

**BOONE TOWN COUNCIL MEETING and
PLANNING RETREAT
Wednesday, April 10, 2019**

Town Council members in attendance: Mayor Rennie Brantz, Mayor Pro Tem Loretta Clawson, Connie Ulmer (arrived at 9:17 a.m.), Sam Furgiuele, Marshall Ashcraft, and Lynne Mason

Planning & Inspections Staff in attendance: Jane Shook, Brian Johnson, Christy Turner, Marty Little, and Brenda Henson

Other Town Staff in attendance: John Ward-Town Manager, Rick Miller-Public Works Director

Others in attendance: Allison Meade-Town Attorney

Call to Order

Mayor Brantz called the Town Council meeting to order at 9:08 a.m.

Tentative Agenda Adoption

Council Member Mason made a motion approve the agenda as presented. The motion was seconded by Council Member Ashcraft.

VOTE: Aye – All
 Nay – None

The motion passed.

Consideration of Items Tabled from the March 21, 2019 Town Council Meeting

Case PL01817-082318 Section 15.11 – UDO Text Amendment

The Town of Boone has initiated a text amendment to amend Unified Development Ordinance Section 15.11 to require developments to follow the same bedroom/unit requirements as set forth in Section 15.10 and to make revisions as to when parking can be counted as part of the required commercial area.

Ms. Shook noted that Planning Commission tabled this item at their January 28, 2019 meeting due to the numerous amount of items on their agenda but made a recommendation at their February 25, 2019 meeting to approve the text.

Vote 1:

Council Member Mason made a motion that the proposed amendment to the Town's zoning ordinance is

consistent with the Town's comprehensive plan and any other adopted plan (s) of the Town that are applicable because the proposed text is consistent with the overall objectives of the Comprehensive Plan listed in section 1.1, in addition to Comprehensive Plan Policy 2.1.1(A) which states the Town shall protect and enhance a high quality of life, image, and cultural amenities, policy 2.1.1(B) New and expanding industries and businesses shall be encouraged which diversity the local economy, train and use a skilled labor force and increase area resident's incomes, and policy 2.1.2(B) Commercial and office development shall be encouraged to locate in planned shopping centers, office parks and mixed use developments to stop the proliferation of strip development, and also in the natural beauty as the most effective long term component of economic development strategy. The motion was seconded by Council Member Furguele who wished to amend the motion to add policy 2.1.1(K) which states Boone shall identify and provide services consistent with the needs of the area's growing retiree population because the mixed bedrooms can accomplish that and give people more opportunities and more housing choices, policy 2.3(A) Urban type development within the Urban Growth Area shall meet appropriate Town standards, policy 2.3(B) Properly planned, mixed use developments that promote efficient provision of public services shall be encouraged within the Urban Growth Area, and policy 2.3.3(F) The affordable housing needs of area residents, particularly elderly and low to moderate income residents, shall be recognized in Town policies and actions regarding residential development. Council Member Mason accepted the amendment. Council Member Ashcraft felt those were good additions to the motion.

VOTE: Aye – All
 Nay – None

The motion passed.

Vote 2:

Council Member Mason made a motion that Town Council approves the proposed amendment to the Town's zoning ordinance and believes approval is reasonable and in the public interest because these regulations help build community character, they preserve commercial business zones from new and expanding businesses, they provide a diversity of housing within Town limits including housing for retirees and affordable housing options and they encourage new and different residential developments. The motion was seconded by Council Member Furguele.

VOTE: Aye – All
 Nay – None

The motion passed.

Committee Charge for Sustainability, Economics & Environment Committee

Mr. Little stated that Town Council had discussed, at the March 5, 2019 Planning Retreat, changing the charge of the Sustainability Committee and a draft charge was contained in the Council packet for consideration.

Council Member Furguele made a motion that Town Council adopt the draft charge. The motion was seconded by

Mayor Pro Tem Clawson. Mayor Brantz asked if the creation of subcommittees had to be approved by Town Council. Ms. Meade replied that it did.

Mr. Little noted the old draft charge indicated the duration of the committee would be in perpetuity until modifies by Council action. The new draft states the committee duration will be one year from adoption of the charge unless extended by Town Council. Council Member Furguele felt the duration should not be perpetual but thought one year might be too short and suggested two might be better.

Ms. Shook asked Council to consider the next charge for the committee to be creating incentives for sustainable design and development. She stated she would like some input from the professionals on the Sustainability committee regarding LEED and Green Globe. Ms. Shook noted there had been some controversy over some of these programs and she would like to get the committees feedback. Council Member Furguele asked if that information could be obtained from somewhere other than the Sustainability Committee. Ms. Shook replied that it could.

Council Member Furguele stated received some negative feedback from some of the Committee members after the last meeting because they felt like the more global directive by the prior Town Council had left them with the feeling of having the rug pulled out from under them so there was some resistance to a new charge. Council Member Furguele felt, however, that it was the most productive meeting of Sustainability he had ever attended. He stated he did not want to distract the Committee from their focus but felt that things could be added to them in a specific and finite way as they came up.

Council Member Ulmer arrived at 9:17 a.m.

Council Member Furguele suggested striking the word subsequent in item 3 under Duties.

Council Member Furguele reiterated his motion to approve the draft but amended the motion to remove the word subsequent in item 3 under Duties and change the duration from one year to two years. Mayor Pro Tem Clawson accepted the amendment. Ms. Shook asked if this would include the name change from Sustainability, Economics, and Environment Committee to just Sustainability Committee. Council was in agreement with the name change. Ms. Meade noted there was State law regarding development incentives that might need to be considered. Ms. Shook explained that she just wanted input on the programs at this time.

VOTE: Aye – All
 Nay – None

The motion passed.

Process for Public Hearing & Deliberation of UDO Amendments and Conditional District Conditions

Ms. Meade stated that the idea was to make the process more explicit and provide direction regarding how hearings should function as a forum. She stated the proposed text would also clarify that Town Council and

Planning Commission have the ability to discuss possible conditions they wish to place on the proposed development. Ms. Meade noted that the proposed text would clarify when an amendment was deemed submitted to the Planning Commission and that would be when the 30-day clock would begin for Planning Commission to make recommendations on the request. The text would also allow the Planning Commission to request from Town Council a second public hearing to gather additional public comment or other information. Ms. Meade noted that conditions of approval were best discussed during the public hearing and this was outlined in the proposed text. She also stated that the text contained language requiring an applicant to answer any request by Town Council regarding agreement to a proposed condition.

Council Member Furgiuele supported the changes but suggested possibly stating explicitly that questioning staff did not constitute re-opening the public hearing. He also felt that if an applicant refused to answer questions they were asked by Town Council or Planning Commission then it should be considered a withdrawal of their application.

Ms. Meade wished to clarify that, if a second public hearing is conducted, Planning Commission would have 30 days from the date of the second public hearing to make a recommendation to Town Council.

Council Member Furgiuele felt there needed to be a cap on the time period an applicant had to consider requested conditions and suggested it be 30 days. Council Member Mason agreed.

Council Member Furgiuele made a motion that this be sent to the May Public Hearing. The motion was seconded by Council Member Mason.

VOTE: Aye – All
 Nay – None

The motion passed.

Direction to Town Manager Regarding the Development of a “Resiliency Plan”

Council Member Furgiuele stated he placed this item on the agenda after the last Sustainability Committee meeting when it became apparent to him that there was a difference in a Resiliency Plan and the attempts to move forward with sustainability. He explained that Resiliency Plans were for natural disasters or hacking into the Town’s computer system. Council Member Furgiuele asked Mr. Ward if he could start collecting information to create a formal Resiliency Plan that would address the operations and essential operations in the Town in the event of a variety of possible disasters or interruptions in service.

Mayor Brantz asked how this would fit with the emergency plans currently in effect. Council Member Furgiuele felt it was a broader concept than just the emergency plans because those plans are not very specific.

Mr. Ward asked how detailed the Council wanted the plan to be because too much detail could provide enough insight to a criminal that they could create what the Town was trying to prevent. Council Member Furgiuele

advised Mr. Ward to use his discretion in the amount of detail. Mr. Ward stated there was a sense of assurance in the community to know that plans were in place. He noted that the Town currently uses the Incident Command System that is the same throughout Federal and State training models. Council Member Furgiuele suggested providing a draft plan within the next year. Mr. Ward stated he would like to bring back an outline to make sure he is addressing all items necessary and then work with department heads to fill in the details.

Council Member Furgiuele made a motion to direct the Town Manager to begin the development of a Resiliency Plan with the time frame for the process be left up to the Town Manager. Mayor Pro Tem Clawson seconded the motion. Council Member Ashcraft expressed concern about ransomware attacks and stated they needed to make sure staff was informed of the common ways these things get into the system.

VOTE: Aye – All
 Nay – None

The motion passed.

Clarify Town Goals Regarding Climate Neutrality and Renewable Energy

Council Member Furgiuele felt the Council may have created some confusion when they endorsed the proposal by Harvard Ayers for solar conversion which included the statement that the Town would achieve complete use of renewable energy by 2030. He noted that the previous Council had endorsed the target date for the use of renewables by 2050 and he felt the goals needed to be clarified. Council Member Furgiuele stated that things were moving fast and felt the target date may need to be moved up. He also noted that there needed to be clarification on whether the goals were for the organization that is called the Town of Boone or for the community within the Town limits that is called the Town of Boone.

Council Member Furgiuele suggested that the Council endorse three separate goals. The first goal he would like for Council to endorse would be for climate neutrality within the organization that is called the Town of Boone, which should be the easiest goal to achieve. Council Member Furgiuele stated the Town might not be able to go to all renewables but could offset some of the use of non-renewables with things like planting more trees. He stated he would like to see climate neutrality for the Town organization by no later than 2030 and maybe even earlier than that.

Council Member Furgiuele stated the second goal would be to have all renewables by 2040 instead of 2050, with the elimination of all propane, fossil fuels, gasoline, etc. for Town operations.

Council Member Furgiuele stated the third goal would be that the municipality of the Town of Boone be all renewables and climate neutral by 2050. Council Member Furgiuele felt this might not be ambitious enough but felt this should be the hierarchy of goals.

Mr. Ward noted that the dates for these goals were not as limiting as the Town's finances or funding. He stated he recently had a conversation with Blue Ridge Electric about the Town's model they are working with New River

Light & Power and they may have found a way to accelerate the Town's access to renewable generated power in the form of solar. Mr. Ward stated this idea would still cost but would not cost into the millions of dollars. He explained this was like an updated version of electricity through a partnership. Mr. Ward stated he was unsure if, by 2050, there would be a snow plow that would meet the goals discussed. He also noted there would be a significant cost to meeting these goals and asked that Council keep that in mind as they were budgeting.

Council Member Furgiuele agreed with Mr. Ward regarding costs but was unenthusiastic about raising taxes. He suggested the possibility of a bond referendum. Council Member Furgiuele stated he had read a lot about climate neutrality and renewables and felt very strongly about it. He added that, if the Town only budgeted \$100,000 a year toward the goals, they would never reach climate neutrality.

Council Member Mason agreed that the Town needed clear goals and should then look at what would be needed to implement those goals. She felt the community should be educated on practical items that were easy to implement now in order to get them thinking about the future and the more complicated measures they could eventually do.

Mr. Ward agreed and stated they needed to be creative on the financing and, while he could get financing tomorrow, it was the debt payment that was the issue. He stated if Council wanted to get aggressive they would have to look at the entire capital improvement plan for all of the basic operations and figure out how this becomes part of those basic operations.

Mayor Pro Tem Clawson stated the Town has had public land for some time and could have planted trees. She felt the Town fell way behind with the 421 project and trees make a tremendous difference. Council Member Mason explained that DOT had assured the Town they were going to plant trees in the public spaces along 421 and that never happened.

Mr. Ward stated there would be some discussion at the next Council meeting about additional buffering along the New River on the Bolick property and these plantings could be counted as a match for additional grant work that they are working on. Mr. Ward stated he was in favor of these goals and noted the Town had made some major progress with solar, hybrid vehicles, the purchase of e-bikes, and stormwater improvements. Ms. Ward again cautioned Council that these goals would cost a significant amount of money and they would need to be aware and prepared if they wished to proceed.

Mayor Brantz felt the timeframes for the goals were good and realistic.

Council Member Mason commended the students who presented on the ASU SGA climate neutrality bill. She stated she was impressed with their presentation and was now reassured that this generation understands the issues.

Council Member Furgiuele suggested deferring action on this topic and place it on next week's regular Town Council agenda in order to give the opportunity for public comment. There was general consensus of Council to

move this topic to next week's Council meeting.

Council Member Ashcraft stated he was going to be opposed to the timeframes. He felt as a rural community we would not be able to make those goals because people would act too slowly and he could not vote for a goal he felt could not be met. Council Member Ashcraft stated he would suggest more achievable goals at the Town Council meeting.

Council Member Furgiuele felt that government was way too slow to act and it was time they stopped being so slow. He noted it was impossible to predict where technology would be. Council Member Furgiuele also felt the Town should advertise the things they do to help improve the environment so that citizens can be aware of the fact that the Town is doing public good. Council Member Furgiuele suggested exploring things that could be included in the UDO to help with climate neutrality. He also felt whatever goals were adopted should be included in the Comprehensive Plan.

Council Member Ashcraft agreed with Council Member Furgiuele that the Town should be more aggressive.

Mr. Ward noted that a demonstration of a 100% electric bus that has been implemented by some other communities was scheduled for later this summer.

Council Member Furgiuele made a motion to have this topic discussed at next week's Town Council meeting on Tuesday. The motion was seconded by Council Member Mason then suggested the topic be discussed at the Thursday meeting due to the fact that there was a County Commissioner's meeting on Tuesday night that people may want to go to. Council Member Furgiuele agreed to that change.

VOTE: Aye – All
 Nay – None

The motion passed.

Incentives to Town Departments Regarding the Use of Fossil Fuels

Council Member Furgiuele suggested incentives such as cash bonuses for departments or department heads who achieve the greatest improvement in the reduction of the use of non-renewable energy. He stated that making change would require a Town-wide commitment from staff at all levels. Council Member Furgiuele stated it seemed all departments of the Town were not equally committed to the goals of sustainability and the conversion to renewable forms of energy. He noted that different departments use different equipment and it may be more difficult for some departments to meet the goals.

Mayor Brantz asked if it was legal to give bonuses like that. Mr. Ward felt they could figure out a way but thought the difficulty would be comparing Cultural Resources to Public Works or Police to Finance.

Council Member Ashcraft stated he liked the basic idea but the situations across departments were so different.

He suggested that 25% of the amount of cost savings achieved through the reduction of the use of fossil fuels be shared equally among all Town staff. Mr. Ward replied that he would like to look at some potential incentives that may already be out there in an effort to be fair because he would want to improve moral versus impact it. Mr. Ward noted that days off were a huge incentive for anyone. Ms. Meade suggested that publishing the results could be an incentive. Mr. Ward felt that food could be an incentive.

Council Member Furgiuele stated, if Council was generally in agreement, it would be helpful to look at the possible incentives that would benefit Town employees and place this item on next month's Council agenda. Mr. Ward asked if this item could be placed 2-3 months out because next month might not afford enough time for research on the topic.

Council Member Furgiuele made a motion to have the Town Manager come back to Council at their June meeting with ideas or a timeframe to bring back ideas to creative incentives for departments and individual Town employees to look at ways to help convert the Town to reduced use of non-renewable fuels. The motion was seconded by Mayor Pro Tem Clawson and stated where she used to work they had an incentive program and she would ask to see if they were still doing it and what they were doing. Council Member Ulmer asked if Town employees knew what they had available in terms of reusable fuel. She felt it was important to educate the Town employees about things they could do in their positions. Council Member Furgiuele replied the Sustainability Committee was meeting with department heads in order to gain necessary information to create a tool kit of sustainable ideas for the Town's use. Mr. Ward added that incentives sound good but how the Town would pay for them had to be considered.

VOTE: Aye – All
 Nay – None

The motion passed.

Invite Grocery Store Representatives to Solicit Ideas on Reducing the Use of Plastic Bags

Mayor Brantz stated he promoted this idea a few years ago but it did not go anywhere.

Council Member Furgiuele stated there was nothing stopping them from inviting representatives from grocery and retail stores who use plastic bags to come and make recommendations to Council about how to reduce the usage of plastic bags.

Ms. Meade referenced an NPR story regarding the unintended consequences of doing away with plastic bags, noting that the story indicated plastic bags have the smallest climate impact of all bags based on research.

Council Member Mason suggested Council might get more feedback if they sent out a survey instead of asking people to come to a meeting. She noted that some stores, such as Lowes Food, were already offering incentives for customers to bring their own bags instead of using plastic bags.

Rick Miller stated that his office has had conversations about plastic bags with the local supermarkets and big box stores. He felt a survey might not be a bad idea because the local level employees are pushing this up to the corporate level for any type of policy change decision.

Council Member Furgiuele asked what it would hurt to invite the people and see what happened. Council Member Mason felt they could do the invite but, depending on the response, they should be ready to follow up with a survey.

Mr. Ward offered for consideration that the Town could encourage and partner with an organization such as the Farmers Market to incorporate reusable bags. Council Member Mason stated that the bags being used at the Farmers Market were compostable and biodegradable. Council Member Furgiuele agreed with Mr. Ward's idea about partnering with the Farmers Market and suggested this be a provision in the license agreement with the Farmers Market.

Council Member Furgiuele made a motion to invite representatives of local grocery stores and major retailers to the September Council meeting to share their strategies for reducing the use of non-reusable bags. The motion was seconded by Mayor Pro Tem Clawson.

VOTE: Aye – All
 Nay – None

The motion passed.

Press Release Policy to Address Climate Change

Council Member Furgiuele stated the Town needed to be more systematic about advertising through press releases regarding sustainable and environmental steps the Town has taken. He felt this could help serve as an example to other small towns.

Mr. Ward asked how Council wanted to expand the press release coverage and contacts and asked who they wanted to target. Council Member Furgiuele felt Council needed to know who was currently on the press release list and asked that they be provided a copy of that list.

Mayor Brantz stated they had discussed in the past having a Public Information Officer. Mr. Ward replied that his only concern would be that a Public Information Officer would not be a specialist and he or a department head would have to spend just as much time creating the press release for the PIO to send to the contacts. Mr. Ward felt that current staff could handle the press releases and suggested the possibility of social media. He noted that both the Watauga Democrat and High Country Press are reposting things on social media and that seems to be getting a lot of response.

Council Member Furgiuele felt the Town should have a Facebook page, Twitter, and Instagram.

Mr. Ward stated he would send Council members the current media list and asked that they consider who they would like to add. He felt there were some things that could be done on the Town's website and there may be other ways to get the word out. Mr. Ward stated he would work on possible ideas.

Council Member Furguele made a motion to have the Town Manager distribute by email to Town Council the outlets who currently receive press releases, that the Town enhance its press release efforts particularly in the environmental area, and by July the Town Manager bring recommendations to Council. The motion was seconded by Mayor Pro Tem Clawson.

VOTE: Aye – All
 Nay – None

The motion passed.

Instruct Town Attorney to Prepare a Draft Ordinance to Address Bike Sharing

Council Member Furguele stated that, at the Sustainability Committee, it was discussed that there were a number of sharing businesses looking at Boone and will likely start to offer their services soon. Council Member Mason stated she would expand this to include scooters.

Council Member Furguele noted that a Sustainability Committee member stated there were problems with bikes being left all over the place in other towns with bike sharing.

Council Member Furguele made a motion for the Town Attorney to look at this and come back and make some recommendations to Council about what measures they may want to consider before they actually come into Town. The motion was seconded by Mayor Pro Tem Clawson. Council Member Ulmer suggested working with ASU on this because they may already have something on it. Ms. Shook noted that Lee Ball, who is on the Sustainability Committee and works at ASU, had mentioned that ASU was looking at bike sharing. Council Member Furguele and Mayor Pro Tem Clawson accepted the amendment to work with ASU on this topic.

VOTE: Aye – All
 Nay – None

The motion passed.

Closed Session

Ms. Meade stated there was no need for a closed session.

Mayor Brantz called a break in the meeting from 11:09 a.m. until 11:24 a.m.

Consideration of Items Tabled/Scheduled from the March 6, 2019 Planning Retreat

Stormwater Update from Town Manager

Mr. Ward stated the stormwater update was primarily to focus on a possible total ordinance review. He stated the first option was going with an engineering firm who gave a quote of approximately \$40,000.

A second option that Mr. Ward identified would entail working with New River Conservancy and the Riverkeepers to have a code ordinance review to be completed by the Center for Watershed Protection. Mr. Ward explained that the Center for Watershed Protection was an academic engineering and environmental group based out of Maryland. He noted they had developed a tool to use that takes communities through their existing ordinances and then brings in experts to suggest what best practices have been implemented by other communities. Mr. Ward stated the final product could be the Center for Watershed Protection coming to make a presentation to Council to answer their questions and/or suggest changes. Because the Town already works with the Conservancy and the Riverkeepers this would cost in the less than \$10,000 range.

Mr. Ward stated the third option, and one that he would not recommend, was to have an internal staff review. He felt incremental changes had been made and staff has been on-board and very well capable. However, one of Mr. Ward's concerns was the workload that has already been placed on the Planning staff and Public Works. Mr. Ward felt having staff give guidance to the professionals would be more reasonable.

Mr. Ward stated his understanding of this goal was that it was to review the existing ordinance, look for incremental changes that could strengthen the ordinance, and then discuss the proposed changes.

Council Member Mason stated she had a conversation with Andy Hill with Watauga Riverkeepers and apparently they have done this same type thing in other communities in North Carolina as well.

Council Member Furguele asked what the difference would be between an engineering firm doing the work and the Riverkeepers doing it. Mr. Ward replied that he felt the product would be the same. He stated this was a good initial step to help strengthen the ordinance until a full assessment could be done but he did not think this was an end-all solution to the Town's flooding issues but if there are less contributing factors to flooding that would be a major advancement.

Council Member Ashcraft stated it sounded like none of this would provide an updated assessment on the ground of where the problems are coming from what the scope is. Mr. Ward replied that would require higher priced engineering than the \$40,000 quote he obtained, which was to have the engineers review our ordinance and make suggestions, the same as the Center for Watershed Protection. Mr. Ward noted that a full flood assessment is still being pursued from the Army Corp of Engineers and would cost hundreds of thousands of dollars and take 6+ months with people on the ground getting detailed analyses of pipes and such and none of that would be accomplished with something costing \$10,000 - \$40,000.

Ms. Meade asked if whoever did the analysis would be looking not only at the small amount of ordinance that we do have but also looking at what we do not have. Mr. Ward replied that they would be looking at both.

Council Member Furgiuele stated this sounded encouraging and felt the \$10,000 option was a good option at this time. He noted there was a lot of construction going on right now and the faster the Town can move forward on strengthening the ordinance the better.

Mr. Ward stated he would prepare a recommendation to bring to Council and would like recommend option #2.

B1 Downtown – Use Review

Ms. Shook stated that the Community Appearance Commission would be coming to Council with a recommendation to help protect the Downtown by proposing two different B1 districts; the B1 Downtown Core and the B1 Downtown Interface. She noted that the proposed Core and Interface area was larger than the current B1 district. Ms. Shook provided Council members with a copy of the proposed text and Table of Principal Uses for discussion (attached). She explained how to use the Table noting that if there was a blank cell beside a use then it was not allowed in the district. A “P” meant the use was permitted by right. An “L” meant the use was permitted by right but with limitations. An “S” meant the use required a Special Use Permit. A “CD” meant the use was subject to a Conditional District. A “T followed by a number” meant the use was subject to Transitional Zone requirements of whatever the number distance indicated.

Mr. Marty Little updated the Section 15.07 as the Council went through the uses. Discussion on particular uses is below followed by the Table.

1.0 Household Living

Council Member Furgiuele felt that larger mixed use developments did not need to be in the Core and should only be allowed in the Interface district but thought mixed use up to 30 bedrooms could be in either district. Council Member Furgiuele made the following suggestions:

1.01 through 1.13 - not allowed in the B1 Downtown Core or Interface.

1.14 Multi-Family Dwelling in Mixed Use (up to 30 bedrooms) – allow in the Core with an “L”, allow in the Interface with an “L” in the table

1.15 Multi-Family Dwelling in Mixed Use (31-100 bedrooms) – allow in the Core with a “CD”, allow in the Interface with an “L T125”

1.16 Multi-Family Dwelling in Mixed Use (more than 100 bedrooms) – not allowed in the Core, allow in the Interface with an “L T300”

Ms. Meade stated she would not be staying for the remainder of the meeting but wished to address the Assembly uses in Section 8.0 regarding churches, clubs, and lodges. She stated that Council might be concerned with the amount of traffic generated from these uses and although it had been the thought that churches should be allowed in any zoning district, she felt that was not the case. Ms. Meade felt that Council may not want to allow churches in the B1 Downtown Core due to traffic concerns and she thought it would be lawful to not allow them. She cautioned that clubs and churches should be treated the same because they pose the same type of impacts.

Mr. Ward noted there was already a business in the Downtown area with a rooftop area and a second business proposing a rooftop area. He asked that, when Council was considering mixed use development, they think about the possibility of mixed use on the top or bottom floor. Ms. Shook noted that currently mixed use requires commercial to be on the street level and she felt it was important to maintain street level commercial in the Downtown Core in order to provide pedestrian access and interaction.

Ms. Shook noted they would proceed with the suggested changes by consensus because this would still have to go to Public Hearing.

Mayor Brantz called a break in the meeting from 12:05 p.m. until 12:41 p.m. for lunch.

2.0 Group Living

2.01 through 2.14 - not allowed in the B1 Downtown Core or Interface.

3.0 Transient Living

Council Member Mason asked what the difference was between a Category 1 and a Category 2 Shelter for Homeless. Ms. Shook explained that a Category 1 shelter housed less than 10 and a Category 2 housed more than 10.

3.01 through 3.08 - not allowed in the Core and 3.03, 3.06, and 3.07 - not allowed in the Interface.

3.01 Home for Survivors of Domestic Violence – allow in the Interface with an “L T125”

3.02 Shelter for Homeless, Category 1 – allow in the Interface with an “L T50”

3.04 Bed and Breakfast, Category 1 – allow in the Interface with an “L”

3.05 Bed and Breakfast, Category 2 – Council wished to consider this use again when they considered the hotel issue.

Council Member Furgiuele stated that, according to research done by Andy Paletta, there were 583 Airbnb’s in the Boone area. Mr. Ward noted that approximately 300 of those were located inside the Town limits. Council Member Furgiuele stated he had placed this topic on Council’s agenda for further discussion and felt that discussion should take place before deciding if vacation rentals should be allowed in the Downtown Core or Interface.

3.06 Vacation Rental – needs more discussion and public input

Council Member Mason felt hotels should be allowed in the Downtown. Council Member Furgiuele agreed but expressed concern about building height and the possibility of the hotel converting to student housing.

Council Member Ashcraft asked if there should be a Category 1 and a Category 2 for hotels.

Ms. Shook felt that parking should be required for hotels and under current ordinance regulations parking is not

required in the B1 district.

3.08 Hotel – do not populate the Table until further consideration is given

Council Member Furguele stated he would support having two categories for hotels but still felt the Table should not be populated until some standards were adopted.

Council Member Mason expressed concern that more mixed use with student housing would be put Downtown instead of what the Town really needed.

Ms. Shook noted that parking was on Council's priority list and parking for hotels could be addressed at that time. Ms. Shook felt that parking recommendations would come back to Council sometime in the fall.

Ms. Shook pointed out that hotels were allowed in the current B1 and would continue to be allowed in the current B1 until the proposed B1 Downtown Core and B1 Downtown Interface districts were adopted.

Council Member Furguele suggested, in the interim, replacing the "P T200" in the current B1 to "CD" so any hotel wanting to go in the B1 would have to go through Conditional District until the CAC standards are in place. Ms. Shook wished to clarify that Council Member Furguele was requesting a text amendment, separate from this, to change the "P T200" to a "CD" for the current B1. Council Member Furguele stated that was correct and to modify the language to require parking for hotels. Ms. Shook asked if Council wanted to hear the text amendment at the May Public Hearing.

Council Member Furguele made a motion for staff to create a text amendment for the May Public Hearing to require hotels in the current B1 to obtain Conditional District approval as well as require parking. The motion was seconded by Council Member Ulmer.

VOTE: Aye – All
 Nay – None

The motion passed.

4.0 Institutional

4.01, 4.02, 4.06, and 4.07 - not allowed in the B1 Downtown Core or Interface.

4.03 Funeral Home Establishment – allow in the Core and the Interface with a "P"

4.04 Cemetery – do not allow in the Core, allow in the Interface with a "P"

4.05 Post Office – allow in the Core and the Interface with a "P"

5.0 Government Uses

5.01 through 5.16 – remain the same as the current B1 in both the Core and the Interface

6.0 Non-Government Utility Facility

6.01 and 6.02 – remain the same as the current B1 in both the Core and the Interface

7.0 Telecommunications

7.01 through 7.11 - This is a topic coming up at Public Hearing so Ms. Shook felt there was no need to address this section at this time.

8.0 Assembly

Ms. Shook stated she had conversation with another jurisdiction's director who told her that their attorney advised there should be no mention of alcohol in their ordinance because alcohol is regulated by the State not the Town.

Council Member Furgiuele suggested having 4 categories of Assembly based on size and not distinguish between Religious and Club/Lodge. This way all assembly types would be treated equally. Council Member Ashcraft felt assemblies of more than 100 should only be allowed in the Interface.

Mayor Brantz called a break in the meeting from 1:48 p.m. until 2:01 p.m.

Council Member Mason asked if the Theatre could be treated differently than other assembly uses. Ms. Shook explained that this assembly category was for religious and club/lodge assemblies and there were other types of assemblies that could be treated differently. She added that the Theatre was permitted as an event venue and they have not obtained permission to use the facility as a religious assembly.

Ms. Shook felt it best to address this section after some additional research.

9.0 Education

9.01 through 9.06 - not allowed in the B1 Downtown Core or the B1 Downtown Interface

9.07 College or university-operated community enterprise – allow in the Core and the Interface with an “L”

10.0 Daycare

10.01 through 10.05 – not allowed in the B1 Downtown Core or the B1 Downtown Interface

11.0 General Sales and Service

11.01 and 11.02 – not allowed in the Core or the Interface

11.03 Veterinary Office/Hospital without Outdoor Kennels – allow in the Core and the Interface with a “P”

11.04 Financial Institution 5,000 sq. ft. or less – allow in the Core and the Interface with a “P”

11.05 Financial Institution greater than 5,000 sq. ft. – allow in the Core and the Interface with a “P”

11.06 Restaurant 5,000 sq. ft. or less open to the public during 10 pm-6 am – allow in the Core with a “P T125”, allow in the Interface with a “P T200”

11.07 Other Restaurants 2,500 sq. ft. or less – allow in the Core and the Interface with a “P”

11.08 Restaurant greater than 2,500 sq. ft. open to the public during 10 pm-6 am – allow in the Core with a “P”

T125", allow in the Interface with a "P T200"

11.09 Other Restaurants greater than 2,500 sq. ft. – allow in the Core and the Interface with a "P T75"

11.10 and 11.11 – incorporate these two uses into 11.08 and 11.09 so that it would be 2,500 to 3,500 sq. ft. and change the time frame from 10 pm-6 am to 11 pm-7 am in keeping with the noise ordinance

11.12 Bar – not allowed in the Core or the Interface

11.13 ABC Store – remove as a use from B1 completely

11.14 Personal Service Establishment open to the public during 10 pm-6 am – allow in the Core and the Interface with a "P T125" and change the operating times to 11 pm-7 am in keeping with the noise ordinance

11.15 Other Personal Service Establishments – allow in the Core and the Interface with a "P"

11.16 Retail Store up to 5,000 sq. ft. – allow in the Core and the Interface with a "P"

Add a category called Retail Store 5,000 to 10,000 sq. ft. – allow in the Core with a "CD", allow in the Interface with a "P T300"

11.17 Retail Store more than 5,000 but less than 25,000 sq. ft. – allow in the Core with a "CD", allow in the Interface with a "P T300", change the range to 10,000 but less than 25,000 sq. ft.

11.18 Retail Store 25,000 sq. ft. and greater – not allowed in the Core or the Interface

11.20 Business or Professional Office open to the public during 10 pm-6 am – allow in the Core with a "P T50", allow in the Interface with a "P T125" and change the time frame to 11 pm-7 am

11.21 Other Business or Professional Office – allow in the Core and the Interface with a "P"

11.22 Medical Office, Category 1 – allow in the Core and the Interface with a "P T300"

11.23 Medical Office, Category 2 – allow in the Core and the Interface with a "P T125"

11.24 Medical Office, Category 3 – not allowed in the Core or the Interface

11.25 Medical Office, Category 4 – allow in the Core and the Interface with a "P"

11.26 Hospital – not allowed in the Core or the Interface

11.27 Medical Emergency Response – not allowed in the Core, allow in the Interface with a "P T300"

11.28 Open Air Market, Recurring – not allowed in the Core, allow in the Interface with an "L"

11.29 and 11.30 – not allowed in the Core or the Interface

11.31 Moped Sales and Service – not allowed in the Core, allowed in the Interface with a "P"

11.32 through 11.35 – not allowed in the Core or the Interface

11.36 Seasonal Retail Activities and Amusements – allowed in the Core and the Interface with a "P"

12.0 Recreation and Entertainment Uses

12.01 and 12.02 – not allowed in the Core or the Interface

12.03 Indoor Theater – allow in the Core and the Interface with a "P"

12.04 Outdoor Theater – allow in the Core with a "P", allow in the Interface with "P T125"

12.05 Event Venue, Category 1 – allow in the Core and the Interface with a "P"

12.06 Event Venue, Category 2 – allow in the Core and the Interface with a "P T50"

12.07 Event Venue, Category 3 – allow in the Core and the Interface with a "P T200"

12.08 and 12.09 – not allowed in the Core or the Interface

12.10 Recreation Facility, Category 1 – allow in the Core and the Interface with a "P", need definition for the term

Recreation

12.11 and 12.12 – address after definition of Recreation is created

12.13 Racetrack – not allowed in the Core or the Interface

13.0 Agriculture

13.01 Garden, Community – allow in the Core and the Interface with an “L”

13.02 Garden, Residential – allow in the Core and the Interface with an “L”

13.03 through 13.08 – not allowed in the Core or the Interface

13.09 Forestry – allow in the Core and the Interface with an “L”

14.0 Manufacturing

14.01 Microbrewery – allow in the Core with an “L T125”, allow in the Interface with an “L T200”

14.02 Brewpub – allow in the Core with an “L T75”, allow in the Interface with an “L T125”

14.03 through 14.10 – not allowed in the Core or the Interface

Ms. Shook stated staff could review Brewpub uses with restaurants and bring that back for consideration of possible new categories. She asked if Council would want to follow the same model as the restaurant uses and include square footage and hours of operation. Council felt that would be appropriate.

Mr. Ward asked if it made a difference what type of alcohol people were making.

15.0 Parking

15.01 and 15.02 – allow in the Core and the Interface with a “CD”

15.03 Park and Ride Lots – not allowed in the Core, allow in the Interface with a “CD”

16.0 Storage

16.01 through 16.05 – not allowed in the Core or the Interface

17.0 Transportation

17.01 through 17.03 – not allowed in the Core or the Interface

18.0 Waste Related Uses

18.01 through 18.04 – not allowed in the Core or the Interface

19.0 Particular Activities Which Pose Particular Concerns About Public Health

19.01 and 19.02 – not allowed in the Core or the Interface

15.07.01 Table of Accessory Uses

A-1 Secondary suite – not allowed in the Core, allow in the Interface with an “L”

A-2 Home occupation – allow in the Core and the Interface with an “L”, consider what a home occupation is

A-3 Accessory dwelling unit – not allowed in the Core, allow in the Interface with an “L”

- A-4 Drive-through – not allowed in the Core or the Interface
- A-5 Outdoor display – allow in the Core and the Interface with an “L”
- A-6 Outdoor storage – not allowed in the Core or the Interface
- A-7 Outdoor dining – allow in the Core and the Interface with an “L”
- A-8 Automated teller machine (ATM) – allow in the Core and the Interface with a “P”
- A-9 Automated teller machine (ATM), freestanding – allow in the Core and the Interface with an “L”
- A-10 through A-13 – not allowed in the Core or the Interface
- A-14 Bees – allow in the Core and the Interface with an “L”
- A-15 Garden, residential – allow in the Core and the Interface with an “L”
- A-16 Satellite receiving antennas less than 1 meter in diameter – allow in the Core and the Interface with a “P”
- A-17 Satellite receiving antennas less than 2 meters in diameter – allow in the Core and the Interface with a “P”
- A-18 and A-19 – not allowed in the Core or the Interface
- A-20 Swimming pools, spas, and hot tubs – allow in the Core and the Interface with an “L”
- A-21 Caretaker’s residence – not allowed in the Core or the Interface
- A-22 Vehicular gate – allowed in the Core and the Interface with an “L”
- A-23 and A-24 – not allowed in the Core or the Interface
- A-25 Open air market, accessory – allow in the Core and the Interface with an “L”
- A-26 Daycare, small – allow in the Core and the Interface with a “P”
- T-1 Temporary care provider dwelling – allow in the Core and the Interface with an “L”
- T-2 Temporary construction or repair dwelling – not allowed in the Core, allow in the Interface with an “L”
- T-3 Temporary construction trailer – allow in the Core and the Interface with an “L”
- T-4 Temporary mobile medical unit – not allowed in the Core, allow in the Interface with an “L”
- T-5 Temporary classroom – not allowed in the Core or the Interface
- T-6 Temporary portable storage containers – allowed in the Core and the Interface with an “L”
- T-7 and T-8 – not allowed in the Core or the Interface
- T-9 Carrier on wheels (cow) – allow in the Core and the Interface with an “L”
- T-10 Yard sales – not allowed in the Core, allow in the Interface with an “L”
- T-11 Itinerant merchant/peddler – allow in the Core and the Interface with an “L”, need food truck regulations and clearer regulation language for itinerant merchant
- T-12 Open air market, temporary – allow in the Core and the Interface with an “L”
- T-13 Temporary Use 9.01 Public Colleges and Universities – not allowed in the Core or the Interface

15.07 Table of Principal Uses

Use #	Specific Use	B1	B1-DC	B1-DI	Reference
1.0 Household Living					
1.01	Single-Family Dwelling				
1.02	Manufactured Home “Class A”				15.08
1.03	Manufactured Home “Class B”				15.08
1.04	Manufactured Home “Class C”				
1.05	Manufactured Home Park				15.09

Use #	Specific Use	B1	B1-DC	B1-DI	Reference
1.06	Duplex (one duplex building per lot)				
1.07	Duplex (more than one duplex building per lot)				15.10
1.08	Townhouse (up to 30 bedrooms)				15.10
1.09	Townhouse (31-100 bedrooms)				15.10
1.10	Townhouse (> 100 bedrooms)				15.10
1.11	Multi-Family Dwelling (up to 30 bedrooms)				15.10
1.12	Multi-Family Dwelling (31-100 bedrooms)				15.10
1.13	Multi-Family Dwelling (> 100 bedrooms)				15.10
1.14	Multi-Family Dwelling in Mixed Use (up to 30 bedrooms)	L	L	L	15.11
1.15	Multi-Family Dwelling in Mixed Use (31-100 bedrooms)	L ^{T125}	CD	L T125	15.11
1.16	Multi-Family Dwelling in Mixed Use (> 100 bedrooms)	L ^{T125}		L T300	15.11
2.0 Group Living					
2.01	Family Care Home				15.13
2.02	Family Care Institutions				15.14
2.03	Halfway House, Category 1				15.14
2.04	Halfway House, Category 2				15.14
2.05	Nursing Care Home				15.14
2.06	Nursing Care Institution				15.14
2.07	Skilled Nursing Facility				15.14
2.08	Retirement Community, Category 1				15.15
2.09	Retirement Community, Category 2				15.15
2.13	Fraternity or Sorority Dwelling				15.16
2.14	Boarding House				15.17
3.0 Transient Living					
3.01	Home for Survivors of Domestic Violence			L T125	15.18
3.02	Shelter for Homeless, Category 1	L ^{T50}		L T50	15.19
3.03	Shelter for Homeless, Category 2				15.19
3.04	Bed and Breakfast, Category 1	L		L	15.20
3.05	Bed and Breakfast, Category 2	L ^{T125}			15.20
3.06	Vacation Rental	L ^{T75}			15.21
3.07	Motel				
3.08	Hotel	p ^{T200}			
4.0 Institutional					
4.01	Airport/Landing Strip				15.22
4.02	Heliport				15.22
4.03	Funeral Home Establishment	P	P	P	
4.04	Cemetery	P		P	
4.05	Post Office	P	P	P	
4.06	Post Office, Distribution				

Use #	Specific Use	B1	B1-DC	B1-DI	Reference
4.07	Animal Sanctuary				
5.0 Government Uses					
5.01	Government Cultural Facility	P	P	P	
5.02	Government Neighborhood Cultural Facility, Indoor Activity Only	P	P	P	
5.03	Government Neighborhood Cultural Facility, Includes Outdoor Activity	P	P	P	
5.04	Recreation Facility, Category 1	P	P	P	
5.05	Recreation Facility, Category 2	P	P	P	
5.06	Recreation Facility, Category 3	P ^{T50}	P ^{T50}	P ^{T50}	
5.07	Event Venue, Category 1	P	P	P	
5.08	Event Venue, Category 2	P	P	P	
5.09	Event Venue, Category 3	P ^{T50}	P ^{T50}	P ^{T50}	
5.10	Landfill				
5.11	Solid Waste Processing				
5.12	Police Substation	P	P	P	
5.13	Utility Facility, Town	L	L	L	15.23
5.14	Utility Facility, Government, Neighborhood	L	L	L	15.23
5.15	Utility Facility, Government, Regional				15.23
5.16	Government Facility	P	P	P	
6.0 Non-Government Utility Facility					
6.01	Utility Facility, Neighborhood	L	L	L	15.23
6.02	Utility Facility, Regional				15.23
7.0 Telecommunications					
7.01	Antenna Collocation on Existing Wireless Support Structure not requiring additional accessory equipment	P			
7.02	Antenna Collocation on Existing Wireless Support Structure requiring additional accessory equipment	L			15.24
7.03	Building Mounted Antenna not requiring additional accessory equipment	L			15.24
7.04	Building Mounted Antenna requiring additional accessory equipment	L			15.24
7.05	Antenna Collocation on Electrical Transmission Towers				15.24
7.06	Other Antenna	L			15.24
7.07	Wireless Support Structure which meets district height requirements	L			15.24
7.08	Stealth Wireless Facility which exceeds district height requirements	L			15.24
7.09	Wireless Support Structure which does not meet district height requirements up to and including 120'				15.24
7.10	Other Tower that exceeds 120' in height				15.24
7.11	Emergency Response Communication Antenna	P			

Use #	Specific Use	B1	B1-DC	B1-DI	Reference
8.0 Assembly					
8.01	Religious Assembly, Category 1	P		P	
8.02	Religious Assembly, Category 2	P		P	
8.03	Religious Assembly, Category 3	P ^{T200}		P ^{T200}	
8.04	Club/Lodge, Category 1	P ^{T75}		P ^{T75}	
8.05	Club/Lodge Which Does Not Serve Alcohol	P			
9.0 Education					
9.01	Public colleges and universities				
9.02	Private colleges and universities				
9.03	Trade school				
9.04	High school				
9.05	Elementary school				
9.06	Boarding school				
9.07	College- or university-operated community enterprise	L	L	L	15.70
10.0 Daycare					
10.01	Child Daycare, Large				15.25
10.02	Child Daycare Center				15.25
10.03	Adult Daycare, Large				15.25
10.04	Adult Daycare Center				15.25
10.05	All Other Daycare				
11.0 General Sales and Service					
11.01	Kennel				15.26
11.02	Veterinary Office/Hospital with Outdoor Kennels				15.26
11.03	Veterinary Office/Hospital without Outdoor Kennels	P	P	P	
11.04	Financial Institution ≤ 5,000 ft ²	P	P	P	
11.05	Financial Institution > 5,000 ft ²	P	P	P	
11.06	Restaurant ≤ 2,500 ft ² open to the public during 10 pm – 6 am	P ^{T75}	P ^{T125}	P ^{T200}	
11.07	Other Restaurants ≤ 2,500 ft ²	P	P	P	
11.08	Restaurant > 2,500 ft ² open to the public during 10 pm – 6 am	P ^{T125}	P ^{T125}	P ^{T200}	
11.09	Other Restaurants > 2,500 ft ²	P ^{T75}	P ^{T75}	P ^{T75}	
11.10	Restaurant ≤ 3,500 ft ² open to the public during 10 pm-6 am				
11.11	Other Restaurants ≤ 3,500 ft ²				
11.12	Bar				
11.13	ABC Store	P			
11.14	Personal Service Establishment open to the public during 10 pm – 6 am	P ^{T50}	P ^{T125}	P ^{T125}	
11.15	Other Personal Service Establishments	P	P	P	
11.16	Retail Store up to 5,000 ft ²	P	P	P	

Use #	Specific Use	B1	B1-DC	B1-DI	Reference
11.17	Retail Store more than 5,000 but less than 25,000 ft ²	p ^{T125}	CD	P T300	
11.18	Retail Store 25,000 ft ² and greater				15.27
11.19	Reserved				
11.20	Business or Professional Office open to the public during 10 pm–6 am	p ^{T50}	P T50	P T125	
11.21	Other Business or Professional Office	P	P	P	
11.22	Medical Office, Category 1	p ^{T300}	p ^{T300}	p ^{T300}	
11.23	Medical Office, Category 2	p ^{T125}	p ^{T125}	p ^{T125}	
11.24	Medical Office, Category 3				
11.25	Medical Office, Category 4	P	P	P	
11.26	Hospital				
11.27	Medical Emergency Response	p ^{T300}		P T300	
11.28	Open Air Market, Recurring			L	15.29
11.29	Vehicle Sales and Service				15.30
11.30	Equipment Sales and Service				15.31
11.31	Moped Sales and Service	P		P	
11.32	Boat or Marine Craft Sales and Service				15.32
11.33	Impound Lot/Towing Service				15.33
11.34	Gas Station				
11.35	Car Wash				
11.36	Seasonal Retail Activities and Amusements	P	P	P	
12.0 Recreation and Entertainment Uses					
12.01	Indoor Shooting Range				15.34
12.02	Outdoor Shooting Range				
12.03	Indoor Theater	P	P	P	
12.04	Outdoor Theater	p ^{T125}	P	P T125	
12.05	Event Venue, Category 1	P	P	P	
12.06	Event Venue, Category 2	p ^{T50}	P T50	P T50	
12.07	Event Venue, Category 3	p ^{T200}	P T200	P T200	
12.08	Campground and Recreational Vehicle Park				15.35
12.09	Coliseum				
12.10	Recreation Facility, Category 1	P	P	P	
12.11	Recreation Facility, Category 2				
12.12	Recreation Facility, Category 3				
12.13	Racetrack				
13.0 Agriculture					
13.01	Garden, Community	L	L	L	15.36
13.02	Garden, Residential	L	L	L	15.37
13.03	Agricultural Operation Excluding Livestock				
13.04	Agricultural Operation Including Livestock				

Use #	Specific Use	B1	B1-DC	B1-DI	Reference
13.05	Swine Farm				
13.06	Confined Animal Feeding Operation (CAFO)				
13.07	Custom Slaughterhouse				
13.08	Other Slaughterhouse				
13.09	Forestry	L	L	L	15.38
14.0 Manufacturing					
14.01	Microbrewery	L ^{T75}	L T125	L T200	15.39
14.02	Brewpub	L ^{T75}	L T75	L T125	15.39
14.03	Brewery/Distillery		?	?	15.40
14.04	Brewery/Distillery, Other		?	?	15.41
14.05	Winery Associated with a Vineyard				15.42
14.06	Winery				15.42
14.07	Winery, Other				
14.08	Extraction of Earth Materials				
14.09	Machine/Welding Shop				15.44
14.10	Manufacturing, Other				15.45
15.0 Parking					
15.01	Parking Lot	L	CD	CD	15.46
15.02	Parking Structure	L	CD	CD	15.47
15.03	Park and Ride Lots			CD	15.46
16.0 Storage					
16.01	Self-Storage Facilities				15.48
16.02	Outdoor Storage				15.49
16.03	Warehouse				
16.04	Fuel Storage Facility				
16.05	Chemical Storage Facility				
17.0 Transportation					
17.01	Passenger Terminals				
17.02	Trucking or freight terminal ≤ 10,000 ft ²				
17.03	Trucking or freight terminal > 10,000 ft ²				
18.0 Waste Related Uses					
18.01	Recycling Drop-off Station				15.49
18.02	Recycling and Salvage				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				15.50
19.02	Adult Establishments				15.51

Section 15.07.01 Table of Accessory Uses

Use #	Accessory Use	B1	B1-DC	B1-DI	Reference
A-1	Secondary suite	L		L	15.52
A-2	Home occupation	L	L	L	15.53
A-3	Accessory dwelling unit	L		L	15.54
A-4	Drive-through				15.55
A-5	Outdoor display	L	L	L	15.56
A-6	Outdoor storage				15.57
A-7	Outdoor dining	L	L	L	15.58
A-8	Automated teller machine (ATM)	P	P	P	
A-9	Automated teller machine (ATM), freestanding	L	L	L	15.59
A-10	Produce stand				15.60
A-11	Poultry				15.61
A-12	Livestock, small				15.62
A-13	Livestock, large				15.63
A-14	Bees	L	L	L	15.64
A-15	Garden, residential	L	L	L	15.65
A-16	Satellite receiving antennas less than 1 meter in diameter	P	P	P	
A-17	Satellite receiving antennas less than 2 meters in diameter	P	P	P	
A-18	Satellite receiving antennas 2 meters and greater in diameter				
A-19	Helistop				
A-20	Swimming pools, spas, and hot tubs	L	L	L	15.66
A-21	Caretaker's residence				15.67
A-22	Vehicular gate	L	L	L	15.68
A-23	Vehicle washing station				
A-24	Chemical storage facility				
A-25	Open air market, accessory	L	L	L	15.29
A-26	Daycare, small	P	P	P	

Section 15.07.03 Table of Temporary Uses

Use #	Temporary Use	B1	B1-DC	B1-DI	Reference
T-1	Temporary care provider dwelling	L	L	L	15.69
T-2	Temporary construction or repair dwelling	L		L	15.69
T-3	Temporary construction trailer	L	L	L	15.69
T-4	Temporary mobile medical unit	L		L	15.69
T-5	Temporary classroom				15.69
T-6	Temporary portable storage containers	L	L	L	15.69
T-7	Temporary staging				15.69
T-8	Temporary non-fixed site event venue				15.69
T-9	Carrier on wheels (cow)	L	L	L	15.69
T-10	Yard sales	L		L	15.69
T-11	Itinerant merchant/peddler	L	L	L	15.69
T-12	Open air market, temporary	L	L	L	15.69
T-13	Temporary Use 9.01 Public Colleges and Universities				15.69

Mayor Brantz called a break in the meeting from 4:25 p.m. until 4:33 p.m.

Ms. Shook noted there were 14 items outlined from the review of the B1 and are as follows:

1. Review stay requirements for hotels and bed & breakfasts and bring back research. Perhaps look at multiple categories for hotels.
2. Require Conditional District approval for Hotels in the B1 and modify the parking so that it is required similar to multi-family.
3. Find and send out to Council the memo from Ms. Meade regarding home stay and vacation rentals.
4. Review use 8.0 regarding assembly, more use categories for both.
5. Make changes to the restaurant uses to make the 2,500 be 3,500.
6. Remove use categories 11.10 and 11.11. Make other changes to the retail uses as discussed.
7. Make changes throughout the ordinance to be consistent with noise ordinance of 11 p.m. to 7 a.m.
8. Revise B1 map to exclude ASU owned property.
9. Add additional category for retail store up to 10,000 sq. ft. and populate as Conditional District in Downtown.
10. Add electric charging stations as permissible accessory or principal uses within the table.
11. Add limitations to the open air market regarding hours of operation.
12. Look at and review our recreational use definitions.
13. Modify and review the brewery/distillery categories based upon hours of operation following the same

- model used for restaurants and maybe combining some of those uses together based on impact.
14. Redefine home occupation for those that have impacts and review daycares.
 15. Look at having different provisions for peddlers, pushcarts, food trucks.

R3/R4 Report

Ms. Shook stated she wanted to make Council aware of the fact that a property on Fieldstream that they had identified to rezone as R1 now has an active permit for 10 duplex lots with one duplex per lot in the R3 portion. Mr. Little added that this would be an architecturally integrated subdivision with open space.

Mr. Ward noted that there was no known timeframe for any final decisions by Council on the R3/R4.

Council Member Fugiuale stated they were looking at vacant properties to rezone but he would not want to rezone property that already has a permit. He felt the duplex subdivision was not a wholly incompatible use with R1 and was not a bad transition between the existing R3 and the R1 and he would not be opposed to it. Council Member Furgiuale stated if the property were totally undeveloped he would suggest it be rezoned to R1 but he did not want to create non-conformities and there would be no reason, if the Town does go through with the amortization, to create something that they would then amortize out.

Ms. Shook stated she would make a note and give a status update on the project when they discuss this again with Council.

Council Member Furgiuale stated if R2 works in the same way he would want to rezone this property as R2 so in the future it would stay as a transition and people's expectations are not defeated because someone comes and buys the property and tears down the duplexes to build apartment buildings.

Ms. Shook noted another property on the R3/R4 list, located on State Farm Road, that Council had not addressed yet. She explained that the property was zoned R3 and contained two office buildings that were separately owned, one occupied, one vacant. Ms. Shook stated that the owner of the vacant building had requested his building be rezoned to O/I and asked if Council would want to consider rezoning the other building and the surrounding property as O/I at the same time. Ms. Shook explained that office uses used to be permitted in the R3 with a Special Use Permit.

Council Member Fugiuale asked if there would be impacts to rezoning the property from R3 to O/I. Ms. Shook felt there would be benefits because they are currently a legal, non-conforming use. She noted that landscaping requirements would be the same because of the adjacent land uses so that would not change. Ms. Shook stated that parking was based on the use so it did not matter what the zoning classification was for parking. Council Member Furgiuale asked if it was correct that by rezoning the properties to O/I it would eliminate the possibility of someone tearing down the buildings and building apartments. Ms. Shook replied that was correct. Council Member Furgiuale felt O/I would be a better use for the residential neighborhood across the street and felt the whole parcel should be rezoned to O/I.

Council Member Furgiuele made a motion, contingent upon the condo owner petitioning for O/I, to move forward at the Town's initiative to zone the entire property O/I. The motion was seconded by Council Member Mason. Ms. Shook noted that the owner of the vacant building had already submitted an application to rezone.

VOTE: Aye – All
 Nay – None

The motion passed.

Due to the time, Council decided to reschedule the R3/R4 discussion to another date. Numerous dates were considered and it seemed that May 23 would work for most.

Council Member Furgiuele made a motion to schedule a special meeting on May 23, 2019 from 9 a.m. to 4 p.m. at Council Chambers to continue discussion on R3/R4. The motion was seconded by Mayor Pro Tem Clawson.

VOTE: Aye – All
 Nay – None

Adjournment

Mayor Pro Tem Clawson made a motion to adjourn the meeting at 5:16 p.m. The motion was seconded by Council Member Mason.

VOTE: Aye – All
 Nay – None

The vote was unanimous.

Rennie Brantz, Mayor

Brenda Henson, Admin. Support Specialist