

**Town of Boone
Special Meeting
6:00 PM, Feb. 24, 2025
Town Council Chambers
1500 Blowing Rock Road**

Public Comment: To give public comment, you should appear in person at the physical location of this meeting. Persons who attend the meeting remotely via WebEx, a videoconferencing software, may be permitted to speak during public comment but are not assured of that opportunity.

WebEx Participation: To join online or by phone, email Planning and Inspections at planning@townofboone.net or call 828-268-6960, and you will be provided with an email invitation. Requests must be submitted no later than one hour before the meeting begins.

I. Call to Order of Town Council & Planning Commission

II. Moment of Silence

III. Approval of Meeting Minutes

Town Council

January 27, 2025 Public Hearing Meeting Minutes

Planning Commission

January 27, 2024 Public Hearing/Planning Commission Meeting Minutes

PUBLIC HEARING - Guidelines for Each Case on the Agenda

- A. *Presentation of Case by Staff/Applicant*
- B. *Discussion/Questions by Town Council and Planning Commission*
- C. *Public Comment*
- D. *Discussion/Questions by Town Council and Planning Commission*

IV. Case A25-0108 Emergency Disaster Relief Uses - Manufactured Home Parks-UDO Text Amendment

Case A25-0108 Application

Case A25-0108 Staff Report

V. Adjournment of Town Council

PLANNING COMMISSION

VI. Discussion of Case(s) Heard at the Public Hearing

VII. Other Matters

VIII. Adjournment

**TOWN COUNCIL AND PLANNING COMMISSION
PUBLIC HEARING MINUTES
MONDAY, JANUARY 27, 2025, 6:00 PM
1500 BLOWING ROCK ROAD AND VIA WEBEX SOFTWARE**

COUNCIL MEMBERS PRESENT: Mayor Tim Futrelle, Mayor Pro Tem Dalton George, Todd Carter, Eric Plaag, and Edie Tugman

PLANNING COMMISSION MEMBERS PRESENT: Adrian Tait-Chair, Frank Veno-Vice-Chair, Chris Behrend, Garrett Kight, and Anne Pruitt (via WebEx)

PLANNING STAFF PRESENT: Jane Shook-Director of Planning & Inspections, Brandon Wise-Deputy Director of Planning & Inspections, Jessica Mitchell-Advanced Planning Specialist, John Helton-Residential Liaison/Housing Specialist, and Brenda Henson-Board Clerk

OTHER TOWN STAFF/REPRESENTATIVES PRESENT: Allison Meade-Town Attorney (via WebEx)

Call to Order

Mayor Futrelle called the Town Council to order at 6:01 p.m. Chair Tait called the Planning Commission to order at 6:01 p.m. The meeting was held in the Town Council Chambers at 1500 Blowing Rock Road and via WebEx.

Moment of Silence

A moment of silence was observed.

Approval of Meeting Minutes

Council Member Plaag moved to approve the November 25, 2024, Public Hearing minutes as written. Mayor Pro Tem George seconded the motion.

Vote: Aye – 4
Nay – 0
Absent – 1 (Roseman)

The motion passed.

Vice-Chair Veno moved to approve the November 25, 2024, Public Hearing minutes as written. Commission Member Behrend seconded the motion.

Vote: Aye – 5
Nay – 0
Absent – 1 (Warren)

The motion passed.

PUBLIC HEARING

Case A24-0081 ASU – General Use Zoning Map Amendment

The Board of Trustees of the Endowment Fund of Appalachian State University have submitted a General Use Zoning Map Amendment Application requesting to rezone 21.83 acres of a 77.63-acre parcel of land located off Mountaineer Ridge Drive from B3 General Business to E2 Educational District (Watauga County PIN: 2910-02-7414-000).

Jane Shook, Director of Planning & Inspections, presented the request as outlined in the meeting packet.

Council Member Plaag asked if the rezoning would create any non-conformities. Ms. Shook replied that she was not aware of any. She stated that the property was currently a parking lot and that any new construction on the site would have to meet UDO requirements for the proposed E2 zoning district.

Mayor Pro Tem George asked about a proposed traffic light. Ms. Shook explained that the University planned to install a traffic light at the intersection of Mountaineer Ridge Drive and Hwy 105. Council Member Tugman asked if NCDOT had approved the installation of the traffic light. Ms. Shook replied that DOT was currently reviewing the request.

Council Member Tugman asked if student housing was proposed for the site. Ms. Shook reminded everyone that this was a general use zoning map amendment, so no site-specific plan was required. She stated that the staff had engaged in conversations with university representatives regarding the potential development of the property.

There was no public comment on this case.

With nothing further, Mayor Futrelle closed the public hearing for this case at 6:07 p.m.

Adjournment of Town Council

At 6:08 p.m., Council Member Plaag motioned to adjourn the Public Hearing and call a recess of the Town Council until the work session after the Planning Commission meeting. Mayor Pro Tem George seconded the motion.

Vote: Aye – 4
Nay – 0
Absent – 1 (Roseman)

The motion passed.

Tim Futrelle, Mayor

Brenda Henson, Board Clerk

Adrian Tait, Planning Commission Chair

PLANNING COMMISSION

Case A24-0081 ASU – General Use Zoning Map Amendment

The Board of Trustees of the Endowment Fund of Appalachian State University have submitted a General Use Zoning Map Amendment Application requesting to rezone 21.83 acres of a 77.63-acre parcel of land located off Mountaineer Ridge Drive from B3 General Business to E2 Educational District (Watauga County PIN: 2910-02-7414-000).

Vice-Chair Veno stated that ASU owned the property, it was out of the way, and not close to immediate neighbors.

Commission Member Behrend asked what ASU planned to do with the property. Ms. Shook replied that it was technically not appropriate to ask that question. However, she stated announcements were made in the newspaper and other sources that the university planned to develop housing on the property.

Chair Tait asked what would happen with the parking that was currently on the property. Ms. Shook stated that ASU would have to demonstrate that they were still in compliance with the other projects that the parking on that property served, in addition to whatever parking would be for the proposed use.

Vice-Chair Veno asked if it was correct that ASU owned three tracts of land on Mountaineer Ridge Drive. Ms. Shook replied that there was currently one large parcel that the university was planning to divide into three tracts. One tract would be zoned E1, with a portion of that tract being outside corporate limits. Another would be the tract currently requesting to be changed from B3 to E2, and a remainder tract along Hwy 105 and Wilson Drive would remain B3. Vice-Chair Veno asked how the property was zoned when it was Watauga High School. Ms. Shook believed the whole parcel was rezoned to B3 sometime after the high school left the site, but she was unsure.

First Motion and Vote: Commission Member Behrend made a motion that the proposed amendment to the Town's zoning map is consistent with the Town's comprehensive plan and any other adopted plans of the Town that are applicable because the amendment is consistent with:

Comprehensive Plan Policy 2.1.1 Economic Development

D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas.

Comprehensive Plan Policy 2.3 The Community

D. Coordinated, inter-governmental and university-town planning for urban area land use and development, transportation, utilities, recycling, environmental management, law enforcement, education, recreation, tourism and economic development shall be encouraged.

Commission Member Kight seconded the motion.

Vote: Aye – 5
Nay – 0
Absent – 1 (Warren)

The motion passed.

Second Motion and Vote: Commission Member Behrend made a motion that the Planning Commission recommends approval of Ordinance A24-0081 within Exhibit A and believes approval is reasonable and in the public interest because this is a partial piece of land that has not been in use for a period of time, and it would be very beneficial to the whole community to put the property to use. Vice-Chair Veno seconded the motion.

Vote: Aye – 5
Nay – 0
Absent – 1 (Warren)

The motion passed.

Approval of Meeting Minutes

Commission Member Pruitt moved to approve the November 25, 2024, Planning Commission meeting minutes. Commission Member Kight seconded the motion.

Vote: Aye – 5
Nay – 0
Absent – 1 (Warren)

The motion passed.

At 6:20 p.m., Chair Tait called a short break in the Planning Commission meeting to allow Town Council members to rejoin the meeting.

Workshop: Town Council & Planning Commission to Review Draft Boone Next Comprehensive Plan

Mayor Futrelle called Town Council members back to order at 6:25 p.m. for a joint workshop with the Planning Commission to discuss the draft Boone Next.

Ms. Shook introduced consultants Nate Baker and Teresa Buckwalter to present the Boone Next draft.
(copy of PowerPoint presentation attached)

Mr. Baker stated that there was good community engagement throughout the process. He felt that of all of the Comprehensive Plans he had helped develop, Boone Next ranked second in community engagement.

Council Member Plaag noted that there was some feedback in the packet about community engagement and disbelief that hundreds of people were involved in that process. He asked if the community engagement information would be included in the Plan. Mr. Baker replied that the plan mentioned the community engagement but did not include round three. He stated that it could be added. Council Member Plaag felt that the numbers clearly illustrated the level of community involvement. Ms. Shook added that there were people who did not sign in at the first community engagement, so the recorded number of participants was lower than the actual number.

Chair Tait asked if the community involvement in Boone was comparable to other communities that had updated their Comprehensive Plan. Mr. Baker stated that Boone had approximately 5% of the population participate, which was a good number.

Mr. Baker stated that comments related to the Comprehensive Plan should be sent to the consultants. Comments or reactions on the community feedback and how the consultants should incorporate that feedback into the Plan should be discussed at this meeting. Ms. Shook requested that any feedback needed to be provided tonight so that revisions could be made before adoption of the document. Ms. Shook asked Mr. Baker if the Focus Areas could be an actual chapter in the Plan.

Council Member Plaag stated he appreciated the work that had been done on the Plan, and he liked this approach versus the previous Comprehensive Plan. He felt the updated Plan was more user-friendly and was easier on a broad scale to understand. However, it was almost exhausting to think about all of the things that were in the way of having the visions become reality. Council Member Plaag wondered if there would be cynicism from the public because of the difficulty in making visions into reality. He asked how other communities got from having a loose concept to actual implementation without falling into cynicism. Council Member Plaag stated he was excited about rethinking some of the neighborhoods and noted that some people had a mindset that Boone neighborhoods should look exactly like they did in 1946. He felt there were many ideas in this Plan about how to think differently, but was concerned that citizens would roll their eyes and say that nothing would ever happen.

Mr. Baker stated that a comprehensive plan could not do everything, but it could do some great things, like provide vision. He noted that visions were sometimes not achievable, but they were something that a substantial proportion of the community could support as a reflection of values. A Comprehensive Plan was a place to put ideas, some that could be implemented quickly, some that could take a long time to

implement, and others that might not be possible to implement but are still good ideas. Policies help guide toward a goal, while implementation actions are the doable things.

Mayor Pro Tem George stated that Council members needed to champion the Comprehensive Plan, with the knowledge that there would always be some cynicism.

Council Member Carter stated there would be barriers to implementing visions in the Plan but felt that remaining focused on one thing at a time would be key to a successful outcome.

Ms. Shook noted that the Comprehensive Plan was typically only used when dealing with development issues. However, this Plan encompassed different types of decisions so it could be used on a broader scale.

Ms. Buckwalter outlined the key concepts of each focus area, which included the Northwest Gateway, East Boone, Blowing Rock Road, and the Southwest Gateway.

Council Member Tugman asked about the proposed roundabout on West King Street at Poplar Grove Connector Road. Ms. Shook replied that the roundabout had been discussed for years. When that plan came before Town Council for prioritization, Council chose not to prioritize it at that time because they felt unprepared to do so. Ms. Shook stated that the proposed roundabout plan had not gone away. Council Member Tugman stated that, in retrospect, she was beginning to believe that roundabouts helped to better manage traffic flow. Ms. Buckwalter said she looked at the State Transportation Improvement Program (STIP) today and saw that the roundabout was listed for design funding, not construction funding or acquisition.

Ms. Buckwalter stated that the gateways were how people came in and out of Boone. She added that a lot of students lived in these areas, so it was important to create better connections to campus so students did not have to rely on automobiles to get to class. Ms. Buckwalter suggested the possibility of multi-use paths.

Council Member Carter asked if the roundabout on Bamboo Road was still on the STIP. Ms. Buckwalter replied that it was awaiting funding.

Chair Tait stated it seemed that they needed to focus on infill and density within the existing communities in Boone. Mr. Baker replied that there were two tools for making decisions around growth management. One was based on criteria, and the other one was a map. The map indicated where it was possible to grow and where it was almost impossible to grow based on terrain and the inability to extend water and sewer. The list of criteria would help inform the decision-makers on possible growth potentials.

Mayor Pro Tem George expressed his appreciation for the small area plans. He stated that the real intention of creating an identity and a vision for these areas was so that folks who live here recognize these areas as being distinct and different.

Ms. Buckwalter noted that the 105 corridor was not high on the STIP, so it could potentially give the Council some time to do a corridor study and visualize what they would like that corridor to look like. She stated that the driver coming into town needed to see all the signals that they were entering the town and should slow down.

Mr. Baker reviewed all of the Implementation Actions suggested in the Plan.

Council Member Plaag stated that our mixed-use projects had approximately 100,000 square feet of unused commercial space. He noted that the town desperately needed ground-floor senior living and suggested that these vacant spaces might be retrofitted as apartments for seniors. Council Member

Carter stated a significant need for ADA-compliant housing. Mr. Baker replied that this type of problem was not unique to Boone and added that the design of street-level uses was key to their success.

Ms. Shook suggested that a review of the UDO needed to be done after completion of the Comprehensive Plan.

There was a discussion about a bond referendum to fund the potential goals of the town. Ms. Shook suggested that this conversation would be better had during the budget hearing.

Other Matters

There were no other matters discussed.

Adjournment of Town Council

Mayor Pro Tem George motioned to adjourn the Town Council at 8:14 p.m. Council Member Tugman seconded the motion.

Vote: Aye – 4
Nay – 0
Absent – 1 (Roseman)

The motion passed.

Adjournment of Planning Commission

Commission Member Kight motioned to adjourn the Planning Commission at 8:14 p.m. Vice-Chair Veno seconded the motion.

Vote: Aye – 5
Nay – 0
Absent – 1 (Warren)

The motion passed.

Tim Futrelle, Mayor

Brenda Henson, Board Clerk

Adrian Tait, Planning Commission Chair

Planning Application - UDO Text Amendment

Town of Boone Planning & Inspections Department
680 W. King Street, Suite C ♦ Boone, North Carolina 28607
Phone (828) 268-6960 ♦ Fax (828) 268-6961 ♦ www.townofboone.net

Official Use Only

Case Number:
A25-0108
Case Name:
Emergency Disaster Relief Uses-
Manufactured Home Parks

A. CONTACT INFORMATION

Applicant: Town of Boone Company: _____
Address: 680 W. King Street
Phone Number: 828-268-6200 Email Address: planning@townofboone.net

B. TEXT INFORMATION

Amendment is to:

Article(s): Articles 15
Section(s): Sections 15.62

Brief Description of Amendment (Attach Proposed Text):

A Unified Development Ordinance (UDO) text amendment to authorize temporary residential disaster relief uses, specifically temporary housing units, in existing manufactured home parks.

C. APPLICANT SIGNATURE: By signing this form you are certifying that this application and any attached information is accurate. Failure to provide accurate information or failure to provide any requested information may result in delays to permit processing.

Jane Shook
Applicant (Print)

/s/ Jane Shook
Applicant Signature

02/06/2025
Date

Official Use Only

Date:	Fee:	Receipt Number:	Method of Payment:	Paid By:
NA	NA	NA	NA	NA

Hearing/Decision Information

Public Hearing Meeting
Date: 02/24/2025
PC Meeting Date: 02/24/2025
TC Meeting Date: 02/26/2025
Text Approved: ☐ Yes ☐ No
Notes:

S:\FORMS\Current Forms\Planning\UDOTextAmendment_PlanningApplication_09252017.doc

Communication: Case A25-0108 Application (Case A25-0108 Emergency Disaster Relief Uses - Manufactured Home Parks- UDO Text



**Staff Report
Public Hearing
November 25, 2025**

Case A25-0108 Emergency Disaster Relief Uses in Manufactured Home Parks – UDO Text Amendment

Request.....	1
Conformity to Adopted Plans – Potentially Relevant Comprehensive Plan Provisions	1
Comprehensive Plan Update	1
Planning Board Report/Recommendations.....	3
Town Council– Adoption of Ordinance.....	4
Ordinance #A25-0108.....	5
Exhibit A – Modified UDO Language.....	7

Request

The Boone Town Council has requested a Unified Development Ordinance (UDO) text amendment to authorize temporary residential disaster relief uses, specifically, temporary housing units, in existing manufactured home parks.

The need for this amendment was identified during assessment of the UDO for disaster relief uses following Tropical Storm Helene. The staff, with the agreement of Council, determined that revisions were necessary to facility economic and housing recovery during states of emergency.

By means of a previous amendment adopted in December 2024, temporary housing units were authorized on individual lots, but the prior amendment did not authorize the placement of such units in existing manufactured home parks. This amendment provides that authorization.

Properties located within the special flood hazard area will be required by local ordinance and FEMA standards to meet the Town’s flood damage prevention ordinance (UDO Article 30). These regulations do not intend to supersede these existing regulations.

**Conformity to Adopted Plans – Potentially Relevant Comprehensive Plan Provisions
Comprehensive Plan Update**

1.1 Overall Objectives for the Boone Comprehensive Plan (p. 15):

The following objectives, which have not been listed in any particular order of importance, are deliberately broad in scope and less specific than either a policy statement or an implementation action.

Economic Development: Acknowledge the area’s natural beauty, university, and medical center presence as the Town’s greatest assets for economic development and jobs creation. Treat them accordingly.

Neighborhoods: Ensure the livability of neighborhoods, especially through land use and traffic planning.

Comprehensive Plan Policies: Staff has reviewed land use and comprehensive plan policies, and listed those policies which in staff’s opinion have a bearing on the request. The Commission and Council should review these policies carefully. Each member may make his or her own interpretation as to the relevance of each and which carry the most weight thereby shaping their overall recommendation.

2.1 THE ECONOMY

2.1.1 Economic Development

- A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy.

- E. The Town shall encourage a public service and regulatory environment conducive to business recruitment and expansion, while at the same time enhancing the area's physical and human resources.

E.1 Continue to look for ways to make development regulations and permit procedures more predictable and timely. Evaluate opportunities for administrative review and permit issuance for development projects which, due to their small size or relatively minor impacts, may not require review by a formal public commission or board.

- K. Boone shall identify and provide services consistent with the needs of the area's growing retiree population.

2.2 INFRASTRUCTURE

2.2.4 Public Safety

- B. The Town shall periodically review the need for additional paid personnel, capital improvements and equipment needs to meet or exceed public safety standards, insurance ratings and other measures of public safety.
- D. The Town shall place renewed emphasis on enforcement of the state building code and flood prevention regulations to avert or minimize loss of life and property during natural disasters.

2.2.5 Environmental Health

- C. Development activities in the 100 year floodplain or near lakes or streams shall be carefully controlled. If development must occur, low intensity uses such as open space, recreation and adequately buffered agricultural or forestry activities shall be preferred.

2.3 THE COMMUNITY

- A. Urban type development within the Urban Growth Area shall meet appropriate Town standards.
- D. Coordinated inter-governmental and university-town planning for urban area land use and development, transportation, utilities, recycling, environmental management, law enforcement, education, recreation, tourism and economic development shall be encouraged.

2.3 THE COMMUNITY

2.3.2 Community Character

- A. The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area.
- E. New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town.

2.3 THE COMMUNITY

2.3.3 Housing and Neighborhoods

- A. The protection and rehabilitation of viable neighborhoods shall be encouraged to insure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community.
- C. Proposed residential development which would expose residents to harmful effects of incompatible development or to environmental hazards shall be prohibited.
- F. The affordable housing needs of area residents, particularly elderly and low to moderate income residents, shall be recognized in Town policies and actions regarding residential development.

Planning Board Report/Recommendations

Per NCGS 160D-604(b), subsequent to initial adoption of a zoning regulation, all proposed amendments to the zoning regulation or zoning map shall be submitted to the Planning Commission for review and comment. If no written report is received from the Planning Commission within 30 days of referral of the amendment to that board, the Town Council may act on the amendment without the Planning Commission report. The Town Council is not bound by the recommendations, if any, of the Planning Commission. Per NCGS 160D-604(d), when conducting a review of proposed zoning text or map, the Planning Commission shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Commission shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the Planning Commission, but a comment by the Planning Commission that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

Vote 1: The proposed amendment to the Town's zoning ordinance ☐is OR ☐is not consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because:

Note 1

Note 1: describe elements of controlling land use plans and how the amendment is or is not consistent.

Vote 2: The Planning Commission recommends ☐approval OR ☐denial of Ordinance #A25-0108 within Exhibit A and ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

Note 2: briefly explain why, factors may include (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

Town Council– Adoption of Ordinance

Per NCGS 160D-605, when adopting or rejecting any zoning text or map amendment, the Town Council shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the governing board that at the time of action on the amendment the governing board was aware of and considered the planning board's recommendations and any relevant portions of an adopted comprehensive plan.

Vote 1: The proposed amendment to the Town’s zoning ordinance ☐is OR ☐ is not consistent with the Town’s comprehensive plan and any other adopted plan(s) of the Town:

Note 1

Note 1: describe elements of controlling land use plans and how the amendment is or is not consistent. Town Council members may reference the comprehensive plan policies in the Planning Commission’s recommendations, or use the other comprehensive plan policies as the Council member see relevant and pertinent to the case.

Vote 2: The Town Council ☐approves OR ☐denies Ordinance #A25-0108 to the Town’s zoning ordinance and believes ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

Note 2: briefly explain why, factors may include (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

Ordinance #A25-0108

ORDINANCE # A25-0108**AN ORDINANCE TO REVISE THE UNIFIED DEVELOPMENT ORDINANCE**

WHEREAS, the Boone Town Council has determined that revisions to the UDO are necessary to facilitate economic and housing recovery during states of emergency; and

WHEREAS, the need for these amendments were identified during assessment of the UDO following Tropical Storm Helene; and

WHEREAS, the Boone Town Council held a duly-noticed public hearing on February 24, 2025 with respect to this ordinance; and

WHEREAS, the Boone Town Council has taken into full consideration any information offered at the public hearing; and

WHEREAS, this Town Council has reviewed the written recommendations of the Town of Boone Planning Commission; and

WHEREAS, the Town Council finds that it is in the best interest of the Town and its citizens that Town Council directly consider and, with input from the public as deemed appropriate by Council; and

WHEREAS, the Boone Town Council is authorized to enact this Ordinance pursuant to its zoning authority under G.S. Chapter 160D, Article 6;

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

SECTION 1. The Town of Boone Unified Development Ordinance (“UDO”) is hereby revised as set forth in the attached **Exhibit A** to this Ordinance, which is incorporated by reference, with deletions and additions shown in ~~red~~ and blue respectively:

SECTION 2. All provisions of any Town ordinance in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 3. In the event any section, subsection, subdivision, paragraph, subparagraph, item, sentence, clause, phrase or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining provisions of this ordinance, which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this ordinance.

SECTION 4. This Ordinance shall be effective immediately upon its adoption by Town Council.

Adopted this the 26th day of February, 2025.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon-Church, Town Clerk

Exhibit A – Modified UDO Language**Article 34 Definitions**

...

Emergency Temporary Housing Unit

Manufactured housing, recreational vehicle, or travel trailer providing temporary housing accommodations due to an emergency or natural disaster.

Manufactured Home “Class A”

A structure that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, transportable in one or more sections, which in the traveling mode is eight feet (8') or more in width, or forty feet (40') or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with a continuous permanent masonry foundation (not pierced except for required ventilation and access) and connected to the required utilities for systems contained therein and satisfies the following criteria:

- A. The pitch of the home's roof is a minimum vertical rise of one (1) foot for each five (5) feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- B. The exterior siding consists of wood, hardboard, aluminum, or vinyl covering, with reflectivity in no case exceeding the reflectivity of gloss white paint, comparable in composition, appearance, and durability to the exterior siding compatible with standard residential construction; and
- C. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

Manufactured Home “Class B”

A structure that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, transportable in one or more sections, which in the traveling mode is eight feet (8') or more in width, or forty feet (40') or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without a continuous permanent masonry foundation (not pierced except for required ventilation and access) and connected to the required utilities for systems contained therein, but that does not satisfy the criteria necessary to qualify as “Class A”. Skirting is required for “Class B” manufactured homes.

Manufactured Home “Class C”

Any mobile or manufactured home that does not meet the criteria of a Class A or Class B manufactured home.

...

Recreational Vehicle (RV)

A vehicle, which is Built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light duty truck and designed

primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

...

Temporary Construction or Repair Dwelling

A temporary dwelling exclusively used for a place of living and sleeping during construction or repair.

Temporary Construction Trailer

A temporary structure for office usage, storage of materials and tools, or security purposes incident to construction or development of the premises upon which the temporary construction trailer is located.

...

Article 15 Limited Use Requirements

15.62 Temporary Uses

15.62.01 General Regulations:

- A.** Unless otherwise provided here in, all listed temporary uses are required to obtain a zoning permit in compliance with the regulations of this Section.
- B.** Unless expressly permitted no sign may be erected in conjunction with a temporary use.
- C.** Only those improvements and modifications minimally necessary for the temporary use to function are permitted.
- D.** In the event the landowner fails to remove a temporary structure within the described time frames after the zoning permit authorizing its use has been terminated, the Town may remove the said temporary structure at the expense of the owner, and may seek to recover through collection efforts or a civil action against the owner, the costs of removal, court costs and attorney fees.
- E.** A sight triangle ten feet (10') by seventy feet (70') must be observed at all intersections of driveways or streets with adjacent streets.
- F.** Temporary uses shall not be subject to the requirements of Article 25 Community Appearance Standards unless provided in this Section.
- G.** No required existing landscape buffer may be disturbed for any temporary use.
- H.** All temporary uses shall meet all applicable NC Building Codes.
- I.** Unless otherwise provided herein, the land use intensity ratios in B1.04 Complete Intensity Table shall apply.
- J.** Unless otherwise provided herein, landscaping is not required for temporary uses.

...

15.62.15 Temporary Disaster Relief Uses: The following provisions shall only apply when a state of emergency has been declared due to a natural disaster or other emergency, in which the

occupied structure has been made unsafe for continued occupancy due to the natural disaster/emergency.

A. Emergency Temporary Housing Units

1. Individual Lots: One emergency temporary housing unit shall be allowed on any lot for residential occupancy where a dwelling unit on the same lot has been damaged to the extent that the dwelling unit is unsafe until repaired to a habitable state.
 - ~~2.~~a. To the greatest degree possible, street and interior setbacks shall be met. However, setback requirements may be waived up to 75% so long as the placement of the emergency temporary housing unit will allow for unobstructed repair and reconstruction on the site, and does not to impede vehicular traffic or impair emergency response to the site, or encroach into any required landscaped buffer.
2. Manufactured Home Parks: One emergency temporary housing unit shall be allowed on any existing manufactured home space where the manufactured home has been made inhabitable and/or removed due to the natural disaster/emergency.
 - a. Each housing temporary housing unit must be set back from ten feet (10') from the edge of any street and twenty feet (20') from any other manufactured home or any other emergency temporary housing unit within the manufactured home park.
3. Land use intensity requirements shall not apply.
- ~~3.~~4. To remain in compliance with Town Code §92.19, applicants shall ensure that the 911 address for the property is clearly posted and visible in relation to the location of the emergency temporary housing unit.
- ~~4.~~5. The permit shall be valid for eighteen (18) months from the date of issuance or for a maximum of thirty (30) days after the issuance of a certificate of occupancy, whichever is less; provided however, the temporary use permit may be extended, provided that progress has been made in the repair and reconstruction of the damage dwelling unit. A permit extension of up to (1) year may be granted by the Administrator upon submittal of documentation that shows progress is being made. Progress shall be demonstrated by documentation of inspections records associated with the repair and reconstruction. However, if necessary, the Administrator may allow an additional one (1) year extension based on the severity of damage and overall recovery progress.
- ~~5.~~6. An emergency temporary housing unit must be removed from the lot within thirty (30) days following issuance of the final certificate of compliance, or the issuance of a certificate of occupancy, or within thirty (30) days following expiration of the related permit.

...

B1.03 Complete Table of Temporary Uses

Use #	Temporary Use	Zoning Districts																								Reference
		Residential											Commercial								Educational					
		R1	R1A	R1C	R1S	R2	R3	R4	R5	MH	RA	OI	B1D C	B1D I	B2	B3	WD	M1	U1	E1	E2	E3	E4			
T-1	Temporary family care structure	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L									15.62	
T-2	Temporary construction or repair dwelling	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L							15.62	
T-3	Temporary construction trailer	L	L	L	L	L	L	L		L	L	L	L	L	L	L	L	L							15.62	
T-4	Temporary mobile medical unit										L				L	L									15.62	
T-5	Temporary classroom										L				L	L						L			15.62	
T-6	Temporary portable storage containers	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L							15.62	
T-7	Temporary staging										L				L		L								15.62	
T-8	Temporary non-fixed site event venue										L	L					L								15.62	
T-9	Carrier on wheels (cow)	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L							15.62	
T-10	Yard sales	L	L	L	L	L	L	L	L	L	L	L		L	L	L	L	L							15.62	
T-11	Itinerant merchant/peddler	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L							15.62	
T-12	Open air market, temporary										L	L	L	L	L	L	L	L							15.62	
T-13	Temporary Use 9.01 Public Colleges and Universities											L				L	L	L							15.62	
T-14	Temporary Disaster Relief	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	15.62	