

**Town of Boone  
Planning Commission  
Regular Meeting  
6:00 PM, Jun. 26, 2017  
Council Chambers, 1500 Blowing Rock Road**

**Call to Order**

**Adoption of Agenda**

**Approval of Minutes**

May 22, 2017 Planning Commission minutes

**Case PL00479-050817 Educational Districts and Uses UDO Text Amendment**

Educational Districts & Uses UDO Text Amendment - Application  
Information

Educational Districts and Uses UDO Text Amendment- Staff Report

**Case PL00558-061217 Use 1401 Microbrewery UDO Text Amendment**

Use 14.01 Microbrewery/M1 Manufacturing District-Application  
Information

Use 14.01 Microbrewery/M1 Manufacturing District- Staff Report

**Recommendation for Affordable Housing Task Force Members**

**Other Matters by Board Members or Staff**

**Adjournment**

**MINUTES – REGULAR MEETING  
BOONE PLANNING COMMISSION  
May 22, 2017**

**CALL TO ORDER**

Commission Members Present: Chairperson Connor Boyle, Vice-Chairperson Matthew Vincent, Elizabeth Shay, Eric Woolridge and Becky Gosky

Staff Members Present: Jane Shook, Director of Planning and Inspections, Christy Turner, Senior Planner, Marty Little, Planner and Marlene Crosby, Board Secretary

Chairperson Boyle called the meeting to order at 5:47 p.m.

This meeting was held in the Council Chambers located at 1500 Blowing Rock Road.

**ADOPTION OF AGENDA**

**MOTION**

Member Woolridge made a motion, seconded by Member Gosky to move agenda item six, Case PL00282-022317 Courtyard by Marriott Conditional District Zoning Map Amendment Modification to item four on the agenda.

|                  |                                        |
|------------------|----------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Eric Woolridge, Commission Member      |
| <b>SECONDER:</b> | Becky Gosky, Commissioner              |
| <b>AYES:</b>     | Boyle, Woolridge, Vincent, Shay, Gosky |

**APPROVAL OF MINUTES**

**MOTION**

Member Gosky made a motion, seconded by Vice-Chairperson Vincent to approve the April 24, 2017 Planning Commission meeting minutes as written.

|                  |                                        |
|------------------|----------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Becky Gosky, Commissioner              |
| <b>SECONDER:</b> | Matt Vincent, Commission Member        |
| <b>AYES:</b>     | Boyle, Woolridge, Vincent, Shay, Gosky |

**CASE PL00282-02317 COURTYARD BY MARRIOTT CONDITIONAL DISTRICT  
ZONING MAP AMENDMENT MODIFICATION**

David McLamb with Boone Hospitality Associates II, LLC has filed a Planning Permit Application for a Conditional District Zoning Map Amendment Modification to modify the conditions to the existing Conditional District Zoning Map approval to allow the Courtyard by Marriott located at 1050 Highway 105 to illuminate the sign on the eastern side of the building. The approval currently has the following condition which would have to be modified in order to allow the sign to be lighted:

Bollard type (low profile) lighting is to be used as much as possible. Pole/carriage lights are to be kept at a minimum. No exterior lights on the building higher than the first floor. The building will not be “uplighted”. On the back and two ends of the building, no lights will be installed above first floor and no grounds lights shining up will be installed. The Highway 105 elevation facing the street can be lighted per the developer’s and architect’s discretion, within the requirements of the UDO. The architect and engineer will continue to develop the site lighting plans to minimize off site light pollution. “Low to the ground” lighting options under consideration are recessed lights in retaining and courtyard walls, bollard lighting, and low landscape lights.

Communication: May 22, 2017 Planning Commission minutes (Approval of Minutes)

Ms. Jane Shook, Director of Planning and Inspections presented this case as outlined in the meeting packet. Ms. Shook explained that at the last Planning Commission meeting the decision was made by the Commission to table this till this meeting. She reminded the Commission that one of the reasons to table this case at the last meeting was because some of the Commission members wanted to drive by the hotel to review the current signage. It was noted that at the last meeting there was discussion on an alternative solution to the signage, if the applicant would like to move forward on it. Ms. Shook added that the Commission would need to make a recommendation on the current request.

Discussion ensued on the attached sign. Member Woolridge asked why the sign has to be lit from within and he suggested down lighting for the sign. It was noted that a projecting sign would be allowed on the building per the ordinance. Ms. Shook noted that the attached sign would have to be removed to add a projecting sign because they are at their limit for signage.

Ms. Shook further explained the conditions placed on the signage. She said the sign can be lit on the front of the building but not on the side of the building.

Chairperson Boyle said that he did drive by the hotel and he could see the signage on the building and he did not feel like the sign needed to be lighted.

Chairperson Boyle said the members of the neighborhood that live in the house right beside the hotel did not attend last month's meeting. Mr. McLamb said the owners of the rental house next door supported having a lighted sign on the building.

Chairperson Boyle said he felt like the members of the neighborhood that did attend last month's meeting would not be able to see the lighted sign from behind the hotel. Ms. Shook noted that the members of the neighborhood that live behind the hotel noted that you would be able to see the lighted sign as you enter their neighborhood.

Mr. David McLamb one of the owners of the Courtyard by Marriott spoke on this case.

Mr. McLamb explained his concern for their hotel guests to turn safely into the parking lot. Mr. McLamb brought in video which showed a vehicle driving down Hwy 105 from Blowing Rock Road into the entrance of the hotel.

Mr. McLamb said if they used a freestanding sign, their customers would be past the entrance of the hotel by the time they saw the freestanding sign which would focus their customers on the freestanding sign rather than the entrance into the hotel.

Discussion ensued on being able to see the sign on the hotel as vehicles come down Hwy 105 Extension before the stop light at Blowing Rock Road. Mr. McLamb said the sign needs to be seen from this vantage point so the out of town guests can be able to anticipate the traffic lane that they need to travel in to get to the hotel.

Vice-Chair Vincent noted that the first thing he saw in the video was the porte-cochere and questions why an attached sign could not be placed on it. Mr. McLamb stated that by the time someone really noticed the porte-cochere that they were already too close to the entrance.

Discussion ensued on allowing the attached sign to be lit and the potential light pollution from it. Mr. McLamb talked about the berm and the 15 foot trees behind the hotel that the members of the neighborhood wanted as a buffer between their neighborhood and the hotel. Mr. McLamb said to be a good neighbor, when they built the hotel, they made the berm four feet higher and five feet higher trees than the Town requested.

The Planning Commission Members Woolridge, Gosky, Shay and Vice-Chairperson Vincent each expressed their thoughts and they were in agreement that a down lighted sign was more appropriate than an internally lighted sign on the building.

Chairperson Boyle said that he is in favor of whatever would create the least light pollution but he does not feel like it is a necessity at this time for the sign to be lighted. He said he is inclined to honor the conditions for the sign that were originally placed on it. He further explained that as he drove up Wintergreen Lane he could see the sign and he would be able to see it more quickly, if it was lighted.

The Planning Commission asked Mr. McLamb if he would be agreement to a sign lighted with down lights. Mr. McLamb suggested using channel letters in the sign which would provide less light overall. He explained that the channel letters are contained within a lighted box with in each letter. Mr. McLamb noted that the current sign containing the Courtyard by Marriott shield would have to be replace sometime in the future to reflect the new branding for the chain which is just the words Courtyard by Marriott.

Discussion ensued on channel letter lighting versus down lighting of the sign. Vice-Chairperson Vincent asked Mr. McLamb if the channel letter lighting created less light pollution than the down lighting of the sign. Mr. McLamb said yes and they would be lighting just the letters of the sign with channel-type lettering.

Chairperson Boyle asked Mr. McLamb if he was going to use a timer for the lights to come on in the sign. Mr. McLamb said traditionally you would leave the sign on all the time but he could go to a timer system, if needed. Mr. McLamb noted that he would prefer to leave the lighted sign on all the time so the customers that are arriving late could see the sign.

Discussion ensued on the safety of the customers at the hotel. Member Gosky said she felt that they need some type of sign lighting for safety purposes. Member Woolridge talked about denying this request because he didn't feel that the applicant was in support of a down lighted sign on the building. He also suggested recommending to Council that if the applicant chose to re-apply to encourage them to go with a down lighted sign.

Discussion ensued regarding the previous requests and the length of time it took for the original approval and the difference between the request, a sign with channel letters and a sign lit with external down lighting.

Mr. McLamb showed the Planning Commission members a photo of the hotel taken by a professional photographer that shows the sign.

Discussion ensued on the sign being larger. Ms. Christy Turner, Senior Planner explained the limitation of the sign. She said it depends on how much linear frontage and square footage they have, when it is calculated. Member Woolridge asked Mr. McLamb if he would be in agreement to make the sign with channeled letters no larger than the current sign. Mr. McLamb agreed.

Member Woolridge asked the Staff for their opinion on lighted signs. Ms. Turner said that more and more cities are going with externally lighted signs, especially with down lighted signs. She further explained that channel-lit signs are internally illuminated and the UDO does allow this type of lighting.

Discussion ensued on having a photo-metric lighting plan. Ms. Shook said the Staff would accept this type of plan to review. Ms. Turner added that the UDO Article 26 limits sign lighting to 11 watts per bulb.

### **FIRST MOTION AND VOTE**

Member Woolridge made a motion, seconded by Member Gosky that the proposed amendment to the Town's zoning ordinance is consistent with the Town's Comprehensive Plan and other applicable adopted plans of the Town which relate to this application because the proposed amendment as agreed by the applicant includes a channel-lit sign to be no greater in size than the current sign and in the exact same location. The berm and vegetation has matured surrounding the adjacent neighborhood and will not adversely impact the neighborhood. It creates a safer entry into the Marriott by allowing guests to see the building location as they approach the structure.

Chairperson Boyle said he voted no for this request because he does not feel that it is necessary at this time and he wants to honor the original conditions of no up-lighting or lighting above the first floor.

|                  |                                   |
|------------------|-----------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [4 TO 1]</b>          |
| <b>MOVER:</b>    | Eric Woolridge, Commission Member |
| <b>SECONDER:</b> | Becky Gosky, Commissioner         |
| <b>AYES:</b>     | Woolridge, Vincent, Shay, Gosky   |
| <b>NAYS:</b>     | Boyle                             |

### **SECOND MOTION AND VOTE**

Member Woolridge made a motion, seconded by Member Gosky that the Planning Commission recommends approval to the proposed amendment to the Town's zoning ordinance and believe its approval is reasonable and in the public interest for the reasons previously stated.

|                  |                                   |
|------------------|-----------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [4 TO 1]</b>          |
| <b>MOVER:</b>    | Eric Woolridge, Commission Member |
| <b>SECONDER:</b> | Becky Gosky, Commissioner         |
| <b>AYES:</b>     | Woolridge, Vincent, Shay, Gosky   |
| <b>NAYS:</b>     | Boyle                             |

### **CASE PL00481-050817 MANSA HOSPITALITY LLC - GENERAL USE REZONING**

The Town of Boone has initiated a General Use Zoning Map Amendment to zone the remainder of the parcel owned by Mansa Hospitality LLC (2240 Blowing Rock Road; Watauga County PIN: 2819790873000) being brought into the Town's corporate limits through voluntary annexation. Proposed zoning includes: B3 General Business; Corridor District Overlay, Watershed Areas Critical Area (WS-IV-CA), Viewshed Overlay and Special Flood Hazard Area Overlay.

Ms. Shook said presented this case as outlined in the meeting packet.

There were no questions or comments on this case.

The Town of Boone has initiated a General Use Zoning Map Amendment to zone the remainder of the parcel owned by Mansa Hospitality LLC (2240 Blowing Rock Road; Watauga County PIN: 2819790873000) being brought into the Town's corporate limits through voluntary annexation. Proposed zoning includes: B3 General Business; Corridor District Overlay, Watershed Areas Critical Area (WS-IV-CA), Viewshed Overlay and Special Flood Hazard Area Overlay.

Ms. Shook said presented this case as outlined in the meeting packet.

There were no questions or comments on this case.

### **FIRST MOTION AND VOTE**

Chairperson Boyle made a motion, seconded Member Shay that the proposed amendment to the Town's zoning ordinance is consistent with the Town's Comprehensive Plan and other applicable adopted plans of the Town which relate to this application because that zoning had been in effect previously.

|                  |                                        |
|------------------|----------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Connor Boyle, Commission Member        |
| <b>SECONDER:</b> | Elizabeth Shay, Commission Member      |
| <b>AYES:</b>     | Boyle, Woolridge, Vincent, Shay, Gosky |

### **SECOND MOTION AND VOTE**

Chairperson Boyle made a motion, seconded by Member Shay that the Planning Commission recommend to approve that the proposed amendment to the Town's zoning ordinance and believe approval is reasonable and in the public interest because of the reasons previously stated.

|                  |                                        |
|------------------|----------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Connor Boyle, Commission Member        |
| <b>SECONDER:</b> | Elizabeth Shay, Commission Member      |
| <b>AYES:</b>     | Boyle, Woolridge, Vincent, Shay, Gosky |

### **CASE PL00479-050817 EDUCATION DISTRICTS AND USES - UDO TEXT AMENDMENT**

Chairperson Boyle called for a five-minute break at 6:53 p.m.

Chairperson Boyle reconvened the meeting at 6:58 p.m.

Request to modify UDO Article 14, 15, 16, 17, and 34 in regards to educational districts and uses.  
Amendment may also be made to other Articles to conform them to changes made in these Articles.

Ms. Shook explained that since the proposed text was created, she has learned that the university has expressed that they have some questions on it. She further explained that the Town wants to answer their questions before this case is reviewed by the Planning Commission. As a result, Ms. Shook said the Staff's recommendation is for this case to be tabled until a future meeting to allow Staff to have some additional time to meet with the university and the Town Attorney.

### **MOTION**

Vice-Chairperson Vincent made a motion, seconded by Member Woolridge to table this case to a future Planning Commission meeting.

|                  |                                        |
|------------------|----------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Matt Vincent, Commission Member        |
| <b>SECONDER:</b> | Eric Woolridge, Commission Member      |
| <b>AYES:</b>     | Boyle, Woolridge, Vincent, Shay, Gosky |

### **OTHER MATTERS BY BOARD MEMBERS OF STAFF**

Ms. Shook noted that Member Woolridge's term will expire on June 30, 2017. Chairperson Boyle and Ms. Shook expressed their appreciation for Member Woolridge's contribution to the Town and Planning Commission.

Ms. Shook noted that there are two new Planning Commission members coming on board in July 2017.

### **ADJOURNMENT**

#### **MOTION**

Vice-Chairperson Vincent made a motion, seconded by Member Woolridge to adjourn the meeting at 7 p.m.

|                  |                                        |
|------------------|----------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Matt Vincent, Commission Member        |
| <b>SECONDER:</b> | Eric Woolridge, Commission Member      |
| <b>AYES:</b>     | Boyle, Woolridge, Vincent, Shay, Gosky |

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Marlene Crosby, Board Secretary

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Connor Boyle, Chairperson

# Zoning/Planning Permit Application

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](http://www.townofboone.net)

## PERMIT IS FOR (CHOOSE ONE):

- ☐ Single Family or Duplex (Residential)  
☐ Commercial  
☐ Board of Adjustment Hearing (other than Appeals)  
☒ Planning/Other

### A. CONTACT INFORMATION

Applicant: Town of Boone Company: \_\_\_\_\_  
Address: PO Drawer 192, Boone, NC 28607  
Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_  
Property Owner: \_\_\_\_\_ Company: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

### B. PROPERTY INFORMATION

Watauga County Parcel Identification Number(s): NA  
Address/Location: NA  
Project Name: Educational Districts and Uses- UDO Text Amendment

### C. PERMIT SUBCATEGORIES

#### Additional Forms Needed

#### Zoning Permits

- |                                                                                             |                                                       |
|---------------------------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Accessory Building                                                 | *Zoning Project Data Form (Residential or Commercial) |
| <input type="checkbox"/> Addition/Expansion including decks and patios                      | *Zoning Project Data Form (Residential or Commercial) |
| <input type="checkbox"/> Change of Occupancy                                                | *Commercial Project Data Form                         |
| <input type="checkbox"/> Land Disturbance (not associated with the construction of a bldg.) | *Zoning Project Data Form (Residential or Commercial) |
| <input type="checkbox"/> Manufactured Home Set-up in Park                                   | *Manufactured Home in Park Form                       |
| <input type="checkbox"/> New Building Construction                                          | *Zoning Project Data Form (Residential or Commercial) |
| <input type="checkbox"/> Renovation/Remodel                                                 | *Zoning Project Data Form (Residential or Commercial) |
| <input type="checkbox"/> Accessory Use (as listed in UDO Subsection 15.07.01)               | *Zoning Project Data Form (Residential or Commercial) |
| <input type="checkbox"/> Temporary Use (as listed in UDO Subsection 15.07.02)               | *Zoning Project Data Form (Residential or Commercial) |
| <input type="checkbox"/> Sign                                                               | *Sign Project Data Form (Zoning)                      |
| <input type="checkbox"/> Pavement Sealant                                                   | *Pavement Sealant Project Data Form                   |
| <input type="checkbox"/> Major Subdivision Zoning Permit                                    | *Commercial Project Data Form                         |

#### Board of Adjustment Hearings

- |                                                                      |                                                   |
|----------------------------------------------------------------------|---------------------------------------------------|
| <input type="checkbox"/> Special Use Permit/Modification             | *Special Use Permit Form                          |
| <input type="checkbox"/> Variance                                    | *Variance Form                                    |
| <input type="checkbox"/> Major Subdivision Preliminary Plat Approval | *Major Subdivision Preliminary Plat Approval Form |

#### Planning/Other

- |                                                                         |                                                              |
|-------------------------------------------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> Exempt Division of Land                        | *Subdivision Exemption Project Data Form                     |
| <input type="checkbox"/> Minor Subdivision (Preliminary and Final Plat) | *Minor Subdivision Project Data Form                         |
| <input type="checkbox"/> Major Subdivision (Final Plat)                 | *Major Subdivision Final Plat Project Data Form              |
| <input checked="" type="checkbox"/> UDO Text Amendment                  | *Text Amendment Project Data Form                            |
| <input type="checkbox"/> General Use Zoning Map Amendment               | *General Use Map Zoning Map Amendment Project Data Form      |
| <input type="checkbox"/> Conditional District Zoning Map Amendment      | *Conditional District Zoning Map Amendment Project Data Form |
| <input type="checkbox"/> Voluntary Annexation                           | *Annexation Petition (Satellite or Contiguous)               |
| <input type="checkbox"/> UDO Text Interpretation                        | *UDO Interpretation Data Form                                |

**D. DETAILED DESCRIPTION OF PROJECT**

See Project Data Form

**E. PROJECT MANAGER DESIGNATION**

A project manager is responsible for the activities listed in UDO Section 4.19. Single-family and two-family projects involving less than ½ acre of land disturbing activity or commercial site improvements that involve no more than 2,500 square feet of land disturbing activity are exempt from this requirement.

Name: NA Company: \_\_\_\_\_  
 Address: \_\_\_\_\_ License #: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

**F. DESIGN PROFESSIONAL INFORMATION****Engineer: NA**

Name: \_\_\_\_\_ Company: \_\_\_\_\_  
 Address: \_\_\_\_\_ License #: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

**Architect: NA**

Name: \_\_\_\_\_ Company: \_\_\_\_\_  
 Address: \_\_\_\_\_ License #: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

**G. 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<sup>1</sup> (Print)**

Jane Shook  
**Applicant Signature**

05/08/2017  
**Date**

NA  
**Property Owner (Print)**

NA  
**Property Owner Signature**

NA  
**Date**

**Official Use Only**

Project File Name:

Educational Districts and Uses- UDO Text Amendment

Permit Number:

PL00479-050817

Project Name/Number:

NA

|                      |            |                       |                          |                |
|----------------------|------------|-----------------------|--------------------------|----------------|
| Date:<br>May 8, 2017 | Fee:<br>NA | Receipt Number:<br>NA | Method of Payment:<br>NA | Paid By:<br>NA |
|----------------------|------------|-----------------------|--------------------------|----------------|

S:\FORMS\Forms\_2015\ZoningPermitApplication\_052015.doc

<sup>1</sup> Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person must be submitted along with this application. Execution by property owner of this application signifies that the applicant is authorized to proceed.

## UDO Text Amendment Project Data Form

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](http://www.townofboone.net)

### Official Use Only

**Project Name/Number:**

Educational Districts & Uses- UDO Text Amend

**Permit Name/Number:**

PL00479-050817

### A. TEXT INFORMATION

**Amendment is to:**

Article(s): Articles 14, 15, 16, and 34

Section(s): varies

**Brief Description of Amendment (Attach Proposed Text):**

Modification of the UDO text to provide clarification on how Educational zoning districts and uses

**Reason for Change:** Recommendation from Town Attorney that changes are required due to inconsistencies and issues on how the ordinance treats educational districts and uses.

### Official Use Only

Public Hearing Meeting Date: May 22, 2017

PC Meeting Date: May 22, 2017

TC Meeting Date: June 15, 2017

Text Approved: ☐ Yes ☐ No

Date UDO Updated: \_\_\_\_\_

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Communication: Educational Districts & Uses UDO Text Amendment - Application Information (Case PL00479-050817 Educational Districts and



STAFF REPORT  
PUBLIC HEARING  
MAY 22, 2017

CASE PL00479-050817 EDUCATIONAL DISTRICTS AND USES- UDO TEXT AMENDMENT

**Request**

Request to modify UDO Article 14, 15, 16, 17, and 34 in regards to educational districts and uses. Amendment may also be made to other Articles to conform them to changes made in these Articles.

**Proposed Amendment**

The text below in ~~red strikethrough~~ is the text proposed to be deleted and the blue underline is the new text for consideration. Please note, text amendments will now contain the case number and effective date in italicized font at the end of the section in which the text was modified.

**ARTICLE 14: ZONING DISTRICTS AND ZONING MAP**

...

**§ 14.03 EDUCATIONAL DISTRICTS ESTABLISHED.**

14.03.01 The educational districts are established to provide areas which promote the enhancement of compatible educational institutions and opportunities within the town's planning area while preserving the overall small-town character of Boone. ~~For their principal and accessory uses, the entities which are subject to the U1, E1 and E2 districts may only function within those districts. Uses allowed in those districts must be integral to the entity or must be specifically identified and authorized for those districts in the Table of Principal Uses, Table of Accessory Uses and Table of Temporary Uses.~~

14.03.02 The U-1 University District is established for the main campus of Appalachian State University (ASU). This district is intended to provide for the planning and expansion of ASU's main campus that is consistent with the Town's overall planning objectives. In the event that a property or portion of property zoned U-1 is sold to a non-university third party, the property must be rezoned. The third-party property owner shall submit a petition to rezone the property within 6 months of closing on its purchase of the property. ~~Specific uses listed in the U1 column in the Table of Principal Uses, the Table of Accessory Uses, and the Table of Temporary Uses are only allowed if they are associated with and have the approval of the institution authorized under Use Category 9.01 and 9.02.~~

14.03.03 The E-1 Educational District is established to provide for appropriate ~~ASU, CCC&TI, and other uses by institutions of higher learning~~ colleges or universities ~~uses away outside of from~~ the ASU main campus. Such uses shall not include residential uses. The owner of a property zoned E-1 must be a college or, university, or other institution of higher learning. In the event that a property or portion of property zoned E-1 is sold to a third party that is not a college or university, the property must be rezoned. The third-party property owner shall submit a petition to rezone the property within 6 months of closing on its purchase of the property. ~~Specific uses listed in the E-1 column in the Table of Permissible Uses, the Table of Accessory Uses, and the Table of Temporary Uses are only allowed if they are associated with and have the approval of the institution authorized under Use Category 9.01 and 9.02.~~

14.03.04 The E-2 Educational District is established to provide for appropriate uses by colleges or universities outside of the ASU main campus, which uses may include residential uses. The owner of a property zoned E-2 must be a college or university. In the event that a property or portion of a property zoned E-2 is sold to a third party that is not a college or university, the property must be rezoned. The third-party property owner shall submit a petition to rezone the property within 6 months of closing on its purchase of the property.

14.03.05 The E-3 Educational District is established to provide for planning and appropriate expansion of trade schools and public or private elementary and secondary educational institutions~~such as Hardin Park Elementary and Watauga High School. Such uses shall not include residential uses unless such are approved through a CD or PD process. The owner of a property zoned E-3 must be a public or private educational institution. In the event that a property or portion of property zoned E-3 is sold to a third party that is not such an educational institution, the property must be rezoned. The third-party property owner shall submit a petition to rezone the property within 6 months of closing on its purchase of the property. Specific uses listed in the E-2 column in the Table of Permissible Uses, the Table of Accessory Uses, and the Table of Temporary Uses are only allowed if they are associated with and have the approval of the institution authorized under Use Category 9.04 and 9.05.~~

(Ord. passed 12-16-2013)

...

## ARTICLE 15: DISTRICT USE REQUIREMENTS

### § 15.01 TYPES OF USES.

15.01.01 Permitted (P). A “P” in the Table of Principal Uses, Table of Accessory Uses, and Table of Temporary Uses indicates that a use is allowed by right in the respective district unless the use is subject to a transitional zone (see ~~12.01.02~~6.02.02). Such uses are subject to all applicable requirements of this ordinance but do not have additional requirements which are specific to the use in accordance with this Article. A cross-reference in the “Reference” column of the Table for a permitted use is intended to direct the reader to a Section(s) which has special importance to the use, but it does not limit the applicability of other sections.

15.01.02 Permitted subject to limitations (L). An “L” in the Table of Principal Uses, Table of Accessory Uses, and Table of Temporary Uses indicates that a use is allowed by right in the respective district unless the uses is subject to a transitional zone (see ~~9.01.02~~6.02.02), provided that the use meets the normal requirements of the ordinance plus additional requirements designed to address the specific impacts of the use. A cross-reference in the “Reference” column of the table for a permitted use with an “L” is intended to direct the reader to a Section(s) which has special importance to the use, but it does not limit the applicability of other sections.

15.01.03 Special use permit required (S). An “S” in the Table of Principal Uses, Table of Accessory Uses, and Table of Temporary Uses indicates that a use is allowed only with a special use

permit in the respective district. A cross-reference in the “Reference” column of the table for a permitted use with an “S” is intended to direct the reader to a section which has special importance to the use, but it does not limit the applicability of other sections.

15.01.04 Conditional District (CD). A “CD” in the Table of Principal Uses, Table of Accessory Uses, and Table of Temporary Uses indicates that a use is allowed only with a conditional district zoning approval in the respective district. A cross-reference in the “Reference” column of the table for a permitted use with a “CD” is intended to direct the reader to a section which has special portance to the use, but it does not limit the applicability of other sections.

15.01.05 Not permitted (blank cell). A blank cell in the Table of Principal Uses, Table of Accessory Uses, and Table of Temporary Uses indicates that a uses in not allowed in the respective district.

15.01.06 Transitional zones. Transitional zones attach to each R1, R1A, RR, R2, and RA district and are designed to address the predictable negative impacts of certain uses and therefore have additional standards which must be met. A proposed use subject to a transitional zone must be approved by a special use permit or in a CD or PD. A superscript “Tn” in the Table of Principal Uses, Table of Accessory Uses or the Table of Temporary Uses denotes the specified use in the specified district is subject to a transitional zone, where “n” represents the size, in feet, of the transitional zone, measured from the boundary of the protected district. However, in the any of the protected districts, the distance is measured from the protected lot rather than the protected zone. See Subsection 6.02.02 for full transitional zone requirements.

15.01.07 Use nomenclature. Each use listed in the Table of Principal Uses, Table of Accessory Uses, and Table of Temporary Uses below is more fully defined in Article 34 Definitions. The nomenclature of each use within the tables is for identification purposes only.

(Ord. passed 12-16-2013)

## **§ 15.02 UNLISTED USES.**

15.02.01 Unlisted uses. Any use not permitted, prohibited, or restricted by this ordinance is an “unlisted use” that shall only be permitted if approved by the Planning Director pursuant to the following provisions:

A. Procedure for evaluating unlisted uses. Where a particular use category or use type is not specifically allowed under this ordinance or is also not prohibited or restricted by this ordinance, the Planning Director may permit the use category or type if the criteria of Subsection 15.02.01(B) below are met. The Planning Director shall give due consideration to the intent of this ordinance concerning the district(s), involved, the character of the uses specifically identified, and the character of the use(s) in question.

B. Criteria for evaluating unlisted uses. In order to determine that the proposed uses(s) has an impact that is similar in nature, function, and duration to the other uses allowed in a

specific zoning district, the Planning Director shall assess all relevant characteristics of the proposed use, including but not limited to the following:

1. The volume and type of sales, retail, wholesale; size and type of items sold and nature of inventory on the premises;
2. Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution; any dangerous, hazardous, toxic, or explosive materials used in the processing; and
3. The nature and location of storage and outdoor display of merchandise; enclosed, open, inside or outside the principal building; and predominant types of items stored (such as business vehicles, work-in-process, inventory, and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders); and
4. The type, size and nature of buildings and structures; and
5. The number and density of employees and customers per unit area of site in relation to business hours and employment shifts; and
6. Transportation requirements, including the modal split for people and freight, by volume type and characteristic of traffic generation to and from the site, trip purposes and whether trip purposes can be shared by other uses on the site; and
7. Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity, and the potential for shared parking with other uses; and
8. The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation and fumes; and
9. Any special public utility requirements for serving the proposed use, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
10. The impact on adjacent properties created by the proposed use will not be greater than that of other uses in the zoning district.

15.02.03 Determination of unlisted use(s) by the Planning Director. All determinations by the Planning Director made pursuant to this section shall be in writing. In making the determination described in this section, the Planning Director shall initiate an amendment to this ordinance if the particular use or category of use(s) is likely to be common or to recur frequently, or if the omission is likely to lead to public uncertainty and confusion. Until final action has been taken on such proposed amendment, the determination of the Planning Director shall be binding on all officers and departments of the town. If no amendment is initiated, the Planning Director's determination shall thereafter be

binding on all officers and departments of the town, without further action or amendment of this ordinance.

15.02.04 Appeal of determination of the Planning Director. The determination of the Planning Director may be appealed to the Board of Adjustment pursuant to the procedures set forth in Article 6 of this ordinance.

(Ord. passed 12-16-2013)

### **§ 15.03 ACCESSORY USES.**

15.03.01 An accessory use must be:

- A. Clearly incidental to and customarily found in connection with a principal structure or use; and
- B. Subordinate to and serve a principal structure or use ; and
- C. Subordinate in area, extent, or purpose to the principal structure or use served; and
- D. Located within the same site specific development plan as the principal structure or use.

15.03.02 Subsection 15.07.01, the Table of Accessory Uses, lists generally authorized accessory uses within the associated zoning districts so long as the use otherwise qualifies as an accessory use.

15.03.03 A use which is not permitted as a principal use in a zoning district cannot be allowed as an accessory use in that district unless it is specifically listed in the Table of Accessory Uses.

15.03.04 When a development is proposed on land with more than one zoning classification, any accessory use must be located on those portions of the development with zoning designations which allows the use as principal use or is authorized by the Table of Accessory Uses.

(Ord. passed 12-16-2013)

### **§ 15.04 PERMISSIBLE USES NOT REQUIRING PERMITS.**

15.04.01 Notwithstanding any other provisions of this ordinance, no zoning or special use permit is necessary for the following uses:

- A. Public streets or sidewalks.
- B. Electric power, telephone, telegraph, cable television, gas, water and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way with the permission of the owner.

C. Utility facilities located within a public right-of-way with the permission of the owner.

(Ord. passed 12-16-2013)

**§ 15.05 COMBINATION USES.**

15.05.01 A combination use may only be authorized if all proposed principal uses are permissible in the zoning district for which it is proposed.

15.05.02 A combination use must be authorized by a special use permit if any of the permissible uses requires a special use permit.

15.05.03 A combination use has special rules regarding landscaping (See Article 31).

(Ord. passed 12-16-2013)

**§ 15.06 MORE SPECIFIC USE CONTROLS.**

15.06.01 When two use classifications in the Table of Principal Uses describe a particular activity, the more specific description shall control.

(Ord. passed 12-16-2013)

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**15.07 TABLE OF PRINCIPAL USES.**

| Use # | Specific Use                                           | Zoning Districts        |    |     |    |                                    |                  |    |                   |                       |    |                  |                   |    |                   |    |    |    | Reference |
|-------|--------------------------------------------------------|-------------------------|----|-----|----|------------------------------------|------------------|----|-------------------|-----------------------|----|------------------|-------------------|----|-------------------|----|----|----|-----------|
|       |                                                        | Low Density Residential |    |     |    | Medium to High Density Residential |                  |    |                   | Commercial/Industrial |    |                  |                   |    | Education         |    |    |    |           |
|       |                                                        | RA                      | R1 | R1A | RR | R2                                 | R4               | MH | R3                | OI                    | B1 | B2               | B3                | M1 | U1                | E1 | E2 | E3 |           |
| 1.0   | Household living                                       |                         |    |     |    |                                    |                  |    |                   |                       |    |                  |                   |    |                   |    |    |    |           |
| 1.01  | Single-family dwelling                                 | P                       | P  | P   | P  | P                                  | P                |    |                   |                       |    |                  |                   |    | P                 |    |    |    |           |
| 1.02  | Manufactured home "Class A"                            | L                       |    |     | L  | L                                  | L                | L  |                   |                       |    |                  |                   |    | P                 |    |    |    | 15.08     |
| 1.03  | Manufactured home "Class B"                            | L                       |    |     |    |                                    |                  | L  |                   |                       |    |                  |                   |    |                   |    |    |    | 15.08     |
| 1.04  | Manufactured home "Class C"                            |                         |    |     |    |                                    |                  |    |                   |                       |    |                  |                   |    |                   |    |    |    |           |
| 1.05  | Manufactured home park                                 |                         |    |     |    |                                    |                  | L  |                   |                       |    |                  |                   |    |                   |    |    |    | 15.09     |
| 1.06  | Duplex (one duplex building per lot)                   | P                       |    |     |    | P                                  | P                |    | P                 |                       |    |                  |                   |    | P                 |    |    |    |           |
| 1.07  | Duplex (more than one duplex building per lot)         |                         |    |     |    |                                    |                  |    | L                 |                       |    |                  |                   |    | L                 |    |    |    | 15.10     |
| 1.08  | Townhouse (up to 30 bedrooms)                          |                         |    |     |    |                                    | L <sup>T50</sup> |    | L <sup>T50</sup>  |                       |    |                  |                   |    | L <sup>T50</sup>  |    |    |    | 15.10     |
| 1.09  | Townhouse (31-100 bedrooms)                            |                         |    |     |    |                                    | L <sup>T50</sup> |    | L <sup>T75</sup>  |                       |    |                  |                   |    | L <sup>T75</sup>  |    |    |    | 15.10     |
| 1.10  | Townhouse (> 100 bedrooms)                             |                         |    |     |    |                                    | L <sup>T75</sup> |    | L <sup>125</sup>  |                       |    |                  |                   |    | L <sup>T125</sup> |    |    |    | 15.10     |
| 1.11  | Multi-family dwelling (up to 30 bedrooms)              |                         |    |     |    |                                    |                  |    | L <sup>T125</sup> |                       |    |                  |                   |    | L <sup>T125</sup> |    |    |    | 15.10     |
| 1.12  | Multi-family dwelling (31-100 bedrooms)                |                         |    |     |    |                                    |                  |    | L <sup>T200</sup> |                       |    |                  |                   |    | L <sup>T200</sup> |    |    |    | 15.10     |
| 1.13  | Multi-family dwelling (> 100 bedrooms)                 |                         |    |     |    |                                    |                  |    | L <sup>T300</sup> |                       |    |                  |                   |    | L <sup>T300</sup> |    |    |    | 15.10     |
| 1.14  | Multi-family dwelling in mixed use (up to 30 bedrooms) |                         |    |     |    |                                    |                  |    |                   |                       | L  | L <sup>T75</sup> | L                 |    | L <sup>T75</sup>  |    |    |    | 15.11     |
| 2.0   | Group Living                                           |                         |    |     |    |                                    |                  |    |                   |                       |    |                  |                   |    |                   |    |    |    |           |
| 2.01  | Family care home                                       | L                       | L  | L   | L  | L                                  | L                |    | L                 |                       |    |                  |                   |    | L                 |    |    |    | 15.13     |
| 2.02  | Family care institutions                               |                         |    |     |    |                                    |                  |    |                   | L <sup>T125</sup>     |    |                  |                   |    | L <sup>T125</sup> |    |    |    | 15.14     |
| 2.03  | Halfway house, Category 1                              |                         |    |     |    |                                    |                  |    |                   | L                     |    |                  |                   |    | L                 |    |    |    | 15.14     |
| 2.04  | Halfway house, Category 2                              |                         |    |     |    |                                    |                  |    |                   | L <sup>T125</sup>     |    |                  |                   |    |                   |    |    |    | 15.14     |
| 2.05  | Nursing care home                                      | L                       | L  | L   |    | L                                  | L                |    | L                 | L                     |    |                  | L                 |    | L                 |    |    |    | 15.14     |
| 2.06  | Nursing care institution                               |                         |    |     |    |                                    |                  |    |                   | L <sup>T125</sup>     |    |                  | L <sup>T125</sup> |    |                   |    |    |    | 15.14     |
| 2.07  | Skilled nursing facility                               |                         |    |     |    |                                    |                  |    |                   | L <sup>T300</sup>     |    |                  | L <sup>T300</sup> |    |                   |    |    |    | 15.14     |
| 2.08  | Retirement community, Category 1                       | L                       |    |     |    | L                                  | L                |    | L                 | L                     |    |                  |                   |    | L                 |    |    |    | 15.15     |
| 2.09  | Retirement community, Category 2                       |                         |    |     |    |                                    |                  |    | L <sup>T200</sup> | L <sup>T125</sup>     |    |                  |                   |    | L <sup>T125</sup> |    |    |    | 15.15     |

| Use #                  | Specific Use                                                         | Zoning Districts        |                  |                  |    |                                    |                   |    |                   |                       |                   |                  |                   |    |                   |    |    |    | Reference |
|------------------------|----------------------------------------------------------------------|-------------------------|------------------|------------------|----|------------------------------------|-------------------|----|-------------------|-----------------------|-------------------|------------------|-------------------|----|-------------------|----|----|----|-----------|
|                        |                                                                      | Low Density Residential |                  |                  |    | Medium to High Density Residential |                   |    |                   | Commercial/Industrial |                   |                  |                   |    | Education         |    |    |    |           |
|                        |                                                                      | RA                      | R1               | R1A              | RR | R2                                 | R4                | MH | R3                | OI                    | B1                | B2               | B3                | M1 | U1                | E1 | E2 | E3 |           |
| 2.10                   | Residence hall, Category 1                                           | L                       |                  |                  |    |                                    |                   |    | L                 | L                     | L                 |                  | L                 |    | L                 |    |    |    | 15.15     |
| 2.11                   | Residence hall, Category 2                                           |                         |                  |                  |    |                                    |                   |    | L <sup>T200</sup> | L <sup>T200</sup>     |                   |                  | L <sup>T200</sup> |    | L <sup>T200</sup> |    |    |    | 15.15     |
| 2.12                   | Residence hall, Category 3                                           |                         |                  |                  |    |                                    |                   |    |                   | L <sup>T300</sup>     |                   |                  | L <sup>T300</sup> |    |                   |    |    |    | 15.15     |
| 2.13                   | Fraternity or sorority dwelling                                      |                         |                  |                  |    |                                    |                   |    | S <sup>T300</sup> |                       |                   |                  |                   |    | P <sup>T300</sup> |    |    |    | 15.16     |
| 2.14                   | Boarding house                                                       |                         |                  |                  |    |                                    |                   |    | L                 |                       |                   |                  | L                 |    | P                 |    |    |    | 15.17     |
| 3.0 Transient Living   |                                                                      |                         |                  |                  |    |                                    |                   |    |                   |                       |                   |                  |                   |    |                   |    |    |    |           |
| 3.01                   | Home for survivors of domestic violence                              | L                       | L                | L                |    | L                                  | L                 |    |                   | L                     |                   | L                |                   |    | L                 |    |    |    | 15.18     |
| 3.02                   | Shelter for homeless, Category 1                                     |                         |                  |                  |    |                                    |                   |    | L <sup>T50</sup>  | L <sup>T50</sup>      | L <sup>T50</sup>  |                  | L <sup>T50</sup>  |    | L <sup>T50</sup>  |    |    |    | 15.19     |
| 3.03                   | Shelter for homeless, Category 2                                     |                         |                  |                  |    |                                    |                   |    | L <sup>T300</sup> | L <sup>T300</sup>     |                   |                  | L <sup>T300</sup> |    | L <sup>T300</sup> |    |    |    | 15.19     |
| 3.04                   | Bed and breakfast, Category 1                                        | L                       | S <sup>T50</sup> | S <sup>T50</sup> |    | L <sup>T50</sup>                   | L <sup>T50</sup>  |    |                   |                       | L                 | L                |                   |    | L                 |    |    |    | 15.20     |
| 3.05                   | Bed and breakfast, Category 2                                        |                         |                  |                  |    | L                                  | L <sup>T125</sup> |    |                   |                       | L <sup>T125</sup> |                  | L <sup>T125</sup> |    | L <sup>T125</sup> |    |    |    | 15.20     |
| 3.06                   | Vacation rental                                                      | L <sup>T75</sup>        |                  |                  |    |                                    |                   |    | L <sup>T75</sup>  |                       | L <sup>T75</sup>  | L <sup>T75</sup> | L <sup>T75</sup>  |    | L <sup>T75</sup>  |    |    |    | 15.21     |
| 3.07                   | Motel                                                                |                         |                  |                  |    |                                    |                   |    |                   |                       |                   |                  | P <sup>T300</sup> |    | P <sup>T300</sup> |    |    |    |           |
| 3.08                   | Hotel                                                                |                         |                  |                  |    |                                    |                   |    |                   |                       | P <sup>T200</sup> |                  | P <sup>T200</sup> |    | P <sup>T200</sup> |    |    |    |           |
| 4.0 Institutional Uses |                                                                      |                         |                  |                  |    |                                    |                   |    |                   |                       |                   |                  |                   |    |                   |    |    |    |           |
| 4.01                   | Airport/landing strip                                                | S <sup>T300</sup>       |                  |                  |    |                                    |                   |    |                   |                       |                   |                  |                   |    |                   |    |    |    | 15.22     |
| 4.02                   | Heliport                                                             | S <sup>T300</sup>       |                  |                  |    |                                    |                   |    |                   |                       |                   |                  |                   |    | S <sup>T300</sup> |    |    |    | 15.22     |
| 4.03                   | Funeral home establishment                                           |                         |                  |                  |    |                                    |                   |    |                   | P                     | P                 | P                | P                 |    | P                 |    |    |    |           |
| 4.04                   | Cemetery                                                             | P                       | P                | P                | P  | P                                  | P                 | P  | P                 | P                     | P                 | P                | P                 | P  | P                 |    |    |    |           |
| 4.05                   | Post office                                                          |                         |                  |                  |    |                                    |                   |    |                   | P                     | P                 | P                | P                 | P  | P                 |    |    |    |           |
| 4.06                   | Post office, distribution                                            |                         |                  |                  |    |                                    |                   |    |                   |                       |                   |                  |                   | P  |                   |    |    |    |           |
| 4.07                   | Animal sanctuary                                                     | S <sup>T300</sup>       |                  |                  |    |                                    |                   |    |                   |                       |                   |                  |                   |    | S <sup>T300</sup> |    |    |    |           |
| 5.0 Government Uses    |                                                                      |                         |                  |                  |    |                                    |                   |    |                   |                       |                   |                  |                   |    |                   |    |    |    |           |
| 5.01                   | Government cultural facility                                         |                         |                  |                  |    |                                    |                   |    |                   | P                     | P                 |                  | P                 |    | P                 |    |    |    |           |
| 5.02                   | Government neighborhood cultural facility, indoor activity only      | S                       | S                | S                | S  | S                                  | S                 |    | P                 | P                     | P                 | P                | P                 |    | P                 |    |    |    |           |
| 5.03                   | Government neighborhood cultural facility, includes outdoor activity |                         |                  |                  |    |                                    |                   |    |                   | P                     | P                 |                  | P                 |    | P                 |    |    |    |           |
| 5.04                   | Recreation facility, Category 1                                      | P                       |                  |                  |    |                                    |                   |    | P                 | P                     | P                 | P                | P                 |    | P                 |    |    |    |           |

| Use #                               | Specific Use                                                                                            | Zoning Districts        |    |     |    |                                    |    |    |    |                       |                  |                  |                   |                   |                   |                   |    |    | Reference |
|-------------------------------------|---------------------------------------------------------------------------------------------------------|-------------------------|----|-----|----|------------------------------------|----|----|----|-----------------------|------------------|------------------|-------------------|-------------------|-------------------|-------------------|----|----|-----------|
|                                     |                                                                                                         | Low Density Residential |    |     |    | Medium to High Density Residential |    |    |    | Commercial/Industrial |                  |                  |                   |                   | Education         |                   |    |    |           |
|                                     |                                                                                                         | RA                      | R1 | R1A | RR | R2                                 | R4 | MH | R3 | OI                    | B1               | B2               | B3                | M1                | U1                | E1                | E2 | E3 |           |
| 5.05                                | Recreation facility, Category 2                                                                         | P                       | P  | P   | P  | P                                  | P  | P  | P  | P                     | P                | P                | P                 |                   | P                 |                   |    |    |           |
| 5.06                                | Recreation facility, Category 3                                                                         | P <sup>T50</sup>        | S  | S   | S  | S                                  | S  | S  | S  | P <sup>T50</sup>      | P <sup>T50</sup> | P <sup>T50</sup> | P <sup>T50</sup>  |                   | P <sup>T50</sup>  |                   |    |    |           |
| 5.07                                | Event venue, Category 1                                                                                 |                         |    |     |    |                                    |    |    |    | P                     | P                | P                | P                 |                   | P                 |                   |    |    |           |
| 5.08                                | Event venue, Category 2                                                                                 |                         |    |     |    |                                    |    |    |    | P                     | P                | P                | P                 |                   | P                 |                   |    |    |           |
| 5.09                                | Event venue, Category 3                                                                                 |                         |    |     |    |                                    |    |    |    | P <sup>T50</sup>      | P <sup>T50</sup> | P <sup>T50</sup> | P <sup>T50</sup>  |                   | P <sup>T50</sup>  |                   |    |    |           |
| 5.10                                | Landfill                                                                                                |                         |    |     |    |                                    |    |    |    |                       |                  |                  |                   | S                 |                   |                   |    |    |           |
| 5.11                                | Solid waste processing                                                                                  |                         |    |     |    |                                    |    |    |    |                       |                  |                  |                   | S                 |                   |                   |    |    |           |
| 5.12                                | Police substation                                                                                       | P                       | P  | P   | P  | P                                  | P  | P  | P  | P                     | P                | P                | P                 | P                 | P                 |                   |    |    |           |
| 5.13                                | Utility facility, town                                                                                  | L                       | L  | L   | L  | L                                  | L  | L  | L  | L                     | L                | L                | L                 | L                 | L                 |                   |    |    | 15.23     |
| 5.14                                | Utility facility, government, neighborhood                                                              |                         | L  | L   | L  | L                                  | L  | L  | L  | L                     | L                | L                | L                 | L                 | L                 | L                 |    |    |           |
| 5.15                                | Utility facility, government, regional                                                                  | L <sup>T300</sup>       |    |     |    |                                    |    |    |    | L <sup>T300</sup>     |                  |                  | L <sup>T300</sup> | L <sup>T300</sup> | L <sup>T300</sup> | L <sup>T300</sup> |    |    | 15.23     |
| 5.16                                | Government facility                                                                                     | P                       |    |     |    |                                    |    |    | P  | P                     | P                | P                | P                 | P                 | P                 |                   |    |    |           |
| 6.0 Non-government Utility Facility |                                                                                                         |                         |    |     |    |                                    |    |    |    |                       |                  |                  |                   |                   |                   |                   |    |    |           |
| 6.01                                | Utility facility, neighborhood                                                                          | L                       | L  | L   | L  | L                                  | L  | L  | L  | L                     | L                | L                | L                 | L                 | L                 | L                 |    |    | 15.23     |
| 6.02                                | Utility facility, regional                                                                              | L <sup>T300</sup>       |    |     |    |                                    |    |    |    | L <sup>T300</sup>     |                  |                  | L <sup>T300</sup> | L <sup>T300</sup> | L <sup>T300</sup> | L <sup>T300</sup> |    |    | 15.23     |
| 7.0 Telecommunications              |                                                                                                         |                         |    |     |    |                                    |    |    |    |                       |                  |                  |                   |                   |                   |                   |    |    |           |
| 7.01                                | Antenna collocation on existing wireless support structure not requiring additional accessory equipment | P                       | P  | P   | P  | P                                  | P  | P  | P  | P                     | P                | P                | P                 | P                 | P                 | P                 |    |    |           |
| 7.02                                | Antenna collocation on existing wireless support structure requiring additional accessory equipment     | L                       | L  | L   | L  | L                                  | L  | L  | L  | L                     | L                | L                | L                 | L                 | L                 | L                 |    |    | 15.24     |
| 7.03                                | Building mounted antenna not requiring additional accessory equipment                                   | L                       | L  | L   | L  | L                                  | L  | L  | L  | L                     | L                | L                | L                 | L                 | L                 | L                 |    |    | 15.24     |
| 7.04                                | Building mounted antenna requiring additional accessory equipment                                       | L                       |    |     |    |                                    |    |    |    | L                     | L                | L                | L                 | L                 | L                 | L                 |    |    | 15.24     |
| 7.05                                | Antenna collocation on electrical transmission towers                                                   |                         |    |     |    |                                    |    |    | L  |                       |                  |                  |                   |                   |                   |                   |    |    | 15.24     |
| 7.06                                | Other antenna                                                                                           | L                       |    |     |    |                                    |    |    |    | L                     | L                | L                | L                 | L                 | L                 | L                 |    |    | 15.24     |

| Use #          | Specific Use                                                                                         | Zoning Districts        |                   |                   |                   |                                    |                   |                   |                   |                       |                   |    |                   |    |                   |                   |                   |                   | Reference |
|----------------|------------------------------------------------------------------------------------------------------|-------------------------|-------------------|-------------------|-------------------|------------------------------------|-------------------|-------------------|-------------------|-----------------------|-------------------|----|-------------------|----|-------------------|-------------------|-------------------|-------------------|-----------|
|                |                                                                                                      | Low Density Residential |                   |                   |                   | Medium to High Density Residential |                   |                   |                   | Commercial/Industrial |                   |    |                   |    | Education         |                   |                   |                   |           |
|                |                                                                                                      | RA                      | R1                | R1A               | RR                | R2                                 | R4                | MH                | R3                | OI                    | B1                | B2 | B3                | M1 | U1                | E1                | E2                | E3                |           |
| 7.07           | Wireless support structure which meets district height requirements                                  | S                       | S                 | S                 |                   | S                                  | S                 |                   | L                 | L                     | L                 | L  | L                 | L  | L                 |                   |                   |                   | 15.24     |
| 7.08           | Stealth wireless facility which exceeds district height requirements                                 | L                       | S                 | S                 |                   | S                                  | S                 |                   | S                 | L                     | L                 | L  | L                 | L  | L                 |                   |                   |                   | 15.24     |
| 7.09           | Wireless support structure which does not meet district height requirements up to and including 120' | S                       |                   |                   |                   |                                    |                   |                   |                   | S                     |                   |    |                   | S  | L                 |                   |                   |                   | 15.24     |
| 7.10           | Other tower that exceeds 120' in height                                                              |                         |                   |                   |                   |                                    |                   |                   |                   |                       |                   |    |                   |    |                   |                   |                   |                   | 15.24     |
| 7.11           | Emergency response communication antenna                                                             | P                       | P                 | P                 | P                 | P                                  | P                 | P                 | P                 | P                     | P                 | P  | P                 | P  | P                 |                   |                   |                   |           |
| 8.0 — Assembly |                                                                                                      |                         |                   |                   |                   |                                    |                   |                   |                   |                       |                   |    |                   |    |                   |                   |                   |                   |           |
| 8.01           | Religious assembly, Category 1                                                                       | P                       | P                 | P                 | P                 | P                                  | P                 | P                 | P                 | P                     | P                 | P  | P                 |    | P                 |                   |                   |                   |           |
| 8.02           | Religious assembly, Category 2                                                                       | P <sup>T125</sup>       | P <sup>T125</sup> | P <sup>T125</sup> | P <sup>T125</sup> | P <sup>T125</sup>                  | P <sup>T125</sup> | P <sup>T125</sup> | P <sup>T125</sup> | P <sup>T75</sup>      | P                 |    | P                 |    | P                 |                   |                   |                   |           |
| 8.03           | Religious assembly, Category 3                                                                       | P <sup>T200</sup>       |                   |                   |                   |                                    |                   |                   |                   |                       | P <sup>T200</sup> |    | P <sup>T200</sup> |    | P <sup>T200</sup> |                   |                   |                   |           |
| 8.04           | Club/lodge, Category 1                                                                               |                         |                   |                   |                   |                                    |                   |                   |                   |                       | P <sup>T75</sup>  |    | P <sup>T75</sup>  |    | P                 |                   |                   |                   |           |
| 8.05           | Club/lodge which does not serve alcohol                                                              | P                       |                   |                   |                   |                                    |                   |                   |                   |                       | P                 |    | P                 |    | P                 |                   |                   |                   |           |
| 9.0 Education  |                                                                                                      |                         |                   |                   |                   |                                    |                   |                   |                   |                       |                   |    |                   |    |                   |                   |                   |                   |           |
| 9.01           | Appalachian state university                                                                         |                         |                   |                   |                   |                                    |                   |                   |                   |                       |                   |    |                   |    | P                 |                   |                   |                   |           |
| 9.02           | Caldwell community college and technical institute                                                   |                         |                   |                   |                   |                                    |                   |                   |                   | P <sup>T75</sup>      |                   |    |                   |    | P                 |                   |                   |                   |           |
| 9.013          | Other public colleges and universities                                                               |                         |                   |                   |                   |                                    |                   |                   |                   | P <sup>T75</sup>      |                   |    |                   |    | P <sup>T200</sup> | P <sup>T200</sup> | P <sup>T200</sup> |                   |           |
| 9.024          | Private colleges and universities                                                                    |                         |                   |                   |                   |                                    |                   |                   |                   | P <sup>T300</sup>     | P <sup>T200</sup> |    | P <sup>T300</sup> |    |                   | P <sup>T200</sup> | P <sup>T200</sup> |                   |           |
| 9.035          | Trade school                                                                                         |                         |                   |                   |                   |                                    |                   |                   |                   | P <sup>T200</sup>     | P <sup>T200</sup> |    | P <sup>T200</sup> |    | P                 |                   |                   | P <sup>T200</sup> |           |
| 9.046          | High school                                                                                          |                         |                   |                   |                   |                                    |                   |                   |                   | P <sup>T300</sup>     |                   |    |                   |    | P                 |                   |                   | P <sup>T200</sup> |           |
| 9.057          | Elementary school                                                                                    |                         |                   |                   |                   |                                    |                   |                   |                   | P <sup>T125</sup>     |                   |    |                   |    |                   |                   |                   | P <sup>T200</sup> |           |
| 9.068          | Boarding school                                                                                      |                         |                   |                   |                   |                                    |                   |                   |                   | P <sup>T300</sup>     | P <sup>T300</sup> |    | P <sup>T300</sup> |    | P                 |                   |                   |                   |           |
| 9.09           | All other educational facilities                                                                     |                         |                   |                   |                   |                                    |                   |                   |                   | CD                    |                   |    |                   |    |                   |                   |                   |                   |           |
| 10.0 Daycare   |                                                                                                      |                         |                   |                   |                   |                                    |                   |                   |                   |                       |                   |    |                   |    |                   |                   |                   |                   |           |
| 10.01          | Child daycare, large                                                                                 | L                       |                   |                   |                   |                                    | L                 |                   | L                 |                       |                   | L  | L                 |    | P                 |                   |                   |                   | 15.25     |
| 10.02          | Child daycare center                                                                                 |                         |                   |                   |                   |                                    |                   |                   |                   | L                     |                   |    | L                 |    | P                 |                   |                   |                   | 15.25     |

| Use #                          | Specific Use                                                              | Zoning Districts        |    |     |    |                                    |    |    |    |                       |                   |                   |                   |    |                   |    |    |    | Reference |
|--------------------------------|---------------------------------------------------------------------------|-------------------------|----|-----|----|------------------------------------|----|----|----|-----------------------|-------------------|-------------------|-------------------|----|-------------------|----|----|----|-----------|
|                                |                                                                           | Low Density Residential |    |     |    | Medium to High Density Residential |    |    |    | Commercial/Industrial |                   |                   |                   |    | Education         |    |    |    |           |
|                                |                                                                           | RA                      | R1 | R1A | RR | R2                                 | R4 | MH | R3 | OI                    | B1                | B2                | B3                | M1 | U1                | E1 | E2 | E3 |           |
| 10.03                          | Adult daycare, large                                                      | L                       |    |     |    |                                    | L  |    | L  |                       |                   | L                 | L                 |    | P                 |    |    |    | 15.25     |
| 10.04                          | Adult daycare center                                                      |                         |    |     |    |                                    |    |    |    | L                     |                   |                   | L                 |    | P                 |    |    |    | 15.25     |
| 10.05                          | All other daycare                                                         |                         |    |     |    |                                    |    |    |    | CD                    |                   |                   |                   |    |                   |    |    |    |           |
| 11.0 General Sales and Service |                                                                           |                         |    |     |    |                                    |    |    |    |                       |                   |                   |                   |    |                   |    |    |    |           |
| 11.01                          | Kennel                                                                    | L <sup>T125</sup>       |    |     |    |                                    |    |    |    |                       |                   |                   | L <sup>T125</sup> |    |                   |    |    |    | 15.26     |
| 11.02                          | Veterinary office/hospital with outdoor kennels                           | L <sup>T125</sup>       |    |     |    |                                    |    |    |    | L <sup>T125</sup>     |                   |                   | L <sup>T125</sup> |    | L <sup>T125</sup> |    |    |    | 15.26     |
| 11.03                          | Veterinary office/hospital without outdoor kennels                        | P                       |    |     |    |                                    |    |    |    | P                     | P                 | P                 | P                 |    | P                 |    |    |    |           |
| 11.04                          | Financial institution σ: 5,000 ft²                                        |                         |    |     |    |                                    |    |    |    | P                     | P                 | P                 | P                 |    | P                 |    |    |    |           |
| 11.05                          | Financial institution > 5,000 ft²                                         |                         |    |     |    |                                    |    |    |    | P                     | P                 |                   | P                 |    | P                 |    |    |    |           |
| 11.06                          | Restaurant σ: 2,500 ft² open to the public during 10 p.m. - 6 a.m.        |                         |    |     |    |                                    |    |    |    | P <sup>T75</sup>      | P <sup>T75</sup>  | P <sup>T75</sup>  | P <sup>T75</sup>  |    | P                 |    |    |    |           |
| 11.07                          | Other restaurants σ: 2,500 ft²                                            |                         |    |     |    |                                    |    |    |    | P                     | P                 | P                 | P                 |    | P                 |    |    |    |           |
| 11.08                          | Restaurant > 2,500 ft² open to the public during 10 p.m. - 6 a.m.         |                         |    |     |    |                                    |    |    |    | P <sup>T200</sup>     | P <sup>T125</sup> |                   | P <sup>T200</sup> |    | P                 |    |    |    |           |
| 11.09                          | Other restaurants > 2,500 ft²                                             |                         |    |     |    |                                    |    |    |    | P <sup>T125</sup>     | P <sup>T75</sup>  |                   | P <sup>T125</sup> |    | P                 |    |    |    |           |
| 11.10                          | Bar                                                                       |                         |    |     |    |                                    |    |    |    |                       |                   |                   |                   |    |                   |    |    |    |           |
| 11.11                          | ABC store                                                                 |                         |    |     |    |                                    |    |    |    |                       | P                 |                   | P                 |    |                   |    |    |    |           |
| 11.12                          | Personal service establishment open to the public during 10 p.m. - 6 a.m. |                         |    |     |    |                                    |    |    |    | P <sup>T75</sup>      | P <sup>T50</sup>  |                   | P <sup>T75</sup>  |    | P                 |    |    |    |           |
| 11.13                          | Other personal service establishments                                     |                         |    |     |    |                                    |    |    |    | P                     | P                 | P                 | P                 |    | P                 |    |    |    |           |
| 11.14                          | Retail store up to 5,000 ft²                                              |                         |    |     |    |                                    |    |    |    | P                     | P                 | P                 | P                 |    | P                 |    |    |    |           |
| 11.15                          | Retail store more than 5,000 but less than 25,000 ft²                     |                         |    |     |    |                                    |    |    |    |                       | P <sup>T125</sup> | P <sup>T200</sup> | P <sup>T200</sup> |    | P                 |    |    |    |           |
| 11.16                          | Retail store 25,000 ft² and greater                                       |                         |    |     |    |                                    |    |    |    |                       |                   |                   | L <sup>T300</sup> |    |                   |    |    |    | 15.27     |
| 11.17                          | Shopping center/mall                                                      |                         |    |     |    |                                    |    |    |    | S <sup>T300</sup>     | S                 | S <sup>T125</sup> | S <sup>T300</sup> |    | S <sup>T125</sup> |    |    |    | 15.28     |
| 11.18                          | Business or professional office open to the public during 10 p.m.-6 a.m.  |                         |    |     |    |                                    |    |    |    | P <sup>T75</sup>      | P <sup>T50</sup>  |                   | P <sup>T75</sup>  |    | P                 |    |    |    |           |
| 11.19                          | Other business or professional office                                     |                         |    |     |    |                                    |    |    |    | P                     | P                 | P                 | P                 |    | P                 |    |    |    |           |
| 11.20                          | Medical office, Category 1                                                |                         |    |     |    |                                    |    |    |    | P <sup>T300</sup>     | P <sup>T300</sup> |                   | P <sup>T300</sup> |    | P                 |    |    |    |           |
| 11.21                          | Medical office, Category 2                                                |                         |    |     |    |                                    |    |    |    | P <sup>T125</sup>     | P <sup>T125</sup> |                   | P <sup>T125</sup> |    | P                 |    |    |    | Packet Pg |

| Use #                                  | Specific Use                              | Zoning Districts        |    |     |    |                                    |    |    |    |                       |                   |                   |                   |                   |                   |    |    | Reference |       |
|----------------------------------------|-------------------------------------------|-------------------------|----|-----|----|------------------------------------|----|----|----|-----------------------|-------------------|-------------------|-------------------|-------------------|-------------------|----|----|-----------|-------|
|                                        |                                           | Low Density Residential |    |     |    | Medium to High Density Residential |    |    |    | Commercial/Industrial |                   |                   |                   |                   | Education         |    |    |           |       |
|                                        |                                           | RA                      | R1 | R1A | RR | R2                                 | R4 | MH | R3 | OI                    | B1                | B2                | B3                | M1                | U1                | E1 | E2 |           | E3    |
| 11.22                                  | Medical office, Category 3                |                         |    |     |    |                                    |    |    |    | P <sup>T125</sup>     |                   |                   | P <sup>T125</sup> |                   | P                 |    |    |           |       |
| 11.23                                  | Medical office, Category 4                |                         |    |     |    |                                    |    |    |    | P                     | P                 | P                 | P                 |                   | P                 |    |    |           |       |
| 11.24                                  | Hospital                                  |                         |    |     |    |                                    |    |    |    | P <sup>T300</sup>     |                   |                   |                   |                   | P <sup>T300</sup> |    |    |           |       |
| 11.25                                  | Medical emergency response                |                         |    |     |    |                                    |    |    |    | P <sup>T300</sup>     | P <sup>T300</sup> |                   | P <sup>T300</sup> |                   |                   |    |    |           |       |
| 11.26                                  | Open air market, recurring                | L <sup>T75</sup>        |    |     |    |                                    |    |    |    | L <sup>T50</sup>      |                   |                   | L <sup>T75</sup>  |                   | L <sup>T75</sup>  |    |    |           | 15.29 |
| 11.27                                  | Vehicle sales and service                 |                         |    |     |    |                                    |    |    |    |                       |                   | L <sup>T125</sup> | L <sup>T75</sup>  |                   |                   |    |    |           | 15.30 |
| 11.28                                  | Equipment sales and service               |                         |    |     |    |                                    |    |    |    |                       |                   |                   | L <sup>T125</sup> | L <sup>T125</sup> |                   |    |    |           | 15.31 |
| 11.29                                  | Moped sales and service                   |                         |    |     |    |                                    |    |    |    |                       | P                 | P                 | P                 |                   |                   |    |    |           |       |
| 11.30                                  | Boat or marine craft sales and service    |                         |    |     |    |                                    |    |    |    |                       |                   |                   | L <sup>T75</sup>  | L <sup>T75</sup>  |                   |    |    |           | 15.32 |
| 11.31                                  | Impound lot/towing service                |                         |    |     |    |                                    |    |    |    |                       |                   |                   | L <sup>T125</sup> | L <sup>T125</sup> | P                 |    |    |           | 15.33 |
| 11.32                                  | Gas station                               | P <sup>T125</sup>       |    |     |    |                                    |    |    |    |                       |                   | P <sup>T125</sup> | P <sup>T125</sup> | P <sup>T125</sup> | P                 |    |    |           |       |
| 11.33                                  | Car wash                                  |                         |    |     |    |                                    |    |    |    |                       |                   | P <sup>T125</sup> | P <sup>T125</sup> | P <sup>T125</sup> | P                 |    |    |           |       |
| 11.34                                  | Seasonal retail activities and amusements | P                       |    |     |    |                                    |    |    |    | P                     | P                 | P                 | P                 |                   | P                 |    |    |           |       |
| 12.0 Recreation and Entertainment Uses |                                           |                         |    |     |    |                                    |    |    |    |                       |                   |                   |                   |                   |                   |    |    |           |       |
| 12.01                                  | Indoor shooting range                     | L <sup>T75</sup>        |    |     |    |                                    |    |    |    |                       |                   |                   | L <sup>T75</sup>  |                   | P                 |    |    |           | 15.34 |
| 12.02                                  | Outdoor shooting range                    |                         |    |     |    |                                    |    |    |    |                       |                   |                   |                   |                   |                   |    |    |           |       |
| 12.03                                  | Indoor theater                            |                         |    |     |    |                                    |    |    |    |                       | P                 |                   | P                 |                   | P                 |    |    |           |       |
| 12.04                                  | Outdoor theater                           | P <sup>T200</sup>       |    |     |    |                                    |    |    |    |                       | P <sup>T125</sup> |                   | P <sup>T125</sup> |                   | P                 |    |    |           |       |
| 12.05                                  | Event venue, Category 1                   |                         |    |     |    |                                    |    |    |    |                       | P                 | P <sup>T75</sup>  | P                 |                   | P                 |    |    |           |       |
| 12.06                                  | Event venue, Category 2                   |                         |    |     |    |                                    |    |    |    |                       | P <sup>T50</sup>  | P <sup>T125</sup> | P <sup>T125</sup> |                   | P                 |    |    |           |       |
| 12.07                                  | Event venue, Category 3                   |                         |    |     |    |                                    |    |    |    |                       | P <sup>T200</sup> |                   | P <sup>T200</sup> |                   | P                 |    |    |           |       |
| 12.08                                  | Campground and recreational vehicle park  | L <sup>T200</sup>       |    |     |    |                                    |    |    |    |                       |                   |                   | L <sup>T200</sup> |                   | L                 |    |    |           | 15.35 |
| 12.09                                  | Coliseum                                  |                         |    |     |    |                                    |    |    |    |                       |                   |                   | S <sup>T300</sup> |                   | P <sup>T300</sup> |    |    |           |       |
| 12.10                                  | Recreation facility, Category 1           | P <sup>T125</sup>       |    |     |    |                                    |    |    |    | P                     | P                 | P                 | P                 |                   | P                 |    |    |           |       |
| 12.11                                  | Recreation facility, Category 2           | P <sup>T125</sup>       |    |     |    |                                    |    |    |    | P <sup>T50</sup>      |                   |                   | P <sup>T50</sup>  |                   | P                 |    |    |           |       |
| 12.12                                  | Recreation facility, Category 3           | P <sup>T200</sup>       |    |     |    |                                    |    |    |    |                       |                   |                   | P <sup>T200</sup> |                   |                   |    |    |           |       |
| 12.13                                  | Racetrack                                 |                         |    |     |    |                                    |    |    |    |                       |                   |                   |                   |                   |                   |    |    |           |       |

| Use # | Specific Use                               | Zoning Districts        |    |     |    |                                    |    |    |                   |                       |                  |    |                   |                   |                   |    |    |    | Reference |
|-------|--------------------------------------------|-------------------------|----|-----|----|------------------------------------|----|----|-------------------|-----------------------|------------------|----|-------------------|-------------------|-------------------|----|----|----|-----------|
|       |                                            | Low Density Residential |    |     |    | Medium to High Density Residential |    |    |                   | Commercial/Industrial |                  |    |                   |                   | Education         |    |    |    |           |
|       |                                            | RA                      | R1 | R1A | RR | R2                                 | R4 | MH | R3                | OI                    | B1               | B2 | B3                | M1                | U1                | E1 | E2 | E3 |           |
| 13.0  | Agriculture                                |                         |    |     |    |                                    |    |    |                   |                       |                  |    |                   |                   |                   |    |    |    |           |
| 13.01 | Garden, community                          | L                       | L  | L   | L  | L                                  | L  | L  | L                 | L                     | L                | L  | L                 |                   | P                 |    |    |    | 15.36     |
| 13.02 | Garden, residential                        | L                       | L  | L   | L  | L                                  | L  | L  | L                 | L                     | L                | L  | L                 |                   | L                 |    |    |    | 15.37     |
| 13.03 | Agricultural operation excluding livestock | P                       |    |     |    |                                    |    |    |                   |                       |                  |    |                   |                   |                   |    |    |    |           |
| 13.04 | Agricultural operation including livestock | P                       |    |     |    |                                    |    |    |                   |                       |                  |    |                   |                   |                   |    |    |    |           |
| 13.05 | Swine farm                                 |                         |    |     |    |                                    |    |    |                   |                       |                  |    |                   |                   |                   |    |    |    |           |
| 13.06 | Confined animal feeding operation (CAFO)   |                         |    |     |    |                                    |    |    |                   |                       |                  |    |                   |                   |                   |    |    |    |           |
| 13.07 | Custom slaughterhouse                      | P                       |    |     |    |                                    |    |    |                   |                       |                  |    |                   |                   |                   |    |    |    |           |
| 13.08 | Other slaughterhouse                       |                         |    |     |    |                                    |    |    |                   |                       |                  |    |                   |                   |                   |    |    |    |           |
| 13.09 | Forestry                                   | L                       | L  | L   | L  | L                                  | L  | L  | L                 | L                     | L                | L  | L                 | L                 | L                 |    |    |    | 15.38     |
| 14.0  | Manufacturing                              |                         |    |     |    |                                    |    |    |                   |                       |                  |    |                   |                   |                   |    |    |    |           |
| 14.01 | Microbrewery                               |                         |    |     |    |                                    |    |    |                   |                       | L <sup>T75</sup> |    | L <sup>T125</sup> |                   | L                 |    |    |    | 15.39     |
| 14.02 | Brewpub                                    |                         |    |     |    |                                    |    |    |                   |                       | L <sup>T75</sup> |    | L <sup>T125</sup> | L <sup>T125</sup> | L                 |    |    |    | 15.39     |
| 14.03 | Brewery/distillery                         |                         |    |     |    |                                    |    |    |                   |                       |                  |    | L <sup>T125</sup> | L <sup>T125</sup> | L                 |    |    |    | 15.40     |
| 14.04 | Brewery/distillery, other                  |                         |    |     |    |                                    |    |    |                   |                       |                  |    |                   |                   |                   |    |    |    | 15.41     |
| 14.05 | Winery associated with a vineyard          | L <sup>T125</sup>       |    |     |    |                                    |    |    |                   |                       |                  |    |                   | L <sup>T125</sup> | L                 |    |    |    | 15.42     |
| 14.06 | Winery                                     |                         |    |     |    |                                    |    |    |                   |                       |                  |    | L <sup>T125</sup> | L <sup>T125</sup> | L                 |    |    |    | 15.42     |
| 14.07 | Winery, other                              |                         |    |     |    |                                    |    |    |                   |                       |                  |    |                   |                   |                   |    |    |    |           |
| 14.08 | Extraction of earth materials              |                         |    |     |    |                                    |    |    |                   |                       |                  |    |                   |                   |                   |    |    |    |           |
| 14.09 | Machine/welding shop                       |                         |    |     |    |                                    |    |    |                   |                       |                  |    | L <sup>T200</sup> | L <sup>T200</sup> | L <sup>T200</sup> |    |    |    | 15.44     |
| 14.10 | Manufacturing, other                       |                         |    |     |    |                                    |    |    |                   |                       |                  |    |                   | L <sup>T300</sup> |                   |    |    |    | 15.45     |
| 15.0  | Parking                                    |                         |    |     |    |                                    |    |    |                   |                       |                  |    |                   |                   |                   |    |    |    |           |
| 15.01 | Parking lot                                |                         |    |     |    |                                    |    |    | L <sup>T125</sup> | L                     | L                |    | L                 |                   | P                 |    |    |    | 15.46     |
| 15.02 | Parking structure                          |                         |    |     |    |                                    |    |    |                   | L                     | L                |    | L                 | L                 | P                 |    |    |    | 15.47     |
| 15.03 | Park and ride lots                         | L                       |    |     |    |                                    |    |    |                   | L                     |                  |    | L                 | L                 | P                 |    |    |    | 15.46     |
| 16.0  | Storage                                    |                         |    |     |    |                                    |    |    |                   |                       |                  |    |                   |                   |                   |    |    |    |           |
| 16.01 | Mini-storage                               | L <sup>T125</sup>       |    |     |    |                                    |    |    |                   |                       |                  |    | L <sup>T75</sup>  | L <sup>T75</sup>  | P                 |    |    |    | 15.48     |

| Use #                   | Specific Use                                                             | Zoning Districts        |    |     |    |                                    |    |    |    |                       |    |    |                   |                   |                   |    |    |    | Reference |
|-------------------------|--------------------------------------------------------------------------|-------------------------|----|-----|----|------------------------------------|----|----|----|-----------------------|----|----|-------------------|-------------------|-------------------|----|----|----|-----------|
|                         |                                                                          | Low Density Residential |    |     |    | Medium to High Density Residential |    |    |    | Commercial/Industrial |    |    |                   |                   | Education         |    |    |    |           |
|                         |                                                                          | RA                      | R1 | R1A | RR | R2                                 | R4 | MH | R3 | OI                    | B1 | B2 | B3                | M1                | U1                | E1 | E2 | E3 |           |
| 16.02                   | Outdoor storage                                                          |                         |    |     |    |                                    |    |    |    |                       |    |    |                   | L <sup>T75</sup>  | P                 |    |    |    | 15.49     |
| 16.03                   | Warehouse                                                                |                         |    |     |    |                                    |    |    |    |                       |    |    |                   | P <sup>T75</sup>  | P                 |    |    |    |           |
| 16.04                   | Fuel storage facility                                                    |                         |    |     |    |                                    |    |    |    |                       |    |    | P <sup>T300</sup> | P <sup>T300</sup> |                   |    |    |    |           |
| 16.05                   | Chemical storage facility                                                |                         |    |     |    |                                    |    |    |    |                       |    |    |                   |                   |                   |    |    |    |           |
| 17.0 Transportation     |                                                                          |                         |    |     |    |                                    |    |    |    |                       |    |    |                   |                   |                   |    |    |    |           |
| 17.01                   | Passenger terminals                                                      |                         |    |     |    |                                    |    |    |    |                       |    |    | P <sup>T200</sup> |                   | P <sup>T200</sup> |    |    |    |           |
| 17.02                   | Trucking or freight terminal σ: 10,000 ft²                               |                         |    |     |    |                                    |    |    |    |                       |    |    | P <sup>T125</sup> | P <sup>T125</sup> |                   |    |    |    |           |
| 17.03                   | Trucking or freight terminal > 10,000 ft²                                |                         |    |     |    |                                    |    |    |    |                       |    |    |                   | P <sup>T300</sup> |                   |    |    |    |           |
| 18.0 Waste Related Uses |                                                                          |                         |    |     |    |                                    |    |    |    |                       |    |    |                   |                   |                   |    |    |    |           |
| 18.01                   | Recycling drop-off station                                               | L <sup>T300</sup>       |    |     |    |                                    |    |    |    |                       |    |    |                   | L <sup>T200</sup> | P                 |    |    |    | 15.49     |
| 18.02                   | Recycling and salvage                                                    |                         |    |     |    |                                    |    |    |    |                       |    |    |                   | L <sup>T300</sup> |                   |    |    |    | 15.49     |
| 18.03                   | Junkyard                                                                 |                         |    |     |    |                                    |    |    |    |                       |    |    |                   |                   |                   |    |    |    |           |
| 18.04                   | Private landfill                                                         |                         |    |     |    |                                    |    |    |    |                       |    |    |                   |                   |                   |    |    |    |           |
| 19.0                    | Particular activities which pose particular concerns about public health |                         |    |     |    |                                    |    |    |    |                       |    |    |                   |                   |                   |    |    |    |           |
| 19.01                   | Electronic and internet gaming                                           |                         |    |     |    |                                    |    |    |    |                       |    |    | S                 |                   |                   |    |    |    | 15.50     |
| 19.02                   | Adult establishments                                                     |                         |    |     |    |                                    |    |    |    |                       |    |    | S                 |                   |                   |    |    |    | 15.51     |

15.07.01 Table of accessory uses.

| Use # | Accessory Use                                                 | Zoning Districts        |    |    |    |                                    |    |    |    |                       |    |    |                   |                   |           |    |  |       | Reference |
|-------|---------------------------------------------------------------|-------------------------|----|----|----|------------------------------------|----|----|----|-----------------------|----|----|-------------------|-------------------|-----------|----|--|-------|-----------|
|       |                                                               | Low Density Residential |    |    |    | Medium to High Density Residential |    |    |    | Commercial/Industrial |    |    |                   |                   | Education |    |  |       |           |
|       |                                                               |                         |    |    |    |                                    |    |    |    |                       |    |    |                   |                   |           |    |  |       |           |
| RA    | R1                                                            | R1A                     | RR | R2 | R4 | MH                                 | R3 | OI | B1 | B2                    | B3 | M1 | U1                | E1                | E2        | E3 |  |       |           |
| A-1   | Secondary suite                                               | L                       | L  | L  | L  | L                                  | L  | L  | L  | L                     | L  | L  | L                 |                   |           |    |  | 15.52 |           |
| A-2   | Home occupation                                               | L                       | L  | L  | L  | L                                  | L  | L  | L  | L                     | L  | L  | L                 |                   |           |    |  | 15.53 |           |
| A-3   | Accessory dwelling unit                                       |                         |    | L  | L  | L                                  | L  |    | L  | L                     | L  | L  | L                 |                   |           |    |  | 15.54 |           |
| A-4   | Drive-through                                                 |                         |    |    |    |                                    |    |    |    | L                     |    |    | L                 | L                 |           |    |  | 15.55 |           |
| A-5   | Outdoor display                                               |                         |    |    |    |                                    |    |    |    | L                     | L  | L  | L                 | L                 |           |    |  | 15.56 |           |
| A-6   | Outdoor storage                                               |                         |    |    |    |                                    |    |    |    |                       |    |    | L                 | L                 |           |    |  | 15.57 |           |
| A-7   | Outdoor dining                                                |                         |    |    |    |                                    |    |    |    | L                     | L  | L  | L                 |                   |           |    |  | 15.58 |           |
| A-8   | Automated teller machine (ATM)                                |                         |    |    |    |                                    |    |    |    | P                     | P  | P  | P                 | P                 |           |    |  |       |           |
| A-9   | Automated teller machine (ATM), freestanding                  |                         |    |    |    |                                    |    |    | L  | L                     | L  | L  | L                 | L                 |           |    |  | 15.59 |           |
| A-10  | Produce stand                                                 | L                       |    |    |    |                                    |    |    |    |                       |    |    |                   |                   |           |    |  | 15.60 |           |
| A-11  | Poultry                                                       | L                       | L  | L  | L  | L                                  | L  | L  | L  | L                     |    | L  | L                 |                   |           |    |  | 15.61 |           |
| A-12  | Livestock, small                                              | L                       | L  | L  | L  | L                                  | L  | L  | L  | L                     |    |    | L                 |                   |           |    |  | 15.62 |           |
| A-13  | Livestock, large                                              | L                       |    |    |    |                                    |    |    |    |                       |    |    |                   |                   |           |    |  | 15.63 |           |
| A-14  | Bees                                                          | L                       | L  | L  | L  | L                                  | L  | L  | L  | L                     | L  | L  | L                 |                   |           |    |  | 15.64 |           |
| A-15  | Garden, residential                                           | L                       | L  | L  | L  | L                                  | L  | L  | L  | L                     | L  | L  | L                 | L                 |           |    |  | 15.65 |           |
| A-16  | Satellite receiving antennas less than 1 meter in diameter    | P                       | P  | P  | P  | P                                  | P  | P  | P  | P                     | P  | P  | P                 | P                 |           |    |  |       |           |
| A-17  | Satellite receiving antennas less than 2 meters in diameter   | P                       |    |    |    |                                    |    |    |    | P                     | P  | P  | P                 | P                 |           |    |  |       |           |
| A-18  | Satellite receiving antennas 2 meters and greater in diameter |                         |    |    |    |                                    |    |    |    | S                     |    |    | S                 | P                 |           |    |  |       |           |
| A-19  | Helistop                                                      | S <sup>T300</sup>       |    |    |    |                                    |    |    |    | S <sup>T300</sup>     |    |    | S <sup>T300</sup> | S <sup>T300</sup> |           |    |  |       |           |
| A-20  | Swimming pools, spas, and hot tubs                            | L                       | L  | L  | L  | L                                  | L  | L  | L  | L                     | L  | L  | L                 | L                 |           |    |  | 15.66 |           |
| A-21  | Caretaker's residence                                         |                         |    |    |    |                                    |    |    |    | L                     |    |    | L                 | L                 |           |    |  | 15.67 |           |
| A-22  | Vehicular gate                                                | L                       | L  | L  | L  | L                                  | L  | L  | L  | L                     | L  | L  | L                 | L                 |           |    |  | 15.68 |           |
| A-23  | Vehicle washing station                                       | P                       |    |    |    |                                    |    |    | P  | P                     |    | P  | P                 | P                 |           |    |  |       |           |
| A-24  | Chemical storage facility                                     |                         |    |    |    |                                    |    |    |    |                       |    |    | P <sup>T125</sup> | P <sup>T125</sup> |           |    |  |       |           |
| A-25  | Open air market, accessory                                    | L                       | L  | L  | L  | L                                  | L  | L  | L  | L                     | L  | L  | L                 | L                 |           |    |  | 15.29 |           |
| A-26  | Daycare, small                                                | P                       | P  | P  | P  | P                                  | P  | P  | P  | P                     | P  | P  | P                 | P                 |           |    |  |       |           |

15.07.03 Table of temporary uses.

|  |  |                  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|--|--|------------------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
|  |  | Zoning Districts |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|--|--|------------------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

|      |                                           | <i>Low Density Residential</i> |           |            |           | <i>Medium to High Density Residential</i> |           |           |           | <i>Commercial/Industrial</i> |           |           |           |           | <i>Education</i> |           |           |       |
|------|-------------------------------------------|--------------------------------|-----------|------------|-----------|-------------------------------------------|-----------|-----------|-----------|------------------------------|-----------|-----------|-----------|-----------|------------------|-----------|-----------|-------|
|      |                                           | <i>RA</i>                      | <i>R1</i> | <i>R1A</i> | <i>RR</i> | <i>R2</i>                                 | <i>R4</i> | <i>MH</i> | <i>R3</i> | <i>OI</i>                    | <i>B1</i> | <i>B2</i> | <i>B3</i> | <i>M1</i> | <i>U1</i>        | <i>E1</i> | <i>E2</i> |       |
| T-1  | Temporary care provider dwelling          | L                              |           |            | L         | L                                         | L         | L         | L         | L                            | L         | L         | L         |           |                  |           |           | 15.69 |
| T-2  | Temporary construction or repair dwelling | L                              | L         | L          | L         | L                                         | L         | L         | L         | L                            | L         | L         | L         | L         |                  |           |           | 15.69 |
| T-3  | Temporary construction trailer            | L                              | L         | L          | L         | L                                         | L         | L         | L         | L                            | L         | L         | L         | L         |                  |           |           | 15.69 |
| T-4  | Temporary mobile medical unit             |                                |           |            |           |                                           |           |           |           |                              | L         |           | L         |           |                  |           |           | 15.69 |
| T-5  | Temporary classroom                       |                                |           |            |           |                                           |           |           |           | L                            |           |           | L         |           |                  |           |           | 15.69 |
| T-6  | Temporary portable storage containers     |                                |           |            |           |                                           |           |           |           | L                            |           |           |           | L         |                  |           |           | 15.69 |
| T-7  | Temporary staging                         |                                |           |            |           |                                           |           |           |           | L                            |           |           | L         | L         |                  |           |           | 15.69 |
| T-8  | Temporary non-fixed site event venue      | L                              |           |            |           |                                           |           |           |           | L                            |           |           | L         |           |                  |           |           | 15.69 |
| T-9  | Carrier on wheels (cow)                   | L                              | L         | L          | L         | L                                         | L         | L         | L         | L                            | L         | L         | L         | L         |                  |           |           | 15.69 |
| T-10 | Yard sales                                | L                              | L         | L          | L         | L                                         | L         | L         | L         | L                            | L         | L         | L         | L         |                  |           |           | 15.69 |
| T-11 | Itinerant merchant/peddler                | L                              | L         | L          | L         | L                                         | L         | L         | L         | L                            | L         | L         | L         | L         |                  |           |           | 15.69 |
| T-12 | Open air market, temporary                | L                              |           |            |           |                                           |           |           |           | L                            | L         | L         | L         | L         |                  |           |           | 15.29 |

(Ord. passed 12-16-13)



**§ 15.15 RETIREMENT COMMUNITY CATEGORY 1, RETIREMENT COMMUNITY CATEGORY 2, ~~RESIDENCE HALL CATEGORY 1, RESIDENCE HALL CATEGORY 2, RESIDENCE HALL CATEGORY 3.~~**

15.15.01 Retirement community Category 1 and 1, retirement community Category 2, ~~residence hall Category 1, residence hall Category 2, and residence hall Category 3~~ shall provide adequate supervision in light of the number and needs of the residents and security concerns for the use. [Isn't this already required by state law??]

(Ord. passed 12-16-2013)

**§ 15.16 FRATERNITY AND SORORITY DWELLING.**

15.16.01 A fraternity and sorority dwelling shall provide adequate supervision in light of the number and needs of the residents and security concerns for the use.

15.16.02 Without limiting the applicability of other ordinance requirements, a fraternity and sorority dwelling is subject to Article 25 Community Appearance Standards as well as Article 31 Landscape Standards.

15.16.03 A fraternity and sorority dwelling shall contain a minimum of 250 square feet for each resident.

15.16.04 A fraternity and sorority dwelling shall be located within one-half mile of the school of which it is affiliated.

~~15.16.05 The maximum floor area shall be no greater than one-half of the maximum floor area ratio for the zoning district in which the use is located. For example, a one acre (43,560 ft<sup>2</sup>) lot in the R3 Multiple Family zoning district (.480 maximum floor area) would be able to support a 10,454.4 square foot building with 42 residents.~~

~~Calculation: Maximum Floor Area: 43,560 x .480 = 20,908.8 square feet~~

~~Allowable Floor Area: 20,908.8 x .5 = 10,454.4 square feet~~

~~Total Number of Residents: 10,454.4 ÷ 250 = 41.8~~

G. If the above standards are met, no additional ordinance requirements are applicable.

(Ord. passed 12-16-2013)

**Article 16 District Standards****16.01 Schedule of Land Use Intensity Regulations**

**16.01.01** Unless otherwise specified, development in the following zones shall comply with the intensity regulations indicated in the following Intensity Table.

**A.** Unless otherwise provided in this Ordinance, the land use intensity regulations for architecturally integrated subdivisions shall apply to the development as a whole and not to individual parts thereof.

**B.** In the B-1 Zoning District, a minimum “Building Footprint” of fifty percent (50%) of the lot or parcel area is required. All other regulations in the Intensity Table apply.

(20150028-11192015)

**16.01.02 Intensity Table**

| Zoning District                         | Minimum Gross Land Area | Minimum Lot Width | Minimum Street Frontage | Minimum Livability Space Ratio* (LSR) | Minimum Setbacks |          |
|-----------------------------------------|-------------------------|-------------------|-------------------------|---------------------------------------|------------------|----------|
|                                         |                         |                   |                         |                                       | Street           | Interior |
| RA<br>No Public Water & Sewer Available | 20,000 sq. ft.          | 100 ft.           | 80 ft.                  | .65                                   | 20 ft.           | 18 ft.   |
| RA<br>Public Water Available            | 15,000 sq. ft.          | 80 ft.            | 64 ft.                  | .65                                   | 20 ft.           | 18 ft.   |
| RA<br>Public Water & Sewer Available    | 10,000 sq. ft.          | 65 ft.            | 52 ft.                  | .65                                   | 20 ft.           | 14 ft.   |
| R1                                      | 8,000 sq. ft.           | 70 ft.            | 56 ft.                  | .53                                   | 20 ft.           | 14 ft.   |
| R1A                                     | 8,000 sq. ft.           | 70 ft.            | 56 ft.                  | .53                                   | 20 ft.           | 14 ft.   |
| RR                                      | 6,000 sq. ft.           | 70 ft.            | 56 ft.                  | .48                                   | 20 ft.           | 13 ft.   |
| R2                                      | 6,000 sq. ft.           | 70 ft.            | 56 ft.                  | .48                                   | 20 ft.           | 13 ft.   |
| R4                                      | 6,000 sq. ft.           | 70 ft.            | 56 ft.                  | .48                                   | 20 ft.           | 13 ft.   |
| R3                                      | 5,000 sq. ft.           | 80 ft.            | 64 ft.                  | .40                                   | 20 ft.           | 13 ft.   |

| Zoning District | Minimum Gross Land Area | Minimum Lot Width | Minimum Street Frontage | Minimum Livability Space Ratio* (LSR) | Minimum Setbacks          |                           |
|-----------------|-------------------------|-------------------|-------------------------|---------------------------------------|---------------------------|---------------------------|
|                 |                         |                   |                         |                                       | Street                    | Interior                  |
| MH              | 87,120 sq. ft.          | None              | 56 ft.                  | .51                                   | 20 ft.                    | 20 ft.                    |
| OI              | 10,000 sq. ft.          | 100 ft.           | 80 ft.                  | .27                                   | 20 ft.                    | 17 ft.                    |
| B1              | 5,000 sq. ft.           | 15 ft.            | 12 ft.                  | None                                  | Refer to Section 16.06.02 | Refer to Section 16.06.04 |
| B2              | 5,000 sq. ft.           | 50 ft.            | 40 ft.                  | .27                                   | 20 ft.                    | 17 ft.                    |
| B3              | 5,000 sq. ft.           | 50 ft.            | 40 ft.                  | .27                                   | 20 ft.                    | 17 ft.                    |
| M1              | 17,000 sq. ft.          | 80 ft.            | 64 ft.                  | .3                                    | 20 ft.                    | 22 ft.                    |
| U1              | None                    | None              | None                    | .27                                   | Refer to Section 16.06.09 | Refer to Section 16.06.08 |
| <u>E1</u>       | <u>5,000 sq. ft.</u>    | <u>50 ft.</u>     | <u>40 ft.</u>           | <u>.27</u>                            | <u>20 ft.</u>             | <u>17 ft.</u>             |
| <u>E2</u>       | <u>5,000 sq. ft.</u>    | <u>50 ft.</u>     | <u>40 ft.</u>           | <u>.27</u>                            | <u>20 ft.</u>             | <u>17 ft.</u>             |
| <u>E3</u>       | <u>5,000 sq. ft.</u>    | <u>50 ft.</u>     | <u>40 ft.</u>           | <u>.27</u>                            | <u>20 ft.</u>             | <u>17 ft.</u>             |

(20140384-08212014)

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

**16.01.03** Where a lot is located in more than one zoning district, the appropriate land use intensity ratios shall be applied individually to each portion of the gross land area located within the different districts.

## **16.02 Gross Land Area**

**16.02.01** When a lot is located in more than one zoning district, the minimum square footage of the lot shall be the sum of the square footage derived by multiplying the minimum square footage required for each represented district by the proportion of the lot located within that district.

**16.02.02** The area within the street right-of-way may not be used to satisfy lot area requirements.

## **16.03 Minimum Lot Widths**

**16.03.01** No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that:

- A.** Could be used for purposes that are permissible in that zoning district, and
- B.** Could satisfy any applicable setback requirements for that district.

- 16.03.02** Where a lot fronts two (2) or more streets, the minimum lot width requirement shall be considered met if the lot width at the street setback from any one of such streets meets the minimum lot width requirement.
- 16.03.03** No lot created after the effective date of this Ordinance that is less than the required width shall be entitled to a variance from any building setback requirement.
- 16.04 Minimum Street Frontage Widths**
- 16.04.01** The minimum width of the frontage of a lot on a street shall be eighty percent (80%) of the minimum lot width required for the lot. Easement areas shall be excluded from this requirement.
- 16.04.02** Where a lot fronts on two (2) or more streets, the minimum street frontage width requirements shall be considered met if the frontage along any one of such streets meets the minimum street frontage width requirements.
- 16.04.03** Where a lot fronts on a turning circle of a cul-de-sac or at a point of a street where the radius of the curvature of the right-of-way is less than ninety feet (90'), the minimum street frontage width requirement shall not apply.
- 16.06 Building Setback Requirements**
- 16.06.01** Subject to Sections 16.07 and 16.11 and the other provisions of this Section, no portion of any building may be located on any lot closer to any lot line or to the street right-of-way line or centerline than is authorized in the Intensity Table.
- A.** If the street right-of-way line is readily determinable (by reference to a recorded map, set irons, or other means), the setback shall be measured from such right-of-way line. If the right-of-way line is not so determinable, the setback shall be measured from the street centerline. Whenever a lot fronts a street with a right-of-way of thirty feet (30') or less, the setback shall be measured from a line running parallel to the centerline at a distance of fifteen feet (15') from the centerline.
  - B.** As used in this Section, the term "lot boundary line" refers to lot boundaries other than those that abut streets.
  - C.** As used in this Section, the term "building" includes any substantial structure which by nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. Without limiting the generality of the foregoing, the following structures shall be deemed to fall within this description:
    1. Gas pumps and overhead canopies or roofs.
    2. Fences running along lot boundary adjacent to public street rights-of-way if such fences exceed nine feet (9') in height and are substantially opaque.
    3. Retaining walls which exceed four feet (4') in height.

- D. Flagpoles, bridges, transmission poles, cables, heat pumps, generators, air condition units and pad mounted transformers shall be exempt from building setback requirements, however, walk in coolers and refrigeration units must meet the requirements for accessory buildings.

- 16.06.02** In the B1 district, existing development may rebuild to existing building footprint lines, but cannot rebuild any closer to a street than the established existing building setback line as noted on the Official Existing Building Line Maps recorded with the Watauga County Registry in Deed Book 239, Pages 132-138. Structures existing prior to February 25, 1993 that do not meet the required setbacks shall not be considered to have nonconforming features.
- 16.06.03** In the B1 district, the minimum street setback distance shall not apply to a projecting theater marquee, canopy or roof overhang supports as long as such supports do not go beyond the edge of the sidewalk. This exemption shall not obviate the need for an encroachment agreement.
- 16.06.04** The interior setback for the B1 zoning district is 0', unless the lot abuts a district other than a U1 zoning district, in which case the lot boundary setback shall be fifteen feet (15').
- 16.06.05** In the B2 and B3 zoning districts, sideline to sideline construction may be permitted on one or more lots of at least 100 feet road frontage upon issuance of a special use permit in accordance with the provisions of Article 6 and subject to the following conditions:
- A. The building must be constructed in accordance with the regulations for the primary fire district as contained in the North Carolina State Building Code.
  - B. There shall be a deeded street or right-of-way, built to Town standards, at both the front and the rear of the property.
  - C. Loading, unloading and refuse disposal access shall be from the street at the rear of the property.
  - D. Loading and parking shall be in compliance with Article 24 of this Ordinance.
- 16.06.06** Whenever a lot in a nonresidential district has a common boundary line with a lot in a residential district, and the property line setback requirement applicable to the residential lot is greater than that applicable to the nonresidential lot, then the lot in the nonresidential district shall be required to observe the property line setback requirement applicable to the adjoining residential lot.
- 16.06.07** Setback distances shall be measured from the property line or street right-of-way line to a point on the lot that is directly below the nearest extension of any part of the building that is substantially a part of the building itself and not a mere appendage to it (such as a flagpole, etc.).

- 16.06.08** In the U1 district, the minimum street setback of ten feet (10') shall apply only when development is proposed adjacent to Town maintained streets.
- 16.06.09** In the U1 district, the minimum interior setback shall be increased to fourteen feet (14') only when development is proposed adjacent to R1 zoned property. Additional setback provisions in Section 16.06.05 do not apply in the U1 district. The minimum interior setback is zero feet (0') only when development is proposed adjacent to B1 zoned property.

**16.07 Accessory Structure Setback Requirements**

- 16.07.01** All accessory structures shall meet the building street setback requirement of fifteen feet (15') from the street right-of-way line and seven feet (7') from any interior lot line.
- 16.07.02** No accessory structure may be further forward to the street setback than the front most point of the principal structure.
- 16.07.03** The maximum lot coverage of the accessory structure shall not exceed twenty percent (20%) of the lot.
- 16.07.04** An accessory structure must be clearly subordinate to the principal structure in all dimensional aspects.
- 16.07.05** An accessory structure shall not be located in an easement unless expressly allowed.

**16.08 Building Height Limitations**

- 16.08.01** For the purposes of this Section:

The height of a building shall be the vertical distance measured from the average elevation of the finished grade at the primary façade of the building to the highest point of the building.

"Stories" as used herein refers to the number of heated, habitable floors above grade at the primary facade. Where both stories and heights are listed in the table below at section 16.08.02, the building can have no more than the listed number of stories, and also may not exceed the specified height in feet.

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

| Zone                    | Height Limitation |
|-------------------------|-------------------|
| R1, R1A, RR, R2, R4, RA | 3 stories         |
| R3                      | 3 stories         |
| MH                      | 35'               |
| OI                      | 4 stories/67'     |

| Zone                  | Height Limitation                                                                                                  |
|-----------------------|--------------------------------------------------------------------------------------------------------------------|
| B1                    | On King St. from Water to College and on Depot Street from King to Howard: 3 stories/45'; elsewhere: 4 stories/55' |
| B2                    | 3 stories/ /40'                                                                                                    |
| B3, <u>E1, E2, E3</u> | 3 stories/45' (primary) – 5 stories/67' (secondary)                                                                |
| U1                    | Refer to Subsection 16.08.09                                                                                       |
| M1                    | 67'                                                                                                                |

- 16.08.03** In the B2, ~~and B3~~, E1, E2, and E3 districts the height limitation may range between the primary height limitation in the table to the secondary height (which is the maximum for the district), subject to the provision that for each foot the height of the structure exceeds the primary height limitation, the boundary lot setback applicable to the structure shall increase by one (1) foot. In no case shall the height of a structure exceed the secondary height limitation established in the table.
- 16.08.04** In the B1 district the maximum building height shall be limited to forty-five feet (45'), as measured from the average elevation of the existing or proposed sidewalk along the primary street at the middle of the building elevation facing the street to the highest point of the building or structure. Where a property has primary street frontages on opposite sides the applicable height limitation shall apply for each side and the building height limitation for each side shall terminate at the midpoint of the building.. Where a property does not border a primary street on any side, the maximum height shall be measured from the average finished ground elevation of the finished building. For the purpose of this Section, the following are considered primary streets: King Street, Queen Street, Howard Street, Rivers Street, Water Street, Depot Street, Appalachian Street, Grand Boulevard, Poplar Grove Road, Straight Street, Bent Street, Orchard Street, and Wallace Circle.
- 16.08.05** In all nonresidential zones and the R3 zone, all structures located within 100 feet of an R1 zoned property shall not exceed forty feet (40') in height.
- 16.08.06** Where a multi-unit or nonresidential structure has a height in excess of twenty feet (20') and adjoins a low density residential district, the structure shall meet an additional setback of one and one half feet (1 ½') for each foot in height above twenty feet (20').
- 16.08.07** If a structure is located at an elevation of 3000 feet above mean sea level and 500 feet above the valley floor, in no case shall the height of such structure exceed forty feet (40') above the mean natural grade.
- 16.08.08** The following features are not included in calculating the height of a structure for purposes of applying the district height limitations set forth in Subsection 16.08.02, except that on a corner lot in any residential district no planting, structures, fence, wall or obstruction to

vision more than three feet (3') in height measured from the street center line shall be placed or maintained within the triangular area formed by the intersecting street lines and a straight line connecting points on said street lines each of which is twenty-five feet (25') from the point of intersection.

- A. Chimneys, accessory radio or television antennas, flagpoles, monuments or solar collectors provided that such features do not exceed fifteen percent (15%) of the maximum height requirements.
- B. Church spires, belfries, cupolas, domes, smokestacks, windmills, or observation towers, provided such structures do not exceed in height the horizontal distance from the structure to the nearest property line.
- C. Utility transmission poles and cables.
- D. Elevator or other mechanical equipment and mechanical penthouses; provided, however, that such features must be screened from view by parapets and set-back from roof edges.
- E. Limited structures to enable recreational use of open rooftops; provided, however, that such features must be screened from view by parapets and set-back from roof edges and may be no more than 1/3 the area of the entire roof. As used in this provision, "structures" do not include areas that are simply decking to be used for standing or sitting.

**16.08.09** In the U1 district, building heights for structures internal to the main campus shall be generally limited only by the Town's firefighting capability except for those structures located immediately adjacent to property in a non-University district. In this instance:

- A. All buildings proposed within 100 feet of an R1, R1A, RR, R2, R4, or RA zoned property shall be limited to a maximum height of forty feet (40').
- B. All buildings proposed within fifty feet (50') of an R3, OI, B1, B2, or B3 zoned property shall be limited to the maximum height allowed in the adjoining district. Additional height restrictions in Subsection 16.08.04 and 16.08.05 shall not apply in the U1 district.

**16.09 Minimum Building Spacing**

**16.09.01** The minimum spacing between any two (2) buildings located on a single lot or in the U1 district, which contain dwelling units, shall be the sum of the spacing distances required for the walls of each building or portion thereof as follows:

- A. The required spacing between buildings for any wall containing windows shall be the horizontal distance equal to the minimum interior setback applicable to the lot or district in which it is located, plus one (1) additional foot for each foot the height of the building exceeds thirty-five feet (35').
- B. The required spacing distance for a windowless wall shall be in accordance with the applicable building codes.

**16.09.02** Unless otherwise regulated by this Ordinance, the spacing between structures or portions of structures not containing dwelling units shall be appropriate to the use of such structures or portions thereof. Spacing shall be related to fire protection requirements, the separation of spaces by fences, walls or vegetative screening, the location of parking and service areas, the exposure to nearby living quarters and similar considerations.

**16.10 Intensity Regulations for the U1 District**

**16.10.01** University campus land will be considered as a whole for purposes of computing land use intensities. This provision does not apply to satellite tracts; however, land separated from the main campus only by a public street or thoroughfare will be deemed part of the main campus, ~~and any land separated from the University's State Farm property only by a public street or thoroughfare will be deemed part of the State Farm property.~~

**16.11 Architecturally Integrated Subdivisions**

**16.11.01** In an architecturally integrated subdivision, the applicant may create lots and construct buildings without regard to any minimum lot size, lot width or setback restrictions except that:

- A.** Lot boundary setback requirements shall apply where and to the extent that the subdivided tract abuts land that is not part of the subdivision, and
- B.** Each lot must be of sufficient size and dimensions that it can support the structure proposed to be located on it, consistent with all other applicable requirements of this Ordinance.

**16.11.02** The number of dwelling units in an architecturally integrated subdivision may not exceed the maximum density authorized for the tract under Section 16.01. The number of lots allowed in an architecturally integrated subdivision shall be calculated by dividing the project area by the minimum gross land area as shown in Section 16.01. For an architecturally integrated subdivision project that is composed of areas with different zoning designations, the number of units shall be determined for each zoning district. The maximum number of units for the project shall be the sum of the densities for each district. The units may be distributed throughout the project without regard to the zoning district lines subject to meeting the requirements of Subsection 16.11.01. Further, only uses authorized by Article 15 shall be permitted in each zoning district.

**16.11.03** To the extent reasonably practicable, in architecturally integrated subdivisions the amount of land saved by creating lots that are smaller than the standards set forth in Section 16.01 shall be set aside as usable open space.

**16.11.04** The purpose of this Section is to provide flexibility, consistent with the public health and safety and without increasing overall density, to the applicant who subdivides property and constructs buildings on the lots created in accordance with a unified and coherent plan of development.

**16.12 Density On Lots Where Portion Dedicated to Town**

- 16.12.01** Subject to the other provisions of this Ordinance, if (i) any portion of a tract lies within an area designated on any officially adopted Town plan as part of a proposed public park, greenway, or bikeway, and (ii) before the tract is developed, the owner of the tract, with the concurrence of the Town, dedicates to the Town that portion of the tract so designated, then, when the remainder of the tract is developed for residential purposes, the permissible density at which the remainder may be developed shall be calculated by regarding the dedicated portion of the original lot as if it were still part of the lot proposed for development.

**Article 17 Wellness District Standards**

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**17.02 District Use Requirements**

- 17.02.01** Except as provided herein, all principal, accessory and temporary uses within the WD shall comply with Article 15 District Uses.
- 17.02.02** Except for educational uses and medical uses, development containing more than 20,000 square feet or having building footprints greater than half an acre shall provide for a mix or two or more (2+) principal uses.
- 17.02.03** The permitted uses allowed within the Wellness District are those permitted under the Town of Boone, Unified Development Ordinance, Article 15, District Use Requirements as of the date of the approved Wellness District Small Area Plan and are further limited herein.

Table of Principal Uses

| Use #                         | Specific Use                      | Reference |
|-------------------------------|-----------------------------------|-----------|
| <b>3.0 Transient Living</b>   |                                   |           |
| 3.07                          | Hotel                             |           |
| <b>4.0 Institutional Uses</b> |                                   |           |
| 4.05                          | Post Office                       |           |
| <b>5.0 Government Uses</b>    |                                   |           |
| 5.12                          | Police Substation                 |           |
| <b>7.0 Telecommunication</b>  |                                   |           |
| 7.11                          | Emergency Response Communications |           |
| <b>8.0 Assembly</b>           |                                   |           |
| 8.01                          | Religious Assembly, Category 1    |           |

| Use #                           | Specific Use                                                                                                                                                                  | Reference |
|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 9.0 Education                   |                                                                                                                                                                               |           |
| 9.01                            | <del>Appalachian State University (no residential uses allowed)</del> <a href="#">Public Colleges and Universities (no residential uses allowed)</a>                          |           |
| 9.02                            | <del>Caldwell Community College &amp; Technical Institute (no residential uses allowed)</del> <a href="#">Private Colleges and Universities (no residential uses allowed)</a> |           |
| 9.03                            | <del>Other Public Colleges &amp; Universities (no residential uses allowed)</del>                                                                                             |           |
| 9.04                            | <del>Other Private Colleges &amp; Universities (no residential uses allowed)</del>                                                                                            |           |
| 10.0 Daycare                    |                                                                                                                                                                               |           |
| 10.01                           | Child Daycare, Large                                                                                                                                                          | 15.25     |
| 10.02                           | Child Daycare Center                                                                                                                                                          |           |
| 10.04                           | Adult Daycare Center                                                                                                                                                          |           |
| 11.0 General Sales and Service: |                                                                                                                                                                               |           |
| 11.04                           | Financial Institution ≤ 5,000 ft²                                                                                                                                             |           |
| 11.05                           | Financial Institution > 5,000 ft²                                                                                                                                             |           |
| 11.06                           | Restaurant ≤ 2,500 ft² open to the public during 10 pm – 6 am                                                                                                                 |           |
| 11.07                           | Other Restaurants ≤ 2,500 ft²                                                                                                                                                 |           |
| 11.08                           | Restaurant > 2,500 ft² open to the public during 10 pm – 6 am                                                                                                                 |           |
| 11.09                           | Other Restaurants > 2,500 ft²                                                                                                                                                 |           |
| 11.13                           | Other Personal Service Establishments                                                                                                                                         |           |
| 11.14                           | Retail Store up to 5,000 ft²                                                                                                                                                  |           |
| 11.15                           | Retail Store more than 5,000 but less than 25,000 ft²                                                                                                                         |           |
| 11.16                           | Retail Store 25,000 ft² and greater                                                                                                                                           | 17.02.05  |
| 11.18                           | Business/Professional Office open to the public during 10 pm–6 am                                                                                                             |           |
| 11.19                           | Other Business or Professional Office                                                                                                                                         |           |
| 11.20                           | Medical Office, Category 1                                                                                                                                                    |           |
| 11.21                           | Medical Office, Category 2                                                                                                                                                    |           |
| 11.22                           | Medical Office, Category 3                                                                                                                                                    |           |

| Use #           | Specific Use                    | Reference |
|-----------------|---------------------------------|-----------|
| 11.23           | Medical Office, Category 4      |           |
| 11.24           | Hospital                        |           |
| 11.25           | Medical Emergency Response      |           |
| 11.35           | Therapy Farm                    |           |
| 12.0 Recreation |                                 |           |
| 12.10           | Recreation Facility, Category 1 |           |
| 15.0 Parking    |                                 |           |
| 15.01           | Parking Structure               | 15.47     |

...

## Article 34 DEFINITIONS

**COLLEGE or UNIVERSITY.** A degree-granting institution, other than a trade school, which provides education beyond the high-school level, and typically has programs resulting in an Associate's, Bachelor's, or Master's degree. In addition to classroom buildings, it may include offices, laboratories, lecture halls, dormitories, residence halls, athletic facilities, and similar buildings and other facilities. ~~Institution of higher learning that provides education to undergraduates and awards bachelors and sometimes masters degrees~~

**TRADE SCHOOL.** An institution which offers vocational and technical training in a variety of technical subjects and trades, typically resulting in a certification. ~~it may include residential components for students and faculty.~~

~~UNIVERSITY. An educational institution for higher learning that typically includes an undergraduate college, graduate schools in various disciplines and sometimes professional schools.~~

### CONFORMITY TO ADOPTED PLANS

#### 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.

**Community Appearance and Community Character:** Blend the built environment with the natural, scenic, and historic character of a High Country small town. Especially discourage commercial strip development, cluttered signage, and “cheap” apartment buildings.

**Open Space:** Integrate open space and greenways into the urban fabric of the Town. Preserve the countryside by discouraging suburban sprawl. Avoid development in floodplains, on ridgetops, and on steep slopes.

**Environmental Quality:** Address and monitor growth factors and activities that contribute to water, air, light, and noise pollution.

**Trees:** Conserve existing trees and plant new trees, especially hardwoods.

**Automobile Transportation:** Maximize the efficiency of existing facilities, but not at the expense town and neighborhood character and livability. Build or expand transportation facilities and parking areas as needed, but with care. Work to reduce auto dependency, use, and congestion.

**Bikeways:** Implement the planned system of bikeways as a legitimate transportation alternative. Unify with greenways and other pedestrian facilities where possible.

**Mass Transit:** Enhance and support the mass transit system as an effective alternative to the congestion created by the individual automobile.

**Pedestrian Movement:** Encourage a system of sidewalks, paths, crosswalks and compact development patterns which make it easy to get around Boone on foot.

**Infrastructure:** Engage in long range planning for water and sewer systems, stormwater runoff, natural gas, and other utility systems. Place overhead utilities underground whenever feasible.

**Public Safety:** Maintain a high level of policing and fire protection and plan the expansion of public safety services to coincide with projected population increases and identified needs.

**Energy and Waste:** Reduce waste generation, and the consumption of energy and water. Develop area recycling programs to the fullest. Encourage an anti-litter consciousness among residents and visitors.

**University:** Emphasize cooperative planning among the Town, County, and University.

**Downtown:** Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

**Recreation:** Strive for additional public recreation facilities, especially sports fields, greenways and indoor recreation centers.

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

**Public Involvement:** Encourage active public involvement and volunteerism to expand the effectiveness of community planning and action.

**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.

## COMPREHENSIVE PLAN POLICIES

### 2.1 THE ECONOMY

#### 2.1.1 Economic Development

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.

### PLANNING BOARD REPORT/RECOMMENDATIONS

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

**First motion and vote:** The proposed amendment to the Town's zoning ordinance ☐is OR ☐is not consistent with the Town's comprehensive plan and other applicable adopted plans of the Town which relate to this application because:

---

**Second Motion and Vote:** The Planning Commission recommends ☐approval OR ☐denial for the following reasons:

---

### TOWN COUNCIL ACTION

Per NCGS 160A-383, zoning regulations shall be made in accordance with a comprehensive plan. Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board considers the action taken to be reasonable and in the public interest.

**First motion and vote:** The proposed amendment to the Town's zoning ordinance ☐is OR ☐is not consistent with the Town's Comprehensive plan and other applicable adopted plans of the Town which relate to this application because:

---

**Second Motion and Vote:** I move to ☐approve OR ☐deny the proposed amendment to the Town's zoning ordinance and believe ☐approval OR ☐denial is reasonable and in the public interest because:

---

# Zoning/Planning Permit Application

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](http://www.townofboone.net)

## PERMIT IS FOR (CHOOSE ONE):

- ☐ Single Family or Duplex (Residential)
- ☐ Commercial
- ☐ Board of Adjustment Hearing (other than Appeals)
- ☒ Planning/Other

### A. CONTACT INFORMATION

Applicant: Town of Boone Company: \_\_\_\_\_  
Address: PO Drawer 192, Boone, NC 28607  
Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_  
Property Owner: \_\_\_\_\_ Company: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

### B. PROPERTY INFORMATION

Watauga County Parcel Identification Number(s): NA  
Address/Location: NA  
Project Name: Use 14.01 Microbrewery/M1 Manufacturing District- UDO Text Amendment

### C. PERMIT SUBCATEGORIES

#### Additional Forms Needed

#### Zoning Permits

- ☐ Accessory Building \*Zoning Project Data Form (Residential or Commercial)
- ☐ Addition/Expansion including decks and patios \*Zoning Project Data Form (Residential or Commercial)
- ☐ Change of Occupancy \*Commercial Project Data Form
- ☐ Land Disturbance (not associated with the construction of a bldg.) \*Zoning Project Data Form (Residential or Commercial)
- ☐ Manufactured Home Set-up in Park \*Manufactured Home in Park Form
- ☐ New Building Construction \*Zoning Project Data Form (Residential or Commercial)
- ☐ Renovation/Remodel \*Zoning Project Data Form (Residential or Commercial)
- ☐ Accessory Use (as listed in UDO Subsection 15.07.01) \*Zoning Project Data Form (Residential or Commercial)
- ☐ Temporary Use (as listed in UDO Subsection 15.07.02) \*Zoning Project Data Form (Residential or Commercial)
- ☐ Sign \*Sign Project Data Form (Zoning)
- ☐ Pavement Sealant \*Pavement Sealant Project Data Form
- ☐ Major Subdivision Zoning Permit \*Commercial Project Data Form

#### Board of Adjustment Hearings

- ☐ Special Use Permit/Modification \*Special Use Permit Form
- ☐ Variance \*Variance Form
- ☐ Major Subdivision Preliminary Plat Approval \*Major Subdivision Preliminary Plat Approval Form

#### Planning/Other

- ☐ Exempt Division of Land \*Subdivision Exemption Project Data Form
- ☐ Minor Subdivision (Preliminary and Final Plat) \*Minor Subdivision Project Data Form
- ☐ Major Subdivision (Final Plat) \*Major Subdivision Final Plat Project Data Form
- ☒ UDO Text Amendment \*Text Amendment Project Data Form
- ☐ General Use Zoning Map Amendment \*General Use Map Zoning Map Amendment Project Data Form
- ☐ Conditional District Zoning Map Amendment \*Conditional District Zoning Map Amendment Project Data Form
- ☐ Voluntary Annexation \*Annexation Petition (Satellite or Contiguous)
- ☐ UDO Text Interpretation \*UDO Interpretation Data Form

**D. DETAILED DESCRIPTION OF PROJECT**

See Project Data Form

**E. PROJECT MANAGER DESIGNATION**

A project manager is responsible for the activities listed in UDO Section 4.19. Single-family and two-family projects involving less than ½ acre of land disturbing activity or commercial site improvements that involve no more than 2,500 square feet of land disturbing activity are exempt from this requirement.

Name: NA Company: \_\_\_\_\_  
 Address: \_\_\_\_\_ License #: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

**F. DESIGN PROFESSIONAL INFORMATION****Engineer: NA**

Name: \_\_\_\_\_ Company: \_\_\_\_\_  
 Address: \_\_\_\_\_ License #: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

**Architect: NA**

Name: \_\_\_\_\_ Company: \_\_\_\_\_  
 Address: \_\_\_\_\_ License #: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

**G. 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<sup>1</sup> (Print)**

**Jane Shook**  
**Applicant Signature**

**06/12/2017**  
**Date**

**NA**  
**Property Owner (Print)**

**NA**  
**Property Owner Signature**

**NA**  
**Date**

**Official Use Only**

Project File Name:

Use 14.01 Microbrewery/M1 Manufacturing District- UDO Text Amendment

Permit Number:

PL00558-061217

Project Name/Number:

NA

|                        |            |                       |                          |                |
|------------------------|------------|-----------------------|--------------------------|----------------|
| Date:<br>June 12, 2017 | Fee:<br>NA | Receipt Number:<br>NA | Method of Payment:<br>NA | Paid By:<br>NA |
|------------------------|------------|-----------------------|--------------------------|----------------|

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<sup>1</sup> Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person must be submitted along with this application. Execution by property owner of this application signifies that the applicant is authorized to proceed.

## UDO Text Amendment Project Data Form

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](http://www.townofboone.net)

### Official Use Only

**Project Name/Number:**

Educational Districts & Uses- UDO Text Amend

**Permit Name/Number:**

PL00479-050817

### A. TEXT INFORMATION

**Amendment is to:**

Article(s): Articles 15

Section(s): Section 15.07 Table of Principal Uses

**Brief Description of Amendment (Attach Proposed Text):**

Modification of the UDO text to allow Use 14.01 Microbrewery as a principal use in the M1 Manufacturing District

**Reason for Change:** Upon review of the brewery related uses allowed in the M1 Manufacturing District, Staff discovered that Use 14.01 Microbrewery was not included as a principal use, while Use 14.02 Brewpub and Use 14.03 Brewery/Distillery were allowed.

### Official Use Only

Public Hearing Meeting Date: June 26, 2017

PC Meeting Date: June 26, 2017

TC Meeting Date: July 20, 2017

Text Approved: ☐ Yes ☐ No

Date UDO Updated: \_\_\_\_\_

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Communication: Use 14.01 Microbrewery/M1 Manufacturing District-Application Information (Case PL00558-061217 Use 1401 Microbrewery



**STAFF REPORT  
PUBLIC HEARING  
JUNE 26, 2017**

**CASE PL00558-061217 USE 14.01 MICROBREWERY/M1 MANUFACTURING DISTRICT-  
UDO TEXT AMENDMENT**

**Request**

Request to modify UDO Article 15 to allow Use 14.01 Microbrewery in the M1 Manufacturing District. While recently reviewing a request, Staff discovered that Use 14.01 Microbrewery, a manufacturing use, are not permissible in the M1 Manufacturing District.

Upon review of the description for the M1 Manufacturing District and the definitions for each of the brewery related uses, Staff feels that not including Use 14.01 Microbrewery as a principal use in the Manufacturing District was an error when the Table was revised to allow these uses in 2013. The report includes the description of the M1 Manufacturing District, the definitions for brewery related uses and an excerpt of the Table of Principal Uses modified to allow Use Microbrewery in the M1 Manufacturing District.

**Proposed Amendment**

The text below in ~~red strikethrough~~ is the text proposed to be deleted and the blue underline is the new text for consideration.

Below is the description for the M1 Manufacturing District and the definitions for each use for comparison, followed by the Table of Principal Uses:

**Article 14 Zoning Districts and Zoning Map**

**§ 14.04 MANUFACTURING DISTRICT ESTABLISHED.**

**14.04.01** The M1 Manufacturing District is established primarily to accommodate appropriate, light industrial and warehouse enterprises engaged in the assembly, fabrication, finishing, packaging or warehousing of goods and materials, including the storage and processing of raw materials into other products.

(Ord. passed 12-16-2013)

**Article 34 Definitions**

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**BREWERY/DISTILLERY.** A manufacturing operation engaged in the production of malt and distilled beverages, which has all operations contained within a fully enclosed building, and is not classified in these definitions as a microbrewery or a brewpub.

**BREWERY/DISTILLERY, OTHER.** A manufacturing operation engaged in the production of malt and distilled beverages, and is not classified in these definitions as a brewery/distillery, microbrewery or a brewpub.

**MICROBREWERY.** A manufacturing operation engaged in the production of malt and distilled beverages, with an annual production less than 15,000 US beer barrels (1,800,000 L); which has all operations contained within a fully enclosed building.

# Article 15 District Use Requirements

...

## 15.07 TABLE OF PRINCIPAL USES.

| Use # | Specific Use                      | Zoning Districts        |    |     |    |                                    |    |    |    |                       |                  |    |                   |                                  |           |    |    | Reference |       |
|-------|-----------------------------------|-------------------------|----|-----|----|------------------------------------|----|----|----|-----------------------|------------------|----|-------------------|----------------------------------|-----------|----|----|-----------|-------|
|       |                                   | Low Density Residential |    |     |    | Medium to High Density Residential |    |    |    | Commercial/Industrial |                  |    |                   |                                  | Education |    |    |           |       |
|       |                                   | RA                      | R1 | R1A | RR | R2                                 | R4 | MH | R3 | OI                    | B1               | B2 | B3                | M1                               | U1        | E1 | E2 |           |       |
| 14.0  | Manufacturing                     |                         |    |     |    |                                    |    |    |    |                       |                  |    |                   |                                  |           |    |    |           |       |
| 14.01 | Microbrewery                      |                         |    |     |    |                                    |    |    |    |                       | L <sup>T75</sup> |    | L <sup>T125</sup> | <a href="#">L<sup>T125</sup></a> |           |    |    |           | 15.39 |
| 14.02 | Brewpub                           |                         |    |     |    |                                    |    |    |    |                       | L <sup>T75</sup> |    | L <sup>T125</sup> | L <sup>T125</sup>                |           |    |    |           | 15.39 |
| 14.03 | Brewery/distillery                |                         |    |     |    |                                    |    |    |    |                       |                  |    | L <sup>T125</sup> | L <sup>T125</sup>                |           |    |    |           | 15.40 |
| 14.04 | Brewery/distillery, other         |                         |    |     |    |                                    |    |    |    |                       |                  |    |                   |                                  |           |    |    |           | 15.41 |
| 14.05 | Winery associated with a vineyard | L <sup>T125</sup>       |    |     |    |                                    |    |    |    |                       |                  |    |                   | L <sup>T125</sup>                |           |    |    |           | 15.42 |
| 14.06 | Winery                            |                         |    |     |    |                                    |    |    |    |                       |                  |    | L <sup>T125</sup> | L <sup>T125</sup>                |           |    |    |           | 15.42 |
| 14.07 | Winery, other                     |                         |    |     |    |                                    |    |    |    |                       |                  |    |                   |                                  |           |    |    |           |       |
| 14.08 | Extraction of earth materials     |                         |    |     |    |                                    |    |    |    |                       |                  |    |                   |                                  |           |    |    |           |       |
| 14.09 | Machine/welding shop              |                         |    |     |    |                                    |    |    |    |                       |                  |    | L <sup>T200</sup> | L <sup>T200</sup>                |           |    |    |           | 15.44 |
| 14.10 | Manufacturing, other              |                         |    |     |    |                                    |    |    |    |                       |                  |    |                   | L <sup>T300</sup>                |           |    |    |           | 15.45 |

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### § 15.39 MICROBREWERY AND BREWPUB.

**15.39.01** Outdoor storage is not allowed.

**15.39.02** Shipping for distribution of the malt or distilled beverage and receiving of stock and supplies for the production of the malt or distilled beverage is prohibited between the hours of 9:00 p.m. and 6:00 a.m.

**15.39.03** All visible emission, odor (related to the production of the malt or distilled beverage), air pollution, noise and dust standards set forth for Manufacturing in Section [15.45](#) must be met.

(Ord. passed 12-16-2013)

### § 15.40 BREWERY/DISTILLERY.

**15.40.01** Outdoor storage is not allowed.

**15.40.02** All visible emission, odor, air pollution, noise and dust standards set forth for manufacturing in Section [15.45](#) must be met.

(Ord. passed 12-16-2013)

### § 15.41 BREWERY/DISTILLERY, OTHER.

**15.41.01** All outdoor storage must be screened in accordance with Section [15.57](#).

**15.41.02** All visible emission, odor, air pollution, noise and dust standards set forth for Manufacturing in Section [15.45](#) must be met.

## CONFORMITY TO ADOPTED PLANS

### 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.

**Community Appearance and Community Character:** Blend the built environment with the natural, scenic, and historic character of a High Country small town. Especially discourage commercial strip development, cluttered signage, and "cheap" apartment buildings.

**Open Space:** Integrate open space and greenways into the urban fabric of the Town. Preserve the countryside by discouraging suburban sprawl. Avoid development in floodplains, on ridgetops, and on steep slopes.

**Environmental Quality:** Address and monitor growth factors and activities that contribute to water, air, light, and noise pollution.

**Trees:** Conserve existing trees and plant new trees, especially hardwoods.

**Automobile Transportation:** Maximize the efficiency of existing facilities, but not at the expense town and neighborhood character and livability. Build or expand transportation facilities and parking areas as needed, but with care. Work to reduce auto dependency, use, and congestion.

**Bikeways:** Implement the planned system of bikeways as a legitimate transportation alternative. Unify with greenways and other pedestrian facilities where possible.

**Mass Transit:** Enhance and support the mass transit system as an effective alternative to the congestion created by the individual automobile.

**Pedestrian Movement:** Encourage a system of sidewalks, paths, crosswalks and compact development patterns which make it easy to get around Boone on foot.

**Infrastructure:** Engage in long range planning for water and sewer systems, stormwater runoff, natural gas, and other utility systems. Place overhead utilities underground whenever feasible.

**Public Safety:** Maintain a high level of policing and fire protection and plan the expansion of public safety services to coincide with projected population increases and identified needs.

**Energy and Waste:** Reduce waste generation, and the consumption of energy and water. Develop area recycling programs to the fullest. Encourage an anti-litter consciousness among residents and visitors.

**University:** Emphasize cooperative planning among the Town, County, and University.

**Downtown:** Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

**Recreation:** Strive for additional public recreation facilities, especially sports fields, greenways and indoor recreation centers.

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

**Public Involvement:** Encourage active public involvement and volunteerism to expand the effectiveness of community planning and action.

**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.

## **COMPREHENSIVE PLAN POLICIES**

### **2.1 THE ECONOMY**

#### **2.1.1 Economic Development**

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.

## **PLANNING BOARD REPORT/RECOMMENDATIONS**

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

**First motion and vote:** The proposed amendment to the Town's zoning ordinance ☐is OR ☐is not consistent with the Town's comprehensive plan and other applicable adopted plans of the Town which relate to this application because:

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**Second Motion and Vote:** The Planning Commission recommends ☐approval OR ☐denial for the following reasons:

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## TOWN COUNCIL ACTION

Per NCGS 160A-383, zoning regulations shall be made in accordance with a comprehensive plan. Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board considers the action taken to be reasonable and in the public interest.

**First motion and vote:** The proposed amendment to the Town's zoning ordinance ☐is OR ☐is not consistent with the Town's Comprehensive plan and other applicable adopted plans of the Town which relate to this application because:

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**Second Motion and Vote:** I move to ☐approve OR ☐deny the proposed amendment to the Town's zoning ordinance and believe ☐approval OR ☐denial is reasonable and in the public interest because:

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