

**Town of Boone
Public Hearing
6:00 PM, Nov. 25, 2024
Town Council Chambers
1500 Blowing Rock Road**

The public may attend the meeting in-person or online via WebEx, a video conferencing software. To participate using WebEx, either online or by phone, please email Planning and Inspections at planning@townofboone.net or call 828-268-6960, and you will be provided with an email invitation to the meeting. All requests for an invitation must be submitted no later than one hour before the meeting is scheduled to begin.

I. Call to Order of Town Council & Planning Commission

II. Moment of Silence

III. Approval of Meeting Minutes

September 23, 2025, Public Hearing Minutes

PUBLIC HEARING - Guidelines for Each Case on the Agenda

- A. *Presentation of Case by Staff/Applicant***
- B. *Discussion/Questions by Town Council and Planning Commission***
- C. *Public Comment***
- D. *Discussion/Questions by Town Council and Planning Commission***

IV. Case A24-0917 Temporary Disaster Relief Uses - UDO Text Amendment

Case A24-0917 Exhibit 1 - Application Information

Case A24-0915 Staff Report

V. Adjournment of Town Council

PLANNING COMMISSION

VI. Approval of Meeting Minutes

September 23, 2024, Planning Commission Meeting Minutes

VII. Discussion of Case(s) Heard at the Public Hearing

VIII. Other Matters

IX. Adjournment

**TOWN COUNCIL AND PLANNING COMMISSION
PUBLIC HEARING MINUTES
MONDAY, SEPTEMBER 23, 2024, 6:00 PM
1500 BLOWING ROCK ROAD AND VIA WEBEX SOFTWARE**

COUNCIL MEMBERS PRESENT: Mayor Tim Futrelle, Todd Carter (via WebEx), Eric Plaag, Virginia Roseman (via WebEx), and Edie Tugman

PLANNING COMMISSION MEMBERS PRESENT: Frank Veno-Vice-Chair, Chris Behrend, Garrett Kight, and Anne Pruitt

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

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

Call to Order

Mayor Futrelle called the Town Council to order at 6:00 p.m. Vice-Chair Veno called the Planning Commission to order at 6:01 p.m. The meeting was held in the Town Council Chambers at 1500 Blowing Rock Road and via WebEx.

Moment of Silence

A moment of silence was observed.

Approval of Meeting Minutes

Council Member Plaag asked that the following corrections be made in the last paragraph on page two of the May 29, 2024, Public Hearing minutes:

- Wording in the first sentence should change from *general integrity of design, citing workmanship of materials* to *general integrity of design, workmanship, and materials*
- The word *historic* should be removed from the last sentence

Council Member Tugman moved to approve the May 29, 2024, Public Hearing minutes as amended. Council Member Roseman seconded the motion.

Vote: Aye – 4
Nay – None
Absent – 1 (George)

The motion passed.

Commission Member Behrend moved to approve the May 29, 2024, Public Hearing minutes as amended. Commission Member Kight seconded the motion.

Vote: Aye – 4
Nay – None
Absent – 2 (Tait, Warren)

The motion passed.

Jane Shook, Director of Planning & Inspections, welcomed new Planning Commission member Anne Pruitt.

PUBLIC HEARING

Case A24-0595 174 S Depot St – Conditional District Zoning Map Amendment

Thaler Irrevocable Trust – Esther and Michael Thaler submitted a Conditional District Zoning Map Amendment application to rezone 174 S Depot Street from B1DC Downtown Core to Conditional District B1DC Downtown Core with a site-specific plan for: Use 1.14 Multi-Family Dwelling In Mixed Use (up to 30 Bedrooms), 3.06 Vacation Rental, 11.06 Restaurants ≤ 3,500 ft², 11.11 Retail Store up to 5,000 ft², and 11.14 Business or Professional Office.

Mike James, Commercial Zoning Administrator, presented the request as outlined in the meeting packet. He noted that the applicant had obtained a Certificate of Appropriateness from the Historic Preservation Commission to demolish the existing structure and construct a new structure. The Conditional District Zoning Map Amendment was necessary for the applicant to build a two-story building in the historic district.

Bill Dixon, with Appalachian Architecture, stated that his clients, Michael and Esther Thaler, purchased the property about two and a half years ago and had worked with adjoining neighbors to get utility easements in place. Mr. Dixon expressed his appreciation to Town Council for allowing the pre-application workshops with the Historic Preservation Commission. He stated that it helped architects get design feedback before the COA meeting.

Mr. Dixon explained that the new two-story building would be commercial on the ground floor with four apartments above. The apartments would be for long-term and short-term rent, as indicated in the staff report. He stated that the project was complicated because, though it was small, they shared property lines with two neighbors, and the property was partially in the floodplain and would require flood protection.

Council Member Tugman referred to the creek in that area and asked if the building encroached into the stream. Mr. Dixon replied that the hash marks showing the floodway were off on the site plan. He noted that according to flood studies, the floodwaters went to the opposite side of the creek toward the ASU music building until it was funneled by the acupuncture building.

Council Member Plaag noted that the HPC minutes reflected Mr. Dixon's statement that the existing building was a CH classification, which meant it contributed to the character of the district based on its historical significance related to events or individuals associated with the property. Mr. Dixon also stated that the building was not a CA classification and was not of architectural significance, so it should be allowed to be torn down. Council Member Plaag stated that Mr. Dixon was not the only one who misunderstood those classifications. He explained that either classification meant that they were contributing resources, so their demolition was, in essence, destructive to the character of the district regardless of whether it was significant for their architecture or the historical element. Council Member Plaag stated that this was something that the Town, the HPC, and Planning needed to consult with the town attorney to clarify so that confusion did not exist for other people.

Council Member Plaag noted that part of the existing building was located in the 100-year floodway. He asked if there was a requirement to elevate the building when building in the floodway. Mr. Dixon replied that the new building would not have to be elevated. However, they would be required to floodproof the building up to two feet above the base flood elevation, meaning all the back doors, openings, and utilities on the ground floor would have to be floodproofed.

Council Member Plaag asked for the height of the existing building compared to the 33-foot height of the proposed structure. Mr. Dixon referred to page 20 of the meeting packet that listed the current building height at 20 feet on the primary façade. He stated that the proposed building would be 33 feet to the gable on the primary façade and approximately 25 feet on the back of the building.

Council Member Plaag asked about the two parking spaces behind the building that were mentioned in the HPC meeting minutes. He noted that one of them was a handicapped-accessible space. Council Member Plaag asked if the spaces would be accessed via Ice House Alley. Mr. Dixon replied that was correct. Council Member Plaag stated that the alley was being used as a parking lot by someone, which raised the question of enforcement by the Town to keep people from parking in the alley due to fire safety and access. He also thought there was a rough transition from the pavement off of Howard Street to the gravel in that area and a drop greater than 15 %. Council Member Plaag asked what would be required to bring the alley up to an appropriate access point to get to the back of that building and who would pay for that.

Allison Meade, Town Attorney, stated that she did not think the Town had a legal responsibility to upgrade the access for the sake of a private owner to use the alley. She felt the responsibility would fall on the Thalers to provide necessary upgrades unless the Town wanted to do something beyond what they were legally required to do. Mr. Dixon stated that he had met on-site with the engineer, Justin Stines, and Brandon Wise, and the staff agreed that, based on the Town Council's approval, they could use the alley to access the parking spaces. Mr. Dixon said they planned on having two parking spaces, which had been reduced to only one handicap-accessible parking space because of the cost of removing an electrical pole in the alley and installing underground utilities.

Council Member Plaag asked about the location of the required parking spaces. He expressed concern that there was a hole in the UDO requirements when it came to vacation rentals, noting that the UDO required vacation rentals to have one parking spot per bedroom. However, vacation rentals as a use were not required to have a parking spot in the B1. Council Member Plaag felt this needed to be looked at further. Ms. Shook stated that the way she would interpret this was that a vacation rental was a dwelling unit, and dwelling units required parking spaces. Council Member Plaag noted that the table had no entry for vacation rentals for parking, so there was a discrepancy between the text and the table.

Council Member Plaag stated there were six bedrooms, and the ratio required for residential use in the downtown core was .7, which came to 4.2 parking spaces. He asked if that would be rounded down to four or up to five. Mr. James replied that the staff had traditionally rounded down.

Council Member Tugman disapproved of using any residential unit as a short-term rental.

Commission Member Kight asked if it was correct that any construction in the floodway required a no-rise certificate. Brandon Wise, Deputy Director of Planning & Inspections, replied that a no-rise would be required. He stated that replacing an existing structure with a structure in the same footprint would be a little bit simpler, but it still had to be certified by an engineer that there would be no changes in the floodplain caused by the development.

Commission Member Kight stated that the site plan indicated the bottom floor would be flood-proofed. However, a side note on the right-hand side of the page said that the wall would be substantially permeable to water infiltration. Mr. Dixon replied that the word permeable should be impermeable.

Vice-Chair Veno asked if parking spaces would be allocated for this building in the parking lot across the street. Michael Thaler, property owner, replied that when he purchased the property, there was an unwritten understanding that he would have the opportunity to use 40 % of that lot, which was the equivalent of 6 ½ spaces. However, that did not work out. Mr. Thaler stated he spoke to the person who owned the lot right next door, and he gave him a fair rate for leasing either four or six spaces.

Council Member Plaag asked what would happen if the parking lot was sold or if the owner did not want to lease the spaces anymore. Ms. Meade replied that the property owner would have to procure parking

to meet the specific standards in the UDO, or it would be a violation and a potential revocation of their CO.

Council Member Roseman stated she thought the alley was a right-of-way street that belonged to the building beside it on Howard Street. Mr. Wise replied that Public Works maintained the alley; it belonged to the Town and was supposed to stay clear. However, Public Works was okay with the applicant upgrading the alley. Ms. Shook added that the Town had received a request to close that alley, but that request was declined.

Vice-Chair Veno noted that only two people attended the neighborhood meeting, and both voiced concerns. Mr. Dixon explained that Mr. Heath owned apartments adjacent to the subject property and was concerned with any safety impacts on his building. The other concern was from Mr. Morton, owner of the building on the corner of Depot and Howard Streets. Mr. Dixon stated that the sewer line exited Mr. Morton's building, ran through the Greenhouse building, and back down towards the creek. He noted that easements were in place to guarantee the perpetual right to use the area for the underground utilities.

Vice-Chair Veno referred to the staff report on packet page 40, which indicated that the fire department had a few issues that needed to be addressed, and asked what those issues were. Mr. James replied that the fire department's concerns were with the placement of building numbers and fire protection equipment. He added that those items would be addressed during the zoning permit process.

There was no public comment on this case.

With nothing further, Mayor Futrelle closed the public hearing for this case at 6:42 p.m.

Case A24-0640 Occupancy & Other Residential Clarifications/Modifications – UDO Text Amendment

A UDO text amendment to revise the residential occupancy requirements in the WD Wellness and E2 Educational zoning districts; remove occupancy limitations listed in UDO Subsection 15.03.05(D); clarify terms related to residential uses and residential occupancy limitations; and to revise the standards for vacation rentals in multi-family developments.

Jane Shook, Director of Planning & Inspections, presented the request as outlined in the meeting packet. She noted that the word *boarders* would be stricken from Subsection 14.04.02. A new Subsection, 14.04-05, was added to clarify that the occupancy limitations in 14.04 did not apply to group living and transient residential uses. Ms. Meade suggested adding language to 14.04.05 that *there may be other occupancy limitations relating to these uses in other provisions of the UDO*.

Ms. Shook noted that the words *per dwelling unit* would be added to each occupancy section in Article 14. Council Member Tugman asked if a one-bedroom accessory dwelling unit would allow four people. Ms. Shook replied that the regulations for accessory dwelling units were separate.

Ms. Shook noted that occupancy limits were included in the Wellness District and the E2 Education District. She also pointed out that Subsection 15.03.05(D) *Occupancy of each unit shall be limited to (2) two unrelated persons* was stricken.

Ms. Shook stated that recent discussions regarding vacation and homestay rentals created concern on the Council's part about the number of dwelling units going from long-term to short-term rentals. She referred to Article 15, which showed three language options for the Council and Planning Commission to consider.

Council Member Plaag stated that if they were to keep the allowance of no more than 5% of dwelling units being vacation rentals, he would prefer Option 2 over Option 1 because it was more to the spirit of

what was intended. However, given the current housing crisis, he would prefer not to see vacation rentals anywhere. Council Member Plaag felt that one of the types of housing that Boone was missing the most was one and two-family dwellings because they were now being used as vacation rentals.

Ms. Meade stated it was better to allow short-term rentals in some areas of town versus banning them altogether.

Ms. Shook stated that she failed to include the permit language in Option 2, which was located in Option 1, so that would need to be included.

Due to potential enforcement issues, Ms. Meade suggested not allowing short-term rentals in developments with 29 or fewer dwelling units. Ms. Sook replied that short-term rentals were currently monitored for compliance and did not feel there were enforcement issues.

Ms. Shook stated there was concern that the 5% allowance was per building instead of per development, which could increase the number of vacation rentals allowed in a development.

Council Member Carter stated that 36% of Watauga County's housing stock was owner-unoccupied. He added that the Town needed to do whatever it could to promote neighborhoods and housing for people who worked and lived within its 6.3 square mile radius.

Ms. Shook stated she would like to give credit where credit was due. She noted that Mike James, the Commercial Zoning Administrator, was the one who brought this issue to her attention because he did not think the outcome was what the Council had intended.

Council Member Plaag supported implementing Option 2 as soon as possible and then looking at further limitations in the near future.

Council Member Roseman stated she was for short-term rentals in the business district because this was a business. However, they should not have an absurd percentage of rental units being used as short-term rentals. Council Member Roseman noted that she encouraged tourists because that was money in our community. If short-term rentals could help make it more affordable for someone else to live in town, she did not want to nix that option altogether.

Commission Member Pruitt researched and found that Asheville had a short-term rental text amendment from January 2024 that talked about the state laws regarding short-term rentals that she would share with the staff to send to Council and Planning Commission members.

There was no public comment on this case.

With nothing further, Mayor Futrelle closed the public hearing for this case at 7:25 p.m.

Case A24-0642 Appearance Standards Modification – UDO Text Amendment

A UDO text amendment to revise Article 25 Community Appearance Standards to modify administration of the article and required building design elements.

Ms. Shook presented the request as outlined in the meeting packet. She stated that this proposal was a stop-gap measure until a full review of the Community Appearance Standards could occur. Ms. Shook referred to Subsection 1.28 Building Design Elements and stated that there were certain things that the Town could not regulate from an appearance standpoint based upon general statutes.

Ms. Shook noted that *Site Walls* had been changed to *Retaining Walls* and *Pedestrian Orientation* had been replaced with *Building Orientation*. She stated that townhouse uses could be regulated for building orientation.

Ms. Shook pointed out that *trellises* had been removed as a building feature in 25.09.02. She reminded Council and Commission members that a complete rewrite of the Community Appearance Standards was recommended.

Ms. Shook referred to Subsection 25.09.04 Exterior Materials and noted that the language had been cleaned up, reordered, and reworded. She noted the wording *high-quality* materials in 25.09.04(A) has been added though it had not been defined. Ms. Shook referred to 25.09.07(B)(7), noting that it presented an option for the language regarding the allowance of synthetic or composite materials. Ms. Shook stated that new products were coming out daily for exterior facades.

Council Member Plaag stated that when he was on the HPC, he was vehemently opposed to the use of the concrete panel wall system at the County's parking deck, and, in his view, his fears had been realized. Council Member Plaag added that he was hesitant to allow anything that duplicated any item listed in the list.

Ms. Shook stated that these standards would not apply to commercial development in the B1 Downtown Core and the B1 Downtown Interface because they had different architectural standards.

Council Member Roseman left the meeting at 7:38 p.m.

Council Member Carter stated he had heard 20 years ago that if you were doing things the way you did them five years ago, you were probably doing them wrong. He added that he was for preserving the character and feel of Boone while providing the flexibility to allow for new technologies. He also felt there needed to be a definition of high quality.

Council Member Plaag stated that the tried and true materials were still tried and true. Ms. Shook noted that some technological changes dealt with energy efficiency and other items beyond appearance.

Ms. Shook expressed concern that staff's decisions could be questioned without proper guidance from the Council and Planning Commission regarding the regulation of synthetic or composite materials. She explained that if the staff decided to allow a material that they felt would not be visually distinguished, then when it was applied, it was distinguishable, there would be fallout. Ms. Meade agreed that this scenario would make the staff feel like they had not correctly done their job. She added that having vague language could empower the staff to insist on high-quality materials.

Council Member Plaag suggested referring to the National Parks Service because they had a list of acceptable, modern substitute materials. He further indicated that the staff could maintain a list of acceptable synthetic or composite materials outside of the UDO so that it could be more easily adapted.

Ms. Shook referred to Subsection 25.09.05 Colors, noting that the language had been rearranged and reworded. She stated that roof color was added to regulate the brighter colors for publicly visible roofs. Ms. Shook asked the Council and Planning Commission to consider whether or not they wanted to continue not allowing black as a field color and consider lowering the allowed light reflection value from 60 to 50.

Ms. Meade asked if this change would prohibit light-colored roofs, noting that lighter-colored roofs were more solar reflective and energy efficient. Ms. Shook replied that roofs could still be a lighter color. Black as a field color was discussed. Clear direction regarding LRV and field color was not given.

There was no public comment on this case.

With nothing further, Mayor Futrelle closed the public hearing for this case at 8:14 p.m.

Adjournment of Town Council

Council Member Tugman motioned to adjourn the Town Council at 8:15 p.m. Council Member Plaag seconded the motion.

Vote: Aye – 3
Nay – None
Absent – 2 (George, Roseman)

The motion passed.

Tim Futrelle, Mayor

Brenda Henson, Board Clerk

Frank Veno, Planning Commission Vice-Chair

PLANNING COMMISSION

Vice-Chair Veno called a break in the Planning Commission meeting from 8:15 p.m. until 8:21 p.m.

Approval of Meeting Minutes

Commission Member Behrend moved to approve the June 5, 2024, Planning Commission meeting minutes. Commission Member Kight seconded the motion.

Vote: Aye – 4
Nay – None
Absent – 2 (Tait, Warren)

The motion passed.

Case A24-0595 174 S Depot St – Conditional District Zoning Map Amendment

Thaler Irrevocable Trust – Esther and Michael Thaler, submitted a Conditional District Zoning Map Amendment application to rezone 174 S Depot Street from B1DC Downtown Core to Conditional District B1DC Downtown Core with a site-specific plan for: Use 1.14 Multi-Family Dwelling In Mixed Use (up to 30 Bedrooms), 3.06 Vacation Rental, 11.06 Restaurants ≤ 3,500 ft², 11.11 Retail Store up to 5,000 ft², and 11.14 Business or Professional Office.

Commission Member Behrend stated she was initially concerned about the waterway, but was satisfied after the public hearing and noted that existing UDO provisions should cover the parking.

Commission Member Pruitt asked if the building would be inspected for flood compliance. Mr. Wise replied that an elevation certificate to show that everything would be elevated two feet above the base flood elevation would be submitted with the zoning permit application. During demolition and construction, inspections would be made monthly to ensure that there were protections around the streambank and that everything was constructed per the plan.

Vice-Chair Veno expressed concern about the sewer line underneath the existing building. Mr. Wise stated that the sewer line was privately owned.

A brief discussion ensued as to the preservation of the building materials. Mr. Dixon noted that the property owners had looked into it, but there did not seem to be anything worth salvaging upon review.

First Motion and Vote: Commission Member Behrend 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 the amendment is consistent with:

Comprehensive Plan Policy 2.1.5 Downtown

C. A variety of mutually compatible and supportive mixed uses shall be encouraged in the downtown area.

Comprehensive Plan Policy 2.3.2 Community Character

A.1 Conduct on-going assessments of critical locations in community deserving special attention by the zoning ordinance, in light of their high visibility, traffic impact, strategic location, or other unique features. Continue to encourage significant new public buildings and outdoor spaces to locate in these and other positions of visibility and strategic prominence. Encourage the private sector to do likewise.

A.2 Seek out locations of historical merit in the community, and prepare an action plan for their enhancement, rehabilitation, or relocation as may be necessary.

E. New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town.

The motion was seconded by Commission Member Kight.

Vote: Aye – 4
Nay – 0
Absent – 2 (Tait, Warren)

The motion passed.

Second Motion and Vote: Vice-Chair Veno made a motion that the Planning Commission recommends approval of Ordinance A24-0595 within Exhibit A and believes approval is reasonable and in the public interest because the new development would revitalize a very important part of the area, the proposal is architecturally compatible and would contribute to the economic vitality of downtown. The motion was seconded by Commission Member Behrend.

Vote: Aye – 4
Nay – 0
Absent – 2 (Tait, Warren)

The motion passed.

Case A24-0640 Occupancy & Other Residential Clarifications/Modifications – UDO Text Amendment

A UDO text amendment to revise the residential occupancy requirements in the WD Wellness and E2 Educational zoning districts; remove occupancy limitations listed in UDO Subsection 15.03.05(D); clarify terms related to residential uses and residential occupancy limitations; and to revise the standards for vacation rentals in multi-family developments.

Ms. Shook noted that during the public hearing, it was suggested that language be added to 14.04.05 referencing other provisions related to occupancy for transitional and group living uses. Recommendations on vacation rental options were also needed. Ms. Shook stated that the Town Council seemed to favor option two more, but they wanted to have more discussion which could lead to

something like option three in the future. She added that the Town Council had never anticipated nor intended that this vacation rental text could allow up to 50% of a development to become vacation rentals. Ms. Shook noted that the proposed text would only impact vacation rentals in the B1, B2, or B3.

Vice-Chair Veno stated he would like to ban vacation rentals; however, that could lead to unintended consequences, so he would support option two.

Commission Member Pruitt stated she would also support option two.

First Motion and Vote: Commission Member Behrend made a motion that the proposed amendment to the Town's zoning ordinance, with Vacation Rental Option 2, is consistent with the Town's comprehensive plan and any other adopted plans of the Town that are applicable because the amendment is consistent with:

Comprehensive Plan Policy 2.1.5 Downtown

A. A compatible design character for the downtown area, drawing upon the locality's original High Country small town features, shall be identified, reinforced and supported to put forth a quality image and sense of place.

C. A variety of mutually compatible and supportive mixed uses shall be encouraged in the downtown area.

Comprehensive Plan Policy 2.3.3 Housing and Neighborhoods

A. The protection and rehabilitation of viable neighborhoods shall be encouraged to ensure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community.

F. The affordable housing needs of area residents, particularly elderly and low to moderate income residents, shall be recognized in Town policies and actions regarding residential development.

G. Compact, full service neighborhoods, offering opportunities for living, working, shopping, and gathering places, shall be encouraged in newly planned developments, as well as for redeveloping areas.

The motion was seconded by Commission Member Pruitt.

Vote: Aye – 4
Nay – 0
Absent – 2 (Tait, Warren)

The motion passed.

Second Motion and Vote: Commission Member Behrend made a motion that the Planning Commission recommends approval of Ordinance A24-0640 within Exhibit A and believes approval is reasonable and in the public interest because this is a way to have further discussion and planning for Airbnbs and other rentals in the area, while keeping the neighborhoods safe. The motion was seconded by Commission Member Pruitt.

Vote: Aye – 4
Nay – 0
Absent – 2 (Tait, Warren)

The motion passed.

Case A24-0642 Appearance Standards Modification – UDO Text Amendment

A UDO text amendment to revise Article 25 Community Appearance Standards to modify administration of the article and required building design elements.

Commission Member Kight stated that Rhodes Motel's covered parking area was a mixture of wood and steel and was not necessarily part of the building envelope. However, it was visible from the exterior. He noted that the carwash across the street had metal on the top of their stepped building that did not necessarily form the building envelope but was attached to the building envelope. Commission Member Kight stated he did not see a steel element on the materials list. Ms. Shook replied that this could be an oversight in the language or it could fall under Section F, "All other materials not listed."

There was a discussion regarding wording for synthetic or composite materials. Commission Member Pruitt suggested a combination of the two language options in 25.09.04(B)(7) to read *Synthetic or composite material that duplicates and cannot be visually distinguished from any item listed in 1, 3, 4, or 5 above*. Commission Members agreed with this wording change.

Commission members agreed that they had no issues with the suggested changes regarding color.

First Motion and Vote: Vice-Chair Veno made a motion that the proposed amendment to the Town's zoning ordinance, with the revision of language in 25.09.04(B)(7) to read *Synthetic or composite material that duplicates and cannot be visually distinguished from any item listed in 1, 3, 4, or 5 above*, is consistent with the Town's comprehensive plan and any other adopted plans of the Town that are applicable because the amendment is consistent with:

Comprehensive Plan Policy 2.1.1 Economic Development

A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy.

A.1 Continue to evaluate and amend development regulations to help ensure aesthetic quality in the area and preserve the natural beauty of the area.

Comprehensive Plan Policy 2.3.1 Community Appearance

C. The significance of major roadway entrances into Boone as measures of community image and quality shall be recognized through building placement, landscape, signage and other visual improvements. The Town, along with private property owners and developers, shall work to jointly improve the appearance and design of major street corridors.

Comprehensive Plan Policy 2.3.2 Community Character

E. New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town.

The motion was seconded by Commission Member Behrend.

Vote: Aye – 4
Nay – 0
Absent – 2 (Tait, Warren)

The motion passed.

Second Motion and Vote: Vice-Chair Veno made a motion that the Planning Commission recommends approval of Ordinance A24-0642 within Exhibit A and believes approval is reasonable and in the public interest because the language sets standards for community appearance and gives the Town Council

guidance for further discussion to implement more articulate standards. The motion was seconded by Commission Member Pruitt.

Vote: Aye – 4
Nay – 0
Absent – 2 (Tait, Warren)

The motion passed.

Other Matters

Ms. Shook stated that Boone Next, the Town's Comprehensive Plan, was close to beginning finalization. Once the drafts were proofread, the consultant would present the draft at an open house with the Town Council, Planning Commission, and the public. She noted that the open house could tentatively be scheduled for Wednesday, November 19, 2024, but that date was still uncertain.

Ms. Shook informed the Commission that the Town Council approved a stipend for board members that would be paid quarterly. She reminded everyone to submit their completed tax and deposit paperwork in order to receive the stipend.

Adjournment of Planning Commission

Vice-Chair Veno made a motion to adjourn the meeting at 9:49 p.m. Commission Member Behrend seconded the motion.

Vote: Aye – 4
Nay – 0
Absent – 2 (Tait, Warren)

The motion passed.

Frank Veno, Planning Commission Vice-Chair

Brenda Henson, Board Clerk

Planning Application - UDO Text Amendment

Town of Boone Planning & Inspections Department
 680 W. King Street, Suite C ♦ Boone, North Carolina 28607
 Phone (828) 268-6960 ♦ Fax (828) 268-6961 ♦ www.townofboone.net

Official Use Only

Case Number:
 A24-0917
 Case Name:
 Emergency Disaster Relief Uses

A. CONTACT INFORMATION

Applicant: Town of Boone Company: _____
 Address: 680 W. King Street
 Phone Number: 828-268-6200 Email Address: planning@townofboone.net

B. TEXT INFORMATION

Amendment is to:

Article(s): Articles 15, 34

Section(s): Sections 15.62, 34.01

Brief Description of Amendment (Attach Proposed Text):

A Unified Development Ordinance (UDO) text amendment to authorize temporary commercial and residential disaster relief uses, including temporary housing units, disaster relief volunteer housing, and non-residential disaster relief trailers.

C. APPLICANT SIGNATURE: By signing this form you are certifying that this application and any attached information is accurate. Failure to provide accurate information or failure to provide any requested information may result in delays to permit processing.

Jane Shook
Applicant (Print)

/s/ Jane Shook
Applicant Signature

11/08/2024
Date

Official Use Only

Date:	Fee:	Receipt Number:	Method of Payment:	Paid By:
NA	NA	NA	NA	NA

Hearing/Decision Information

Public Hearing Meeting
 Date: 11/25/2025

PC Meeting Date: 11/25/2025

TC Meeting Date: 12/11/2025

Text Approved: ☐ Yes ☐ No

Notes:

S:\FORMS\Current Forms\Planning\UDOTextAmendment_PlanningApplication_09252017.doc



**Staff Report
Public Hearing
November 25, 2025**

Case A24-0917 Emergency Disaster Relief Uses – UDO Text Amendment

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Conformity to Adopted Plans – Potentially Relevant Comprehensive Plan Provisions	2
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Ordinance #A24-064	6
Exhibit A – Modified UDO Language.....	7

Request

A Unified Development Ordinance (UDO) text amendment to authorize temporary commercial and residential disaster relief uses, including temporary housing units, disaster relief volunteer housing, and non-residential disaster relief trailers.

The proposed UDO text amendment aims to authorize temporary commercial and disaster relief uses, including:

1. Temporary housing units
2. Temporary disaster relief volunteer housing
3. Temporary non-residential disaster relief trailers

The need for this amendment was identified during assessment of the UDO for disaster relief uses following Tropical Storm Helene. The staff, with the agreement of Council, determined that revisions were necessary to facility economic and housing recovery during states of emergency.

Properties located within the special flood hazard area will be required by local ordinance and FEMA standards to meet the Town’s flood damage prevention ordinance (UDO Article 30). These regulations do not intend to supersede these existing regulations.

Key Considerations:

1. Temporary Housing Units: Currently, the UDO does not allow FEMA-authorized temporary housing units, such as travel trailers, recreational vehicles, and manufactured housing for temporary construction dwellings. This amendment seeks to address this gap.
2. Disaster Relief Volunteer Housing: The amendment will authorize the use of temporary housing for disaster relief volunteers, which is crucial for effective disaster response and recovery.
3. Non Residential Relief Trailers: Currently the UDO, does not the use of temporary construction trailers for sales office. This amendment will seek to address this gap.

These amendments are vital to our community’s resilience. Having clear guidelines will help ensure that our community can quickly and effectively respond to and recover from natural disasters and similar emergencies.

Conformity to Adopted Plans – Potentially Relevant Comprehensive Plan Provisions Comprehensive Plan Update

1.1 Overall Objectives for the Boone Comprehensive Plan (p. 15):

The following objectives, which have not been listed in any particular order of importance, are deliberately broad in scope and less specific than either a policy statement or an implementation action.

Economic Development: Acknowledge the area’s natural beauty, university, and medical center presence as the Town’s greatest assets for economic development and jobs creation. Treat them accordingly.

Neighborhoods: Ensure the livability of neighborhoods, especially through land use and traffic planning.

Comprehensive Plan Policies: Staff has reviewed land use and comprehensive plan policies, and listed those policies which in staff’s opinion have a bearing on the request. The Commission and Council should review these policies carefully. Each member may make his or her own interpretation as to the relevance of each and which carry the most weight thereby shaping their overall recommendation.

2.1 THE ECONOMY

2.1.1 Economic Development

- A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy.
- E. The Town shall encourage a public service and regulatory environment conducive to business recruitment and expansion, while at the same time enhancing the area’s physical and human resources.
 - E.1 Continue to look for ways to make development regulations and permit procedures more predictable and timely. Evaluate opportunities for administrative review and permit issuance for development projects which, due to their small size or relatively minor impacts, may not require review by a formal public commission or board.
- K. Boone shall identify and provide services consistent with the needs of the area’s growing retiree population.

2.2 INFRASTRUCTURE

2.2.4 Public Safety

- B. The Town shall periodically review the need for additional paid personnel, capital improvements and equipment needs to meet or exceed public safety standards, insurance ratings and other measures of public safety.
- D. The Town shall place renewed emphasis on enforcement of the state building code and flood prevention regulations to avert or minimize loss of life and property during natural disasters.

2.2.5 Environmental Health

- C. Development activities in the 100 year floodplain or near lakes or streams shall be carefully controlled. If development must occur, low intensity uses such as open space, recreation and adequately buffered agricultural or forestry activities shall be preferred.

2.3 THE COMMUNITY

- A. Urban type development within the Urban Growth Area shall meet appropriate Town standards.
- D. Coordinated inter-governmental and university-town planning for urban area land use and development, transportation, utilities, recycling, environmental management, law enforcement, education, recreation, tourism and economic development shall be encouraged.

2.3 THE COMMUNITY

2.3.2 Community Character

- A. The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area.
- E. New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town.

2.3 THE COMMUNITY

2.3.3 Housing and Neighborhoods

- A. The protection and rehabilitation of viable neighborhoods shall be encouraged to insure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community.
- C. Proposed residential development which would expose residents to harmful effects of incompatible development or to environmental hazards shall be prohibited.
- F. The affordable housing needs of area residents, particularly elderly and low to moderate income residents, shall be recognized in Town policies and actions regarding residential development.

Planning Board Report/Recommendations

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

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

Note 1

Vote 2: The Planning Commission recommends ☐approval OR ☐denial of Ordinance #A24-0917 within Exhibit A and ☐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 amendment is or is not consistent.

Note 2: briefly explain why, factors may include (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

Town Council– Adoption of Ordinance

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

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

Note 1

Vote 2: The Town Council ☐approves OR ☐denies Ordinance #A24-0917 to the Town's zoning ordinance 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 amendment is or is not consistent. Town Council members may reference the comprehensive plan policies in the Planning Commission's recommendations, or use the other comprehensive plan policies as the Council member see relevant and pertinent to the

Note 2: briefly explain why, factors may include (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

Ordinance #A24-0917

ORDINANCE # A24-0917**AN ORDINANCE TO REVISE THE UNIFIED DEVELOPMENT ORDINANCE**

WHEREAS, the Boone Town Council has determined that revisions to the UDO are necessary to facilitate economic and housing recovery during states of emergency; and

WHEREAS, the need for these amendments were identified during assessment of the UDO following Tropical Storm Helene; and

WHEREAS, the Boone Town Council held a duly-noticed public hearing on November 25, 2024 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 11th day of December, 2024.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon-Church, Town Clerk

Communication: Case A24-0915 Staff Report (Case A24-0917 Temporary Disaster Relief Uses - UDO Text Amendment)

Exhibit A – Modified UDO Language**Article 34 Definitions**

...

Emergency Temporary Housing Unit

Manufactured housing, recreational vehicle, or travel trailer providing temporary housing accommodations due to an emergency or natural disaster.

Manufactured Home “Class A”

A structure that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, transportable in one or more sections, which in the traveling mode is eight feet (8') or more in width, or forty feet (40') or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with a continuous permanent masonry foundation (not pierced except for required ventilation and access) and connected to the required utilities for systems contained therein and satisfies the following criteria:

- A. The pitch of the home's roof is a minimum vertical rise of one (1) foot for each five (5) feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- B. The exterior siding consists of wood, hardboard, aluminum, or vinyl covering, with reflectivity in no case exceeding the reflectivity of gloss white paint, comparable in composition, appearance, and durability to the exterior siding compatible with standard residential construction; and
- C. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

Manufactured Home “Class B”

A structure that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, transportable in one or more sections, which in the traveling mode is eight feet (8') or more in width, or forty feet (40') or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without a continuous permanent masonry foundation (not pierced except for required ventilation and access) and connected to the required utilities for systems contained therein, but that does not satisfy the criteria necessary to qualify as “Class A”. Skirting is required for “Class B” manufactured homes.

Manufactured Home “Class C”

Any mobile or manufactured home that does not meet the criteria of a Class A or Class B manufactured home.

...

Recreational Vehicle (RV)

A vehicle, which is Built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light duty truck and

designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

...

Temporary Construction or Repair Dwelling

A temporary dwelling exclusively used for a place of living and sleeping during construction or repair.

Temporary Construction Trailer

A temporary structure for office usage, storage of materials and tools, or security purposes incident to construction or development of the premises upon which the temporary construction trailer is located.

...

Article 15 Limited Use Requirements

15.62 Temporary Uses

15.62.01 General Regulations:

- A.** Unless otherwise provided here in, all listed temporary uses are required to obtain a zoning permit in compliance with the regulations of this Section.
- B.** Unless expressly permitted no sign may be erected in conjunction with a temporary use.
- C.** Only those improvements and modifications minimally necessary for the temporary use to function are permitted.
- D.** In the event the landowner fails to remove a temporary structure within the described time frames after the zoning permit authorizing its use has been terminated, the Town may remove the said temporary structure at the expense of the owner, and may seek to recover through collection efforts or a civil action against the owner, the costs of removal, court costs and attorney fees.
- E.** A sight triangle ten feet (10') by seventy feet (70') must be observed at all intersections of driveways or streets with adjacent streets.
- F.** Temporary uses shall not be subject to the requirements of Article 25 Community Appearance Standards unless provided in this Section.
- G.** No required existing landscape buffer may be disturbed for any temporary use.
- H.** All temporary uses shall meet all applicable NC Building Codes.
- I.** Unless otherwise provided herein, the land use intensity ratios in B1.04 Complete Intensity Table shall apply.
- J.** Unless otherwise provided herein, landscaping is not required for temporary uses.

...

15.62.03 Temporary Construction or Repair Dwelling: A temporary construction or repair dwelling may be permitted as a temporary use while either a Use 1.111 (site built or modular

structures) or 1.200 (two-family residences) is being constructed or repaired, subject to the following conditions:

- A. Upon completion, the dwelling under construction or repair must be the principal residence of the owner of the lot.
- B. Only Class A and B manufactured homes may be used as temporary construction or repair dwellings.
- C. The permit may not be issued until the owner of the lot has received a building permit for the construction or repair of the non- temporary dwelling.
- D. The temporary construction or repair dwelling shall be placed on the lot in such manner that it meets all required setbacks.
- E. A permit shall be valid for a period of one (1) year but may be extended for up to two (2) consecutive six (6) month periods upon an application filed no later than thirty (30) days before the end of each permit period. Each extension shall require a finding by the Administrator that significant progress is being made in completing the construction or repair.
- F. The temporary construction or repair dwelling shall be removed within thirty (30) days upon:
 - 1. Expiration of the permit.
 - 2. Expiration or lapse of the building permit for the dwelling under construction or repair.
 - 3. Issuance of a certificate of occupancy or certificate of compliance, as appropriate, for the dwelling under construction or repair.
- G. Land use intensity ratios do not apply to a temporary construction or repair dwelling.

15.62.04 Temporary Construction Trailer: A temporary construction trailer may be permitted as a temporary use for a temporary office, security shelter, or shelter for materials or tools ~~(but not for residential purposes or sales office)~~ incident to construction or development of the premises upon which the temporary construction trailer is located subject to the following conditions:

- A. Temporary construction trailers may only be located on a lot upon which a valid zoning or building permit has been issued.
- B. A temporary construction trailer shall be located at least ten feet (10') away from all road rights-of-way and property lines.
- C. A temporary construction trailer may not be used for residential purposes or sales office.

- D. The permit shall be valid for two (2) years from the date of issuance or for a maximum of thirty (30) days after the issuance of a certificate of occupancy, whichever is less; provided however, if the project is multi-family or nonresidential in nature, the temporary use permit may be extended if the approved project is not yet completed and the applicant requests an extension within ninety (90) days prior to the expiration of the permit period. Each such extension may be for one (1) year. The applicant can continue to apply for extensions so long as all other requirements of this Section are met.
- E. Land use intensity ratios do not apply to a temporary construction trailer.

...

15.62.15 Temporary Disaster Relief Uses: The following provisions shall only apply when a state of emergency has been declared due to a natural disaster or other emergency, in which the occupied structure has been made unsafe for continued occupancy due to the natural disaster/emergency.

A. Emergency Temporary Housing Units

1. One emergency temporary housing unit shall be allowed on any lot for residential occupancy where a dwelling unit on the same lot has been damaged to the extent that the dwelling unit is unsafe until repaired to a habitable state.
2. To the greatest degree possible, street and interior setbacks shall be met. However, setback requirements may be waived up to 75% so long as the placement of the emergency temporary housing unit will allow for unobstructed repair and reconstruction on the site, and does not to impede vehicular traffic or impair emergency response to the site, or encroach into any required landscaped buffer.
3. Land use intensity requirements shall not apply.
4. The permit shall be valid for eighteen (18) months from the date of issuance or for a maximum of thirty (30) days after the issuance of a certificate of occupancy, whichever is less; provided however, the temporary use permit may be extended, provided that progress has been made in the repair and reconstruction of the damage dwelling unit. A permit extension of up to (1) year may be granted by the Administrator upon submittal of documentation that shows progress is being made. Progress shall be demonstrated by documentation of inspections records associated with the repair and reconstruction. However, if necessary, the Administrator may allow an additional one (1) year extension based on the severity of damage and overall recovery progress.
5. An emergency temporary housing unit must be removed from the lot within thirty (30) days following issuance of the final certificate of compliance, or the issuance of a certificate of occupancy, or within thirty (30) days following expiration of the related permit.

B. Disaster Relief Volunteer Housing

1. Emergency temporary housing units shall be permitted in any non-residential or R3 Multi-Family zoning district to house volunteers who are responding to the natural disaster/emergency provided:
 - a. The applicant shall be a federal, state, or local agency or a recognized Voluntary Organization Active in Disaster (VOAD).
 - b. The applicant shall provide evidence of liability insurance for the emergency temporary housing units.
2. The following provisions shall apply to disaster volunteer housing:
 - a. Land-use intensity shall not apply.
 - b. Emergency temporary housing units shall meet setbacks requirements and shall not be placed within any required landscape buffer.
 - c. Emergency temporary housing units shall be placed on the lot so as not to impede vehicular traffic or to impair emergency response to the site.
3. The permit shall be valid for six (6) months from the date of issuance; provided however, the temporary use permit may be extended for additional six (6) months, provided the sponsoring organization is still actively engaged in the recovery process.
4. Emergency temporary housing units shall be removed within thirty (30) days after the sponsoring organization suspends operations related to the state of emergency or within thirty (30) days following expiration of the related permit, whichever occurs first.

C. Non-Residential Disaster Relief:

1. A temporary commercial trailer with approved occupancy as per North Carolina State Building Code, shall be allowed in the case of where a non-residential building has been damaged to the extent that the building is unsafe until repaired to allow occupancy.
2. To the greatest degree possible, street and interior setbacks shall be met. However, setback requirements may be waived so long as the placement of the temporary trailer will allow for unobstructed repair and reconstruction on the site, does not impede vehicular traffic or impair emergency response to the site, or encroach into any required landscaped buffer.
3. Land use intensity requirements shall not apply.
4. The permit shall be valid for eighteen (18) months from the date of issuance or for a maximum of thirty (30) days after the issuance of a certificate of occupancy, whichever is less; provided however, the temporary use permit may be extended, provided that progress has been made in the repair and reconstruction of the

damage building. A permit extension of up to (1) year may be granted by the Administrator upon submittal of documentation that shows progress is being made. Progress shall be demonstrated by documentation of inspections records associated with the repair and reconstruction. However, if necessary, the Administrator may allow an additional one (1) year extension based on the severity of damage and overall recovery progress.

5. A temporary trailer must be removed from the lot within thirty (30) days following the issuance of the final certificate of compliance, or the issuance of a certificate of occupancy, or within thirty (30) days following expiration of the related permit.

B1.03 Complete Table of Temporary Uses

Use #	Temporary Use	Zoning Districts																								Reference
		Residential										Commercial								Educational						
		R1	R1A	R1C	R1S	R2	R3	R4	R5	MH	RA	OI	B1D C	B1D I	B2	B3	WD	M1	U1	E1	E2	E3	E4			
T-1	Temporary family care structure	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L								15.62	
T-2	Temporary construction or repair dwelling	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L							15.62	
T-3	Temporary construction trailer	L	L	L	L	L	L	L		L	L	L	L	L	L	L	L	L							15.62	
T-4	Temporary mobile medical unit											L				L	L								15.62	
T-5	Temporary classroom											L				L	L					L			15.62	
T-6	Temporary portable storage containers	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L							15.62	
T-7	Temporary staging											L				L		L							15.62	
T-8	Temporary non-fixed site event venue										L	L				L									15.62	
T-9	Carrier on wheels (cow)	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L							15.62	
T-10	Yard sales	L	L	L	L	L	L	L	L	L	L	L		L	L	L	L	L							15.62	
T-11	Itinerant merchant/peddler	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L							15.62	
T-12	Open air market, temporary										L	L	L	L	L	L	L	L							15.62	
T-13	Temporary Use 9.01 Public Colleges and Universities											L				L	L	L							15.62	
T-14	Temporary Disaster Relief	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	15.62	

**TOWN COUNCIL AND PLANNING COMMISSION
PUBLIC HEARING MINUTES
MONDAY, SEPTEMBER 23, 2024, 6:00 PM
1500 BLOWING ROCK ROAD AND VIA WEBEX SOFTWARE**

COUNCIL MEMBERS PRESENT: Mayor Tim Futrelle, Todd Carter (via WebEx), Eric Plaag, Virginia Roseman (via WebEx), and Edie Tugman

PLANNING COMMISSION MEMBERS PRESENT: Frank Veno-Vice-Chair, Chris Behrend, Garrett Kight, and Anne Pruitt

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

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

Call to Order

Mayor Futrelle called the Town Council to order at 6:00 p.m. Vice-Chair Veno called the Planning Commission to order at 6:01 p.m. The meeting was held in the Town Council Chambers at 1500 Blowing Rock Road and via WebEx.

Moment of Silence

A moment of silence was observed.

Approval of Meeting Minutes

Council Member Plaag asked that the following corrections be made in the last paragraph on page two of the May 29, 2024, Public Hearing minutes:

- Wording in the first sentence should change from *general integrity of design, citing workmanship of materials* to *general integrity of design, workmanship, and materials*
- The word *historic* should be removed from the last sentence

Council Member Tugman moved to approve the May 29, 2024, Public Hearing minutes as amended. Council Member Roseman seconded the motion.

Vote: Aye – 4
Nay – None
Absent – 1 (George)

The motion passed.

Commission Member Behrend moved to approve the May 29, 2024, Public Hearing minutes as amended. Commission Member Kight seconded the motion.

Vote: Aye – 4
Nay – None
Absent – 2 (Tait, Warren)

The motion passed.

Jane Shook, Director of Planning & Inspections, welcomed new Planning Commission member Anne Pruitt.

PUBLIC HEARING

Case A24-0595 174 S Depot St – Conditional District Zoning Map Amendment

Thaler Irrevocable Trust – Esther and Michael Thaler submitted a Conditional District Zoning Map Amendment application to rezone 174 S Depot Street from B1DC Downtown Core to Conditional District B1DC Downtown Core with a site-specific plan for: Use 1.14 Multi-Family Dwelling In Mixed Use (up to 30 Bedrooms), 3.06 Vacation Rental, 11.06 Restaurants ≤ 3,500 ft², 11.11 Retail Store up to 5,000 ft², and 11.14 Business or Professional Office.

Mike James, Commercial Zoning Administrator, presented the request as outlined in the meeting packet. He noted that the applicant had obtained a Certificate of Appropriateness from the Historic Preservation Commission to demolish the existing structure and construct a new structure. The Conditional District Zoning Map Amendment was necessary for the applicant to build a two-story building in the historic district.

Bill Dixon, with Appalachian Architecture, stated that his clients, Michael and Esther Thaler, purchased the property about two and a half years ago and had worked with adjoining neighbors to get utility easements in place. Mr. Dixon expressed his appreciation to Town Council for allowing the pre-application workshops with the Historic Preservation Commission. He stated that it helped architects get design feedback before the COA meeting.

Mr. Dixon explained that the new two-story building would be commercial on the ground floor with four apartments above. The apartments would be for long-term and short-term rent, as indicated in the staff report. He stated that the project was complicated because, though it was small, they shared property lines with two neighbors, and the property was partially in the floodplain and would require flood protection.

Council Member Tugman referred to the creek in that area and asked if the building encroached into the stream. Mr. Dixon replied that the hash marks showing the floodway were off on the site plan. He noted that according to flood studies, the floodwaters went to the opposite side of the creek toward the ASU music building until it was funneled by the acupuncture building.

Council Member Plaag noted that the HPC minutes reflected Mr. Dixon's statement that the existing building was a CH classification, which meant it contributed to the character of the district based on its historical significance related to events or individuals associated with the property. Mr. Dixon also stated that the building was not a CA classification and was not of architectural significance, so it should be allowed to be torn down. Council Member Plaag stated that Mr. Dixon was not the only one who misunderstood those classifications. He explained that either classification meant that they were contributing resources, so their demolition was, in essence, destructive to the character of the district regardless of whether it was significant for their architecture or the historical element. Council Member Plaag stated that this was something that the Town, the HPC, and Planning needed to consult with the town attorney to clarify so that confusion did not exist for other people.

Council Member Plaag noted that part of the existing building was located in the 100-year floodway. He asked if there was a requirement to elevate the building when building in the floodway. Mr. Dixon replied that the new building would not have to be elevated. However, they would be required to floodproof the building up to two feet above the base flood elevation, meaning all the back doors, openings, and utilities on the ground floor would have to be floodproofed.

Council Member Plaag asked for the height of the existing building compared to the 33-foot height of the proposed structure. Mr. Dixon referred to page 20 of the meeting packet that listed the current building height at 20 feet on the primary façade. He stated that the proposed building would be 33 feet to the gable on the primary façade and approximately 25 feet on the back of the building.

Council Member Plaag asked about the two parking spaces behind the building that were mentioned in the HPC meeting minutes. He noted that one of them was a handicapped-accessible space. Council Member Plaag asked if the spaces would be accessed via Ice House Alley. Mr. Dixon replied that was correct. Council Member Plaag stated that the alley was being used as a parking lot by someone, which raised the question of enforcement by the Town to keep people from parking in the alley due to fire safety and access. He also thought there was a rough transition from the pavement off of Howard Street to the gravel in that area and a drop greater than 15 %. Council Member Plaag asked what would be required to bring the alley up to an appropriate access point to get to the back of that building and who would pay for that.

Allison Meade, Town Attorney, stated that she did not think the Town had a legal responsibility to upgrade the access for the sake of a private owner to use the alley. She felt the responsibility would fall on the Thalers to provide necessary upgrades unless the Town wanted to do something beyond what they were legally required to do. Mr. Dixon stated that he had met on-site with the engineer, Justin Stines, and Brandon Wise, and the staff agreed that, based on the Town Council's approval, they could use the alley to access the parking spaces. Mr. Dixon said they planned on having two parking spaces, which had been reduced to only one handicap-accessible parking space because of the cost of removing an electrical pole in the alley and installing underground utilities.

Council Member Plaag asked about the location of the required parking spaces. He expressed concern that there was a hole in the UDO requirements when it came to vacation rentals, noting that the UDO required vacation rentals to have one parking spot per bedroom. However, vacation rentals as a use were not required to have a parking spot in the B1. Council Member Plaag felt this needed to be looked at further. Ms. Shook stated that the way she would interpret this was that a vacation rental was a dwelling unit, and dwelling units required parking spaces. Council Member Plaag noted that the table had no entry for vacation rentals for parking, so there was a discrepancy between the text and the table.

Council Member Plaag stated there were six bedrooms, and the ratio required for residential use in the downtown core was .7, which came to 4.2 parking spaces. He asked if that would be rounded down to four or up to five. Mr. James replied that the staff had traditionally rounded down.

Council Member Tugman disapproved of using any residential unit as a short-term rental.

Commission Member Kight asked if it was correct that any construction in the floodway required a no-rise certificate. Brandon Wise, Deputy Director of Planning & Inspections, replied that a no-rise would be required. He stated that replacing an existing structure with a structure in the same footprint would be a little bit simpler, but it still had to be certified by an engineer that there would be no changes in the floodplain caused by the development.

Commission Member Kight stated that the site plan indicated the bottom floor would be flood-proofed. However, a side note on the right-hand side of the page said that the wall would be substantially permeable to water infiltration. Mr. Dixon replied that the word permeable should be impermeable.

Vice-Chair Veno asked if parking spaces would be allocated for this building in the parking lot across the street. Michael Thaler, property owner, replied that when he purchased the property, there was an unwritten understanding that he would have the opportunity to use 40 % of that lot, which was the equivalent of 6 ½ spaces. However, that did not work out. Mr. Thaler stated he spoke to the person who owned the lot right next door, and he gave him a fair rate for leasing either four or six spaces.

Council Member Plaag asked what would happen if the parking lot was sold or if the owner did not want to lease the spaces anymore. Ms. Meade replied that the property owner would have to procure parking

to meet the specific standards in the UDO, or it would be a violation and a potential revocation of their CO.

Council Member Roseman stated she thought the alley was a right-of-way street that belonged to the building beside it on Howard Street. Mr. Wise replied that Public Works maintained the alley; it belonged to the Town and was supposed to stay clear. However, Public Works was okay with the applicant upgrading the alley. Ms. Shook added that the Town had received a request to close that alley, but that request was declined.

Vice-Chair Veno noted that only two people attended the neighborhood meeting, and both voiced concerns. Mr. Dixon explained that Mr. Heath owned apartments adjacent to the subject property and was concerned with any safety impacts on his building. The other concern was from Mr. Morton, owner of the building on the corner of Depot and Howard Streets. Mr. Dixon stated that the sewer line exited Mr. Morton's building, ran through the Greenhouse building, and back down towards the creek. He noted that easements were in place to guarantee the perpetual right to use the area for the underground utilities.

Vice-Chair Veno referred to the staff report on packet page 40, which indicated that the fire department had a few issues that needed to be addressed, and asked what those issues were. Mr. James replied that the fire department's concerns were with the placement of building numbers and fire protection equipment. He added that those items would be addressed during the zoning permit process.

There was no public comment on this case.

With nothing further, Mayor Futrelle closed the public hearing for this case at 6:42 p.m.

Case A24-0640 Occupancy & Other Residential Clarifications/Modifications – UDO Text Amendment

A UDO text amendment to revise the residential occupancy requirements in the WD Wellness and E2 Educational zoning districts; remove occupancy limitations listed in UDO Subsection 15.03.05(D); clarify terms related to residential uses and residential occupancy limitations; and to revise the standards for vacation rentals in multi-family developments.

Jane Shook, Director of Planning & Inspections, presented the request as outlined in the meeting packet. She noted that the word *boarders* would be stricken from Subsection 14.04.02. A new Subsection, 14.04-05, was added to clarify that the occupancy limitations in 14.04 did not apply to group living and transient residential uses. Ms. Meade suggested adding language to 14.04.05 that *there may be other occupancy limitations relating to these uses in other provisions of the UDO*.

Ms. Shook noted that the words *per dwelling unit* would be added to each occupancy section in Article 14. Council Member Tugman asked if a one-bedroom accessory dwelling unit would allow four people. Ms. Shook replied that the regulations for accessory dwelling units were separate.

Ms. Shook noted that occupancy limits were included in the Wellness District and the E2 Education District. She also pointed out that Subsection 15.03.05(D) *Occupancy of each unit shall be limited to (2) two unrelated persons* was stricken.

Ms. Shook stated that recent discussions regarding vacation and homestay rentals created concern on the Council's part about the number of dwelling units going from long-term to short-term rentals. She referred to Article 15, which showed three language options for the Council and Planning Commission to consider.

Council Member Plaag stated that if they were to keep the allowance of no more than 5% of dwelling units being vacation rentals, he would prefer Option 2 over Option 1 because it was more to the spirit of

what was intended. However, given the current housing crisis, he would prefer not to see vacation rentals anywhere. Council Member Plaag felt that one of the types of housing that Boone was missing the most was one and two-family dwellings because they were now being used as vacation rentals.

Ms. Meade stated it was better to allow short-term rentals in some areas of town versus banning them altogether.

Ms. Shook stated that she failed to include the permit language in Option 2, which was located in Option 1, so that would need to be included.

Due to potential enforcement issues, Ms. Meade suggested not allowing short-term rentals in developments with 29 or fewer dwelling units. Ms. Sook replied that short-term rentals were currently monitored for compliance and did not feel there were enforcement issues.

Ms. Shook stated there was concern that the 5% allowance was per building instead of per development, which could increase the number of vacation rentals allowed in a development.

Council Member Carter stated that 36% of Watauga County's housing stock was owner-unoccupied. He added that the Town needed to do whatever it could to promote neighborhoods and housing for people who worked and lived within its 6.3 square mile radius.

Ms. Shook stated she would like to give credit where credit was due. She noted that Mike James, the Commercial Zoning Administrator, was the one who brought this issue to her attention because he did not think the outcome was what the Council had intended.

Council Member Plaag supported implementing Option 2 as soon as possible and then looking at further limitations in the near future.

Council Member Roseman stated she was for short-term rentals in the business district because this was a business. However, they should not have an absurd percentage of rental units being used as short-term rentals. Council Member Roseman noted that she encouraged tourists because that was money in our community. If short-term rentals could help make it more affordable for someone else to live in town, she did not want to nix that option altogether.

Commission Member Pruitt researched and found that Asheville had a short-term rental text amendment from January 2024 that talked about the state laws regarding short-term rentals that she would share with the staff to send to Council and Planning Commission members.

There was no public comment on this case.

With nothing further, Mayor Futrelle closed the public hearing for this case at 7:25 p.m.

Case A24-0642 Appearance Standards Modification – UDO Text Amendment

A UDO text amendment to revise Article 25 Community Appearance Standards to modify administration of the article and required building design elements.

Ms. Shook presented the request as outlined in the meeting packet. She stated that this proposal was a stop-gap measure until a full review of the Community Appearance Standards could occur. Ms. Shook referred to Subsection 1.28 Building Design Elements and stated that there were certain things that the Town could not regulate from an appearance standpoint based upon general statutes.

Ms. Shook noted that *Site Walls* had been changed to *Retaining Walls* and *Pedestrian Orientation* had been replaced with *Building Orientation*. She stated that townhouse uses could be regulated for building orientation.

Ms. Shook pointed out that *trellises* had been removed as a building feature in 25.09.02. She reminded Council and Commission members that a complete rewrite of the Community Appearance Standards was recommended.

Ms. Shook referred to Subsection 25.09.04 Exterior Materials and noted that the language had been cleaned up, reordered, and reworded. She noted the wording *high-quality* materials in 25.09.04(A) has been added though it had not been defined. Ms. Shook referred to 25.09.07(B)(7), noting that it presented an option for the language regarding the allowance of synthetic or composite materials. Ms. Shook stated that new products were coming out daily for exterior facades.

Council Member Plaag stated that when he was on the HPC, he was vehemently opposed to the use of the concrete panel wall system at the County's parking deck, and, in his view, his fears had been realized. Council Member Plaag added that he was hesitant to allow anything that duplicated any item listed in the list.

Ms. Shook stated that these standards would not apply to commercial development in the B1 Downtown Core and the B1 Downtown Interface because they had different architectural standards.

Council Member Roseman left the meeting at 7:38 p.m.

Council Member Carter stated he had heard 20 years ago that if you were doing things the way you did them five years ago, you were probably doing them wrong. He added that he was for preserving the character and feel of Boone while providing the flexibility to allow for new technologies. He also felt there needed to be a definition of high quality.

Council Member Plaag stated that the tried and true materials were still tried and true. Ms. Shook noted that some technological changes dealt with energy efficiency and other items beyond appearance.

Ms. Shook expressed concern that staff's decisions could be questioned without proper guidance from the Council and Planning Commission regarding the regulation of synthetic or composite materials. She explained that if the staff decided to allow a material that they felt would not be visually distinguished, then when it was applied, it was distinguishable, there would be fallout. Ms. Meade agreed that this scenario would make the staff feel like they had not correctly done their job. She added that having vague language could empower the staff to insist on high-quality materials.

Council Member Plaag suggested referring to the National Parks Service because they had a list of acceptable, modern substitute materials. He further indicated that the staff could maintain a list of acceptable synthetic or composite materials outside of the UDO so that it could be more easily adapted.

Ms. Shook referred to Subsection 25.09.05 Colors, noting that the language had been rearranged and reworded. She stated that roof color was added to regulate the brighter colors for publicly visible roofs. Ms. Shook asked the Council and Planning Commission to consider whether or not they wanted to continue not allowing black as a field color and consider lowering the allowed light reflection value from 60 to 50.

Ms. Meade asked if this change would prohibit light-colored roofs, noting that lighter-colored roofs were more solar reflective and energy efficient. Ms. Shook replied that roofs could still be a lighter color. Black as a field color was discussed. Clear direction regarding LRV and field color was not given.

There was no public comment on this case.

With nothing further, Mayor Futrelle closed the public hearing for this case at 8:14 p.m.

Adjournment of Town Council

Council Member Tugman motioned to adjourn the Town Council at 8:15 p.m. Council Member Plaag seconded the motion.

Vote: Aye – 3
Nay – None
Absent – 2 (George, Roseman)

The motion passed.

Tim Futrelle, Mayor

Brenda Henson, Board Clerk

Frank Veno, Planning Commission Vice-Chair

PLANNING COMMISSION

Vice-Chair Veno called a break in the Planning Commission meeting from 8:15 p.m. until 8:21 p.m.

Approval of Meeting Minutes

Commission Member Behrend moved to approve the June 5, 2024, Planning Commission meeting minutes. Commission Member Kight seconded the motion.

Vote: Aye – 4
Nay – None
Absent – 2 (Tait, Warren)

The motion passed.

Case A24-0595 174 S Depot St – Conditional District Zoning Map Amendment

Thaler Irrevocable Trust – Esther and Michael Thaler, submitted a Conditional District Zoning Map Amendment application to rezone 174 S Depot Street from B1DC Downtown Core to Conditional District B1DC Downtown Core with a site-specific plan for: Use 1.14 Multi-Family Dwelling In Mixed Use (up to 30 Bedrooms), 3.06 Vacation Rental, 11.06 Restaurants ≤ 3,500 ft², 11.11 Retail Store up to 5,000 ft², and 11.14 Business or Professional Office.

Commission Member Behrend stated she was initially concerned about the waterway, but was satisfied after the public hearing and noted that existing UDO provisions should cover the parking.

Commission Member Pruitt asked if the building would be inspected for flood compliance. Mr. Wise replied that an elevation certificate to show that everything would be elevated two feet above the base flood elevation would be submitted with the zoning permit application. During demolition and construction, inspections would be made monthly to ensure that there were protections around the streambank and that everything was constructed per the plan.

Vice-Chair Veno expressed concern about the sewer line underneath the existing building. Mr. Wise stated that the sewer line was privately owned.

A brief discussion ensued as to the preservation of the building materials. Mr. Dixon noted that the property owners had looked into it, but there did not seem to be anything worth salvaging upon review.

First Motion and Vote: Commission Member Behrend 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 the amendment is consistent with:

Comprehensive Plan Policy 2.1.5 Downtown

C. A variety of mutually compatible and supportive mixed uses shall be encouraged in the downtown area.

Comprehensive Plan Policy 2.3.2 Community Character

A.1 Conduct on-going assessments of critical locations in community deserving special attention by the zoning ordinance, in light of their high visibility, traffic impact, strategic location, or other unique features. Continue to encourage significant new public buildings and outdoor spaces to locate in these and other positions of visibility and strategic prominence. Encourage the private sector to do likewise.

A.2 Seek out locations of historical merit in the community, and prepare an action plan for their enhancement, rehabilitation, or relocation as may be necessary.

E. New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town.

The motion was seconded by Commission Member Kight.

Vote: Aye – 4
Nay – 0
Absent – 2 (Tait, Warren)

The motion passed.

Second Motion and Vote: Vice-Chair Veno made a motion that the Planning Commission recommends approval of Ordinance A24-0595 within Exhibit A and believes approval is reasonable and in the public interest because the new development would revitalize a very important part of the area, the proposal is architecturally compatible and would contribute to the economic vitality of downtown. The motion was seconded by Commission Member Behrend.

Vote: Aye – 4
Nay – 0
Absent – 2 (Tait, Warren)

The motion passed.

Case A24-0640 Occupancy & Other Residential Clarifications/Modifications – UDO Text Amendment

A UDO text amendment to revise the residential occupancy requirements in the WD Wellness and E2 Educational zoning districts; remove occupancy limitations listed in UDO Subsection 15.03.05(D); clarify terms related to residential uses and residential occupancy limitations; and to revise the standards for vacation rentals in multi-family developments.

Ms. Shook noted that during the public hearing, it was suggested that language be added to 14.04.05 referencing other provisions related to occupancy for transitional and group living uses. Recommendations on vacation rental options were also needed. Ms. Shook stated that the Town Council seemed to favor option two more, but they wanted to have more discussion which could lead to

something like option three in the future. She added that the Town Council had never anticipated nor intended that this vacation rental text could allow up to 50% of a development to become vacation rentals. Ms. Shook noted that the proposed text would only impact vacation rentals in the B1, B2, or B3.

Vice-Chair Veno stated he would like to ban vacation rentals; however, that could lead to unintended consequences, so he would support option two.

Commission Member Pruitt stated she would also support option two.

First Motion and Vote: Commission Member Behrend made a motion that the proposed amendment to the Town's zoning ordinance, with Vacation Rental Option 2, is consistent with the Town's comprehensive plan and any other adopted plans of the Town that are applicable because the amendment is consistent with:

Comprehensive Plan Policy 2.1.5 Downtown

A. A compatible design character for the downtown area, drawing upon the locality's original High Country small town features, shall be identified, reinforced and supported to put forth a quality image and sense of place.

C. A variety of mutually compatible and supportive mixed uses shall be encouraged in the downtown area.

Comprehensive Plan Policy 2.3.3 Housing and Neighborhoods

A. The protection and rehabilitation of viable neighborhoods shall be encouraged to ensure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community.

F. The affordable housing needs of area residents, particularly elderly and low to moderate income residents, shall be recognized in Town policies and actions regarding residential development.

G. Compact, full service neighborhoods, offering opportunities for living, working, shopping, and gathering places, shall be encouraged in newly planned developments, as well as for redeveloping areas.

The motion was seconded by Commission Member Pruitt.

Vote: Aye – 4
Nay – 0
Absent – 2 (Tait, Warren)

The motion passed.

Second Motion and Vote: Commission Member Behrend made a motion that the Planning Commission recommends approval of Ordinance A24-0640 within Exhibit A and believes approval is reasonable and in the public interest because this is a way to have further discussion and planning for Airbnbs and other rentals in the area, while keeping the neighborhoods safe. The motion was seconded by Commission Member Pruitt.

Vote: Aye – 4
Nay – 0
Absent – 2 (Tait, Warren)

The motion passed.

Case A24-0642 Appearance Standards Modification – UDO Text Amendment

A UDO text amendment to revise Article 25 Community Appearance Standards to modify administration of the article and required building design elements.

Commission Member Kight stated that Rhodes Motel's covered parking area was a mixture of wood and steel and was not necessarily part of the building envelope. However, it was visible from the exterior. He noted that the carwash across the street had metal on the top of their stepped building that did not necessarily form the building envelope but was attached to the building envelope. Commission Member Kight stated he did not see a steel element on the materials list. Ms. Shook replied that this could be an oversight in the language or it could fall under Section F, "All other materials not listed."

There was a discussion regarding wording for synthetic or composite materials. Commission Member Pruitt suggested a combination of the two language options in 25.09.04(B)(7) to read *Synthetic or composite material that duplicates and cannot be visually distinguished from any item listed in 1, 3, 4, or 5 above*. Commission Members agreed with this wording change.

Commission members agreed that they had no issues with the suggested changes regarding color.

First Motion and Vote: Vice-Chair Veno made a motion that the proposed amendment to the Town's zoning ordinance, with the revision of language in 25.09.04(B)(7) to read *Synthetic or composite material that duplicates and cannot be visually distinguished from any item listed in 1, 3, 4, or 5 above*, is consistent with the Town's comprehensive plan and any other adopted plans of the Town that are applicable because the amendment is consistent with:

Comprehensive Plan Policy 2.1.1 Economic Development

A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy.

A.1 Continue to evaluate and amend development regulations to help ensure aesthetic quality in the area and preserve the natural beauty of the area.

Comprehensive Plan Policy 2.3.1 Community Appearance

C. The significance of major roadway entrances into Boone as measures of community image and quality shall be recognized through building placement, landscape, signage and other visual improvements. The Town, along with private property owners and developers, shall work to jointly improve the appearance and design of major street corridors.

Comprehensive Plan Policy 2.3.2 Community Character

E. New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town.

The motion was seconded by Commission Member Behrend.

Vote: Aye – 4
Nay – 0
Absent – 2 (Tait, Warren)

The motion passed.

Second Motion and Vote: Vice-Chair Veno made a motion that the Planning Commission recommends approval of Ordinance A24-0642 within Exhibit A and believes approval is reasonable and in the public interest because the language sets standards for community appearance and gives the Town Council

guidance for further discussion to implement more articulate standards. The motion was seconded by Commission Member Pruitt.

Vote: Aye – 4
Nay – 0
Absent – 2 (Tait, Warren)

The motion passed.

Other Matters

Ms. Shook stated that Boone Next, the Town's Comprehensive Plan, was close to beginning finalization. Once the drafts were proofread, the consultant would present the draft at an open house with the Town Council, Planning Commission, and the public. She noted that the open house could tentatively be scheduled for Wednesday, November 19, 2024, but that date was still uncertain.

Ms. Shook informed the Commission that the Town Council approved a stipend for board members that would be paid quarterly. She reminded everyone to submit their completed tax and deposit paperwork in order to receive the stipend.

Adjournment of Planning Commission

Vice-Chair Veno made a motion to adjourn the meeting at 9:49 p.m. Commission Member Behrend seconded the motion.

Vote: Aye – 4
Nay – 0
Absent – 2 (Tait, Warren)

The motion passed.

Frank Veno, Planning Commission Vice-Chair

Brenda Henson, Board Clerk