

**TOWN COUNCIL
ZONING ORDINANCE
PUBLIC HEARING MINUTES
Monday, December 4, 2023
GoToMeeting**

Mayor Paulin called the Public Hearing to order at 6:03 p.m. Those in attendance were:

Brandon Paulin, Mayor
Ron Sitoula, Vice Mayor
Cassandra Grumbine, Councilwoman
Ryan Hicks, Town Manager
Nate Merkel, Zoning Administrator
Andrea Brady, Town Clerk

NUMBER OF CITIZENS AND GUESTS IN ATTENDANCE: 0

Mayor Paulin made a motion to open the public hearing. Councilwoman Grumbine seconds the motion. The public hearing opened at 6:04pm.

The purpose of the Public Hearing is to receive questions and comments from Town residents regarding the revised Zoning Ordinance.

The Town's Zoning Administrator, Nate Merkel provided a summary of the proposed revisions to the Zoning Ordinance. The summary has also been available on the Town's website. (see attached)

During the Planning Commission's public hearing held on October 18, 2023, the Commission voted unanimously to recommend that the Council move forward with adoption of the revised Zoning Ordinance. The Council was provided with a copy of the minutes outlining that recommendation. Zoning Admin Merkel gave a brief summary of their recommendation.

Vice Mayor Sitoula asked if this change is consistent with other municipalities. NM stated it is consistent and these changes allow these uses as long as they go before the BZA for consideration and approval, which is consistent with other municipalities across the state.

Mayor Paulin made a motion to open the floor to public comment Councilwoman Grumbine seconds the motion. All in favor. The floor was opened to public comment. Town Clerk Brady did not receive any public comment prior to this evening's hearing.

There being no comment, and none received prior to the hearing, Mayor Paulin made a motion to close the floor to public comment. Councilwoman Grumbine seconds the motion. All in favor.

Council moved into the Council discussion portion of the agenda.

There being no Council discussion, Mayor Paulin made a motion to close the public hearing. Vice Mayor Sitoula seconds the motion. All in favor. The public hearing was closed.

Mayor Paulin adjourned at 6:14pm.

A handwritten signature in cursive script that reads "Andrea Brady". The signature is written in black ink and is positioned above the printed name and title.

Andrea Brady
Town Clerk

The following changes have been made to the zoning ordinance.

- Allowing under a special exception application, building heights above 60' in a TCMX district
- Change the following to be permitted under a special exception application in a TCMX district:
 - Operations designed to attract and serve customers or clients on the premises (3.210)
 - Operations designed to attract little or no customer or Client traffic other than the employees of the entity operating the principal use (3.220)
 - Welding shops, ornamental iron works, machine shops, urban industry (4.210)
 - All motor vehicle related sales and serves operations (9.100-9.600)
 - Kennels (12.200)
 - Open-air markets (19.100)
- Added a Supplemental Regulation (Section 1134) to Car Wash (9.600)
- Updated Section 1134 to include group 9.600
 - Section 1134 now states –
 - A drive-in/fast food restaurant, bank, or car wash may be allowed upon a finding, in addition to findings required in Article X, that:
 - The use will not constitute a nuisance because of noise, illumination, fumes, odors, or physical activity in the location proposed.
 - The use at the proposed location will not create a traffic hazard or traffic nuisance because of its location in relation to similar uses, necessity of turning movements in relation to its access to public roads and intersections, or its location in relation to other buildings or proposed buildings on or near the site and the traffic patterns from such buildings or cause frequent turning movements across sidewalks and pedestrian ways, thereby disrupting pedestrian circulation within a concentration of retail activity. A traffic impact study shall be required.
 - The use of the proposed location will not pre-empt frontage on any highway or public road in such manner so as to substantially reduce the visibility and accessibility of an interior commercial area zoned or proposed for commercial use that is oriented to the same highway or public road.
 - When such use abuts a residential zone or institutional premises not recommended for reclassification to commercial zone on an adopted master plan and is not effectively screened by a natural terrain feature, the use shall be screened by a solid wall or a substantial, slightly solid fence, not less than five feet in height, together with a three-foot wide planting strip on the outside of such wall or fence, planted in shrubs and evergreens three feet high at the time of original planting and which shall be maintained in good condition. Location, maintenance, vehicle sight distance provision, advertising, and parking areas pertaining to screening shall be as provided for in this Chapter.
 - When such use occupies a corner lot, the ingress or egress driveways shall be located at least 20 feet from the intersection of

the front and side street lines of the lot, as defined in Article XII, and such driveways shall not exceed 25 feet in width, provided that, in areas where no master plan of highways has been adopted, the street line shall be considered to be at least 60 feet from the centerline of any abutting street or highway.

- Drive through lanes shall be marked with distinctive pavement markings and/or special striping and shall not block exit or entry to building or to off- street parking spaces otherwise required on the site.
 - Adequate spaces for stacking (line-up) at drive through facilities shall be provided. Specifically, bank: five for first station plus two for each additional station; restaurant: seven per station, five of which must be before the ordering station (intercom).
 - Vehicular access shall not be by means of any street internal to a subdivision for single-family dwellings.
- Added a minimum requirement sentence for Supplementary Use Regulations. Stating if no additional supplementary use regulations apply then the use shall be consistent with the character of the current zoning district and surrounding area as determined by the Zoning Administrator and Board of Appeals.