

Town of Hudson Regular Meeting

February 20, 2024

Members Present: Mayor Janet Winkler, Mayor Pro Tem, Rick Shew, Commissioners: Larry Chapman, Jim Engelman, Jeff Link, and Ann Smith

Members Absent: Commissioner Barry Mitchell

Others Present: Town Manager, Jonathan Greer, Chief of Police, Brandon Nelson, Town Attorney, Jonathan Green, Code Enforcement Officer, Curt Willis, Town Clerk, Tammy Swanson and Members of the Police Dept. Staff

Call to Order:

Mayor Janet Winkler called the February meeting to order, and Mayor Pro Tem, Rick Shew, led the group in the Pledge of Allegiance and opening prayer.

Discuss/Adjust Agenda:

Janet presented the February agenda, and there were no additions or changes requested.

Motion: (Jeff Link/Ann Smith) to approve the agenda as presented. Unanimously approved.

Public Comment for items not on the Agenda:

No one signed up for public comment.

Approval of Minutes:

Motion: (Ann Smith/Rick Shew) to approve the minutes, as presented, for the January 16, 2024 Regular Meeting. Unanimously approved.

Recognition of Officer Achievement:

Chief Brandon Nelson stated that Sgt. Nick Hudson and Officer Tyler Walker have earned their Intermediate Law Enforcement Certificates. He explained that these certificates are issued through the State Training Commission, and are achieved based on years of service and training points earned. Chief Nelson presented the certificates to the officers.

Sgt. Nick Hudson thanked the Board for allowing him to serve as an Officer for the Town, and for the opportunities he has been given with the Department.

Officer Tyler Walker also thanked the Board, and the Police Department as well for all the training he has received and opportunities he has been given as an officer.

The Board congratulated Sgt. Hudson and Officer Walker, and thanked them and the other members of the Police Department for the fine job they do in serving the Town.

Public Hearing: ZTA 2024-01

Janet called for a motion to open the floor public hearing.

Motion: (Rick Shew/Jeff Link) to open the floor for public hearing. Unanimously approved.

Jonathan reviewed the background information for the text amendment in the absence of Town Planner, Teresa Kinney.

All new updates will be in bold and or bold italic, highlighted, and underlined.

Section 70. Use Districts. For the purposes of this Ordinance, the Town of Hudson is hereby divided into ~~thirteen (13)~~ **fourteen (14)** use districts with the designations as listed below:

1. R-20 Residential Low Density District
2. R-15 Residential Medium Density District
3. RA-15 Residential-Agricultural District
4. R-85 Residential Medium-High Density District
5. R-75 Residential High Density District
6. R-75A Residential High Density District
7. R-MH Residential-Manufactured Home District
8. O-I Office-Institutional District
9. N-B Neighborhood Business District
10. C-B Central Business District
11. H-B Highway Business District
12. L-I Light Industrial District
13. H-I Heavy Industrial District
- 14. RHDOD Residential High Density Overlay District**

Section 80.14 RHDOD-Overlay District: Section RHDOD Residential High Density Overlay Zone

The Residential High Density Overlay District (RHDOD) is designed to provide for high density residential overlay zone within the R-75, R-85, R-15, CBD and Highway Business Districts by an amendment to the Town of Hudson Zoning Ordinance. The RHDOD district is established to accommodate a diverse range of residential development at higher densities as well as limited forms of neighborhood-serving nonresidential development. The district accommodates all forms of residential development, including live/work units and upper-story residential development. Also allowed are complementary uses usually found in residential zoning districts such as parks, open space, schools, religious institutions, and minor utilities. For the purposes of this section, a high density residential is defined as any lot, tract, or parcel of land used, maintained or intended to be used, leased or rented for occupancy of multi-family dwellings, consisting of not less than 2 acres in area, excluding street right-of-way, but including 12 dwelling units completed at first occupancy.

RHDOD Residential District Standards- Overlay District

All development in residential zoning districts shall be subject to the following Intensity, Dimensional and Design Standards. These standards shall not be interpreted as a "guarantee" of development intensity. Other factors and requirements may limit development intensity more than these standards.

		Dimensional Standards	
			Number of Dwelling Units per Lot, max.
	Lot Size per Unit, min. (square feet)	Single-family:3000 Duplex: 1500/unit 3000 for single lot Triplex: 1,000/unit Quadplex/Townhouse: 1,000/unit Live/work: 8,600 Multi-family: N/A [3]	
RHDOD Residential High Density Overlay District	Net Density, max. (units/acre)	25	
	Lot Coverage, max. (% of lot area)	75 [4]	
Purpose		Lot Width, min. (feet)	25
<p>The RHDOD district is established to accommodate a diverse range of residential development at higher densities, as well as limited forms of neighborhood-serving nonresidential development. The district accommodates all forms of residential development, including live/work units and upper-story residential development. Also allowed are complementary uses usually found in residential zoning districts, such as parks, open space, schools, religious institutions, and minor utilities. Low intensity nonresidential development is allowed to encourage diverse, functioning neighborhoods.</p>	Front Setback from ROW, min. (feet)	20 for streets up to a Major Collector Street classification per the Greater Hickory Metropolitan Planning Organization (MPO) Transportation Plan, for all street other street classifications	
	Corner Side Setback, min. (feet)		
	Rear Setback, min. (feet)	20 unless another standard requires a greater area	
	Side Setback, min. (feet)	5 (prohibited in front or corner side setbacks)	
	Accessory Use Setback, min. (feet)		
	Spacing Between Buildings, min. (feet)	10; 15 for buildings over 35 feet tall	
	Height, max. (feet)	56	
<p>Each townhouse unit has its own lot, but townhouse development shall include additional site area for common open space and site amenities. Duplex dwellings may include one unit per lot or both units on a single lot. Multi-family uses are not subject to a minimum lot size, but are required to provide common open space (See Section111.). Applied to entire townhouse, live/work, or multi-family site.</p>			

RHDOD Typical Building Form	RHDOD Typical Lot Pattern
	

Provisions for RHDOD

These provisions govern the establishment of a Residential High Density Overlay District within the R15, R85, R75, CBD, and HB Districts.

(A) The provisions, procedures, and development standards for multifamily residential units shall be as required in Section 111.

(B) An application for rezoning a lot(s) or parcel(s) from either R-15, R-75, R-85, CBD and Highway Business Districts must be submitted for initial review to the Zoning Administrator, 30 days prior to its introduction to the Hudson Planning Board.

(C) The rezoning application, including recommendations of the Planning Board, is brought before the Hudson Town Commissioners for final review and hearing.

(D) A public hearing is required in accordance with N.C. General Statute 160D- 601 prior to any amendment to establish a Residential High Density Overlay District to the Hudson Zoning Ordinance.

Subject to Design standards found in Section 111 Commercial, Multi-family, Residential High- Density Overlay District, Residential, Industrial Standards or Planned Unit Development Section 105 which will be under a Special Use Permit.

Section 105. Planned Unit Development.

The purpose of the planned unit development, residential, is to provide a means by which low, medium, or highly intensive multifamily dwellings may be developed on a site under unified control, which is planned and developed as a whole or in stages, in areas which may be unsuitable for conventionally developed multifamily use. By requiring a Special Use Permit and/or rezoning with the Residential High Density Overlay District for the Zoning District, site plan and maximum control of development can be achieved.

The Board of Adjustment may approve this form of development in the districts that allow it as a special use, provided:

105.1 Such project is an integrated plan designed for the primary purpose of **residential use**, commercial, and mixed use.

105.2 The site for the total project is at least 2 acres and at least 2 principal buildings are included in the plans and/or at least 1 acre for single building.

105.3 That the total parcel of land is under single ownership or control, and there is reasonable assurance that the project can be successfully completed and maintained, including care and maintenance of all common open space, recreation space, and other common land area. The Planned Unit Development (PUD) plan should reflect the Town of Hudson's long-range plans as found in the Town of Hudson Comprehensive Plan, 2022.

105.4 The preliminary plan for the proposed planned unit development (PUD) shall be submitted to the Hudson Board of Adjustment for its review. The procedure for approval of the preliminary plan(s) shall be in accordance with the applicable provisions of the Town's Subdivision Regulations. The Board of Adjustment may request design changes. Such changes may include, but shall not be limited to, provisions for additional utilities, drainage, landscaping, lighting, streets and access ways.

105.5 The applicant must resubmit the plan, within 60 days, to the Board of Adjustment if changes were requested. If the plan is rejected by the Board of Adjustment, the applicant will not receive consideration of the same plan for a period of 12 months. The applicant can, however, appeal to Superior Court.

105.6 All principal buildings and accessory buildings or uses abutting the property lines of the project must meet the minimum yard requirements of the district where the project is located. All height requirements shall be met for the district where the project is located.

105.7 The overall use of the area for buildings shall be no more than 60% of the total land area. The minimum unobstructed open space shall be twenty-five (25%) percent of the total site area. At least twenty-five (25%) percent of the minimum unobstructed open space shall be usable open space. Usable open space shall be defined as an open area designed and developed for use by the occupants of the development or others for recreation, courts, gardens, or household service activities, such as clothes drying, which space is effectively separated from automobile traffic and parking, and is readily accessible. The term shall not include space devoted to streets and parking.

105.8 Off-street parking shall be provided at a ratio of two spaces per dwelling unit or 1.5 or 2.0 spaces per dwelling in multifamily housing developments. Board of Adjustment will have the flexibility based on the type of units presented in the PUD project.

105.9 All streets and parking areas shall be constructed and paved according to the standards of the Town of Hudson, unless a different plan is approved by the Board of Adjustment as a condition of the project.

105.10 The procedure for final approval of a planned unit development shall be in accordance with the applicable provisions of the Town's subdivision regulations which will include the submission of a design plan to the Hudson Board of Adjustment showing how the requirements of Subsections 105.1 through 105.4 above, will be met. Failure of the Board of Adjustment to act on the plan within sixty (60) days following the date of resubmittal, shall constitute a final approval. An approved project must be started within 12 months after final approval and must be completed within a reasonable time. Such time shall be agreed upon between the Board of Adjustment and the applicant/developer.

105.11 No dwelling shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height. No other building shall exceed thirty-five (35) feet in height unless minimum side and rear yards at exterior property lines shall be increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of height over thirty-five (35) feet. ~~Individual stacked second story apartment units are not permitted. Any building greater than one story shall be designed as townhouses where each individual dwelling unit occupies all stories above the ground story.~~

(7) All schools, churches, community centers and other public meeting places shall be designed, arranged and maintained so that all loading of vehicles can take place off the public right-of-way and street.

(8) Every building shall be separated on every side from any other building within the group by a distance of at least twenty-five (25) feet.

(9) Parking of motor vehicles shall not be permitted within the required setback.

(B) An application for a special use permit to allow PUD development shall be accompanied by schematic plans showing Section 111. Multi-family, Commercial and Industrial Development Standards:

(1) Proposed locations of building and their general exterior dimensions.

(2) Proposed use of all land within the area requested for PUD-R.

(3) Dimensions between all buildings and from buildings to property lines.

(4) Traffic, parking and circulation plan, showing proposed locations and arrangement of parking spaces and ingress and egress to and from adjacent streets.

(5) Proposed location and material of any screening walls, fences, or plantings.

(6) Proposed exterior design of buildings.

(7) Schedule of number and size of apartments within the project.

(8) Proposed time schedule and staging, if any, for construction of the project.

(C) In approving an application for PUD, the Board of Adjustment shall find that the proposed development will be compatible with neighborhood development plans, will not place an excessive traffic load on local streets, that the site can be developed according to a site plan that will be compatible with existing neighborhood development, and that the site can be provided with adequate utility services.

(D) Site development within the PUD shall conform to the schematic plan and associated requirements by the Board of Adjustment. Modification of the development plan and associated requirements may be made

by the Board of Adjustment subsequent to the initial approval upon application by the owner of the property.

(E) Following approvals of a PUD Special Use Permit, the property for which approval was granted shall be labeled "PUD" on the zoning map. All relevant documents, findings of fact, site plan, Board minutes, etc. shall, after achieving final approval and signatures, be recorded at the Caldwell County Register of Deeds within 60 days of final approval.

111.03 Tree and shrub specifications:

- a. "Tree" as used herein means any tree, evergreen or deciduous, whose mature height of its species can be expected to exceed fifteen (15) feet for a small tree and thirty-five (35) feet for a large tree (except in cases where this would require the planting of incompatible species with the surrounding environment, such as overhead utility lines, then acceptable species may be used). The tree, existing or planted, shall be at least eight (8) feet in height and six and one-quarter (6 1/4") inches in circumference (two (2) inches in diameter) measured at one-half (1/2') foot above grade for newly planted trees and measured at four (4) feet above grade for existing trees.

- b. "Shrub" shall attain a minimum of thirty (30") inches in height within three (3) years of planting. All shrubs shall be a minimum of eighteen (18") inches tall when planted. All shrubs planted on berms may have lesser height provided the combined height of the berm and plantings after three (3) years is at least thirty (30") inches in height.

- c. Tree Replacement Standards: Any tree that dies or is damaged due to weather or other factors must be replaced within the next planting season. Trees must be replaced at a 2 to 1 ratio if the existing damaged/dead tree exceeds a height of twelve (12) feet and is more than six and one-quarter (6 1/4") inches in circumference (two (2) inches in diameter) measured at four (4) feet above grade. Existing damaged/dead trees that are less than the above listed requirements may be replaced at a 1 to 1 ratio.

Section 111. Multi-Family and Commercial and Industrial Development Standards

Review of Multi-Family, Commercial, and Industrial developments shall be the responsibility of the Town Planner. The Town Planner at his/her discretion may ask the Planning Board to participate in the review process and render any decision in regards to the standards listed from section 111.01 through 111.06 **09**. At no time may the Town Planner or Planning Board lessen the requirements of this Section.

111.01 Access Management and Pedestrian Facilities:

Access Management

- a. All new driveway access shall be permitted in accordance with the current NCDOT "Policy on Street and Driveway Access to North Carolina Highways". Additional restrictions will apply as follows:

1. The minimum distance between the centerlines of driveways into commercial developments shall be at least 600 feet.
2. On lots that are developed for commercial and/or industrial use, stub outs will be required for interconnectivity to abutting lots or for future development of the remainder of the parcel.
3. No property shall have more than two (2) driveway access points. In situations where public safety may be affected, additional driveway access points may be permitted only after a Traffic Impact Analysis has been completed at the responsibility of the developer. NCDOT and/or the Town of Hudson may request that the study be completed. A certified professional engineer shall prepare the Traffic Impact Analysis. NCDOT and/or the Town Engineer shall make the final decision in regards to location and number of driveway access points.

- *The purpose of a Transportation Impact Analysis (TIA) is to assess the impact of a proposed development, redevelopment, zoning map amendment, or special use permit on the Town's and NCDOT transportation system. A TIA will:*
 1. *Evaluate existing conditions and future impacts of a proposed development on the transportation system;*
 2. *Identify existing/impending problems with the transportation system;*
 3. *Identify and evaluate solutions to for the problems; and*
 4. *Assign responsibility for the necessary improvements to mitigate potential adverse effects on the transportation system.*

Pedestrian Facilities:

- a. NCDOT sidewalks are required along all major thoroughfares in multi-family and commercial developments within the Town of Hudson and its ETJ. Sidewalks may also be required along minor thoroughfares and collector streets if deemed necessary (connectivity to existing sidewalk system) by the connectivity plan Town of Hudson Bike and Pedestrian Plan 2021 and future land use plans.
- b. Connectivity with the Town's greenway/trail system should be considered (where feasible) if the development is within 100 feet of the existing system following the connectivity plan Town of Hudson Bike and Pedestrian Plan 2021 and future land use plans ~~Town Planner.~~
- c. *Pedestrian pathways, when located as infill development, Off-street surface vehicular use areas with more spaces shall provide fully separated, improved pedestrian pathways that:*

(1) Are located within planted landscaping strips located a minimum of every six parking rows;

(2) Include, to the maximum extent practicable, a pathway aligned with and perpendicular to the primary entrance into the building served by the vehicular use area;

(3) Connect store entrances with nearby transit facilities (if applicable), to the maximum extent practicable;

(4) Are paved with asphalt, cement, or other comparable material;

(5) Are of contrasting color or materials when crossing drive aisles;

(6) Are at least four feet wide;

(7) Terminate at drive aisle edges;

(8) Are positively drained; and

(9) Provide safe and efficient pedestrian access to the use they serve.

d. Option for Bicycle and Pedestrian Facilities Agreement

A property owner or developer may select the option to pay a fee in lieu of installing the required bicycle and pedestrian facility, based on the annually adopted fee schedule, instead of constructing the facilities. This agreement would be made with the understanding that the Town would use these funds to construct bicycle and pedestrian facilities in accordance with the established Capital Improvements Program (CIP). Funds collected from properties within the ETJ are to be used for improvements and maintenance within the ETJ.

The following properties are not eligible to pay a fee in lieu of installing the required bicycle and pedestrian facility unless exempted in Part (g):

- 1. Properties that required the installation of a bicycle and pedestrian facility as part of a subdivision.*
- 2. Properties located on roadways or sides of roadways which are identified as "Existing" or "Proposed" on the Town's Bike and Pedestrian Plan, 2020.*

f. The following properties are eligible to pay fee in lieu of installing the required bicycle and pedestrian facility. In cases where fee in lieu installation, an area shall be reserved so future installation can be accommodated:

- 1. Properties located on controlled access facilities.*
- 2. Properties on the CIP for pedestrian facility installation or on the NCDOT schedule for widening within the next five (5) fiscal years.*
- 3. Redevelopment sites or infill sites as determined by the Town Manager or their Designee.*
- 4. Existing developments where a performance guarantee exists - an owner/developer has the option to enter into a 5-year payment plan agreement. Once the agreement is in place and 1st payment made, the original performance guarantee will be released for the bicycle and*

pedestrian facilities portion. The monies paid into this agreement will be added to the sidewalk fund which will be used for the construction of new sidewalks or pedestrian facilities throughout the Town of Hudson.

g. Exemptions Have previously paid in lieu of for the same infrastructure

- 1. Change of occupancy or the division of a building into units where the footprint of the building is not changed shall not be required to install or pay in lieu of installation.*
- 2. Development sites within the extraterritorial jurisdiction (ETJ) that will not be annexed in order to receive Town's services.*

Section 111.02 Landscaping of Parking Area

The landscaping requirements of this section shall apply to land, public and private, designated as multi-family, recreational, institutional, industrial and commercial land uses which are required to have twenty (20) or more parking spaces. All those multi-family, recreational, institutional, industrial and commercial land uses which are required to have ten (10) to nineteen (19) Spaces must comply with the street yard requirements only. Certified and Licensed apartment complexes for the elderly (ages 55 and older) shall have a parking ratio of no less than 1.5 spaces per unit. *Other apartments, multi-family development will remain at 2 spaces per unit.*

111.04 Parking area landscaping requirements of this section are as follows:

- a.** Credit for using existing trees on site greater than or equal to those required by standards shall be two (2) trees for every one tree retained (in accordance with Section 111.06 a) When using an existing tree, the area under the dripline (maximum extension of branches) of the tree must remain undisturbed. This includes grading, fill, paving, etc.
- b.** If an existing tree dies, it must be replaced with two (2) trees during the next planting season. (in accordance with Section 111.06 c)
- c.** If any tree/shrub dies, replacement is required within the next planting season.
- d.** Landscaping shall be placed in a manner which meets the intent of this Ordinance, and shall be maintained.
- e.** Any fraction of requirements shall be rounded to the next whole number. (e.g. in a street yard, if lot width is 149 feet or less then the number of required trees shall be 1. If the lot is 150 then the number of required trees shall be 2 (rounded up to 200 feet)).
- f.** Landscaping shall not obstruct the view of motorists using any street, private driveway, parking aisles or the approach to any street intersection so as to constitute a traffic hazard.

- g.** Required parking surfacing: All parking and driveway facilities shall provide a paved surface of concrete or asphalt material. Concrete pavers, brick, pervious or semi-pervious materials or similar material may be used if determined to exhibit wear resistance and load-bearing characteristics. Driveway connections for changes of use shall require NCDOT or Town approval before installation.

111.05 Landscaping requirements for interior areas of parking areas: (Interior areas are defined as the area within the property used for vehicular storage, parking and movement).

- a.** Landscaped planting areas are to be located within or adjacent to the parking area as tree islands, at the end or parking bays, inside medians, or between rows or cars.
- b.** There shall be one (1) tree for every twenty (20) parking spaces.
- c.** There shall be one (1) shrub for every ten (10) parking spaces. Shrubs must be eighteen (18) inches tall at planting and reach a minimum height of thirty (30) inches in three (3) years.
- d.** All trees and shrubs are to be planted within a landscaped planting area not less than one hundred sixty-two (162) square feet in area.
- e.** No vehicular parking space shall be farther than one hundred (100) feet from a planting area.

111.06 Landscaping requirements for street yards of parking areas:

(Street yards are defined as the area between the public right-of-way and interior area)

- a.** Street yards are required to be a minimum of fifteen (15) feet in width.
- b.** One (1) tree is required every one-hundred (100) feet along the street frontage.
- c.** Shrub beds (fifty (50) square feet minimum and a minimum of ten (10) shrubs per shrub bed) are required every fifty (50) feet along the street frontage. Berms may be used instead of shrubs with the following stipulations: 1) berms must be the required height of shrubs with no more than a 3:1 slope; 2) shorter shrubs may be used in combination with berms as long as the required total height is met; 3) berms must be capped or topped with groundcover vegetation; 4) berms shall be grassed; 5) berms must occupy sixty (60%) percent of the frontage area; 6) fences may be used in combination with berms as long as the fence is compatible in materials and color to the building and is not more than forty (40%) percent of the required height.

111.07 Parking Location and Garage Locations for Multi-family

- 1. No off-street surface parking associated with a townhouse or multi-family development shall be located between the structure and the street it fronts. Off-street surface parking located beside a building shall not occupy more than 25 percent of the parcel's street frontage. Associated driving areas shall be included as part of such off-street surface parking. Rear of building parking and interior street is preferred but not required and may be used in harmony with landscaping buffer systems with buildings that abut existing single family residential.**

2. Garages serving two- to four-family dwellings and townhouse uses shall be located on the side or behind the rear facades of such buildings. Garages serving multi-family buildings shall be located to the side or rear of such buildings, or be structured parking. The exterior materials, design features, and roof form of garages shall be compatible with the building it serves.

111.08 Storage:

Each two- to four-family dwelling, townhouse, and multi-family dwelling unit shall include an area for enclosed storage with a minimum size at least five percent of the size of the unit.

111.09 Outdoor Activity Areas Open Spaces????

Outdoor activity areas, porches, balconies, decks, vending areas, and other similar site attributes shall be located away or fully screened from adjacent single-family detached dwellings.

1. Calculation of Open Space Set-Aside

For the purposes of complying with this section:

(a) Unique Features

Natural features (riparian areas, wetlands, wildlife corridors, steep slopes, etc.), natural hazard areas (floodplains, etc.), water features (drainage canals, ditches, lakes, natural ponds, streams, rivers, etc.), and wildlife habitat areas for threatened and endangered species shall be counted towards the open space set-aside.

(b) Required Landscaping

Except for areas devoted to internal landscaping within a vehicular use area or site landscaping, areas occupied by required landscaping shall be counted towards the passive recreation requirements for the open space set-aside.

(c) Active Recreational Areas

Land occupied by active recreational uses such as pools, playgrounds, tennis courts, jogging trails, and clubhouses used primarily for recreation purposes shall be counted toward the minimum open space set-aside.

(d) Passive Recreational Areas

Passive recreation areas shall be counted towards the open space set-aside.

(e) Urban Features

Plazas, fountains, roof gardens, atriums, and pedestrian seating/activity areas shall be counted towards the minimum open space set-aside for mixed-use development and development within the DTR and DTB districts.

(f) Stormwater Devices

Land area occupied by stormwater retention and detention ponds shall be counted towards the open space set-aside when such features are a site amenity, Standards for Retention/Retention Ponds/Stormwater Wetlands

(g) Not Counted as Open Space

The following areas shall not be counted as open space set-aside:

- (1) Private yards not subject to an open space or conservation easement;*
- (2) Public street rights-of-way or private street easements, including sidewalks located within those rights-of-way or easements;*
- (3) Open parking areas and driveways for dwellings;*
- (4) Land covered by structures not designated for active recreational uses;*
- (5) Designated outdoor storage areas; and*
- (6) 50% of Stormwater ponds not designed as site amenities.*

2. Allowable Uses in Open Space Set-Asides

Open space set-aside areas shall not be disturbed, developed, or improved with any structures except for the following limited purposes:

(a) Active Recreation Uses

Facilities for active recreation purposes—including, but not limited to: play structures for children; gardens or seasonal planting areas; pools; athletic fields; courts; and clubhouses used primarily for recreational purposes as show on the master plan.

(b) Passive Recreational Uses

Facilities for passive recreational, environmental education, wildlife habitat protection, and natural area preservation purposes—including, but not limited to benches or other seating areas; pedestrian-scaled lighting; gazebos or other decorative structures; fountains or other water features; walking, paths or trails; tables, shelters, grills, and other picnicking facilities; docks and other facilities for fishing; and environmental guides and exhibits.

111.10 Exterior Lighting

A. Purpose

The purpose of this section is to regulate light spillage and glare to ensure the safety of motorists and pedestrians, and to ensure lighting does not adversely affect land uses on adjacent properties. More specifically, this section is intended to:

- 1. Regulate lighting to assure that excessive light spillage and glare are not directed at adjacent properties, neighboring areas, and motorists; and*
- 2. Ensure that all site lighting is designed and installed to maintain adequate lighting levels on site when provided; and*

3. *Provide security for persons and land.*

B. *Applicability*

The provisions of this section shall apply to all development in the Town unless exempted in accordance with Section_111.10 D., Exemptions.

C. *Existing Development*

Light fixture replacements/retrofits shall comply with these standards, to the maximum extent practicable.

D. *Exemptions*

The following are expressly exempt from the exterior lighting regulations of this article:

1. *Single-family detached dwellings are exempted for the requirements of this sections.*
2. *Airport runway and aviation safety lights required by the FAA and/or base officials, (e.g., warning lights on radio, communication and navigation towers).*
3. *Temporary holiday light displays.*
4. *Street lighting.*
5. *Lighting of official government flags.*
6. *Construction and emergency lighting used by construction workers or police, firefighting, or medical personnel, provided the lighting is temporary and discontinued immediately upon the completion of the construction work or abatement of the emergency requiring the lighting.*

E. *Prohibited*

1. *Flashing, revolving, or intermittent exterior lighting visible from any property line or street.*
2. *High-intensity light beams, such as outdoor searchlights, lasers or strobe lights.*

F. *Measurement*

Light level measurements shall be made at the lot line of the land upon which light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the property.

Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground pointing up. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus five percent. Measurements shall be taken with a light meter that has been calibrated within two years.

G. General Standards for Exterior Lighting - Illumination Direction

All outdoor lighting fixtures shall not exceed the following Backlight, Uplight, Glare (BUG) U rating of 0 to prevent light trespass or glare. No source of glare shall be visible from any adjacent property or street.

Exemptions:

1. Architectural lighting used to illuminate structures is allowed, to include uplighting, provided the fixture is shielded by a roof overhang or similar structural shield from the sky (or) when a licensed architect or engineer has prepared and stamped a lighting plan that ensures that the fixture(s) will not cause light to extend beyond the structural shield.
2. U.S. Flag - The Flag Code states it is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flag staffs in the open. However, when a patriotic effect is desired, the flag may be displayed 24 hours a day if properly illuminated during the hours of darkness. The American Legion interprets "proper illumination" as a light specifically placed to illuminate the flag (preferred) or having a light source sufficient to illuminate the flag so it is recognizable as such by the casual observer. Lighting should not exceed the levels necessary to meet proper illumination.
3. Decorative post top lights no higher than 50 watts and a mounting height of 18 feet or less.

H. Design Standards for Exterior Lighting

All exterior lighting shall meet the following standards:

1. Maximum Mounting Height

Except for outdoor sports fields or performance areas, the height of outdoor lighting, whether mounted on poles or walls or by other means, shall be no greater than:

- (a) 18 feet for development location within all residential, the DTR and the DTB Districts, 30 feet for all other zoning districts.
- (b) Wherever possible, illumination of outdoor seating areas, building entrances, and walkways shall be accomplished by use of ground mounted fixtures not more than four feet in height.

2. Maximum Illumination Levels

All outdoor lighting and indoor lighting visible from outside shall be designed and located so that the maximum illumination measured in foot-candles at ground level at a property line shall not exceed the standards in Table 111.10.01, Maximum Illumination Levels. Lighting shall be designed to direct light downward (e.g., shoe box style).

Table 111.10-01: Maximum Illumination Levels	
Type of Use [1]	Maximum Illumination at Property Line unless owned or leased by the same (Maintained foot-candles)
Residential or Public and Institutional Use	0.5
Commercial Use [2]	2.5
Industrial Use	2.5
Vehicular use areas	2.5

NOTES:

NCGS 160-D Recommendations to Approve or Deny the Rezoning Request:

Consistency Statement – for Chair or their designee to read based on Recommendations of above 1.

When adopting or rejecting any zoning amendment, the Planning Board and Commissioners board shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan (*i.e. Comprehensive Plan*) that is applicable, and briefly explain why the board considers the action to be taken to be reasonable and in the public interest. The statement shall be one of the following:

1. A statement approving the proposed zoning amendment and describing its consistency with the plan; for promoting industrial development.
2. A statement approving the proposed amendment and declaring that this also amends the plan, along with an explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment; or
3. A statement rejecting the proposed zoning amendment and describing its consistency or inconsistency with the plan.

Commissioners Board Decision: Approval Recommendations and Consistency Statement:

Upon recommendation from the Planning Board and Planning Staff recommend approval of the proposed ZTA-2024-01 as it is consistent with the *Town of Hudson’s Comprehensive Plan 2022* based on the following as:

Goals: Future Land Use Recommendation for Growth Management -

1. Update zoning and subdivision regulations to ensure they are compatible with the designated land uses outlined in this plan.
2. Re-evaluate the types of land uses that are allowed in the downtown (CB), Commercial, and Industrial zoning districts.
3. Allowing upper-story apartments in downtown commercial buildings.
4. Evaluate appropriate types of residential dwellings within residential zoning districts.

- a. Preserve established neighborhoods and encourage single and multi-family infill development in appropriate areas.
- b. Continue to encourage low and medium density developments as well as allowing high density development with adequate site improvements such as providing open space, paved parking, landscaping, and buffering.
- c. Research options to discourage vacant housing.

Jonathan highlighted some of the changes that were made:

- **Parking spaces per unit – 2.** Jonathan commented that parking was discussed during the Comprehensive Plan meetings, by the Planning Board, and by the Board of Commissioners.
- **105.11** No dwelling shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height. No other building shall exceed thirty-five (35) feet in height unless minimum side and rear yards at exterior property lines shall be increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of height over thirty-five (35) feet. ~~Individual stacked second story apartment units are not permitted. Any building greater than one story shall be designed as townhouses where each individual dwelling unit occupies all stories above the ground story.~~ Jonathan explained that the sentences marked through and highlighted in blue will be deleted. The 1st sentence marked through is a carryover from another ordinance, and does not apply.
- **Exterior lighting requirements were added under Section 111.10.**

Motion: (Rick Shew/Larry Chapman) to close the public hearing.

Motion: (Jim Engelman/Larry Chapman) to approve the ZTA 2024-01 as presented.

Unanimously approved.

Jonathan read the Consistency Statement as follows:

Commissioners Board Decision: Approval Recommendations and Consistency Statement:

Upon recommendation from the Planning Board and Planning Staff recommend approval of the proposed ZTA-2024-01 as it is consistent with the Town of Hudson's Comprehensive Plan 2022 based on the following as:

Goals: Future Land Use Recommendation for Growth Management -

1. Update zoning and subdivision regulations to ensure they are compatible with the designated land uses outlined in this plan.
2. Re-evaluate the types of land uses that are allowed in the downtown (CB), Commercial,

and Industrial zoning districts.

3. Allowing upper-story apartments in downtown commercial buildings.

4. Evaluate appropriate types of residential dwellings within residential zoning districts.

a. Preserve established neighborhoods and encourage single and multi-family infill development in appropriate areas.

b. Continue to encourage low and medium density developments as well as allowing high density development with adequate site improvements such as providing open space, paved parking, landscaping, and buffering.

c. Research options to discourage vacant housing.

Continued Discussion of Formation of Historical Society/Committee:

Jonathan stated that at the January meeting, the Board decided to continue the discussion of forming a Historical Society/Committee. He added that the Board was also going to be thinking of potential committee members, and he stated that he has received names of a couple possible candidates. Jonathan stated that he believes the best approach to forming an Historical Society would be to begin with a committee. Jonathan commented that it would work best if we were able to form a committee first, and then build from the committee. If we do not get a good group of volunteers for the committee, any upkeep involved would fall on Town Staff.

Larry asked if we have a list of names we could pull from for potential committee members.

Jonathan stated that he does have a list of names, and he planned to also ask Warren Gruber for suggestions.

Jim asked if a commissioner should serve on the committee.

The Board thought it would be a good idea to have a commissioner serving on the Committee, so that the Committee would have a better idea of what the Board wants and expects.

Jim Engelman was appointed to serve on the Historical Society/Committee. The Board discussed other potential members for the Committee.

Discussion of Jan Karon's Birthday:

Jonathan discussed hosting a birthday celebration for Jan Karon on March 14 at HUB Station. He stated that Addie has put together 3 options for color scheme, layout, and budget for the party. He told the Board to keep in mind that anything listed on the budgets that the "HUB owns" would not be charged, but it shows the overall value of the event. Jonathan commented that whatever budget option is selected, the staff will stay within the guidelines of that budget for planning the event. The following options were reviewed.

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Option 1	Vendor	Amount	Price
Double Lounge Rental	Buschel & a Peck		\$ 800.00
Gold Chivari Chairs (80)	It's My Party	80	\$ 400.00
Courtyard Bay 120" Table Linen	BBJ La Tavola	10	\$ 880.00
Cream Linens 90"	HUB	6	\$ 60.00
Cream Linens FL Rectangle	HUB	3	\$ 39.00
Drayton Stripe Bay Table Linen	BBJ La Tavola	1	\$ 82.00
Catering		125	\$3,100.00
Heavy Duty Plasticware	Sam's Club	125	\$ 100.00
Cake	The Allard	1	\$ 240.00
Champagne Toast			\$ 200.00
Champagne Flutes	Valley Rental	125	\$ 75.00
Floral Centerpieces	Santara Flowers	10	\$2,000.00
Cake Arrangement	Santara Flowers	1	\$ 150.00
Champgne Table Arrangment	Santara Flowers	1	\$ 300.00
Bud Vases	Santara Flowers	8	\$ 160.00
Lounge Arrangement	Santara Flowers	1	\$ 150.00
Floral Design/Labor	Santara Flowers	1	\$ 552.00
Floral Tax	Santara Flowers	1	\$ 223.56
		Total	\$9,511.56

Option 2	Vendor	Amount	Price
Double Lounge Rental	Buschel & a Peck		\$ 800.00
<i>Dark Fruitwood Chairs</i>	<i>Valley Rental</i>	<i>80</i>	<i>\$ 280.00</i>
Cream Linens 120"	HUB	11	\$ 143.00
Cream Linens 90"	HUB	6	\$ 60.00
Cream Linens FL Rectangle	HUB	3	\$ 39.00
Courtyard Bay 120" Table Linen	BBJ La Tavola	1	\$ 88.00
<i>Catering</i>	<i>Estimated</i>	<i>125</i>	<i>\$3,100.00</i>
Heavy Duty Plasticware	Sam's Club	125	\$ 100.00
Cake	The Allard	1	\$ 240.00
<i>Champagne Toast</i>	<i>Estimated</i>	<i>125</i>	<i>\$ 200.00</i>
Lounge Arrangement	Santara Flowers	1	\$ 150.00
Cake Arrangement	Santara Flowers	1	\$ 150.00
Floral Design/Labor	Santara Flowers	1	\$ 75.00
Floral Tax	Santara Flowers	1	\$ 21.00
Bud Vases	Addie	30	\$ -
Vintage Books	Addie	30	\$ -
36 Stem White Garden Roses	Sam's Club	1	\$ 115.00
60 Stem White Ranunculus	Sam's Club	1	\$ 140.00
100 Stem White Stock	Sam's Club	1	\$ 124.00
		Total	\$5,825.00

Option 3	Vendor	Amount	Price
Green & Black Chairs	It's My Party	96	\$ -
Cream Linens 120"	HUB	13	\$ 169.00
Cream Linens 90"	HUB	7	\$ 70.00
Cream Linens FL Rectangle	HUB	3	\$ 39.00
<i>Catering</i>	<i>Estimated</i>	125	\$3,100.00
Heavy Duty Plasticware	Sam's Club	125	\$ 100.00
Cake	The Allard	1	\$ 240.00
<i>Champagne Toast</i>	<i>Estimated</i>		\$ 200.00
Lantern Centerpieces	Hobby Lobby	4	\$ 160.00
Lantern Centerpieces	HUB	2	\$ -
Greenery (Italian Ruscus)	Sam's Club	1	\$ 124.00
36 Stem White Garden Roses	Sam's Club	1	\$ 115.00
60 Stem White Ranunculus	Sam's Club	1	\$ 140.00
100 Stem White Stock	Sam's Club	1	\$ 124.00
Bud Vases	Addie	30	\$ -
		Total	\$4,581.00

After some discussion, the Board selected Option #2. The Board planned to look for a sponsor to provide the Champagne for the Champagne Toast.

Motion: (Rick Shew/Larry Chapman) to accept Option 2, with a budget of \$6,000 for the Jan Karon Birthday Event at HUB Station. Unanimously approved.

Informal Discussion:

- Police Report – (Included in Agenda Packets)
- Code Enforcement Report

Case Number (YRMT-XXX)	Date Opened (YRMTDY)	Town	Property Address	Violation	Man Hours	Status	Deadline
HU2401-089	240111	Hudson	3339 Largo Ln	Illicit Discharge	1	Resolved	
HU2401-097	240116	Hudson	443 Mulberry St	Nuisance - TJD	1	Owner Notified	240131
HU2401-098	240116	Hudson	139 Mathewson St	Nuisance - TJD	1	Owner Notified	240131
HU2401-099	240116	Hudson	125 Huss Ave	Non Res Min	1	Owner Notified	240131
HU2402-033	240201	Hudson	120 Cedar Valley	Illicit Discharge	1	Resolved	
HU2402-034	240201	Hudson	589 Main St	Illicit Discharge	1	Resolved	
HU2402-035	240201	Hudson	593 Main St	Nuisance - TJD	1	Owner Notified	240301
HU2402-036	240201	Hudson	593 Main St	Illicit Discharge	1	Resolved	
HU2402-089	240213	Hudson	322 Pine Mountain Rd	Nuisance - TJD	1	New Violation	240304
HU2402-090	240213	Hudson	NCPIN# 2767616953	Nuisance - TJD	1	New Violation	240304

Curt gave an update on 226 Cedar Valley Road. The property owners have a number of animals, including pigs, geese, and goats, and one of the neighbors complained about the smell and the noise. Curt stated that the number of animals they have exceeds the number they are allowed to have, and he has given the property owners 2 weeks to comply with the ordinance.

- **Drones:**

Curt reported that drones are being used in the county to help find drainage issues, as well as code violations. He stated that a drone was used recently in the Whispering Pines neighborhood to look at some drainage issues.

Curt also reported that the Caldwell County Sheriff's Dept. held a training session recently at HUB Station using drones. These drones are used to help locate people who are lost or considered missing using heat sensory. Curt suggested that the Town may want to look at purchasing one of these types of drones for the Police Department. The drones being used in the training by the Sheriff's Dept. cost approximately \$6,000, and Curt commented that he is looking for grant funding for purchasing drones.

Chief Nelson stated that he has gone through the flying training for drones, but it is something you have to do occasionally to stay in practice.

- **Update on Social District**

Jonathan stated that our Social District has now been registered. He added that he was also given permission to start putting up the Social District signage.

- **Grant Funding Updates**

Another Round – Rural Transformation Grant - Jonathan stated that there will be another round of funding for the Rural Transformation Grant opening soon, and he is planning to apply. He commented that we should know in April whether or not we get funded. He discussed some updates that could be done with the extra grant funding.

ARC Grant – Continues to move forward.

Golden LEAF Grant – We will know about funding in April. This grant would be used to help with drainage issues on Mathewson St., and Laurel St.

- **Updates – CCC & TI Softball Team**

Jeff stated that there have been good crowds at the softball games at Optimist Park. He added that they have been receiving good comments about the ballfield and the park. Jeff commented that the Park has been good for the team, and they are happy playing there.

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Adjournment:

Motion: (Larry Chapman/Jim Engelman) to adjourn the meeting. Unanimously approved.

Tamra T. Swanson, Town Clerk