

**Town of Boone
Town Council/Planning Commission Special Public Hearing
6:00 PM, October 27, 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. September 22, 2025, Public Hearing/Planning Commission Meeting Minutes

IV. PUBLIC HEARING

1. Case A24-0077 Signs - UDO Text Amendment
2. Case A25-0608 Traffic Impact Analysis - UDO Text Amendment

V. Adjournment of Town Council

PLANNING COMMISSION

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

VII. Other Matters

VIII. Adjournment

**TOWN COUNCIL AND PLANNING COMMISSION
PUBLIC HEARING AND PLANNING COMMISSION MEETING MINUTES
MONDAY, SEPTEMBER 22, 2025, 6:00 PM
604 WEST KING STREET**

COUNCIL MEMBERS PRESENT: Mayor Tim Futrelle, Todd Carter, Eric Plaag, Virginia Roseman, and Edie Tugman (arrived at 6:03 p.m.)

COUNCIL MEMBERS ABSENT: Mayor Pro Tem Dalton George

PLANNING COMMISSION MEMBERS PRESENT: Adrian Tait-Chair, Frank Veno-Vice-Chair, Garrett Kight, Declan King, Anne Pruitt, Michael Mileski, and Frida PazMiranda

PLANNING STAFF PRESENT: Jane Shook-Director of Planning & Inspections (via WebEx), Brandon Wise-Deputy Director of Planning & Inspections, Amy Snider-Commercial Zoning Administrator, Jessica Mitchell-Advanced Planning Specialist, Jonathan Yates-Environmental Specialist, and Brenda Henson-Board Clerk

OTHER TOWN STAFF OR REPRESENTATIVES PRESENT: Todd Moody-Public Works Director, Josh Eller-Public Works Deputy Director, Robbie Jones-Utilities Services Technician, and Allison Meade-Town Attorney (all via WebEx)

Call to Order

Mayor Futrelle called the Town Council to order at 6:00 p.m. Chair Tait called the Planning Commission to order at the same time. The meeting was held at the Jones House Cultural Center, located at 604 West King Street.

Moment of Silence

A moment of silence was observed.

Approval of Meeting Minutes

Council Member Plaag moved to approve the July 28, 2025, Public Hearing minutes as written. Council Member Roseman seconded the motion.

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

The motion passed.

Commission Member Pruitt moved to approve the July 28, 2025, Public Hearing and Planning Commission meeting minutes as written. Commission Member Kight seconded the motion.

Vote: Aye – 7
Nay – 0

The motion passed.

Brandon Wise, Deputy Director of Planning & Inspections, introduced Declan King, the newest member of the Planning Commission.

PUBLIC HEARING

Cases A25-0446 & A25-0684 Lindsay & Andrew Hannon – Annexation and General Use Zoning Map Amendment

Andrew & Lindsay Hannon 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 and Corridor District overlay to be applied upon annexation.

Mr. Wise introduced the request.

Council Member Plaag asked if zoning the property as R1 would create any non-conformities. Mr. Wise replied that it would not.

Council Member Tugman arrived at the meeting at 6:03 pm.

Council Member Roseman stated that she was excited about the new expedited annexation process and hoped it would help promote the town's continued growth.

Mayor Futrelle invited public comment. There was no public comment on these cases.

With nothing further, Mayor Futrelle closed the public hearing for these cases at 6:04 p.m.

Cases A25-0500 & A25-0685 John Seldomridge – Annexation and General Use Zoning Map Amendment

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

Amy Snider, Commercial Zoning Administrator, introduced the requests.

Council Member Plaag asked if zoning the property as R3 would create any non-conformities. Ms. Snider replied that it would not.

Council Member Plaag noted that Fire Marshal Amy Flieg had expressed concern that regulations would not be met. Ms. Snider explained that Ms. Flieg meant that the site would need to be brought up to standards once developed. She added that the property would be connected to existing town lines, so this would not be an extension of services.

Mayor Futrelle invited public comment. Mr. Wise noted that Ira Bingham, who was attending via WebEx, might wish to comment, but he did not reply when called upon. With no public comment and nothing further, Mayor Futrelle closed the public hearing for this case at 6:07 p.m. Council Member Plaag suggested that there might be technical difficulties and asked that the public hearing be reopened later in the meeting if Ira Bingham was able to indicate a desire to speak.

Cases A25-0501 & A25-0686 Justin Rogers – Annexation and General Use Zoning Map Amendment

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

Ms. Snider introduced the requests.

Council Member Plaag expressed concern about split-zoning the property. He noted that the town had worked to eliminate split-zoning and felt it would be poor form to allow this property to be split-zoned. He asked if subdivision of the property had been considered, and suggested it as a condition of approval.

Justin Rogers, the property owner, stated that he had hired a surveyor to draw a plat, but the county would not approve the subdivision due to the location of a well on the property. Mr. Rogers noted that

his property was currently serviced by town water and sewer, so he would not need a well. He agreed to accept the condition of subdividing the property.

Council Member Plaag asked if any non-conformities would be created with zoning the property as R3 or B3. Ms. Snider replied that community appearance standards would be off a little, but everything would fall under tier compliance for any improvements.

Mayor Futrelle asked if they would be zoning two properties with two different zoning designations, with the condition that the property be subdivided. Ms. Snider stated that was correct.

Commission Member Mileski asked if any development was planned on the commercial portion of the property. Mr. Rogers replied that no development was planned on the commercial property.

Mayor Futrelle invited public comment. Mr. Wise noted that Denise Carroll had requested a WebEx invitation to the meeting regarding this case. Ms. Carroll did not speak.

With nothing further, Mayor Futrelle closed the public hearing for these cases at 6:14 p.m.

Cases A25-00581 & A25-0687 Nicole & Daniel Kerr – Annexation and General Use Zoning Map Amendment

Nicole (Suni) and Daniel Kerr submitted a voluntary satellite annexation petition for 1750 US Highway 421 North (Watauga County PIN: 2901-20-9794-000). 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 and Corridor District Overlay to be applied upon annexation.

Mr. Wise introduced the request. He noted that, due to the hardship, town water had already been connected to the house.

Council Member Roseman asked if the property had to be annexed because town water had already been connected to it. Mr. Wise explained that when a property requested town water or sewer, they were required to petition for annexation as part of the hardship. Council Member Roseman asked if the customer would be billed at double the rate until they were annexed into town. Todd Moody, Public Works Director, replied that anyone receiving town water would pay double rates until they were annexed into town.

Council Member Plaag asked if zoning the property as R1 would create any non-conformities. Mr. Wise responded that the property currently contained a single-family home and no non-conformities would be created. Council Member Plaag stated that the property was zoned B3 when it was in the ETJ, but he would prefer to preserve the housing stock by zoning the property as R1.

Vice-Chair Veno asked if anyone could receive town water without being annexed. Mr. Wise replied that annexation would have to be requested to receive town services. He noted that there were properties currently receiving town water or sewer that were not annexed into the town. Mr. Wise stated that those properties were previously located in the ETJ and were now paying double rates for services. He added that the Kerrs were already connected to the town's sewer system.

Mayor Futrelle invited public comment. There was no public comment on these cases.

With nothing further, Mayor Futrelle closed the public hearing for these cases at 6:20 p.m.

Case A25-0606 Outdoor Dining – UDO Text Amendment

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.

Jane Shook, Director of Planning & Inspections, presented the request. She noted that outdoor dining was currently permitted in the B1 Downtown Core, but was restricted in other zoning districts by regulations that prohibited outdoor dining in required landscape buffers and building setbacks. Ms. Shook added that the Council had directed staff to evaluate whether flexibility could be granted for outdoor dining in areas between buildings and public streets.

Ms. Shook referred to packet page 109, where the definition of outdoor dining had been changed from being a portion of a restaurant to an outdoor area. She noted that outdoor dining could occur at uses other than restaurants. She stated that no change to the use table was proposed. However, new standards were proposed in Article 15. Ms. Shook added that, while outdoor dining would be permitted anywhere on the development parcel, some requirements must be met, as outlined in Subsection 15.51.01.

Ms. Shook stated that changes were proposed to the landscape standards in Subsection 31.04.06. A new exception for outdoor dining was proposed that would allow encroachment into the required landscaped buffers or street yards, provided the total number of required plantings were still met, and the purpose or intent of the required buffer or street yard was not compromised. Outdoor dining would not be allowed in a required Neighborhood Protection buffer or street yard.

Council Member Roseman asked how the addition of outdoor dining would affect an establishment that had already met its seat quota for system development fees. Ms. Shook replied that any additional seating, indoor or outdoor, would require the customer to pay additional system development fees. Mr. Wise stated that customers would not have to pay additional system development fees if they removed some indoor seating and replaced it with the same number of outdoor seats. He noted that customers were told this information when they applied for permits.

Council Member Carter asked if there was reciprocity for businesses that could not utilize their outdoor dining in the winter. Allison Meade, Town Attorney, replied that water and sewer rates were charged based on usage, while system development fees were one-time fees set by the state based on the use. Mr. Moody added that system development fees were capacity fees specifically calculated based on the maximum possible usage for all users, not just restaurants. He stated that the only time a customer would have to pay more than the one-time fee was when an additional use was added. Mr. Moody noted that system development fees were different from planning and zoning permit fees, although they were related in process. Council Member Carter expressed concern that businesses were being charged \$20,000 to place a picnic table outside their business, regardless of whether they served food or not. He felt the communication regarding outdoor dining and system development fees was lacking, and better communication with business owners was needed.

Council Member Plag understood Council Member Carter's concern. However, he felt it would be incredibly burdensome on the town to adjust system development fees or give refunds every time a change in capacity was made. Council Member Plag stated that Public Works had always been very clear with him in communicating the details of how system development fees worked. He suggested that the average person or average business owner did not regularly deal with system development fees and tended to see them as use fees instead of capacity fees. Council Member Plag explained that a capacity fee meant the customer was paying for the right to generate that amount of capacity, and the town, as a whole, needed to clarify that distinction better so that customers understood they were paying for capacity, not use.

Commission Member Pruitt asked if there was a permit process that customers desiring outdoor dining would have to go through. Mr. Wise replied that if the outdoor dining were placed in a landscape buffer or triggered the neighborhood protection, a landscape plan would have to be submitted.

Ms. Shook stated that the reason we heard more about restaurants and system development fees was that they were the most visible. For instance, when someone added outdoor dining, it was noticeable. When someone added employees to an office building, you could not easily see that. Ms. Shook noted that, during COVID, guidance for outdoor dining was changed several times to try to meet restaurants where they were at. After everything returned to normal, businesses were expected to pay system development fees for any seats that were added. Ms. Shook stated that it was standard practice for Planning & Inspections to refer anyone proposing a restaurant with outdoor dining to Public Works to discuss system development fees. She added that system development fees were often large and could be very concerning to business owners. She was unsure what could be done in the process to make the Council more comfortable, other than ensuring that the town communicated better with applicants.

Council Member Plaag asked if new commercial development had parking minimums. Ms. Shook replied that residential uses, including hotels, had a minimum parking requirement, while most other uses had maximum parking requirements. She stated that the overall premise was for developments to provide sufficient parking for their use. Mr. Wise added that businesses were not required to provide parking in the B1 Downtown Core; therefore, if they chose to place outdoor dining in their parking spaces, they could do so. Council Member Plaag stated that businesses in other districts did not have the same flexibility to use their parking areas for outdoor dining because they would still have to meet minimum parking requirements. He asked if that was an inequity in the application of the language.

Ms. Meade offered that the reason there were no parking requirements in downtown was to keep the downtown walkable and not totally beholden to automobile traffic. She did not feel that there was an equity difference, but rather a difference in the approach to policy between the downtown area and other areas of Boone. Council Member Plaag expressed concern that a downtown business might replace their parking spaces with outdoor dining, then complain that the town had not done enough to provide sufficient parking downtown.

Council Member Carter stated that he was not in favor of delaying this text amendment because of his concerns.

Chair Tait asked if the proposed amendment pertained only to the downtown. Mr. Wise replied that the text amendment covered all zoning districts where outdoor dining was allowed, not just the downtown.

Ms. Meade suggested revising the beginning of Subsection 15.51.01(A)(1) to read *To the extent provided at UDO Article 24, all development shall continue to provide sufficient parking to accommodate the residents, etc.* She stated that this wording might make it clearer that no new parking requirements were being added.

Council Member Plaag stated that the proposed text set up a policy choice to prioritize outdoor seating over existing parking, which would be beneficial for downtown employees, visitors, and residents. He added that those spaces would be sacrificed and not replaced because an individual property owner decided to convert them into dining space. Council Member Plaag wanted to ensure that, if approved, everyone understood the potential unintended consequences.

Chair Tait asked what the limit of encroachment into landscape buffer areas would be. Mr. Wise explained that the limit would be to the extent that the planting count and the buffer's intended purpose would still be met. He stated that some buffers had a different intent. For example, some buffers were required to be fully opaque, while others were required to be partially opaque. Outdoor dining in a street yard would also require the planting requirements or the intent of the street yard to be met.

Chair Tait inquired about noise restrictions when a property was adjacent to residential areas. Mr. Wise replied that the noise ordinance was in effect from 10:00 p.m. until 6:00 a.m. He noted that a

neighborhood protection buffer would have to be added if the property were adjacent to a residentially zoned property other than R3.

Commission Member Pruitt expressed concern about the safety of outdoor diners who would be sitting in a parking lot. Ms. Shook responded that the allowance of outdoor dining had been in effect for a while. This text amendment would allow the outdoor dining to be placed in landscape buffers and street yards. Ms. Shook explained that there were no setbacks from the drive aisle or vehicular surface to an outdoor dining area. She felt that most businesses would not choose to put their patrons in danger. Commission Member Pruitt suggested bollards, pylons, or large planters. Council Member Plaag supported revising the language in the future to provide large planters as barriers. He added that the protective device did not have to be permanent.

Ms. Shook noted that the DOT could approve outdoor dining within a DOT right-of-way. She did not know if DOT would allow whatever barrier the Town might require. However, she felt that language could be created that would address safety and protection for the conversion of parking into dining areas.

Mayor Futrelle invited public comment. There was no public comment on this case.

With nothing further, Mayor Futrelle closed the public hearing for this case at 7:12 p.m.

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

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

Ms. Shook presented the request. She stated that food trucks were currently regulated as itinerant merchants. The proposed text created specific regulations for mobile retail because its impacts differed from those of other itinerant merchants. Ms. Shook defined a mobile retail unit as 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 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.”

Ms. Shook noted that the definition of open-air market had been modified to include mobile retail or other merchants. The proposed amendment would remove the open-air market temporary use, leave them as accessory uses, and add them as principal uses. Ms. Shook stated that this should make it easier for the staff to enforce the regulations and for others to interpret them.

Ms. Shook referred to Subsection 15.62.12 Itinerant Merchant/Peddler (B). She noted that the language had been changed from seventy-two (72) consecutive hours to three (3) days that an itinerant merchant could stay on a lot in a one (1) week period. Itinerant merchants operating in the Downtown Municipal Service District would have to meet the Town Code requirements outlined in Chapter 111: Street Vendors.

Ms. Shook referred to Section 15.68 Mobile Retail Unit (Accessory), noting that these were new standards for which staff would like to receive feedback. She noted errors in Subsection 15.68.02 Duration, stating the intent of that section was to model the itinerant merchant. That section should read “A mobile retail unit may not stay in the development for more than three (3) days in a one (1) week period, unless the itinerant merchant is participating in an approved open-air market.”

The proposed text suggested allowing at least one (1) mobile retail per one acre, with a maximum of four (4) units per development. Ms. Shook noted that these limitations would not apply to mobile retail units participating in an approved open-air market or a special event regulated by Town Code Chapter 94 or 111.

Ms. Shook outlined the proposed standards found in Subsection 15.68.04, noting that any outdoor dining associated with a mobile retail unit must comply with UDO Section 15.51 Outdoor Dining. A mobile retail unit could not encroach upon or disturb traffic movements and pedestrian circulation, and at least two (2) parking spots for each mobile unit must be provided on the site, while maintaining sufficient parking for the development. Mobile retail units must be separated from buildings or other permanent structures by a minimum of ten (10) feet. Ms. Shook stated that achieving this distance could be difficult in the downtown area. Signage, other than on the unit, must be consistent with UDO requirements. Noise ordinance requirements must be followed. If the mobile retail unit was located on a lot adjacent to residentially zoned properties, the unit could not operate at different hours than the principal use.

Council Member Roseman asked if a mobile retail unit had to move from its location for four (4) days a week or if it just had to be closed. Mr. Wise replied that the proposed language would suggest that the unit had to be removed from its location. Ms. Shook added that this was proposed language only and open to discussion.

Council Member Plaag asked if there was anything to prevent a food truck from parking downtown in metered parking spaces to sell on the sidewalk. Ms. Shook stated she would have to check the Town Code to see if there were any regulations against that. If not, regulations could be created.

Council Member Roseman expressed the concern that brick-and-mortar restaurants had to pay taxes and service fees that mobile units did not.

Council Member Carter stated that he was super excited to be discussing this. He felt that food trucks had been a missing piece of our local economy. He added that Boone was becoming a foodie town. Council Member Carter stated that having a food truck sometimes allowed small businesses to get their start. He felt that there were many positives to this text amendment. Council Member Carter stated that three (3) days was too limited, and suggested allowing a four (4) day on-site limit. He noted that he wanted to promote this in a responsible way, allowing it to bring character and culture to different food experiences. Council Member Carter mentioned picnic tables at food trucks. He asked if system development fees would be required, because he thought it would be stupid.

Ms. Shook stated that food trucks do not hook up to town water or sewer, so there should be no system development fees associated with outdoor dining for the food truck.

Commission Member PazMiranda agreed that three (3) days was very limiting to the success of the business. She added that to foster local businesses, the town needed to be more forgiving. Commission Member PazMiranda stated she was concerned about the ten (10) foot distance from the food truck to a building. She explained that Boone was very small, and having that limit would hamper the success of food trucks.

Council Member Carter suggested that the length of stay for food trucks could be determined by agreement between the vendor and the property owner.

Chair Tait stated he was supportive of food trucks. He asked why there needed to be a limit on stay and what the goal of such a limit was. Chair Tait noted a concern that he had in the past was the impact that food trucks might have on local restaurants. He read the North Carolina Health Code governing food trucks and found that they are required to attach to a commissary, which is typically a local restaurant, where they must dispose of their waste and obtain clean water. Chair Tait noted that, in most cases, the food truck was an extension of a restaurant, providing another outlet for them to sell their food. He added that he was not sure if the proposed text was in a complete enough format for it to move forward tonight. He expressed interest in hearing from the local restaurant community with their questions, concerns, or support of the regulations.

Council Member Tugman stated that there was resentment among downtown businesses of mobile retail units because the businesses pay county and city taxes, as well as municipal service taxes, which food trucks do not pay.

Chair Tait suggested that the downtown area might require slightly different regulations due to its limited space.

Ms. Shook stated that the proposed text was modeled after the language of itinerant merchants, which was how food trucks were currently regulated. She noted that they also had to be aware of changes in the General Statutes regarding down zoning.

Council Member Plaag stated that there was a distinction between a food truck parked on the street and one located in a parking lot. He added that he did not have an issue with picnic tables outside of food trucks. He also did not have an issue with whether a food truck moved or just shuttered, with one exception. If the food truck never moved, then its water would be discharged on that property. If it were a permanent food truck, would it need to pay a system development fee for having that use at that property? Council Member Plaag stated that the time limitation might eliminate that concern.

Council Member Roseman suggested allowing food trucks downtown if a downtown business sponsored them.

Council Member Carter stated that many brick-and-mortar restaurants had food trucks, which were part of building that brand and contributing to the area's culture. He agreed that food trucks should not be allowed to be on a property permanently. However, three (3) days was too limiting.

Ms. Meade stated that food trucks were a bit of an odd beast because they were neither real estate nor an improvement to real estate; they were personal property situated on a piece of real estate. She did not feel that their use would give rise to vested interest in most cases. She questioned to what extent food trucks should be regulated in the UDO, as opposed to just in the Town Code. Ms. Shook replied that she had some discomfort with food trucks being regulated in the UDO because it tended to suggest that they were a use that could get a vested interest.

Ms. Meade suggested that the Council and Planning Commission have further discussions with the staff about what they would like to see in terms of food trucks. She also suggested considering a public hearing to involve property owners, restaurant owners, and other interested parties.

Chair Tait noted that the Town of Blowing Rock prohibited food trucks in its downtown area. However, West Jefferson was completely supportive of food trucks and had a commercial kitchen, managed by the NC Cooperative Extension, that served as a commissary kitchen for food trucks.

It was suggested that, instead of a public hearing, a discussion session be held, inviting members of the DBDA and anyone else who would like to participate.

Commission Member PazMiranda suggested allowing food trucks to locate on Howard Street in the future.

Mayor Futrelle invited public comment. There was no public comment on this case.

With nothing further, Mayor Futrelle closed the public hearing for this case at 7:37 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.

Tim Futrelle, Mayor

Brenda Henson, Board Clerk

Adrian Tait, Planning Commission Chair

PLANNING COMMISSION

Chair Tait called a break in the meeting from 8:10 pm until 8:20 p.m.

Cases A25-0446 & A25-0684 Lindsay & Andrew Hannon – Annexation and General Use Zoning Map Amendment

Andrew & Lindsay Hannon 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.

Commission Member Pruitt asked if the Planning Commission was only considering the zoning of the property or if they were also considering the annexation. Ms. Shook explained that the Planning Commission's recommendation for zoning meant they were agreeable with the annexation. However, they were allowed to discuss the annexation, and if they felt strongly that the property should not be annexed, they could make a recommendation to that effect to the Council.

Commission Member Pruitt stated that the request seemed pretty straightforward.

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 & 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.

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.

Commission Member King added that the request met all of the utility service annexation criteria.

Commission Member Kight seconded the motion.

Vote: Aye – 7
Nay – 0

The motion passed.

Second Motion and Vote: Chair Tait made a motion that the Planning Commission recommends approval of Ordinance A25-0684 within Exhibit A and believes approval is reasonable and in the public interest because we are encouraging development along the Old 421 corridor and the annexation of properties where water and sewer and other town services already exist. Commission Member Pruitt seconded the motion.

Vote: Aye – 7
Nay – 0

The motion passed.

Cases A25-0500 & A25-0685 John Seldomridge – Annexation and General Use Zoning Map Amendment

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

Commission Member Kight noted that whatever was constructed on the property under the general use R3 zoning would have to meet UDO requirements.

Vice-Chair Veno asked if the Planning Commission could recommend a different zoning if they did not feel the one requested was correct. Ms. Shook replied that the case would likely have to go back through the public hearing process if a zoning designation other than the one advertised was applied to the property. Vice-Chair Veno stated he just wanted to clarify the process.

Commission Member Pruitt believed that this area would develop in the coming years and was a suitable location for multi-family housing.

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 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 cafes, 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 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.*

Commission Member Mileski seconded the motion.

Vote: Aye – 7
Nay – 0

The motion passed.

Second Motion and Vote: Chair Tait made a motion that the Planning Commission recommends approval of Ordinance A25-0685 within Exhibit A and believes approval is reasonable and in the public interest because encouraging the development of housing within proximity to town adds to the overall housing stock, supports the Boone Next Plan, and makes use of existing infrastructure and services provided by the town. Commission Member Kight seconded the motion.

Vote: Aye – 7
Nay – 0

The motion passed.

Cases A25-0501 & A25-0686 Justin Rogers – Annexation and General Use Zoning Map Amendment

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

Chair Tait asked if the Planning staff felt confident that the survey Mr. Rogers had delineating the business from the residential would meet all of the criteria in terms of setbacks and lot size. Mr. Wise replied that, based on a cursory review, it would meet requirements. However, it would be reviewed more closely upon submittal by the applicant.

Vice-Chair Veno asked if the Planning Commission would, in essence, be zoning two separate parcels because the property would be subdivided. Ms. Snider stated that was correct.

First Motion and Vote: Vice-Chair Veno 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 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.*

Goals & Policies

Chapter 1 Land Use and Development

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 1.6.3 Diversity 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 building, 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.

Commission Member Pruitt seconded the motion.

Vote: Aye – 7
Nay – 0

The motion passed.

Second Motion and Vote: Vice-Chair Veno made a motion that the Planning Commission recommends approval of Ordinance A25-0686 within Exhibit A and believes approval is reasonable and in the public interest because the request falls into the secondary growth area and its land uses are consistent with the town's goals and policies as stated in the first motion. Commission Member King seconded the motion.

Vote: Aye – 7

Nay – 0

The motion passed.

Cases A25-00581 & A25-0687 Nicole & Daniel Kerr – Annexation and General Use Zoning Map Amendment

Nicole (Suni) and Daniel Kerr submitted a voluntary satellite annexation petition for 1750 US Highway 421 North (Watauga County PIN: 2901-20-9794-000). 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.

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 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 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.

Goals & Policies

Chapter 1 Land Use and Development

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 1.6.5 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

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.

Chapter 5 Green and Resilient

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 – 7
Nay – 0

The motion passed.

Second Motion and Vote: Commission Member Pruitt made a motion that the Planning Commission recommends approval of Ordinance A25-0687 within Exhibit A and believes approval is reasonable and in the public interest because of the homeowner’s need for accessible, clean drinking water, and they have a hardship. Commission Member Kight seconded the motion.

Vote: Aye – 7
Nay – 0

The motion passed.

Case A25-0606 Outdoor Dining – UDO Text Amendment

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.

Ms. Shook reminded Commission members of the suggested change to Section 15.51.01(A)(1) so that it would read *To the extent provided at UDO Article 24, all development shall continue to provide sufficient parking to accommodate the residents, employees, customers, visitors and others who may spend time at the development.* She also noted that language would be crafted regarding safety for outdoor dining created in parking spaces. Ms. Shook explained that, with the exception of hotels and residential units, commercial businesses currently did not have to provide parking downtown. If a business chose to use its existing parking for outdoor dining, it would be a conscious decision by the business owner to eliminate their parking.

Chair Tait noted that buffer encroachments would be handled at the staff level.

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 of the following from Boone Next:

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.”*

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.

Vice-Chair Veno added that the Planning Department would add language concerning safety and security issues, and the first sentence in Section 15.51.01(A)(1) will be modified to read: *To the extent provided at UDO Article 24, all development shall continue to provide sufficient parking to accommodate the residents, employees, customers, visitors and others who may spend time at the development.*

Commission Member Pruitt seconded the motion.

Vote: Aye – 7
Nay – 0

The motion passed.

Second Motion and Vote: Vice-Chair Veno made a motion that the Planning Commission recommends approval of Ordinance A25-0606 within Exhibit A and believes approval is reasonable and in the public interest because it emphasizes the quality design and creative aspects of our community and the inspiring aesthetics of our downtown and our whole community. Commission Member Kight seconded the motion.

Vote: Aye – 7
Nay – 0

The motion passed.

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

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

This case was tabled.

Other Matters

Chair and Vice-Chair Applications for Recommendation to Town Council

Chair Tait stated that he was running for Town Council and, if elected, he would no longer be on the Planning Commission. He noted that Frank Veno had applied to be the Chair and Anne Pruitt had applied to be the Vice-Chair.

Chair Tait made a motion to recommend Frank Veno as Chair and Anne Pruitt as Vice-Chair. The motion was seconded by Commission Member Kight.

Vote: Aye – 7
Nay – 0

The motion passed.

The new Planning Commission member, Declan King, was introduced. He stated he was a junior in the Planning program at App State.

Adjournment

Commission Member Kight made a motion to adjourn the meeting at 9:09 p.m. Commission Member Pruitt seconded the motion.

Vote: Aye – 7
Nay – 0

The motion passed.

Adrian Tait, Planning Commission Chair

Brenda Henson, Board Clerk

DRAFT



Staff Report
Public Hearing
October 27, 2025
Case A25-0608 – UDO Text Amendment

Request.....1

Conformity to Adopted Plans2

 Boone Next: Our Town, Our Future2

Planning Board Report/Recommendations.....3

Town Council– Adoption of Ordinance.....4

Ordinance A25-0608.....5

Exhibit A.....6

Request

Consideration of a text amendment to exempt hospital (use 11.19) campus signage from general requirements outside of location and illumination requirements.

The hospital accommodates a wide range of users, including emergency responders, patients, and visitors unfamiliar with the campus, all navigating multiple entrances and buildings. Effective signage is a matter of safety, accessibility, and operational efficiency.

The hospital campus serves a public function, providing healthcare services to residents and visitors and accommodates a wide range of users, including emergency responders, patients, visitors unfamiliar with the campus, all navigating multiple entrances and buildings. Effective signage is an important tool for the safety and operational efficiency of the users of the site.

Within Boone Next, the UNC Health Appalachian campus is designated as “institutional campus” on the Future Land Use Map. Other similar sized campuses, also designated as “institutional campus”, are operated by the local school system or the state, and are exempt from the Town’s signage requirements due to their governmental status. However, the hospital campus is not currently exempt, though the complex operational needs and wayfinding requirements are similar. Upon review the current text limits the needs of the hospital campus in such ways as:

- Need for larger wayfinding signage due to site size
- Need for the ability to recognize philanthropic or institutional partnerships (tied to capital investments or programmatic support)
- Visibility from the vehicular surface areas to the multiple entrances/buildings
- Signage required of hospitals by law

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

Goals & Policies

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 1.2.3: Coordinate Land Use and Transportation Planning

Ensure transportation infrastructure supports walkable development and multimodal transportation options — including connections to activity centers. Important considerations include the width and design of sidewalks, street trees, physically protected bike lanes, tight curb radii at intersections, traffic calming devices, appropriate lane widths that create safer design speeds, and other features that enhance the safety and comfort of all travelers.

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 A25-0608 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 A25-0608 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 A25-0608

ORDINANCE # A25-0608

AN ORDINANCE TO REVISE THE UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the Boone Town Council desires to revise regulations related to signs; and

WHEREAS, the Boone Town Council held a duly-noticed public hearing on October 27, 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 __ day of _____, 202__.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon-Church, Town Clerk

Exhibit A

Article 26 Signs

...

26.06.05 Temporary or other signs requiring neither a permit nor registration. Neither registration nor permitting is required for the following signs; provided, that any such sign shall conform to any applicable standard set forth in this article:

A. Noncommercial Message Temporary Signs:

1. Noncommercial message temporary signs are allowed in all districts, subject to the general regulations set forth at Subsection 26.06.01.
2. Noncommercial messages are messages and emblems that do not function to direct attention to or promote a business, product, service, event, or activity, either on-site or off-site. Examples of noncommercial messages include, but are not limited to, signs advocating a public issue, recommending a candidate for office, and personal messages.

B. A-Frame Signs: A-frame signs provided they meet the following requirements:

1. Allowed for all uses within all zoning districts.
2. One (1) A-frame sign is permitted per building entrance regardless of the number of tenants.
3. The A-frame sign shall be placed within ten feet (10') of the building entrance.
4. In accordance with Town Code § 96.002, a minimum unobstructed sidewalk clearance of four-foot (4') in width must be left clear and unimpeded for pedestrians.
5. A-frames signs shall not interfere with pedestrians (including egress paths to public way) or vehicular surface areas.
6. The A-frame sign is limited to six square feet (6 sq. ft.) in area per side and four feet (4') in height.
7. Illumination of such signs is prohibited and the sign is prohibited from having any type of electronic component.
8. A-frame signs shall be used while the establishment is open to the public only and shall be stored indoors at any other time.

C. ATM Signs: ATM signs provided total signage may not exceed fifteen square feet (15 sq. ft.) in area per machine.

D. Bench Signs: Bench Signs provided they meet the following requirements:

1. Shall be located on private property zoned R3, B1, B2, B3, OI, WD, M1, U1, E1, E2, or E2.
2. The size of the sign may not exceed fifteen square feet (15 sq. ft.).

3. Signage shall not extend beyond any dimension of the bench.
- E. Building Identification Signs:** Signs that identify buildings and that are permanently integrated in a building's facade with etching, embossing and/or engraving.
- F. Construction Signs:** Temporary construction signs provided they meet the following requirements:
1. The sign is posted on a lot currently under construction pursuant to a valid zoning or building permit.
 2. Only one non-illuminated sign with a maximum of two (2) sides per lot is permissible.
 3. The sign must be removed upon issuance of a certificate of occupancy for all construction at that site.
- G. Fence Wraps:** Fence wraps displaying signage when affixed to perimeter fencing at a construction site provided they meet the following requirements:
1. Such fence wraps are allowed until a certificate of occupancy is issued for the final portion of any construction at that site or 24 months from the time the fence wrap was installed, whichever time period is shorter. After such period has elapsed, the signage must be removed or covered.
 2. No fence wrap affixed pursuant to this section may display any advertising other than advertising sponsored by a person directly involved in the construction project and for which monetary compensation for the advertisement is not paid or required.
- H. Government Sign:** A duly authorized temporary or permanent government sign.
- I. Historical plaques or markers** approved by a governmental entity or the National Registry of Historic Places or similar bona fide authority empowered to recognize historic places or structures
- J. Home Occupation Signs:** A permanent non-illuminated wall sign that may not exceed four square feet (4 sq. ft.).
- K. Hospital Campus Signs:** Any duly authorized on-premise sign that does not contain any outside branding, so long as the sign conforms to the illumination and location standards set forth for the district the hospital (use 11.19) campus is located in.
- ~~K.~~**L. Living Sign:** A non-illuminated sign constructed of living materials such as shrubs, trees, and/or flowers.
- ~~L.~~**M. Logos:** Logos, labels, and trademarks located on mechanical equipment, solid waste or recycling containers, newspaper and soft drink dispensers, gas station pumps, and similar equipment are not regulated by this Article.
- ~~M.~~**N. Parking-control Warning Signs:** Parking Parking-control warning signs shall comply with the requirements of Boone Town Code § 73 Towing.

1. A building(s) with a single-establishment shall prominently display the name of the establishment.
2. Shopping Center/Mall developments shall follow the regulations set forth in 26.12.01(F).
3. All signs shall be clearly visible from the controlled parking spaces.

N.O. Political Signs In the Public Right of Way: Political signs are permitted in the public right of way only to the extent such signs comply with the requirements as to size and time of posting set forth at N.C. General Statute § 136-32, as such may be re-codified or amended from time to time. For the definition of political signs as used herein, see N.C. General Statute § 136-32(c).

1. Such signs may not exceed 864 square inches in area per display face and two faces per sign and may not be higher than 42" above the edge of the pavement of the road.
2. Such signs may only be placed with the permission of the property owner fronting the right of way where the sign is to be placed.
3. In all cases, the property owner and the political candidate shall be equally responsible for the removal of the signs within 48 hours after the election.
4. Any political sign that remains in a right-of-way maintained by the town more than 30 days after the election is to be deemed unlawfully placed and abandoned property, and any person may remove and dispose of such political sign without penalty.

O.P. Pushcart Signs: Signs contained on vendor push carts that do not exceed fifteen square feet (15 sq. ft.) in area per push cart.

P.Q. Real Estate Signs: A real estate sign advertising the real estate upon which the sign is located as being for rent, lease, open house or sale. Real estate signs are permissible subject to the following regulations:

1. Only one (1) sign per lot is allowed.
2. The sign shall not be illuminated.
3. Area and Height Requirements:

Zoning District	Maximum Area	Maximum Height
Residential Zoning Districts	4 ft ²	5 ft.
B1 Downtown Core	4 ft ²	5 ft.
Remaining Zoning Districts	20 ft ²	8 ft.

4. The real estate sign shall be removed either within forty-eight (48) hours after the property closing or execution of a leasing contract.

R. Signs Authorized by Law, Statute, or Ordinance: Signs required for or specifically authorized for a public purpose by any law, statute, or ordinance. These may be of any type or size as authorized by law, statute or ordinance under which such signs are required or authorized.

Q.S. Temporary Decorations: Temporary decorations or displays, when such are clearly incidental to and are customarily and commonly associated with any national, local or religious holiday/celebration.

R.T. Temporary Use/Seasonal Sale Signs: Temporary signs shall be allowed in conjunction with lawfully established temporary uses in all districts. Such signs must be located on the parcel on which the temporary use is occurring and may be attached or freestanding subject to the following:

1. Temporary uses may be permitted up to two signs.
2. These signs shall not exceed a cumulative total of sixteen square feet (16 sq. ft.) in area.
3. Signs for temporary uses are allowed for the duration of the temporary use.

S.U. Umbrella Signs: Umbrella signs used in connection with outdoor seating provide they meet the following requirements:

1. The signs shall be painted or printed on the umbrella.
2. Umbrellas shall not be erected at an acute angle for the purpose of serving as signage.
3. Umbrella signs shall be located on the umbrella itself and shall not be suspended from or otherwise hang from an umbrella.
4. Signage shall not be illuminated.

T.V. Vehicle Signs: Vehicle signs, unless such signs are used in a manner prohibited hereinafter, provided they meet the following requirements;

1. Vehicles must be operated in the normal course of business and may include the name of the owner or business;
2. Signage when affixed or painted onto vehicles and equipment and the like, are exempt from regulation, provided that, when not being so operated, such vehicles are parked or stored in areas appropriate to their use as vehicles and in such a manner and location on the lot so as to minimize their visibility from any street to the greatest extent feasible.
3. All such vehicles must have current and valid registration and inspection.
4. Vehicles or equipment that display signs must move to perform only business-related activities at least every forty-eight (48) hours.

➤ **V. Window Signs:** Each commercial-use parcel, or each tenant in a multi-tenant commercial development, is allowed to utilize window signage subject to the following conditions:

1. Window signs are limited to the ground floor in the R3 Multi-Family, and B2 Neighborhood Business zoning districts. All other commercial uses in all other commercial zoning districts are permitted window signs up to and including the third story.
2. In addition to any non-illuminated window signage, each commercial-use parcel, or each tenant in a multi-tenant development is allowed up two (2) illuminated window signs to be placed on the interior of a window or door as follows:
 - a. Total sign area shall not exceed ten (10) square feet.
 - b. Lighted window signs authorized in subsections (a) and (b) above, may utilize changeable/digital copy subject to the following limitations:
 - i. No sign may display light of such intensity or brilliance to cause glare or otherwise impair the vision of the driver or result in a nuisance to a driver.
 - ii. Images and messages displayed in changeable/digital copy area must be complete in themselves, without continuation in content to the next image or message or to any other sign. The image shall be static with all animation, streaming video, flashing, scrolling, fading, and other illusions of motion otherwise prohibited. For example, the transition between messages shall be instantaneous and without special effects.
 - iii. Changeable copy messages may change or alternate every five (5) minutes.
 - c. All other window signage shall not be illuminated, including by means of any electronic discharge tubing or similar lighting manufactured into shapes that forms letters, parts of letter, skeleton tubing, or other decorative elements or logos.
 - d. In no case may a window or a door be outlined using any type of lighting.
 - i. The use of string lighting for any legitimate merchandise display is exempt.



Staff Report
Public Hearing
October 27, 2025

Case A24-0077 Transportation Impact Analysis – UDO Text Amendment

Request.....	1
Conformity to Adopted Plans	3
Boone Next: Our Town, Our Future	3
Planning Board Report/Recommendations.....	5
Town Council– Adoption of Ordinance.....	6
Ordinance A24-0077	7
Exhibit A.....	8

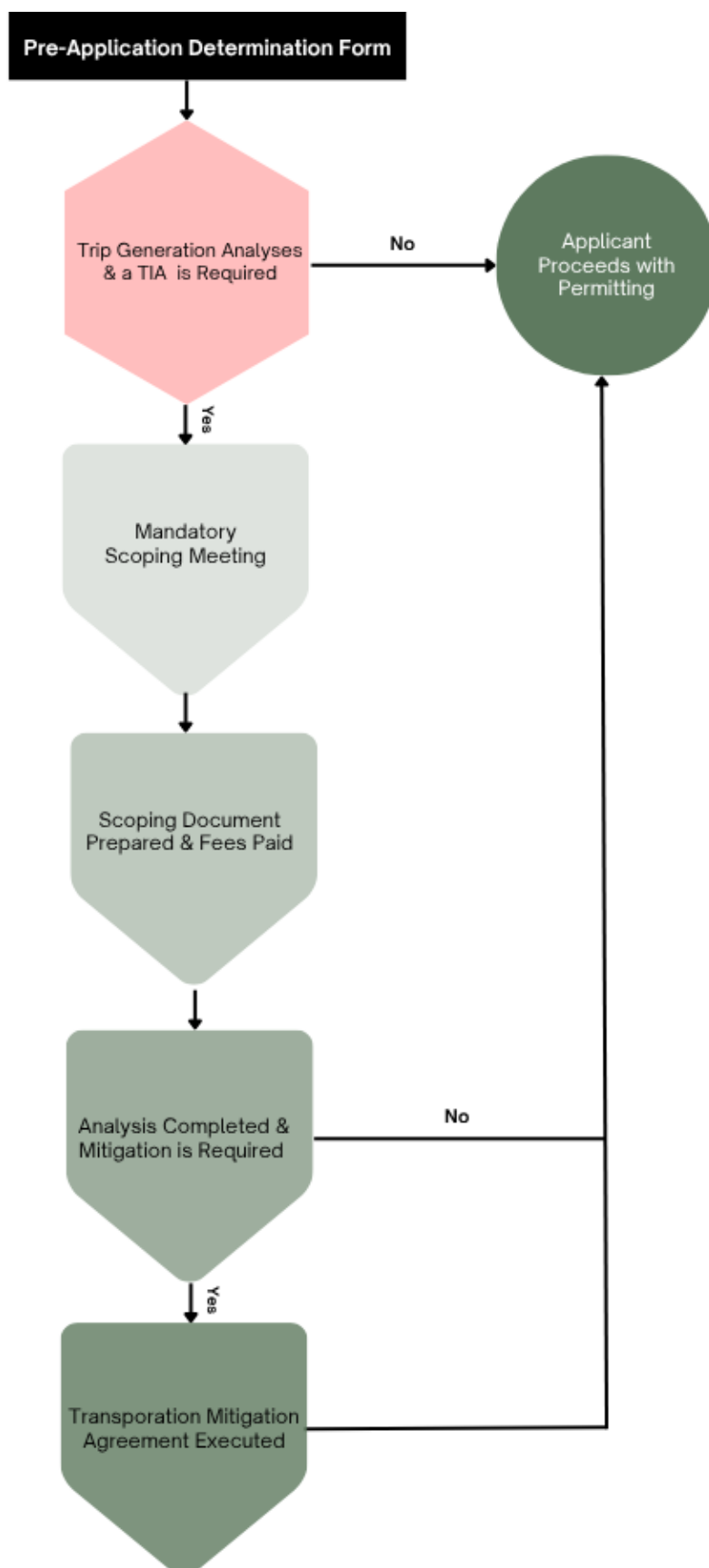
Request

A text amendment to revise and expand the Town’s current transportation impact analysis (TIA) standards. For clarification, a transportation impact analysis is a tool used to evaluate the incremental impacts of a proposed development on the surrounding transportation infrastructure with recommendations on how to mitigate those impacts to maintain safe traffic and transportation operations. “Transportation” for this purpose includes a multimodal perspective to evaluate bicycle, pedestrian, and vehicular transportation modes.

Staff, working with Kimley-Horn (engineering consultant for this project), are proposing a process in which a consultant selected by the Town will conduct the analysis with the applicant paying for all costs. Currently, applicants hire their own consultants and current language provides no guidance on analysis content or mitigation requirements. Staff believes this new process would ensure an unbiased report on impacts to the area transportation network plus ensure that any mitigation requirements are clearly outlined prior to any approval.

Before adoption, the Town will have to work out the logistics of having consultants on call to be able to provide the services outlined within the text. Additionally, it will be important to determine an effective date for the amendment. This will ensure fairness and transparency for future applicants, particularly those who may have already hired a consultant based on existing text.

The infographic on the next page outlines the new process:



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.

- **Multiple Safe Travel Options:** Residents will have the freedom to safely and realistically travel in Town using a variety of connected, convenient, and comfortable transportation modes. We will focus on a walkable, bikeable, and transit friendly network for ensuring an accessible community.

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.

Staff Analysis: Several of the Boone Next Planning Principles are relevant to the proposed amendment, particularly in relation to transportation and its impacts on congestion, mobility, and public safety. Staff has included Principles 1, 3, and 8 because these principles highlight ideas such as encouraging walkability and transit, and addressing automobile dependency. While the amendment doesn't directly carry out these principles, it aligns with them by introducing a development related tool which adds a multi-modal thereby supporting the broader goals of the Boone Next framework.

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 8

Encourage development and connections that better balance the needs of pedestrians, drivers, cyclists, and transit users.

Opportunities will be sought to improve the street pattern and connectivity, thereby increasing travel options, potentially decreasing vehicle miles, reducing congestion, and improving safety.

- A connected street pattern will be the preferred network for future development and redevelopment unless prevented by streams, steep slopes, or other barriers.

- Well-connected streets will be designed with short blocks and alleys and include sidewalks and street trees to facilitate walking.
- Streets and trails will have high connectivity within and between neighborhoods and commercial districts.
- Bicycle and pedestrian trails with supporting amenities will be integrated into new development and areas undergoing redevelopment.
- Enhance connectivity to community amenities; add sidewalks, bike facilities, transit, and other pedestrian safety facilities where feasible

Goals & Policies

Staff Analysis: Below are selected Goals & Policies that related to the proposed amendment. Similar to the Planning Principles analysis, while the amendment does not implement these policies and goals, the amendment introduces a multi-modal perspective, clearer guidance on content, methodology, and mitigation. These changes are critical to sustaining and advancing the town’s transportation goals, which prioritize safety, mobility, and reduced reliance on vehicular trips.

Staff encourages Town Council and the Planning Commission to focus on Chapter 2 Multiple Safe Travel Options to better understand the transportation priorities within Boone Next.

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.

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 1.2.3: Coordinate Land Use and Transportation Planning

Ensure transportation infrastructure supports walkable development and multimodal transportation options — including connections to activity centers. Important considerations include the width and design of sidewalks, street trees, physically protected bike lanes, tight curb radii at intersections, traffic calming devices, appropriate lane widths that create safer design speeds, and other features that enhance the safety and comfort of all travelers.

Goal 2.1 Increase Mobility Through a Safe System Approach

By fostering partnerships and focusing on data-driven solutions, the town will address roadway safety challenges, enhance intersection functionality, and manage traffic effectively.

Goal 2.2 Encourage Mobility Choice Through Walking & Biking

Bicycle and pedestrian infrastructure will be prioritized on high-activity streets and key connections, with designs reflecting community needs and exceeding minimum standards where appropriate.

Goal 2.4 Increase Mobility Through Capacity & Access Management

Ensure Boone's street network supports safe, reliable transportation for all modes by addressing growth-related challenges with strategic roadway improvements beyond traditional widening.

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 A24-0077 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 A24-0077 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 A24-0077

ORDINANCE # A24-0077

AN ORDINANCE TO REVISE the UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the Boone Town Council desires to revise regulations related to transportation impact analyses; and

WHEREAS, the Boone Town Council held a duly-noticed public hearing on October 27, 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 __ day of _____, 202__.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon-Church, Town Clerk

Exhibit A

Article 4 Development Approvals

...

4.04 Applications**4.04.01 Application Submittals:**

A. Preliminary review for completeness of application. An application shall not be accepted for review and shall not trigger the permit choice provision of Subsection 4.05.03(B) unless it is complete. Within 10 days of submission, the Administrator shall review an application for completeness and the application shall be found to be complete if it meets all of the following requirements:

1. An application form provided by the Administrator is fully completed with all plans and other documents and information required pursuant to Appendix A included or attached, except as otherwise directed by the Administrator pursuant to 4.05.02(A);
2. The application includes such other plans, documents, or information as the Administrator may require following a pre-application conference regarding a site-specific plan;
3. A ~~Traffic~~[Transportation](#) Impact Analysis is submitted if such is required or requested pursuant to ~~this section~~[UDO Appendix C3 Transportation Impact Analysis](#);
4. The application is signed by a person with lawful and documented authority to submit the application;
5. All required fees are paid; and
6. The application, supporting documentation, and fees are delivered to the Administrator in the medium (e.g., electronic and/or paper) required by the Administrator.

B. A non-refundable fee may be assessed by the Administrator for preliminary review of the completeness of an application.

C. If an application is incomplete, it shall be rejected with comments, as appropriate, by the Administrator. Any resubmittal of the application shall be reviewed and processed as a new application. Accordingly, any such application shall be considered submitted on the date of the resubmittal and considered for completeness pursuant to Subsection 4.05.01(A) above.

4.04.02 The Administrator shall require the submission of all information necessary for the permit issuing authority to decide whether the development, if completed as proposed, will comply with all of the requirements of this Ordinance and all other duly adopted requirements of the Town.

- A.** The presumption established by this Ordinance is that all of the information set forth in Appendix A is necessary to satisfy the requirements of this Section.
1. However, it is recognized that each development is unique, and therefore the permit issuing authority may allow less information or require more information to be submitted according to the needs of the particular case.
 2. For applications submitted to the Town Council or Board of Adjustment, the applicant may rely in the first instance on the recommendations of the Administrator as to whether more or less information than that set forth in Appendix A should be submitted.
- B.** In this Ordinance, detailed or technical design requirements and construction specifications relating to various types of improvements (streets, sidewalks, etc.) are set forth in one or more appendices to this Ordinance. It is not always necessary that the application contain the type of detailed construction drawings that would be necessary to determine compliance with these appendices, so long as the plans provide sufficient information, in the judgment of the Administrator, to allow the permit issuing authority to evaluate the application in the light of the substantive requirements set forth in the text of this Ordinance and all other duly adopted requirements of the Town.
1. However, whenever this Ordinance requires a certain element of a development to be constructed in accordance with the detailed requirements set forth in one or more of these appendices, then no construction work on such element may be commenced until detailed construction drawings have been submitted to and approved by the Administrator. Failure to observe this requirement may result in permit revocation, denial of final subdivision plat approval, or other penalty as provided in Article 12.
- ~~**C. Traffic Impact Analysis:** In addition to the information included in Appendix A, certain developments may by, virtue of size, location or configuration of access points to the public road system, be required to have a traffic impact analysis performed. In those instances, where a traffic impact analysis is required by the Administrator, the study must be completed and submitted in order for the application to be considered complete. A traffic impact analysis may be required when any of the following conditions exist:~~
- ~~a. The development proposes to have an access to the public road system within 100' of the STOP bar of any traffic control signal; or~~
 - ~~b. The development proposes to have an access to the public road system within 200' of the STOP bar of any traffic control signal and based upon Institute of Transportation Engineers (ITE) trip generation rates is projected to generate eighty (80) or more exiting trips during any one (1) hour period of any day; or~~

- ~~c. The development proposes to have access to any public road at a location where sight distance in any direction along the road is less than 500'; or~~
 - ~~d. The development proposes access onto a public road that does not have a paved width of at least eighteen feet (18'); or~~
 - ~~e. The development proposes access to a public road that currently operates at a level of service of D or less and based upon ITE trip generation rates is projected to generate 1,500 weekday trips; or~~
 - ~~f. The Administrator or Public Works Director determines that the proposed project will have a potential negative impact on the public road system due to the size of the project or existing transportation system; or determines that there are safety concerns with the driveway location and design.~~
- ~~— If a traffic impact analysis is performed and that analysis concludes that improvements are required to the transportation system; the applicant may be required to complete those improvements in connection with the project as a condition of the development approval. Unless an agreement is executed by the Town in which the time for the improvement is specified the improvement shall be completed prior to issuance of a certificate of occupancy. The fact that the obligation to construct lies with the applicant does not preclude the Town from entering into an agreement to participate if that will be in the interest of the Town.~~

...

C3 Transportation Impact Analysis Guidelines

C3.01 Introduction

C3.01.01 A transportation impact analysis, as detailed herein, is a tool used to evaluate the incremental impacts of a proposed development on the surrounding transportation infrastructure and how to mitigate those impacts to maintain safe traffic and transportation operations. "Transportation" includes a multimodal perspective to evaluate bicycle, pedestrian, and vehicular transportation modes (including transit).

C3.01.02 Though not all development applications will warrant a transportation analysis, the standards herein define when development applications will warrant a detailed transportation analysis and what information should be included in that analysis.

C3.01.03 The analysis must be of sufficient scope and detail to allow the Town to evaluate the impact of the proposed development on roadway capacity, operation, and safety. Pursuant to Subsection C3.04(Q), the applicant will be required to mitigate transportation deficiencies caused solely by the projected impact of their proposed development

C3.02 Applicability

C3.02.01 The need for analysis should be determined as early in the application process as possible. As noted in UDO Section 4.03, even if a traffic analysis is not expected to be required, to

minimize development planning costs, avoid misunderstandings or misinterpretations, and ensure compliance with the requirements of this Ordinance, a pre-application consultation between the applicant and Staff is strongly encouraged. If required, a completed TIA must be approved prior to submittal of a development application. Accordingly, an assessment of the development's transportation impact should be performed well in advance of the actual submission to allow time for the required analysis to be completed.

C3.02.02 Transportation Impact Analysis (TIA): A TIA, using data from the latest ITE trip generation handbook, will be required to accompany a development plan when expected gross trip generation (defined as the sum of entering and exiting trips to the site) is **500 total trips or more in a 24-hour period, and/or 50 total trips during either the AM or PM peak** (prior to any trip reductions applied- see Section C3.03.02(A)(10)). The gross trip generation will be calculated by the Town based on information (proposed project summary and development plan) provided by the applicant. A TIA shall also be required in the following circumstances:

1. The proposed development includes a drive-through facility.
 2. Any use, such as a school, that requires significant on-site circulation that may have an off-site impact to adjoining roads and/or intersections.
 3. Gas stations that can simultaneously fuel more than 6 vehicles.
 4. The development proposes to an access point along any public road at a location where the sight distance is not expected to meet local, state, and federal standards.
 5. The site is creating fourth leg to signalized intersection.
 6. A TIA may be required at the discretion of the Public Works Director or the Administrator when town staff identify potential safety concerns related to the development. This includes but is not limited to, instances where the development access a public road with a paved width of less than eighteen feet (18').
- A. Exceptions:** The Town may accept an approved TIA completed within the past two (2) years, including any in which the amount, behavior, and/or assignment of traffic is not significantly different. This includes no trip generation increases of 10% or more of either the approved daily or peak hour trip generation, and no trip distribution/assignment changes at any intersection by 10% or more.

C3.03 Process

C3.03.01 Pre-application Determination Form: Based upon the criteria set forth in Subsection C3.02.02 above, the applicant shall submit a completed "Pre-Application Transportation Impact Analysis Determination Form" for review. The form contains details of the proposed development including project location, applicant information, application type, existing land use status, proposed land use and intensity, proposed site access points, and phases of site construction. The transportation consultant assigned by the Town will perform a trip generation analysis to determine if a TIA is required based on C3.02.02 above, and present the results of the trip generation analysis to Town staff. Based on the analysis thresholds established above, Staff will provide the applicant with direction on what (if any) type of

transportation-related analysis is required within three (3) business days of submittal of the TIA Determination Form.

3.03.02 Mandatory Scoping Meeting: Once it has been determined that a TIA, or is required and payment is provided to the Town for the scoping, the Town will schedule a mandatory scoping meeting to discuss the requirements and strategies for an analysis specific to the site and the proposed development. Background information shall be submitted by the applicant five (5) or more business days prior to the scoping meeting and shall include a conceptual site plan showing the following:

- A. proposed access point(s),
- B. proposed land use(s) and densities,
- C. structure(s) and parking envelope(s).

The Town, the transportation consultant assigned by the Town, and the applicant(s) are required to attend the mandatory scoping meeting. The NCDOT district staff will be invited and encouraged to attend if access to a state road is involved. The applicant may invite members of his/her development team as needed.

3.03.03 Scoping Document: A scoping document, documenting the understood scope of the project, shall be prepared by the transportation consultant assigned by the Town. The scoping document shall be signed by the applicant, the Town, the transportation consultant, and the NCDOT District Engineer if access to a state road is involved before the consultant can begin work on the analysis. Failure by the applicant to provide accurate information or failure by the assigned transportation consultant to follow the scoping document shall result in disapproval of the analysis. If significant changes are made to the scoping parameters documented in the scoping document, a revised document will be required. The study area should generally include the following:

- A. all site access points,
- B. all signalized intersections up to one (1) mile from the site
- C. unsignalized intersections between the required signalized intersections to be added to the scope as directed by the Town.

However, Town Staff and NCDOT may determine if any additional areas need to be included based on local or site-specific conditions, development size, and/or neighborhood sensitivities. Should study area intersections outside of the Town be identified, impacted jurisdictions will be notified. The Transportation consultant assigned by the Town is generally expected to complete the scoping document within five (5) business days of the scoping meeting, or from when all information required to finalize the scoping document is received by the transportation consultant.

3.03.04 Fees: Upon Town/NCDOT approval of the scoping document, the transportation consultant assigned by the Town shall submit a summary of consultant fees for preparing the analysis to the Town within five (5) business days. Per the scoping document, the applicant(s) shall

agree to provide payment in full to the Town for preparation of the TIA so that the Town can release the work to the consultant. The Town will require the estimated fees to be paid to the Town prior to commencement of the work. Any additional services incurred by the transportation consultant in addition to the scope defined in the scoping document must be approved by the Town and agreed to and paid for by the applicant prior to performance of the additional work. This includes additional meetings that may require attendance from the transportation consultant (i.e., community, Board of Adjustment, Planning Commission, and/or Town Council meetings). Depending on the complexity of the analysis and availability to collect traffic counts, the transportation consultant assigned by the Town is generally expected to submit the draft analysis to the Town within 6-10 weeks from notice to proceed from the Town and NCDOT (if applicable).

3.03.05 Review and Approval: The completed analysis will be reviewed by Town Staff, and when applicable, NCDOT. The transportation consultant assigned by the Town and applicant when necessary, shall address all review comments. Once all comments have been addressed, the Town shall notify the applicant of the analysis approval. Acceptance of the analysis by the Town is required prior to (1) a hearing for a site-specific development approval, or (2) the issuance of a zoning permit for any use allowed by right.

3.03.06 Transportation Mitigation Agreement (TMA): Upon completion of the analysis, certain on- or off-site transportation mitigation measures may be required as recommended in the analysis. If mitigation is required, the Town or transportation consultant assigned by the Town shall prepare a Town of Boone Transportation Mitigation Agreement (TMA) which will summarize the following: the development plan, the phasing and timing of development (if applicable), the site access and points of ingress/egress, the on- and off-site improvements required to adequately mitigate the project impacts to the Town's transportation system, including vehicular, pedestrian, and bicycle improvements, and any trigger points and deadlines for construction of any improvements.

The TMA must be signed by the applicant, Town and the NCDOT District or Division Engineer if the mitigation involves a state roadway. All off-site right-of-way shall be acquired and dedicated prior to approval of a zoning permit, and required mitigation measures must be implemented prior to final inspections for the applicable phase of development, or the applicant(s) shall provide a payment-in-lieu in accordance with the following provisions:

- A. Payment-In-Lieu of Transportation Improvements – A developer may request consideration of payment-in-lieu of required transportation improvements by Town Council at the time of schematic plan approval if funded transportation projects overlap with the improvements associated with the development's recommended mitigation.
- B. For multi-phase projects, requests for payment-in-lieu consideration at the time of schematic plan approval shall be limited to the phase of development being permitted.
- C. Any requests for payment-in-lieu received following a schematic plan approval and associated traffic mitigation agreement (TMA) shall be considered an as amendment to the approved plans.

D. If the Town, at its discretion, agrees to accept payment-in-lieu of transportation improvements for a development, the exact payment amount shall be verified at the time of construction plan review and shall meet the following standards:

1. All cost estimate calculations must be updated by a professional engineer.
2. Cost estimates shall be based on a minimum of 15% engineered roadway design plans per NCDOT Roadway Design Guidelines.
3. The calculation shall include costs associated with remaining design needed, right-of-way (ROW) acquisition, utilities, construction for the associated improvements, and contingency.
4. All calculated cost estimates shall not be more than two years old at the time of acceptance by the Town, and payment must be received prior to issuance of a certificate of occupancy.

C3.04 Required Analysis Content: It is the obligation of the consultant that each report is an objective, technical analysis. All conclusions and recommendations shall be based solely on the information contained within the report, and all findings shall be clearly documented.

A. Cover/Signature Page: Includes the project name, location, name of the applicant, contact information for the applicant, and date of the study. The name, contact information, registration number, signature, and seal of a duly qualified and North Carolina registered professional engineer are also required to appear on this page.

B. Table of Contents: Includes a list of all section headings, figures, tables, and appendices included in the TIA report. Page numbers shall denote the location of all information, excluding appendices.

C. Executive Summary: Includes a description of the study findings, a general description of the project scope, study horizon years, expected transportation impacts of the project, mitigation measure recommendations, and a figure denoting any required developer improvements. Technical publications, calculations, documentation, data reporting, and detailed design shall not be included in this section.

D. Project Description: Includes a detailed description of the development, including the size of the parcel, development size, existing and proposed uses for the site, and anticipated completion dates (including phasing). It shall also include the square footage of each use and/or the number and size of dwelling units proposed, and a map and copy of the site plan provided by the applicant.

E. Site Description: Includes a description of the project location within the Town and region, existing zoning and use, and key physical characteristics of the site, including general terrain and environmentally sensitive or protected areas.

F. Site Access: A complete description of each site access shall be explained and depicted. It shall include the number of driveways, their locations, distances between driveways and intersections, access control (full-movement, leftover, right-in/right-out, etc.) types of driveways (two-way, one-way, etc.), traffic controls, etc. Internal streets (lanes, flow, and queuing), sidewalks, bicycle lanes, and designated loading/unloading areas shall also be described. Similar information for adjacent properties, including topographic grade relationship, shall be provided to evaluate opportunities for internal connections. The

design, number, and location of access points to collector and arterial roadways immediately adjacent to the site must be fully analyzed. Driveways shall be designed in accordance with the NCDOT's Policy on Street and Driveway Access. Sight distance and internal protected stem (IPS) at all new access locations should be provided in the TIA to ensure a safe (ie: internal roads and driveways do not queue into the public roadway, etc.) connection is provided to the public street network.

Study Area – The limits of the study area shall be based on the location, size and extent of the proposed project, and an understanding of existing and future land uses and traffic conditions surrounding the site. The limits of the study area shall be reviewed and approved by the Town and NCDOT staff at the mandatory scoping meeting. To initially determine the impacts, the Town will maintain a database of recent peak-hour intersection turning movement counts. The applicable intersection counts will be equated to current year baseline volumes. Based on the proposed development program submitted by the applicant, a preliminary trip generation analysis, distribution and assignment will be performed within the area surrounding the site and compared to the current year base volumes. Related impacts or current operational problems may dictate that other intersections be included in the study area as determined by Town staff and/or NCDOT staff. A narrative describing the study area shall identify the location of the proposed project in relation to the existing transportation system and list the specific study intersections and/or segments. Any unique transportation plans or policies applicable to the area (e.g., AppalCART bus service and future plans) shall be mentioned. A site location map shall be provided and shall identify natural features, major and minor roadways within the study area, study intersections, and a boundary of the site under consideration.

- G.** Existing Conditions – This shall include a narrative and map that represents AM, mid-day, and PM peak-hour turning-movement volumes for all intersections within the study area. Traffic volumes shall represent 15-minute interval weekday turning-movement counts (Tuesday through Thursday), include heavy-vehicle, pedestrian and bicycle counts, no more than twelve months old, and shall be collected during periods of the year when local schools (including elementary, middle, high schools, and universities) are in session and during weeks that have no observed federal, state, or local holidays. Traffic counts collected on days when inclement weather is deemed to significantly impact traffic patterns will not be accepted for use. The required count timeframes are from 7:00-9:00AM, 11 am -1 pm, and 4:00-6:00PM, unless:
1. The proposed development has access within ½ mile of any school or educational institution, or if the proposed use itself is for a school or educational institution (6:00AM-9:00AM and 2:00PM-6:00 PM count timeframes). If the PM peak hour occurs outside of the traditional 4:00-6:00PM peak hour, an additional PM analysis may be required.
 2. The expected gross trip generation (defined as the sum of entering and exiting trips to the site) of the proposed site is expected to exceed 100 total trips during the midday peak (11:00AM-1:00PM).

3. The Town determines that the site will have a significant impact on study area traffic during a different peak hour than those stated above.

The source of the traffic volume information shall be explicitly stated (e.g., Town counts, new counts collected by the transportation consultant assigned by the Town, NCDOT counts, etc.). If previous counts were obtained, only counts collected within two years of the scoping meeting will be deemed acceptable. Summary sheets for existing turning movement counts shall be included in the appendix of the report. A separate narrative and map shall be prepared to describe the characteristics of surrounding major roadways, including functional classification, number of lanes, posted speed limit, existing average daily traffic volumes, typical cross-section, intersection control, and lineal distance between major roadways. Field notes for the existing conditions investigation may be included in the appendix of the report.

- H. Future Year Conditions – Unless otherwise approved by the Town, future year conditions for a single-phase development shall be analyzed for the year the development is expected to be at full occupancy (build-out year). For multiple-phased developments, the scenarios shall be completed in order, with any improvements specified by development included in the subsequent build scenarios.

Future year conditions to include in the study shall depend upon the development, proposed project phasing plan, and significant improvements programmed for the surrounding transportation system. Approved offsite developments and transportation projects to be included in the base future-year background conditions for the transportation system within the study area shall be determined during the scoping meeting.

Transportation improvements assumed in the future-year background conditions analysis may include those with an expected completion date prior to or generally concurrent with that of the development and funded either by the Town, NCDOT, or indicated as a required condition of approval from another nearby development application. Only projects approved by the Town at the scoping meeting may be included in the analysis as future existing infrastructure. Those improvements committed to by other projects must be clearly identified in the report as approved offsite development road improvements.

Adjacent development traffic information used in the development of the future year background traffic volumes shall be included in the appendix of the TIA report. Unfunded, planned infrastructure projects may be mentioned in the TIA, but the description shall specifically identify that these projects are not included in the background condition. Future year background traffic volumes shall be forecasted using historical growth rate information, regional models, and/or TIA reports for development approved by the Town but not yet built. A narrative and map shall be prepared that presents turning movement volumes for each peak hour for all intersections identified within the study area. Future year base traffic volumes, other development volumes, and site traffic volumes shall be clearly separated and combined in the map.

- I. Trip Generation – Base trip generation for the proposed land use(s) shall be calculated using data published in the latest version of the Institute of Transportation Engineers (ITE) Trip Generation Manual. Any deviation from ITE trip generation rates shall be discussed in the report. Multimodal reductions will be considered for sites in certain

locations (near downtown/university). The NCDOT Municipal School Transportation Assistance (MSTA) calculator shall be used to calculate projected trip generations for school sites.

1. Internal Capture – Base trip generation may be reduced by the rate of internal capture when two or more land uses are proposed using the methodology recommended in the most current Trip Generation Handbook published by the ITE, or research published by the National Cooperative Highway Research Program (NCHRP) Transportation Research Board. Reductions for internal capture shall be applied to multi- or mixed-use sites only. The internal capture reduction shall be applied before pass-by trips are calculated.
 2. Pass-by Trips – Pass-by trips are those made as intermediate trips between an origin and primary destination (i.e., home to work, home to shopping, etc.). However, pass-by trips are not diverted from another roadway. Base trip generation may be reduced by the rate of pass-by capture using the methodology recommended in the most current Trip Generation Handbook published by the ITE. Pass-by trips associated with the development program may not exceed 10% of the peak-hour volume reported for the adjacent public street network. This network shall include the streets that provide primary access to/from the site. For example, if a site access drive connects to local street, which its primary access is to a collector road, the traffic on the collector shall be used as the adjacent street for pass-by calculation purposes. Evaluation of diverted trips may apply depending on the specifics of each site. A trip generation table shall summarize all trip generation calculations for the project.
- J. Trip Distribution – External trip distribution shall be determined on a project-by-project basis using one of several sources of information available to transportation and land planning professionals. Potential sources for determining project trip distribution may include the regional travel demand model, market analysis, existing traffic patterns, or professional judgment. At the Town’s direction, multiple trip distributions may be required for differing land use types. Regardless of methodology, the procedures followed and logic for estimating trip distribution percentages must be well-documented in the TIA. A map showing the percentage of site traffic on each street included in the study area shall be included in the TIA.
- K. Trip Assignment – Project traffic shall be distributed to the surrounding transportation system based on the site’s trip generation estimates and trip distribution percentages. Future year build-out traffic forecasts (i.e., future year background traffic plus project traffic) shall be represented in graphic formats for AM and PM peak-hour conditions at all intersections included in the study area. If the project will be built in phases, traffic assignments shall be reported for each phase. Pass-by traffic shall be included at the driveways and access points for evaluating driveway volumes. Multiple assignment analyses may be required if the traffic control at the access drives varies (i.e., right-in/right-out vs. stop controlled vs. signalized).
- L. Operations Analysis – The TIA shall include multi-modal operations analyses including vehicular, pedestrian, and bicycle, to allow for safe and convenient travel for all modes. Level-of-Service (LOS) and delay is the primary measures of effectiveness for impacts to the transportation system, and is defined by the most current edition of the Highway Capacity Manual (HCM). Operations analyses shall be performed for the existing and all

future year scenarios. Impacts from the proposed project shall be measured by comparing the future year background conditions to the future year build-out conditions.

1. Vehicular Capacity Analysis - Unless otherwise noted, Synchro LOS and delay shall be reported for all signalized intersections and approaches identified in the study area. Based on HCM, LOS for unsignalized intersections is not defined as a whole; instead, only the individual stop-controlled or yield approaches shall be reported based on the HCM reports determined through the Synchro analysis. Existing signalized intersections shall be modeled based on existing signal timing plans provided by either the Town or NCDOT. Existing signal timing plans shall be included in the appendix of the TIA report. If a traffic signal is part of a coordinated system it must be analyzed as such under all conditions. Other standard practices and default input values for evaluating signalized intersections shall be consistent with the most recent guidelines published by the NCDOT, Traffic Engineering and Safety Systems Branch, Congestion Management Unit (“Capacity Analysis Guidelines”). The Town may also require safety, traffic simulation, gap, and/or other analyses appropriate for evaluating a development application. Additional analyses and/or traffic capacity or simulation tools (such as VISSIM or Transmodeler) required for the TIA shall be identified during the scoping meeting. Capacity calculations shall be included for the existing and all future year scenarios. Impacts caused by the proposed project shall be measured by comparing the future year background conditions to future year build-out conditions. Mitigation requirements are described in Section 17. All TIA reports submitted to the Town shall use Synchro, SimTraffic, VISSIM, and/or Transmodeler analysis software for signalized and unsignalized intersections, or Sidra Software for roundabouts, consistent with policies released by the NCDOT. A narrative, table, and map shall be prepared that summarizes the methodology and measured conditions at the intersections reported in LOS (LOS A – F), the intersection and approach signal delay for signalized intersections, the approach delay for unsignalized intersections, and 95th percentile queue lengths for all movements. Capacity analysis worksheets and auxiliary turn-lane warrants for unsignalized intersections shall be included in the appendix of the TIA report.
 2. Pedestrian Operations Analysis - Unless otherwise noted, methodology provided in the latest edition of the Highway Capacity Manual shall be used to evaluate pedestrian LOS for the intersections identified in the study area.
 3. Bicycle Operations Analysis – The bicycle LOS at intersections identified in the study area shall be evaluated using locally accepted methodology.
- M.** Queuing Analysis – 95th percentile and simulation analysis of future year queues shall be consistent with NCDOT’s Traffic Engineering and Safety Systems Branch, Congestion Management Unit current practices and published Capacity Analysis Guidelines. Turn lanes and storage lengths for the major street (uncontrolled) approaches at unsignalized driveways shall be identified using volume thresholds published in the NCDOT’s Policy on Street and Driveway Access to North Carolina Highways (see Warrant for Left- and Right-Turn Lanes Nomograph, pg. 80). Recommendations for left and right-turn lanes serving the site shall be designed to account for both the NCDOT warrants described above and to meet future year capacity needs identified through the capacity analyses. For projects that include drive-through facilities, pick-up/drop-off areas, or entrance gates, a queuing analysis will be required by the Town to ensure that vehicle stacking will

not adversely impact the public transportation system. The queuing analysis must be performed using accepted transportation engineering procedures (ie: collection of local data and analysis using SimTraffic, use of NCDOT guidance, etc) approved by the Town and NCDOT (if necessary) during the scoping process. The internal circulation and ingress/egress of the site shall be modeled using a “dummy signal” in the Synchro software as prescribed by NCDOT Municipal School Transportation Assistance (MSTA) department. SimTraffic reports should be provided under background and build-out improved scenarios at a minimum.

N. Crash Analysis – A summary of crash data (type, number, and severity) for the most recent 3-year period at each study intersection within 1,000’ of any proposed site access may be required, dependent upon input from the Town/NCDOT and confirmed during the scoping meeting. Traffic Engineering Accident Analysis System reports will be provided by the Town and/or NCDOT and shall be included in the appendix of the TIA report. For locations with prevalent crash types and/or frequency, a discussion shall be included describing factors that may be contributing to the incidents. At a minimum, the proposed development features shall not contribute to factors potentially involved in the existing crash rates. If contributing factors are identified, recommendations to eliminate or mitigate these features shall be included.

O. Traffic Signal Warrants – Town staff and/or NCDOT may consider potential signal locations at the scoping meeting. Installation of a traffic signal at a new location shall be based on the application of warrants criteria contained in the most current edition of the Manual on Uniform Traffic Control Devices (MUTCD) and engineering judgment. Traffic signal warrants shall be included in the appendix of the TIA report. Additionally, the installation of traffic signals within the Town must adhere to NCDOT requirements. Pedestrian movements must be considered in the evaluation and adequate pedestrian clearance provided in the signal cycle split assumptions.

If a signal warrant analysis is recommended in the TIA, the Town and/or NCDOT may decide to defer a signal warrant analysis until after the development has opened to allow use of actual turning movement counts at an intersection. The TIA recommendations must clearly state that this analysis shall occur at a specified date following the opening of the development. The applicant must issue a bond or letter of credit in the name of the Town for the estimated cost of the signal warrant analysis and resulting signal prior to final approval of the TIA. The cost shall be established based on an engineer’s estimate provided by the consultant identified by the Town.

P. Compliance with Adopted Small Area/Transportation Plans – All TIA reports must include a statement of compliance with plans, programs, and policies, including small area plans, adopted by the Town of Boone for maintaining a safe and efficient multi-modal transportation system.

Q. Mitigation Recommendations – This section of the TIA report shall provide a description of the study’s findings regarding impacts of the proposed project on the existing and future transportation system and describe the location, nature, and extent of all mitigation measures recommended to the applicant to improve and/or maintain the future year background LOS conditions through phasing and ultimate build-out of the project.

This mitigation will be identified by measuring the impact between the future year background conditions and the future year build-out conditions. The applicant is required to mitigate transportation deficiencies caused solely by the projected impact of their proposed development, and not unacceptable background conditions or other deficiencies caused by offsite development within the defined study area. Mitigation may include, but is not limited to, changing signal timings, constructing additional lanes, restricting access, and/or undertaking other site-specific measures.

The consultant shall be required to identify mitigation improvements to the transportation network if at least one of the following conditions exists when comparing the multimodal operations analyses of future year background conditions to future year build-out conditions:

1. The total average delay at an intersection or individual approach increases by 25% or greater, while maintaining the same LOS.
2. The LOS degrades by at least one level.
3. The LOS is “E” or worse in background conditions and the proposed project shows a negative impact on the intersection or approach
4. The Synchro 95th percentile or SimTraffic Maximum queue increases in 75 feet or more between background and build conditions and exceeds storage for a turn lane.

If the background LOS (intersection or approach) is inadequate (i.e., at or below the threshold), the applicant will be expected to mitigate only the impact caused by the proposed project. For example, if the background LOS of an approach is LOS F with 85 seconds of delay, and the project traffic increases the delay to 95 seconds at LOS F, the applicant will be required to mitigate the added 10 seconds of delay on the approach, not required to mitigate the inadequate background delay. Town staff and NCDOT will review the recommendations in the final version of the TIA and will have the ultimate determination in the scope of the required mitigation measures.

For multi-phase developments, the capacity analyses scenarios shall address the phasing of improvements for each phase of development. A narrative and table shall be prepared that summarizes the methodology and measured conditions at the intersections reported in LOS (LOS A–F) and the average control delay for each intersection and approach.

A narrative and map shall also be prepared that describes and illustrates recommended improvements, by development phase, if necessary, for mitigating the projected impact of the proposed development.