the first year after the completion of the development.

(3) *New Plant Material.* Regionally grown and native species of plants are preferred. Any plant listed with the Agricultural Extension Office as a native plant shall be considered to be a native plant for these purposes. New plant material shall complement existing site vegetation, should be mixed with it and should be integrated with all other natural site features.

(I) Parking Lots- Parking lot yards

The purpose of this section is to ensure that the Commercial Thoroughfare Overlay District of Beech Mountain is an attractive and appealing place for residents and visitors. This often means that a higher priority must be placed upon being an attractive and functional place for people than being convenient for automobiles.

(1) *Parking location.* Parking is encouraged to be located to the rear or sides of buildings, with the building fronting on the public way. However, nothing in this section is to prevent the establishment of parking in front of a building so long as the project adheres to all other relevant regulations. When parking is to be established in front of buildings, it is recommended that the applicant create and utilize "on-street" parking if such is approved by the NCDOT and/or the Town of Beech Mountain. (For the purposes of this Section, "on-street" parking is defined as a parking area without a divider between the street and the parking area in which automobiles directly access the parking spaces from the road. "On-street" parking may be parallel, angled, or straight in, as approved by the NCDOT and the Town of Beech Mountain.)

(J) Buffer Yards

The purpose of the buffer yard is to provide a transitional area between uses that may differ in development intensity and density. A buffer yard is defined as a planting yard that serves as a

visual separation between uses and should be densely planted. No buildings, parking areas, or other development may encroach within the buffer yard, with the exception of Town-approved public walkways or sidewalks. Refer to 154.165 for the standards for buffer yards.

SECTION II. CODIFICATION. The provisions of Section I of this Ordinance shall be published as appropriate in the Town of Beech Mountain Code of Ordinances as soon as practicable.

SECTION III. SEVERABILITY CLAUSE. If any section, part or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the Town Council in passing this Ordinance that its parts shall be severable and all other parts of the Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION IV. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication according to law.

READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the Town Council of Beech Mountain, North Carolina, at which a quorum was present and which was held on the 9th day of December, 2014.

This Ordinance Adopted the 9th day of December, 2014.

Richard Owen, Mayor

Attest:

Jennifer Broderick, CMC
Clerk to the Board