

**MINUTES – SPECIAL MEETING
BOONE TOWN COUNCIL
December 21, 2017**

CALL TO ORDER

A special meeting of the Boone Town Council was called to order at 4:30 p.m. Thursday, Dec. 21, 2017, in the Council Chambers located at 1500 Blowing Rock Road. Mayor Rennie Brantz presided. Council members present were Mayor Pro Tem Lynne Mason, Loretta Clawson, Charlotte Mizelle, Jeannine Underdown Collins and Quint David. Town Attorney Allison Meade was in attendance. Staff present included Town Manager John Ward, Town Clerk Nicole Worley and Planning Director Jane Shook.

MOTION TO OPEN PUBLIC COMMENT

Upon a motion by Council member Collins, seconded by Council member David, Council moved to approve opening the meeting for public comment.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jeannine Underdown Collins, Council Member
SECONDER:	Quint David, Council Member
AYES:	Clawson, Mason, Collins, Mizelle, David

PUBLIC COMMENT

James Milner of Appalachian Commercial Real Estate spoke to encourage the Town to allow free market economics without intrusion.

Tucker Deal on behalf of his client Robert Brown spoke to provide Council with additional insight on the proposed zoning map amendment. Mr. Deal noted that the applicant had modified his request to reduce the acreage requesting to be rezoned as B3. He noted that the applicant was requesting to only zone a portion of the property closest to 105 as B3 and leave the remaining portion of the property near Horn in the West Drive as R1. Mr. Deal noted that they had used the split R1/B3 zoning of the Carriage Square development as a guide for the split.

CASE PL00800-080917 ROBERT BROWN GENERAL USE ZONING MAP AMENDMENT

Planning Director Jane Shook outlined a request from Robert Brown to re-zone Watauga County PIN 2910-27-5331-000 from R1 Single Family to B3 General Business. It was noted that the applicant agreed to amend his original request of split zoning the property into R1/B-3, to instead re-combine the property and request that it be zoned as B-3. Council Member Mason expressed concern that the proposed change to re-combine the property came after the public hearing on the amendment. She and Council Member Clawson noted that they would be in favor of tabling this request so that the community could have an opportunity to see the proposed changes. Council Member Collins disagreed, stating the agreement to re-combine the property as B-3 would be the solution to neighbors concerns, and would ensure that the R1 district would be protected. Council Members Mizelle and David were in agreement with Council Member Collins.

Vote #1

Upon a motion by Council Member David, seconded by Council Member Collins, Council moved to approve the zoning map amendment because it is consistent with the Town's Comprehensive Plan and other applicable adopted plans which relate to this application because it is consistent with Comprehensive Plan and other applicable plans and because the property is located in a major business corridor and as such should be zoned for business instead of neighborhoods.

Aye -- David, Mizelle, Collins
Nay -- Mason, Clawson

Vote #2

Upon a motion by Council Member David, seconded by Council Member Collins, Council moved to approve the proposed zoning map amendment and that the approval is reasonable and in the public interest because it meets the

concerns of the citizens in the area and is consistent with the Comprehensive Plan as showing the difference between Boone's neighborhoods, as well as the transitional zones that protect the transition between R1 and B-3 zoned areas.

Aye -- David, Mizelle, Collins

Nay -- Mason, Clawson

CASE PL 009982-092517 STORAGE USES UDO TEXT AMENDMENT

Case PL 009982-02517 Storage Uses UDO Text Amendment was brought before Council to address the fact that temporary, portable storage containers are not currently listed as a principal use in the UDO. This text amendment was initiated because this use would likely be common and omission could lead to public uncertainty and confusion. It was noted that at a construction site, the Fire Department would only require one permit pertaining to storage units unless the applicant wanted to change their plan for storage in the future. The proposal included provisions that would allow for the use of a temporary portable storage container for a period of two weeks, with one fourteen day renewal. Ms. Shook noted that the Planning Commission had recommended approval with some suggested modifications to the text as presented in the revised staff report.

Vote #1

Upon a motion by Council Member Mason, seconded by Council Member seconded by Council Member Collins, Council moved to approve the proposed amendment to the Town's zoning ordinance because it is consistent with the Town's comprehensive plan and other applicable plans of the Town which relate to this application because it provides needed clarification needed in the UDO regarding storage uses and helps ensure the livability of neighborhoods which is consistent with Comprehensive Plan Section 1.1 Overall Objectives.

VOTE: Aye -- All
 Nay -- None

Vote #2

Upon a motion by Council Member Mason, seconded by Council Member Collins, Council moved to approve the proposed text amendment because it is reasonable and in the public interest because it provides needed clarification in the UDO regarding storage uses for the livability of the neighborhoods while accommodating those in temporary need of storage facilities; subject to the following modifications suggested by Staff and the Planning Commission:

- Page 31, C.1.-Single-family and two-family dwelling units may utilize a temporary portable storage container for a period of fourteen (14) consecutive days, with one (1) fourteen (14) day renewal provided a Building Permit has been issued at the address the container is located, up to two (2) times per calendar year.

-Changes made by staff to Pages 31 and 32, A. 5., 6., 7.

-Page 32, F. 2.-Delete the last sentence that states a zoning permit is required for each separate time of utilization.

VOTE: Aye -- All
 Nay -- None

§ 15.48 Self-Storage Facilities

15.48.01 Facilities can only be used for storage of materials and must not be used for assembly, fabrication, processing or repair.

15.48.02 Storage of hazardous, toxic, explosive substances, or any other substance requiring a 704 placard, is prohibited.

15.48.03 Self-storage units accessed by customers on site must be constructed with the compartment doors facing internally.

15.48.04 All warehouse compartment doors accessed by customers on site must open on an internal access driveway having a minimum paved width of twenty feet.

15.48.05 A 100% opaque fence with a minimum of height of six feet and a maximum height of eight feet shall be provided around the portion of the property used for the storage. Fences shall be constructed of wood, brick, stone or other similar materials, but also must be architecturally compatible with any proposed structure.

15.48.06 If the storage facility has a locked and keyed entrance, two staging spaces of at least 35 feet must be located outside of the public right-of-way.

15.48.07 The following activities shall be prohibited on the premises:

A. Commercial, wholesale or retail sales, flea markets, peddling, garage sales or other similar types of activities. However, the management of the self-storage mini-warehouse complex may conduct an auction or sale of abandoned or stored materials to settle unpaid storage bills consistent with North Carolina law.

B. Habitation of storage units by humans or animals.

15.48.08 Outdoor storage of items other than storage containers shall not exceed 25% of the total land area and must be secured and screened in accordance with Section 15.57.

15.48.09 Storage facilities that use temporary portable storage containers may only leave the portable storage containers in parking and loading areas the length of time it takes to place them in the secured storage area, not to exceed twenty-four (24) hours. Temporary portable storage containers may not be used for on-site advertising.

15.48.10 Storage facilities that store temporary portable storage containers outside of a fully enclosed building may not stack the units unless the units are substantially screened by the required fence, and the fence together with existing mature landscape material or topography result in an opaque screen so that the stacked units are not visible to adjacent property owners or from a public way.

§ 15.69 TEMPORARY USES.

15.69.01 General regulations.

A. Unless otherwise provided here in, all listed temporary uses are required to obtain a permit in compliance with the regulations of this section.

B. Unless expressly permitted no sign may be erected in conjunction with a temporary use.

C. Only those improvements and modifications minimally necessary for the temporary use to function are permitted.

D. In the event the property owner fails to remove a temporary structure within the described time frames after the permit authorizing its use has been terminated, the town may remove the said temporary structure at the expense of the owner, and may seek to recover through collection efforts or a civil action against the owner, the costs of removal, court costs and attorney fees.

E. A sight triangle ten feet by 70 feet must be observed at all intersections of driveways or streets with adjacent streets.

F. Temporary uses shall not be subject to the requirements of Article 25 Community Appearance Standards unless provided in this section.

G. No required existing landscape buffer may be disturbed for any temporary use.

H. All temporary uses shall meet all applicable North Carolina building codes.

I. Unless otherwise provided herein, the land use intensity ratios of Section 16.01 shall apply.

J. Unless otherwise provided herein, landscaping is not required for temporary uses.

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15.69.07 Temporary portable storage containers. Placement and use of temporary portable storage container are subject to the following conditions and limitations:

A. Use. Temporary portable storage containers:

1. Shall only be used for storage of goods and materials.

2. Storage of hazardous, toxic, or explosive substances, or any other substance requiring a 704 placard is prohibited.

3. Commercial, wholesale or retail sales, flea markets, peddling, garage sales or other similar types of activities is prohibited.

4. Habitation of storage units by humans or animals is prohibited.

5. Shall be placed only on the lot for which the temporary portable storage container is being used.

6. The following principal use categories which may use portable storage containers in the day-to-day operation of the business are exempt from the requirements set forth in Subsection 15.69.07: Use 14.0 Manufacturing, 16.0 Storage, Use 17.0 Transportation, and Use 18.08 Waste Related Uses.

7. Property zoned M1 Manufacturing is exempt from the requirements set forth in Subsection 15.69.07.

B. Number allowed.

1. Single-family and two-family dwellings units are limited to two (2) temporary portable containers at any given time.
 2. Multi-family developments and mixed use developments with multi-family dwelling units are allowed at least two (2) temporary portable containers and can have more so long as the total number of temporary portable containers does not exceed 1 container for every 20 dwelling units.
 3. Non-residential commercial developments are allowed at least two (2) temporary portable containers and can have more so long as the total number of temporary portable containers does not exceed 5% of the total vehicular surface area for the total development.
- C. Duration of use.
1. Single-family and two-family dwelling units may utilize a temporary portable storage container for a period of fourteen (14) consecutive days, with one (1) fourteen (14) day renewal provided a Building Permit has been issued at the address the container is located, up to two (2) times per calendar year.
 2. Each dwelling unit in multi-family and mixed-use developments may utilize a temporary portable storage container for a period of seven (7) consecutive days, up two (2) time per calendar year.
 3. Non-residential commercial uses may utilize a temporary portable storage container for a period of sixty (60) consecutive days, up to two (2) times per calendar year.
 4. In any district, a temporary portable storage container being used in connection with or to accommodate the repair, modification or construction of a structure or development may be utilized for the duration of a building permit on the same parcel.
 5. The time, in all instances, shall run from the time of delivery of the container to the time of removal.
- D. Placement. A temporary portable storage container:
1. Is subject to and shall be placed on a lot so as to comply with all interior setback requirements
 2. Shall be placed so as to minimize negative impacts on adjacent property.
 3. Shall not be placed on a street, sidewalk or trail or within any right-of-way.
 4. Shall be placed within a vehicular surface area though it shall not be placed in any location that would interfere with vehicular or pedestrian circulation or cause reduced visibility at street intersections.
 5. Shall adhere to all applicable building and fire code regulations for the purpose of ensuring safe passage for fire protection, to and from structures, and access to utility shut-off valves.
 6. Shall not be located in any required landscaped area.
 7. May not be stacked on top of each other outside of the provider's storage facility.
- E. Signage: A sign displaying the container provider contact information is required to be attached to the container. There are no limitations on the amount of signage that can be displayed on a container, however, signage is limited to provider information and cannot include advertisements for any other product or service.
- F. Permitting:
1. A zoning permit is not required for use of a temporary portable storage container at a dwelling unit.
 2. Non-residential commercial users are required to obtain a zoning permit for any utilization of a temporary portable storage unit for more than 14 consecutive days.

15.07 TABLE OF PRINCIPAL USES.

Use #	Specific Use	Zoning Districts												
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial				
		RA	R1	RIA	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1
16.0 Storage														
16.01	Self-Storage Facilities	L ^{T125}											L ^{T75}	L ^{T75}
16.02	Outdoor storage													L ^{T75}
16.03	Warehouse													p ^{T75}
16.04	Fuel storage facility												p ^{T300}	p ^{T300}
16.05	Chemical storage facility													

15.07.03 Table of temporary uses.

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

CASE PL 00981-092617 M1 MANUFACTURING ZONING DISTRICT USE EXPANSION UDO TEXT AMENDMENT

Case PL 00981-092617 M1 Manufacturing Zoning District Use Expansion UDO Text Amendment was brought before Council pursuant to discussions held at the August and September 2017 Planning Commission meetings at which Council authorized staff and the Town Attorney to draft text which would allow additional flexibility to the uses allowed within the M1 zoning district by allowing other commercial uses within the district. Council Member Mason stated that she remains concerned that the Town could not have M1 have property available for future uses. Ms. Mason went on to say that she'd like to see the highest and best usage within the district, but that the Town should remain mindful that there may be other businesses that would actually require being in an M1 zone, and the Town not have M1 property available due to other uses being permitted.

Vote #1

Upon a motion by Council Member Mizelle, seconded by Council Member Collins, Council moved to approve the proposed amendment to the Town's zoning ordinance because it is consistent with the Town's comprehensive plan and other applicable adopted plans of the Town which relate to this application because it will encourage a public service and regulatory environment conducive to business recruitment and expansion in line with Comprehensive Plan policy 2.1.1 Economic Development.

VOTE: Aye -- Mizelle, Collins, Mason, David

Nay -- Clawson

Vote #2

Upon a motion by Council Member Mizelle, seconded by Council Member Collins, Council moved to approve the approve the proposed amendment because the text would allow for better use of existing facilities within the town limits.

VOTE: Aye -- Mizelle, Collins, Mason, David
 Nay -- Clawson

§ 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 or distribution of goods and materials, including the storage and processing of raw materials into other products, as well as and (related and/or compatible commercial uses. The intent in allowing related and/or compatible commercial uses is to promote flexible and creative use of the District while still serving the primary intent of accommodating light industrial, warehousing, and distribution uses.

15.07 TABLE OF PRINCIPAL USES.

<i>Use #</i>	<i>Specific Use</i>	<i>Zoning Districts</i>													
		<i>Low Density Residential</i>				<i>Medium to High Density Residential</i>				<i>Commercial/Industrial</i>					
		<i>RA</i>	<i>R1</i>	<i>R1 A</i>	<i>RR</i>	<i>R2</i>	<i>R4</i>	<i>M H</i>	<i>R3</i>	<i>OI</i>	<i>B1</i>	<i>B2</i>	<i>B3</i>	<i>M1</i>	
1.0 Household living															
1.01	Single-family dwelling	P	P	P	P	P	P								
1.02	Manufactured home "Class A"	L			L	L	L	L							
1.03	Manufactured home "Class B"	L						L							
1.04	Manufactured home "Class C"														
1.05	Manufactured home park							L							
1.06	Duplex (one duplex building per lot)	P				P	P		P						
1.07	Duplex (more than one duplex building per lot)								L						
1.08	Townhouse (up to 30 bedrooms)						L ^T 50		L T50						

1.09	Townhouse (31-100 bedrooms)						L T50		L ^T T75					
1.10	Townhouse (> 100 bedrooms)						L ^T T75		L ^T T125					
1.11	Multi-family dwelling (up to 30 bedrooms)								L ^T T25					
1.12	Multi-family dwelling (31-100 bedrooms)								L ^T T200					
1.13	Multi-family dwelling (> 100 bedrooms)								L ^T T300					
1.14	Multi-family dwelling in mixed use (up to 30 bedrooms)									L	L T75	L		
1.15	Multi-family dwelling in mixed use (31-100 bedrooms)									L ^T T125		L ^T T125		
1.16	Multi-family dwelling in mixed use (up to 30 bedrooms)									L ^T T125		L ^T T200		
2.0 Group Living														
2.01	Family care home	L	L	L	L	L	L		L					
2.02	Family care institutions									L ^T T125				
2.03	Halfway house, Category 1									L				
2.04	Halfway house, Category 2									L ^T T125				
2.05	Nursing care home	L	L	L		L	L		L	L			L	
2.06	Nursing care institution									L ^T T125			L ^T T125	
2.07	Skilled nursing facility									L ^T T300			L ^T T300	
2.08	Retirement community, Category 1	L				L	L		L	L				
2.09	Retirement community, Category 2								L ^T T200	L ^T T125				
2.13	Fraternity or sorority dwelling								S ^T T300					
2.14	Boarding house								L				L	
3.0 Transient Living														
3.01	Home for survivors of domestic violence	L	L	L		L	L			L		L		
3.02	Shelter for homeless, Category 1								L ^T T50	L ^T T50	L ^T T50		L ^T T50	
3.03	Shelter for homeless, Category 2								L ^T T300	L ^T T300			L ^T T300	
3.04	Bed and breakfast, Category 1	L	S ^T T50	S ^T T50		L ^T T50	L ^T T50				L	L		
3.05	Bed and breakfast, Category 2					L	L ^T T125				L ^T T125		L ^T T125	
3.06	Vacation rental	L ^T							L ^T T75		L ^T	L ^T	L ^T	

		75							5		75	75	75	
3.07	Motel												p ^T 300	
3.08	Hotel										p ^T 200		p ^T 200	
4.0 Institutional Uses														
4.01	Airport/landing strip	s ^T 300												
4.02	Heliport	s ^T 300												
4.03	Funeral home establishment									P	P	P	P	
4.04	Cemetery	P	P	P	P	P	P	P	P	P	P	P	P	P
4.05	Post office									P	P	P	P	P
4.06	Post office, distribution													P
4.07	Animal sanctuary	s ^T 300												
5.0 Government Uses														
5.01	Government cultural facility									P	P		P	
5.02	Government neighborhood cultural facility, indoor activity only	S	S	S	S	S	S		P	P	P	P	P	
5.03	Government neighborhood cultural facility, includes outdoor activity									P	P		P	
5.04	Recreation facility, Category 1	P							P	P	P	P	P	
5.05	Recreation facility, Category 2	P	P	P	P	P	P	P	P	P	P	P	P	
5.06	Recreation facility, Category 3	p ^T 50	S	S	S	S	S	S	S	p ^T 50	p ^T 50	p ^T 50	p ^T 50	
5.07	Event venue, Category 1									P	P	P	P	
5.08	Event venue, Category 2									P	P	P	P	
5.09	Event venue, Category 3									p ^T 50	p ^T 50	p ^T 50	p ^T 50	
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
5.13	Utility facility, town	L	L	L	L	L	L	L	L	L	L	L	L	L
5.14	Utility facility, government, neighborhood		L	L	L	L	L	L	L	L	L	L	L	L
5.15	Utility facility, government, regional	L ^T 300								L ^T 300			L ^T 300	L ^T 300
5.16	Government facility	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
6.02	Utility facility, regional	L ^T 300								L ^T 300			L ^T 300	L ^T 300
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
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

7.03	Building mounted antenna not requiring additional accessory equipment	L	L	L	L	L	L	L	L	L	L	L	L	L
7.04	Building mounted antenna requiring additional accessory equipment	L								L	L	L	L	L
7.05	Antenna collocation on electrical transmission towers								L					
7.06	Other antenna	L								L	L	L	L	L
7.07	Wireless support structure which meets district height requirements	S	S	S		S	S		L	L	L	L	L	L
7.08	Stealth wireless facility which exceeds district height requirements	L	S	S		S	S		S	L	L	L	L	L
7.09	Wireless support structure which does not meet district height requirements up to and including 120'	S								S				S
7.10	Other tower that exceeds 120' in height													
7.11	Emergency response communication antenna	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	
8.02	Religious assembly, Category 2	pT 125	pT 125	pT 125	pT 125	pT1 25	pT 125	pT 125	pT1 25	pT 75	P		P	
8.03	Religious assembly, Category 3	pT 200									pT 200		pT 200	
8.04	Club/lodge, Category 1										P T75		P T75	
8.05	Club/lodge which does not serve alcohol	P									P		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													
10.0 Daycare														
10.0 1	Child daycare, large	L					L		L			L	L	
10.0 2	Child daycare center									L			L	
10.0 3	Adult daycare, large	L					L		L			L	L	
10.0 4	Adult daycare center									L			L	
10.0	All other daycare									CD				

5														
11.0 General Sales and Service														
11.0 1	Kennel	L ^T 125											L ^T 125	
11.0 2	Veterinary office/hospital with outdoor kennels	L ^T 125								L ^T 125			L ^T 125	
11.0 3	Veterinary office/hospital without outdoor kennels	P								P	P	P	P	
11.0 4	Financial institution ≤ 5,000 ft ²									P	P	P	P	
11.0 5	Financial institution > 5,000 ft ²									P	P		P	
11.0 6	Restaurant ≤ 2,500 ft ² open to the public during 10 p.m. - 6 a.m.									P T75	P T75	pT 75	P T75	P T75
11.0 7	Other restaurants ≤ 2,500 ft ²									P	P	P	P	P
11.0 8	Restaurant > 2,500 ft ² open to the public during 10 p.m. - 6 a.m.									pT 200	pT 125		pT 200	
11.0 9	Other restaurants > 2,500 ft ²									pT 125	pT 75		pT 125	
11.1 0	Bar													
11.1 1	ABC store										P		P	P
11.1 2	Personal service establishment open to the public during 10 p.m. - 6 a.m.									pT 75	pT 50		pT 75	P
11.1 3	Other personal service establishments									P	P	P	P	P
11.1 4	Retail store up to 5,000 ft ²									P	P	P	P	P
11.1 5	Retail store more than 5,000 but less than 25,000 ft ²										pT 125	pT 200	pT 200	
11.1 6	Retail store 25,000 ft ² and greater												L ^T 300	
11.1 7	RESERVED													
11.1 8	Business or professional office open to the public during 10 p.m.-6 a.m.									pT 75	pT 50		pT 75	pT 75
11.1 9	Other business or professional office									P	P	P	P	P
11.2 0	Medical office, Category 1									pT 300	pT 300		pT 300	
11.2 1	Medical office, Category 2									pT 125	pT 125		pT 125	
11.2	Medical office, Category 3									pT			pT	

2										125			125	
11.2 3	Medical office, Category 4									P	P	P	P	
11.2 4	Hospital									pT 300				
11.2 5	Medical emergency response									pT 300	pT 300		pT 300	
11.2 6	Open air market, recurring	L ^T 75								L ^T 50			L ^T 75	
11.2 7	Vehicle sales and service											L ^T 125	L ^T 75	
11.2 8	Equipment sales and service												L ^T 125	L ^T 125
11.2 9	Moped sales and service										P	P	P	
11.3 0	Boat or marine craft sales and service												L ^T 75	L ^T 75
11.3 1	Impound lot/towing service												L ^T 125	L ^T 125
11.3 2	Gas station	pT 125										pT 125	pT 125	pT 125
11.3 3	Car wash											pT 125	pT 125	pT 125
11.3 4	Seasonal retail activities and amusements	P								P	P	P	P	P
12.0 Recreation and Entertainment Uses														
12.0 1	Indoor shooting range	L ^T 75											L ^T 75	
12.0 2	Outdoor shooting range													
12.0 3	Indoor theater										P		P	
12.0 4	Outdoor theater	pT 200									pT 125		pT 125	
12.0 5	Event venue, Category 1										P	pT 75	P	P
12.0 6	Event venue, Category 2										pT 50	pT 125	pT 125	
12.0 7	Event venue, Category 3										pT 200		pT 200	
12.0 8	Campground and recreational vehicle park	L ^T 200											L ^T 200	
12.0 9	Coliseum												S ^T 300	
12.1 0	Recreation facility, Category 1	pT 125								P	P	P	P	P
12.1 1	Recreation facility, Category 2	pT 125								P T5			P T50	

										0				
12.1 2	Recreation facility, Category 3	pT 200											pT 200	
12.1 3	Racetrack													
13.0 Agriculture														
13.0 1	Garden, community	L	L	L	L	L	L	L	L	L	L	L	L	
13.0 2	Garden, residential	L	L	L	L	L	L	L	L	L	L	L	L	
13.0 3	Agricultural operation excluding livestock	P												
13.0 4	Agricultural operation including livestock	P												
13.0 5	Swine farm													
13.0 6	Confined animal feeding operation (CAFO)													
13.0 7	Custom slaughterhouse	P												
13.0 8	Other slaughterhouse													
13.0 9	Forestry	L	L	L	L	L	L	L	L	L	L	L	L	L
14.0 Manufacturing														
14.0 1	Microbrewery										L ^T 75		L ^T 125	L ^T 25
14.0 2	Brewpub										L ^T 75		L ^T 125	L ^T 25
14.0 3	Brewery/distillery												L ^T 125	L ^T 25
14.0 4	Brewery/distillery, other													
14.0 5	Winery associated with a vineyard	L ^T 125												L ^T 25
14.0 6	Winery												L ^T 125	L ^T 25
14.0 7	Winery, other													
14.0 8	Extraction of earth materials													
14.0 9	Machine/welding shop												L ^T 200	L ^T 200
14.1 0	Manufacturing, other													L ^T 300
15.0 Parking														
15.0 1	Parking lot								L ^T ₅	L	L		L	
15.0 2	Parking structure									L	L		L	L
15.0 3	Park and ride lots	L								L			L	L

16.0 Storage														
16.0 1	Mini-storage	L ^T 125											L ^T 75	L ^T 75
16.0 2	Outdoor storage													L ^T 75
16.0 3	Warehouse													p ^T 75
16.0 4	Fuel storage facility												p ^T 300	p ^T 300
16.0 5	Chemical storage facility													
17.0 Transportation														
17.0 1	Passenger terminals												p ^T 200	P
17.0 2	Trucking or freight terminal □□ 10,000 ft ²												p ^T 125	p ^T 125
17.0 3	Trucking or freight terminal > 10,000 ft ²													p ^T 300
18.0 Waste Related Uses														
18.0 1	Recycling drop-off station	L ^T 300												L ^T 300
18.0 2	Recycling and salvage													L ^T 300
18.0 3	Junkyard													
18.0 4	Private landfill													
19.0 Particular activities which pose particular concerns about public health														
19.0 1	Electronic and internet gaming												S	
19.0 2	Adult establishments												S	

CASE PL001019-092917 TEMPORARY USE 9.01 PUBLIC COLLEGES AND UNIVERSITY USE UDO TEXT AMENDMENT

Case PL 001019-092917 Temporary Use 9.01 Public Colleges and University Use UDO Text Amendment was brought before Council for an amendment to the UDO which would allow Use 9.01 Public Colleges and Universities as a temporary use in the M1 Manufacturing, B3 General Business and O/I Office Institutional zoning districts. This amendment is in regards to a need expressed by Appalachian State University for temporary space to house University functions that must be temporarily re-located due to remodeling or construction. This amendment would also allow for occasions when time-limited grants for programs are received by faculty and cannot be accommodated on campus due to space constraints. Ms. Shook noted that the Planning Commission had recommended approval with the text as modified after the public hearing as presented in the board packet with the recommendation that the initial terms of the lease be for 5 years with a 3 year extension. She noted that the vote was not unanimous. She further explained that Commission Chair Boyle had noted his vote against the recommendations because he felt the B3 zoning district should not be included as a permissible zone.

Vote #1:

After short discussion and upon a motion by Council Member Mason, seconded by Council Member Collins, Council moved to approve the proposed amendment to the Town's zoning ordinance because it is consistent with the Town's comprehensive plan and other applicable adopted plans of the Town which relate to this application because the revised text amendment is consistent with Comprehensive Plan 1.1 University-emphasize cooperative planning among the Town, County and University and recommends that the initial lease period be allowed for a time period of five years with a two year renewal in the O/I and M1 districts.

VOTE: Aye -- All
 Nay -- None

Vote #2:

Council Member Mason made a motion which was seconded by Council Member Collins, to approve the amendment with the understanding that B3 will be deleted from this amendment in order to preserve space for future business, and that clarifications be made to section 7 to be project specific. The proposed amendment passed because the text amendment is consistent with Comprehensive Plan 1.1 University-emphasize cooperative planning among the Town, County, and University.

VOTE: Aye -- All
 Nay -- None

§ 15.69 TEMPORARY USES.

15.69.01 General regulations.

A. Unless otherwise provided here in, all listed temporary uses are required to obtain a permit in compliance with the regulations of this section.

B. Unless expressly permitted no sign may be erected in conjunction with a temporary use.

C. Only those improvements and modifications minimally necessary for the temporary use to function are permitted.

D. In the event the property owner fails to remove a temporary structure within the described time frames after the permit authorizing its use has been terminated, the town may remove the said temporary structure at the expense of the owner, and may seek to recover through collection efforts or a civil action against the owner, the costs of removal, court costs and attorney fees.

E. A sight triangle ten feet by 70 feet must be observed at all intersections of driveways or streets with adjacent streets.

F. Temporary uses shall not be subject to the requirements of Article 25 Community Appearance Standards unless provided in this section.

G. No required existing landscape buffer may be disturbed for any temporary use.

H. All temporary uses shall meet all applicable North Carolina building codes.

I. Unless otherwise provided herein, the land use intensity ratios of Section 16.01 shall apply.

J. Unless otherwise provided herein, landscaping is not required for temporary uses.

...

15.69.14 Temporary Use 9.01 Public Colleges and Universities - Leased "Swing" space

A. Use 9.01 Public Colleges and Universities may be allowed within the O/I, B3, and M1 zoning districts on a temporary basis subject to the following regulations:

1. The particular activity for which a temporary permit is sought must be compatible with other uses allowed within the base zoning district (O/I, B3, M1) and must meet all requirements of the UDO; *provided* that in no event are residential uses allowed.
2. The applicant must demonstrate sufficient parking and/or transit to serve the planned use. Without limiting the generality of the foregoing, academic classes shall only be approved if the applicant can demonstrate

that sufficient parking or transit is provided to the site to accommodate the number of students using the facility.

3. The temporary activity must be conducted pursuant to a lease between the applicant and a private property owner. The lease term may not exceed the duration of the temporary use permit.
4. Signage is allowed subject to the zoning district requirements of UDO Article 26.
5. The applicant must submit documentation clearly demonstrating that it has in place a plan to provide permanent space for the use within the time allotted for the temporary use permit. *Provided, however*, that this provision will not apply in the event that (i) the use at issue is of its nature time-limited (for example, in the case of a time-limited grant creating a temporary facility need) or (ii) the need for space for the use arises as the result of a force majeure event, such as a fire or flood.
6. The permit shall be valid for five (5) years from the date of issuance. Upon a showing of unanticipated and extraordinary circumstances delaying plans to permanently accommodate the temporary use, the permit may be extended one (1) time for an additional two (2) years provided the applicant requests the extension within 90 days prior to the expiration of the permit.
7. The applicant is permitted to lease the same property for a different temporary use subsequent to the termination of a temporary use permit for another use.

15.07.03 Table of temporary uses.

Use #	Temporary Use	Zoning Districts												
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial				
		RA	R1	R1 A	RR	R2	R4	M H	R3	OI	B1	B2	B3	M1
T-1	Temporary care provider dwelling	L			L	L	L	L	L	L	L	L	L	
T-2	Temporary construction or repair dwelling	L	L	L	L	L	L	L	L	L	L	L	L	L
T-3	Temporary construction trailer	L	L	L	L	L	L	L	L	L	L	L	L	L
T-4	Temporary mobile medical unit										L		L	
T-5	Temporary classroom									L			L	
T-6	Temporary portable storage containers	L	L	L	L	L	L	L	L	L	L	L	L	L
T-7	Temporary staging									L			L	L
T-8	Temporary non-fixed site event venue	L								L			L	
T-9	Carrier on wheels (cow)	L	L	L	L	L	L	L	L	L	L	L	L	L
T-10	Yard sales	L	L	L	L	L	L	L	L	L	L	L	L	L
T-11	Itinerant merchant/peddler	L	L	L	L	L	L	L	L	L	L	L	L	L
T-12	Open air market, temporary	L								L	L	L	L	L
T-13	Temporary Use 9.01 Public Colleges and Universities									L				L

ADJOURNMENT

MOTION TO ADJOURN

Upon a motion by Council Member Mizelle, seconded by Council Member David, Council moved to adjourn the special meeting at 5:23 p.m.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Charlotte Mizelle, Council Member
SECONDER:	Quint David, Council Member
AYES:	Clawson, Mason, Collins, Mizelle, David

Nicole Worley, Town Clerk

Rennie Brantz, Mayor