

**Town of Boone
Town Council/Planning Commission Public Hearing
6:00 PM, September 22, 2025
Jones House Cultural Center
604 West King Street**

The public is invited to attend the meeting in person at the Jones House Cultural Center, located at 604 West King Street, or online via WebEx, a video conferencing software.

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

To join via WebEx, email your request to Planning and Inspections at planning@townofboone.net or call 828-268-6960, and you will receive an email invitation. Requests must be submitted no later than one hour before the meeting begins.

I. Call to Order of Town Council and Planning Commission

II. Moment of Silence

III. Approval of Meeting Minutes

1. July 28, 2025, Public Hearing/Planning Commission Meeting Minutes

IV. PUBLIC HEARING

1. Cases A25-0446 & A25-0684 - Lindsay & Andrew Hannon - Joint Annexation and General Use Zoning Map Amendment
2. Cases A25-0500 & A25-0685 - John Seldomridge - Joint Annexation & General Use Zoning Map Amendment
3. Cases A25-0501 & A25-0686 - Justin Rogers - Joint Annexation & General Use Zoning Map Amendment
4. Cases A25-581 & A25-0687 - Nicole & Daniel Kerr - Joint Annexation & General Use Zoning Map Amendment
5. Case A25-0606 Outdoor Dining - UDO Text Amendment
6. Case A25-0604 Itinerant Merchants, Open-Air Markets, Mobile Retail - UDO Text Amendment

V. Adjournment of Town Council

PLANNING COMMISSION

VI. Discussion and Recommendation on Cases Presented at the Public Hearing

VII. Other Matters

1. Chair and Vice-Chair Applications for Discussion and Recommendation to Town Council

VIII. Adjournment

**TOWN COUNCIL AND PLANNING COMMISSION
PUBLIC HEARING AND PLANNING COMMISSION MEETING MINUTES
MONDAY, JULY 28, 2025, 6:00 PM
140 QUEEN STREET**

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

COUNCIL MEMBERS ABSENT: Mayor Tim Futrelle and Virginia Roseman

PLANNING COMMISSION MEMBERS PRESENT: Frank Veno-Vice-Chair, Garrett Kight, Anne Pruitt, Frida PazMiranda, and Michael Mileski (arrived at 6:20 pm)

PLANNING COMMISSION MEMBERS ABSENT: Adrian Tait-Chair and Chris Behrend

PLANNING STAFF PRESENT: Jane Shook-Director of Planning & Inspections, Brandon Wise-Deputy Director of Planning & Inspections, Amy Snider-Commercial Zoning Administrator, and Brenda Henson-Board Clerk

OTHER TOWN STAFF OR REPRESENTATIVES PRESENT: Allison Meade-Town Attorney

Call to Order

Mayor Pro Tem George called the Town Council to order at 6:00 pm. Vice-Chair Veno called the Planning Commission to order at the same time. The meeting was held at the Watauga County Public Library, located at 140 Queen Street.

Moment of Silence

A moment of silence was observed.

Approval of Meeting Minutes

Council Member Plaag moved to approve the June 23, 2025, Special Public Hearing minutes as written. Council Member Carter seconded the motion.

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

The motion passed.

Commission Member Pruitt moved to approve the June 23, 2025, Special Public Hearing and Planning Commission meeting minutes as written. Commission Member Kight seconded the motion.

Vote: Aye – 5
Nay – 0
Absent – 2 (Behrend, Tait)

The motion passed.

PUBLIC HEARING

Case A25-0115 Jeremiah's Ice – Conditional District Zoning Map Amendment

JSeventeen7, LLC, submitted a Conditional District Zoning Map Amendment application to rezone the property at 1095 East King Street from B3 General Business to Conditional District B3 General Business to

add a drive-through as an accessory use. The applicant has submitted zoning and building plans to convert the current building into an Italian ice restaurant.

Amy Snider, Commercial Zoning Administrator, presented the request.

Chelsea Garrett, the applicant and part of JSeventeen7, LLC, introduced herself, her husband, Rob Garrett, and the property owner and contractor, Sid Greene. Ms. Garrett reminded everyone that they had not completed their traffic impact analysis at the May public hearing. However, they presented most of their case at that time.

Ms. Garrett noted that the restaurant use was allowed by right, but the drive-through required a conditional district zoning map amendment. She stated the roof would change from a green metal roof to a black metal roof. Signage would include a backlit sign on the building and a wood and metal, exteriorly lit monument sign in the same location as the previous freestanding sign.

Ms. Garrett felt that their project met a lot of the vision and planning principles of Boone Next. She explained that they were redeveloping an existing site, adding extensive landscaping, and preserving an existing building that provided a mountain aesthetic along a major corridor. Ms. Garrett stated that they were creating a natural grassy area where water could go when the creek overflowed. An opaque fence would be installed in the back of the property, and security cameras would also be installed.

Ms. Garrett stated that the existing sidewalk along King Street, along with the addition of a portion of sidewalk along Grove Street, made the property easily accessible to pedestrians. She noted that their goal was to be a gathering place for students. Ms. Garrett mentioned concerns expressed at the May public hearing regarding the safety of students gathering around a site with a drive-through. She pointed out that students who walked to their location from the high school would be crossing a 5-lane highway.

Ms. Garrett stated that the plan to have a coffee truck on site was not part of this request and would require a separate conditional district approval if they were to move forward in that direction. She noted that Jeremiah's Ice would not open until 11:00 a.m. or 12:00 p.m.

Ms. Garrett commented that they were prepared to offer possible conditions regarding the drive-through, if necessary, to gain approval. One suggestion was to operate the drive-through year-round, but only at night from 6 to 9 pm, to avoid school traffic. Ms. Garrett felt this would limit the issue with pedestrians on site because the kids coming from school in the afternoons would not have to deal with drive-through traffic. Another suggestion was a seasonal drive-through that would operate in the off-season. Ms. Garrett stated that the whole point of the business was to have people, when the weather was good, hang out on the decks, talk, and play games. She felt that these two suggested options would limit risks to pedestrian safety because there would be less traffic on-site during the winter and in the evenings.

Ms. Garrett stated that the deck would drain so that no one would get wet under it. She suggested having lights, events, or music under the deck during the off-season.

Ms. Garrett referred to the traffic impact analysis, noting that an ice cream store was not listed in the IT manual, so the traffic engineer based the study on a modified version of a fast-food restaurant. She explained that the model considered fast food restaurants to be open for 12 hours, whereas the ice cream store would typically be open for only nine hours. Ms. Garrett directed everyone to page 59 of the meeting packet, noting that there would be 26 proposed trips per hour. The traffic engineer took the peak count based on the IT manual and used that count for all nine hours. She stated that, to evaluate the impact of the drive-through as a worst-case scenario, the number of trips was treated as if 100% of the trips would go through the drive-through. Ms. Garrett noted that they had a good vehicular stacking queue on-site. "Do not block the driveway" signage would be installed. Ms. Garrett explained that their left lane allowed for 220 feet of storage, and the right lane allowed for 200 feet, which provided adequate

stacking on-site. She added that orders would be taken at the window, so there would be no menu board or speaker in the drive-through, which could cause delays in the line. Orders were estimated to take approximately three minutes to prepare, unless there was a car full of people. Ms. Garrett stated that if the trip generation of 26 were increased by 90%, according to the traffic engineer, the drive-through queues would still contain all of the cars on-site.

Ms. Garrett indicated a willingness to operate the drive-through on a temporary basis for 6-9 months to make sure it was functioning as the Town Council desired.

Council Member Carter stated that the site was larger than one would think. He was relieved that there would be no business during the morning, given the already high volume of traffic in the area. Council Member Carter felt this would be a cool spot for East Boone. He added that he would be okay with the drive-through operating during evening hours and on weekends.

Council Member Plaag stated that this area has a massive amount of pedestrian traffic, which would make it a popular destination for this business, given its proximity to hundreds of beds within easy walking distance, as well as sidewalks that can access the location, and the high school across the street. He added that the town had made a commitment to finding places that could be a 15-minute neighborhood, and the Perkinsville area potentially fits that model. Council Member Plaag was reluctant, in the wake of Boone Next, to agree to another drive-through, even with the proposal for variations in times, seasons, and days.

Ms. Garrett noted that Council Member Plaag had previously suggested having the interior lane open, with the exterior lane reserved for vehicular traffic. She stated that kids would not be running around the parking lot in January or at seven o'clock at night. Ms. Garrett said that her suggestions were a way to limit drive-through hours to times when fewer kids would be there. She offered to operate the drive-through on a trial basis during the winter months, so if things were not working, the Council could discontinue use of the drive-through. Ms. Garrett stated that she asked the staff this question to see if it was something that they could enforce. Brandon Wise, Deputy Director of Planning & Inspections, replied that he did not feel it would be challenging to enforce limitations on the drive-through.

Council Member Plaag stated that his concern was more of a timing issue in that he did not want the Council or the Planning Commission to be accused of embracing Boone Next and encouraging walkability, then turning around not even a month after passing the plan and trying to make an exception for a drive-through at certain times during the year.

Sid Greene, the property owner and contractor, stated that the drive-through would not impact the on-site traffic pattern. He added that the lanes pedestrians would cross would be crossed with or without a drive-through because the exit pattern for cars went through what would or would not be a drive-through.

Council Member Plaag noted that all of the intended patron parking was to be located behind the building, and the only way out of the spaces closest to the building was to back out, which was acceptable. Patrons who park in the rear six spaces might drive around the building, but he felt they would be more likely to pull forward and go straight out to Grove Street. Mr. Greene replied that the ultimate goal was to circulate everyone around the building to the exit for safety and to get cars flowing in one direction, with or without the drive-through. He noted there would be marked crosswalks for pedestrians on each side of the deck structure.

Ms. Garrett stated that people would go to the drive-through if they thought it was open. If it were closed, they would continue circling the building and park. She noted that she would prefer there to be bollards at the right only exit instead of concrete, for snowplow and delivery truck purposes. Ms. Garrett stated that, due to the way cars would enter and the site signage, she assumed they would circle the building.

She emphasized that they were willing to make the drive-through temporary to see if it worked and were also willing to drastically limit its use. Ms. Garrett noted that a gate would be installed on the deck to deter kids from running across. She stated that the drive-through window would be located at the back right corner of the property, barely covered by the deck. This was done to provide a clear line of sight and prevent people from stepping off a curb into traffic. Ms. Garrett stated that being able to operate the drive-through would help the business during the hard time of year.

Commission Member Pruitt noted that a left turn exit lane was shown on one of the site plans, and a right-only exit lane was shown on another. Ms. Garrett replied that the site plan showing a left turn exit was an old plan and that exit would be a right out only.

Commission Member PazMiranda stated that she used to walk along King Street to the coffee shop at New Market Center when she was in high school. She expressed concern about the length of the crosswalk light, noting that it did not allow pedestrians enough time to cross the street. Mr. Wise replied that the staff had spoken with NCDOT about the crosswalk and timing of the traffic lights in that area. Ms. Garrett recalled someone suggesting at the May public hearing that installing a school zone at the intersection might help slow traffic.

Mayor Pro Tem George felt that this was an interesting opportunity, and he appreciated the applicant's willingness to be flexible. He was agreeable to the nighttime drive through and possible weekend limitations. Mayor Pro Tem George stated that having a drive-through that increased the number of cars exiting next to a corridor might encourage the DOT to invest in pedestrian-friendly infrastructure. He added that, despite the presence of a drive-through, the fact that so much of the use would be devoted to getting people there and encouraging them to stay, he felt it was an opportunity to deliver on some of the Boone Next priorities.

Council Member Tugman expressed concern about the location where the lanes merge on the site due to pedestrian safety. Ms. Garrett noted that when the drive-through is closed, there would be no option to walk up to the window. To place an order, a customer must go inside. Mr. Greene stated that pedestrian access to the site would be via the sidewalk along Grove Street, noting there was no pedestrian access from the sidewalk along King Street.

Council Member Tugman also expressed concern about traffic backing up on King Street with excess traffic at that intersection. Ms. Garrett replied that the business would remain there, regardless of whether they had a drive-through or not. Council Member Tugman responded that the previous insurance office use would not have created as much traffic at that intersection as an ice cream store.

Allison Meade, the Town Attorney, inquired whether there was a concern that the drive-through would not have sufficient capacity on-site, which could result in cars being stacked on Grove and King Streets, or if the concern was related to cars being stacked in the road to turn in. Ms. Meade stated that a condition could be placed on the approval that would require the owner never to permit queuing from the drive-through to result in stacking onto Grove Street.

Council Member Plaag asked what would happen if the service got backed up. Ms. Garrett replied that they planned to have people taking orders at iPad stations during events or predictably busy times. They were also considering an app that would allow customers to pre-order online. Ms. Garrett noted that she had spoken with the Hunts from Cornerstone Church across the street regarding the allowance of overflow parking for large groups, if necessary. She again stated that each treat took approximately three minutes to prepare. There would be 2-3 people preparing the treats, so wait times would vary depending on the size of the order and the number of employees working at a given time.

There was no public comment on this case.

Council Member Carter stated that he wanted to support successful local businesses. He felt that Ms. Garrett had been very gracious in her offers of compromise. Council Member Carter noted that he lived near this property, had watched the construction, and walked the property.

Mayor Pro Tem George felt that this would be a significant amount of responsibility to place on the applicant, which no other drive-through had to undertake. He stated that the reason he tried to prevent drive-throughs from being added by right was to hold owners accountable for any issues caused by their drive-throughs. Mayor Pro Tem George stated that Starbucks never had to tell them how long it would take to make a Frappuccino. If a condition were to be placed to limit queuing out into the street, the Council should decide what the policing powers were to hold everybody else accountable equitably. Council Member Plaag replied that the idea would be akin to holding all non-conformities accountable to the current regulation, even though the Council did not have the authority to do so. He stated that, at Mayor Pro Tem George's request, the Council changed the regulations regarding drive-throughs. They were now in a dialogue with an applicant about what that would look like, but they did not have the power to go to Bojangles or Starbucks and say that they did not love what they were doing and impose new conditions on their operations. Council Member Plaag stated that the Council could negotiate conditions and make decisions about whether a drive-through was appropriate at this location, but suggesting there was an inequity with this case struck him as an odd argument to make, coming from the person who had called for the regulation change. Mayor Pro Tem George clarified that policing powers should be uniform and equitable. Ms. Meade noted that policing powers were in play that could possibly be retroactively applied.

Ms. Garrett stated that the sign on the building would be white backlit. The sign on the street would be green metal with a frame around it with Jeremiah's Ice colors. Commission Member Pruitt inquired about the height of the freestanding sign. Ms. Garrett replied that the UDO allowed monument signs to be up to six feet tall.

Commission Member Kight asked how much of the business was expected to be foot traffic versus drive-through traffic. Ms. Garrett replied that they picked this location because of its proximity to the high school. The majority of their employees would be kids who walked from school, and she hoped to have a large number of walking customers.

Commission Member PazMiranda stated that students walking from the high school would cut across the grass instead of walking to the driveway. She suggested installing a path from the sidewalk on Grove Street to the site, located between the intersection on King Street and the driveway. Ms. Garrett replied that a shortcut path could be installed.

Commission Member Mileski expressed concern that the dual-entry parking spaces had no buffer from the entry lanes, leaving the parking lot wide open. Ms. Garrett noted that this design was intentional because it provided better circulation on the property for delivery and garbage trucks. She added that it also allowed cars to pull out of the spaces instead of backing out into the entry lanes.

Council Member Plaag noted that the traffic impact analysis was done on the last day of school for the university. He expressed displeasure that this day was chosen to complete the study because the last day of school was notoriously underattended, which could provide an inaccurate picture of the traffic typically in that area. Ms. Garrett explained that the timing of projects did not always coincide with times of extreme traffic. She stated that the TIA cost \$10,000, and it was upsetting when the reliability of the analysis was questioned. Ms. Meade reminded everyone that TIA's were done by engineers and were based on established industry standards. The engineers use an ITE manual, and they adhere to specific standards. Ms. Garrett stated that the study was performed at a time that considered high school students, not college students.

Vice-Chair Veno asked about the supports for the deck. Mr. Greene replied that a V-shaped steel structure would support the deck.

Ms. Garrett stated that the idea of requiring drive-throughs to obtain a conditional district zoning map amendment was so that the Council could consider the site and determine what would work specifically for that site. She felt that she had offered several good options to address concerns that were expressed, and would like the opportunity to see if they can have a successful drive-through.

With nothing further, Mayor Pro Tem George closed the public hearing for this case at 7:37 p.m.

Cases A25-0504 and A25-0505 High Country Mountain Properties – General Use Zoning Map Amendment

In conjunction with a request for voluntary annexation, the Town of Boone has initiated the zoning of two parcels on Trillium Ridge (Watauga County PINs 2819-19-9210-000 and 2819-19-7099-000) owned by High Country Mountain Properties as R1 Single-Family Residential, along with the Viewshed Protection and the WS-II Watershed Areas Critical Area overlays.

Mr. Wise introduced the case.

Council Member Plaag asked if it was correct that the watershed limited a residential property to one single-family home per two acres. Mr. Wise replied that this was correct. He noted that the property in question was not two acres, so 6%, or 3,000 square feet, of the entire lot could be built upon. Mr. Wise added that the 3,000 square feet included all non-permeable surfaces.

Council Member Plaag stated that he had looked at the lot next door, which had been developed, and the one on the other side, which had also been developed. He noted that there were three single-family homes on 2.2 acres, which was three times what the watershed ordinance desired. He added that about half of the area of the two parcels was designated as steep slope, and Boone Next designated this area as rural and green space where new development should be limited. Council Member Plaag stated that the area allowed single-family homes, but it should not be encouraged. He noted that this specific location encouraged one more set of automobiles coming into town from a town property. He stated that all of those things made him uncomfortable. A 3,000-square-foot footprint for a home did not check the box for affordable housing. Council Member Plaag noted that he suspected the reason the request for annexation was made was that either a well or a septic system was not possible. Mr. Wise replied that the applicant had requested to tie into the town's sewer system, and noted that a town sewer line ran up beyond the subject properties.

Council Member Plaag asked if it was correct that the property had to be annexed to receive town water or sewer. Mr. Wise stated that was correct. Council Member Plaag asked if there was a water line in that area. Mr. Wise replied that the property would be serviced by well water.

Commission Member Pruitt asked if there was a sewer easement on the property. Mr. Wise stated that he was not sure. He noted that the sewer line was off to the side of the left parcel. Mr. Wise added that watershed regulations would apply to the property, regardless of whether it was located in the town or county. He explained that the property was currently located in the watershed, but the county followed a different watershed model than the town.

Vice-Chair Veno stated that he agreed with Council Member Plaag's concerns. However, a house would likely be built on the property, whether it was located in the town or the county, so that traffic concerns would be the same. Council Member Plaag stated that the town's commitment to preserving rural and green space would not be met if the property were developed. Ms. Meade noted that the town would gain property tax revenue and control over code enforcement.

Mayor Pro Tem George felt that strategic annexation was one of the few ways for the town to grow and have some development controls.

Council Member Plaag stated that the Trillium Ridge area had been identified in Boone Next as a green and rural space with limited infrastructure. He noted that he was unsure whether saying no was the correct answer, given all the reasons they had discussed.

There was no public comment on this case.

Mayor Pro Tem George stated that annexing the property and zoning it R1 would help grow the town's tax base and allow the town more control over development.

With nothing further, Mayor Pro Tem George closed the public hearing for this case at 7:51 p.m.

Cases A25-0506 and A25-0507 Tyler & Lara Jones – General Use Zoning Map Amendment

In conjunction with a request for voluntary annexation, the Town of Boone has initiated the zoning of 539 Old Bristol Road and the adjacent property (Watauga County PINs 2901-01-8665-000 and 2901-01-8606-000) owned by Tyler & Lara Jones as R1 Single-Family Residential, along with the Corridor District overlay.

Mr. Wise introduced the case.

Tyler Jones, the applicant and property owner, stated that he grew up in Boone. He said that they bought their house in 2022 from his wife's grandmother. When they had the septic tank checked, they discovered that the lid was sliding off. They were not allowed to adjust it because the drain field would be cut, and they could not tie back into it. Mr. Jones stated that they were told that if their septic tank completely failed, they would have to install a pump to pump their sewage to the back of their property, which would be cost-prohibitive for his family.

Council Member Plaag asked Mr. Jones if he was currently living in the house. Mr. Jones replied that he, his wife, and his two kids lived in the house. Council Member Plaag noted that the property was zoned B3 when it was in the ETJ because it was located in the corridor. He stated that there were some commercial uses in that area, but there were also many houses. Council Member Plaag felt that at this time it was more important to preserve the housing stock.

Commission Member Pruitt asked what would happen to the existing septic tank if the property were connected to the town sewer line. Mr. Wise replied that he was unsure of the process for abandoning a septic tank and suggested that the Health Department would likely enforce those regulations.

With nothing further, Mayor Pro Tem George closed the public hearing for this case at 7:59 p.m.

Case A25-0230 Conditional District Zoning Map Amendments – UDO Text Amendment

Consideration of a text amendment to the Unified Development Ordinance that would allow Town Council to approve variances from ordinance standards when considering an application for a conditional district zoning map amendment.

Ms. Shook introduced the case. She noted that this text amendment would expand the property owner notification to 300 feet and add the requirement for a pre-application meeting. It would provide for the required neighborhood meeting as well as allow for additional neighborhood meetings. Ms. Shook stated that this would be discussed with applicants. The purpose of the meeting had been clarified to ensure that the applicant understood that the meeting was an opportunity to present development plans to the neighbors, gather feedback, and document concerns. The meeting notice will be posted on the Planning and Inspections webpage to increase transparency about neighborhood meetings. Ms. Shook also noted that there would be a clarification of what documentation would be required from the neighborhood meetings, such as accurate meeting minutes that must be submitted with the application for

development, and a time limit from when the neighborhood meeting was held to when the application could be submitted. She stated that the standards would be revised regarding the information that applicants must submit. Ms. Shook explained that the current conditional district process requires an applicant to meet all ordinance standards of the zoning district. If the applicant varied from the ordinance standards, they would need a variance from the Board of Adjustment. She stated that sometimes a more comprehensive review of the variances in relation to the overall project was needed, which was not something the Board of Adjustment could undertake. The Council then had to consider the project after the variance was granted. Ms. Shook said the amended process would alleviate that issue and give the responsibility of allowing flexibility to the Planning Commission and Town Council.

Ms. Meade noted that there would still be variances heard by the Board of Adjustment that were not tied to conditional district zoning map amendments. She stated that having the Board of Adjustment consider variances for projects that they could not review in their entirety put them in a terrible position. Likewise, when the Planning Commission and Town Council reviewed a project that the Board of Adjustment had already granted variances for, it put them in a difficult position because they did not have an opportunity to weigh in on the varied standard.

Council Member Plaag appreciated the work on this amendment. He felt that this was a step to help the Council begin examining the ordinance to identify ways to improve it, making development a more efficient and successful process for everyone involved. Council Member Plaag stated he had no objections to the substance, but did point out a couple of typos. On packet page 196, Subsection 9.09.02(C)(1)(b), the word *bases* should be changed to *basis*. On packet page 201, Subsection 9.10.01 appeared to have been repeated.

There was no public comment on this case.

With nothing further, Mayor Pro Tem George closed the public hearing for this case at 8:06 p.m.

Adjournment of Town Council

Council Member Carter moved to adjourn the Public Hearing at 8:06 p.m. Council Member Tugman seconded the motion.

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

The motion passed.

Dalton George, Mayor Pro Tem

Brenda Henson, Board Clerk

Frank Venio, Planning Commission Vice-Chair

PLANNING COMMISSION

Vice-Chair Venio called a break in the meeting from 8:09 pm until 8:12 pm.

Case A25-0115 Jeremiah's Ice – Conditional District Zoning Map Amendment

JSeventeen7, LLC, submitted a Conditional District Zoning Map Amendment application to rezone the property at 1095 East King Street from B3 General Business to Conditional District B3 General Business to add a drive-through as an accessory use. The applicant has submitted zoning and building plans to convert the current building into an Italian ice restaurant.

Vice-Chair Veno stated that this business could operate by right without the drive-through. He felt that the applicant had done a good job of presenting possible solutions to everyone's concerns.

Commission Member Pruitt stated that she did not want to limit the hours of the drive-through. She was in favor of allowing the applicant to operate the drive-through, providing them with an opportunity to run a successful business. Commission Member Pruitt felt that the business would be aware if the drive-through was not successful or was posing a safety hazard.

Vice-Chair Veno agreed with Commission Member Pruitt's statements, noting that he did not have any strong opinion about the hours of the drive-through.

Commission Member Kight stated that he was okay with the business having a drive-through during all of their operating hours. He was also okay with placing a condition to re-evaluate the drive-through in 6-9 months.

Ms. Garrett stated that the reason the options were offered was that the Council seemed hesitant about the drive-through at the May public hearing. She noted that if she had largely mitigated the safety concerns, she was hopeful that they would let them try to make it work. Ms. Garrett stated that she would love to have no condition on the drive-through, but she was not scared of having one of the options she had proposed.

Commission Member Kight asked if the Town Council could impose conditions, regardless of whether the Planning Commission recommended them or not. Ms. Shook replied that the Planning Commission would make their recommendation to the Council. Then, the Council would evaluate, work with the applicant, and impose final conditions as it deemed necessary.

Vice-Chair Veno asked if there would be directional arrows in the parking lot to direct the flow of traffic on-site. Ms. Shook replied that the applicant indicated during the public hearing that there would be pavement markings.

Vice-Chair Veno noted that he disliked drive-throughs because of the amount of gas used by cars and the carbon emissions. However, he did not want to deprive a business owner of a significant amount of business because they could not have a drive-through. Vice-Chair Veno stated he understood Council Member Plaag's concern that one of the goals in Boone Next was to have fewer cars and more green space.

Commission Member Pruitt replied that Boone Next also encouraged the development of more pedestrian-friendly areas to bring the community together. She added that Jeremiah's Ice was not a drive-through-only business and was being designed as a gathering place.

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

Planning Principle 1: Prioritize thoughtfully designed development of underutilized land within the town's existing built-upon areas over development of undeveloped land on the town's outer limits. *It is preferable to accommodate growth in locations within the existing town limits that are appropriate for,*

can support, and would be enhanced by new development. Infill and redevelopment will occur in a strategic manner that considers community needs like provision of and access to goods, services, transit, and quality public space.

Planning Principle 2: Emphasize quality design to create an attractive, inspiring public and private realm - architecture, streetscape, corridors, gateways, and edges - that is uniquely Boone. *Public areas (streetscapes, sidewalks, parks, plazas, etc.) and private areas (building facades, landscaping, parking facilities, etc.) will be planned, arranged, and designed with quality materials to celebrate a sense of place and character by balancing function, appearance, and affordability, while fostering creativity, innovation, and human-scale design that is true to Boone.*

Goals & Policies

Chapter 1 Land Use and Development

Goal 1.2 DEVELOPMENT TRUE TO BOONE'S VISION: Boone's development and redevelopment will enhance the best of the town's existing built environment and reinforce the vision set forth in this plan.

Policy 1.3.4 Encourage Reuse and Rehabilitation: Support and encourage adaptive reuse and rehabilitation of existing homes and buildings. Where appropriate, minimum building code standards should be applied in a manner compatible with historic preservation efforts.

Chapter 3 A Vibrant Local Economy

Goal 3.1 A STRONG AND DIVERSE LOCAL ECONOMY: Boone will have a strong and diverse local economy that builds on existing economic sectors and fosters the growth of new green economic sectors.

Policy 3.1.1 Build on Boone's Existing Economic Assets: Leverage existing economic assets by promoting businesses that are actively investing in Boone and providing living wage jobs.

Policy 3.1.4 Support Boone's Small Businesses: Support Boone's independent businesses and ensure existing resources are adequately advertised to existing and prospective small businesses. Foster a spirit of entrepreneurship and information-sharing. Create opportunity for creating new locally-owned small businesses, including protecting and expanding the supply of small, affordable spaces in existing and new building.

Commission Member Kight seconded the motion.

Vote: Aye – 5
Nay – 0
Absent – 2 (Behrend, Tait)

The motion passed.

Second Motion and Vote: Commission Member Pruitt made a motion that the Planning Commission recommends approval of Ordinance A25-0115 within Exhibit A and believes approval is reasonable and in the public interest because it is going to help support and encourage adaptive reuse and rehab of an existing building, it's going to increase a strong and diverse local economy in the area and support small business and economic development, and it will be exciting to have an ice cream shop on the east side of Boone. Commission Member Kight seconded the motion.

Vote: Aye – 5
Nay – 0
Absent – 2 (Behrend, Tait)

The motion passed.

The following conditions shall apply:

1. Where there is a conflict between the application information and the plans (dated received on March 19, 2025), the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. Any commitments and representations concerning the proposed development made by the applicant or her representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.
3. The applicant shall submit the necessary applications, plans, details and specifications which meet the requirements of the Town Code, UDO, Building Code and any other applicable codes for review and approval necessary to issue Zoning and Building Permits.

Cases A25-0504 and A25-0505 High Country Mountain Properties – General Use Zoning Map Amendment

In conjunction with a request for voluntary annexation, the Town of Boone has initiated the zoning of two parcels on Trillium Ridge (Watauga County PINs 2819-19-9210-000 and 2819-19-7099-000) owned by High Country Mountain Properties as R1 Single-Family Residential, along with the Viewshed Protection and the WS-II Watershed Areas Critical Area overlays.

Commission Member Pruitt stated that she had a problem with this request, noting that the property was located in an area designated as rural and that Boone Next had not promoted annexing property in a rural area for 10-15 years.

Ms. Shook noted that this case was presented to the Council for the first step of the annexation process, and they agreed to send it to a public hearing. The town must advertise which zoning districts would be considered if the property were to be annexed. Ms. Shook noted that Mr. Wise had to leave the meeting, but she would try to contact him to see if this was a hardship connection request. She explained that the Town Code outlined the guidelines for requesting a connection, and one of those was hardship. She noted that an annexation report, which contained information regarding the annexation, the legal requirements, and a zoning analysis, was presented to the Council during the first annexation step so that the Council could choose the zoning classification for the property if it were to become annexed. Ms. Shook relayed to Commission members that they were free to make their recommendation based on their concerns. She stated that staff would endeavor to include hardship information in the staff reports for future requests.

Commission Member Pruitt noted that a sewer line was on the property. Ms. Shook stated that the sewer line likely ran along the road at the property. Commission Member Pruitt expressed concern that the property was located in a rural area and was not in close proximity to any part of town. Ms. Shook replied that this was a satellite annexation, which was not uncommon. She added that the property was currently within Watauga County's jurisdiction, which meant that the town had no development control over it.

Commission Member PazMiranda stated that she was in favor of annexing the property to give the town jurisdiction and provide watershed protection. Ms. Shook replied that the property was currently located in a watershed, although the county used a different enforcement model than the town.

Commission Member Mileski stated that he saw no reason not to annex the property, given that the sewer was already available.

Vice-Chair Veno felt that a house would be built on the property regardless of whether it was in the county or the town. However, if the property were in the town's jurisdiction, it would be part of the town's tax base.

Ms. Shook clarified that the case before the Planning Commission pertained to the zoning of the property if it were to be annexed, not to the actual annexation of the property. Commission Member Pruitt stated that she had thought from the beginning that the Planning Commission was supposed to make a recommendation regarding the annexation of the property, based on the conversation of the Town Council during the public hearing. Ms. Shook reiterated that the Planning Commission made recommendations on the zoning of the property. However, if the Planning Commission strongly felt that this property should not be annexed, they could express this desire to the Town Council in their zoning recommendation.

Commission Member Kight felt that this was an unusual location for property to be annexed into the town. He asked Ms. Shook for the difference between R1 and R1S. Ms. Shook replied that the town advertised for this property to be zoned R1, not R1S, so the case might have to be re-advertised and go through the public hearing process if they wanted to change the zoning from what was advertised. Vice-Chair Veno stated he was okay with an R1 zoning.

Commission Member Kight stated that, like Commission Member Pruitt, he thought the Planning Commission was making a recommendation on the annexation based on the conversation of the Council and the language in Boone Next.

Ms. Shook explained that annexation is a two-step process, and, statutorily, certain steps must be taken. Once the petition was submitted, the clerk had to certify the sufficiency of the petition, meaning the right people had signed it to annex legally. Following that, a resolution was passed setting a date for a public hearing on the annexation. For this request, that hearing date was scheduled for the August 27, 2025, Town Council meeting. In conjunction with the annexation process, the property must have a zoning designation selected that would be applied to the property at the time the Town Council voted to approve the final annexation. The zoning designation was what the Planning Commission was tasked with making a recommendation on. Ms. Shook noted that only the Council determined whether or not a property would be annexed into town; however, she reiterated that the Planning Commission could include a recommendation on the annexation.

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

Planning Principle 9: Incorporate environmentally sensitive and sustainable practices into future developments. *Development will be designed to reduce potential negative impacts on environmental features such as wetlands, riparian buffers, streams, steep slopes, wooded areas, special flood hazard areas, wildlife habitats, etc. The town will continue efforts to protect and restore watersheds, wetlands, streams, and special flood hazard areas in development or redevelopment. New construction will use context-sensitive design to reduce impacts on existing site features. New development should use green building practices. Projects should minimize energy consumption, use renewable energy where feasible, minimize the consumption of resources, and use recycled building materials. Green stormwater management is important, along with protections to our waterways. Infill and redevelopment should maintain or enhance Boone's Urban Forest.*

Goals and Policies

Chapter 1 Land Use and Development

Policy 1.4.5 Protect Valued Mountain Viewsheds: Boone is a beautiful mountain town and must protect those viewsheds deemed most important by the Boone community.

Chapter 5 Green and Resilient

Policy 5.1.1 Use Low Impact Development Practices: To protect water quality, use low impact development practices, like bioswales, rain gardens, and permeable pavement that use or mimic natural processes. Promote the use of local plant species and limit or eliminate the planting of invasive species.

Policy 5.3.1 Protect Ecologically-Valuable Areas: Protect floodplains, steep hillsides, wetlands, and other ecologically valuable areas and corridors from development.

Commission Member Pruitt seconded the motion.

Vote: Aye – 5
Nay – 0
Absent – 2 (Behrend, Tait)

The motion passed.

Second Motion and Vote: Commission Member Kight made a motion that the Planning Commission recommends approval of Ordinance A25-0504/0505 within Exhibit A and believes approval is reasonable and in the public interest because zoning this R1 does provide some more restrictive development regulations through the town's Unified Development Ordinance than would be if the property was left unzoned in the county. Commission Member Pruitt seconded the motion.

Vote: Aye – 5
Nay – 0
Absent – 2 (Behrend, Tait)

The motion passed.

Cases A25-0506 and A25-0507 Tyler & Lara Jones – General Use Zoning Map Amendment

In conjunction with a request for voluntary annexation, the Town of Boone has initiated the zoning of 539 Old Bristol Road and the adjacent property (Watauga County PINs 2901-01-8665-000 and 2901-01-8606-000) owned by Tyler & Lara Jones as R1 Single-Family Residential, along with the Corridor District overlay.

Commission Member Kight stated that his was a hardship request for property in the northwest gateway.

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

Goals and Policies

Chapter 1 Land Use and Development

Goal 1.5 INTENTIONAL GROWTH MANAGEMENT: Boone will manage growth thoughtfully and intentionally within its borders and at its edges to enhance the town's livability and meet the needs of a growing community.

Goal 1.6 AN AFFORDABLE TOWN TO LIVE IN: Boone will facilitate sustainable affordable housing for low-to middle income residents.

Policy 1.6.5 Preserve the Town's existing affordable homes: While ensuring housing is safe for tenants through code enforcement, preserve the townwide stock of naturally occurring affordable housing (NOAH) using zoning and other innovative planning tools.

Chapter 5 Green and Resilient

Goal 5.2 SUSTAINABLE BUILDINGS, OPERATIONS, AND INFRASTRUCTURE: Boone will seek sustainable practices in building, operations, and infrastructure of town government and across the community.

Policy 5.2.2 Manage Growth on Boone's Edges: Intentionally manage outward growth to balance protecting community character and natural areas while directing desired growth to identified centers. Use the Utility Service and Annexation Criteria and the Growth Management Tiers Map to manage growth.

Commission Member Kight seconded the motion.

Vote: Aye – 5
Nay – 0
Absent – 2 (Behrend, Tait)

The motion passed.

Second Motion and Vote: Commission Member Pruitt made a motion that the Planning Commission recommends approval of Ordinance A25-0506 and A25-0507 within Exhibit A and believes approval is reasonable and in the public interest because the property owners would not be able to live in the house if it were not zoned R1 and connected to the town's sewer line. Commission Member Kight seconded the motion.

Vote: Aye – 5
Nay – 0
Absent – 2 (Behrend, Tait)

The motion passed.

Case A25-0230 Conditional District Zoning Map Amendments – UDO Text Amendment

Consideration of a text amendment to the Unified Development Ordinance that would allow Town Council to approve variances from ordinance standards when considering an application for a conditional district zoning map amendment.

First Motion and Vote: Vice-Chair Veno made a motion that the proposed amendment to the Town's Unified Development Ordinance (UDO) is consistent with the Town's comprehensive plan and any other adopted plans of the Town that are applicable because the amendment streamlines how the site-specific flexibility is reviewed under the CD zoning map amendment process and allows the town to implement Boone Next. Commission Member Pruitt seconded the motion.

Vote: Aye – 5
Nay – 0
Absent – 2 (Behrend, Tait)

The motion passed.

Second Motion and Vote: Commission Member Mileski made a motion that the Planning Commission recommends approval of Ordinance A25-0230 within Exhibit A and believes approval is reasonable and in the public interest because it would reduce the reliance on separate variances. Vice-Chair Veno seconded the motion.

Vote: Aye – 5
Nay – 0
Absent – 2 (Behrend, Tait)

The motion passed.

Other Matters

Ms. Shook noted that it was time for Chair and Vice-Chair appointments. She asked members who were interested in being considered for the Chair or Vice-Chair positions to complete an application and return

it to the Board Clerk within two weeks. The Planning Commission would make recommendations at its next meeting based on the submitted applications. Those applications would then be submitted to the Town Council for their consideration.

Adjournment

Commission Member Kight motioned to adjourn the meeting at 10:06 p.m. Commission Member Pruitt seconded the motion.

Vote: Aye – 5
Nay – 0
Absent – 2 (Behrend, Tait)

The motion passed.

Frank Veno, Planning Commission Vice-Chair

Brenda Henson, Board Clerk

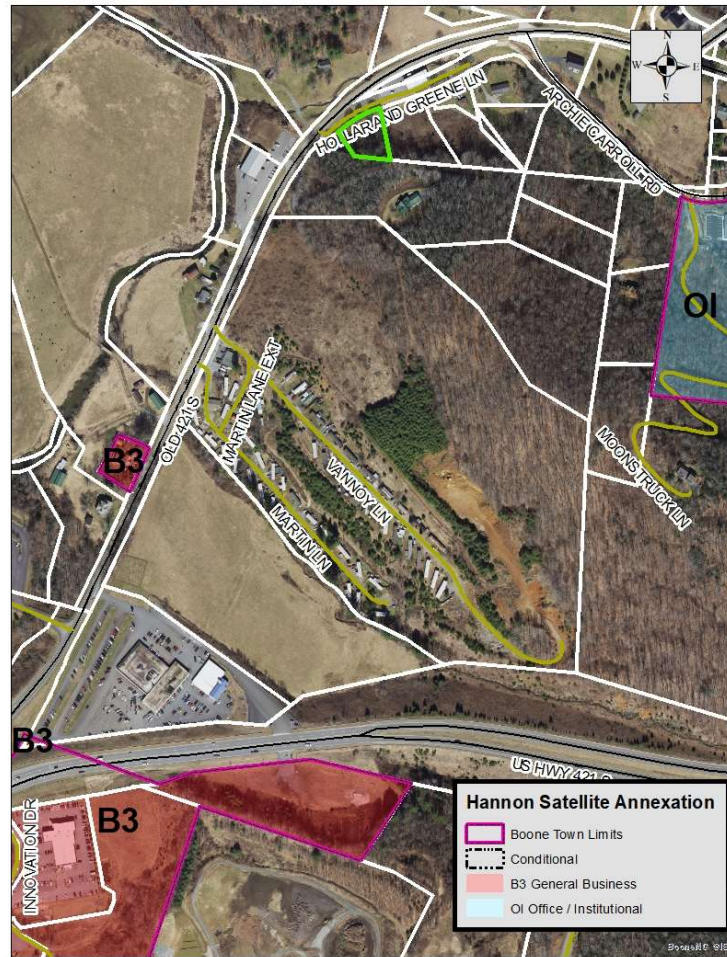


Staff Report

August 27, 2025

Case A25-0446 & A25-0684 - Andrew & Lindsay Hannon – Voluntary Satellite Annexation & General Use Rezoning Application

Request.....	2
Parcel Information	2
Parcel Specifics	2
Former ETJ Zoning	3
Requested Zoning.....	3
Existing Site Characteristics	4
Zoning and Use of Adjacent Properties	5
Town Service Analysis.....	5
Zoning Comparison Analysis	6
Use Comparison	6
Intensity Comparison	8
Building Height Comparison	9
Occupancy Comparison	9
Process Guidance.....	9
Annexation Guidance	10
Petition Requirements	10
General Use Zoning Map Guidance	11
Conformity to Adopted Plans	11
Boone Next: Our Town, Our Future	11
Planning Commission Prompts/Recommendations	17
Ordinance #A25-0684.....	18



Request

Andrew & Lindsay Hannon have submitted a voluntary satellite annexation petition for 106 Hollar and Greene Lane (Watauga County PIN: 2921-42-1814-000). Concurrently, the applicants are requesting a zoning designation of R1 Single-Family Residential to be applied upon annexation.

Parcel Information

Parcel Specifics

Property Owner	Andrew & Lindsay Hannon
Address	106 Hollar and Greene Lane
Watauga County PIN(s)	2921-42-1814-000
Use	1.01 Single-Family Dwelling
Use Definition	A building, not including a manufactured home, that is developed with space on all sides, containing, intended or used solely for one dwelling unit; not attached to any non-accessory building or dwelling unit.
Size	0.58 acres

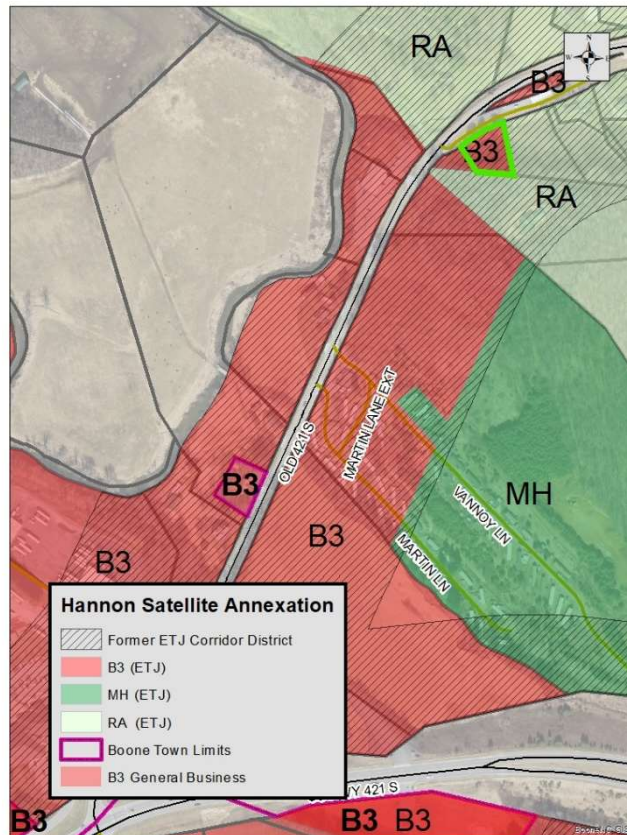
Access	Hollar and Green Lane (Private)
Steep or Very Steep Slope	Yes, both on the rear of the property.

Former ETJ Zoning

Former Zoning District	B3 General Business The B3 General Business District is primarily intended to accommodate a wide range of office, restaurant, retail, service, and multi-family residential uses in a mixed-use environment. The regulations for this district are intended to create a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment for all appropriate uses.
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Former Overlay Districts

- | | | |
|--|---|---|
| ☒ Corridor | ☐ Historic District or Landmark | ☐ Special Flood Hazard Area |
| ☐ Watershed Protection | ☐ Viewshed Protection | |



Requested Zoning

District Descriptions	R1 Single-Family Residential District The R1 Single-Family Residential District is established to provide a low-density living area consisting only of single-family dwelling units and other related uses necessary for a sound neighborhood. The regulations for this district are designed
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to stabilize and encourage a comfortable, healthy, safe, aesthetically pleasing, and pleasant living environment for family life that promotes peaceful quiet enjoyment sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.

Corridor Overlay District

The corridor districts are established overlay districts intended to protect the main throughfares through town.

Existing Site Characteristics

The 0.58-acre site is composed of a single parcel currently developed with a single-family residence that occupies approximately 1,750 square feet. In addition to the principal structure, the site features a paved driveway with parking for multiple vehicles, totaling approximately 1,000 square feet.

These improvements are situated across the parcel as follows: the building is centrally located, with a driveway to the right (west) of the building. The site is generally light sloping towards Hollar and Green Lane with a terraced backyard featuring retaining walls. The very rear (south) of the property features steep and very steep slope. The property is accessed from Hollar and Green Lane, a privately maintained roadway.

See below for supporting photos.

Photo 1



Photo 2



Photo 3



Photo 4



Zoning and Use of Adjacent Properties

North	Not Zoned	Restaurant; Coffee Shop
East	Not Zoned	Vacant
South	Not Zoned	Single-Family Residence
West	Not Zoned	Multi-Family Residence

North:



East:



South:



West:



Town Service Analysis

Municipal services shall be provided to an area annexed in accordance with the requirements of N.C.G.S. § 160A. From and after the effective date of the annexation ordinance, the territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in such municipality and shall be entitled to the same privileges and benefits as other parts of such municipality. Please see municipal service assessment conducted by Town Departments.

Fire Department (Amy Flieg, Fire Marshal)

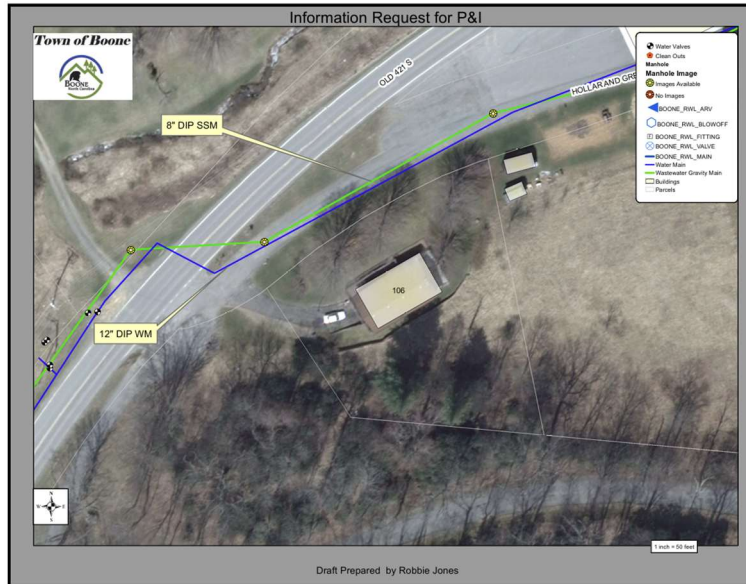
Response – The Fire Department is fine with this annexation.

Police Department (Major Shane Robbins)

Response – The Police Department can provide services to this annexation.

Public Works – Services Division (Justin Stines, Public Works Deputy Director)

Response – The Town of Boone can provide services to this annexation.

Public Works – Utilities Division (Robbie Jones, Utility Services Technician)

Which utilities are being requested? Water ☐ Sewer ☐ Both ☒ Neither ☐

Services Available: Water ☐ Sewer ☐ Both ☒

Per Town Code §50.290, Is this request part of a hardship connection? Yes ☐ No ☒

If yes, please provide details: N/A

Are any utilities already provided to the requested annexation? Yes ☐ No ☒

If yes which utilities? Water ☐ Sewer ☐

Is this a connection or an extension? Connection ☒ Extension ☐

Comments: Public Works can provide services to this annexation.

Zoning Comparison Analysis

Please see below for the use, intensity, building height, and occupancy information from UDO Article 14 and Appendix B comparing the existing and requested zoning district.

Use Comparison

Use #	Specific Use	R1	R1A	R1C	R1S	Reference
1.0 Household Living						
1.01	Single-Family Dwelling	P	P	P	P	
1.02	Manufactured Home "Class A"			L		15.01
2.0 Group Living						
2.01	Family Care Home	L	L	L	L	15.06
3.0 Transient Living						

Use #	Specific Use	R1	R1A	R1C	R1S	Reference
3.01	Home for Survivors of Domestic Violence	L	L			15.11
3.04	Bed and Breakfast, Category 1	CD	CD			15.13
3.07	Homestay Rental	L	L	L	L	15.05
4.0 Institutional						
4.05	Cemetery	P	P	P	P	
5.0 Government Uses						
5.02	Government Neighborhood Cultural Facility, Indoor Activity Only	CD	CD	CD	CD	
5.05	Recreation Facility, Category 2	P	P	P	P	
5.06	Recreation Facility, Category 3	CD	CD	CD		
5.12	Police Substation	P	P	P	P	
5.13	Utility Facility, Town	L	L	L	L	15.16
5.14	Utility Facility, Government, Neighborhood	L	L	L	L	15.16
6.0 Non-Government Utility Facility						
6.01	Utility Facility, Neighborhood	L	L	L	L	15.16
7.0 Wireless Communication						
7.01	Small Wireless Collocation	L	L	L	L	15.18
7.02	Wireless Facility Collocation on Existing Wireless Support Structure or Utility Pole	L	L	L	L	15.17
7.03	Stealth Wireless Facility Attached to Existing Building or Structure	L	L	L	L	15.17
7.05	Non-stealth Wireless Facility Collocation on Electrical Transmission Towers	L	L	L	L	15.17
7.06	Stealth Wireless Support Structure	CD/L	CD/L	CD/L	CD/L	15.17
7.08	Emergency Response Communication Antenna	P	P	P	P	
8.0 Assembly						
8.01	Religious Assembly, Category 1	P	P	P	P	
8.02	Religious Assembly, Category 2	CD	CD	CD		
10.0 Daycare						
10.01	Child Daycare, Large	CD	CD			15.19
13.0 Agriculture						
13.01	Garden, Community	L	L	L	L	15.29
13.02	Garden, Residential	L	L	L	L	15.30
13.09	Forestry	L	L	L	L	15.31
Accessory Uses						
A-1	Secondary suite	L	L	L	L	15.45
A-2	Home occupation	L	L	L	L	15.46
A-3	Accessory dwelling unit		L	L		15.47
A-11	Poultry	L	L	L	L	15.54
A-12	Livestock, small	L	L	L	L	15.55
A-14	Bees	L	L	L	L	15.57
A-15	Garden, residential	L	L	L	L	15.58

Use #	Specific Use	R1	R1A	R1C	R1S	Reference
A-16	Satellite receiving antennas less than 1 meter in diameter	P	P	P	P	
A-20	Swimming pools, spas, and hot tubs	L	L	L	L	15.59
A-22	Vehicular gate	L	L	L	L	15.61
A-25	Open air market, accessory	L	L	L	L	15.22
A-26	Daycare, small	P	P	P	P	
A-28	Solar Energy System	L	L	L	L	15.64
A-29	Electric-Vehicle Charging Station	L	L	L	L	15.65
Temporary Uses						
T-1	Temporary family care structure	L	L	L	L	15.62
T-2	Temporary construction or repair dwelling	L	L	L	L	15.62
T-3	Temporary construction trailer	L	L	L	L	15.62
T-6	Temporary portable storage containers	L	L	L	L	15.62
T-9	Carrier on wheels (cow)	L	L	L	L	15.62
T-10	Yard sales	L	L	L	L	15.62
T-11	Itinerant merchant/peddler	L	L	L	L	15.62
T-14	Temporary Disaster Relief	L	L	L	L	15.62

Intensity Comparison

Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	Minimum Livability Space Ratio* (LSR)	Minimum Setbacks	
					Street	Interior
R1	8,000 sq. ft.	70 ft.	56 ft.	.53	20 ft.	14 ft.
R1A	8,000 sq. ft.	70 ft.	56 ft.	.53	20 ft.	14 ft.
R1C	6,000 sq. ft.	35 ft.	28 ft.	.27	20 ft.	13 ft.
R1S	5,000 sq. ft.	35 ft.	28 ft.	NA, Refer to UDO Subsection 14.08.03(D)	20'	7', Refer to Subsection 14.08.03(E)(2)

Building Height Comparison

Zone	Height Limitation
R1, R1A, R2, R4, RA	3 stories
R1C	1 story/29'; Refer to Subsection 14.07.03(F)
R1S	1 story/25'; Refer to Subsection 14.08.03(F)

Occupancy Comparison

Occupancy Regulation (persons per dwelling unit)	Zoning District
One family or up to 2 unrelated Note: a dwelling occupied by a family (but not unrelated persons) may also have one (1) roomer.	1. R1 Single-Family Residential 2. R1A Single-Family Residential with Accessory Dwelling 3. R1C Compact Neighborhood Residential 4. R1S Small Home Residential

Process Guidance

This request involves two legally distinct but procedurally coordinated actions: annexation and zoning. The process ensures that both actions are considered holistically in light of Boone Next. The process will proceed as follows:

Date	Step	Guidance
August 27, 2025	Initial Council Consideration	• Council reviews the annexation petition and zoning request together • Staff presents initial report • Council is asked to indicate willingness to entertain the annexation request before proceeding with full process
September 22, 2025	Joint Public Hearing	• A single public hearing before the Council and the Planning Commission is held on annexation and zoning. • The Planning Commission provides a required zoning recommendation and an optional annexation recommendation.
October 22, 2025	Final Council Decisions	• Council votes on zoning first. • If zoning is approved, and the applicant wishes to proceed, Council votes on the annexation.

Annexation Guidance

Petition Requirements

Pursuant to N.C.G.S. § 160A-58.1, the Town of Boone may annex an area satellite to its primary corporate limits when the area meets the standards set forth below. Additionally, for satellite annexations, the petition shall contain the names, addresses, and signatures of all owners of real property within the proposed satellite corporate limits, shall describe the area proposed for annexation by metes and bounds, and shall have attached thereto a map showing the area proposed for annexation with relation to the primary corporate limits of the annexing city. When there is any substantial question as to whether the area may be closer to another city than the annexing city, the map shall also show the area proposed for annexation with relation to the primary corporate limits of the other city.

1. No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another Town than to the primary corporate limits of the annexing city, except the Town may annex a satellite area if the Town has entered into an annexation agreement pursuant to Article 4A, Part 6 of N.C.G.S. § 160A Part 6.

Staff Note: The proposed satellite area is not closer to the primary corporate limits of another Town.

2. The satellite area must be so situated that the Town of Boone will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.

Staff Note: Please see the Town Services Analysis in the previous section.

3. If the area proposed for annexation, or any portion thereof, is subject to subdivision regulation as described in G.S. 160D-802, all of the subdivision must be included. Subdivision regulation is applicable to all divisions of a parcel into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development, whether immediate or future, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition:

- The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the local government as shown in its subdivision regulations.
- The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
- The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
- The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the local government, as shown in its subdivision regulations.
- The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

Staff Note: Based upon Town Attorney review the proposed satellite area is not part of a subdivision.

4. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.

Staff Note:

<i>Existing Satellite Annexation % of Corporate Limits:</i>	<i>1.67%</i>
<i>Proposed Area:</i>	<i>0.58 acres</i>
<i>New Satellite Annexation % of corporate limits with Proposed Area:</i>	<i>1.67%</i>

5. The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city

Staff Note: The closest property line of the satellite area is .43 miles away from closest boundary of the Town of Boone primary corporate limits (not counting other satellite annexations).

General Use Zoning Map Guidance

Pursuant to UDO Subsection 9.07, in deciding whether to adopt a proposed amendment to this Ordinance, the central issue before the Council is whether the proposed amendment advances the public health, safety, or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the Mayor and be excluded. In particular, when considering proposed general use map amendments:

- A. The Council shall not consider any representations made by the petitioner that if the change is granted the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Council shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.
- B. The Council shall only consider the impact of the proposed change on the public at large.

Conformity to Adopted Plans

Boone Next: Our Town, Our Future

Community Vision	Land Use and Development Vision
We will be a prosperous, livable, people-oriented mountain community modeling resilient growth that promotes and protects our natural resources with diverse housing options and dynamic economic opportunities. We will celebrate and build upon our community's historic foundation to leave a sustainable and equitable town for future generations.	Grounded in its historic character, Boone will be a distinct pedestrian-oriented town that is affordable, livable, human-scale, and connected through a network of walkable, mixed-use corridors and activity centers.

Planning Principles: The Boone Next Planning Principles are intended, as a collective, to provide a core vision to guide planning, zoning, and development decisions. These principles should be carefully

considered with respect to all zoning map amendments, ordinance text amendments, and other development decisions as well as other town planning and policy initiatives.

Planning Principle 5

Employ planning policies to accommodate growth while promoting an equitable town and protecting the most vulnerable residents and small businesses against economic displacement.

Planning and zoning policies and practices seek to limit the negative and undesired effects of gentrification and displacement. Current residents and small businesses that are in Boone today and want to remain here should be able to afford to stay while people who work in Boone should be able to afford to live within the town limits. Robust engagement and communication with residents and small businesses is key to promoting equitable planning in Boone.

Planning Principle 7

Support the town's established neighborhoods and new residential developments through neighborhood-level engagement and planning.

Neighborhoods may include a variety of land uses (residential, commercial, civic, and recreational areas), building types, and housing types. They may have an identifiable center that offers basic services such as cafés, childcare, specialty stores, and grocery options. Neighborhoods will support a variety of travel options and be well-connected to adjacent neighborhoods and parks. They will seamlessly integrate the members of diverse, multi-generational communities living in proximity to one another.

Growth Management Tiers Map: The Growth Management Tiers Map is a policy tool intended to help Boone manage the growth of its corporate limits. The map identifies areas inside and outside the corporate limits that are likely to face development pressures, and it identifies those areas that are most appropriate for the town to consider serving by means of annexation within the next 10 to 15 years. The Growth Management Tiers Map is supplemented by and should be applied in concert with the Future Land Use Map, where applicable. The overall purposes of the map are to:

- Promote better interjurisdictional and long-range planning between and among the town, Watauga County, and utility providers.
- Encourage long-term fiscally and environmentally sustainable growth by carefully managing the extension of taxpayer-funded town services
- Encourage infill development
- Inform developers, landowners, farmers, and residents with respect to the town's priorities and approach to the growth of its corporate limits
- Provide policy guidance to town decision-makers regarding annexations, town service provision, fees and incentives, and locations for capital improvements

This property is located within the Secondary Growth Area.

Secondary Growth Area is land where provision of services would be part of annexation decisions made by town officials. Additional care should be taken to analyze whether the requested type of proposed land uses are consistent with the town's goals and policies.

Utility Service and Annexation Criteria

Criteria 1: Does the requested annexation align with the Comprehensive Plan?

Is the annexation consistent with the Comprehensive Plan, specifically the Town of Boone Growth Management Tiers Map and Future Land Use Map?

Criteria 2: Is the requested annexation consistent with logical town boundaries?

Would annexation contribute to logical town boundaries and service areas and/or elimination of unincorporated islands within the town's corporate limits?

Criteria 3: Are other public services and utilities available?

If annexed, can the property be adequately supported by current or future town services, including but not limited to public safety and public utilities. Can the property be serviced by other utility providers (electric, phone, internet, etc.)?

Criteria 4: Does the request demonstrate community benefits?

Does the requested annexation result in fiscal and/or other community benefits that outweigh costs?

Criteria 5: Is the request consistent with interjurisdictional agreements?

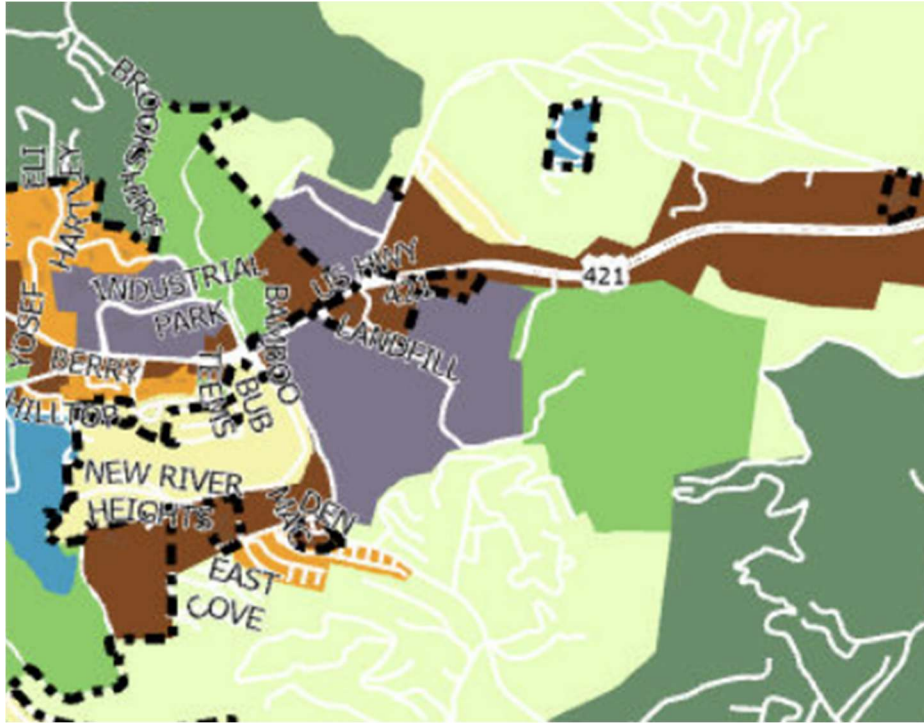
Is the requested annexation consistent with any applicable interjurisdictional agreements?

Future Land Use Map

The Future Land Use Map is a critical tool intended to give shape to and help implement Boone's vision for the next 15-20 years. The map and associated land use types provide a framework for development and other land use-related decisions, including decisions on public infrastructure and transportation.

In legislative decision making cases, Council and the Planning Commission will review Boone Next and the Future Land Use Map to ensure that the request:

- is consistent with the goals and policies set forth in this plan; and
- is consistent with the land use type as shown on the Future Land Use Map;
- and if not ensure that the requested change of zoning will not negatively impact the intent of the mapped land use type; and
- is supported by existing or planned infrastructure.



The property included in the request is mapped in the Undesignated Secondary Growth land use type. Please see below for more details on this land use type.

Description	Objectives	Primary Uses
Undesignated Secondary Growth areas are currently outside of town limits and have not been assigned another future land use type. Development in Undesignated Secondary Growth areas may follow a different future land use type based on context of the development and site (accessibility, environmental hazards, infrastructure, town goals, transportation, etc.). Where and when development occurs, it should be sensitively designed and, where feasible, pedestrian-oriented with clustered homes and businesses, community amenities, and protected open space. Development should prioritize protection of high-quality open space and occur sustainably.	- Cluster compact residential/mixed-use development where feasible - Protect wildlife habitat, farmland, floodplains, wetlands, and steep slopes. - Enhance connectivity; add sidewalks, bike facilities, transit, and other pedestrian safety facilities where feasible	None Identified.

Goals & Policies

Chapter 1 Land Use and Development

Goal 1.5 INTENTIONAL GROWTH MANAGEMENT

Boone will manage growth thoughtfully and intentionally within its borders and at its edges to enhance the town's livability and meet the needs of a growing community.

Policy 1.5.1: Manage Growth to Balance Protection of Community Character and Natural Areas While Directing Desired Growth to Identified Centers

The town will manage growth in a manner that balances the protection of community character and natural lands while accommodating future population. Change in the community will be carefully managed to protect critical natural lands, provide a variety of housing options for a diversity of households, support economic development, support fiscal balance, ensure adequate public safety services, and utilize growth patterns that support regional and local transit services. Lands within the town's current corporate limits are priorities for infill and redevelopment. New development areas contiguous with the town and in identified activity centers should be secondary priorities for development and ahead of areas outside centers.

Policy 1.5.2: Guide Utility Service Extensions and Annexations Using the Utility Service and Annexation Criteria

Use the Utility Service and Annexation Criteria of this chapter to evaluate applications for annexation of lands into the town and extension of public utilities to new areas. These criteria serve as the primary guide for making annexation and utility extension decisions. The criteria provide a framework for ensuring decisions are made consistently and in accordance with the Comprehensive Plan. They are complemented by the Growth Management Tiers Map.

Policy 1.5.3: Guide Growth Using the Growth Management Tiers Map

The Growth Management Tiers Map serves as a guide for development and investment decisions. The map's purpose is to ensure Boone accommodates growth consistent with the Boone Next Planning Principles, intentionally directs growth to desired areas, manages the pace of development, and aims for fiscal balance. This map is intended to be used when considering zoning and development approvals, utility service extensions, annexations, incentives, and capital investments. This map should be used in coordination with the Utility Service and Annexation Criteria. The Growth Management Tiers Map will be updated from time to time to reflect changing planning conditions.

Goal 1.6 AN AFFORDABLE TOWN TO LIVE IN

Boone will facilitate sustainable affordable housing for low- to middle income residents.

Policy 1.6.5: Preserve the Town's existing affordable homes

While ensuring housing is safe for tenants through code enforcement, preserve the townwide stock of naturally occurring affordable housing (NOAH) using zoning and other innovative planning tools.

Chapter 4 Government and Public Services

Goal 4.3 INTERJURISDICTIONAL AND INSTITUTIONAL COLLABORATION

Residents within and surrounding Boone will benefit from collaborative interjurisdictional planning and coordination that maximizes limited resources

Policy 4.3.2: Coordinate on Service Extensions and Annexations

Use the Utility Service and Annexation Criteria and the Growth Management Tiers to guide service extensions and annexations. Continue interjurisdictional coordination in order to determine future service extensions and annexations.

Goal 4.4 LONG-TERM FISCAL BALANCE

Long-term fiscal balance will be achieved through land use and growth decisions that are informed by long-term fiscal impacts of development.

Policy 4.4.1: Promote Use of Existing Resources

Promote infill, redevelopment, and adaptive use as a way to maximize use of existing services, infrastructure, and utilities.

Policy 4.4.3: Promote Smart Growth

Ensure new growth and development is fiscally balanced in the long run while directing more growth to areas with existing services and infrastructure. Some types of developments and land uses are necessary to the social needs of the town and do not necessarily directly improve the town's fiscal balance, such as recreation and cultural facilities or affordable housing. Encourage compact development that can be more efficiently served, especially as indicated on the Future Land Use Map.

Chapter 5 Green and Resilient

Goal 5.2 SUSTAINABLE BUILDINGS, OPERATIONS, AND INFRASTRUCTURE

Boone will seek sustainable practices in buildings, operations, and infrastructure of town government and across the community.

Policy 5.2.2: Manage Growth on Boone's Edges

Intentionally manage outward growth to balance protecting community character and natural areas while directing desired growth to identified centers. Use the Utility Service and Annexation Criteria and the Growth Management Tiers Map to manage growth.

Planning Commission Prompts/Recommendations

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

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

Note 1

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

Vote 2: The Planning Commission recommends ☐approval OR ☐denial of Ordinance #A25-0684 within Exhibit A and ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

Note 2: briefly explain why, factors may include the benefits and detriments to the landowners, the neighbors, and the surrounding community; why the action taken is in the public interest; and any changed conditions warranting the amendment.

Ordinance #A25-0684

ORDINANCE #A25-0684

AN ORDINANCE TO REZONE PROPERTY WITHIN THE TOWN OF BOONE

WHEREAS, pursuant to N.C. Gen. Stat. §160D-601, the Town may amend its zoning map after giving proper public notice and holding a public hearing; and

WHEREAS, the Planning Commission and Town Council has received the request to amend the Official Zoning Map of the Town of Boone, North Carolina to zone the property below as presented:

Address: 106 Hollar and Green Lane

Watauga County PINs: 2921-42-1814-000

Property Owner: Andrew and Lindsay Hannon

Zoning: R1 Single-Family Residential

WHEREAS, the Boone Town Council held a duly-noticed public hearing on 9/22/2025 with respect to this rezoning request; and

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

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

NOW, THEREFORE, BE IT RESOLVED as follows:

SECTION 1. The Boone Town Council hereby approves and adopts the modifications to the Town Zoning Map as set forth herein.

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

SECTION 3. This Ordinance shall be effective immediately upon its adoption by Town Council.

Adopted this day, 10/22/2025.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon-Church, Town Clerk



Staff Report
September 22, 2025
Case A25-0500 & A25-0685, John Seldomridge – Voluntary Satellite Annexation & General Use Rezoning Application

Request.....2

Parcel Information2

 Parcel Specifics2

 Former ETJ Zoning3

 Requested Zoning.....3

 Existing Site Characteristics4

 Zoning and Use of Adjacent Properties5

Town Service Analysis.....5

Zoning Comparison Analysis6

 Use Comparison7

 Intensity Comparison8

 Building Height Comparison9

 Occupancy Comparison9

Process Guidance.....10

Annexation Guidance10

 Petition Requirements10

 Process Requirements.....12

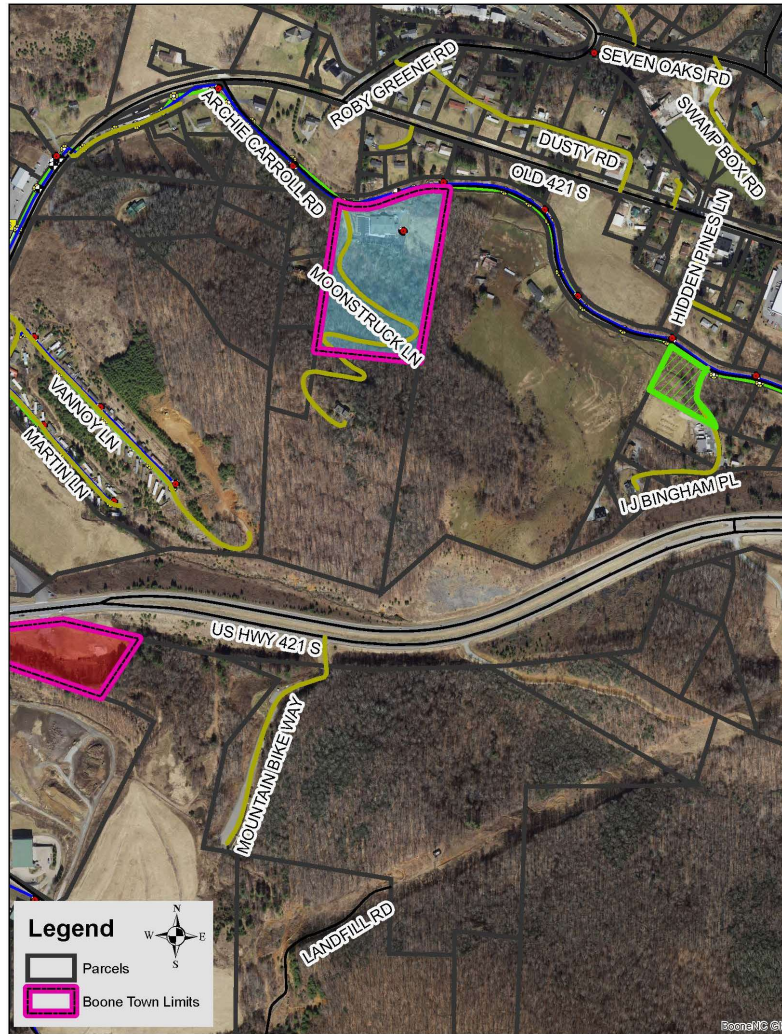
General Use Zoning Map Guidance12

Conformity to Adopted Plans13

 Boone Next: Our Town, Our Future13

Planning Commission Prompts/Recommendations21

Ordinance #A25-068522



Request

John Seldomridge has submitted a voluntary satellite annexation petition to annex property located off I J Bingham Pl (Watauga County PIN: 2921-71-0741-000). Concurrently, the applicant is requesting a zoning designation of R3 Multi-Family Residential to be applied upon annexation.

Parcel Information

Parcel Specifics

Property Owner	John Seldomridge
Address	TBD I J Bingham Pl
Watauga County PIN(s)	2921-71-0741-000
Use	Vacant
Use Definition	Currently undeveloped land.
Size	1.358 acres

Access	I J Bingham Pl (Private)
Steep or Very Steep Slope	No

Former ETJ Zoning

Former Zoning District	None
	This parcel was not part of the former ETJ.

Overlay Districts

- | | | |
|---|--|--|
| ☐ Corridor | ☐ Historic District or Landmark | ☐ Special Flood Hazard Area |
| ☐ Watershed Protection | ☐ Viewshed Protection | |



Requested Zoning

District Descriptions	R3 Multiple-Family Residential District The R3 Multiple-Family Residential District is established to provide a high-density area consisting of three or more dwelling units per lot plus limited service use. The regulations for this district are intended to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.
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Existing Site Characteristics

The 1.358-acre site is composed of a single parcel currently undeveloped. The site is a corner lot of Archie Carroll Rd and I J Bingham Pl and has a stream located through the middle portion of the lot.

The site is generally flat and has a few trees along the private road but appears to have been cleared previously with undergrowth returning as cover. The property could be accessed from I J Bingham Place, a privately maintained roadway or potentially from Archie Carroll Road, a state-maintained road. The photo below of the western property shows the lay along that road.

See below for supporting photos.

Photo 1



Photo 2



Photo 3



Photo 4



Zoning and Use of Adjacent Properties

North	Not Zoned	Single-family residence
East	Not Zoned	Vacant
South	Not Zoned, pending annexation request	Commercial business
West	Not Zoned	Single-Family Residence, Agriculture land

North:



East:



South:



West:



Town Service Analysis

Municipal services shall be provided to an area annexed in accordance with the requirements of N.C.G.S. § 160A. From and after the effective date of the annexation ordinance, the territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in such municipality and

shall be entitled to the same privileges and benefits as other parts of such municipality. Please see municipal service assessment conducted by Town Departments.

Fire Department (Amy Flieg, Fire Marshal)

Response – The Fire Department has approved this annexation with conditions. Boone Fire would consider this property to be non-conforming to Town of Boone Ordinances as the property currently exist. Any future development on this parcel must meet all sections of Town of Boone Ordinances and all applicable codes.

Police Department (Major Shane Robbins)

Response – The Police Department can provide services to this annexation. The concern is to make sure that the communications center knows which agency to send if there is an emergency and that routine preventative patrols are not as likely to be done.

Public Works – Services Division (Justin Stines, Public Works Deputy Director)

Response – The Town of Boone can provide services to this annexation.

Public Works – Utilities Division (Robbie Jones, Utility Services Technician)



Which utilities are being requested? Water ☐ Sewer ☐ Both ☒ Neither ☐

Services Available: Water ☐ Sewer ☐ Both ☒

Per Town Code §50.290, Is this request part of a hardship connection? Yes ☐ No ☒

If yes, please provide details: N/A

Are any utilities already provided to the requested annexation? Yes ☐ No ☒

If yes which utilities? Water ☐ Sewer ☐

Is this a connection or an extension? Connection ☒ Extension ☐

Comments: The Town of Boone can provide services to this annexation.

Zoning Comparison Analysis

Please see below for the use, intensity, building height, and occupancy information from UDO Article 14 and Appendix B comparing the requested zoning district.

Use Comparison

Use #	Use	R3	Reference
1.0 Household Living			
1.06	Duplex (one duplex building per lot)	P	
1.07	Duplex (more than one duplex building per lot)	L	15.03
1.08	Townhouse (up to 30 bedrooms)	L	15.03
1.09	Townhouse (31-100 bedrooms)	L	15.03
1.10	Townhouse (> 100 bedrooms)	CD	15.03
1.11	Multi-Family Dwelling (up to 30 bedrooms)	CD	15.03
1.12	Multi-Family Dwelling (31-100 bedrooms)	CD	15.03
1.13	Multi-Family Dwelling (> 100 bedrooms)	CD	15.03
1.14	Multi-Family Dwelling in Mixed Use (up to 30 bedrooms)	CD	15.04
1.17	Adult Living Community	CD	
2.0 Group Living			
2.01	Family Care Home	L	15.06
2.03	Residential Reentry, Category 1	CD	15.07
2.04	Residential Reentry, Category 2	CD	15.07
2.07	Boarding House	L	15.10
3.0 Transient Living			
3.02	Shelter for Homeless, Category 1	L	15.12
3.03	Shelter for Homeless, Category 2	CD	15.12
3.04	Bed and Breakfast, Category 1	L	15.13
3.05	Bed and Breakfast, Category 2	CD	15.13
3.07	Homestay Rental	L	15.05
4.0 Institutional			
4.05	Cemetery	P	
5.0 Government Uses			
5.01	Government Cultural Facility	CD	
5.03	Government Neighborhood Cultural Facility, Includes Outdoor Activity	CD	
5.04	Recreation Facility, Category 1	P	
5.05	Recreation Facility, Category 2	P	
5.06	Recreation Facility, Category 3	CD	
5.07	Event Venue, Category 1	P	
5.08	Event Venue, Category 2	CD	
5.12	Police Substation	P	
5.13	Utility Facility, Town	L	15.16
5.14	Utility Facility, Government, Neighborhood	L	15.16
5.15	Utility Facility, Government, Regional	L	15.16
5.16	Government Facility	CD	
6.0 Non-Government Utility Facility			
6.01	Utility Facility, Neighborhood	L	15.16
7.0 Wireless Communication			
7.01	Small Wireless Collocation	L	15.18
7.02	Wireless Facility Collocation on Existing Wireless Support Structure or Utility Pole	L	15.17
7.03	Stealth Wireless Facility Attached to Existing Building or Structure	L	15.17
7.05	Non-stealth Wireless Facility Collocation on Electrical Transmission Towers	L	15.17
7.06	Stealth Wireless Support Structure	L	15.17
7.07	Non-stealth Wireless Support Structure	L	15.17
7.08	Emergency Response Communication Antenna	P	
8.0 Assembly			
8.01	Religious Assembly, Category 1	P	
8.02	Religious Assembly, Category 2	CD	
10.0 Daycare			

10.01	Child Daycare, Large	L	15.19
10.03	Adult Daycare, Large	L	15.19
13.0 Agriculture			
13.01	Garden, Community	L	15.29
13.02	Garden, Residential	L	15.30
13.09	Forestry	L	15.31
15.0 Parking			
15.02	Parking Structure	CD	15.40
17.0 Transportation			
17.01	Passenger Terminals	CD	
Allowable Accessory Uses			
A-1	Secondary suite	L	15.45
A-2	Home occupation	L	15.46
A-3	Accessory dwelling unit	L	15.47
A-8	Automated teller machine (ATM)	P	
A-9	Automated teller machine (ATM), freestanding	L	15.52
A-11	Poultry	L	15.54
A-12	Livestock, small	L	15.55
A-13	Livestock, large		15.56
A-14	Bees	L	15.57
A-15	Garden, residential	L	15.58
A-16	Satellite receiving antennas less than 1 meter in diameter	P	
A-20	Swimming pools, spas, and hot tubs	L	15.59
A-22	Vehicular gate	L	15.61
A-25	Open air market, accessory	L	15.22
A-26	Daycare, small	P	
A-27	Limited structure to enable recreational use of open rooftops	CD	14.03.07(F) 14.19.06(H)(8)(d)
A-28	Solar Energy System	L	15.64
A-29	Electric-Vehicle Charging Station	L	15.65
Allowable Temporary Uses			
T-1	Temporary family care structure	L	15.62
T-2	Temporary construction or repair dwelling	L	15.62
T-3	Temporary construction trailer	L	15.62
T-6	Temporary portable storage containers	L	15.62
T-9	Carrier on wheels (cow)	L	15.62
T-10	Yard sales	L	15.62
T-11	Itinerant merchant/peddler	L	15.62
T-14	Temporary Disaster Relief	L	15.62

Intensity Comparison

Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	Minimum Livability Space Ratio* (LSR)	Minimum Setbacks	
					Street	Interior
R1	8,000 sq. ft.	70 ft.	56 ft.	.53	20 ft.	14 ft.
R2	6,000 sq. ft.	70 ft.	56 ft.	.48	20 ft.	13 ft.

Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	Minimum Livability Space Ratio* (LSR)	Minimum Setbacks	
					Street	Interior
R3	20,000 sq. ft.	80 ft.	64 ft.	.47	20 ft.	13 ft.
R4	6,000 sq. ft.	70 ft.	56 ft.	.48	20 ft.	13 ft.
R5	10,000 sq. ft.	70 ft.	56 ft.	.27	20 ft.	17 ft.
B2	5,000 sq. ft.	50 ft.	40 ft.	.27	20 ft.	17 ft.
B3	5,000 sq. ft.	50 ft.	40 ft.	.27	20 ft.	17 ft.

Building Height Comparison

Zone	Height Limitation
R1, R1A, R2, R4, RA	3 stories
R1C	1 story/29'; Refer to Subsection 14.07.03(F)
R1S	1 story/25'; Refer to Subsection 14.08.03(F)
R3	3 stories
R5	4 stories/56'
B1-DC, B1-DI	Refer to section 14.19.04(F)
B2	3 stories/40'
B3	3 stories/45' (primary)-4 stories/56' (secondary)

Occupancy Comparison

Occupancy Regulation (persons per dwelling unit)	Zoning District
One family or up to 2 unrelated Note: a dwelling occupied by a family (but not unrelated persons) may also have one (1) roomer.	1. R1 Single-Family Residential 2. R1A Single-Family Residential with Accessory Dwelling 3. R1C Compact Neighborhood Residential 4. R1S Small Home Residential 5. R2 Two-Family Residential 6. R4 Two-Family Residential/Manufactured Housing 7. R5 55+ Housing Residential

	8. MH Manufactured Housing 9. RA Residential Agriculture 10. B1 Downtown Interface 11. B1 Downtown Core 12. B2 Neighborhood Business 13. O/I Office Institutional
One family or up to 4 unrelated Note: a dwelling occupied by a family (but not unrelated persons) may also have one (1) roomer.	1. R3 Multiple-Family 2. WD Wellness District 3. B3 General Business 4. M1 Manufacturing 5. E2 Educational District

Staff Note: The current site meets the R3 Development standards for minimum gross land area, lot width, and street frontage. Any future development would be held to Town ordinance standards.

Process Guidance

This request involves two legally distinct but procedurally coordinated actions: annexation and zoning. The process ensures that both actions are considered holistically in light of Boone Next. The process will proceed as follows:

Date	Step	Guidance
August 27, 2025	Initial Council Consideration	- Council reviews the annexation petition and zoning request together - Staff presents initial report - Council is asked to indicate willingness to entertain the annexation request before proceeding with full process
September 22, 2025	Joint Public Hearing	- A single public hearing before the Council and the Planning Commission is held on annexation and zoning. - The Planning Commission provides a required zoning recommendation and an optional annexation recommendation.
October 22, 2025	Final Council Decisions	- Council votes on zoning first. - If zoning is approved, and the applicant wishes to proceed, Council votes on the annexation.

Annexation Guidance

Petition Requirements

Pursuant to N.C.G.S. § 160A-58.1, the Town of Boone may annex an area satellite to its primary corporate limits when the area meets the standards set forth below. Additionally, for satellite annexations, the petition shall contain the names, addresses, and signatures of all owners of real property within the proposed satellite corporate limits, shall describe the area proposed for annexation by metes and bounds,

and shall have attached thereto a map showing the area proposed for annexation with relation to the primary corporate limits of the annexing city. When there is any substantial question as to whether the area may be closer to another city than the annexing city, the map shall also show the area proposed for annexation with relation to the primary corporate limits of the other city.

1. No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another Town than to the primary corporate limits of the annexing city, except the Town may annex a satellite area if the Town has entered into an annexation agreement pursuant to Article 4A, Part 6 of N.C.G.S. § 160A Part 6.

Staff Note: The proposed satellite area is not closer to the primary corporate limits of another Town.

2. The satellite area must be so situated that the Town of Boone will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.

Staff Note: Please see the Town Services Analysis in the previous section.

3. If the area proposed for annexation, or any portion thereof, is subject to subdivision regulation as described in G.S. 160D-802, all of the subdivision must be included. Subdivision regulation is applicable to all divisions of a parcel into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development, whether immediate or future, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition:

- The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the local government as shown in its subdivision regulations.
- The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
- The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
- The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the local government, as shown in its subdivision regulations.
- The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

Staff Note: Based upon Town Attorney review the proposed satellite area is not part of a subdivision.

4. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.

Staff Note:

<i>Existing Satellite Annexation % of Corporate Limits:</i>	<i>1.70%</i>
<i>Proposed Area:</i>	<i>1.358 acres</i>
<i>New Satellite Annexation % of Corporate limits with Proposed Area:</i>	<i>1.70%</i>

5. The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city

Staff Note: The closest property line of the satellite area is .55 miles away from closest boundary of the Town of Boone primary corporate limits (not counting other satellite annexations).

Process Requirements

Upon receipt of the annexation petition, the Town Clerk shall certify the result of the investigation. Upon receipt of the certification, the Town Council shall fix a date for a public hearing on the question of annexation, and shall cause notice of the annexation public hearing to be published once in a newspaper having general circulation in the municipality at least 10 days prior to the date of the annexation public hearing. After the public hearing, Town Council shall then determine whether the petition meets the requirements of N.C.G.S. § 160A-31. Upon a finding that the petition meets the requirements of this section, the Council shall have authority to pass an annexation ordinance, effective immediately or on the June 30 after the date of the passage of the ordinance of the June 30 of the following year after the date of passage of the ordinance.

Municipal services shall be provided to an area annexed in accordance with the requirements of N.C.G.S. § 160A. From and after the effective date of the annexation ordinance, the territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in such municipality and shall be entitled to the same privileges and benefits as other parts of such municipality. Real and personal property in the newly annexed territory on the January 1 immediately preceding the beginning of the fiscal year in which the annexation becomes effective is subject to municipal taxes as provided in G.S. 160A-58.10. If the effective date of annexation falls between June 1 and June 30, and the effective date of the privilege license tax ordinance of the annexing municipality is June 1, then businesses in the are to be annexed shall be liable for taxes imposed in such ordinance from and after the effective date of annexation.

General Use Zoning Map Guidance

Pursuant to UDO Subsection 9.07, in deciding whether to adopt a proposed amendment to this Ordinance, the central issue before the Council is whether the proposed amendment advances the public health, safety, or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the Mayor and be excluded. In particular, when considering proposed general use map amendments:

- A. The Council shall not consider any representations made by the petitioner that if the change is granted the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Council shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.
- B. The Council shall only consider the impact of the proposed change on the public at large.

Conformity to Adopted Plans

Boone Next: Our Town, Our Future

Community Vision	Land Use and Development Vision
We will be a prosperous, livable, people-oriented mountain community modeling resilient growth that promotes and protects our natural resources with diverse housing options and dynamic economic opportunities. We will celebrate and build upon our community's historic foundation to leave a sustainable and equitable town for future generations.	Grounded in its historic character, Boone will be a distinct pedestrian-oriented town that is affordable, livable, human-scale, and connected through a network of walkable, mixed-use corridors and activity centers.

Planning Principles: The Boone Next Planning Principles are intended, as a collective, to provide a core vision to guide planning, zoning, and development decisions. These principles should be carefully considered with respect to all zoning map amendments, ordinance text amendments, and other development decisions as well as other town planning and policy initiatives.

Planning Principle 1

Prioritize thoughtfully designed development of underutilized land within the town's existing built-upon areas over development of undeveloped land on the town's outer limits.

It is preferable to accommodate growth in locations within the existing town limits that are appropriate for, can support, and would be enhanced by, new development. Infill and redevelopment will occur in a strategic manner that considers community needs like provision of and access to goods, services, transit, and quality public space.

Planning Principle 3

Encourage compact, human-scale development that integrates a vertical mix of uses (residential, commercial, office, institutional, civic, etc.) and connects with existing developed areas.

Places will be created with multiple uses in proximity to each other, perhaps on the same site and/or in the same structure. Close attention will be given to the compatibility of those uses and their surroundings. Uses will be arranged in a manner that maximizes pedestrian activity and create "communities within our community."

Planning Principle 5

Employ planning policies to accommodate growth while promoting an equitable town and protecting the most vulnerable residents and small businesses against economic displacement.

Planning and zoning policies and practices seek to limit the negative and undesired effects of gentrification and displacement. Current residents and small businesses that are in Boone today and want to remain here should be able to afford to stay while people who work in Boone should be able to afford to live within the town limits. Robust engagement and communication with residents and small businesses is key to promoting equitable planning in Boone.

Planning Principle 7

Support the town's established neighborhoods and new residential developments through neighborhood-level engagement and planning.

Neighborhoods may include a variety of land uses (residential, commercial, civic, and recreational areas), building types, and housing types. They may have an identifiable center that offers basic services such as cafés, childcare, specialty stores, and grocery options. Neighborhoods will support a variety of travel options and be well-

connected to adjacent neighborhoods and parks. They will seamlessly integrate the members of diverse, multi-generational communities living in proximity to one another.

Planning Principle 9

Incorporate environmentally sensitive and sustainable practices into future developments.

Development will be designed to reduce potential negative impacts on environmental features such as wetlands, riparian buffers, streams, steep slopes, wooded areas, special flood hazard areas, wildlife habitats, etc. The town will continue efforts to protect and restore watersheds, wetlands, streams, and special flood hazard areas in development or redevelopment. New construction will use context-sensitive design to reduce impacts on existing site features. New development should use green building practices. Projects should minimize energy consumption, use renewable energy where feasible, minimize the consumption of resources, and use recycled building materials. Green stormwater management is important, along with protections to our waterways. Infill and redevelopment should maintain or enhance Boone's Urban Forest.

Planning Principle 10

Encourage appropriate development to meet the town's urgent need for housing or other specific community needs by means of density bonuses or other mechanisms.

Encourage construction of affordable housing, public infrastructure, or other identified community needs by means of density bonuses or other incentives in appropriate areas of the town. For example, increased building height or additional units may be allowed in exchange for incorporating affordable housing units in a development.

Growth Management Tiers Map: The Growth Management Tiers Map is a policy tool intended to help Boone manage the growth of its corporate limits. The map identifies areas inside and outside the corporate limits that are likely to face development pressures, and it identifies those areas that are most appropriate for the town to consider serving by means of annexation within the next 10 to 15 years. The Growth Management Tiers Map is supplemented by and should be applied in concert with the Future Land Use Map, where applicable. The overall purposes of the map are to:

- Promote better interjurisdictional and long-range planning between and among the town, Watauga County, and utility providers.
- Encourage long-term fiscally and environmentally sustainable growth by carefully managing the extension of taxpayer-funded town services
- Encourage infill development
- Inform developers, landowners, farmers, and residents with respect to the town's priorities and approach to the growth of its corporate limits
- Provide policy guidance to town decision-makers regarding annexations, town service provision, fees and incentives, and locations for capital improvements

This property is located within the Secondary Growth Area.

Secondary Growth Area is land where provision of services would be part of annexation decisions made by town officials. Additional care should be taken to analyze whether the requested type of proposed land uses are consistent with the town's goals and policies.

Utility Service and Annexation Criteria

Criteria 1: Does the requested annexation align with the Comprehensive Plan?

Is the annexation consistent with the Comprehensive Plan, specifically the Town of Boone Growth Management Tiers Map and Future Land Use Map?

Criteria 2: Is the requested annexation consistent with logical town boundaries?

Would annexation contribute to logical town boundaries and service areas and/or elimination of unincorporated islands within the town's corporate limits?

Criteria 3: Are other public services and utilities available?

If annexed, can the property be adequately supported by current or future town services, including but not limited to public safety and public utilities. Can the property be serviced by other utility providers (electric, phone, internet, etc.)?

Criteria 4: Does the request demonstrate community benefits?

Does the requested annexation result in fiscal and/or other community benefits that outweigh costs?

Criteria 5: Is the request consistent with interjurisdictional agreements?

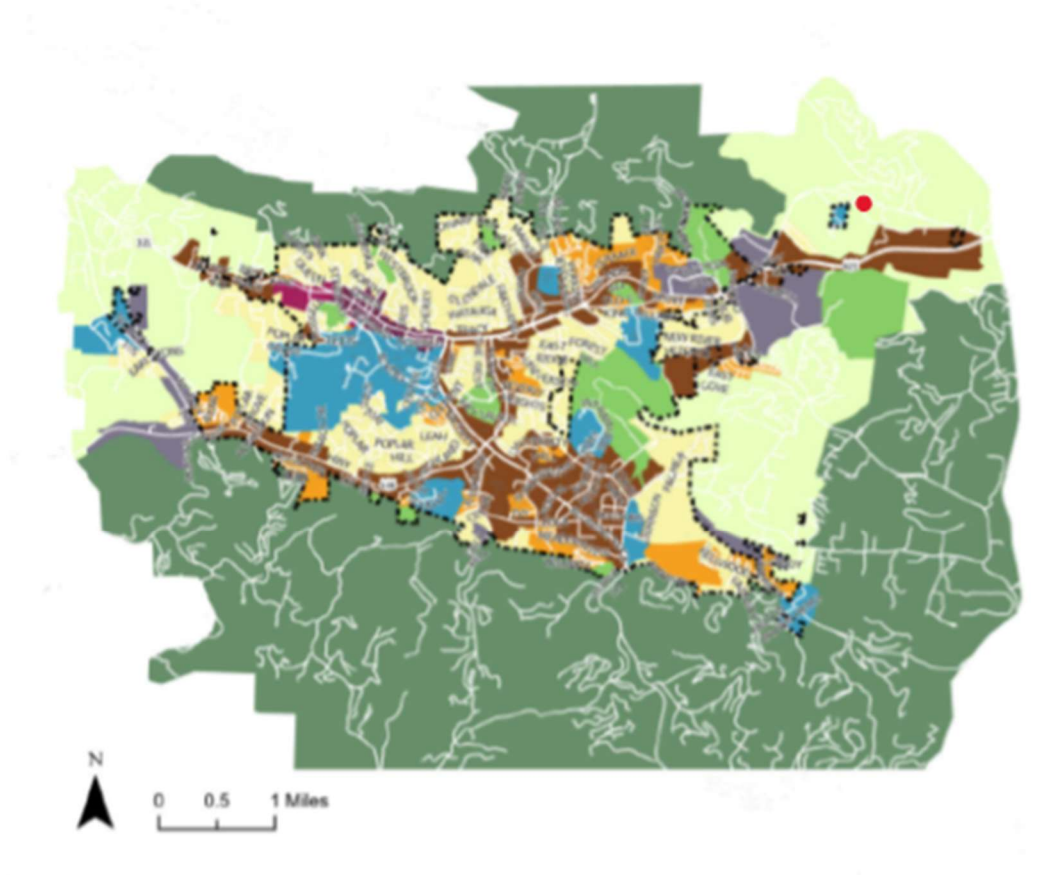
Is the requested annexation consistent with any applicable interjurisdictional agreements?

Future Land Use Map

The Future Land Use Map is a critical tool intended to give shape to and help implement Boone's vision for the next 15-20 years. The map and associated land use types provide a framework for development and other land use-related decisions, including decisions on public infrastructure and transportation.

In legislative decision-making cases, Council and the Planning Commission will review Boone Next and the Future Land Use Map to ensure that the request:

- is consistent with the goals and policies set forth in this plan; and
- is consistent with the land use type as shown on the Future Land Use Map;
- and if not ensure that the requested change of zoning will not negatively impact the intent of the mapped land use type; and
- is supported by existing or planned infrastructure.



The property, approximate location represented by the red dot above, included in the request is mapped in the Undesignated Secondary Growth land use type. Please see below for more details on this land use type.

Description	Objectives	Primary Uses
Undesignated Secondary Growth areas are currently outside of town limits and have not been assigned another future land use type. Development in Undesignated Secondary Growth areas may follow a different future land use type based on context of the development and site (accessibility, environmental hazards, infrastructure, town goals, transportation, etc.). Where and when development occurs, it should be sensitively designed and, where feasible, pedestrian-	- Cluster compact residential/mixed-use development where feasible - Protect wildlife habitat, farmland, floodplains, wetlands, and steep slopes. - Enhance connectivity; add sidewalks, bike facilities, transit, and other pedestrian safety facilities where feasible	None Identified.

oriented with clustered homes and businesses, community amenities, and protected open space. Development should prioritize protection of high-quality open space and occur sustainably.		
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Goals & Policies

Goal 1.1 A SUSTAINABLE BUILT PATTERN

Boone's interwoven natural and built environments will promote social, environmental, and fiscal sustainability while aiming to reduce auto-dependence and the roots of traffic congestion. The town will be a leader of green building design and climate responsibility.

Policy 1.1.1: Use the Future Land Use Map

Use the Future Land Use Map to guide development, growth, and conservation decisions. Additionally, use the Focus Area Plans for more detailed policy direction within each of those areas.

Policy 1.1.2 Use Best Design Practices in New Development

All new growth should move Boone toward creating a network of "communities within a community" - a polycentric pattern of walkable, human-scale activity centers located within short distances of residents across the town. This pattern is key to supporting sustainability by aiming to reduce vehicle trips and their associated emissions, improving human health by supporting active utilitarian modes of transportation, and guiding growth away from natural areas. Where feasible, new growth should establish short blocks and connected rights-of-way, prominent civic spaces, stream daylighting and protected natural resources, front-facing buildings with transparent and welcoming first floors and public spaces, a diversity of housing types, income-restricted housing units, neighborhood-serving and context-sensitive nonresidential uses, rear parking and alleys, front porches¹ (residential), and safe multimodal transportation infrastructure design.

Goal 1.2 DEVELOPMENT TRUE TO BOONE'S VISION

Boone's development and redevelopment will enhance the best of the town's existing built environment and reinforce the vision set forth in this plan.

Policy 1.2.1: Build the Town for People

To the extent possible, the built environment should be human-scale and pedestrian-oriented rather than large-scale and auto-oriented. There are urban design characteristics that transcend eras, styles, and typologies that help to explain why Boone's beloved downtown makes human beings comfortable. Human-scale development is not defined by density, but instead by urban design that makes human beings comfortable and happy navigating streets, activity centers, and neighborhoods on foot. Human-scale built environments might consider terminating vistas at the end of streets or the width and frontage of new buildings.

Goal 1.3 A PRESERVED HERITAGE

Boone's unique architectural and cultural history is celebrated. The town preserves historic buildings and encourages the design of new buildings and places that complement its architectural heritage.

Policy 1.3.4: Encourage Reuse and Rehabilitation

Support and encourage adaptive reuse and rehabilitation of existing homes and buildings. Where appropriate, minimum building code standards should be applied in a manner compatible with historic preservation efforts.

Goal 1.4 A NETWORK OF OPEN SPACE & GREEN CORRIDORS

Boone will build on its reputation as a green and outdoor city, creating and protecting an integrated network of green corridors, parks, and open spaces as well as meaningful rural and agricultural uses.

Policy 1.4.1: Protect Ecologically Valuable Areas and Corridors

Through regulations and development decisions, protect, restore, and connect ecologically valuable areas such as critical watersheds, stream buffers, wetlands, wildlife habitat, and hardwood forests. Prioritize conservation of lands adjacent and connected to existing protected areas.

Policy 1.4.3: Support Rural and Urban Farmland

Protect and support active farmland, both urban and rural, recognizing the economic, environmental, and social importance of farmland protection and local foods production.

Goal 1.5 INTENTIONAL GROWTH MANAGEMENT

Boone will manage growth thoughtfully and intentionally within its borders and at its edges to enhance the town's livability and meet the needs of a growing community.

Policy 1.5.1: Manage Growth to Balance Protection of Community Character and Natural Areas While Directing Desired Growth to Identified Centers

The town will manage growth in a manner that balances the protection of community character and natural lands while accommodating future population. Change in the community will be carefully managed to protect critical natural lands, provide a variety of housing options for a diversity of households, support economic development, support fiscal balance, ensure adequate public safety services, and utilize growth patterns that support regional and local transit services. Lands within the town's current corporate limits are priorities for infill and redevelopment. New development areas contiguous with the town and in identified activity centers should be secondary priorities for development and ahead of areas outside centers.

Policy 1.5.2: Guide Utility Service Extensions and Annexations Using the Utility Service and Annexation Criteria

Use the Utility Service and Annexation Criteria of this chapter to evaluate applications for annexation of lands into the town and extension of public utilities to new areas. These criteria serve as the primary guide for making annexation and utility extension decisions. The criteria provide a framework for ensuring decisions are made consistently and in accordance with the Comprehensive Plan. They are complemented by the Growth Management Tiers Map.

Policy 1.5.3: Guide Growth Using the Growth Management Tiers Map

The Growth Management Tiers Map serves as a guide for development and investment decisions. The map's purpose is to ensure Boone accommodates growth consistent with the Boone Next Planning Principles, intentionally directs growth to desired areas, manages the pace of development, and aims for fiscal balance. This map is intended to be used when considering zoning and development approvals, utility service extensions, annexations, incentives, and capital investments. This map should be used in coordination with the Utility Service and Annexation Criteria. The Growth Management Tiers Map will be updated from time to time to reflect changing planning conditions.

Goal 1.6 AN AFFORDABLE TOWN TO LIVE IN

Boone will facilitate sustainable affordable housing for low- to middle income residents.

Policy 1.6.3: Diversify Boone's Housing Options

Promote a variety of housing types as well as housing tenure options around Boone. While the town should continue to build single-family, townhome, and multifamily buildings, explore other types of well-designed and contextually compatible housing, such as quadplexes and small-scale multiplexes. The town can use creative tools, like zoning "opt-in" districts, to ensure additional densities come with public benefits like income-restricted units. Also, support alternative housing tenure options like the community land trust model and cooperative housing. Unless Boone's rugged terrain precludes it, consider the use of pre-approved blueprints to reduce construction costs while ensuring high quality building designs and materials.

Policy 1.6.4: Make Daily Needs More Accessible Across Boone

Consider both the cost of housing and the cost of transportation as the town develops, recognizing that transportation costs rise as distances to daily needs like grocery stores, daycare, work, and school increase. Focus on distribution of uses and services using walkable urban design principles that make daily needs more accessible to all ages and abilities. Measure and track progress toward increasing the proportion of residents living within a comfortable 5-10 minute walk, bike, or transit ride to daycare facilities; grocery stores; parks, greenways, or playgrounds; and employment destinations.

Goal 3.1 A STRONG AND DIVERSE LOCAL ECONOMY

Boone will have a strong and diverse local economy that builds on existing economic sectors and fosters the growth of new green economic sectors.

Policy 3.1.4: Support Boone's Small Businesses

Support Boone's independent businesses and ensure existing resources are adequately advertised to existing and prospective small business. Foster a spirit of entrepreneurship and information-sharing. Create opportunity for creating new locally-owned small businesses, including protecting and expanding the supply of small, affordable spaces in existing and new buildings.

Goal 4.4 LONG-TERM FISCAL BALANCE

Long-term fiscal balance will be achieved through land use and growth decisions that are informed by long-term fiscal impacts of development.

Policy 4.4.1: Promote Use of Existing Resources

Promote infill, redevelopment, and adaptive use as a way to maximize use of existing services, infrastructure, and utilities.

Policy 4.4.2: Proactively Manage Growth and Development

Anticipate and guide future growth and development using the planning principles, frameworks, and maps in this Comprehensive Plan to ensure that new development can be supported by town infrastructure and services while protecting open space.

Policy 4.4.3: Promote Smart Growth

Ensure new growth and development is fiscally balanced in the long run while directing more growth to areas with existing services and infrastructure. Some types of developments and land uses are necessary to the social needs of the town and do not necessarily directly improve the town's fiscal

balance, such as recreation and cultural facilities or affordable housing. Encourage compact development that can be more efficiently served, especially as indicated on the Future Land Use Map.

Policy 4.4.4: Consider Community Priorities and Long-Term Impacts

Consider community priorities and long-term impacts in decision-making, with the understanding that some community priorities may not have positive fiscal impacts and some decisions may not provide short-term benefits.

Goal 5.2 SUSTAINABLE BUILDINGS, OPERATIONS, AND INFRASTRUCTURE

Boone will seek sustainable practices in buildings, operations, and infrastructure of town government and across the community.

Policy 5.2.2: Manage Growth on Boone's Edges

Intentionally manage outward growth to balance protecting community character and natural areas while directing desired growth to identified centers. Use the Utility Service and Annexation Criteria and the Growth Management Tiers Map to manage growth.

Planning Commission Prompts/Recommendations

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

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

Note 1

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

Vote 2: The Planning Commission recommends ☐approval OR ☐denial of Ordinance #A25-0685 within Exhibit A and ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

Note 2: briefly explain why, factors may include the benefits and detriments to the landowners, the neighbors, and the surrounding community; why the action taken is in the public interest; and any changed conditions warranting the amendment.

Ordinance #A25-0685

ORDINANCE # A25-0685

AN ORDINANCE TO REZONE PROPERTY WITHIN THE TOWN OF BOONE

WHEREAS, pursuant to N.C. Gen. Stat. §160D-601, the Town may amend its zoning map after giving proper public notice and holding a public hearing; and

WHEREAS, the Planning Commission and Town Council has received the request to amend the Official Zoning Map of the Town of Boone, North Carolina to zone the property below as presented:

Address: TBD I J Bingham Place

Watauga County PINs: 2921-71-0741-000

Property Owner: John Seldomridge

Zoning: R3 Multiple-Family Residential

WHEREAS, the Boone Town Council held a duly-noticed public hearing on 9/22/2025 with respect to this rezoning request; and

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

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

NOW, THEREFORE, BE IT RESOLVED as follows:

SECTION 1. The Boone Town Council hereby approves and adopts the modifications to the Town Zoning Map as set forth herein.

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

SECTION 3. This Ordinance shall be effective immediately upon its adoption by Town Council.

Adopted this day, 10/22/2025.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon-Church, Town Clerk

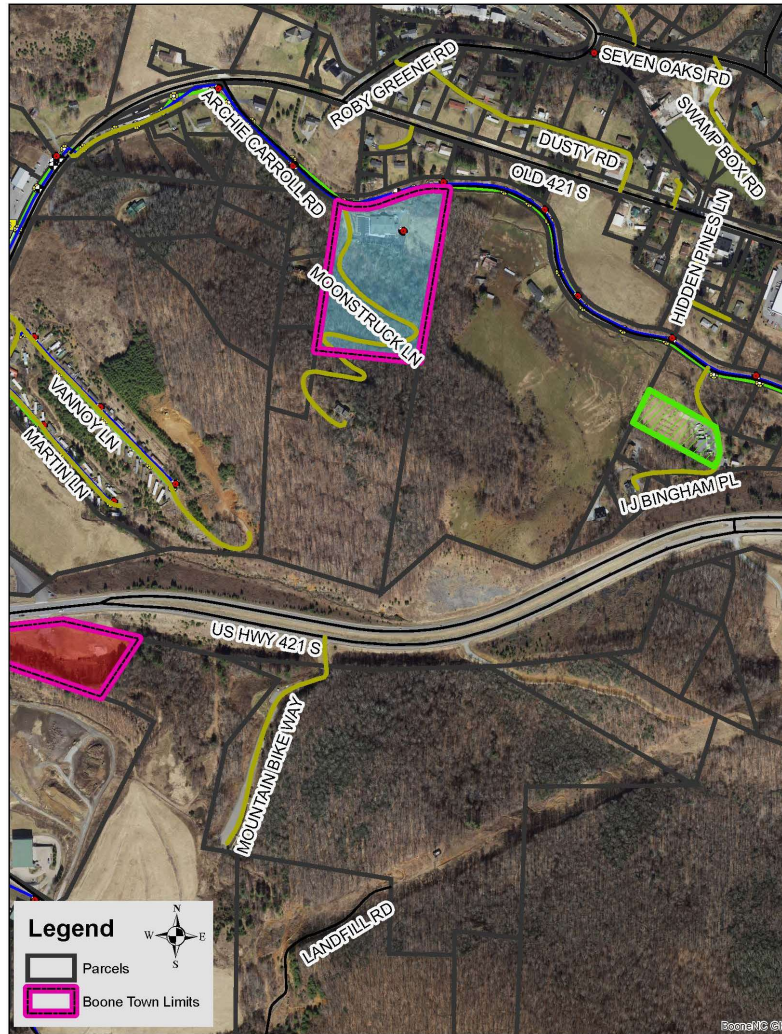


Staff Report

September 22, 2025

Case A25-0501 & A25-0686 - Justin Rogers – Voluntary Satellite Annexation & General Use Rezoning Application

Request.....	2
Parcel Information	2
Parcel Specifics	2
Former ETJ Zoning	3
Requested Zoning.....	3
Existing Site Characteristics	4
Zoning and Use of Adjacent Properties	5
Town Service Analysis.....	6
Zoning Comparison Analysis	7
Use Comparison	7
Intensity Comparison	12
Building Height Comparison	13
Occupancy Comparison	13
Process Guidance.....	14
Annexation Guidance	14
Petition Requirements	14
Process Requirements.....	16
General Use Zoning Map Guidance	16
Conformity to Adopted Plans	17
Boone Next: Our Town, Our Future	17
Planning Board Report/Recommendations.....	25
Ordinance #A25-0686.....	26



Request

Justin Rogers has submitted a voluntary satellite annexation petition to annex property located at 176 I J Bingham Pl (Watauga County PIN: 2921-71-0436-000). Concurrently, the applicant is requesting a split zoning designation of B3 General Business and R3 Multi-Family Residential to be applied upon annexation.

Parcel Information

Parcel Specifics

Property Owner	Justin Rogers
Address	176 I J Bingham Pl
Watauga County PIN(s)	2921-71-0436-000
Use	11.14 Business or Professional Office
Use Definition	An establishment where business is conducted that does not primarily involve the sale or transfer of goods by the business to the customer at the

	location. This includes, but is not limited to, general business offices, insurance offices, law offices and real estate sales or management offices.
Size	1.898 acres
Access	I J Bingham Pl (Private)
Steep or Very Steep Slope	No

Former ETJ Zoning

Former Zoning District	None This parcel was not part of the former ETJ.
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Overlay Districts

- | | | |
|--|---|---|
| ☐ Corridor | ☐ Historic District or Landmark | ☐ Special Flood Hazard Area |
| ☐ Watershed Protection | ☐ Viewshed Protection | |



Requested Zoning

District Descriptions	Split zoned B3 General Business/R3 Multiple-Family Residential District The B3 General Business District is primarily intended to accommodate a wide range of office, restaurant, retail, service, and multi-family residential uses in a mixed-use environment. The regulations for this district are intended to create a
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comfortable, healthy, safe, aesthetically pleasing, and pleasant environment for all appropriate uses.

The R3 Multiple-Family Residential District is established to provide a high-density area consisting of three or more dwelling units per lot plus limited-service use. The regulations for this district are intended to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.

Staff Note: The request is to zone the existing business portion of the parcel as B3 and the western, undeveloped portion as R3.

Existing Site Characteristics

The 1.898-acre site is composed of a single parcel with the existing business of Rogers Mechanical Inc. The commercial building sits on the eastern portion of the lot near the road with approximately 357 square feet of a graveled parking area. The majority of the parcel is vacant land on the western side behind the business. The business is currently connected to town water.

The site is generally flat and has been previously cleared. The property is accessed from I J Bingham Place, a privately maintained roadway.

See below for supporting photos.

Photo 1



Photo 2



Photo 3



Photo 4



Zoning and Use of Adjacent Properties

North	Not Zoned, pending annexation request	Vacant
East	Not Zoned	Multi-Family Residence
South	Not Zoned	Multi-Family Residence
West	Not Zoned	Single-Family Residence, Agriculture land

North:



East:



South:



West:



Town Service Analysis

Municipal services shall be provided to an area annexed in accordance with the requirements of N.C.G.S. § 160A. From and after the effective date of the annexation ordinance, the territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in such municipality and shall be entitled to the same privileges and benefits as other parts of such municipality. Please see municipal service assessment conducted by Town Departments.

Fire Department (Amy Flieg, Fire Marshal)

Response – The Fire Department has approved this annexation with conditions. Boone Fire would consider this property to be non-conforming to Town of Boone Ordinances as the property currently exist. Any future development on this parcel must meet all sections of Town of Boone Ordinances and all applicable codes.

Police Department (Major Shane Robbins)

Response – The Police Department can provide services to this annexation. The concern is to make sure that the communications center knows which agency to send if there is an emergency and that routine preventative patrols are not as likely to be done.

Public Works – Services Division (Justin Stines, Public Works Deputy Director)

Response – The Town of Boone can provide services to this annexation.

Public Works – Utilities Division (Robbie Jones, Utility Services Technician)

Which utilities are being requested? Water ☐ Sewer ☐ Both ☒ Neither ☐

Services Available: Water ☐ Sewer ☐ Both ☒

Per Town Code §50.290, Is this request part of a hardship connection? Yes ☐ No ☒

If yes, please provide details: N/A

Are any utilities already provided to the requested annexation? Yes ☒ No ☐

If yes which utilities? Water ☒ Sewer ☒

Is this a connection or an extension? Connection ☐ Extension ☐

Comments: The business at this location is already connected to water and sewer.

Zoning Comparison Analysis

Please see below for the use, intensity, building height, and occupancy information from UDO Article 14 and Appendix B comparing the existing and requested zoning district.

Use Comparison

Use #	USE	B3	Reference
1.0 Household Living			
1.14	Multi-Family Dwelling in Mixed Use (up to 30 bedrooms)	L	15.04
1.15	Multi-Family Dwelling in Mixed Use (31-100 bedrooms)	CD	15.04
1.16	Multi-Family Dwelling in Mixed Use (> 100 bedrooms)	CD	15.04
2.0 Group Living			
2.05	Residential Care Facility	P	
2.07	Boarding House	L	15.10
3.0 Transient Living			
3.02	Shelter for Homeless, Category 1	L	15.12
3.03	Shelter for Homeless, Category 2	L	15.12
3.05	Bed and Breakfast, Category 2	L	15.13
3.06	Vacation Rental	L	15.14
3.07	Homestay Rental	L	15.05
3.08	Motel	CD	
3.09	Hotel, Small	P	
3.10	Hotel, Large	CD	

3.11	Hotel, extended stay	CD	
4.0 Institutional			
4.03	Funeral Home Establishment	P	
4.04	Crematorium	CD	
4.05	Cemetery	P	
4.06	Post Office	P	
5.0 Government Uses			
5.01	Government Cultural Facility	P	
5.02	Government Neighborhood Cultural Facility, Indoor Activity Only	P	
5.03	Government Neighborhood Cultural Facility, Includes Outdoor Activity	P	
5.04	Recreation Facility, Category 1	P	
5.05	Recreation Facility, Category 2	P	
5.06	Recreation Facility, Category 3	CD	
5.07	Event Venue, Category 1	P	
5.08	Event Venue, Category 2	P	
5.09	Event Venue, Category 3	CD	
5.12	Police Substation	P	
5.13	Utility Facility, Town	L	15.16
5.14	Utility Facility, Government, Neighborhood	L	15.16
5.15	Utility Facility, Government, Regional	L	15.16
5.16	Government Facility	P	
6.0 Non-Government Utility Facility			
6.01	Utility Facility, Neighborhood	L	15.16
6.02	Utility Facility, Regional	CD	15.16
7.0 Wireless Communication			
7.01	Small Wireless Collocation	L	15.18
7.02	Wireless Facility Collocation on Existing Wireless Support Structure or Utility Pole	L	15.17
7.03	Stealth Wireless Facility Attached to Existing Building or Structure	L	15.17
7.05	Non-stealth Wireless Facility Collocation on Electrical Transmission Towers	L	15.17
7.06	Stealth Wireless Support Structure	L	15.17
7.07	Non-stealth Wireless Support Structure	L	15.17
7.08	Emergency Response Communication Antenna	P	
8.0 Assembly			
8.01	Religious Assembly, Category 1	P	
8.02	Religious Assembly, Category 2	P	
8.03	Religious Assembly, Category 3	CD	
8.04	Club/Lodge	CD	
10.0 Daycare			
10.01	Child Daycare, Large	L	15.19
10.02	Child Daycare Center	L	15.19
10.03	Adult Daycare, Large	L	15.19
10.04	Adult Daycare Center	L	15.19
10.05	All Other Daycare	CD	
11.0 General Sales and Service			
11.01	Kennel	CD	15.20
11.02	Veterinary Office/Hospital with Outdoor Kennels	CD	15.20
11.03	Veterinary Office/Hospital without Outdoor Kennels	P	
11.04	Financial Institution ≤ 5,000 ft ²	P	
11.05	Financial Institution > 5,000 ft ²	P	
11.06	Restaurants ≤ 3,500 ft ²	P	
11.07	Restaurant > 3,500 ft ² open to the public during 10 pm – 6 am	P	
11.08	Other Restaurants > 3,500 ft ²	P	
11.09	ABC Store	P	15.66
11.10	Personal Service Establishments	P	

11.11	Retail Store up to 5,000 ft ²	P	
11.12	Retail Store more than 5,000 but less than 25,000 ft ²	P	
11.13	Retail Store 25,000 ft ² and greater	L	15.21
11.14	Business or Professional Office	P	
11.15	Medical Office, Category 1	P	
11.16	Medical Office, Category 2	P	
11.17	Medical Office, Category 3	P	
11.18	Medical Office, Category 4	P	
11.20	Medical Emergency Response	P	
11.21	Open Air Market, Recurring	L	15.22
11.22	Vehicle Sales and Service	L	15.23
11.23	Equipment Sales and Service	L	15.24
11.24	Moped Sales and Service	P	
11.25	Boat or Marine Craft Sales and Service	L	15.25
11.26	Impound Lot/Towing Service	L	15.26
11.27	Gas Station	CD	
11.28	Car Wash	CD	
11.29	Seasonal Retail Activities and Amusements	P	
11.30	Electric-Vehicle Charging Station	CD	15.65
12.0 Recreation & Entertainment Uses			
12.01	Indoor Shooting Range	S	15.27
12.03	Indoor Theater	P	
12.04	Outdoor Theater	CD	
12.05	Event Venue, Category 1	P	
12.06	Event Venue, Category 2	P	
12.07	Event Venue, Category 3	P	
12.08	Campground and Recreational Vehicle Park	L	15.28
12.09	Coliseum	CD	
12.10	Recreation Facility, Category 1	P	
12.11	Recreation Facility, Category 2	P	
12.12	Recreation Facility, Category 3	CD	
13.0 Agriculture			
13.01	Garden, Community	L	15.29
13.02	Garden, Residential	L	15.30
13.09	Forestry	L	15.31
14.0 Manufacturing			
14.01	Microbrewery/Microdistillery	L	15.32
14.02	Brewpub	L	15.32
14.03	Brewery/Distillery	L	15.33
14.06	Winery	L	15.35
14.09	Machine/Welding Shop	L	15.37
15.0 Parking			
15.01	Parking Lot	L	15.39
15.02	Parking Structure	L	15.40
15.03	Park and Ride Lots	L	15.39
16.0 Storage			
16.01	Self-Storage Facilities	CD	15.41
16.04	Fuel Storage Facility	L	15.67
17.0 Transportation			
17.01	Passenger Terminals	CD	
17.02	Trucking or freight terminal ≤ 10,000 ft ²	CD	
19.0 Particular Activities Which Pose Particular Concern About Public Health			
19.01	Electronic and Internet Gaming	S	15.43
19.02	Adult Establishments	S	15.44
Allowable Accessory Uses			
A-1	Secondary suite	L	15.45

A-2	Home occupation	L	15.46
A-3	Accessory dwelling unit	L	15.47
A-4	Drive-through	CD	15.48
A-5	Outdoor display	L	15.49
A-6	Outdoor storage	L	15.50
A-7	Outdoor dining	L	15.51
A-8	Automated teller machine (ATM)	P	
A-9	Automated teller machine (ATM), freestanding	L	15.52
A-11	Poultry	L	15.54
A-12	Livestock, small	L	15.55
A-14	Bees	L	15.57
A-15	Garden, residential	L	15.58
A-16	Satellite receiving antennas less than 1 meter in diameter	P	
A-17	Satellite receiving antennas less than 2 meters in diameter	P	
A-18	Satellite receiving antennas 2 meters and greater in diameter	S	
A-19	Helistop	S	
A-20	Swimming pools, spas, and hot tubs	L	15.59
A-21	Caretaker's residence	L	15.60
A-22	Vehicular gate	L	15.61
A-24	Chemical storage facility	CD	
A-25	Open air market, accessory	L	15.22
A-26	Daycare, small	P	
A-27	Limited structure to enable recreational use of open rooftops	CD	14.03.07(F) 14.19.06(H)(8)(d)
A-28	Solar Energy System	L	15.64
A-29	Electric-Vehicle Charging Station	L	15.65
Allowable Temporary Uses			
T-1	Temporary family care structure	L	15.62
T-2	Temporary construction or repair dwelling	L	15.62
T-3	Temporary construction trailer	L	15.62
T-4	Temporary mobile medical unit	L	15.62
T-5	Temporary classroom	L	15.62
T-6	Temporary portable storage containers	L	15.62
T-7	Temporary staging	L	15.62
T-8	Temporary non-fixed site event venue	L	15.62
T-9	Carrier on wheels (cow)	L	15.62
T-10	Yard sales	L	15.62
T-11	Itinerant merchant/peddler	L	15.62
T-12	Open air market, temporary	L	15.62
T-13	Temporary Use 9.01 Public Colleges and Universities	L	15.62
T-14	Temporary Disaster Relief	L	15.62

Use #	USE	R3	Reference
1.0 Household Living			
1.06	Duplex (one duplex building per lot)	P	
1.07	Duplex (more than one duplex building per lot)	L	15.03
1.08	Townhouse (up to 30 bedrooms)	L	15.03
1.09	Townhouse (31-100 bedrooms)	L	15.03
1.10	Townhouse (> 100 bedrooms)	CD	15.03
1.11	Multi-Family Dwelling (up to 30 bedrooms)	CD	15.03

1.12	Multi-Family Dwelling (31-100 bedrooms)	CD	15.03
1.13	Multi-Family Dwelling (> 100 bedrooms)	CD	15.03
1.14	Multi-Family Dwelling in Mixed Use (up to 30 bedrooms)	CD	15.04
1.17	Adult Living Community	CD	
2.0 Group Living			
2.01	Family Care Home	L	15.06
2.03	Residential Reentry, Category 1	CD	15.07
2.04	Residential Reentry, Category 2	CD	15.07
2.07	Boarding House	L	15.10
3.0 Transient Living			
3.02	Shelter for Homeless, Category 1	L	15.12
3.03	Shelter for Homeless, Category 2	CD	15.12
3.04	Bed and Breakfast, Category 1	L	15.13
3.05	Bed and Breakfast, Category 2	CD	15.13
3.07	Homestay Rental	L	15.05
4.0 Institutional			
4.05	Cemetery	P	
5.0 Government Uses			
5.01	Government Cultural Facility	CD	
5.03	Government Neighborhood Cultural Facility, Includes Outdoor Activity	CD	
5.04	Recreation Facility, Category 1	P	
5.05	Recreation Facility, Category 2	P	
5.06	Recreation Facility, Category 3	CD	
5.07	Event Venue, Category 1	P	
5.08	Event Venue, Category 2	CD	
5.12	Police Substation	P	
5.13	Utility Facility, Town	L	15.16
5.14	Utility Facility, Government, Neighborhood	L	15.16
5.15	Utility Facility, Government, Regional	L	15.16
5.16	Government Facility	CD	
6.0 Non-Government Utility Facility			
6.01	Utility Facility, Neighborhood	L	15.16
7.0 Wireless Communication			
7.01	Small Wireless Collocation	L	15.18
7.02	Wireless Facility Collocation on Existing Wireless Support Structure or Utility Pole	L	15.17
7.03	Stealth Wireless Facility Attached to Existing Building or Structure	L	15.17
7.05	Non-stealth Wireless Facility Collocation on Electrical Transmission Towers	L	15.17
7.06	Stealth Wireless Support Structure	L	15.17
7.07	Non-stealth Wireless Support Structure	L	15.17
7.08	Emergency Response Communication Antenna	P	
8.0 Assembly			
8.01	Religious Assembly, Category 1	P	
8.02	Religious Assembly, Category 2	CD	
10.0 Daycare			
10.01	Child Daycare, Large	L	15.19
10.03	Adult Daycare, Large	L	15.19
13.0 Agriculture			
13.01	Garden, Community	L	15.29
13.02	Garden, Residential	L	15.30
13.09	Forestry	L	15.31
15.0 Parking			
15.02	Parking Structure	CD	15.40
17.0 Transportation			
17.01	Passenger Terminals	CD	

Allowable Accessory Uses			
A-1	Secondary suite	L	15.45
A-2	Home occupation	L	15.46
A-3	Accessory dwelling unit	L	15.47
A-8	Automated teller machine (ATM)	P	
A-9	Automated teller machine (ATM), freestanding	L	15.52
A-11	Poultry	L	15.54
A-12	Livestock, small	L	15.55
A-13	Livestock, large	L	15.56
A-14	Bees	L	15.57
A-15	Garden, residential	L	15.58
A-16	Satellite receiving antennas less than 1 meter in diameter	P	
A-20	Swimming pools, spas, and hot tubs	L	15.59
A-22	Vehicular gate	L	15.61
A-25	Open air market, accessory	L	15.22
A-26	Daycare, small	P	
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A-28	Solar Energy System	L	15.64
A-29	Electric-Vehicle Charging Station	L	15.65
Allowable Temporary Uses			
T-1	Temporary family care structure	L	15.62
T-2	Temporary construction or repair dwelling	L	15.62
T-3	Temporary construction trailer	L	15.62
T-6	Temporary portable storage containers	L	15.62
T-9	Carrier on wheels (cow)	L	15.62
T-10	Yard sales	L	15.62
T-11	Itinerant merchant/peddler	L	15.62
T-14	Temporary Disaster Relief	L	15.62

Intensity Comparison

Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	Minimum Livability Space Ratio* (LSR)	Minimum Setbacks	
					Street	Interior
R1	8,000 sq. ft.	70 ft.	56 ft.	.53	20 ft.	14 ft.
R2	6,000 sq. ft.	70 ft.	56 ft.	.48	20 ft.	13 ft.
R3	20,000 sq. ft.	80 ft.	64 ft.	.47	20 ft.	13 ft.
R4	6,000 sq. ft.	70 ft.	56 ft.	.48	20 ft.	13 ft.
R5	10,000 sq. ft.	70 ft.	56 ft.	.27	20 ft.	17 ft.
B2	5,000 sq. ft.	50 ft.	40 ft.	.27	20 ft.	17 ft.

Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	Minimum Livability Space Ratio* (LSR)	Minimum Setbacks	
					Street	Interior
B3	5,000 sq. ft.	50 ft.	40 ft.	.27	20 ft.	17 ft.

Building Height Comparison

Zone	Height Limitation
R1, R1A, R2, R4, RA	3 stories
R1C	1 story/29'; Refer to Subsection 14.07.03(F)
R1S	1 story/25'; Refer to Subsection 14.08.03(F)
R3	3 stories
R5	4 stories/56'
B1-DC, B1-DI	Refer to section 14.19.04(F)
B2	3 stories/40'
B3	3 stories/45' (primary)-4 stories/56' (secondary)

Occupancy Comparison

Occupancy Regulation (persons per dwelling unit)	Zoning District
One family or up to 2 unrelated Note: a dwelling occupied by a family (but not unrelated persons) may also have one (1) roomer.	1. R1 Single-Family Residential 2. R1A Single-Family Residential with Accessory Dwelling 3. R1C Compact Neighborhood Residential 4. R1S Small Home Residential 5. R2 Two-Family Residential 6. R4 Two-Family Residential/Manufactured Housing 7. R5 55+ Housing Residential 8. MH Manufactured Housing 9. RA Residential Agriculture 10. B1 Downtown Interface 11. B1 Downtown Core 12. B2 Neighborhood Business 13. O/I Office Institutional

One family or up to 4 unrelated Note: a dwelling occupied by a family (but not unrelated persons) may also have one (1) roomer.	1. R3 Multiple-Family 2. WD Wellness District 3. B3 General Business 4. M1 Manufacturing 5. E2 Educational District
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Staff Note: The current business would be an approved use in the B3 General Business zone. The current site meets the B3 Development standards for minimum gross land area, lot width, street frontage, and livability space. A survey would need to be provided to confirm setbacks. The current structure meets the standards for building height. Any future development would be held to Town ordinance standards and any non-conformity would be subject to the Tier System standards as defined in UDO Article 7.05.02(C).

Process Guidance

This request involves two legally distinct but procedurally coordinated actions: annexation and zoning. The process ensures that both actions are considered holistically in light of Boone Next. The process will proceed as follows:

Date	Step	Guidance
August 27, 2025	Initial Council Consideration	• Council reviews the annexation petition and zoning request together • Staff presents initial report • Council is asked to indicate willingness to entertain the annexation request before proceeding with full process
September 22, 2025	Joint Public Hearing	• A single public hearing before the Council and the Planning Commission is held on annexation and zoning. • The Planning Commission provides a required zoning recommendation and an optional annexation recommendation.
October 22, 2025	Final Council Decisions	• Council votes on zoning first. • If zoning is approved, and the applicant wishes to proceed, Council votes on the annexation.

Annexation Guidance

Petition Requirements

Pursuant to N.C.G.S. § 160A-58.1, the Town of Boone may annex an area satellite to its primary corporate limits when the area meets the standards set forth below. Additionally, for satellite annexations, the petition shall contain the names, addresses, and signatures of all owners of real property within the proposed satellite corporate limits, shall describe the area proposed for annexation by metes and bounds, and shall have attached thereto a map showing the area proposed for annexation with relation to the primary corporate limits of the annexing city. When there is any substantial question as to whether the

area may be closer to another city than the annexing city, the map shall also show the area proposed for annexation with relation to the primary corporate limits of the other city.

1. No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another Town than to the primary corporate limits of the annexing city, except the Town may annex a satellite area if the Town has entered into an annexation agreement pursuant to Article 4A, Part 6 of N.C.G.S. § 160A Part 6.

Staff Note: The proposed satellite area is not closer to the primary corporate limits of another Town.

2. The satellite area must be so situated that the Town of Boone will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.

Staff Note: Please see the Town Services Analysis in the previous section.

3. If the area proposed for annexation, or any portion thereof, is subject to subdivision regulation as described in G.S. 160D-802, all of the subdivision must be included. Subdivision regulation is applicable to all divisions of a parcel into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development, whether immediate or future, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition:

- The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the local government as shown in its subdivision regulations.
- The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
- The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
- The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the local government, as shown in its subdivision regulations.
- The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

Staff Note: Based upon Town Attorney review the proposed satellite area is not part of a subdivision.

4. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.

Staff Note:

<i>Existing Satellite Annexation % of Corporate Limits:</i>	<i>1.70%</i>
<i>Proposed Area:</i>	<i>1.898 acres</i>
<i>New Satellite Annexation % of Corporate limits with Proposed Area:</i>	<i>1.75%</i>

5. The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city

Staff Note: The closest property line of the satellite area is .52 miles away from closest boundary of the Town of Boone primary corporate limits (not counting other satellite annexations).

Process Requirements

Upon receipt of the annexation petition, the Town Clerk shall certify the result of the investigation. Upon receipt of the certification, the Town Council shall fix a date for a public hearing on the question of annexation, and shall cause notice of the annexation public hearing to be published once in a newspaper having general circulation in the municipality at least 10 days prior to the date of the annexation public hearing. After the public hearing, Town Council shall then determine whether the petition meets the requirements of N.C.G.S. § 160A-31. Upon a finding that the petition meets the requirements of this section, the Council shall have authority to pass an annexation ordinance, effective immediately or on the June 30 after the date of the passage of the ordinance of the June 30 of the following year after the date of passage of the ordinance.

Municipal services shall be provided to an area annexed in accordance with the requirements of N.C.G.S. § 160A. From and after the effective date of the annexation ordinance, the territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in such municipality and shall be entitled to the same privileges and benefits as other parts of such municipality. Real and personal property in the newly annexed territory on the January 1 immediately preceding the beginning of the fiscal year in which the annexation becomes effective is subject to municipal taxes as provided in G.S. 160A-58.10. If the effective date of annexation falls between June 1 and June 30, and the effective date of the privilege license tax ordinance of the annexing municipality is June 1, then businesses in the area to be annexed shall be liable for taxes imposed in such ordinance from and after the effective date of annexation.

General Use Zoning Map Guidance

Pursuant to UDO Subsection 9.07, in deciding whether to adopt a proposed amendment to this Ordinance, the central issue before the Council is whether the proposed amendment advances the public health, safety, or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the Mayor and be excluded. In particular, when considering proposed general use map amendments:

- A. The Council shall not consider any representations made by the petitioner that if the change is granted the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Council shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.
- B. The Council shall only consider the impact of the proposed change on the public at large.

Conformity to Adopted Plans

Boone Next: Our Town, Our Future

Community Vision	Land Use and Development Vision
We will be a prosperous, livable, people-oriented mountain community modeling resilient growth that promotes and protects our natural resources with diverse housing options and dynamic economic opportunities. We will celebrate and build upon our community's historic foundation to leave a sustainable and equitable town for future generations.	Grounded in its historic character, Boone will be a distinct pedestrian-oriented town that is affordable, livable, human-scale, and connected through a network of walkable, mixed-use corridors and activity centers.

Planning Principles: The Boone Next Planning Principles are intended, as a collective, to provide a core vision to guide planning, zoning, and development decisions. These principles should be carefully considered with respect to all zoning map amendments, ordinance text amendments, and other development decisions as well as other town planning and policy initiatives.

Planning Principle 1

Prioritize thoughtfully designed development of underutilized land within the town's existing built-upon areas over development of undeveloped land on the town's outer limits.

It is preferable to accommodate growth in locations within the existing town limits that are appropriate for, can support, and would be enhanced by, new development. Infill and redevelopment will occur in a strategic manner that considers community needs like provision of and access to goods, services, transit, and quality public space.

Planning Principle 3

Encourage compact, human-scale development that integrates a vertical mix of uses (residential, commercial, office, institutional, civic, etc.) and connects with existing developed areas.

Places will be created with multiple uses in proximity to each other, perhaps on the same site and/or in the same structure. Close attention will be given to the compatibility of those uses and their surroundings. Uses will be arranged in a manner that maximizes pedestrian activity and create "communities within our community."

Planning Principle 5

Employ planning policies to accommodate growth while promoting an equitable town and protecting the most vulnerable residents and small businesses against economic displacement.

Planning and zoning policies and practices seek to limit the negative and undesired effects of gentrification and displacement. Current residents and small businesses that are in Boone today and want to remain here should be able to afford to stay while people who work in Boone should be able to afford to live within the town limits. Robust engagement and communication with residents and small businesses is key to promoting equitable planning in Boone.

Planning Principle 7

Support the town's established neighborhoods and new residential developments through neighborhood-level engagement and planning.

Neighborhoods may include a variety of land uses (residential, commercial, civic, and recreational areas), building types, and housing types. They may have an identifiable center that offers basic services such as cafés, childcare, specialty stores, and grocery options. Neighborhoods will support a variety of travel options and be well-

connected to adjacent neighborhoods and parks. They will seamlessly integrate the members of diverse, multi-generational communities living in proximity to one another.

Planning Principle 9

Incorporate environmentally sensitive and sustainable practices into future developments.

Development will be designed to reduce potential negative impacts on environmental features such as wetlands, riparian buffers, streams, steep slopes, wooded areas, special flood hazard areas, wildlife habitats, etc. The town will continue efforts to protect and restore watersheds, wetlands, streams, and special flood hazard areas in development or redevelopment. New construction will use context-sensitive design to reduce impacts on existing site features. New development should use green building practices. Projects should minimize energy consumption, use renewable energy where feasible, minimize the consumption of resources, and use recycled building materials. Green stormwater management is important, along with protections to our waterways. Infill and redevelopment should maintain or enhance Boone's Urban Forest.

Planning Principle 10

Encourage appropriate development to meet the town's urgent need for housing or other specific community needs by means of density bonuses or other mechanisms.

Encourage construction of affordable housing, public infrastructure, or other identified community needs by means of density bonuses or other incentives in appropriate areas of the town. For example, increased building height or additional units may be allowed in exchange for incorporating affordable housing units in a development.

Growth Management Tiers Map: The Growth Management Tiers Map is a policy tool intended to help Boone manage the growth of its corporate limits. The map identifies areas inside and outside the corporate limits that are likely to face development pressures, and it identifies those areas that are most appropriate for the town to consider serving by means of annexation within the next 10 to 15 years. The Growth Management Tiers Map is supplemented by and should be applied in concert with the Future Land Use Map, where applicable. The overall purposes of the map are to:

- Promote better interjurisdictional and long-range planning between and among the town, Watauga County, and utility providers.
- Encourage long-term fiscally and environmentally sustainable growth by carefully managing the extension of taxpayer-funded town services
- Encourage infill development
- Inform developers, landowners, farmers, and residents with respect to the town's priorities and approach to the growth of its corporate limits
- Provide policy guidance to town decision-makers regarding annexations, town service provision, fees and incentives, and locations for capital improvements

This property is located within the Secondary Growth Area.

Secondary Growth Area is land where provision of services would be part of annexation decisions made by town officials. Additional care should be taken to analyze whether the requested type of proposed land uses are consistent with the town's goals and policies.

Utility Service and Annexation Criteria

Criteria 1: Does the requested annexation align with the Comprehensive Plan?

Is the annexation consistent with the Comprehensive Plan, specifically the Town of Boone Growth Management Tiers Map and Future Land Use Map?

Criteria 2: Is the requested annexation consistent with logical town boundaries?

Would annexation contribute to logical town boundaries and service areas and/or elimination of unincorporated islands within the town's corporate limits?

Criteria 3: Are other public services and utilities available?

If annexed, can the property be adequately supported by current or future town services, including but not limited to public safety and public utilities. Can the property be serviced by other utility providers (electric, phone, internet, etc.)?

Criteria 4: Does the request demonstrate community benefits?

Does the requested annexation result in fiscal and/or other community benefits that outweigh costs?

Criteria 5: Is the request consistent with interjurisdictional agreements?

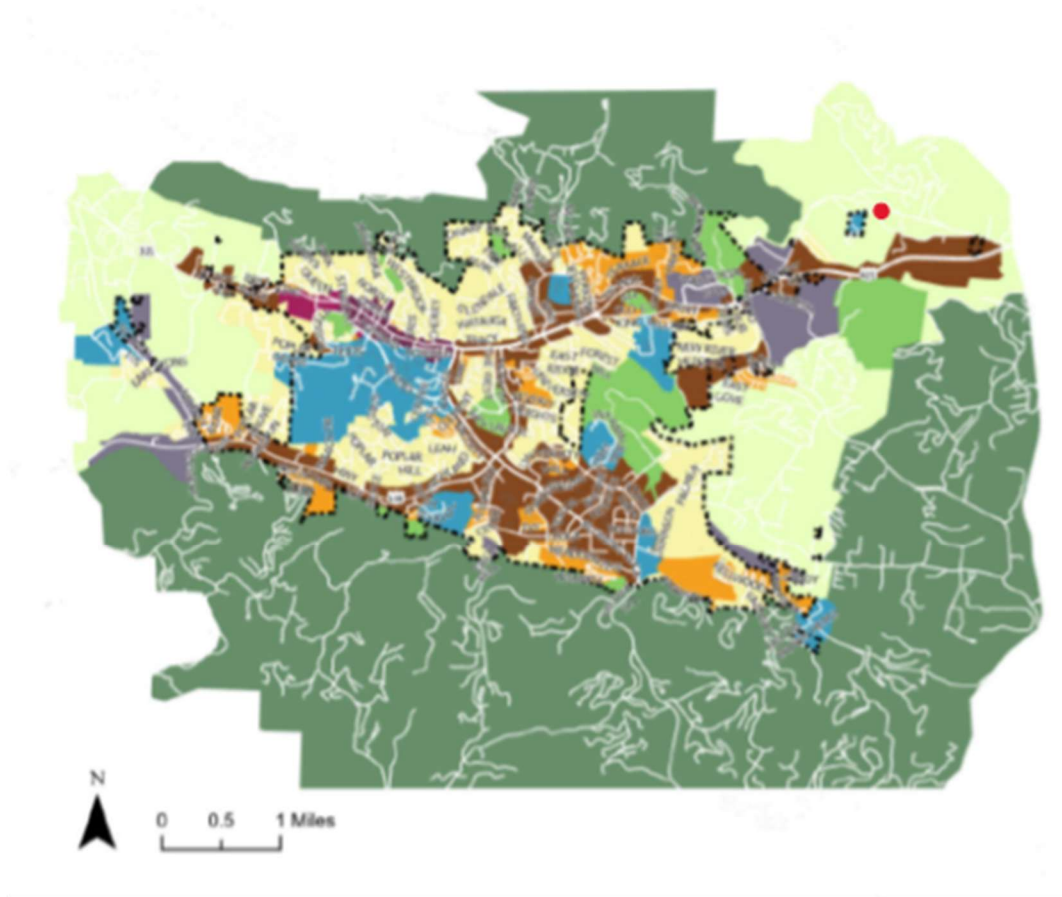
Is the requested annexation consistent with any applicable interjurisdictional agreements?

Future Land Use Map

The Future Land Use Map is a critical tool intended to give shape to and help implement Boone's vision for the next 15-20 years. The map and associated land use types provide a framework for development and other land use-related decisions, including decisions on public infrastructure and transportation.

In legislative decision-making cases, Council and the Planning Commission will review Boone Next and the Future Land Use Map to ensure that the request:

- is consistent with the goals and policies set forth in this plan; and
- is consistent with the land use type as shown on the Future Land Use Map;
- and if not ensure that the requested change of zoning will not negatively impact the intent of the mapped land use type; and
- is supported by existing or planned infrastructure.



The property, approximate location represented by the red dot above, included in the request is mapped in the Undesignated Secondary Growth land use type. Please see below for more details on this land use type.

Description	Objectives	Primary Uses
Undesignated Secondary Growth areas are currently outside of town limits and have not been assigned another future land use type. Development in Undesignated Secondary Growth areas may follow a different future land use type based on context of the development and site (accessibility, environmental hazards, infrastructure, town goals, transportation, etc.). Where and when development occurs, it should be sensitively designed and, where feasible, pedestrian-	- Cluster compact residential/mixed-use development where feasible - Protect wildlife habitat, farmland, floodplains, wetlands, and steep slopes. - Enhance connectivity; add sidewalks, bike facilities, transit, and other pedestrian safety facilities where feasible	None Identified.

oriented with clustered homes and businesses, community amenities, and protected open space. Development should prioritize protection of high-quality open space and occur sustainably.		
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Goals & Policies

Goal 1.1 A SUSTAINABLE BUILT PATTERN

Boone's interwoven natural and built environments will promote social, environmental, and fiscal sustainability while aiming to reduce auto-dependence and the roots of traffic congestion. The town will be a leader of green building design and climate responsibility.

Policy 1.1.1: Use the Future Land Use Map

Use the Future Land Use Map to guide development, growth, and conservation decisions. Additionally, use the Focus Area Plans for more detailed policy direction within each of those areas.

Policy 1.1.2 Use Best Design Practices in New Development

All new growth should move Boone toward creating a network of "communities within a community" - a polycentric pattern of walkable, human-scale activity centers located within short distances of residents across the town. This pattern is key to supporting sustainability by aiming to reduce vehicle trips and their associated emissions, improving human health by supporting active utilitarian modes of transportation, and guiding growth away from natural areas. Where feasible, new growth should establish short blocks and connected rights-of-way, prominent civic spaces, stream daylighting and protected natural resources, front-facing buildings with transparent and welcoming first floors and public spaces, a diversity of housing types, income-restricted housing units, neighborhood-serving and context-sensitive nonresidential uses, rear parking and alleys, front porches¹ (residential), and safe multimodal transportation infrastructure design.

Goal 1.2 DEVELOPMENT TRUE TO BOONE'S VISION

Boone's development and redevelopment will enhance the best of the town's existing built environment and reinforce the vision set forth in this plan.

Policy 1.2.1: Build the Town for People

To the extent possible, the built environment should be human-scale and pedestrian-oriented rather than large-scale and auto-oriented. There are urban design characteristics that transcend eras, styles, and typologies that help to explain why Boone's beloved downtown makes human beings comfortable. Human-scale development is not defined by density, but instead by urban design that makes human beings comfortable and happy navigating streets, activity centers, and neighborhoods on foot. Human-scale built environments might consider terminating vistas at the end of streets or the width and frontage of new buildings.

Goal 1.3 A PRESERVED HERITAGE

Boone's unique architectural and cultural history is celebrated. The town preserves historic buildings and encourages the design of new buildings and places that complement its architectural heritage.

Policy 1.3.4: Encourage Reuse and Rehabilitation

Support and encourage adaptive reuse and rehabilitation of existing homes and buildings. Where appropriate, minimum building code standards should be applied in a manner compatible with historic preservation efforts.

Goal 1.4 A NETWORK OF OPEN SPACE & GREEN CORRIDORS

Boone will build on its reputation as a green and outdoor city, creating and protecting an integrated network of green corridors, parks, and open spaces as well as meaningful rural and agricultural uses.

Policy 1.4.1: Protect Ecologically Valuable Areas and Corridors

Through regulations and development decisions, protect, restore, and connect ecologically valuable areas such as critical watersheds, stream buffers, wetlands, wildlife habitat, and hardwood forests. Prioritize conservation of lands adjacent and connected to existing protected areas.

Policy 1.4.3: Support Rural and Urban Farmland

Protect and support active farmland, both urban and rural, recognizing the economic, environmental, and social importance of farmland protection and local foods production.

Goal 1.5 INTENTIONAL GROWTH MANAGEMENT

Boone will manage growth thoughtfully and intentionally within its borders and at its edges to enhance the town's livability and meet the needs of a growing community.

Policy 1.5.1: Manage Growth to Balance Protection of Community Character and Natural Areas While Directing Desired Growth to Identified Centers

The town will manage growth in a manner that balances the protection of community character and natural lands while accommodating future population. Change in the community will be carefully managed to protect critical natural lands, provide a variety of housing options for a diversity of households, support economic development, support fiscal balance, ensure adequate public safety services, and utilize growth patterns that support regional and local transit services. Lands within the town's current corporate limits are priorities for infill and redevelopment. New development areas contiguous with the town and in identified activity centers should be secondary priorities for development and ahead of areas outside centers.

Policy 1.5.2: Guide Utility Service Extensions and Annexations Using the Utility Service and Annexation Criteria

Use the Utility Service and Annexation Criteria of this chapter to evaluate applications for annexation of lands into the town and extension of public utilities to new areas. These criteria serve as the primary guide for making annexation and utility extension decisions. The criteria provide a framework for ensuring decisions are made consistently and in accordance with the Comprehensive Plan. They are complemented by the Growth Management Tiers Map.

Policy 1.5.3: Guide Growth Using the Growth Management Tiers Map

The Growth Management Tiers Map serves as a guide for development and investment decisions. The map's purpose is to ensure Boone accommodates growth consistent with the Boone Next Planning Principles, intentionally directs growth to desired areas, manages the pace of development, and aims for fiscal balance. This map is intended to be used when considering zoning and development approvals, utility service extensions, annexations, incentives, and capital investments. This map should be used in coordination with the Utility Service and Annexation Criteria. The Growth Management Tiers Map will be updated from time to time to reflect changing planning conditions.

Goal 1.6 AN AFFORDABLE TOWN TO LIVE IN

Boone will facilitate sustainable affordable housing for low- to middle income residents.

Policy 1.6.3: Diversify Boone's Housing Options

Promote a variety of housing types as well as housing tenure options around Boone. While the town should continue to build single-family, townhome, and multifamily buildings, explore other types of well-designed and contextually compatible housing, such as quadplexes and small-scale multiplexes. The town can use creative tools, like zoning "opt-in" districts, to ensure additional densities come with public benefits like income-restricted units. Also, support alternative housing tenure options like the community land trust model and cooperative housing. Unless Boone's rugged terrain precludes it, consider the use of pre-approved blueprints to reduce construction costs while ensuring high quality building designs and materials.

Policy 1.6.4: Make Daily Needs More Accessible Across Boone

Consider both the cost of housing and the cost of transportation as the town develops, recognizing that transportation costs rise as distances to daily needs like grocery stores, daycare, work, and school increase. Focus on distribution of uses and services using walkable urban design principles that make daily needs more accessible to all ages and abilities. Measure and track progress toward increasing the proportion of residents living within a comfortable 5-10 minute walk, bike, or transit ride to daycare facilities; grocery stores; parks, greenways, or playgrounds; and employment destinations.

Goal 3.1 A STRONG AND DIVERSE LOCAL ECONOMY

Boone will have a strong and diverse local economy that builds on existing economic sectors and fosters the growth of new green economic sectors.

Policy 3.1.4: Support Boone's Small Businesses

Support Boone's independent businesses and ensure existing resources are adequately advertised to existing and prospective small business. Foster a spirit of entrepreneurship and information-sharing. Create opportunity for creating new locally-owned small businesses, including protecting and expanding the supply of small, affordable spaces in existing and new buildings.

Goal 4.4 LONG-TERM FISCAL BALANCE

Long-term fiscal balance will be achieved through land use and growth decisions that are informed by long-term fiscal impacts of development.

Policy 4.4.1: Promote Use of Existing Resources

Promote infill, redevelopment, and adaptive use as a way to maximize use of existing services, infrastructure, and utilities.

Policy 4.4.2: Proactively Manage Growth and Development

Anticipate and guide future growth and development using the planning principles, frameworks, and maps in this Comprehensive Plan to ensure that new development can be supported by town infrastructure and services while protecting open space.

Policy 4.4.3: Promote Smart Growth

Ensure new growth and development is fiscally balanced in the long run while directing more growth to areas with existing services and infrastructure. Some types of developments and land uses are necessary to the social needs of the town and do not necessarily directly improve the town's fiscal

balance, such as recreation and cultural facilities or affordable housing. Encourage compact development that can be more efficiently served, especially as indicated on the Future Land Use Map.

Policy 4.4.4: Consider Community Priorities and Long-Term Impacts

Consider community priorities and long-term impacts in decision-making, with the understanding that some community priorities may not have positive fiscal impacts and some decisions may not provide short-term benefits.

Goal 5.2 SUSTAINABLE BUILDINGS, OPERATIONS, AND INFRASTRUCTURE

Boone will seek sustainable practices in buildings, operations, and infrastructure of town government and across the community.

Policy 5.2.2: Manage Growth on Boone's Edges

Intentionally manage outward growth to balance protecting community character and natural areas while directing desired growth to identified centers. Use the Utility Service and Annexation Criteria and the Growth Management Tiers Map to manage growth.

Planning Board Report/Recommendations

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

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

Note 1

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

Vote 2: The Planning Commission recommends ☐approval OR ☐denial of Ordinance #A25-0686 within Exhibit A and ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

Note 2: briefly explain why, factors may include the benefits and detriments to the landowners, the neighbors, and the surrounding community; why the action taken is in the public interest; and any changed conditions warranting the amendment.

Ordinance #A25-0686

ORDINANCE # A25-0686

AN ORDINANCE TO REZONE PROPERTY WITHIN THE TOWN OF BOONE

WHEREAS, pursuant to N.C. Gen. Stat. §160D-601, the Town may amend its zoning map after giving proper public notice and holding a public hearing; and

WHEREAS, the Planning Commission and Town Council has received the request to amend the Official Zoning Map of the Town of Boone, North Carolina to zone the property below as presented:

Address: 176 I J Bingham Place

Watauga County PINs: 2921-71-0436-000

Property Owner: Justin Rogers

Zoning: B3 General Business/R3 Multiple-Family Residential

WHEREAS, the Boone Town Council held a duly-noticed public hearing on 9/22/2025 with respect to this rezoning request; and

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

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

NOW, THEREFORE, BE IT RESOLVED as follows:

SECTION 1. The Boone Town Council hereby approves and adopts the modifications to the Town Zoning Map as set forth herein.

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

SECTION 3. This Ordinance shall be effective immediately upon its adoption by Town Council.

Adopted this day, 10/22/2025.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon-Church, Town Clerk

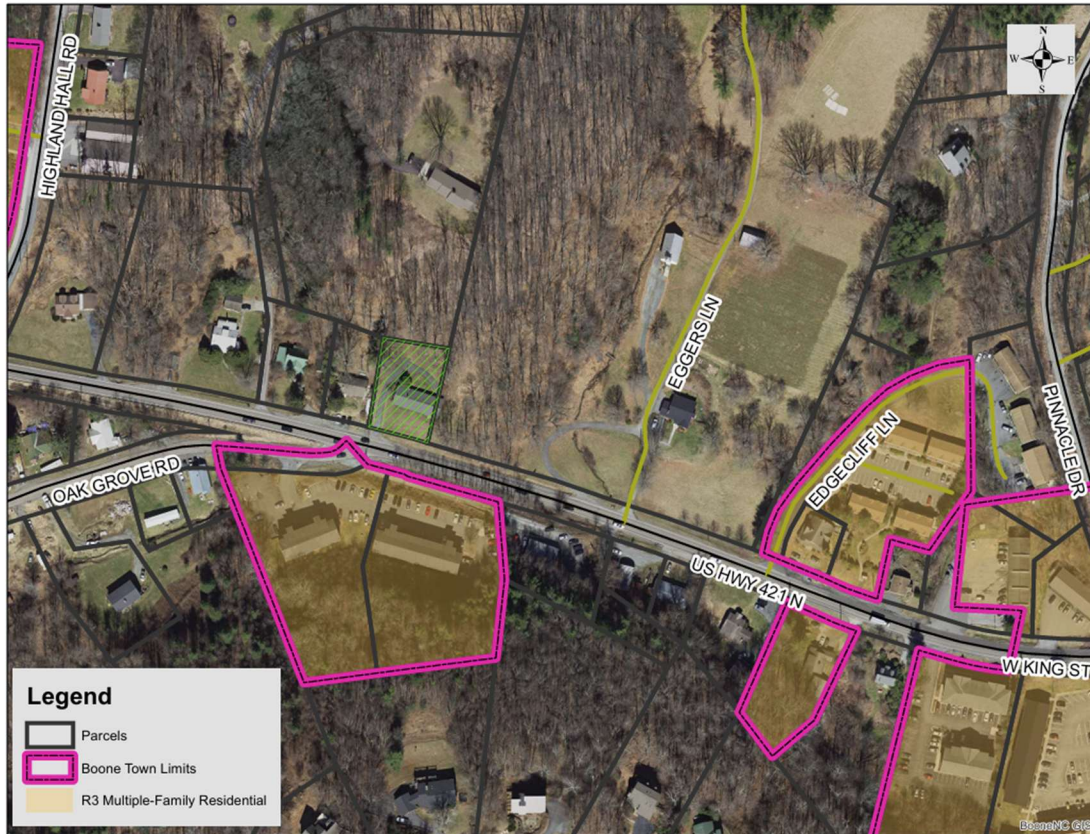


Staff Report

August 27, 2025

Case A25-0581 & A25-0687 - Suni & Daniel Kerr – Voluntary Satellite Annexation & General Use Rezoning Application

Request.....	2
Parcel Information	2
Parcel Specifics	2
Former ETJ Zoning.....	3
Requested Zoning.....	3
Existing Site Characteristics	4
Zoning and Use of Adjacent Properties.....	5
Town Service Analysis.....	5
Zoning Comparison Analysis.....	6
Use Comparison	6
Intensity Comparison	8
Building Height Comparison.....	9
Occupancy Comparison.....	9
Process Guidance.....	9
Annexation Guidance	10
Petition Requirements	10
General Use Zoning Map Guidance	11
Conformity to Adopted Plans	11
Boone Next: Our Town, Our Future	11
Planning Commission Prompts/Recommendations	18
Ordinance #A25-0687.....	19



Request

Nicole (Suni) and Daniel Kerr have submitted a voluntary satellite annexation petition for 1750 US Highway 421 North. (Watauga County PIN: 2901-20-9794-000) It should be noted that this annexation request is part of a hardship connection request by the property owner due to the property not having access to drinking water. Concurrently, the applicants are requesting a zoning designation of R1 Single-Family Residential to be applied upon annexation.

Parcel Information

Parcel Specifics

Property Owner	Nicole & Daniel Kerr
Address	1750 US Highway 421 North
Watauga County PIN(s)	2901-20-9794-000
Use	1.01 Single-Family Dwelling
Use Definition	A building, not including a manufactured home, that is developed with space on all sides, containing, intended or used solely for one dwelling unit; not attached to any non-accessory building or dwelling unit.
Size	0.495 acres
Access	US Highway 421 North (NCDOT Maintained)

Steep or Very Steep Slope Yes, Steep Slope at the rear of the property.

Former ETJ Zoning

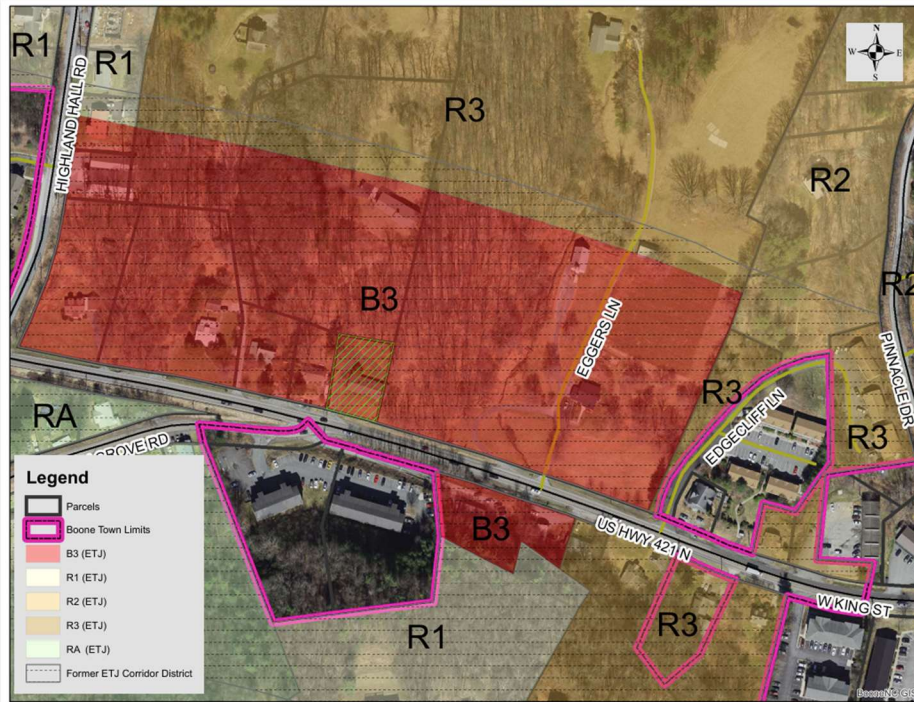
Former Zoning District

B3 General Business

The B3 General Business District is primarily intended to accommodate a wide range of office, restaurant, retail, service, and multi-family residential uses in a mixed-use environment. The regulations for this district are intended to create a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment for all appropriate uses.

Former Overlay Districts

- | | | |
|--|---|---|
| ☒ Corridor | ☐ Historic District or Landmark | ☐ Special Flood Hazard Area |
| ☐ Watershed Protection | ☐ Viewshed Protection | |



Requested Zoning

District Descriptions

R1 Single-Family Residential District

The R1 Single-Family Residential District is established to provide a low-density living area consisting only of single-family dwelling units and other related uses necessary for a sound neighborhood. The regulations for this district are designed to stabilize and encourage a comfortable, healthy, safe, aesthetically pleasing, and pleasant living environment for family life that promotes peaceful quiet enjoyment sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.

Corridor Overlay District

The corridor districts are established overlay districts intended to protect the main throughfares through town.

Existing Site Characteristics

The 0.495-acre site is composed of a single parcel currently developed with a single-family residence that occupies approximately 2,000 square feet with an approximate 500 square feet carport. In addition to the principal structure, the site features a paved driveway with parking for multiple vehicles the goes around the structure, totaling approximately 2,500 square feet.

These improvements are situated across the parcel as follows: the building is located in the middle of the site on the right (east) side of the lot, with a driveway to the left (west) of the building. The site has a terraced slope from the building down to US Highway 421. The very rear (north) of the property features a wooded area on steep slopes. The property is accessed from US Highway 421 North, to the south of the building, a NCDOT maintained roadway.

See below for supporting photos.

Photo 1



Photo 2



Photo 3



Photo 4



Zoning and Use of Adjacent Properties

North	Not Zoned	Single-Family Residence
East	Not Zoned	Single-Family Residence; Parking Lot
South	R3 Multi-Family Residential	Multi-Family Residence
West	Not Zoned	Single-Family Residence

North:



East:



South:



West:



Town Service Analysis

Municipal services shall be provided to an area annexed in accordance with the requirements of N.C.G.S. § 160A. From and after the effective date of the annexation ordinance, the territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in such municipality and shall be entitled to the same privileges and benefits as other parts of such municipality. Please see municipal service assessment conducted by Town Departments.

Fire Department (Amy Flieg, Fire Marshal)

Response – The Fire Department is fine with this annexation.

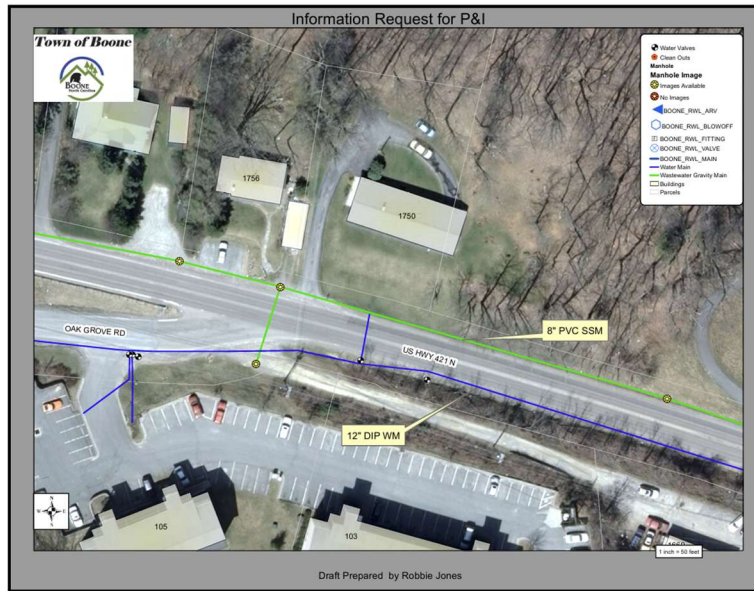
Police Department (Major Shane Robbins)

Response – The Police Department is fine with this annexation.

Public Works – Services Division (Justin Stines, Public Works Deputy Director)

Response – The Town of Boone can provide services to this annexation.

Public Works – Utilities Review (Robbie Jones, Utilities Service Technician)



Which utilities are being requested? Water ☒ Sewer ☐ Both ☐ Neither ☐

Services Available: Water ☐ Sewer ☐ Both ☒

Per Town Code §50.290, Is this request part of a hardship connection? Yes ☒ No ☐

If yes, please provide details: The applicant has established that the existing well cannot supply an adequate amount of water.

Are any utilities already provided to the requested annexation? Yes ☒ No ☐

If yes which utilities? Water ☐ Sewer ☒

Is this a connection or an extension? Connection ☒ Extension ☐

Comments: Water service has been provided to the structure; the existing well system must be disconnected from the house.

Zoning Comparison Analysis

Please see below for the use, intensity, building height, and occupancy information from UDO Article 14 and Appendix B comparing the existing and requested zoning district.

Use Comparison

Use #	Specific Use	R1	R1A	R1C	R1S	Reference
1.0 Household Living						
1.01	Single-Family Dwelling	P	P	P	P	

Use #	Specific Use	R1	R1A	R1C	R1S	Reference
1.02	Manufactured Home “Class A”			L		15.01
2.0 Group Living						
2.01	Family Care Home	L	L	L	L	15.06
3.0 Transient Living						
3.01	Home for Survivors of Domestic Violence	L	L			15.11
3.04	Bed and Breakfast, Category 1	CD	CD			15.13
3.07	Homestay Rental	L	L	L	L	15.05
4.0 Institutional						
4.05	Cemetery	P	P	P	P	
5.0 Government Uses						
5.02	Government Neighborhood Cultural Facility, Indoor Activity Only	CD	CD	CD	CD	
5.05	Recreation Facility, Category 2	P	P	P	P	
5.06	Recreation Facility, Category 3	CD	CD	CD		
5.12	Police Substation	P	P	P	P	
5.13	Utility Facility, Town	L	L	L	L	15.16
5.14	Utility Facility, Government, Neighborhood	L	L	L	L	15.16
6.0 Non-Government Utility Facility						
6.01	Utility Facility, Neighborhood	L	L	L	L	15.16
7.0 Wireless Communication						
7.01	Small Wireless Collocation	L	L	L	L	15.18
7.02	Wireless Facility Collocation on Existing Wireless Support Structure or Utility Pole	L	L	L	L	15.17
7.03	Stealth Wireless Facility Attached to Existing Building or Structure	L	L	L	L	15.17
7.05	Non-stealth Wireless Facility Collocation on Electrical Transmission Towers	L	L	L	L	15.17
7.06	Stealth Wireless Support Structure	CD/L	CD/L	CD/L	CD/L	15.17
7.08	Emergency Response Communication Antenna	P	P	P	P	
8.0 Assembly						
8.01	Religious Assembly, Category 1	P	P	P	P	
8.02	Religious Assembly, Category 2	CD	CD	CD		
10.0 Daycare						
10.01	Child Daycare, Large	CD	CD			15.19
13.0 Agriculture						
13.01	Garden, Community	L	L	L	L	15.29
13.02	Garden, Residential	L	L	L	L	15.30
13.09	Forestry	L	L	L	L	15.31
Accessory Uses						
A-1	Secondary suite	L	L	L	L	15.45
A-2	Home occupation	L	L	L	L	15.46
A-3	Accessory dwelling unit		L	L		15.47

Use #	Specific Use	R1	R1A	R1C	R1S	Reference
A-11	Poultry	L	L	L	L	15.54
A-12	Livestock, small	L	L	L	L	15.55
A-14	Bees	L	L	L	L	15.57
A-15	Garden, residential	L	L	L	L	15.58
A-16	Satellite receiving antennas less than 1 meter in diameter	P	P	P	P	
A-20	Swimming pools, spas, and hot tubs	L	L	L	L	15.59
A-22	Vehicular gate	L	L	L	L	15.61
A-25	Open air market, accessory	L	L	L	L	15.22
A-26	Daycare, small	P	P	P	P	
A-28	Solar Energy System	L	L	L	L	15.64
A-29	Electric-Vehicle Charging Station	L	L	L	L	15.65
Temporary Uses						
T-1	Temporary family care structure	L	L	L	L	15.62
T-2	Temporary construction or repair dwelling	L	L	L	L	15.62
T-3	Temporary construction trailer	L	L	L	L	15.62
T-6	Temporary portable storage containers	L	L	L	L	15.62
T-9	Carrier on wheels (cow)	L	L	L	L	15.62
T-10	Yard sales	L	L	L	L	15.62
T-11	Itinerant merchant/peddler	L	L	L	L	15.62
T-14	Temporary Disaster Relief	L	L	L	L	15.62

Intensity Comparison

Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	Minimum Livability Space Ratio* (LSR)	Minimum Setbacks	
					Street	Interior
R1	8,000 sq. ft.	70 ft.	56 ft.	.53	20 ft.	14 ft.
R1A	8,000 sq. ft.	70 ft.	56 ft.	.53	20 ft.	14 ft.
R1C	6,000 sq. ft.	35 ft.	28 ft.	.27	20 ft.	13 ft.
R1S	5,000 sq. ft.	35 ft.	28 ft.	NA, Refer to UDO Subsection 14.08.03(D)	20'	7', Refer to Subsection 14.08.03(E)(2)

Building Height Comparison

Zone	Height Limitation
R1, R1A, R2, R4, RA	3 stories
R1C	1 story/29'; Refer to Subsection 14.07.03(F)
R1S	1 story/25'; Refer to Subsection 14.08.03(F)

Occupancy Comparison

Occupancy Regulation (persons per dwelling unit)	Zoning District
One family or up to 2 unrelated Note: a dwelling occupied by a family (but not unrelated persons) may also have one (1) roomer.	1. R1 Single-Family Residential 2. R1A Single-Family Residential with Accessory Dwelling 3. R1C Compact Neighborhood Residential 4. R1S Small Home Residential

Process Guidance

This request involves two legally distinct but procedurally coordinated actions: annexation and zoning. The process ensures that both actions are considered holistically in light of Boone Next. The process will proceed as follows:

Date	Step	Guidance
August 27, 2025	Initial Council Consideration	• Council reviews the annexation petition and zoning request together • Staff presents initial report • Council is asked to indicate willingness to entertain the annexation request before proceeding with full process
September 22, 2025	Joint Public Hearing	• A single public hearing before the Council and the Planning Commission is held on annexation and zoning. • The Planning Commission provides a required zoning recommendation and an optional annexation recommendation.
October 22, 2025	Final Council Decisions	• Council votes on zoning first. • If zoning is approved, and the applicant wishes to proceed, Council votes on the annexation.

Annexation Guidance

Petition Requirements

Pursuant to N.C.G.S. § 160A-58.1, the Town of Boone may annex an area satellite to its primary corporate limits when the area meets the standards set forth below. Additionally, for satellite annexations, the petition shall contain the names, addresses, and signatures of all owners of real property within the proposed satellite corporate limits, shall describe the area proposed for annexation by metes and bounds, and shall have attached thereto a map showing the area proposed for annexation with relation to the primary corporate limits of the annexing city. When there is any substantial question as to whether the area may be closer to another city than the annexing city, the map shall also show the area proposed for annexation with relation to the primary corporate limits of the other city.

1. No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another Town than to the primary corporate limits of the annexing city, except the Town may annex a satellite area if the Town has entered into an annexation agreement pursuant to Article 4A, Part 6 of N.C.G.S. § 160A Part 6.

Staff Note: The proposed satellite area is not closer to the primary corporate limits of another Town.

2. The satellite area must be so situated that the Town of Boone will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.

Staff Note: Please see the Town Services Analysis in the previous section.

3. If the area proposed for annexation, or any portion thereof, is subject to subdivision regulation as described in G.S. 160D-802, all of the subdivision must be included. Subdivision regulation is applicable to all divisions of a parcel into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development, whether immediate or future, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition:

- The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the local government as shown in its subdivision regulations.
- The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
- The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
- The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the local government, as shown in its subdivision regulations.
- The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

Staff Note: Based upon Town Attorney review the proposed satellite area is not part of a subdivision.

4. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.

Staff Note:

<i>Existing Satellite Annexation % of Corporate Limits:</i>	<i>1.75%</i>
<i>Proposed Area:</i>	<i>0.495 acres</i>
<i>New Satellite Annexation % of corporate limits with Proposed Area:</i>	<i>1.76%</i>

5. The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city

Staff Note: The closest property line of the satellite area is .17 miles away from closest boundary of the Town of Boone primary corporate limits (not counting other satellite annexations).

General Use Zoning Map Guidance

Pursuant to UDO Subsection 9.07, in deciding whether to adopt a proposed amendment to this Ordinance, the central issue before the Council is whether the proposed amendment advances the public health, safety, or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the Mayor and be excluded. In particular, when considering proposed general use map amendments:

- A. The Council shall not consider any representations made by the petitioner that if the change is granted the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Council shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.
- B. The Council shall only consider the impact of the proposed change on the public at large.

Conformity to Adopted Plans

Boone Next: Our Town, Our Future

Community Vision	Land Use and Development Vision
We will be a prosperous, livable, people-oriented mountain community modeling resilient growth that promotes and protects our natural resources with diverse housing options and dynamic economic opportunities. We will celebrate and build upon our community's historic foundation to leave a sustainable and equitable town for future generations.	Grounded in its historic character, Boone will be a distinct pedestrian-oriented town that is affordable, livable, human-scale, and connected through a network of walkable, mixed-use corridors and activity centers.

Planning Principles: The Boone Next Planning Principles are intended, as a collective, to provide a core vision to guide planning, zoning, and development decisions. These principles should be carefully

considered with respect to all zoning map amendments, ordinance text amendments, and other development decisions as well as other town planning and policy initiatives.

Planning Principle 5

Employ planning policies to accommodate growth while promoting an equitable town and protecting the most vulnerable residents and small businesses against economic displacement.

Planning and zoning policies and practices seek to limit the negative and undesired effects of gentrification and displacement. Current residents and small businesses that are in Boone today and want to remain here should be able to afford to stay while people who work in Boone should be able to afford to live within the town limits. Robust engagement and communication with residents and small businesses is key to promoting equitable planning in Boone.

Planning Principle 7

Support the town's established neighborhoods and new residential developments through neighborhood-level engagement and planning.

Neighborhoods may include a variety of land uses (residential, commercial, civic, and recreational areas), building types, and housing types. They may have an identifiable center that offers basic services such as cafés, childcare, specialty stores, and grocery options. Neighborhoods will support a variety of travel options and be well-connected to adjacent neighborhoods and parks. They will seamlessly integrate the members of diverse, multi-generational communities living in proximity to one another.

Growth Management Tiers Map: The Growth Management Tiers Map is a policy tool intended to help Boone manage the growth of its corporate limits. The map identifies areas inside and outside the corporate limits that are likely to face development pressures, and it identifies those areas that are most appropriate for the town to consider serving by means of annexation within the next 10 to 15 years. The Growth Management Tiers Map is supplemented by and should be applied in concert with the Future Land Use Map, where applicable. The overall purposes of the map are to:

- Promote better interjurisdictional and long-range planning between and among the town, Watauga County, and utility providers.
- Encourage long-term fiscally and environmentally sustainable growth by carefully managing the extension of taxpayer-funded town services
- Encourage infill development
- Inform developers, landowners, farmers, and residents with respect to the town's priorities and approach to the growth of its corporate limits
- Provide policy guidance to town decision-makers regarding annexations, town service provision, fees and incentives, and locations for capital improvements

This property is located within the Secondary Growth Area.

Secondary Growth Area is land where provision of services would be part of annexation decisions made by town officials. Additional care should be taken to analyze whether the requested type of proposed land uses are consistent with the town's goals and policies.

Utility Service and Annexation Criteria

Criteria 1: Does the requested annexation align with the Comprehensive Plan?

Is the annexation consistent with the Comprehensive Plan, specifically the Town of Boone Growth Management Tiers Map and Future Land Use Map?

Criteria 2: Is the requested annexation consistent with logical town boundaries?

Would annexation contribute to logical town boundaries and service areas and/or elimination of unincorporated islands within the town's corporate limits?

Criteria 3: Are other public services and utilities available?

If annexed, can the property be adequately supported by current or future town services, including but not limited to public safety and public utilities. Can the property be serviced by other utility providers (electric, phone, internet, etc.)?

Criteria 4: Does the request demonstrate community benefits?

Does the requested annexation result in fiscal and/or other community benefits that outweigh costs?

Criteria 5: Is the request consistent with interjurisdictional agreements?

Is the requested annexation consistent with any applicable interjurisdictional agreements?

Future Land Use Map

The Future Land Use Map is a critical tool intended to give shape to and help implement Boone's vision for the next 15-20 years. The map and associated land use types provide a framework for development and other land use-related decisions, including decisions on public infrastructure and transportation.

In legislative decision making cases, Council and the Planning Commission will review Boone Next and the Future Land Use Map to ensure that the request:

- is consistent with the goals and policies set forth in this plan; and
- is consistent with the land use type as shown on the Future Land Use Map;
- and if not ensure that the requested change of zoning will not negatively impact the intent of the mapped land use type; and
- is supported by existing or planned infrastructure.



The property included in the request is mapped in the Walkable Mixed-Use land use type. Please see below for more details on this land use type.

Description	Objectives	Primary Uses
Walkable Mixed-Use areas are envisioned as places that should evolve from existing auto-oriented patterns into green, walkable, mixed-use corridors and destinations. New street and alley grids may be established, fostering a more urban environment while maintaining a commitment to well-designed, green, and visually engaging building patterns. Buildings in these areas are oriented toward the street and generally up to four stories in height; in some cases, on appropriately sized and located lots, they may reach up to six stories. Parking and drive aisles in the front are minimized and the majority of parking placed to the sides and rear. Ground floors should feature ample transparent windows and doors. Ground floors should create an inviting atmosphere for pedestrians by, for example, incorporating features like generous transparent windows and inviting entryways. Where appropriate, wider sidewalks and street trees enhance the pedestrian experience and promote a sense of place. The overall vision behind	- Eliminate curb cuts on arterials through rear access parking and new alley construction and dedication - Evaluate opportunities for neighborhood scale-businesses that enhance neighborhoods with accessible resources such as cafes, small grocers/bodegas, and childcare facilities - Mixed-use buildings provide a variation in layout and size for ground floor non-residential uses - Encourage and facilitate public spaces like plazas, playgrounds, and other public amenities.	- Vertical mixed-use with ground floor commercial and upper story residential and/or appropriate commercial uses; or a mix of single-use commercial and/or residential buildings within a single development. - Multi-family - Limited light industrial/manufacturing uses with minimal external impacts.

the Walkable Mixed-Use Land Use Type is to foster vibrant, self-sufficient communities where everything is just a short stroll away – a true realization of the “15-minute city” or “city within a city” concept. Here, residents enjoy access to local businesses, services, and amenities that cater to their daily lives, while commercial spaces thrive on the support of a connected residential environment.		
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Goals & Policies

Chapter 1 Land Use and Development

Goal 1.5 INTENTIONAL GROWTH MANAGEMENT

Boone will manage growth thoughtfully and intentionally within its borders and at its edges to enhance the town’s livability and meet the needs of a growing community.

Policy 1.5.1: Manage Growth to Balance Protection of Community Character and Natural Areas While Directing Desired Growth to Identified Centers

The town will manage growth in a manner that balances the protection of community character and natural lands while accommodating future population. Change in the community will be carefully managed to protect critical natural lands, provide a variety of housing options for a diversity of households, support economic development, support fiscal balance, ensure adequate public safety services, and utilize growth patterns that support regional and local transit services. Lands within the town’s current corporate limits are priorities for infill and redevelopment. New development areas contiguous with the town and in identified activity centers should be secondary priorities for development and ahead of areas outside centers.

Policy 1.5.2: Guide Utility Service Extensions and Annexations Using the Utility Service and Annexation Criteria

Use the Utility Service and Annexation Criteria of this chapter to evaluate applications for annexation of lands into the town and extension of public utilities to new areas. These criteria serve as the primary guide for making annexation and utility extension decisions. The criteria provide a framework for ensuring decisions are made consistently and in accordance with the Comprehensive Plan. They are complemented by the Growth Management Tiers Map.

Policy 1.5.3: Guide Growth Using the Growth Management Tiers Map

The Growth Management Tiers Map serves as a guide for development and investment decisions. The map’s purpose is to ensure Boone accommodates growth consistent with the Boone Next Planning Principles, intentionally directs growth to desired areas, manages the pace of development, and aims for fiscal balance. This map is intended to be used when considering zoning and development approvals, utility service extensions, annexations, incentives, and capital investments. This map should be used in coordination with the Utility Service and Annexation Criteria. The Growth Management Tiers Map will be updated from time to time to reflect changing planning conditions.

Goal 1.6 AN AFFORDABLE TOWN TO LIVE IN

Boone will facilitate sustainable affordable housing for low- to middle income residents.

Policy 1.6.5: Preserve the Town's existing affordable homes

While ensuring housing is safe for tenants through code enforcement, preserve the townwide stock of naturally occurring affordable housing (NOAH) using zoning and other innovative planning tools.

Chapter 4 Government and Public Services**Goal 4.3 INTERJURISDICTIONAL AND INSTITUTIONAL COLLABORATION**

Residents within and surrounding Boone will benefit from collaborative interjurisdictional planning and coordination that maximizes limited resources

Policy 4.3.2: Coordinate on Service Extensions and Annexations

Use the Utility Service and Annexation Criteria and the Growth Management Tiers to guide service extensions and annexations. Continue interjurisdictional coordination in order to determine future service extensions and annexations.

Goal 4.4 LONG-TERM FISCAL BALANCE

Long-term fiscal balance will be achieved through land use and growth decisions that are informed by long-term fiscal impacts of development.

Policy 4.4.1: Promote Use of Existing Resources

Promote infill, redevelopment, and adaptive use as a way to maximize use of existing services, infrastructure, and utilities.

Policy 4.4.3: Promote Smart Growth

Ensure new growth and development is fiscally balanced in the long run while directing more growth to areas with existing services and infrastructure. Some types of developments and land uses are necessary to the social needs of the town and do not necessarily directly improve the town's fiscal balance, such as recreation and cultural facilities or affordable housing. Encourage compact development that can be more efficiently served, especially as indicated on the Future Land Use Map.

Chapter 5 Green and Resilient**Goal 5.2 SUSTAINABLE BUILDINGS, OPERATIONS, AND INFRASTRUCTURE**

Boone will seek sustainable practices in buildings, operations, and infrastructure of town government and across the community.

Policy 5.2.2: Manage Growth on Boone's Edges

Intentionally manage outward growth to balance protecting community character and natural areas while directing desired growth to identified centers. Use the Utility Service and Annexation Criteria and the Growth Management Tiers Map to manage growth.

Gateway Focus Area Analysis

As Boone continues to grow, with limited space to do so, the areas on the edges of town will continue to develop and re-develop. Guiding the character and function of these areas is a key goal. Each focus areas has unique opportunities and challenges, but all function as gateways into Boone from the major transportation corridors. A vision was set that these areas become smaller "communities within the community," servicing the needs of residents close to home.

Northwest Gateway**This Area Tomorrow (Excerpt)**

The 421 corridor is served by AppalCART with several stops between the 105 bypass and downtown/campus area. However, sidewalks to get to bus stops are not complete and riders must walk along high-volume roadway to bus stops that are not universally accessible in many locations.

Like the 105 corridor, Highway 421 is serving multiple user groups from motorists arriving into Boone from out of town and students travelling to campus and downtown. A smaller share of traffic is from industrial and commercial uses along Highway 421, like Loven Concrete. Aside from disconnected sidewalks, this area does not include bicycle and pedestrian infrastructure.

This Area Tomorrow Recommendations (Excerpt)

While topography in this area does not lend itself to large scale development, there are opportunities for infill development on small parcels and re-development opportunities. As has already begun to happen with apartments constructed in the recent past, new development needs to be pedestrian-oriented.

Planning Commission Prompts/Recommendations

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

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

Note 1

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

Vote 2: The Planning Commission recommends ☐approval OR ☐denial of Ordinance #A25-0687 within Exhibit A and ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

Note 2: briefly explain why, factors may include the benefits and detriments to the landowners, the neighbors, and the surrounding community; why the action taken is in the public interest; and any changed conditions warranting the amendment.

Ordinance #A25-0687

ORDINANCE # A25-0687

AN ORDINANCE TO REZONE PROPERTY WITHIN THE TOWN OF BOONE

WHEREAS, pursuant to N.C. Gen. Stat. §160D-601, the Town may amend its zoning map after giving proper public notice and holding a public hearing; and

WHEREAS, the Planning Commission and Town Council has received the request to amend the Official Zoning Map of the Town of Boone, North Carolina to zone the property below as presented:

Address: 1750 US Highway 421 North

Watauga County PINs: 2901-20-9794-000

Property Owner: Nicole and Daniel Kerr

Zoning: R1 Single-Family Residential

WHEREAS, the Boone Town Council held a duly-noticed public hearing on 9/22/2025 with respect to this rezoning request; and

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

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

NOW, THEREFORE, BE IT RESOLVED as follows:

SECTION 1. The Boone Town Council hereby approves and adopts the modifications to the Town Zoning Map as set forth herein.

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

SECTION 3. This Ordinance shall be effective immediately upon its adoption by Town Council.

Adopted this day, 10/22/2025.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon-Church, Town Clerk



**Staff Report
Public Hearing**

September 22, 2025

Case Permit A25-0606 Outdoor Dining - UDO Text Amendment

Request.....	1
Conformity to Adopted Plans	1
Boone Next: Our Town, Our Future	1
Planning Board Report/Recommendations.....	4
Town Council– Adoption of Ordinance.....	5
Ordinance A25-0606.....	6

Request

Consideration of a text amendment to UDO Articles 15 and 31 to modify how outdoor dining as an accessory use is regulated and to clarify encroachments into Neighborhood Protection buffers.

Currently, outdoor dining is permitted in the B1 Downtown Core zoning districts but is largely restricted in other zoning districts by regulations prohibiting outdoor dining within required landscape buffers and building setbacks. Council has directed Staff to evaluate whether flexibility can be granted for outdoor dining in areas between buildings and public streets, indicating its general view that outdoor dining space is to be encouraged in order to foster active street fronts, community interactions, and additional opportunities for businesses.

The goal of this amendment is to reduce limitations on outdoor dining in all appropriate zoning districts while preserving the purposes served by requirements for landscaped street yards and building setbacks. Staff found that further clarification of Neighborhood Protection buffers and street yards were also necessary as part of this amendment.

Conformity to Adopted Plans

Boone Next: Our Town, Our Future

Community Vision

We will be a prosperous, livable, people-oriented mountain community modeling resilient growth that promotes and protects our natural resources with diverse housing options and dynamic economic opportunities. We will celebrate and build upon our community’s historic foundation to leave a sustainable and equitable town for future generations.

Planning Principles: The Boone Next Planning Principles are intended, as a collective, to provide a core vision to guide planning, zoning, and development decisions. These principles should be carefully considered with respect to all zoning map amendments, ordinance text amendments, and other development decisions as well as other town planning and policy initiatives.

Planning Principle 2

Emphasize quality design to create an attractive, inspiring public and private realm— architecture, streetscape, corridors, gateways, and edges—that is uniquely Boone.

Public areas (streetscapes, sidewalks, parks, plazas, etc.) and private areas (building facades, landscaping, parking facilities, etc.) will be planned, arranged, and designed with quality materials to celebrate a sense of place and

character by balancing function, appearance, and affordability, while fostering creativity, innovation, and human-scale design that is true to Boone

Planning Principle 3

Encourage compact, human-scale development that integrates a vertical mix of uses (residential, commercial, office, institutional, civic, etc.) and connects with existing developed areas.

Places will be created with multiple uses in proximity to each other, perhaps on the same site and/or in the same structure. Close attention will be given to the compatibility of those uses and their surroundings. Uses will be arranged in a manner that maximizes pedestrian activity and create “communities within our community.”

Planning Principle 9

Incorporate environmentally sensitive and sustainable practices into future developments.

Development will be designed to reduce potential negative impacts on environmental features such as wetlands, riparian buffers, streams, steep slopes, wooded areas, special flood hazard areas, wildlife habitats, etc. » The town will continue efforts to protect and restore watersheds, wetlands, streams, and special flood hazard areas in development or redevelopment. » New construction will use context-sensitive design to reduce impacts on existing site features. » New development should use green building practices. Projects should minimize energy consumption, use renewable energy where feasible, minimize the consumption of resources, and use recycled building materials. » Green stormwater management is important, along with protections to our waterways. » Infill and redevelopment should maintain or enhance Boone’s Urban Forest.

Goals & Policies

Chapter 1 Land Use and Development

Goal 1.1 A SUSTAINABLE BUILT PATTERN

Boone’s interwoven natural and built environments will promote social, environmental, and fiscal sustainability while aiming to reduce auto- dependence and the roots of traffic congestion. The town will be a leader of green building design and climate responsibility.

Policy 1.1.2 Use Best Design Practices in New Development

All new growth should move Boone toward creating a network of “communities within a community” - a polycentric pattern of walkable, human-scale activity centers located within short distances of residents across the town. This pattern is key to supporting sustainability by aiming to reduce vehicle trips and their associated emissions, improving human health by supporting active utilitarian modes of transportation, and guiding growth away from natural areas. Where feasible, new growth should establish short blocks and connected rights-of-way, prominent civic spaces, stream daylighting and protected natural resources, front-facing buildings with transparent and welcoming first floors and public spaces, a diversity of housing types, income-restricted housing units, neighborhood-serving and context-sensitive nonresidential uses, rear parking and alleys, front porches¹ (residential), and safe multimodal transportation infrastructure design.

Policy 1.1.3: Promote Sustainable Building and Site Design

Promote and/or incentivize innovative building tools and approaches, such as LEED, LEED-ND, STAR Communities, WELL Building Standard, the Sustainable Development Code, and sustainable building standards and incentives in the town’s unified development ordinance. New approaches may include green roofs, renewable energy generation, alternative lighting strategies, use of local and/or recycled materials, optimization of solar access, and other innovative practices.

Goal 1.2 DEVELOPMENT TRUE TO BOONE’S VISION

Boone's development and redevelopment will enhance the best of the town's existing built environment and reinforce the vision set forth in this plan.

Policy 1.2.1: Build the Town for People

To the extent possible, the built environment should be human-scale and pedestrian oriented rather than large-scale and auto-oriented. There are urban design characteristics that transcend eras, styles, and typologies that help to explain why Boone's beloved downtown makes human beings comfortable. Human-scale development is not defined by density, but instead by urban design that makes human beings comfortable and happy navigating streets, activity centers, and neighborhoods on foot. Human-scale built environments might consider terminating vistas at the end of streets or the width and frontage of new buildings.

Policy 1.2.2: Infill Development Enhances the Town

Infill development is important because it directs growth away from natural areas, but it must be done well. Infill development shall enhance and not detract from the building character of the town by replicating key elements of Boone's cherished historic design features (like building scale, proportion, setbacks, character) with high quality, pedestrian-oriented design and providing public goods like plazas, wide sidewalks, public art, and affordable spaces for living, artists, and small businesses. Rules for new development should avoid financially incentivizing displacement of vulnerable populations.

Planning Board Report/Recommendations

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

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

Note 1

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

Vote 2: The Planning Commission recommends ☐approval OR ☐denial of Ordinance A25-0606 within Exhibit A and ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

Note 2: briefly explain why, factors may include the benefits and detriments to the landowners, the neighbors, and the surrounding community; why the action taken is in the public interest; and any changed conditions warranting the amendment.

Town Council– Adoption of Ordinance

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

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

Note 1

Vote 2: The Town Council ☐approves OR ☐denies Ordinance A25-0606 and believes ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

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

Note 2: briefly explain why, factors may include the benefits and detriments to the landowners, the neighbors, and the surrounding community; why the action taken is in the public interest; and any changed conditions warranting the amendment.

ORDINANCE # A25-0606

AN ORDINANCE TO REVISE the UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the Boone Town Council has determined that revisions to the UDO are necessary to modify outdoor dining and neighborhood protection landscape standards; and

WHEREAS, the Boone Town Council held a duly-noticed public hearing on August 25, 2025 with respect to this ordinance; and

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

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

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

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

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

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

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

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

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

Adopted this the 24th day of September, 2025.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon-Church, Town Clerk

Article 34 Definitions

Outdoor Dining

An ~~portion of a restaurant~~ outdoor area which is not completely enclosed and in which food or beverages are consumed.

Appendix B Table of Accessory Uses (Excerpt)

Use #	Accessory Use	Zoning Districts																				Reference		
		Residential										Commercial							Educational					
		R1	R1A	R1C	R1S	R2	R3	R4	R5	MH	RA	OI	B1DC	B1DI	B2	B3	WD	M1	U1	E1	E2		E3	E4
A-7	Outdoor dining											L	L	L	L	L	L	CD						15.51

Article 15 Limited Use Requirements

...

15.51 Outdoor Dining (Accessory)

~~15.51.01 Outdoor dining areas shall not impede pedestrian or automobile traffic.~~

~~15.51.02 Outdoor dining areas are permitted anywhere on the development parcel provided that they are not located (1) within any required building setback for the principal use or (2) within in any required landscaped buffer.~~

~~15.51.03 Any newly created outdoor dining areas adjacent to residentially zoned properties must install the required landscape buffer regardless of whether the improvement triggered any compliance outlined in UDO Subsection 7.05 Nonconforming Situation.~~

15.51.01 Outdoor dining areas are permitted anywhere on the development parcel provided:

A. The outdoor dining area shall not impede pedestrian or automobile traffic.

1. As provided at UDO Subsection 24.01.01, all development shall initially and continually provide sufficient parking to accommodate the residents, employees, customers, visitors and others who may spend time at the development. Therefore, permanent or temporary conversion of parking spaces for use of outdoor dining shall only be allowed upon demonstration that sufficient parking for the development remains.

B. Encroachments into required landscape buffers and street yards are permissible as provided at UDO Subsection 31.04.06.

A.C. Neighborhood Protection: -If a parcel is located where new development would require installation of a Neighborhood Protection buffer, then upon the addition of a new outdoor dining space to an existing establishment a Neighborhood Protection buffer must be installed regardless of whether the improvement triggers any compliance outlined in UDO Subsection 7.05 Nonconforming Situation.

Article 31 Landscape Standards

...

31.04.06 Required buffers or street yards shall not be disturbed ~~for any reason~~ except for approved driveway openings, pedestrian or bicycle paths, designated greenways, utilities, drainage ways, bio-retention areas, walls, or fences, except as provided below:-

~~A. or other p~~ Passive or minor activities compatible with the general separation of land uses may encroach into required landscaped buffers or street yards provided that the total number of required plantings are still met and the purpose or intent of the required buffer or street yard is not compromised.

~~A.~~ Outdoor dining areas may encroach into required landscaped buffers or street yards provided that the total number of required plantings are still met and the purpose or intent of the required buffer or street yard is not compromised; provided, that outdoor dining shall not be allowed in a required Neighborhood Protection buffer or street yard.

~~B.~~ Required recreation spaces for multi-family uses, other than public greenways, and including any spaces reserved for a “dog park” are not allowed in any Neighborhood Protection buffer.

...

31.05 Landscape Site Standards

31.05.01 Buffer Compliance

A. Listed below are the land use classifications that will determine the required type of landscape buffers required for the proposed development. Land uses are as listed in the Table of Principal Uses and the Table of Accessory Uses contained in Appendix B.

Land-Use Classification Table	
I	1.01 Single-Family Dwelling, 1.02-1.04 Manufactured Homes, 1.05 Manufactured Home Park, 1.06 Duplex, 2.01 Family Care Home, 3.01 Home for Survivors of Domestic Violence
II	1.07 Duplex, 1.08-1.10 Townhouse, 1.11-1.13 Multi-Family Dwelling, 1.14 -1.16 Multi-Family Dwelling in Mixed-Use, 1.17 Adult Living Community, 2.02 Family Care Institution, 2.03-2.04 Halfway House, 2.05 Residential Care Facility, 2.06 Fraternity or Sorority Dwelling, 2.07 Boarding House, 3.02-3.03 Shelter for Homeless, 3.04-3.05 Bed and Breakfast, 3.06 Vacation Rental, 4.05 Cemetery, 5.01-5.03 Cultural Facility, 5.04-5.05 Recreation Facility, 5.07 Event Venue, 5.12 Police Substation, 5.13-5.15 Utility Facility, 5.16 Government Facility, 6.01-6.02 Utility Facility, 8.01-8.03 Religious Assembly, 9.0 Education, 12.05 Event Venue, 12.10-12.11 Recreation Facility
III	3.08 Motel, 3.09-3.11 Hotel, 4.03 Funeral Home Establishment, 4.04 Crematorium, 4.06-4.07 Post Office, 5.06 Government Recreation Facility

	Category 3, 5.08-5.09 Government Event Venue, 7.0 Wireless Communications (excluding 7.01-7.03), 8.04 Club/Lodge, 10.0 Daycare, 11.0 General Sales and Service, 12.01 Indoor Shooting Range, 12.03 Indoor Theater, 12.04 Outdoor Theater, 12.06-12.07 Event Venue, 12.08 Campground and Recreational Vehicle Park, 12.12 Recreation Facility, 13.01-13.02 Garden, 13.03-13.04 Agricultural Operation, 13.07 Custom Slaughterhouse, 14.01 Microbrewery, 14.02 Brewpub, 14.03 Brewery/Distillery, 14.05 Winery Associated with a Vineyard, 14.06 Winery, 14.09 Machine/Welding Shop, 15.0 Parking, 16.01 Self-Storage Facilities, 16.02 Outdoor Storage, 16.03 Warehouse, 17.0 Transportation, 18.01 Recycling Drop-off Station, 19.0 Particular Activities which pose Particular Concerns about Public Health, A-4 Drive-Through, A-6 Outdoor Storage, A-7 Outdoor Dining, A-23 Vehicle Washing Station, A-24 Chemical Storage Facility, A-25 Open Air Market, Accessory
IV	4.01 Airport/Landing Strip, 4.02 Heliport, 4.08 Animal Sanctuary, 5.10 Landfill, 5.11 Solid Waste Processing, 12.09 Coliseum, 14.08 Extraction of Earth Materials, 14.10 Manufacturing Other, 16.04 Fuel Storage Facility, 18.02 Recycling and Salvage, A-19 Helistop

- B.** Some land uses may create an adverse impact when developed adjacent to other less intensive land uses. Landscape buffers shall be required for proposed developments to provide a transition between uses. The buffer width and number of plantings required will vary depending of the buffer required and shall be the responsibility of the applicant developing or changing the land use. The
1. Type “A” is a ten-foot (10’) buffer composed of intermittent visual obstructions from the ground to a height of at least twenty feet (20’). This buffer is intended to create a separation of land-uses without necessarily eliminating visual contact.
 2. Type “B” is a fifteen-foot (15’) buffer intended to partially block the view between uses and to create a strong distinction of separation of uses. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet (10’) wide.
 3. Type “C” is a twenty-five-foot (25’) buffer that is opaque from the ground to a height of at least six feet (6’), with intermittent visual obstructions from the opaque portion to a height of at least twenty feet (20’). An opaque screen is intended to reduce visual contact between uses and to create a strong spatial separation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstruction should not contain any completely unobstructed openings more than ten feet (10’) wide. When a type “C” buffer is required and the proposed development is adjacent to any residentially zoned property, excluding

[properties zoned R3, the landscape buffer along that boundary shall be changed to a Neighborhood Protection buffer as outlined in 31.05.01\(B\)\(5\) below.](#)

4. Type "D: is a fifty-foot (50') buffer that is opaque from the ground to a height of at least six feet (6'), with intermittent visual obstructions from the opaque portion to a height of at least twenty feet (20'). An opaque screen is intended to limit visual contact between uses and to create a wider spatial separation than in a type C buffer. The screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstruction should not contain any completely unobstructed openings more than ten feet (10') wide.
5. A **Neighborhood Protection buffer** is a twenty-five-foot (25') buffer that is opaque from the ground to a height of at least six feet (6'), with intermittent visual obstructions from the opaque portion to a height of at least twenty feet (20'). An opaque screen is intended to exclude completely all visual contact between uses and to create a strong spatial separation. The opaque portion of the screen must be opaque in all seasons of the year. A Neighborhood Protection buffer shall provide a six foot (6') opaque fence in the center of the buffer with vegetation planted on either side. This location may be adjusted to provide the greatest protection to an adjacent lower-intensity use. Fences or walls shall be constructed of wood, brick, stone, or other masonry, and be architecturally compatible with the proposed structure. A detailed drawing of the screen must be shown on the landscape plan and approved by the Administrator.

Buffer Width Table	
Screening Type	Required Width of Buffer
A	10 ft.
B	15 ft.
C	25 ft.
D	50 ft.
Neighborhood Protection (NP)	25 ft.

- C. The Table of Buffer Requirements below shall be used to determine screening requirements between adjacent land uses. The buffer requirement between a combination use and an adjacent use shall be that required for the use necessitating the greatest visual obstruction.

Table of Buffer Requirements						
Proposed Land Use Classification	Adjacent Permitted Land Use Classification				Adjacent Zone with Nonconforming Use	
	I	II	III	IV	Residential	Non-Residential
II	C/NP	A	A	A	B	A

III	C/NP	B	A	A	C	A
IV	D	D	C	A	D	C

D. Buffer Vegetation Requirements

1. **Required Buffer Vegetation:** The required vegetation is designed to create a buffer which will give a satisfactory screen within three (3) to five (5) years of planting, under normal maintenance, while allowing room for the various plants to grow. Planting requirements for buffers include both trees and shrubs as described below.

Required Buffer Vegetation					
Buffer Type	"A"	"B"	"C"	"D"	"NP"
Minimum Buffer Width	10 feet	15 feet	25 feet	50 feet	25 feet
Total Number of Plants per 100 Linear Feet	20	30	40	70	45
Number of Evergreen Trees	3	10	15	25	20
Number of Large Deciduous Trees	1	3	5	8	5
Number of Small Deciduous Trees	2	2	5	7	5
Number of Deciduous Shrubs	4	5	5	10	-
Number of Evergreen Shrubs	10	10	10	20	15

- E. **Buffer Reductions:** Only type "B" or "C" buffers may be reduced with the use of a fence or wall. If an applicant plans to build a fence or wall, a "C" buffer classification reduces to a "B" buffer classification and a "B" buffer classification reduces to an "A" buffer classification. Fences and walls must meet the following standards:

1. Fences or walls shall be constructed of wood, brick, stone, or other masonry, and be architecturally compatible with the proposed structure. A detailed drawing of the screen must be shown on the landscape plan and approved by the Administrator.
2. Walls and fences shall be solid construction and opaque.
3. Walls and fences shall be a minimum height of six feet (6').
4. To the extent practical, the wall or fence shall be located in the center of the buffer with vegetation planted on either side. This location may be adjusted to provide the greatest protection to an adjacent lower-intensity use.

31.05.02 Street Yards

- A. All developments shall provide a landscaped street yard along any public or private street.
- B. The required minimum street yard shall be measured perpendicular from the street right-of-way. Applicants are allowed to have additional landscaped greenspace beyond the required street yard, however, all required street yard materials shall be placed within the required street yard.
- C. **Neighborhood Protection Street Yard:** Development that is directly across a public or private road from a residentially zoned property shall provide a Neighborhood Protection Street Yard the same length as the shared street frontage. The purpose of this buffer is to provide a semi-opaque

buffer within three (3) to five (5) years of planting, under normal maintenance, while allowing room for the various plants to grow.

- D. Required Street Yard Vegetation:** The required vegetation is designed to create a buffer which will give a satisfactory visual buffer within three (3) to five (5) years of planting, under normal maintenance, while allowing room for the various plants to grow. Planting requirements for street yards include both street trees and shrubs as described below. Street trees are species of trees that have been determined to be appropriate along public and private streets (see Appendix C, C1.04 for more details).

Required Street Yard Vegetation			
Street Yard Type	Land Use Classifications I, II, III	Land Use Classification IV	Neighborhood Protection
Minimum Street Yard Width	10 feet	25 feet	15 feet
Total Number of Plants per 30 Linear Feet	11	22	16
Number of Large Deciduous Street Trees	1	2	2
Number of Evergreen Trees	0	0	4
Number of Evergreen Shrubs	10	20	10

- E.** Innovative design in street yard arrangement is encouraged. Vegetation planted to satisfy this Section shall not be placed uniformly but in an irregular pattern. However, the minimum spacing between the trees shall be twenty feet (20') and the maximum shall be forty feet (40'). Innovative design is encouraged with the Neighborhood Protection Street Yard to the extent that the design conveys extra protections to the residential use property.



**Staff Report
Public Hearing
September 22, 2025**

Case A25-0604 Itinerant Merchants, Mobile Retail, & Open-Air Markets - UDO Text Amendment

Request.....	1
Conformity to Adopted Plans	1
Boone Next: Our Town, Our Future	1
Planning Board Report/Recommendations.....	4
Town Council– Adoption of Ordinance.....	5
Ordinance #A25-0604.....	6
Exhibit A – Modified UDO Language.....	7

Request

A text amendment to UDO Articles 14, 15, 34, and Appendix B to revise regulations for itinerant merchants, mobile retail, and open-air markets.

Within this proposed amendment, Staff recommends to remove the temporary open air market use. Currently, any temporary open-air market also functions as an accessory open-air market making the temporary one redundant. Current UDO regulations allow the accessory open air market in 8 residential zoning districts and all commercial zoning districts, while the temporary open-air market is only allowed in 1 residential zoning district and all commercial zoning districts. These differences make the ordinance hard to interpret and enforce.

This proposed amendment also separates out mobile retail from itinerant merchants to better address the impacts associated with mobile retail operations. These operations, particularly food trucks, present distinct land use and operational impacts that differ from traditional itinerant merchants. While itinerant merchants are typically transient, short-term vendors with minimal infrastructure, mobile retailers often operate in fixed or semi-fixed locations for extended periods and attract consistent customer traffic.

The purpose of this text amendment is to:

- Clarify existing language regarding itinerant merchants and open-air markets
- Establish new standards for mobile retail

This proposed amendment does NOT propose to change where food trucks and other mobile retail operations are permitted. They currently are not regulated under the zoning code so effectively are allowed in all districts.

Conformity to Adopted Plans

Boone Next: Our Town, Our Future

Community Vision	Land Use and Development Vision
We will be a prosperous, livable, people-oriented mountain community modeling resilient growth that promotes and protects our natural resources with diverse housing options and dynamic economic opportunities. We will celebrate and	Grounded in its historic character, Boone will be a distinct pedestrian-oriented town that is affordable, livable, human-scale, and connected through a network of walkable, mixed-use corridors and activity centers.

build upon our community's historic foundation to leave a sustainable and equitable town for future generations.

Planning Principles: The Boone Next Planning Principles are intended, as a collective, to provide a core vision to guide planning, zoning, and development decisions. These principles should be carefully considered with respect to all zoning map amendments, ordinance text amendments, and other development decisions as well as other town planning and policy initiatives.

Planning Principle 2

Emphasize quality design to create an attractive, inspiring public and private realm— architecture, streetscape, corridors, gateways, and edges—that is uniquely Boone.

Public areas (streetscapes, sidewalks, parks, plazas, etc.) and private areas (building facades, landscaping, parking facilities, etc.) will be planned, arranged, and designed with quality materials to celebrate a sense of place and character by balancing function, appearance, and affordability, while fostering creativity, innovation, and human-scale design that is true to Boone.

Planning Principle 5

Employ planning policies to accommodate growth while promoting an equitable town and protecting the most vulnerable residents and small businesses against economic displacement.

Planning and zoning policies and practices seek to limit the negative and undesired effects of gentrification and displacement. Current residents and small businesses that are in Boone today and want to remain here should be able to afford to stay while people who work in Boone should be able to afford to live within the town limits. Robust engagement and communication with residents and small businesses is key to promoting equitable planning in Boone.

Planning Principle 6

Continue supporting Downtown Boone's vibrant mix of businesses, residences, retail, restaurant, entertainment, and civic uses, while preserving its cherished distinctive human-scale character.

As the historic and civic heart of Boone, Downtown will be a focus and model for thoughtful design efforts aimed at strengthening community and placemaking.

- New development in Downtown Edge areas will be compatible with downtown's historic human-scale feel and help strengthen the town's gateways into downtown.
- New buildings should frame streets with well-designed permeable edges, develop new civic spaces, and create "outdoor rooms" where possible – places that are comfortable, interesting, and inviting to people for leisure and gathering.
- New outdoor parks and plazas can contribute to placemaking and economic development.

Goals & Policies

Chapter 1 Land Use and Development

Goal 1.3 A PRESERVED HERITAGE

Boone's unique architectural and cultural history is celebrated. The town preserves historic buildings and encourages the design of new buildings and places that complement its architectural heritage.

Policy 1.3.5: Promote Connectivity Between Centers

Connect existing areas of historic downtown and adjacent areas through enhanced streetscapes. Prioritize connections to downtown and other key activity centers, particularly those undergoing redevelopment into more walkable and transit-oriented types of places.

Goal 1.2 DEVELOPMENT TRUE TO BOONE'S VISION

Boone's development and redevelopment will enhance the best of the town's existing built environment and reinforce the vision set forth in this plan.

Policy 1.2.1: Build the Town for People

To the extent possible, the built environment should be human-scale and pedestrian oriented rather than large-scale and auto-oriented. There are urban design characteristics that transcend eras, styles, and typologies that help to explain why Boone's beloved downtown makes human beings comfortable. Human-scale development is not defined by density, but instead by urban design that makes human beings comfortable and happy navigating streets, activity centers, and neighborhoods on foot. Human-scale built environments might consider terminating vistas at the end of streets or the width and frontage of new buildings.

Goal 1.6 AN AFFORDABLE TOWN TO LIVE IN

Boone will facilitate sustainable affordable housing for low- to middle income residents.

Policy 1.6.4: Make Daily Needs More Accessible Across Boone

Consider both the cost of housing and the cost of transportation as the town develops, recognizing that transportation costs rise as distances to daily needs like grocery stores, daycare, work, and school increase. Focus on distribution of uses and services using walkable urban design principles that make daily needs more accessible to all ages and abilities. Measure and track progress toward increasing the proportion of residents living within a comfortable 5-10 minute walk, bike, or transit ride to daycare facilities; grocery stores; parks, greenways, or playgrounds; and employment destinations.

Planning Board Report/Recommendations

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

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

Note 1

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

Vote 2: The Planning Commission recommends ☐approval OR ☐denial of Ordinance #A25-0604 within Exhibit A and ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

Note 2: briefly explain why, factors may include the benefits and detriments to the landowners, the neighbors, and the surrounding community; why the action taken is in the public interest; and any changed conditions warranting the amendment.

Town Council– Adoption of Ordinance

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

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

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

Note 1

Vote 2: The Town Council ☐approves OR ☐denies Ordinance #A25-0604 and believes ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2: briefly explain why, factors may include the benefits and detriments to the landowners, the neighbors, and the surrounding community; why the action taken is in the public interest; and any changed conditions warranting the amendment.

Note 2

Ordinance #A25-0604

ORDINANCE # A25-0604

AN ORDINANCE TO REVISE THE UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the Boone Town Council desires to incorporate standards for mobile retail and open air-markets, and

WHEREAS, the Boone Town Council held a duly-noticed public hearing on August 25, 2025 with respect to this ordinance; and

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

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

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

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

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

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

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

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

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

Adopted this the ____th day of _____, 2025.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon-Church, Town Clerk

Exhibit A – Modified UDO Language

Article 34 DefinitionsMobile Retail Unit

A motor vehicle that is operable on its own or can be towed, or the use of a non-motorized cart, where retail items, personal services, and/or food products can be sold or provided. The use of a mobile retail unit specifically for the preparation and distribution of food and/or beverages and food/beverages services is referred to as a “food truck” and is subject to the standards of “mobile retail.”

...

Itinerant Merchant

A person who transports an inventory of goods to a building, vacant lot, or other location in the town, other than the persons’ permanent place of business, and who, at that location, displays the goods for sale and sells the goods at retail or offers the goods for sale at retail.

...

Open Air Market

Any display of goods for sale by itinerate merchants, ~~or~~ peddlers, mobile retail, or other merchants in a fixed outdoor setting.

...

Peddler

A person who travels from place to place with an inventory of goods, who sells the goods at retail or offers the goods for sale at retail, and who delivers the identical goods.

APPENDIX B COMPARATIVE TABLES**B1.02 Complete Table of Accessory Uses**

Use #	Accessory Use	Zoning Districts																						Reference
		Residential											Commercial							Educational				
		R1	R1A	R1C	R1S	R2	R3	R4	R5	MH	RA	OI	B1DC	B1DI	B2	B3	WD	M1	U1	E1	E2	E3	E4	
A-7	Outdoor dining											L	L	L	L	L	L	CD						15.51
A-25	Open air market, accessory	L	L	L		L	L	L		L	L	L	L	L	L	L	L							15.22
A-30	Mobile retail	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L							15.68

B1.03 Complete Table of Temporary Uses

Use #	Temporary Use	Zoning Districts																								Reference	
		Residential												Commercial								Educational					
		R1	R1A	R1C	R1S	R2	R3	R4	R5	MH	RA	OI	B1D C	B1D I	B2	B3	WD	M1	U1	E1	E2	E3	E4				
T-11	Itinerant merchant/peddler	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L								15.62		
T-12	Open air market, temporary										L	L	L	L	L	L	L							15.62			

Staff Note: As specified in the request above, Staff recommends removing the temporary open air market use. The tables above include the requested changes for adding mobile retail and removing temporary open-air markets. Additionally, Staff will ensure references to these uses are updated throughout the UDO, including within each zoning district in Article 14.

Article 15 Limited Use Requirements

...

15.22 Open Air Markets

15.22.01 Open air markets shall be classified as recurring open-air markets, or accessory open-air markets ~~or temporary open-air markets~~.

15.22.02 Recurring Open-Air Market:

A. A recurring open-air market is an open-air market which does not qualify as an accessory ~~or temporary open-air market~~.

B. A recurring open-air market shall meet all Ordinance requirements, ~~including the principal building setback requirements for the district in which the open-air market is located and landscape buffers~~.

~~**C.** A recurring open-air market must have the written permission of the owner or the entity in control of the property on which the itinerant merchant is located.~~

~~**D.**~~ **C.** A recurring open-air market shall provide rest room facilities for merchants and customers.

~~A recurring open-air market must demonstrate approval by the Fire Marshal and must meet relevant requirements of the North Carolina Building Code and must obtain all necessary driveway permit approvals.~~

15.22.03 Accessory Open Air Market:

A. An accessory open-air market is an accessory use on a lot with another principal use and which occurs no more than twelve (12) times, each lasting no more than three (3) days, in any twelve (12) month period on the same lot and only operates during daylight hours.

~~B. An accessory open-air market must have the written permission of the owner or the entity in control of the property on which the itinerant merchant is located.~~

~~G.~~B. An applicant for a temporary open-air market must submit a site plan showing the locations of the merchants and may not be situated to encroach into any existing landscape buffer.

~~D.~~C. A temporary open-air market shall not encroach upon or disturb traffic movements and pedestrian circulation either within the site or on the adjacent streets and sidewalks.

~~E.~~D. An accessory open-air market shall meet setback requirements in which it is located.

~~F.~~E. In residential zoning districts, an accessory open-air market is only allowed on a lot with an approved, conforming non-residential use.

~~G.~~F. An accessory open-air market shall provide rest room facilities for merchants and customers.

~~H. An accessory open-air market must demonstrate approval by the Fire Marshal and must meet relevant requirements of the North Carolina Building Code.~~

~~I.~~G. If the above standards are met, no additional Ordinance requirements are applicable.

~~15.22.04 Temporary Open-Air Market:~~

~~A. See Subsection 15.62 for additional requirements for temporary open-air markets.~~

...

15.62 Temporary Uses

15.62.01 General Regulations:

- A. Unless otherwise provided here in, all listed temporary uses are required to obtain a zoning permit in compliance with the regulations of this Section.
- B. Unless expressly permitted no sign may be erected in conjunction with a temporary use.
- C. Only those improvements and modifications minimally necessary for the temporary use to function are permitted.
- D. In the event the landowner fails to remove a temporary structure within the described time frames after the zoning permit authorizing its use has been terminated, the Town may remove the said temporary structure at the expense of the owner, and may seek to recover through collection efforts or a civil action against the owner, the costs of removal, court costs and attorney fees.
- E. A sight triangle ten feet (10') by seventy feet (70') must be observed at all intersections of driveways or streets with adjacent streets.

- F. Temporary uses shall not be subject to the requirements of Article 25 Community Appearance Standards unless provided in this Section.
- G. No required existing landscape buffer may be disturbed for any temporary use.
- H. All temporary uses shall meet all applicable NC Building Codes.
- I. Unless otherwise provided herein, the land use intensity ratios in B1.04 Complete Intensity Table shall apply.
- J. Unless otherwise provided herein, landscaping is not required for temporary uses.

...

15.62.12 Itinerant Merchant/Peddler

- A. Itinerant merchants/peddler shall meet requirements of N.C.G.S. Article 32 – Peddlers, Itinerant Merchants, and Specialty Markets.
- B. An itinerant merchant may not stay on one (1) lot for more than ~~seventy-two (72)~~three (3) ~~consecutive hours~~days in a one (1) week period unless the itinerant merchant is participating in an approved Open-Air Market.
 - 1. Itinerant merchants who operate in the downtown Municipal Service District (MSD) must also meet the requirements of Town Code Chapter 111: Street Vendors.
- C. An itinerant merchant may not locate on public property, ~~other than public sidewalks,~~ without written permission.
- D. Unless operating in an Open-Air Market, an itinerant merchant must have the written permission of the owner or the entity in control of the property on which the itinerant merchant is located.
- E. An itinerant merchant is not required to obtain a zoning permit, and if the above standards are met, no additional Ordinance requirements are applicable.

15.62.13 Reserved — ~~Temporary Open-Air Markets~~

- ~~A. A temporary open air market is one which does not involve land disturbing activity and is the only principal use on a lot and occurs no more than eight (8) times, each lasting no more than three (3) days, in any twelve (12) month period on the same lot and only operates during daylight hours.~~
- ~~B. An applicant for a temporary open air market must submit a site plan showing the locations of the merchants.~~
- ~~C. A temporary open air market must have the written permission of the owner or the entity in control of the property on which the itinerant merchant is located.~~
- ~~D. A temporary open air market shall not encroach upon or disturb traffic movements and pedestrian circulation either within the site or on the adjacent streets and sidewalks.~~

- ~~E. A temporary open air market shall provide rest room facilities for merchants and customers.~~
- ~~F. A temporary open air market must demonstrate approval by the Fire Marshal and must meet relevant requirements of the North Carolina Building Code and must obtain all necessary driveway permit approvals.~~
- ~~G.B. If the above standards are met, no additional Ordinance requirements are applicable.~~

...

15.68 Mobile Retail Unit (Accessory)

15.68.01 A development that wishes to allow a mobile retail unit on site as an accessory use shall obtain a zoning permit and shall provide sufficient information to determine that the requirements herein have been met.

A. In residential zoning districts:

1. A mobile retail is allowed on a lot with an approved, conforming non-residential use subject to all requirements listed herein.
2. Temporary personal utilization of a mobile retail unit is allowed in residential zoning districts for limited personal use (i.e.: mobile pet grooming to take care of the resident's pet, a mobile hair salon to cut a resident's hair) without meeting the requirements listed herein.

B. A mobile retail unit should not be used as a drive-through.

C. Mobile retail units operating as a food truck or specific personal services must receive applicable health department approval and permitting.

15.68.02 Duration: A mobile retail unit located in a development is not If using a mobile retail unit for more than three (3) days as specified in the Section above, a vendor must submit an application and meet the requirements herein. A mobile retail unit may stay in a development for more than three (3) days in a one (1) week period when participating in an approved Open-Air Market.

Staff Note: Discussion requested.

15.68.03 Number Allowed: Development up to one acre in size are allowed at least one (1) mobile retail unit. Additional mobile retail units are allowed at a ratio of one mobile retail unit for each additional acre with a maximum of four allowed at any one development. These limitations do not apply to:

A. Mobile retail units participating in an approved open-air market.

B. Mobile retail units participating in a special event regulated by Town Code Chapter 94 or 111.

Staff Note: Discussion requested.

15.68.04 Standards

- A. Any outdoor dining associated with a mobile retail unit, shall be in compliance with UDO Section 15.51 Outdoor Dining.
- ~~A.~~B. A mobile retail unit shall not encroach upon or disturb traffic movements and pedestrian circulation either within the site or on the adjacent streets and sidewalks. The development must provide at least two (2) dedicated parking spots for each mobile retail unit on site.
 - 1. As provided at UDO Subsection 24.01.01, all development shall initially and continually provide sufficient parking to accommodate the residents, employees, customers, visitors and others who may spend time at the development. Therefore, permanent or temporary conversion of parking spaces for use of any mobile retail unit shall only be allowed upon demonstration that sufficient parking for the development remains.
- C. Mobile retail units shall be separated from buildings or other permanent structures by a minimum of ten feet (10').
- D. Signage other than on the unit shall be consistent with the requirements found in UDO Subsection 26.06.05(R).
- E. The mobile retail unit may not emit any extraneous sound or noises that are in violation pursuant to Chapter 82 Noise Control of the Town of Boone Code of Ordinances.
- F. **Neighborhood Protection Standards:**
 - 1. A mobile retail unit on a lot adjacent to residentially zoned properties shall not operate at different hours than the principal use.

Planning Commission Chair/Vice-Chair Application

Town of Boone Planning & Inspections Department
680 W. King Street, Suite C • Boone, North Carolina 28607

Phone (828) 268-6960 • Fax (828) 268-6961 • Email: planning@townofboone.net • www.townofboone.net



Board Member Information (Please see Board Secretary if needed for term information)

Name (Print):

Anne Pruitt

Date Appointed:

9-2024

Date Term Expires:

6-30-2027

Number of Terms Served:

1

Position:

☐ Chair

☒ Vice-Chair

1. Orientation & Training

A. Have you completed the Planning Commission orientation?

☒ Yes ☐ NO

B. If no, are you willing to attend orientation (2-3 hour commitment) prior to participating as Chair or Vice-Chair?

☐ Yes ☐ NO

2. Comprehensive Plan & Other Adopted Plans

A. Are you familiar with the Town's 2006 Comprehensive Plan and other adopted Plans as listed on the Planning and Inspections website under the "Ordinances, Plans & Studies" heading?

☒ Yes ☐ NO

B. If no, are you willing to take the time to review these documents in order to familiarize yourself with the intent and content of these plans prior to participating as Chair or Vice-Chair?

☐ Yes ☐ NO

3. Unified Development Ordinance

A. Are you familiar with the Town of Boone's Unified Development Ordinance, specifically Articles 1 General Provisions, Article 2 Administrative Mechanisms, Article 4 Permits, and Article 9 Amendments?

☒ Yes ☐ NO

B. If no, are you willing to take the time to review these Articles in order to familiarize yourself with the intent and content of these Articles prior to participating as Chair or Vice-Chair?

☐ Yes ☐ NO

4. Robert's Rules of Order

A. Are you familiar with Robert's Rules of Order?

☒ Yes ☐ NO

B. If no, are you willing to take the time to review this Guide in order to familiarize yourself with the intent and content prior to participating as Chair or Vice-Chair?

☐ Yes ☐ NO

5. Please explain why you wish to obtain this appointment:

Anne Pruitt

Planning Commission Chair/Vice-Chair Application

8-2025

I would like to take a more active leadership role to contribute towards the implementation of Boone Next. This plan represents a bold and thoughtful vision for Boone as we balance smart growth with environmental stewardship, housing affordability, economic vitality, and the preservation of our town's character.

As Vice Chair, I would work closely with the Chair and Council to help facilitate productive meetings, support town staff, and make sure that our process remains accessible, fair, and aligned with the community's goals. I believe Boone Next gives us a strong foundation, and I want to help ensure that our decision-making consistently reflects those priorities—whether in land use, infrastructure, housing, or sustainability.

I feel I bring a practical, collaborative mindset and a strong sense of responsibility to my role on the Planning Commission. I'm committed to being a steady, engaged, and thoughtful presence, and to helping Boone grow in ways that are intentional, inclusive, and future-focused.

Official Use Only

Date Reviewed by Planning Commission:

Date Reviewed by Town Council:

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Planning Commission Chair/Vice-Chair Application

Town of Boone Planning & Inspections Department
680 W. King Street, Suite C • Boone, North Carolina 28607

Phone (828) 268-6960 • Fax (828) 268-6961 • Email: planning@townofboone.net • www.townofboone.net



Board Member Information (Please see Board Secretary if needed for term information)

Name (Print):

FRANK UENO

Date Appointed:

6-21-18

Date Term Expires:

6-30-21

Number of Terms Served:

2

Position:

☒ Chair

☐ Vice-Chair

Questions

1. Orientation & Training

A. Have you completed the Planning Commission orientation?

☒ Yes ☐ NO

B. If no, are you willing to attend orientation (2-3 hour commitment) prior to participating as Chair or Vice-Chair?

☒ Yes ☐ NO

2. Comprehensive Plan & Other Adopted Plans

A. Are you familiar with the Town's 2006 Comprehensive Plan and other adopted Plans as listed on the Planning and Inspections website under the "Ordinances, Plans & Studies" heading?

☒ Yes ☐ NO

B. If no, are you willing to take the time to review these documents in order to familiarize yourself with the intent and content of these plans prior to participating as Chair or Vice-Chair?

☒ Yes ☐ NO

3. Unified Development Ordinance

A. Are you familiar with the Town of Boone's Unified Development Ordinance, specifically Articles 1 General Provisions, Article 2 Administrative Mechanisms, Article 4 Permits, and Article 9 Amendments?

☒ Yes ☐ NO

B. If no, are you willing to take the time to review these Articles in order to familiarize yourself with the intent and content of these Articles prior to participating as Chair or Vice-Chair?

☒ Yes ☐ NO

4. Robert's Rules of Order

A. Are you familiar with Robert's Rules of Order?

☒ Yes ☐ NO

B. If no, are you willing to take the time to review this Guide in order to familiarize yourself with the intent and content prior to participating as Chair or Vice-Chair?

☒ Yes ☐ NO

5. Please explain why you wish to obtain this appointment:

Being in my third term on the Planning Commission, and soon to be longest serving member, I feel it is the right time to step into the position of Chair. At this point in my tenure I believe I have acquired a sound working knowledge of the tools and policies of the U.D.O. and Comprehensive Plan necessary to direct the process of deliberation needed to make the recommendations that guide our growth and development.

Official Use Only

Date Reviewed by Planning Commission:

Date Reviewed by Town Council:

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