

**Town of Boone
Special Meeting
6:00 PM, Apr. 3, 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.

Public Hearing

- I. Call to Order**
- II. Moment of Silence**
- III. Approval of Meeting Minutes by Town Council and Planning Commission (located on packet page 185)**

January 22, 2024 Public Hearing Minutes

Public Hearing Guidelines for Each Case Presented

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

IV. Case A23-0624 Skyline Communication Building - Conditional District Zoning Map Amendment

Exhibit 1: Case A23-0624 Application Information

Exhibit 2: Case A23-0624 Project Narrative

Exhibit 3: Case A23-0624 Neighborhood Meeting Information

Exhibit 4: Case A23-0624 Site Plans & Elevations

Exhibit 5: Case A23-0624 Landscape Plan

Case A23-0624 Staff Report

V. Case A24-0026 Bill Dixon - Conditional District Zoning Map Amendment

Exhibit 1: Case A24-0026 Application Information

Exhibit 2: Case A24-0026 Neighborhood Meeting Information

Exhibit 3: Case A24-0026 Site Plan

Exhibit 4: Case A24-0026 Additional Applicant Information

Case A24-0026 Staff Report

VI. Case A24-0085 The Villas at South Fork - Conditional District Zoning Map Amendment

Exhibit 1: Case 24-0085 Application Information

Exhibit 2: Case 24-0085 Neighborhood Meeting Information

Exhibit 3: Case 24-0085 Parking Analysis

Exhibit 4: Case 24-0085 Project Narrative

Exhibit 5: Case 24-0085 TIA Analysis

Exhibit 6: Case 24-0085 Site Plans

Exhibit 7: Case 24-0085 Elevations

Exhibit 8: Case 24-0085 Site Renderings

Case 24-0085 Staff Report

VII. Case A24-0072 Short-Term Rentals - UDO Text Amendment

Case A24-0072 Application Information

Case A24-0072 Staff Report

VIII. Case A24-0073 RR Residential Rehabilitation - UDO Text Amendment

Case A24-0073 Application

Case A24-0073 Staff Report

IX. Case A24-0095 Flag Lots & Architecturally Integrated Subdivisions - UDO Text Amendment

Case A24-0095 Application Information

Case A24-0095 Staff Report

X. Adjournment of Town Council

Planning Commission

XI. Public Comment

XII. Approval of Meeting Minutes

January 22, 2024 Planning Commission Meeting Minutes

XIII. Discussion of Cases Heard at the Public Hearing

XIV. Other Matters

XV. Adjournment

Conditional District Zoning Map Amendment Application

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

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



A. Required to be Submitted at Time of Application (check all that apply)

Note: A pre-application meeting is required prior to application submittal.

Failure to provide the information required on this application may delay the review and scheduling of the requested hearing.

- ☐ Digital copies of all paper submittal documents (may be emailed to planning@townofboone.net)
- ☐ 6 paper copies of complete site plans meeting the requirements of Town of Boone Unified Development Ordinance (UDO) Appendix A (max. size 30" x 42")
- ☐ Deed(s) of all property to be included in the request
- ☐ Both a digital and a hard copy of a written metes and bound legal description with accompanying survey map for a request that would rezone only a portion of a tax parcel or requests for multiple zoning districts.
- ☐ Property Owner Authorization. If you are not the property owner, you will need to provide documentation of property owner authorization to apply for this permit.
- ☐ Permit Fee (See Planning & Inspections Fee Schedule). Each application is allowed two (2) reviews. The 1st review of the submitted information and a 2nd review if revisions or supplemental information is required based upon the 1st review. Each subsequent review after the 2nd review will be charged at 50% of the original fees charged for the application. These fees shall be paid at the time of resubmittal.

B. Requested Hearing – See latest published Meeting Schedule for dates

Date of requested hearing: January 2024

C. Property Information (Project Location)

Street Address:

End of W Hilltop Dr

Watauga County Parcel Identification Number(s):

2910-88-3456-000

D. Property Owner Information

Name:

Watauga County

Complete Mailing Address (Street, City, Zip):

814 West King St, Suite 205, Boone, NC, 28607

Phone Number:

828-265-8000

Email Address:

E. Applicant Information

Name:

Eric Holt

Company:

Skyline Telephone Membership Corporation

Complete Mailing Address (Street, City, Zip):

P.O. Box 759, West Jefferson, NC 28674

Phone Number:

336-876-6591

Email Address:

eric.holt@skyline.org

Preferred Method of Contact for Written/Response Documents (select one): ☐ Mail or ☒ Email

F. Detailed Description of Project

Place a 9ft x 16ft telecommunications equipment shelter inside the leased area.
Shelter will house equipment for the purpose of providing broadband internet and telecommunications service to the surrounding area.

G. Project Cost

Project Cost:

\$ 61,000

H. Development Information

Is the development subject to a previous Special Use Permit? ☐ Yes ☐ No ☒ Unknown

If yes, please describe: _____

Are there any other variances granted that impact the property? ☐ Yes ☐ No ☒ Unknown

If yes, please describe: _____

Are there any other variances requested with this development? ☐ Yes ☒ No

If yes, please describe: _____

I. District/Use Information

Existing Zoning District:

B3

Proposed Zoning District(s):

B3

Existing Land Use(s):

vacant land

Proposed Land Use(s) (Specific Use # from UDO Section 15.07 Required):

Utility Facility

J. Site Information (include information for additional buildings on a separate sheet)

Building Footprint Square Footage:	Current: _____	Proposed: <u>144</u>
Total Building Square Footage (all floors):	Current: _____	Proposed: <u>144</u>
Number of Stories	Current: _____	Proposed: <u>1</u>
Building Height:	Current: _____	Proposed: <u>10ft 3 1/2 in</u>
Number of Units:	Current: _____	Proposed: _____
Number of Bedrooms:	Current: _____	Proposed: _____

K. Environmental Information

Total Land Area : 2,500 ☒ Sq. Feet or ☐ Acres

Disturbed Area: 144 ☒ Sq. Feet or ☐ Acres

Viewshed: Is development occurring within the Viewshed Protection District? ☐ Yes ☒ No ☐ Unknown

Slope: Is development occurring on slopes in excess of 30%? ☐ Yes ☒ No ☐ Unknown

Is development occurring on slopes in excess of 50%? ☐ Yes ☒ No ☐ Unknown

Watershed: Is the property located within a designated Water Supply Watershed Area? ☐ Yes ☒ No ☐ Unknown

If yes, please select: ☐ WS-II-CA ☐ WS-IV-PA ☐ WS-IV-CA

Stream/River: Is there a stream or river on or near the property? ☐ Yes ☒ No

SFHA: Is the property located within the Special Flood Hazard Area? ☐ Yes ☒ No ☐ Unknown

Impervious Area: What is the existing impervious area in the development? 0 ☐ sq. feet ☐ acres
What is the proposed impervious area in the development? 144 ☒ sq. feet ☐ acres

L. Design Professional Information

Designer is an: ☐ Architect ☐ Engineer ☒ Owner ☐ Other: _____

Name:

Eric Holt

Company:

Skyline Telephone Membership Corporation

Complete Mailing Address (Street, City, Zip):

P.O. Box 759, West Jefferson, NC 28694

Phone Number:

336-876-6591

Email Address:

eric.holt@skyline.org

Additional Designer Information: If additional designers are involved beyond the 1 listed, please provide additional info on a separate sheet.

M. Brownfields Agreement Notification

- Does the applicant have or is the applicant planning to enter into a Brownfields Agreement with the NC Brownfields Program? ☐ Yes ☒ No (If yes, please answer question #2 below.)
- Anticipated date for the first year of partial exclusion of property taxes: _____

N. Applicant Signature and Property Owner Authorization

I hereby certify that I am authorized to submit this application; that all information is correct and complete; and all work will comply with all applicable State and local laws, ordinances, and regulations. I will ensure that the Planning and Inspections Department is notified of any changes in the approved plans and specifications for the project permitted herein.

Eric Holt

Applicant (Print)

Eric Holt

Applicant (Signature)

11/8/2023

Date

Debra George by County

Property Owner (Print)

Debra George

Property Owner (Signature)

11-17-2023

Date

Official Use Only

Permit Name: Skyline Communication Building - Equipment Shelter				
Permit Number: A23-0624				
Date: 12-13-23	Fee: \$1090 ⁰⁰	Receipt Number: 515314	Method of Payment: ☐ Cash ☒ Check Number: 248837	Paid By: Skyline Membersh Corp

Official Use Only - Hearing/Decision Information

Public Hearing Meeting Date: _____

PC Meeting Date: _____

TC Meeting Date: _____

Date of APO Mailed Notification: _____

Date of Posted Notification: _____

Request Approved: ☐ Yes ☐ No If yes, date request sent to GIS: _____

S:\FORMS\PI_Forms_Current\Planning Forms\CDZMapAmend_10202020.docx

Project Summary

Watauga County has leased a 50 ft by 50 ft section of land to Skyline Membership Corporation for the purpose of using the land to place a telecommunications shelter that will be used to provide broadband internet and telephone service to the community. The property is located at the end of West Hilltop Dr in Boone and is a portion of the parcel on which Watauga High School resides. Skyline is planning to place a 9 ft by 16 ft prefabricated concrete telecommunications shelter on the property that will house the network equipment that will be used to provide service to the community. Skyline is requesting a Conditional District Zoning change to allow for the installation of the telecommunications shelter.

Light, Noise, Visual and Traffic Impacts of Project

No street lights or security lights will be installed for this project. The shelter will have one exterior light attached to the building next to the entry door. This light typically will not be used except in the case of a Skyline technician entering the building after dark.

The primary noise originating from the shelter will be from the HVAC units mounted to the exterior of the building. The building will be oriented so that the HVAC units will be pointed away from the residence located at 222 West Hilltop Dr. In the rare event of an extended commercial power outage, a portable generator will be used to power the building, which would result in a temporary increase in noise from the property.

The building dimensions are 16 ft long, 9 ft long, 10 ft tall. The building will be painted dark brown with tan trim. Evergreen trees such as arborvitae, Leyland cypress, or similar will be planted along the perimeter of the 50 ft by 50 ft lease area to conceal the building from view as much as possible.

The existing paved driveway off of West Hilltop Dr will be used to access the site. Technicians will need to access the site for the purpose of installing and maintaining the equipment in the shelter and when customers are having a service related issue. The vast majority of the traffic to the site will occur from Monday-Friday from 8 am to 5 pm. However, maintenance and unanticipated service outages will result in technicians visiting the site at anytime. Traffic to the site will be expected to be at a peak for the first three months after the shelter is made operational (10-20 technician visits per day) and will decrease to less than 10 technician visits per day. There will rarely be more than two technician service vehicles on the property at anytime.

Neighborhood Meeting

Meeting notices were mailed to each of the property owners shown on the list provided by the Town Of Boone Planning and Inspections Department. The meeting was held at Skyline's customer service center located at 217 Wilson Dr, Boone, NC on November 2, 2023 from 10 am to 12 pm. There were two attendees at the meeting (see attached meeting sign-in sheet). The plans for the site were discussed with the attendees and all of their questions were answered. The attendees were informed that they could speak at the joint town council/planning board meeting if they choose to do so.

One out-of-town property owner directly called Skyline on October 27 with questions regarding the project. His questions were answered and he declined to attend the neighborhood meeting.

NEIGHBORHOOD MEETING FOR CONDITIONAL DISTRICT ZONING MAP AMENDMENT

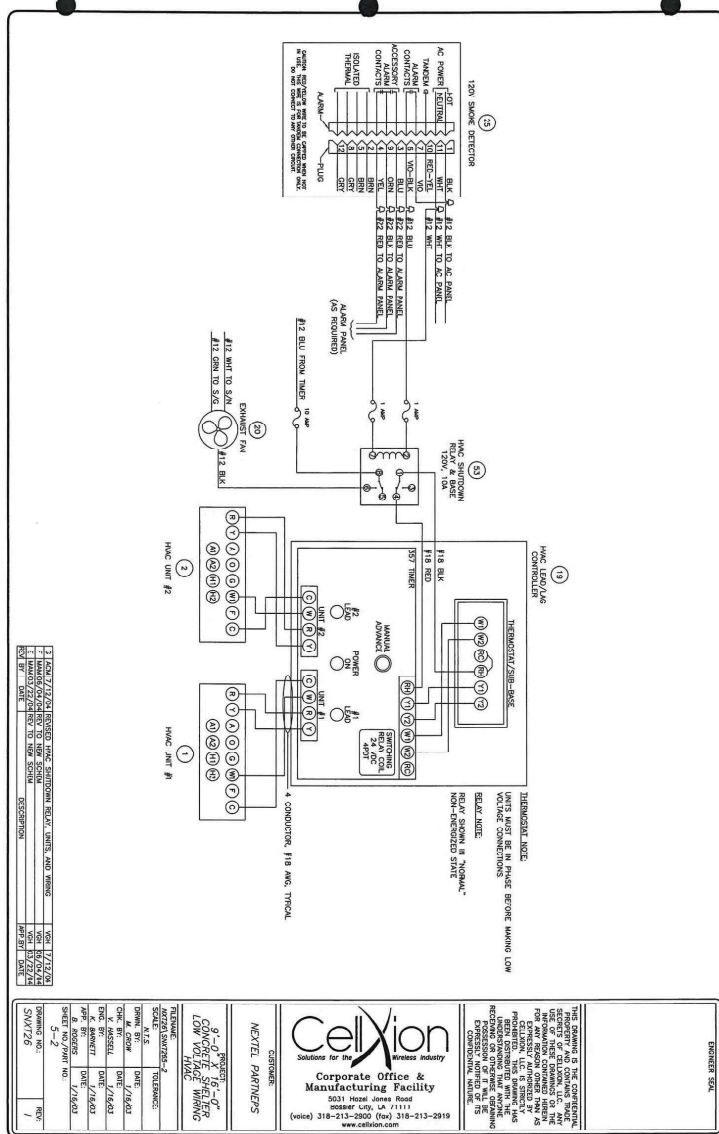
ORGANIZATION	TIME	EVENT DATE	LOCATION
Skybest Communications	10 am – 12 pm	November 2, 2023	217 Wilson Dr, Boone

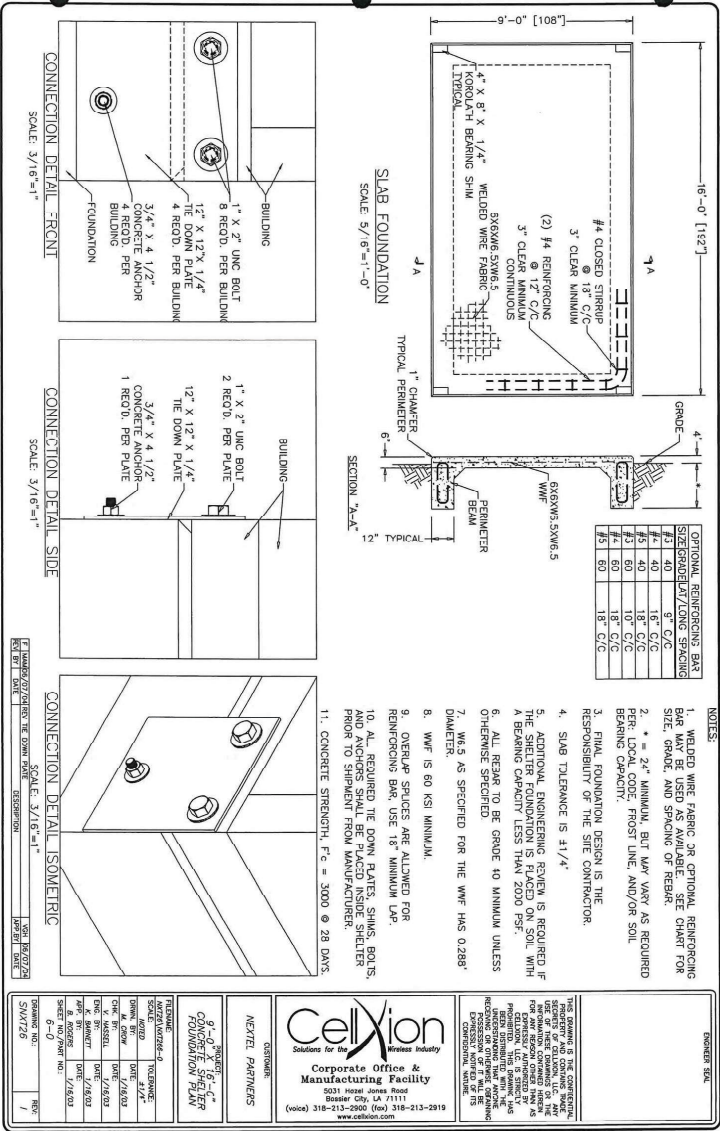
NO	NAME	STREET ADDRESS			
1	SUSAN M ^C LAMB	188 Cecil Miller Rd. Unit 102			
2	MARY J. BYRD	1022 NEW RIVER HILLS			
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					

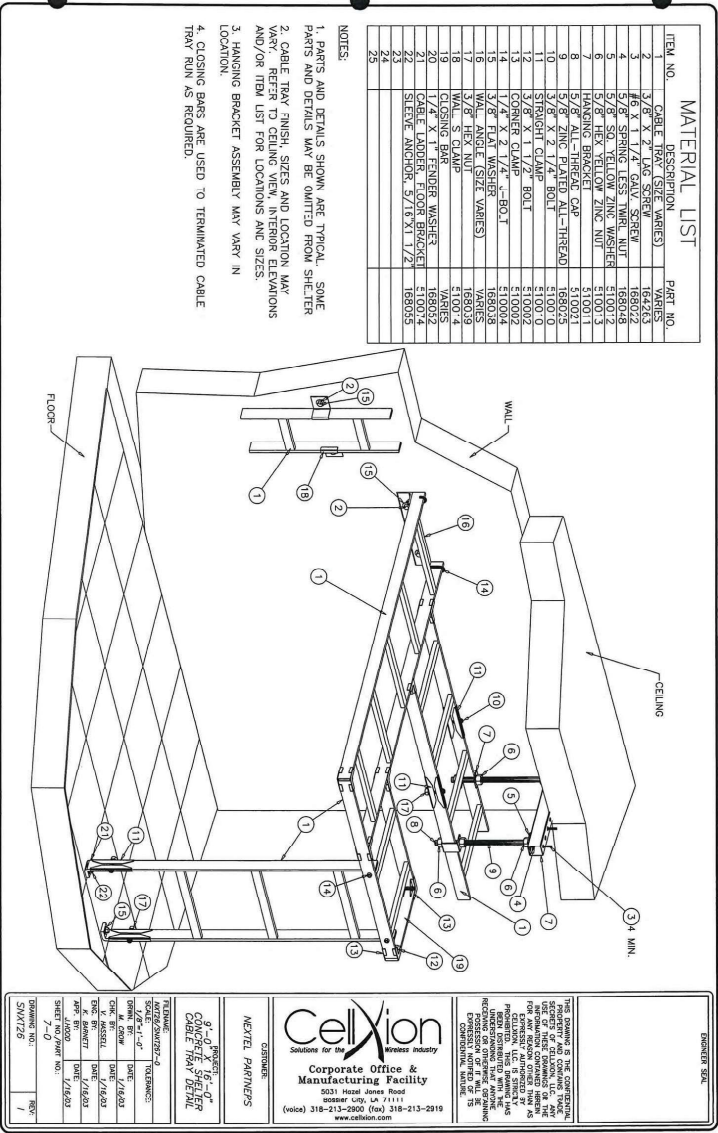
Larry Gragg

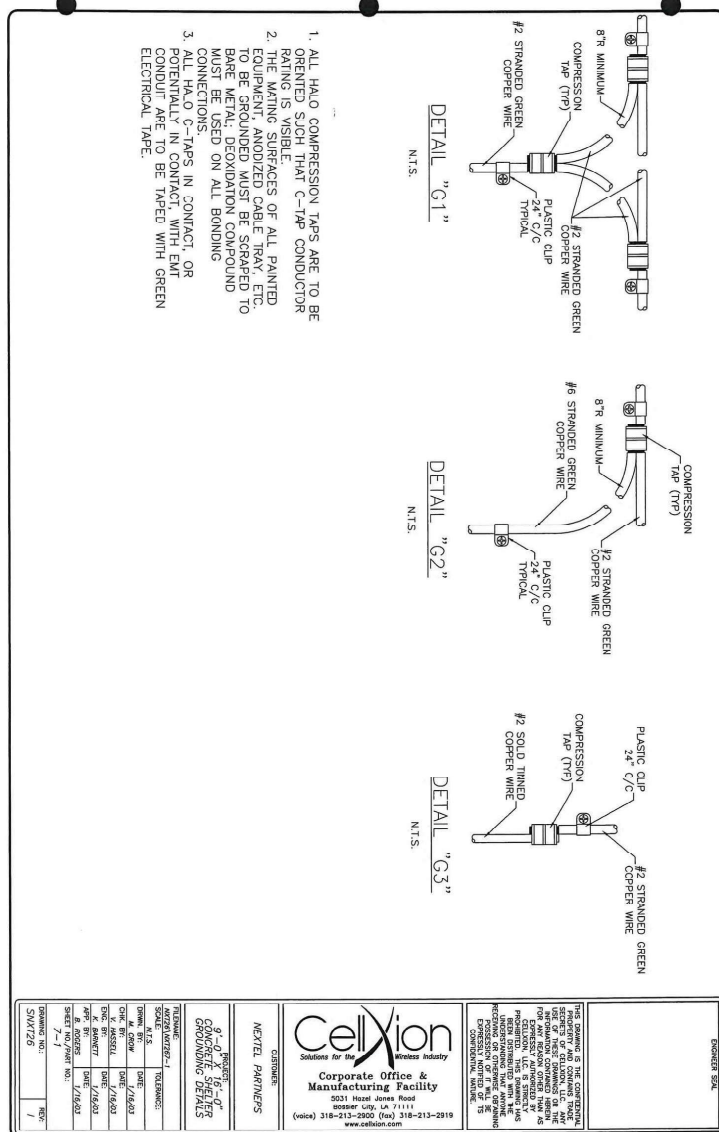
131 Hilltop Dr

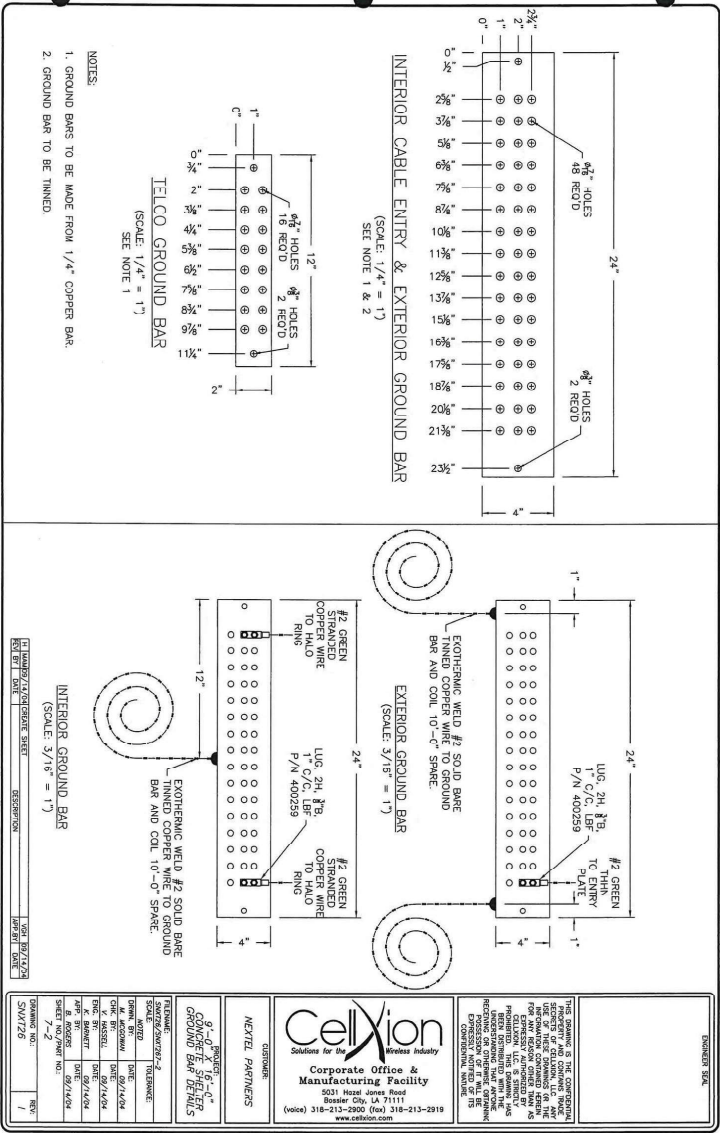
called on 10/27



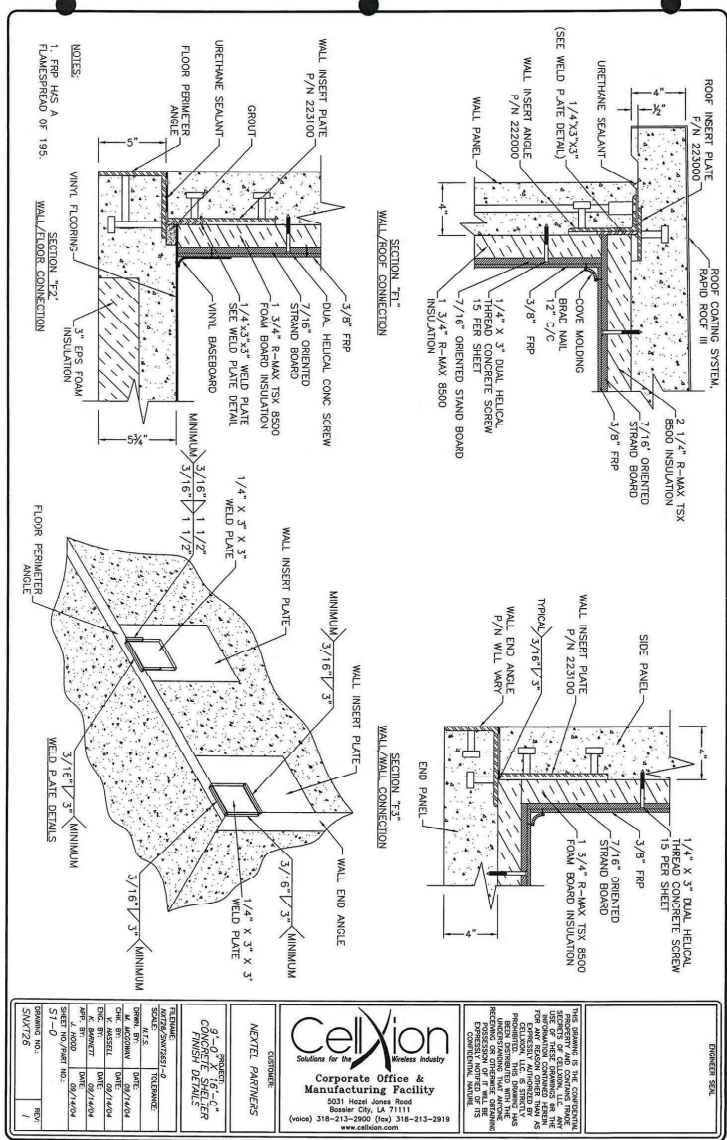




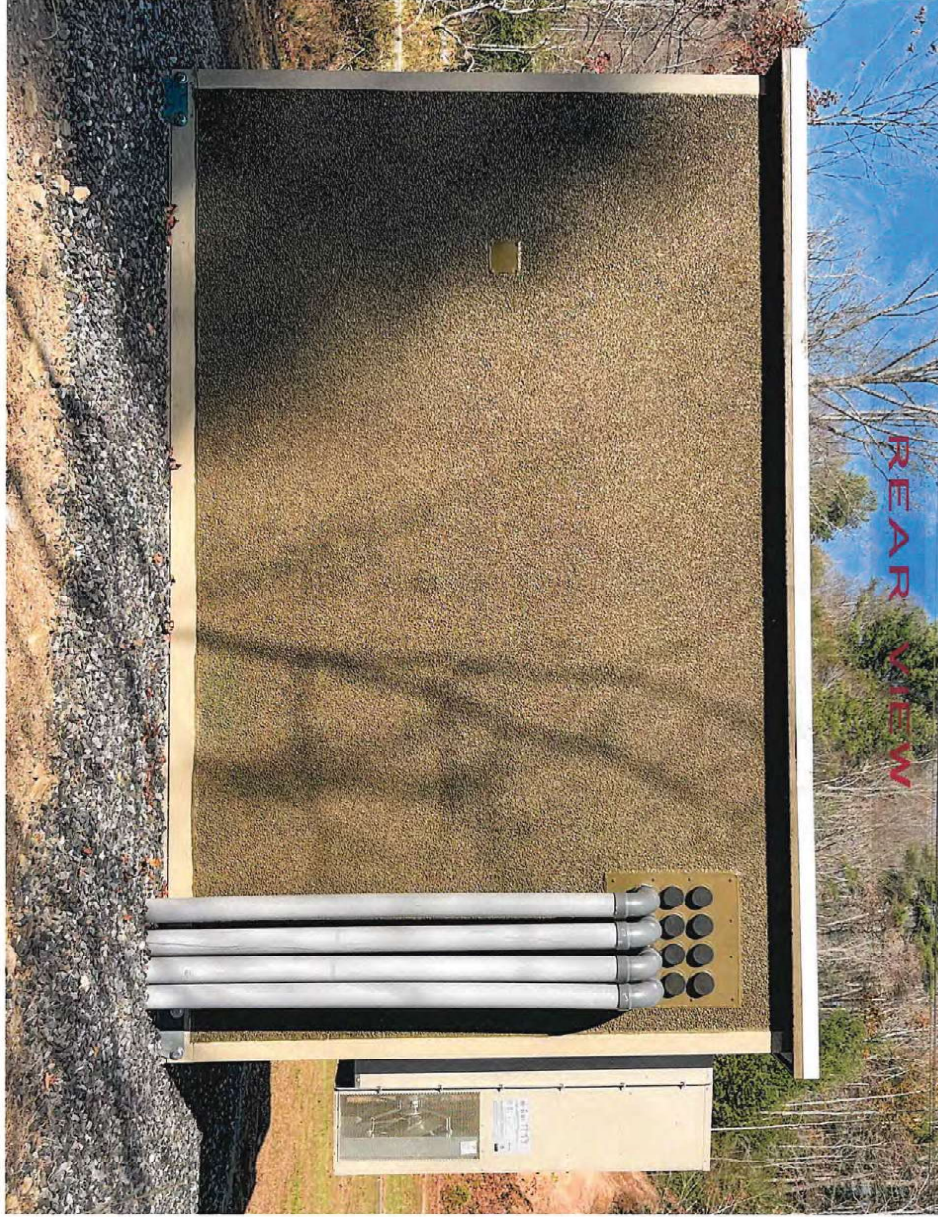




C	CC	12/3/03	MOVED AC OPENINGS TO WALL 3"	WH	12/3/03
REV	BY	DATE	DESCRIPTION	APP BY	DATE











FILED John Townsend
Register of Deeds, Watauga Co., NC
Recording Fee: \$5.00
NC Real Estate TK: \$363.00

2007010300001519 DEED
BK: BR1250 Pg: 551
01/03/2007 03:07:11 PM 1/2



WARRANTY DEED

Excise Tax: \$383.00

STATE OF NORTH CAROLINA

COUNTY OF WATAUGA

This Warranty Deed made this 29th day of December, 2006, by and between

SHIRLEY ANNE RAY, unmarried

(hereinafter called "Grantor")

and

✓ **WATAUGA COUNTY,**

a North Carolina corporate and body politic, chartered by the State of North Carolina

(hereinafter called "Grantee")

whose address is:

814 W. King Street
Boone, NC 28607

WITNESSETH:



Grantor, for and in consideration of the sum of Ten Dollars and other good and valuable consideration in hand paid by Grantee, the receipt of which is hereby acknowledged, has given, granted, bargained, sold and conveyed and by these presents does give, grant, bargain, sell, convey and confirm unto Grantee, its successors and assigns, in fee simple, all that certain parcel or tract of land situated in New River Township, Watauga County, North Carolina, and more particularly described as follows:

A 0.951 acre tract located in New River Township, Watauga County, North Carolina, and more particularly described on Watauga County Plat or Job No. 06151-1, dated October 5, 2006, by New River Surveyors, and being Lots No. 1, 2, 3, 4, 5, 6 and 7, Block "B" of the Ray Development, as shown on plat recorded in Plat Book 1, Page 73, Watauga County Registry.

THIS DEED WAS PREPARED WITHOUT BENEFIT OF TITLE SEARCH



The foregoing description was prepared from information contained in the Deed recorded in Book 185, Page 351 and Book 186, Page 939, Watauga County, North Carolina, Public Registry.

TO HAVE AND TO HOLD the aforesaid parcel or tract of land and all privileges and appurtenances thereunto belonging, or in any wise appertaining, unto Grantee and its successors and assigns in fee simple forever.

Grantor covenants with Grantee that Grantor is seized of the premises in fee simple and has the right to convey the same in fee simple; that title is marketable and free and clear of all encumbrances, other than those exceptions set forth below; and that Grantor will warrant and defend the title to the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Shirley Anne Ray
Shirley Anne Ray, Unmarried

STATE OF NORTH CAROLINA

COUNTY OF WATAUGA

I certify that SHIRLEY ANNE RAY, unmarried, personally appeared before me this day and acknowledged to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

WITNESS my hand and official seal this 29th day of December, 2006.

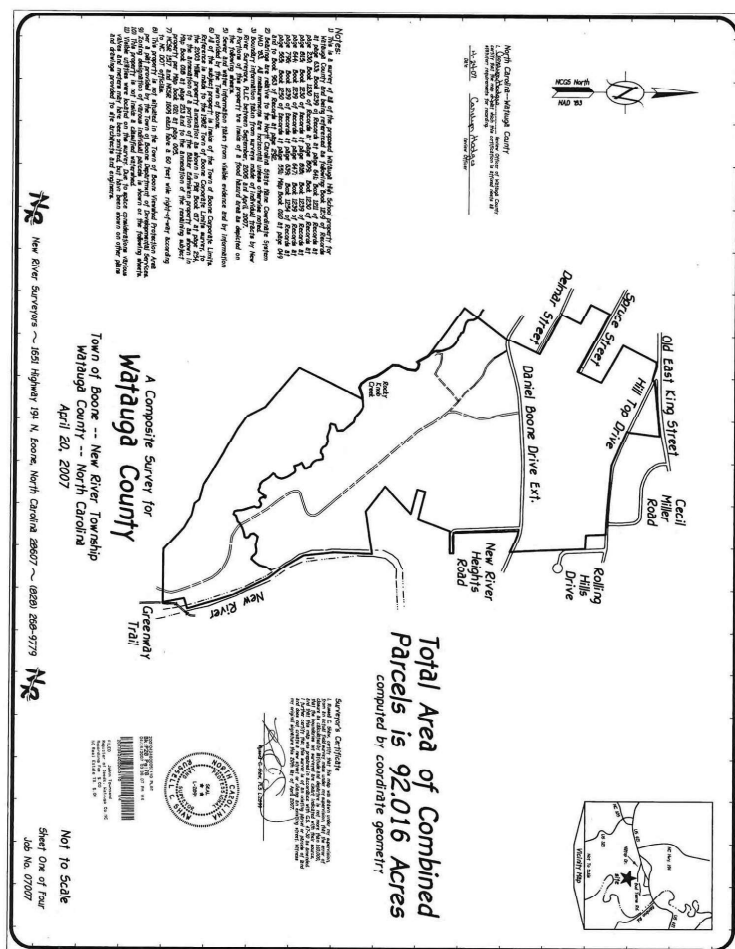
(Notarial Seal)

Charles E. Clement
Notary Public Signature Above
Charles E. Clement
Notary's Printed or Typed Name Above

My Commission Expires: 11-28-08



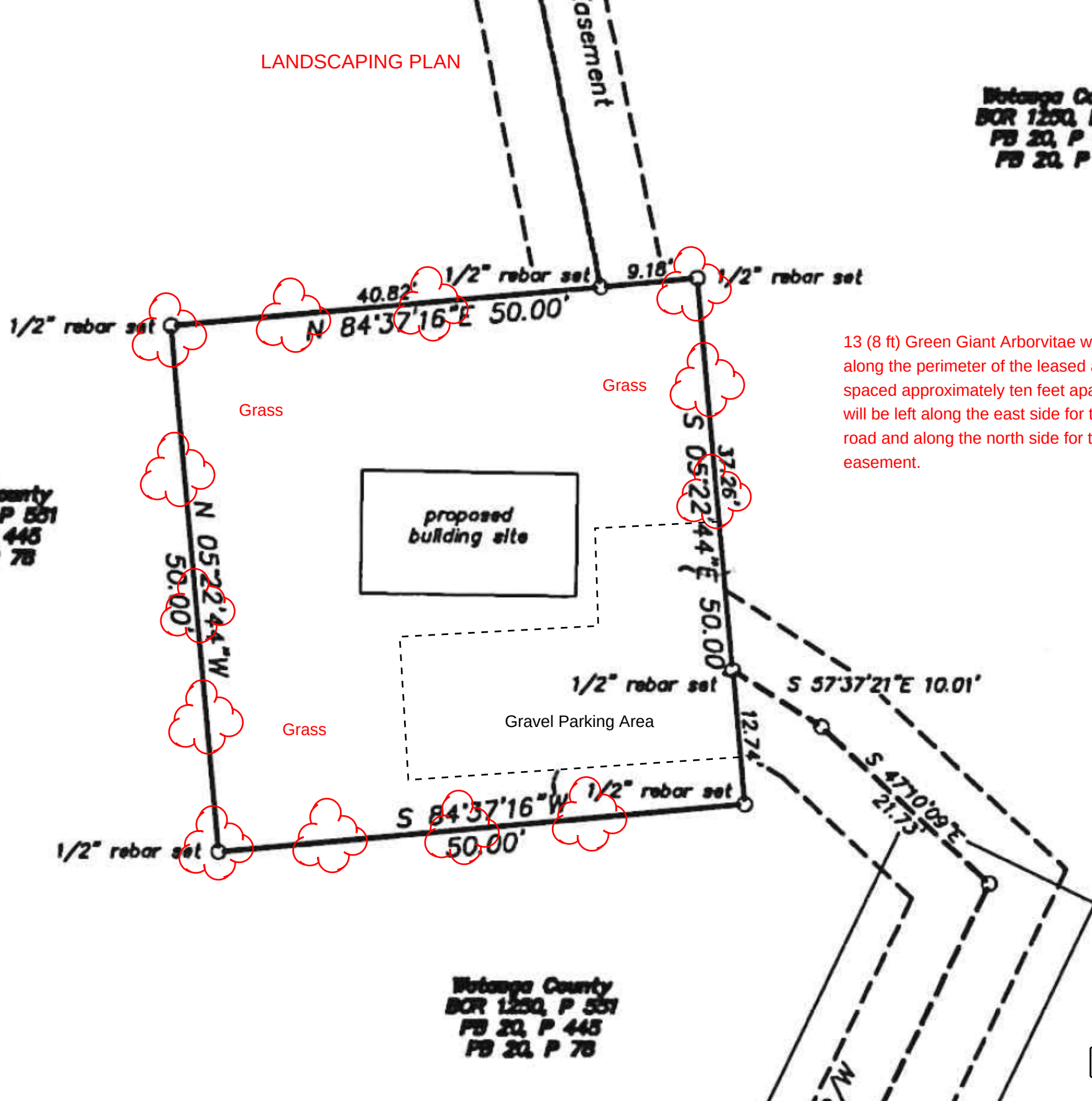




LANDSCAPING PLAN

Montana County
BOR 1250, P 551
PB 20, P 445
PB 20, P 78

Montana County
BOR 1250, P 551
PB 20, P 445
PB 20, P 78



13 (8 ft) Green Giant Arborvitae will be planted along the perimeter of the leased area and spaced approximately ten feet apart. Openings will be left along the east side for the access road and along the north side for the utility easement.

Montana County
BOR 1250, P 551
PB 20, P 445
PB 20, P 78



Staff Report
March 25, 2024

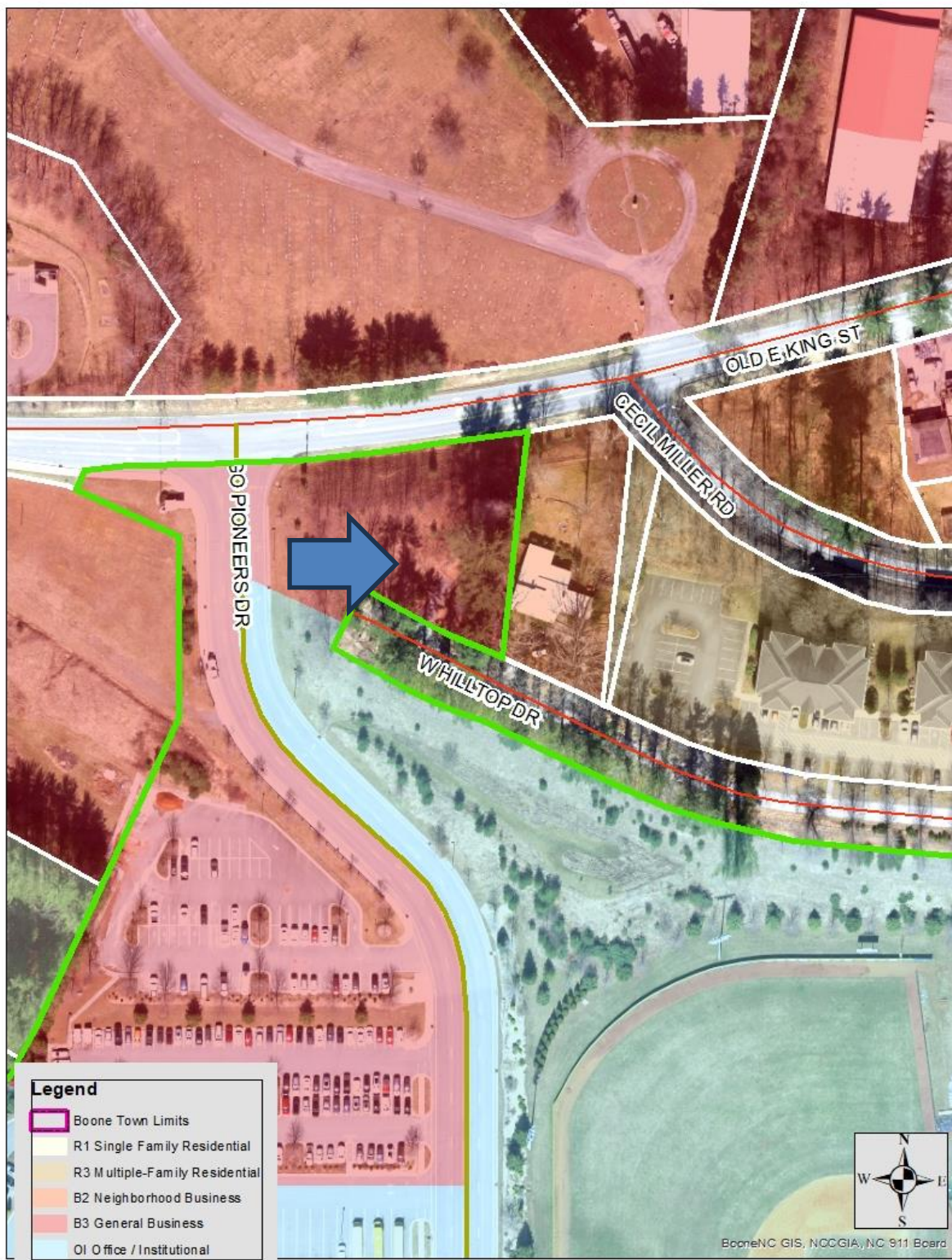
Case A23-0624-Skyline Neighborhood Utility Facility Conditional District Zoning Map Amendment



Request

Skyline Telephone Membership Corporation has submitted a Conditional District Zoning Map Amendment petition to amend the existing 2007 Conditional District Zoning designation on property on West Hilltop Drive to construct a 144 square foot equipment shelter to add use 6.01, Utility Facility, Neighborhood to the existing Conditional District approval.

Staff Note: Since the high school parcel is quite large, a second map is shown below zooming in on the portion of the property to be disturbed.



Parcel Information

Address:	(TBD) West Hilltop Drive
Property Owner:	Watauga County
Watauga County PIN:	2910-88-3456-000
Lot size :	92.02 Acres; Utility Facility has a leased area of 2,500 square feet
Jurisdiction:	Town of Boone
Access:	West Hilltop Drive (Town maintained)
SFHA:	Yes, however subject 2500 square foot area is located over 1,400 feet from the SFHA.)
Watershed District:	No
Corridor District:	No
NCD:	No
Viewshed:	Yes, a small portion of the property located along to southern portion of W Hilltop Drive is in the viewshed, however, the lease area for the Utility Facility is outside of this area.
Steep Slope:	Yes, however, none on the leased area for the Utility Facility is disturbing any steep or very steep slope
Very Steep Slope:	No
Transitional Zone:	No
Current Zoning:	Split zoned: Conditional District OI and Conditional District B3
Current Use:	Use 9.04 High School
Proposed Use:	Addition of Use 6.01 Utility Facility, Neighborhood Utility facilities that are designed to serve the immediately surrounding neighborhood and for reasons associated with the purpose of the utility in question must be located in or near the neighborhood where such facilities are proposed to be located.

Zoning & Use of Adjacent Properties		
	Adjacent Zoning	Adjacent Land Use
North	B3 General Business	Cemetery, Multi-family residential
East	B2 Neighborhood Business	Single-family Dwelling
South	CDOI Conditional District Office Institutional	High School
West	B3 General Business	Undeveloped/Vacant

Note: This assessment was based only on the area where the Neighborhood Utility Facility is being located due to the size of the overall tract (92 acres).

Procedural Analysis:

Pursuant to UDO Subsection 14.01.02(C) a Conditional District (CD) is a zoning district in which the use and development of a property pursuant to a site-specific development plan is approved through the legislative process pursuant to Article 9 of this Ordinance. A CD utilizes a proposed general use zoning district, is limited to the authorized uses and development standards mandated within that district, and may be subjected to conditions that make the development more desirable.

A site-specific vesting plan is defined in UDO Article 34 as “A plan submitted to a local government in which the applicant requests vesting in accordance with Section 4.13, describing with reasonable certainty on the plan the type and intensity of use for a specific parcel or parcels of property. The plan may be in the form of, but not be limited to, any of the following plans or approvals: a subdivision plat, a preliminary or general development plan, a special use permit, a conditional district zoning plan. The plan shall include the approximate boundaries of the site; significant topographical and other natural features affecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways.”

See below for details on the applicant’s compliance with the Conditional District procedural requirement for a neighborhood meeting as set forth in UDO Subsection 9.09.02 and the development’s overall compliance with UDO standards specific to the development:

Compliance with UDO Subsection 9.09.02 Neighborhood Meeting:

- A. The applicant shall conduct a neighborhood meeting prior to the submission of the application for a Conditional District Zoning Map Amendment. This meeting will allow the applicant to explain the proposed development and to be informed of the concerns of the neighborhood and surrounding property owners.
- B. A meeting notice must be mailed to property owners within 300’ of the development at least 25 days prior to the meeting in accordance with Subsection 1.13.02 herein. A copy of the notice shall also be provided to the Planning Department. The notice shall contain a summary of the proposed development, the applicants contact information, the date, time, and location of the meeting.
- C. The meeting must be held at an accessible and convenient location and time in light of available options. Upon coordination through the Planning Department, the meeting may be held at Town Council Chambers if that location is available.
- D. At the meeting, the petitioner, at a minimum, shall present all the following information:
 1. Contact information of the parties involved in the ownership, design, and development of the property;
 2. The location of the property and general information on the current conditions of the site;
 3. Proposed use(s) and site development;
 4. Any preliminary plans or renderings, if available; and

- E. The applicant shall provide the Administrator with a summary report of the meeting which includes a list of all attendees and details the meeting including all concerns expressed by attendees and commitments made by the petitioner. This report shall be included in the staff report.

Staff Note: The applicant held a neighborhood meeting on November 2, 2023. A recap of the meeting along with the certification of mailing to the property owners is included in the board packet (Exhibit 3).

Zoning Analysis

B3 Intensity Standards:

Standard	Proposed	Compliance
Minimum Gross Land Area: 20,000 sq. ft.	92 acres	Yes
Minimum Lot Width: 80 feet	Varying widths	Yes
Minimum Street Frontage: 64 feet	Approximately 400 feet	Yes
Minimum Livability Space: .40	.538	Yes
Interior Setback: 13'	Varies	Yes
Street Setback: 20'	20'	Yes
Maximum Building Height: 4 Stories	1 story/10'	Yes

Parking:

Required	Proposed	Compliance
Automobile Space – maximum of 3 spaces	3	Yes
Bicycle, Short-Term – not required	0	Yes
Bicycle, Long-Term – not required	0	Yes
Motorcycle – not required	0	Yes

Use Compliance

Compliance with limited use requirements in UDO Section 15.16 Utility Facility

Pursuant to UDO Section 15.16, each utility facility shall meet the following standards:

15.16.01 Utility facilities in or adjoining residential zoning districts must maintain district setback, be fenced (unless totally enclosed within a structure), and either be screened from view or designed to have a residential appearance.

Staff Note: The applicant's site plan shows evergreen screening and demonstrates compliance. (See Exhibits 4 and 5).

15.16.02 Equipment producing noise or sound may not exceed 60 decibels at any adjoining property line.

Staff Note: The applicant has indicated they will be in compliance with this requirement.

ANALYSIS BY OTHER TOWN STAFF

Public Works:

Utilities Division (Robbie Jones, Utility Services Technician)

Approved.

Services Division (Justin Stines, Deputy Public Works Director)

Approved.

Fire Department (Amy Flieg, Fire Marshal)

Approved.

CONFORMITY TO ADOPTED PLANS

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.

Community Appearance and Community Character: Blend the built environment with the natural, scenic, and historic character of a High-Country small town. Especially discourage commercial strip development, cluttered signage, and "cheap" apartment buildings.

Open Space: Integrate open space and greenways into the urban fabric of the Town. Preserve the countryside by discouraging suburban sprawl. Avoid development in floodplains, on ridgetops, and on steep slopes.

Environmental Quality: Address and monitor growth factors and activities that contribute to water, air, light, and noise pollution.

Trees: Conserve existing trees and plant new trees, especially hardwoods.

Infrastructure: Engage in long range planning for water and sewer systems, stormwater runoff, natural gas, and other utility systems. Place overhead utilities underground whenever feasible.

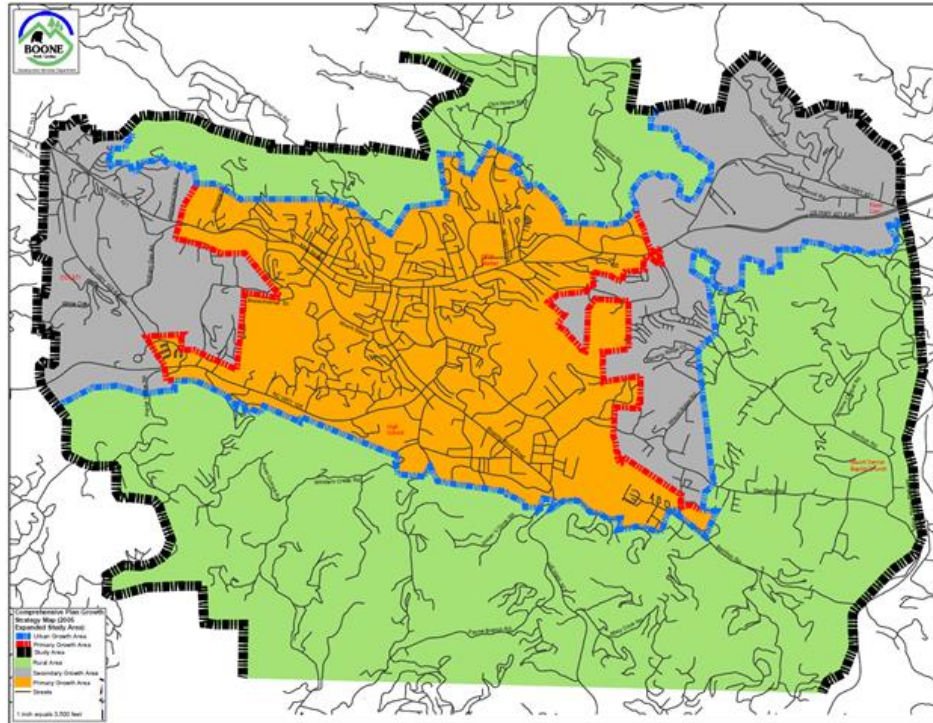
Public Safety: Maintain a high level of policing and fire protection and plan the expansion of public safety services to coincide with projected population increases and identified needs.

Energy and Waste: Reduce waste generation, and the consumption of energy and water. Develop area recycling programs to the fullest. Encourage an anti-litter consciousness among residents and visitors.

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

Public Involvement: Encourage active public involvement and volunteerism to expand the effectiveness of community planning and action.

1.2 Growth Strategy Map (p. 17): The property is located within Primary Growth Area.



The property is located within the Primary Growth area. The Primary Growth Area is that portion of the urban growth area where urban level or facilities are already in place or can be provided most cost effectively. This is the area where near term growth and development is to be especially encouraged.

The Secondary Growth Area is that portion of the urban growth area where urban level services can be provided, but on a lower priority basis than in the primary growth area.

Additionally, for comparison, the Rural Area is that portion of the planning study area that is influenced by urban area growth forces, but within which urban level development should be strongly discouraged. Urban level services and associated development densities should not be planned for this area, except in case by case evaluations of major economic development projects.

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. See below:

2.1 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.
- D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas.

...

2.1.2 Commercial Development

- F. Commercial uses may be encouraged to develop by consolidation and expansion of existing commercially zoned property, only when such consolidation and expansion does not encroach upon a viable residential area.

2.3 THE COMMUNITY

- A. Urban type development within the Urban Growth Area shall meet appropriate Town standards.

2.3.1 Community Appearance

- A. Measures to improve the effectiveness of grading, landscaping and buffering standards for new and existing developments shall be encouraged.
- B. The significance of street trees in providing visual relief, summer cooling, improved air quality and livability shall be recognized through public policies and actions to encourage their planting and maintenance.

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.
- C. Wise development of the tourism potential of the area's architectural, historic, scenic and natural resources shall be encouraged.
- D. The destruction of significant architectural, historic, scenic, natural and archaeological resources in the planning area shall be discouraged.
- 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.

2.3.3 Housing & 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.
- 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.

...

Certificate of Mailing

I, Brenda Henson, certify that individual notices meeting the requirements of Article 9 of the Town of Boone UDO were placed in the mail (first class) on March 1, 2024.

/s/ Brenda Henson

Brenda Henson, Administrative Support Specialist

Certification of Posting

I, Brandon Wise, certify that the subject property was posted as required in Article 9, Subsection 9.03.03(B)(2) of the Town of Boone UDO on March 1, 2024.

/s/ Brandon Wise

Brandon Wise, Environmental Specialist

Conclusion

The following conditions are automatically included and a part of any approval.

1. Where there is a conflict between the application information and the plans (dated received on December 13, 2023), the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. Any commitments and representations concerning the proposed development made by the applicant or its (his or her) representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.
3. The applicant shall submit the necessary applications, plans, details and specifications which meet the requirements of the Town Code, UDO, Building Code and any other applicable codes for review and approval necessary to issue Zoning and Building Permits.

Any other conditions agreed upon by the applicant and Town Council:

1. Any other conditions agreed upon ...

Planning Commission Recommendations

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

Vote 1: The proposed amendment to the Town's zoning map ☐is OR ☐is not consistent with the Town's 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 #A23-0624 within Exhibit A 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.

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 ACTION - 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. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently.

Vote 1: The proposed amendment to the Town's zoning map ☐ **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

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

Vote 2: The Town Council ☐ **approves** OR ☐ **denies** and believes ☐ **approval** OR ☐ **denial** of Ordinance #A23-0624 in Exhibit A is reasonable and in the public interest because:

Note 2

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.

Exhibit A**Ordinance A23-0624**

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

WHEREAS, the Planning Commission and Town Council has received the request to amend the Official Zoning Map of the Town of Boone, North Carolina to modify the CD B3 General Business site-specific development plan for the Watauga High School approval by allowing Use 6.01 Neighborhood Utility Facility.

Addresses: (TBD) West Hilltop Drive

Watauga County PIN: 2910-88-3456-000

Property Owner: Watauga County

WHEREAS, the Boone Town Council held a duly-noticed public hearing March 25, 2024 with respect to this rezoning request; and

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

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

NOW, THEREFORE, BE IT RESOLVED as follows:

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

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

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

Adopted this the 24th day of April, 2024.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon-Church, Town Clerk

Conditional District Zoning Map Amendment Application

Town of Boone Planning & Inspections Department

680 W. King Street, Suite C ♦ Boone, North Carolina 28607

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



A. Required to be Submitted at Time of Application (check all that apply)

Note: A pre-application meeting is required prior to application submittal.

Failure to provide the information required on this application may delay the review and scheduling of the requested hearing.

- ☒ Digital copies of all paper submittal documents (may be emailed to planning@townofboone.net)
- ☒ 6 paper copies of complete site plans meeting the requirements of Town of Boone Unified Development Ordinance (UDO) Appendix A (max. size 30" x 42")
- ☒ Deed(s) of all property to be included in the request
- ☒ Both a digital and a hard copy of a written metes and bound legal description with accompanying survey map for a request that would rezone only a portion of a tax parcel or requests for multiple zoning districts.
- ☒ Property Owner Authorization. If you are not the property owner, you will need to provide documentation of property owner authorization to apply for this permit.
- ☒ Permit Fee (See Planning & Inspections Fee Schedule). Each application is allowed two (2) reviews. The 1st review of the submitted information and a 2nd review if revisions or supplemental information is required based upon the 1st review. Each subsequent review after the 2nd review will be charged at 50% of the original fees charged for the application. These fees shall be paid at the time of resubmittal.

B. Requested Hearing – See latest published Meeting Schedule for dates

Date of requested hearing: PUBLIC HEARING/PLANNING COMMISSION / TOWN COUNCIL
MARCH 25TH 2024 / APRIL 10TH or 24TH, 2024

C. Property Information (Project Location)

Street Address:

110 AUSTIN LANE

Watauga County Parcel Identification Number(s):

2901 800 622 000

D. Property Owner Information

Name:

WILLIAM MAX DIXON JR. RECOVERABLE LIVING TRUST WILLIAM (BIN) MAX DIXON, JR. - TRUSTEE

Complete Mailing Address (Street, City, Zip):

110 AUSTIN LANE, BOONE NC 28607

Phone Number:

828.964-1717

Email Address:

bill@appalachia.com

E. Applicant Information

Name: CHRISTAL COX NEAVES

Company:

BILL DIXON

NA

Complete Mailing Address (Street, City, Zip):

110 AUSTIN LANE BOONE, NC 28607

Phone Number:

Bill - 828-964-1717 CHRISTAL 828-964-1217

Email Address: Bill - bill@appalachia.com

Christal - christalneaves@gmail.com

Preferred Method of Contact for Written/Response Documents (select one): ☐ Mail or ☒ Email

F. Detailed Description of Project

REQUEST TO AMEND ZONING MAP TO CONTINUE USE OF TWO (2)
SHORT-TERM VACATION RENTALS ON OUR 3+ ACRE HISTORIC
PROPERTY IN DOWNTOWN BOONE.

G. Project Cost

Project Cost:

\$NA- FEES ASSOCIATED w/ APPLICATION & PREPARATION OF PRESENTATION MATERIALS

H. Development Information

Is the development subject to a previous Special Use Permit? ☐ Yes ☒ No ☐ Unknown

If yes, please describe: _____

Are there any other variances granted that impact the property? ☐ Yes ☒ No ☐ Unknown

If yes, please describe: _____

Are there any other variances requested with this development? ☐ Yes ☒ No

If yes, please describe: _____

I. District/Use Information

Existing Zoning District:

RIA

Proposed Zoning District(s):

CDRIA

Existing Land Use(s):

1.01A3

Proposed Land Use(s) (Specific Use # from UDO Section 15.07 Required):

1.01, A, 3

J. Site Information (include information for additional buildings on a separate sheet)

Building Footprint Square Footage:

Current: NA

Proposed: UNCHANGED

Total Building Square Footage (all floors):

Current: NA

Proposed: UNCHANGED

Number of Stories

Current: NA

Proposed: UNCHANGED

Building Height:

Current: NA

Proposed: UNCHANGED

Number of Units:

Current: _____

Proposed: UNCHANGED

Number of Bedrooms:

Current: _____

Proposed: UNCHANGED

K. Environmental Information

Total Land Area : 3.073 ☐ Sq. Feet or ☒ Acres

Disturbed Area: NA ☐ Sq. Feet or ☐ Acres

Viewshed: Is development occurring within the Viewshed Protection District? ☐ Yes ☒ No ☐ Unknown

Is development occurring on slopes in excess of 30%? ☐ Yes ☐ No ☒ Unknown

Slope:

Is development occurring on slopes in excess of 50%? ☐ Yes ☐ No ☒ Unknown

Is the property located within a designated Water Supply Watershed Area? ☐ Yes ☐ No ☒ Unknown

Watershed:

If yes, please select: ☐ WS-II-CA ☐ WS-IV-PA ☐ WS-IV-CA

Stream/River: Is there a stream or river on or near the property? ☒ Yes ☐ No

SFHA: Is the property located within the Special Flood Hazard Area? ☐ Yes ☒ No ☐ Unknown

Impervious Area: What is the existing impervious area in the development? NA ☐ sq. feet ☐ acres
What is the proposed impervious area in the development? UNCHANGED ☐ sq. feet ☐ acres

L. Design Professional Information

Designer is an: ☒ Architect ☐ Engineer ☐ Owner ☐ Other: _____

Name: Bill Dixon Company: APPALACHIAN ARCHITECTS

Complete Mailing Address (Street, City, Zip):
703 WEST KIDG ST. BOONE NC 28607

Phone Number: 828-265-2405 Email Address: bill@appalacharch.com

Additional Designer Information: If additional designers are involved beyond the 1 listed, please provide additional info on a separate sheet.

M. Brownfields Agreement Notification

- Does the applicant have or is the applicant planning to enter into a Brownfields Agreement with the NC Brownfields Program? ☐ Yes ☒ No (If yes, please answer question #2 below.)
- Anticipated date for the first year of partial exclusion of property taxes: NA

N. Applicant Signature and Property Owner Authorization

I hereby certify that I am authorized to submit this application; that all information is correct and complete; and all work will comply with all applicable State and local laws, ordinances, and regulations. I will ensure that the Planning and Inspections Department is notified of any changes in the approved plans and specifications for the project permitted herein.

CHRISTAL COX NEAVES
Applicant (Print)

Christal Cox Neaves
Applicant (Signature)

01.09.2024
Date

WILLIAM MAX DIXON, JR. (BILL)

[Signature]

01.09.2024

WILLIAM MAX DIXON, JR. REVOCABLE LIVING TRUST
Property Owner (Print)

[Signature] TRUSTEE
Property Owner (Signature)

01.09.2024
Date

Official Use Only

Permit Name: <u>Dixon, Bill- CD Zoning Amendment Application</u>				
Permit Number: <u>A24-0026</u>				
Date: <u>01-09-2024</u>	Fee: <u>\$1090.00</u>	Receipt Number: <u>515355</u>	Method of Payment: ☐ Cash ☒ Check Number: <u>103</u>	Paid By: <u>William Max Dixon</u>

Official Use Only - Hearing/Decision Information

Public Hearing Meeting Date: _____

PC Meeting Date: _____

TC Meeting Date: _____

Date of APO Mailed Notification: _____

Date of Posted Notification: _____

Request Approved: ☐ Yes ☐ No If yes, date request sent to GIS: _____

S:\FORMS\PI_Forms_Current\Planning Forms\CDZMapAmend_10202020.docx

Neighborhood Meeting - Petitioner conducted a neighborhood meeting at their home located at 110 Austin Lane from 3:30-5:00 on Sunday, January 7th, 2024; per Section 9.09.02 of the Town's Unified Development Ordinance (UDO).

Previously, Petitioner mailed invitation to neighborhood meeting on Thursday, December 8th, 2023 to the forty-nine (49) property owners who own property within 300 feet of the petitioners property. Copy of invitation included herein. *(List of property owners and mailing addresses were provided by Zoning Staff).*

- Six (6) neighbors attended the meeting. Copy of sign-up sheet included herein.
- Three (3) neighbors who could not attend the meeting sent written letters of support included herein.
- Two (2) neighbors submitted letters of support following the meeting – included herein.

NEIGHBORHOD MEETING NOTES

Petitioners Christal Neaves & Bill Dixon welcomed guests

Petitioner Bill Dixon made a brief introduction of the Conditional District Zoning Map Amendment request including

- History of the property including the petitioner's residence (constructed 1924), log cabin (constructed 1941) and garage/apartment (constructed 1950's).
- History of the zoning regulations in the town as it relates to petitioner's property,
- Description of the short-term rental regulation requirements in the UDO
- Non-conformity – Petitioner stated that the property was non-conforming when the R1A zoning designation was applied because there were (are) three (3) dwelling units on the property. By connecting the detached garage to the main residence with a breezeway, the garage and house are considered one building, thereby allowing the dwelling unit above the garage to be considered an "In-home stay short-term rental" (which is allowed when property owners maintain a primary residence on the property).
- Breezeway - The town issued zoning and building permits to construct the breezeway in early December 2023. Construction is nearing completion.
- Purpose of the petitioner's rezoning application
- Petitioner's application to continue the two short term rentals on our property
- Conditional District Zoning Map Amendment process and schedule

Additionally, the petitioner provided the flowing graphics; included herein:

- Photographic history of the petitioner's 100 year old residence,
- Orthographic photo of the petitioner's property and surrounding neighborhood and
- Rendering of the applicant's new breezeway connecting the house and the (formerly detached) garage.
- Schedule of Public Hearing, Planning Commission and Town Councils meeting dates, times & location and ways to contact PC/TC members.

NEIGHBOR'S COMMENTS & CONCERNS DURING PRESENTATION:

- 1- All attendees spoke in support of petitioner's request to continue the two short-term rentals on our property.
- 2- No attendees expressed any concerns regarding noise, traffic or other negative effects that the petitioner's two short-term rentals had on their property or the neighborhood in general. One attendee expressed more concern over long term rental's negative effect on his personal properties and adjacent neighbors.
- 3- Brief discussion of the history of the existing R1A zoning of the petitioner's property as well as the same zoning designation of other surrounding properties that also have detached dwelling units in addition to the primary residence.

- 4- Attendees expressed some dismay in general with the Town's zoning regulations regarding existing non-conformities in older neighborhoods (that pre-existed zoning regulations) and a property owner's right to use their property as they chose.
- 5- There was limited discussion among attendees regarding how the Town will enforce the short-term rental regulations and assess fines. Though unrelated to the petitioner's rezoning request, there was limited discussion regarding the section of the UDO regarding more than two unrelated adults living together and the Town's enforcement of that regulation.

GUEST'S QUESTIONS:

"Why does petitioner have to go through this extensive process to continue the two short-term rentals which have been operating as short-term rentals since 2017-18 and prior to that -long term rentals since they were constructed 70-80 years ago?"

Petitioner responded with brief explanation of the Short-term rental regulations which were adopted by the Town in December 2021 and brief history of petitioner's ongoing request for permission to continue operating the two short-term rentals on our property.

"Would I have to go through the same rezoning process if a detached dwelling unit on my property was changed from a long-term rental to a short-term rental?"

Petitioner responded with an affirmative - YES, one would have to go through the same zoning map amendment process to change from long-term rental to short-term rental.

"Does petitioner's Conditional District Zoning Map Amendment request affect my, or other people's properties in the neighborhood?"

Petitioner responded that the CDZ only affects the petitioner's property and does not affect other properties in the neighborhood. Petitioner also noted that the zoning designation is tied to the property "perpetually" and remains in effect on the property until the same rezoning process is conducted by a future petitioner and approved by Town Council.

Petitioner also noted that a change of Ownership of the property does not alter the zoning designation of a property and that a Conditional District Zoning applied to the property is listed in the deed records in the Court House.

"How would new construction, such as the petitioner's new breezeway, affect the historical integrity of an existing historical building?"

Petitioner responded that while they (petitioner) is not a qualified Architectural historian, that generally speaking, as long as new construction could be removed without negatively affecting a historical building, and the structure could be returned to its previous state prior to the new construction, then an addition would be considered appropriate; depending on its design.

NEIGHBORHOOD MEETING CONCLUDED AROUND 5:00PM WITH CHRISTAL NEAVES GIVING ATTENDEES A TOUR OF THE TWO RENTALS.



CDZ ZONING MAP AMENDMENT

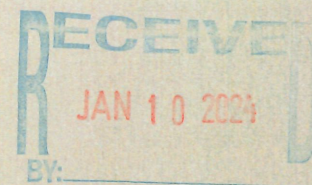
110 Austin Lane

Neighborhood Meeting

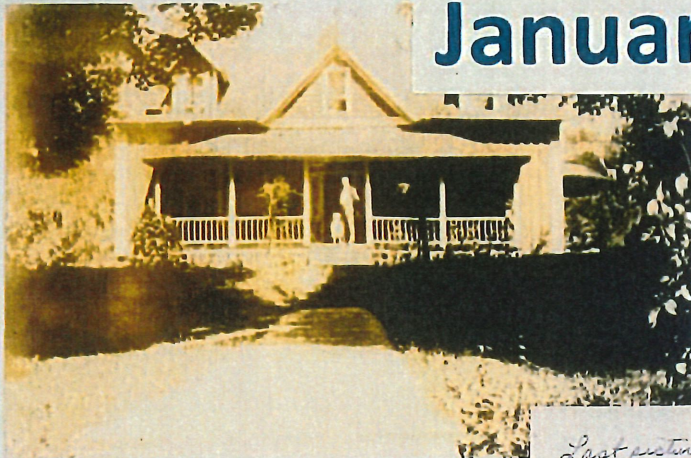
January 7th, 2024

UDO Section 9.09.02 Neighborhood Meeting

- A. The applicant shall conduct a neighborhood meeting prior to submission of the application for a Conditional District Zoning Map Amendment. This meeting will allow the applicant to explain the proposed development and to be informed of the concerns of the neighborhood and surrounding property owners.
- B. A meeting notice must be mailed to property owners within 300' of the development at least 25 days prior to the meeting in accordance with Subsection 1.13.02 herein. A copy of the notice shall also be provided to the planning department. The notice shall contain a summary of the proposed development, the applicants contact information, the date, time, and location of the meeting.
- C. The meeting must be held at an accessible and convenient location and time in light of available options. Upon coordination through the planning department, the meeting may be held at Town Council Chambers, if that location is available.
- D. At the meeting, the petitioner, at a minimum, shall present all the following information:
 1. Contact Information of the parties involved in the ownership, design, and development of the property;
 2. The location of the property and general information on the current conditions of the site;
 3. Proposed use(s) and site development;
 4. Any preliminary plans or renderings, if available; and
- E. The applicant shall provide the Administrator with a summary report of the meeting which includes a list of attendees and details of the meeting including all concerns expressed by attendees and commitments made by the petitioner. This report shall be included in the staff report.

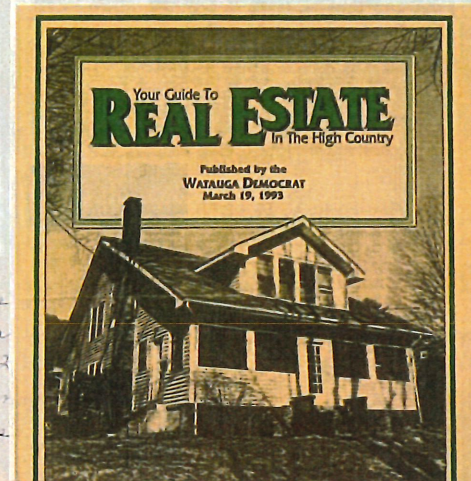


We CELEBRATE our house 100 year old birthday January 1st, 2024



Last picture of the old house before it was torn down September 1923. The south family moved into the new house on January 1, 1924.
Elizabeth South Storie

*Last picture
before it was
September 1923
South's
new house
1924*



Front porch was enclosed in 1950

Wall between
Kitchen & Dining
Room



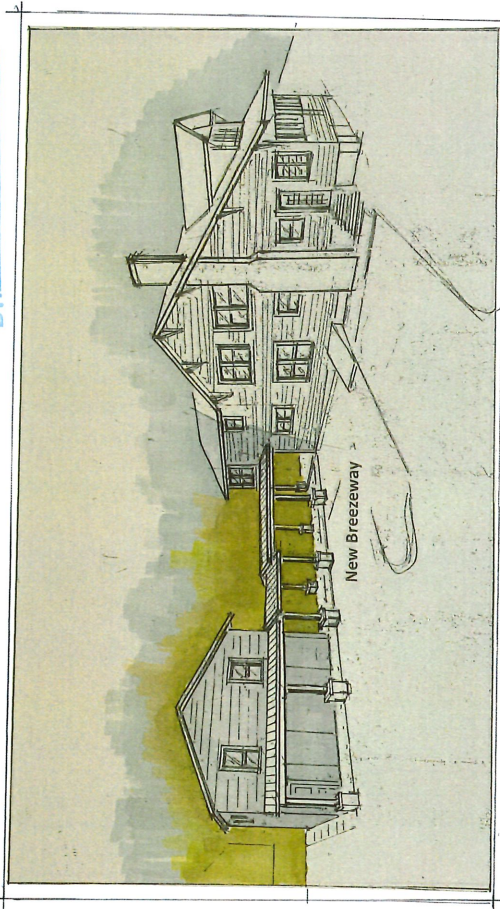
Yearbook Magazine Club — 1925-27 reads the caption to this photograph, which identified those depicted as, "Frank Grace Council, Carrie Waghman, Lucy Greene, Miss (T) Johnson, Beulah Gray, Miss Greene, Back Mrs. Womley, Rula Rankin, Mrs. Will Widdow, Mrs. Eppine (T), Hennie Limsey (T), Arvid Gray, Joseph (T) Crishes. Taken at the home of Austin and Miss Bell South."

2002 renovations
Finley 2 years old!



*2002
renovations/
Renovation*

RECEIVED
JAN 10 2024
BY:

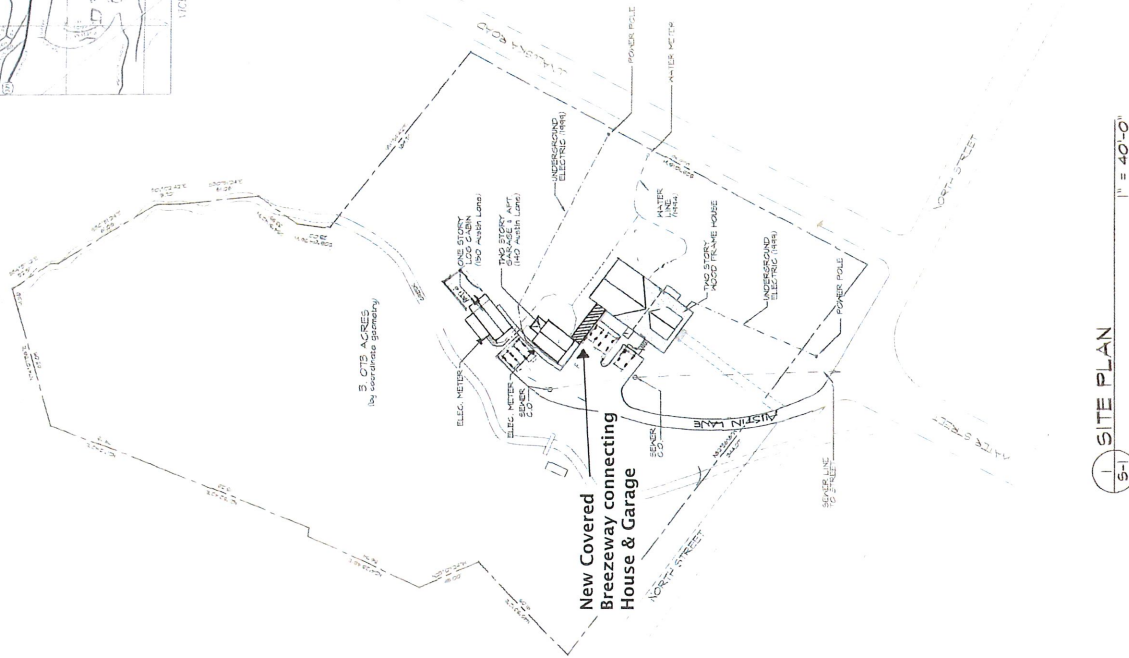


**New Covered Breezeway connecting
existing House to existing detached Garage**

Property Address: 110 & 140 Austin Lane, Boone, NC 28607

Property Owner: William Max Dixon, Jr. Revocable Living Trust
Bill Dixon, Trustee
Phone: 336-864-1717
Email: bill@apalarch.com

PIN #: 2901.800.622.000

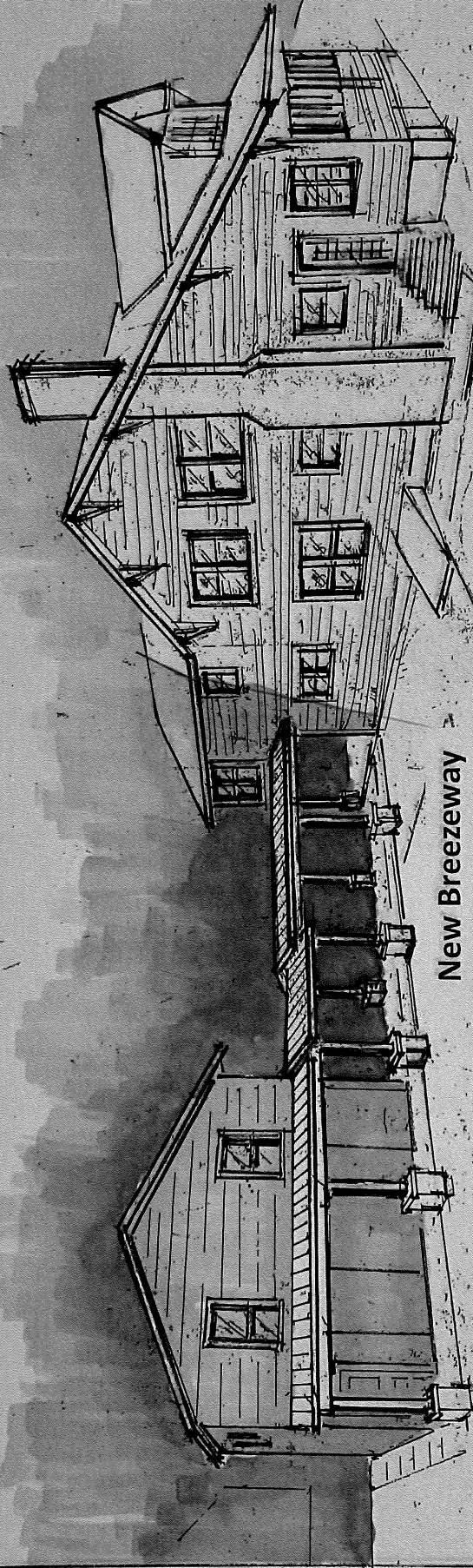


1 SITE PLAN
1" = 40'-0"

SITE PLAN & NOTES
BILL DIXON
RESIDENCE
BOONE
NORTH CAROLINA

● DRAWN BY
● CHECKED BY JED
● SHEET "FILE"

SHEET 1



New Breezeway

**New Covered Breezeway connecting
existing House to existing detached Garage**



copy

Neighborhood Meeting
Invitation

Wednesday, December 6th, 2023

Christal Neaves & Bill Dixon
110 Austin Lane
Boone, NC 28607

Dear Neighbor,

In December 2021 the Boone Town Council passed an ordinance controlling short term vacation rentals in the town which affects the use of our property and is the reason for this correspondence.

We are fortunate to live on a wonderful 3.16ac property in downtown Boone located at the north end of Water Street and the intersection of Junaluska Road & North Street. The property was owned by the prominent South family for over a century until we purchased it in 1993. The property includes the main house where we live (constructed 1923), a detached garage with apartment above (constructed 1950's) and a pre-1940's cabin. For the past six years, we have rented both the garage apartment and cabin as short-term rentals through Air BnB. Prior to that and as far back as our records exist, both the garage apartment and the cabin were rentals.

Our property was zoned R1A when the town adopted a zoning ordinance in 1983. R1A being Residential with 1 Accessory Structure. For us to be able to continue our short-term rentals on this property, the Town Council will have to approve a Conditional District Re-zoning of the property to a CD-R1A. **This process requires that the applicant invites all neighbors within a 300' radius of our property to a Neighborhood Meeting prior to our submitting the Conditional District Re-Zoning Application to the town.**

As such, we invite you to our house at 110 Austin Lane on Sunday, January 7th from 3:30 – 5:00 for a drop-in and tour of our historic property. We will have a brief presentation in the house at 4:00 followed by a Q/A period. Snacks and drinks will be provided. We welcome your input and feedback. It will be an opportunity for neighbors to meet and get better acquainted.

If you would like to view our two rentals online prior to the meeting, Google AirBnB, followed by:

"Whimsical Guest House-Downtown Boone"

"Creek-side Cabin Downtown Boone"

We wish you a wonderful holiday and look forward to seeing you on January 7th in our home.

Happy New Year!

Christal Neaves

Bill Dixon

Neighborhood Meeting – Sunday, January 7th, 2023



COPY

ATTENDEES:

CONTACT INFORMATION (Email address)

1. Gregory Reck
2. Madelin Semper
3. Rob Falvo
4. Jim Bates
5. Valerie Midgett
6. Katie Mack
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____
16. _____
17. _____
18. _____
19. _____

- Donjoyo 1944@gmail.com
- maelinsemper@gmail.com
- falvorj@appstate.edu
- jinjbates@gmail.com
- Valeriemidgett@gmail.com
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____



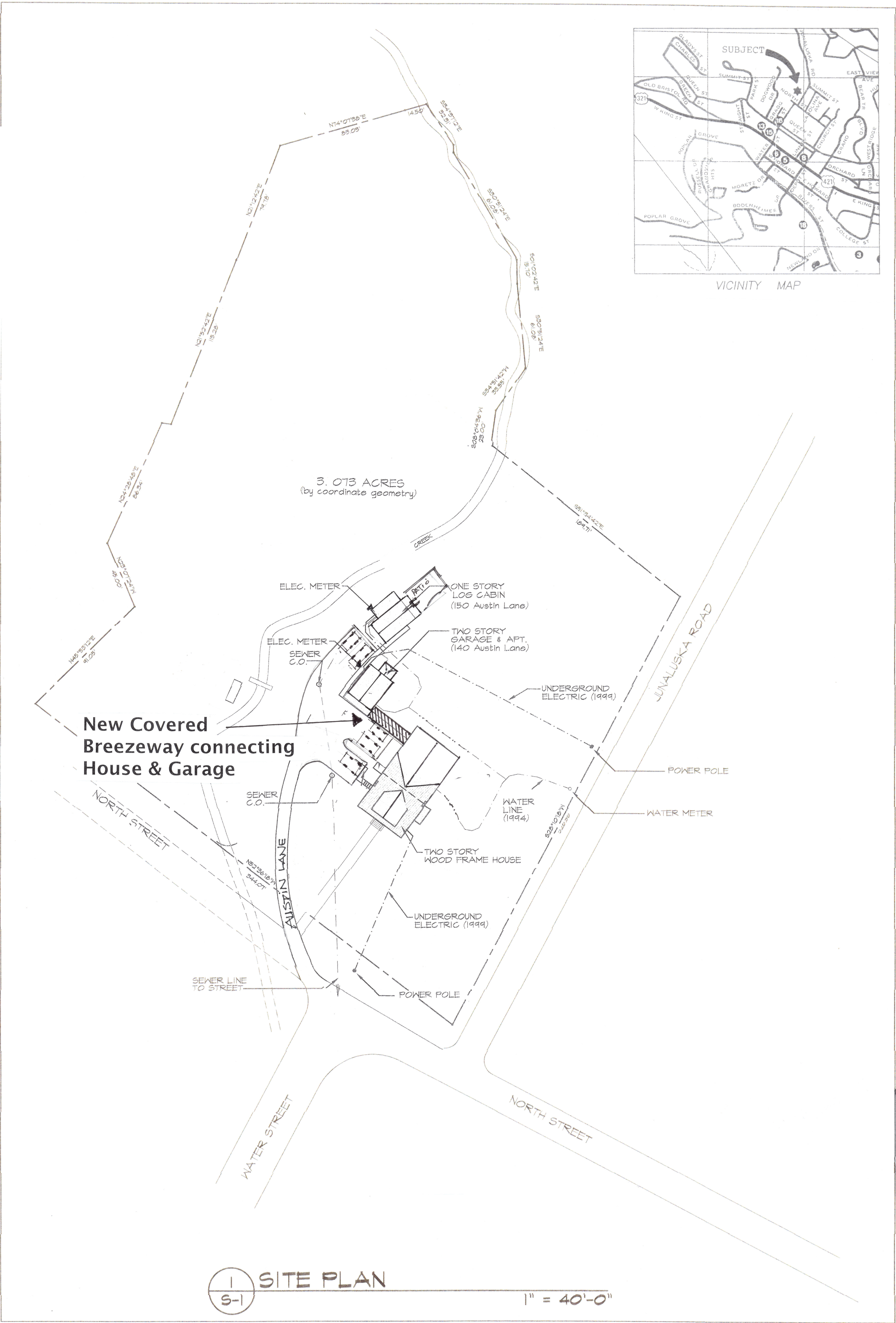
New Breezeway

New Covered Breezeway connecting existing House to existing detached Garage

Property Address: 110 & 140 Austin Lane, Boone, NC 28607

Property Owner: William Max Dixon, Jr. Revocable Living Trust
Bill Dixon, Trustee
Phone: 828-964-1717
Email: bill@appalarch.com

PIN #: 2901 800 622 000



SITE PLAN & NOTES

**BILL DIXON
RESIDENCE**
BOONE
NORTH CAROLINA

● DRAWN BY: JK
● CHECKED BY: BD
● SHEET TITLE

OF 1

**APPALACHIAN
ARCHITECTURE, PA**

APPALACHIAN
ARCHITECTURE, PA
BILL DIXON, NCARS
103 W. KING ST.
SUITE 201
BOONE, NC 28607
828 265 2405
FAX: 828 265 2406
E-MAIL: APPALARCH@SKYBEST.COM

DATE: NOV. 15TH 2023

REVISIONS:
DATE: REV# BY:



COPY

Wednesday, December 6th, 2023

Christal Neaves & Bill Dixon
110 Austin Lane
Boone, NC 28607

Dear Neighbors. Thanks for invitation. Fine w/ me that you continue to have BnBs. I find the idea we could get to know each other better a bit odd - as I've lived at 206 Ridgewood

Dear Neighbor,
In December 2021 the Boone Town Council passed an ordinance controlling short term vacation rentals in the town which affects the use of our property and is the reason for this correspondence.

Since 2009 & all we've ever disliked is cutting down trees
We are fortunate to live on a wonderful 3.16ac property in downtown Boone located at the north end of Water Street and the intersection of Junaluska Road & North Street. The property was owned by the prominent South family for over a century until we purchased it in 1993. The property includes the main house where we live (constructed 1923), a detached garage with apartment above (constructed 1950's) and a pre-1940's cabin. For the past six years, we have rented both the garage apartment and cabin as short-term rentals through Air BnB. Prior to that and as far back as our records exist, both the garage apartment and the cabin were rentals.

my house. Carry on & if you need my signature
Our property was zoned R1A when the town adopted a zoning ordinance in 1983. R1A being Residential with 1 Accessory Structure. For us to be able to continue our short-term rentals on this property, the Town Council will have to approve a Conditional District Re-zoning of the property to a CD-R1A. This process requires that the applicant invites all neighbors within a 300' radius of our property to a Neighborhood Meeting prior to our submitting the Conditional District Re-Zoning Application to the town.

As such, we invite you to our house at 110 Austin Lane on Sunday, January 7th from 3:30 – 5:00 for a drop-in and tour of our historic property. We will have a brief presentation in the house at 4:00 followed by a Q/A period. Snacks and drinks will be provided. We welcome your input and feedback. It will be an opportunity for neighbors to meet and get better acquainted.

If you would like to view our two rentals online prior to the meeting, Google AirBnB, followed by:
"Whimsical Guest House-Downtown Boone"
"Creek-side Cabin Downtown Boone"

We wish you a wonderful holiday and look forward to seeing you on January 7th in our home.

Happy New Year!

Christal Neaves
Christal Neaves

Bill Dixon
Bill Dixon

Laurie Nelson Bill

SAMUEL F. FURGIUELE, JR.
PEGGY MENDEL-FURGIUELE
169 GRAGG STREET
BOONE, NC 28607

January 3, 2024

Boone Town Council

Re: Conditional District Rezoning Application
of Bill Dixon and Christal Neaves

Dear Members of the Town Council:

We are the owners of property which adjoins 110 Austin Lane, Boone, NC, and have been neighbors to Bill Dixon and Christal Neaves since they moved into their home. Bill and Christal have been and continue to be friendly and considerate neighbors. Prior to their ownership of the property, the cabin and garage which they are seeking authorization to operate as short term/vacation rentals were rented to longer-term tenants. Because our home is at a higher elevation than the cabin and garage, and sound seems to readily travel uphill, we have been and are well-placed to hear any disturbances which might originate there. During the days prior to Bill and Christal's occupancy, there were times when the tenants there created a fair level of disturbing noise, but that has not been true since Bill and Christal moved in.

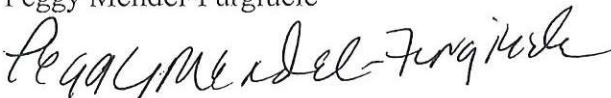
When I (Sam) was on the Town Council, I supported the idea of short term/vacation rentals in low density residential neighborhoods under proper conditions because with responsible owners like Bill and Christal, I felt they could be integrated into a neighborhood such as ours without negatively affecting the quality of life of nearby residents. We believe this is the case with Bill and Christal's application, and we support its approval. Our single hesitation is that in the event they someday sell their property, there might be a less considerate and even an absentee owner. If that were to occur, we would welcome a procedural opportunity to review the appropriateness of the continued use of the property for short-term rentals after a trial period, with perhaps the opportunity for a hearing six months to a year following such a transfer and the possible discontinuation of the authorized use at that time if the new owner has allowed disturbances to occur on the property. Nonetheless, if it is the Town's legal position that such a review is not a feasible condition, we still support Bill and Christal's application.

Sincerely,



Sam Furgieue

Peggy Mendel-Furgieue



175 Junaluska Rd.
January 4, 2024

Boone Town Council
507 W. King St.
Boone, N.C. 28607

Dear Sirs:

I am writing in reference to a proposed "Conditional District Rezoning" of property located at 110 Austin Lane in Boone, N.C. This property is owned by Christal Neaves and Bill Dixon, and is at the intersection of Junaluska Rd. and Water Street, at the north end of Water Street. I reside at 175 Junaluska Rd. which adjoins the Neaves Dixon property on the north side.

My wife and I have no objection to the rental use of the Neaves Dixon property. They are good neighbors, and we feel they should have every right to use their property as they wish.

Yours truly,

Mary Sue Ellis

J. B. Ellis

J. B. Ellis
Mary Sue Ellis

JBE/mse



COPY

January 7th, 2024

Boone Planning Commission & Town Council
507 West King Street
Boone, NC 28607

Re: Conditional District Zoning Amendment
Christal Neaves & Bill Dixon, 110 Austin Lane, Boone

Members of Planning Commission & Town Council,

We feel that this a use that should be allowed.
This is a good use of property. They have proven that
the ~~for~~ guests that visit are quiet & respectful.
It is sad that they are having to go through this
process. The town should allow ~~the~~ Christal Neaves & Bill Dixon
to continue provide short term guest housing.

Sincerely,

James Bates J. Bates
Name

Name

298 Ridgewood Dr Boone
Address



Boone Planning Commission

Boone Town Council

January 8, 2024

I have resided at 234 North Water Street since 1999 in the historic John Hagaman house. My home is one of the 3-4 closest houses to the home and accessory structures on the property owned by Christal Neaves and Bill Dixon who have submitted the Conditional District Rezoning application for their property. I support their request for the following reasons: (1) Christal and Bill are respected full-time residents of the Water/Junaluska Streets neighborhood who have a deep respect for historic preservation and neighborhood integrity; (2) they have demonstrated this materially in the careful way that they have rehabilitated the historic South home and both accessory buildings, one of which is likely the oldest structure still standing in the town limits; (3) their short-term rentals have never been disruptive in any way to the neighborhood; (4) their guests, some of whom I have met as they pass by my home, are professional, responsible people who enjoy the quiet, convenient neighborhood and the unique historical rentals where they are guests; (5) the two accessory buildings are historic and existed in their present location long before the property was zoned R1A; and (6) the rezoning, in my view, does not threaten the residential integrity of the neighborhood, and is a fair and safe use of a unique Boone property.

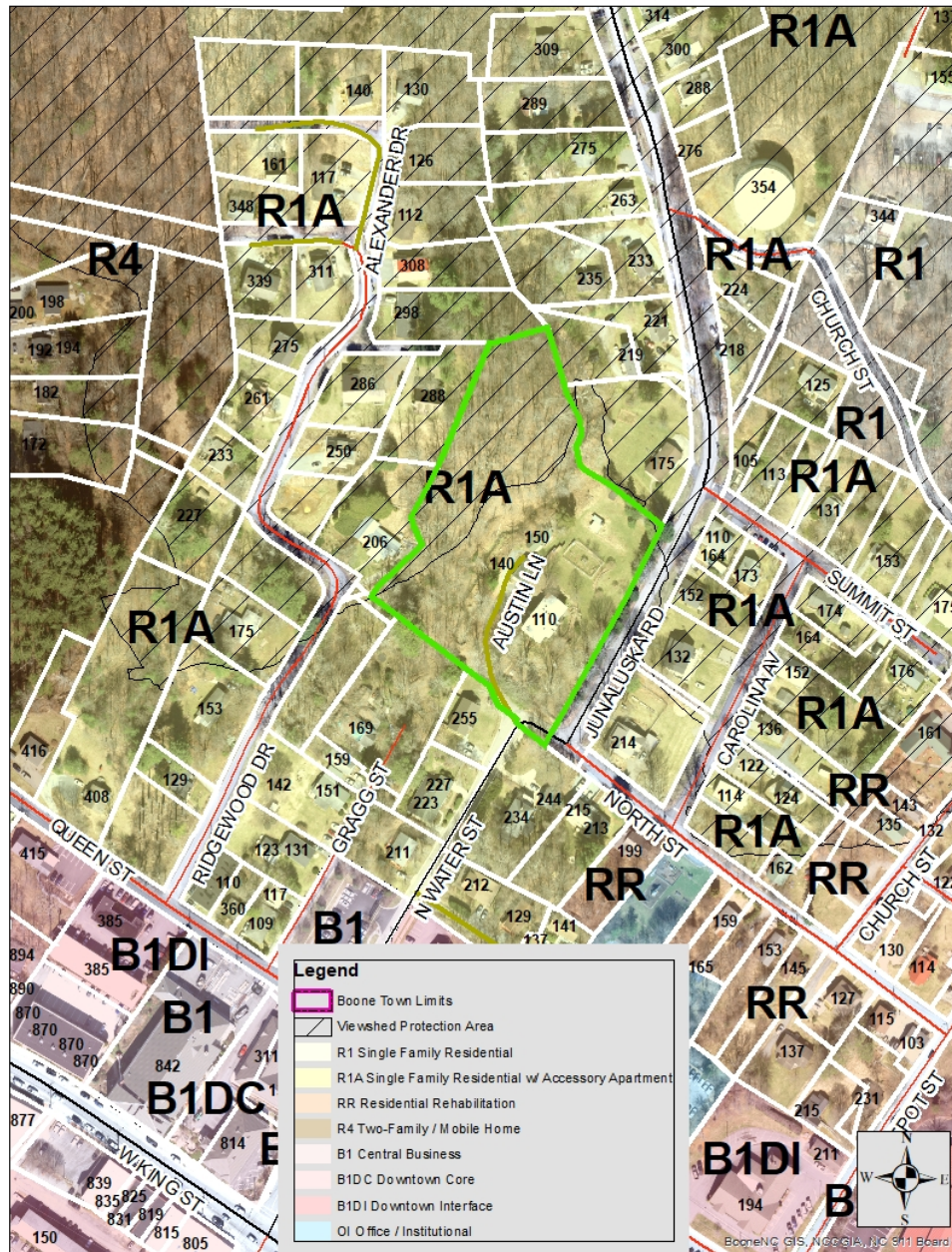
Sincerely,

Gregory Reck

2017-2018	Applicant began offering two short term rental units through Air BnB in two (2) existing dwelling units on the property which have been rented as long term apartment rentals since 1950's.
DECEMBER 8, 2021	TOWN COUNCIL ADOPTED Short Term, Homestay and Vacation Rentals Section of the UDO (Section 15.14, Use 3.06)
JUNE 22, 2022	Notification letter received from Town indicating an annual permit would be required to operate short term rentals w/ application submittal deadline established at June 30 th , 2023.
JULY 19 th , 2022	Short term rental applications submitted to P&I for 140 Austin Lane - \$500. Fee paid. 150 Austin Lane - \$500. Fee paid.
SEPTEMBER 15 TH , 2022	Notification letter received from Christy Turner indicating Zoning permits for both addresses denied due to non-conformance...requested rental history of addresses prior to 1983 (Original adoption of Zoning Ordinance)
OCTOBER 19 th , 2022	Email correspondence from Christy Turner regarding the "evidence required" to substantiate rental history
NOVEMBER 23 rd , 2022	Applicant submitted rental history of both addresses including Air BnB (Cabin 2017 and Garage Apartment 2018) and annual leases prior to Air BnB. (75 pages +/-).
AUGUST 23 rd , 2023	Phone call to applicant from Christy Turner indicating "town cannot find a way" to approve Zoning permits for the two rentals. Applicant requested this "denial" be put in writing for a proper response.
OCTOBER 26 th , 2023	Phone call to applicant from Christy Turner indicating zoning permits denied as "they are NOT allowed in the R1A zoning district which we live in".... Notification letter from Christy Turner followed phone call (via email).
NOVEMBER 2 ND , 2023	Applicant & wife, Christal Neaves, meeting w/ Zoning staff to discuss options. Determined that a Conditional Zoning Map Amendment application is the appropriate way to proceed.
NOVEMBER 30 TH , 2023	Applicant met with Christy Turner to review CDZ zoning map amendment application requirements.
DECEMBER 8, 2023	Mailed Neighbor Meeting invitations to surrounding property owners.
JANUARY 7 th , 2024	Neighborhood Meeting
JANUARY 9 th , 2024	Applicant submitted Conditional Zoning Map Amendment Application.
MARCH 25 th , 2024	Tentative date for Public Hearing with Planning Commission and Town Council followed by Planning Commission meeting.
APRIL 10 th or 24 th , 2024	Town Council consideration of Applicant's request to approve the two (2) short term rentals on our property.



Staff Report
March 25, 2024
Case A24-0026-Dixon Conditional District Zoning Map Amendment



Request

Bill Dixon and Cristal Cox Neaves have submitted a Conditional District Zoning Map Amendment petition to rezone property on 110-150 Austin Lane from R1A Single-Family Residential with Accessory Dwelling to R3 Multiple-Family Residential with a site-specific plan for Use 3.06 Vacation Rental in 2 of the 3 dwelling units.

Parcel Information

Address:	110-150 Austin Lane
Property Owner:	William Max Dixon, Jr, Trustee for the William Max Dixon, Jr Revocable Trust
Watauga County PIN:	2901-80-0622-000
Lot size (total):	3.07 Acres
Jurisdiction:	Town of Boone
Access:	Austin Lane (Private Drive) off North Water Street (Town maintained)
SFHA:	No
Watershed District:	No
Corridor District:	No
NCD:	Yes
Viewshed:	Yes (the rear of the property approximately 80 feet from the subject dwelling units – no disturbance proposed in Viewshed)
Steep Slope:	Yes (no disturbance proposed)
Very Steep Slope:	Yes (no disturbance proposed)
Transitional Zone:	Yes
Current Zoning:	R1A Single-Family Residential with Accessory Dwelling The R1A Single-Family Residential with Accessory Dwelling District is established to provide a low-density living area consisting of single-family dwellings with or without subordinate, accessory dwellings. The regulations for this district are intended to maintain the essential character of a single-family neighborhood but allow for the establishment of accessory dwellings which are clearly subordinate to the single-family dwelling. The regulations for this district are designed to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.
Current Use:	Multi-family Dwelling A building or combination of buildings on a single lot which includes three or more dwelling units.
Proposed Use:	Use 3.06 Vacation Rental (for 140 and 150 Austin Lane) A vacation rental is defined as a single-family detached dwelling, a two-family detached dwelling or a multi-family dwelling unit with up to six guest rooms that is used, offered, and/or advertised (through an online platform or any other media) for transient overnight accommodations for any period of less than one month. A vacation rental is considered a "Lodging" use under this UDO. Vacation rentals do not include homestay rentals (as defined herein). A vacation rental includes any residential dwelling or dwelling unit, or portion thereof, provided to renters for any

period of less than one month that does not qualify as a homestay rental under this ordinance; provided, that any use that comes within the purview of another use under this ordinance (e.g., motel, hotel, boarding house, etc.) shall be governed by the terms of that use and not as a vacation rental.

Zoning & Use of Adjacent Properties		
	Adjacent Zoning	Adjacent Land Use
North	R1A Single-Family Residential with Accessory Dwelling	Single-family Dwellings*
East	R1A Single-Family Residential with Accessory Dwelling	Single-family Dwellings*
South	R1A Single-Family Residential with Accessory Dwelling	Single-family Dwellings*
West	R1A Single-Family Residential with Accessory Dwelling	Single-family Dwellings*
<i>Staff Note: Staff has been unable to determine which (if any) of the adjacent properties contain ADU's.</i>		

Procedural Analysis:

Pursuant to UDO Subsection 14.01.02(C) a Conditional District (CD) is a zoning district in which the use and development of a property pursuant to a site-specific development plan is approved through the legislative process pursuant to Article 9 of this Ordinance. A CD utilizes a proposed general use zoning district, is limited to the authorized uses and development standards mandated within that district, and may be subjected to conditions that make the development more desirable.

A site-specific vesting plan is defined in UDO Article 34 as “A plan submitted to a local government in which the applicant requests vesting in accordance with Section 4.13, describing with reasonable certainty on the plan the type and intensity of use for a specific parcel or parcels of property. The plan may be in the form of, but not be limited to, any of the following plans or approvals: a subdivision plat, a preliminary or general development plan, a special use permit, a conditional district zoning plan. The plan shall include the approximate boundaries of the site; significant topographical and other natural features affecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways.”

See below for details on the applicant’s compliance with the Conditional District procedural requirement for a neighborhood meeting as set forth in UDO Subsection 9.09.02 and the development’s overall compliance with UDO standards specific to the development:

Compliance with UDO Subsection 9.09.02 Neighborhood Meeting:

- A. The applicant shall conduct a neighborhood meeting prior to the submission of the application for a Conditional District Zoning Map Amendment. This meeting will allow the applicant to explain the proposed development and to be informed of the concerns of the neighborhood and surrounding property owners.
- B. A meeting notice must be mailed to property owners within 300’ of the development at least 25 days prior to the meeting in accordance with Subsection 1.13.02 herein. A copy of the notice shall also be

provided to the Planning Department. The notice shall contain a summary of the proposed development, the applicants contact information, the date, time, and location of the meeting.

- C. The meeting must be held at an accessible and convenient location and time in light of available options. Upon coordination through the Planning Department, the meeting may be held at Town Council Chambers if that location is available.
- D. At the meeting, the petitioner, at a minimum, shall present all the following information:
 1. Contact information of the parties involved in the ownership, design, and development of the property;
 2. The location of the property and general information on the current conditions of the site;
 3. Proposed use(s) and site development;
 4. Any preliminary plans or renderings, if available; and
- E. The applicant shall provide the Administrator with a summary report of the meeting which includes a list of all attendees and details the meeting including all concerns expressed by attendees and commitments made by the petitioner. This report shall be included in the staff report.

Staff Note: The applicant held a neighborhood meeting on January 7, 2024. A recap of the meeting along with the certification of mailing to the property owners is included in the board packet. Please see information in board packet.

Zoning Analysis

R3 Intensity Standards:

Standard	Proposed	Compliance
Minimum Gross Land Area: 20,000 sq. ft.	3.9 Acres	Yes
Minimum Lot Width: 80 feet	Approximately 350 feet	Yes
Minimum Street Frontage: 64 feet	Approximately 350 feet	Yes
Minimum Livability Space: .40		Yes
Interior Setback: 13'	Varies	Yes
Street Setback: 20'	67 feet	Yes
Maximum Building Height: 3 Stories*	2 stories	Yes

Parking:

Required	Proposed	Compliance
Automobile Space – 4 required (1 per bedroom for Vacation Rentals plus 2 spaces for main residence)	5	Yes
Bicycle, Short-Term – 2 spaces	0*	Yes
Bicycle, Long-Term – 2 spaces	0*	Yes
Motorcycle – Exempt	NA	Yes

Staff Note: The applicant's development costs are less than 10% of the property value and do not trigger compliance.

PLANNING STAFF ANALYSIS

The subject property is currently non-conforming with 3 dwelling units on an R1A-zoned property. All 3 of the dwelling units were constructed prior to adoption of the current UDO.

Vacation rental regulations were updated by the Boone Town Council on December 8, 2021. The revised standards were written to give time to existing unpermitted vacation rentals to come into compliance if feasible (see UDO Subsection 15.14.17 Compliance period; existing nonconformities detailed below):

- A. The owner of any un-permitted vacation rental in operation as of June 30, 2022 must apply for a permit as required in this section 15.14 on or before December 31, 2022 and must come into compliance with this section by June 30, 2023.
- B. Any existing, un-permitted vacation rental not conforming under this section 15.14 must be brought into compliance with this ordinance or cease operation by June 30, 2023.
- C. Any person seeking to begin operation of a vacation rental after June 30, 2022 must first apply for and obtain a vacation rental permit as required under this section 15.14.

In this case, the applicant operated vacation rentals in both of the subject units from 2017 until 2023. Applicant submitted an application for Vacation Rental permits in 2022. After several reviews and submission of additional documentation from the applicants, Staff was unable to approve the permits since vacation rentals are not a permissible use in the R1A Zoning District. Applicant then applied for the Conditional District Map Amendment in January of this year.

Please note, Use 3.06 Vacation Rental is permitted by right in the R3 Multi-Family Residential zoning district subject to a 75-foot transitional zone that has been triggered by the R1A Single-Family Residential with Accessory Unit zoning of the properties located at 255 North Water Street and 169 Gragg Street. Although other R1A-zoned properties adjoin the subject property, none of those other properties are within 75 feet of the operation of the vacation rentals.

If approved, the applicant will be required to submit detailed plans meeting all requirements of the UDO during the zoning compliance review for a Zoning Permit. At this time, the change of use does not trigger any additional compliance based upon UDO Section 7.05.02 which states that compliance of existing development with the requirements of the UDO shall be triggered by the costs of proposed new development (excluding any costs associated with improvements made due to compliance with this Section) in accordance with the tiers set forth. The first tier starts when the project cost exceeds 10% of the total development value. Since the project cost is \$10,000 (1.1% of the value) no additional compliance is required.

Supplemental Standards: Use 3.06 Vacation Rental is subject to supplemental standards within Article 15, Section 15.14. Please see the [Staff Notes](#) in blue below:

15.14 Vacation Rental

A vacation rental is defined as a single-family detached dwelling, a two-family detached dwelling or a multi-family dwelling unit with up to six guest rooms that is used, offered, and/or advertised (through an online platform or any other media) for transient overnight accommodations for any period of less than one month. A vacation rental is considered a "Lodging" use under this UDO. Vacation rentals do not include homestay rentals (as defined

herein). A vacation rental includes any residential dwelling or dwelling unit, or portion thereof, provided to renters for any period of less than one month that does not qualify as a homestay rental under this ordinance; provided, that any use that comes within the purview of another use under this ordinance (e.g., motel, hotel, boarding house, etc.) shall be governed by the terms of that use and not as a vacation rental.

Notwithstanding the foregoing, the full-time resident of a dwelling unit (as defined at section 15.05.02 above) may rent out his or her dwelling unit for up to two weeks in any calendar year and such rental shall not be deemed a vacation rental under this section 15.14 but rather shall be considered an incidental use of the dwelling that does not require approval or permitting under this Article.

- 15.14.01** Every vacation rental operator must first apply for and procure a zoning permit from the Town. Zoning permits must be renewed annually. The zoning permit number authorizing the short-term rental shall be conspicuously posted on (i) all advertisements for short-term rentals, and (ii) on the subject property in a location easily viewable from the exterior of the structure provided, that if the permit number cannot be viewed from a private or public street, it shall be displayed where it can be viewed from the public or private street adjoining the primary façade of the dwelling unit.

Staff Note: The applicant has applied for this Conditional District zoning map amendment which pursuant to UDO Subsection 9.09.03 the authorization of a CD for any use which is permitted only as a special use in the zoning district which corresponds to the conditional district shall preclude any requirement for obtaining a special use permit for such use.

- 15.14.02** A vacation rental is required to provide at least one (1) parking space per bedroom, which may not be located on any street right of way and must conform to all applicable parking regulations of this ordinance. In the RA Residential Agriculture zoning district, parking should be to the side or rear of the vacation rental dwelling.

Staff Note: The applicant has demonstrated compliance with this requirement. Applicant has a designated parking area that meets the UDO standards.

- 15.14.03** A vacation rental operator shall ensure that the primary responsible renter of a vacation rental is at least twenty-one (21) years old.

Staff Note: The applicant has demonstrated compliance with this requirement. Please see applicant's site plan and narrative in Exhibit 2.

- 15.14.04** Without limiting the applicability of other Ordinance requirements, a vacation rental is subject to Article 31 Landscape Standards.

Staff Note: The applicant has not triggered any additional landscaping requirements pursuant to the tier system in UDO Section 7.05 based upon the cost of the development alone.

- 15.14.05** In the R3 Multiple-Family, B1 Downtown, B2 Neighborhood Business, and B3 General Business zoning districts, a single-family detached dwelling and a two-family detached dwelling may be converted to vacation rental only if the dwelling existed as of January 1, 2014

Staff Note: N/A. The subject structure is not an existing single-family detached dwelling, existing as of January 1, 2014.

- 15.14.06** Cooking facilities are not permitted in any bedroom. For the purpose of this regulation, cooking facilities include any refrigerator in excess of seven cubic feet; any stovetop range that operates on 220-volt electric service; any appliance that operates on natural gas; or any cooktop, whether integrated into a countertop or a separate appliance, which contains more than two cooking surfaces or burners. This shall not prohibit cooking facilities within a one-room studio vacation rental. For the purpose of this regulation, a studio shall be a single-room rental with a sleeping area, living area and kitchen/eating area in one consolidated room.

Staff Note: Compliance has not been demonstrated at this time. This item will be reviewed during the permitting process.

- 15.14.07** No signs advertising the property as a rental are allowed.

Staff Note: If approved, this standard will be placed on the zoning permit for this project.

- 15.14.08** In residential zoning districts, renters of vacation rentals shall not utilize the premises for holding special events or large gatherings. The rental operator shall inform renters of this regulation and of the applicability of the town's noise ordinance (Chapter 82 of the Code of Ordinances), which regulates nuisance noises and makes it unlawful to create, cause, or allow the continuance of any unreasonably loud noise, particularly during nighttime, which interferes with neighboring residents' reasonable enjoyment of their properties.

Staff Note: If approved, this standard will be placed on the zoning permit for this project.

- 15.14.09** The premises shall not be used for a home occupation that allows employees, customers, clients or patrons to visit.

Staff Note: If approved, this standard will be placed on the zoning permit for this project.

- 15.14.10** For any building that contains multiple dwelling units, no more than 5% of the dwelling units or two dwelling units, whichever is greater, may be operated as a vacation rental in any single building. Permits shall be issued on a first-come, first-served basis based on the initial application date, and thereafter may be renewed. If a permit lapses before renewal, a renewal application shall be treated like an initial application for purposes of this paragraph.

Staff Note: This lot contains 3 dwelling units and the applicant has requested the maximum of 2 units be converted to vacation rentals.

- 15.14.11** Vacation rental operators shall comply with all applicable State and local laws, including those relating to fire and building codes, smoke detecting and carbon monoxide detecting equipment, and housing codes.

Staff Note: If approved, this standard will be placed on the zoning permit for this project.

- 15.14.12** Vacation rental operators are responsible for and must ensure that any and all occupancy taxes and other applicable taxes due under law as a result of their rental activities are remitted to the proper tax authorities, whether through their online platform service or by personally remitting the required taxes. The town shall require evidence of payment of such taxes as part of the application and permitting process, and may also conduct audits of vacation rental permittees, as it sees fit in its sole discretion, in order to ensure payment of all such applicable taxes.

Staff Note: If approved, this standard will be placed on the zoning permit for this project.

- 15.14.13** The rental operator or the operator's employee, management company, or other agent must be available to respond to complaints by renters or neighbors and to emergencies within two (2) hours at all times that a rental is occupied. A method will be provided for concerned citizens to make complaints or report emergency situations.

Staff Note: If approved, this standard will be placed on the zoning permit for this project.

- 15.14.14** If the primary structure on a property qualifies for vacation rental use, a lawful accessory dwelling structure on the same property also may be used for vacation rental. The operators of such a vacation rental may, at any given time, offer for short-term rental either the single-family dwelling unit or the accessory apartment, or both units. The simultaneous rental of both the single-family dwelling unit and the accessory apartment to more than one party under separate contracts is prohibited. The units may, however, be rented out together to one party under a single contract.

Staff Note: This property does not have an accessory dwelling unit.

- 15.14.15** Vacation rental operators must carry insurance that covers the rental use and renters.

Staff Note: If approved, this standard will be placed on the zoning permit for this project.

- 15.14.16** Vacation rental permits are not transferrable. Every person wishing to operate a vacation rental must apply for and obtain the required permit prior to beginning operation of the rental.

Staff Note: If approved, this standard will be placed on the zoning permit for this project.

15.14.17 Revocation of Permit. The Administrator shall revoke a vacation rental permit following a written determination that an operator of the facility has been:

- A.** Convicted of violating any of the following criminal laws on the short-term rental premises within the prior three-year period: Article 10 (*kidnapping*), Article 10A (*human trafficking*), or Article 27 (*prostitution*) of Chapter 14 of the North Carolina General Statutes;
- B.** Convicted of committing a violent felony as defined at N.C. Gen. Stat. §14-7.7 on the short-term rental premises within the prior three-year period.
- C.** Convicted of violating any of the following criminal laws on the rental premises within the prior 365-day period:
 - 1. Article 3 of Chapter 18B of the North Carolina General Statutes (*sale, possession and consumption of alcohol*)
 - 2. N.C. Gen. Stat. §14-71.1 (possession of stolen goods)
 - 3. N.C. Gen. Stat. §14-292 (unlawful gambling)
- A.** Received within a 365-day period two or more “Verified Violations” of any combination of the following, occurring on the short-term rental premises:
 - 1. Any Town Code zoning regulation.
 - 2. Any noise regulation set forth at Town Code Chapter 82.
 - 3. Any nuisance prohibited by Town Code Chapter 80.

A Verified Violation means a determination made by a code enforcement official, law enforcement officer, or judge, following notice of violation being issued by the Town Code and opportunity to respond to the noticed alleged offenses and an order or other mandate issued to the owner or any other person imposing a sanction or requiring further actions to comply with the Town Code, including, without any limitation, the payment of civil penalties or administrative fees, or implementation of corrective measures, or cessation of activities, or conviction of a criminal offense. A verified violation that is appealed continues as a verified violation unless it is overturned on appeal. If the violation is reinstated on a further appeal, it resumes its status as a verified violation.

- B.** Once lawfully revoked, a new permit for a short-term rental cannot be issued or re-instated for the premise for a period of 365 days, except that in case of revocation under (A) or (B) above a new permit cannot be issued or re-instated for the premise for three years unless the person convicted of the criminal violation is no longer a resident, manager or operator of the short-term rental.

Staff Note: If approved, these standards will be placed on the zoning permit for this project.

Transitional Zone: Pursuant to UDO Subsection 6.02.02, transitional zones are established for the purpose of creating special protections for residents of protected districts from the potential adverse impacts of certain potentially incompatible nearby development, based upon the legislative finding that the general requirements of this ordinance have not been sufficient to protect the residents of such protected districts from the adverse consequences of such developments and that the variety of circumstances which may need to be ameliorated in the face of such development are not amenable to a “one size fits all” approach.

Because this development is within 75 feet of a protected R-2 zoning district, the applicant will need to show the permit issuing authority (Board of Adjustment) that the planned development will effectively and to the greatest degree reasonably possible, mitigate the impacts of the proposed development upon the protected district, including but not limited to:

- a. Noise impacts;
- b. Light impacts; and
- c. Any other predictable negative effect, including but not limited to:
 - i. Negative visual effects;
 - ii. Negative traffic effects; and
 - iii. Negative health effects.

Because of the variable topography and characteristics of particular tracts of land within the town’s zoning jurisdiction, the solutions incorporated into the development plan by the applicant must be tailored to specifically address the characteristics of the particular location in relation to the protected district. Only if an applicant can demonstrate by clear and convincing evidence that the normal requirements of the ordinance are themselves sufficient to protect the protected district may the application be approved without additional measures being incorporated into the site-specific development plan.

Note: The Board may deny the application if the requirements of this section are not met, or it may place reasonable conditions on the development, in addition to such conditions as may otherwise be reasonably imposed, specifically designed to mitigate the potential impacts identified herein.

Transitional Zone: Pursuant to UDO Subsections 9.09.05 and 6.02.02, transitional zones are established for the purpose of creating special protections for residents of protected districts from the potential adverse impacts of certain potentially incompatible nearby development, based upon the legislative finding that the general requirements of this ordinance have not been sufficient to protect the residents of such protected districts from the adverse consequences of such developments and that the variety of circumstances which may need to be ameliorated in the face of such development are not amenable to a “one size fits all” approach.

Per UDO 6.02.02 F and G -- In addition to all other requirements of this ordinance which pertain to the proposed lighting, and the size of setbacks, in order to meet

the requirements of this Section, the applicant must produce substantial competent and credible evidence demonstrating that the planned development will effectively and to the greatest degree reasonably possible, mitigate the impacts of the proposed development upon the protected district, including but not limited to:

- a. noise impacts;
- b. light impacts; and
- c. any other predictable negative effect, including but not limited to:
 - i. negative visual effects;
 - ii. negative traffic effects; and
 - iii. negative health effects.

Because of the variable topography and characteristics of particular tracts of land within the Town's zoning jurisdiction, the solutions incorporated into the development plan by the applicant must be tailored to specifically address the characteristics of the particular location in relation to the protected district. Only if an applicant can demonstrate by clear and convincing evidence that the normal requirements of the ordinance are themselves sufficient to protect the protected district may the application be approved without additional measures being incorporated into the site -specific development plan.

Staff Note: The applicant addresses the transitional zone properties, impacts and mitigation steps taken in the Applicant Narrative and Photos (Exhibit 2).

ANALYSIS BY OTHER TOWN STAFF

Public Works:

Utilities Division (Robbie Jones, Utility Services Technician)

No review as no development is proposed.

Services Division (Justin Stines, Deputy Public Works Director)

No review as no development is proposed.

Fire Department (Amy Flieg, Fire Marshal)

Approved. All Vacation Rentals require annual Fire Department inspections.

CONFORMITY TO ADOPTED PLANS

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.

Community Appearance and Community Character: Blend the built environment with the natural, scenic, and historic character of a High-Country small town. Especially discourage commercial strip development, cluttered signage, and “cheap” apartment buildings.

Open Space: Integrate open space and greenways into the urban fabric of the Town. Preserve the countryside by discouraging suburban sprawl. Avoid development in floodplains, on ridgetops, and on steep slopes.

Environmental Quality: Address and monitor growth factors and activities that contribute to water, air, light, and noise pollution.

Trees: Conserve existing trees and plant new trees, especially hardwoods.

Automobile Transportation: Maximize the efficiency of existing facilities, but not at the expense town and neighborhood character and livability. Build or expand transportation facilities and parking areas as needed, but with care. Work to reduce auto dependency, use, and congestion.

Bikeways: Implement the planned system of bikeways as a legitimate transportation alternative. Unify with greenways and other pedestrian facilities where possible.

Mass Transit: Enhance and support the mass transit system as an effective alternative to the congestion created by the individual automobile.

Pedestrian Movement: Encourage a system of sidewalks, paths, crosswalks and compact development patterns which make it easy to get around Boone on foot.

Infrastructure: Engage in long range planning for water and sewer systems, stormwater runoff, natural gas, and other utility systems. Place overhead utilities underground whenever feasible.

Public Safety: Maintain a high level of policing and fire protection and plan the expansion of public safety services to coincide with projected population increases and identified needs.

Energy and Waste: Reduce waste generation, and the consumption of energy and water. Develop area recycling programs to the fullest. Encourage an anti-litter consciousness among residents and visitors.

University: Emphasize cooperative planning among the Town, County, and University.

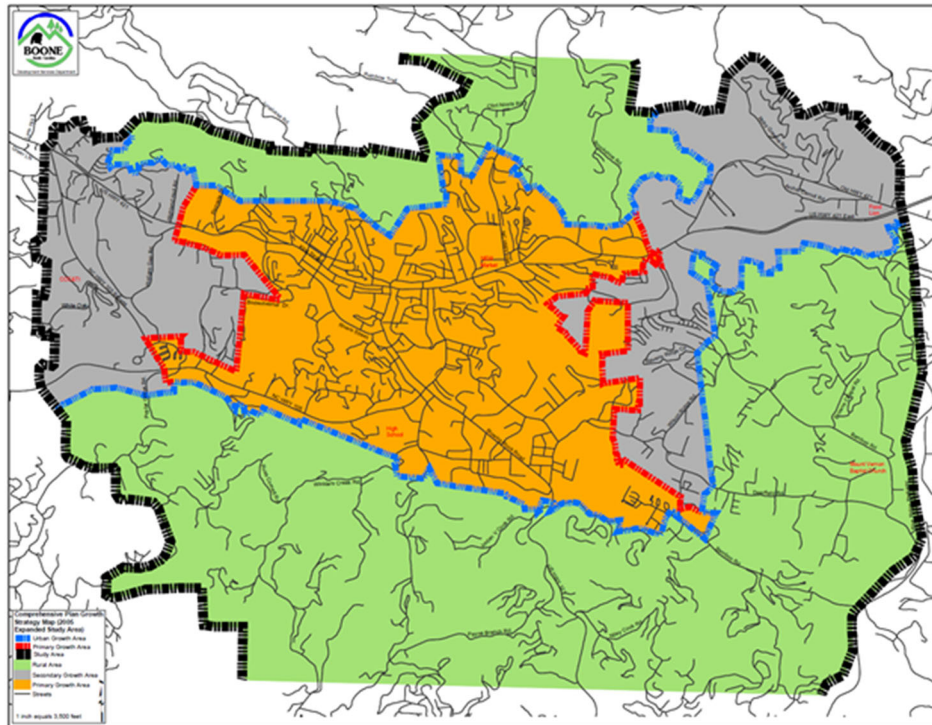
Downtown: Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

Recreation: Strive for additional public recreation facilities, especially sports fields, greenways and indoor recreation centers.

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

Public Involvement: Encourage active public involvement and volunteerism to expand the effectiveness of community planning and action.

1.2 Growth Strategy Map (p. 17): The property is located within Primary Growth Area.



The property is located within the Primary Growth area. The Primary Growth Area is that portion of the urban growth area where urban level or facilities are already in place or can be provided most cost effectively. This is the area where near term growth and development is to be especially encouraged.

The Secondary Growth Area is that portion of the urban growth area where urban level services can be provided, but on a lower priority basis than in the primary growth area.

Additionally, for comparison, the Rural Area is that portion of the planning study area that is influenced by urban area growth forces, but within which urban level development should be strongly discouraged. Urban level services and associated development densities should not be planned for this area, except in case by case evaluations of major economic development projects.

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. See below:

2.1 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.
- D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas.

...

2.3 THE COMMUNITY

- A. Urban type development within the Urban Growth Area shall meet appropriate Town standards.
- B. Properly planned, mixed use developments that promote efficient provision of public services shall be encouraged within the Urban Growth Area.
- C.

2.3.1 Community Appearance

- A. Measures to improve the effectiveness of grading, landscaping and buffering standards for new and existing developments shall be encouraged.
- B. The significance of street trees in providing visual relief, summer cooling, improved air quality and livability shall be recognized through public policies and actions to encourage their planting and maintenance.
- 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.

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.
- B. Multiple and appropriate adaptive reuse of historic resources shall be encouraged.
- C. Wise development of the tourism potential of the area's architectural, historic, scenic and natural resources shall be encouraged.
- D. The destruction of significant architectural, historic, scenic, natural and archaeological resources in the planning area shall be discouraged.
- 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.

2.3.3 Housing & 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.
- B. Street system designs which discourage through traffic on purely local streets while allowing for free circulation within the neighborhood shall be encouraged.
- C. Proposed residential development which would expose residents to harmful effects of incompatible development or to environmental hazards shall be prohibited.
- D. Innovative and flexible land planning and development practices shall be encouraged to create livable developments which better safeguard land, water, energy and historic resources.
- E. Factors in determining preferred locations for high density residential development shall include:

close proximity to the university, employment or shopping centers; access to major thoroughfares and the transit system; the availability of public services and facilities; and compatibility with adjacent land uses.

- 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.
- H. The overall housing unit density for proposed infill residential development or redevelopment should be compatible with the average density of existing areas.

...

Certificate of Mailing

I, Brenda Henson, certify that individual notices meeting the requirements of Article 9 of the Town of Boone UDO were placed in the mail (first class) on March 1, 2024.

/s/ Brenda Henson

Brenda Henson, Administrative Support Specialist

Certification of Posting

I, Brandon Wise, certify that the subject property was posted as required in Article 9, Subsection 9.03.03(B)(2) of the Town of Boone UDO on March 1, 2024.

/s/ Brandon Wise

Brandon Wise, Environmental Specialist

Conclusion

The following conditions are automatically included and a part of any approval.

1. Where there is a conflict between the application information and the plans (dated received on January 10, 2024), the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. Any commitments and representations concerning the proposed development made by the applicant or its (his or her) representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.
3. The applicant shall submit the necessary applications, plans, details and specifications which meet the requirements of the Town Code, UDO, Building Code and any other applicable codes for review and approval necessary to issue Zoning and Building Permits.

Any other conditions agreed upon by the applicant and Town Council:

1. Any other conditions agreed upon ...

Planning Commission Recommendations

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

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

Note 1

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

Vote 2: The Planning Commission recommends ☐approval OR ☐denial of Ordinance #A24-0026 within Exhibit A and believes ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

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 ACTION - 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. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently.

Vote 1: The proposed amendment to the Town's zoning map ☐ **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

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

Vote 2: The Town Council ☐ **approves** OR ☐ **denies** and believes ☐ **approval** OR ☐ **denial** of Ordinance #A24-0026 in Exhibit A is reasonable and in the public interest because:

Note 2

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.

Exhibit A**Ordinance A24-0026**

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

WHEREAS, the Planning Commission and Town Council has received the request to amend the Official Zoning Map of the Town of Boone, North Carolina to rezone the property below from R1A Single-Family Residential with Accessory Unit District to R3 Multi-family Residential with a site-specific development plan for Use 3.06 (Vacation Rental) in 2 of the units.

Addresses: 110-150 Austin Lane

Watauga County PINs: 2901-80-0622-000

Property Owner: William Max Dixon, Jr, Trustee for the William Max Dixon, Jr Revocable Trust

WHEREAS, the Boone Town Council held a duly-noticed public hearing March 25, 2024 with respect to this rezoning request; and

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

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

NOW, THEREFORE, BE IT RESOLVED as follows:

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

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

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

Adopted this the 24th day of April, 2024.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon, Town Clerk

Conditional District Zoning Map Amendment Application

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

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



A. Required to be Submitted at Time of Application (check all that apply)

Note: A pre-application meeting is required prior to application submittal.

Failure to provide the information required on this application may delay the review and scheduling of the requested hearing.

- ☒ Digital copies of all paper submittal documents (may be emailed to planning@townofboone.net)
- ☒ 6 paper copies of complete site plans meeting the requirements of Town of Boone Unified Development Ordinance (UDO) Appendix A (max. size 30" x 42")
- ☒ Deed(s) of all property to be included in the request
- ☒ Both a digital and a hard copy of a written metes and bound legal description with accompanying survey map for a request that would rezone only a portion of a tax parcel or requests for multiple zoning districts.
- ☒ Property Owner Authorization. If you are not the property owner, you will need to provide documentation of property owner authorization to apply for this permit.
- ☒ Permit Fee (See Planning & Inspections Fee Schedule). Each application is allowed two (2) reviews. The 1st review of the submitted information and a 2nd review if revisions or supplemental information is required based upon the 1st review. Each subsequent review after the 2nd review will be charged at 50% of the original fees charged for the application. These fees shall be paid at the time of resubmittal.

B. Requested Hearing – See latest published Meeting Schedule for dates

Date of requested hearing: PH/PC Meeting (3/25/2024) / TC Meeting 04/10/2024 or 04/24/2024

C. Property Information (Project Location)

Street Address:

Chestnut Drive and New Market Blvd.

Watauga County Parcel Identification Number(s):

2910399335000, 2910399610000 & 2910492369000

D. Property Owner Information

Name:

BPT Properties, LLC | DHB Development, LLC

Complete Mailing Address (Street, City, Zip):

(BPT) 516 New Market Blvd STE 1, Boone, NC 28607 | (DHB) 271 Brookside Drive, Boone, NC 28607

Phone Number:

(BPT) 804.399.2115 | (DHB) 828.773.2117

Email Address:

(BPT) parkterrell@mac.com | (DHB) jay@foscoecompanies.com

E. Applicant Information

Name:

Davis Ray

Company:

Wynnefield Forward, LLC

Complete Mailing Address (Street, City, Zip):

PO Box 566 | Jamestown, NC 27282

Phone Number:

336.822.0765

Email Address:

davis@wynnefieldforward.com

Preferred Method of Contact for Written/Response Documents (select one): ☐ Mail or ☒ Email

F. Detailed Description of Project

Our firm respectfully requests to rezone the property to allow the development of a 60 unit apartment community for those 55 and older. Our proposed community includes a mix of (30) 1BR and (30) 2BR apartments along with a managers office, commons areas, laundry facility and resident computer center. The building will be 3 stories in height and will include an elevator for resident use.

G. Project Cost

Project Cost:

\$ \$15,222,382.00

H. Development Information

Is the development subject to a previous Special Use Permit? ☐ Yes ☒ No ☐ Unknown

If yes, please describe: _____

Are there any other variances granted that impact the property? ☐ Yes ☒ No ☐ Unknown

If yes, please describe: _____

Are there any other variances requested with this development? ☐ Yes ☒ No

If yes, please describe: _____

I. District/Use Information

Existing Zoning District:

R1 Single Family-Residential

Existing Land Use(s):

Vacant

Proposed Zoning District(s):

R5 55+ Housing Residential District

Proposed Land Use(s) (Specific Use # from UDO Section 15.07 Required):

1.17 Adult Living Community (Allowed in R5 subject to a 300' Transitional Zone)

J. Site Information (include information for additional buildings on a separate sheet)

Building Footprint Square Footage:	Current: <u>0</u>	Proposed: <u>20,977 sf</u>
Total Building Square Footage (all floors):	Current: <u>0</u>	Proposed: <u>72,641 sf</u>
Number of Stories	Current: <u>0</u>	Proposed: <u>3-4</u>
Building Height:	Current: <u>0</u>	Proposed: <u>46'9 7/8"</u>
Number of Units:	Current: <u>0</u>	Proposed: <u>60</u>
Number of Bedrooms:	Current: <u>0</u>	Proposed: <u>90</u>

K. Environmental Information

Total Land Area : 3.79 ☐ Sq. Feet or ☒ Acres

Disturbed Area: 3.79 ☐ Sq. Feet or ☒ Acres

Viewshed: Is development occurring within the Viewshed Protection District? ☐ Yes ☐ No ☒ Unknown

Is development occurring on slopes in excess of 30%? ☐ Yes ☐ No ☒ Unknown

Slope:

Is development occurring on slopes in excess of 50%? ☐ Yes ☐ No ☒ Unknown

Is the property located within a designated Water Supply Watershed Area? ☐ Yes ☐ No ☒ Unknown

Watershed:

If yes, please select: ☐ WS-II-CA ☐ WS-IV-PA ☐ WS-IV-CA

Stream/River: Is there a stream or river on or near the property? ☐ Yes ☒ No

SFHA: Is the property located within the Special Flood Hazard Area? ☐ Yes ☒ No ☐ Unknown

Impervious Area: What is the existing impervious area in the development? 0 ☐sq. feet ☒ acres
What is the proposed impervious area in the development? 1.50 +/- ☐sq. feet ☒ acres

L. Design Professional Information

Designer is an: ☐Architect ☒Engineer ☐Owner ☐Other: _____

Name:

Gene Mustin

Company:

Borum Wade & Associates

Complete Mailing Address (Street, City, Zip):

621 Eugene Ct #100 | Greensboro, NC 27401

Phone Number:

336.275.0471

Email Address:

genemustin@borum-wade.com

Additional Designer Information: If additional designers are involved beyond the 1 listed, please provide additional info on a separate sheet.

M. Brownfields Agreement Notification

1. Does the applicant have or is the applicant planning to enter into a Brownfields Agreement with the NC Brownfields Program? ☐ Yes ☒ No (If yes, please answer question #2 below.)

2. Anticipated date for the first year of partial exclusion of property taxes: _____

N. Applicant Signature and Property Owner Authorization

I hereby certify that I am authorized to submit this application; that all information is correct and complete; and all work will comply with all applicable State and local laws, ordinances, and regulations. I will ensure that the Planning and Inspections Department is notified of any changes in the approved plans and specifications for the project permitted herein.

Wynnefield Forward, LLC

Applicant (Print)



Applicant (Signature)

FEB. 6, 2024
Date

BPT Properties, LLC

Property Owner (Print)



Property Owner (Signature)

6 FEB 2024
Date

Impervious Area: What is the existing impervious area in the development? 0 ☐ sq. feet ☒ acres
What is the proposed impervious area in the development? 1.50 +/- ☐ sq. feet ☒ acres

L. Design Professional Information

Designer is an: ☐ Architect ☒ Engineer ☐ Owner ☐ Other: _____

Name: Gene Mustin Company: Borum Wade & Associates

Complete Mailing Address (Street, City, Zip): 621 Eugene Ct. #100 | Greensboro, NC 27401

Phone Number: 336.275.0471 Email Address: genemustin@borum-wade.com

Additional Designer Information: If additional designers are involved beyond the 1 listed, please provide additional info on a separate sheet.

M. Brownfields Agreement Notification

1. Does the applicant have or is the applicant planning to enter into a Brownfields Agreement with the NC Brownfields Program? ☐ Yes ☒ No (If yes, please answer question #2 below.)
2. Anticipated date for the first year of partial exclusion of property taxes: _____

N. Applicant Signature and Property Owner Authorization

I hereby certify that I am authorized to submit this application; that all information is correct and complete; and all work will comply with all applicable State and local laws, ordinances, and regulations. I will ensure that the Planning and Inspections Department is notified of any changes in the approved plans and specifications for the project permitted herein.

Wynnefield Forward, LLC
Applicant (Print)


Applicant (Signature)

FEB 6, 2024
Date

DHB Development, LLC
Property Owner (Print)


Property Owner (Signature)

2/6/24
Date

Official Use Only

Permit Name: <u>The Villas at South Fork - Conditional District Zoning Map Amendment</u>				
Permit Number: <u>A24-0085</u>				
Date: <u>2-9-24</u>	Fee: <u>\$1090⁰⁰</u>	Receipt Number: <u>313812</u>	Method of Payment: ☐ Cash ☒ Check Number: <u>10351</u>	Paid By: <u>Wynnefield Properties, Inc</u>

Official Use Only - Hearing/Decision Information

Public Hearing Meeting Date: _____

PC Meeting Date: _____

TC Meeting Date: _____

Date of APO Mailed Notification: _____

Date of Posted Notification: _____

Request Approved: ☐ Yes ☐ No If yes, date request sent to GIS: _____

S:\FORMS\PI_Forms_Current\Planning Forms\CDZMapAmend_10202020.docx

Citizens Information Meeting Report

Chestnut Drive and New Market Blvd.

Submitted by: Wynnefield Forward, LLC

Town of Boone, NC
Chestnut Drive & New Market Blvd Rezoning Case
Wynnefield Properties, Inc
3.79 +/- acres located at New Market Blvd. & Chestnut Drive

Report
Citizen Information Meeting
Held February 7, 2024

The meeting was held at the Boone Council Chambers, 1500 Blowing Rock Road, Boone, NC, which is in close proximity to the site. The meeting consisted of neighbors from throughout the community as well as Wynnefield Forward, LLC. representatives. Those in attendance are detailed on the sign in sheet provided at the meeting (ATTACHMENT 1).

Also in attendance were Craig Stone and Davis Ray of Wynnefield Forward, LLC.

A notification letter dated and mailed on January 11, 2024 was sent to 42 parties as supplied by the Boone Planning Department. The list of parties/addresses to which it was mailed is labeled as Attachment 2. The notification letter is attached as Attachment 3.

Wynnefield Forward, LLC displayed multiple easels which included a preliminary site plan layouts, building elevations and two photos of existing buildings (Admiral Pointe and Ardsley Commons) to provide examples of the building materials and quality. All presentation easels were 24" X 36". All three presentation pieces are provided as Attachment 4.

Mr. Stone opened the meeting with a brief introduction and welcomed each of the attendees. He then went on to inform the attendees the purpose of the meeting and welcomed any and all questions and conversation regarding the proposed use. Once the information regarding the proposed project had been given, Mr. Stone proceeded to give some background of Wynnefield Properties, Inc./Wynnefield Forward, LLC and the company's history in development, construction and property management.

After discussing the proposed use and the company's plans for development on the site, Mr. Stone reinforced the fact that all of the plans currently in place were preliminary and no development would proceed without approval through all of the appropriate channels with the Town of Boone.

The meeting was then opened up to the citizens and attendees for questions/comments:

- *Do you feel like the density is too much for this area?* The density proposed is what we feel like is a good fit and could likely decrease, but not increase.
- *Access to the site:* We are trying to access only off of New Market and leave the access from Chestnut to only be used by emergency vehicles but would need to have that approved by all channels at the Town of Boone.
- *The project is not a good fit with the neighborhood:* We feel like our design will be a good fit with the neighborhood and a natural transition from 421.
- *Are these units for rent or for sale?* We are proposing a For Rent product.
- *What is the pond shown on the plan?* We have showed a wet pond on this plan but will likely resize and try to eliminate the pond to be an underground system which would help us with our site design.
- *Have you ever had to rezone any of your other properties?* Yes, we have over 40 years of experience in this industry and have had to rezone multiple properties throughout the years.
- *Can you move the second entrance?* We would like to totally eliminate the Chestnut Drive entrance but would need the Town to sign off on that.
- *The slope of your New Market entrance will likely be a hazard in bad weather:* Our projects will be designed to certain standards and we will have very specific details and grades to comply with for both safety and ADA. The City and DOT will moderate both the driveway specs and details prior to construction.
- *Will the driveway become town maintained?* No it will remain private
- *How many parking spaces?* We are showing 80, 90 are required but we are submitting a parking waiver request to the town to request a reduction to 60 spaces which is equal to 1 per unit.
- *Are pets allowed?* We do not allow pets but will permit companion animals with the proper paperwork and backup.
- *How long before you remove the designation to only 55+ and older?* We will have a LURA in place that restricts the use for at least 30 years. At year 20, we will likely refinance the project to add another 30 years.
- *What is on the interior?* The units will be only accessible from the interior corridors of the project which also include the indoor amenities (elevator, managers office, computer area, sitting areas, etc.).
- *We are a single family neighborhood and don't want this product:* We understand your concerns and hope to be a valuable addition to this neighborhood.
- *Why can't you leave the zoning and build somewhere else?* We understand the concern and hope to be a valuable addition to the neighborhood. This proposed use requires us to rezone the property
- *What are your rental amounts?* We are currently between \$400 and \$1300 for rents on one and two-bedroom apartments
- *Why only 1 elevator?* Our financing partner requires 1 elevator per 60 units
- *Will you leave a buffer area?* We are proposing to leave as much of the natural vegetation as possible and will provide landscaping per the town requirements. The town will have both buffer and setback requirements

- *The increase in site lighting will be a lot to this area:* A lighting layout will also be included in the permitting/review process which will determine the final design for site lighting
- *What kinds of trees and plants will you put in at construction?* We strive to use native plants as much as possible and will have requirements based on the local reviewers
- *What will this do to our property values?* In our experience we have noticed our addition to the tax base will either maintain or help property valuation in the direct vicinity
- *Why not build a shorter/smaller building?* We have designed a building that fits on the land that is available and could likely decrease the density as we move through the process but will not increase density at all.
- *Can you walk through the exterior elevations?* Mr. Stone explained the materials and design associated with the plans that were presented
- *You reference exterior storage, where is it?* The exterior storage is exterior to the unit but still located within the corridors of the building
- *Why baths instead of walk-in/roll in showers?* This is a design standard we have adhered to and used for multiple products and will have a certain number of units with roll-in showers.
- *The hallways in your plans look narrow.:* We will have standards that will be reviewed during the permitting process and will have pockets within the hallways at each unit
- *What is the requirement and how did you decide who to include on your invite for the meeting:* These requirements are set forth by the town and we comply with their requirements
- *Will you use local contractors or workers on this project?* We will advertise locally
- *When would you propose starting construction?* June or July of 2025

The meeting adjourned around 7:15 pm.

Submitted by

Wynnefield Properties, Inc.

Wynnefield Forward, LLC

Neighborhood Meeting

February 7, 2024 (6:00PM)

Boone Council Chambers (1500 Blowing Rock Road, Boone, NC 28607)

Name	Address
Chris Laine	1649 Tom Jackson Rd., Boone, NC 28607
Nancy G. Williams	234 Farthing St. Boone NC 28607
Dick & Virginia Williams	231 Chestnut Dr. Boone NC 28607
Carolyn Wand	253 Chestnut Dr Boone NC 28607
Donna Lillian	338 Chestnut Dr. Boone NC 28607
David Bryn	276 Brookside Dr.
Crystal Cheek	211 Chestnut DR. Boone
Kellie Ashcraft	582 Market Hills, Dr., Boone
LIZ MASON	280 CHESTNUT DR. Boone / 1399 NILEY CO. RD. BLOWING NC, 28605

42

TXACCTNAME	TXADDRESS	TXADDRESS2	TXCITYST	TXZIP
AYERS, FAYE D	112 MAPLE DR		BOONE, NC	28607
BOONE INVESTMENT GROUP LLC	P.O. BOX 68		LAGUNA BEACH, CA	92652
BOONE MOVIE PARCEL LLC	KE ANDREWS	2424 RIDGE RD	ROCKWALL, TX	75087
BPT PROPERTIES LLC	C/O J RALPH LEONARD	516 NEW MARKET BLVD STE 1	BOONE, NC	28607
BPT PROPERTIES LLC	C/O J RALPH LEONARD	516 NEW MARKET BLVD STE 1	BOONE, NC	28607
BPT PROPERTIES LLC	C/O J RALPH LEONARD	516 NEW MARKET BLVD STE 1	BOONE, NC	28607
CHEEK, CRYSTAL D	211 CHESTNUT DR		BOONE, NC	28607
COLE, ROBERT A, COLE, CARISSA M	86 SOVEREIGN LN		FAIRVIEW, NC	28730
COMER, JEFFREY D., COMER, JAMI	617 AMANDA DR		MATTHEWS, NC	28104
DELANEY LAINE, LLC	1649 TOM JACKSON RD		BOONE, NC	28607
DHB DEVELOPMENT LLC	271 BROOKSIDE DR		BOONE, NC	28607
DHB DEVELOPMENT LLC	271 BROOKSIDE DR		BOONE, NC	28607
EDWARDS BOONE, LLC	2019 EASTCHESTER DR		HIGH POINT, NC	27265
FACKLER, RAYMOND R JR, FACKLER, RENEE	2017 NW 56TH TER		GAINESVILLE, FL	32605-3382
FACKLER, RAYMOND R JR, FACKLER, RENEE	2017 NW 56TH TER		GAINESVILLE, FL	32605-3382
GREENE, JAMES SCOTT, A.K.A GREENE, SCOTT	163 HIDDEN VALLEY CIR		BOONE, NC	28607
JAMISON, DAVID THOMAS RUSTON, JAMISON, LENORE BROWN	291 CHESTNUT DR		BOONE, NC	28607
JEFF TEMPLETON RENTALS, LLC	P O BOX 3601		BOONE, NC	28607
LILLIAN, DONNA LEE	338 CHESTNUT DR		BOONE, NC	28607
MALONE, NANCY E. EARLS	357 BLUE DOLPHIN DR		PORT HUENEME, CA	93041
MASON, ELIZABETH R	280 CHESTNUT DR		BOONE, NC	28607
MASON, ELIZABETH R	280 CHESTNUT DR		BOONE, NC	28607
MFOB PROPERTIES, LLC	3901 WESTPOINT BLVD		WINSTON SALEM, NC	27103
MORETZ, SHERI J	364 CHESTNUT DR		BOONE, NC	28607
MORGAN, DONNA C, CABLE, SONYA	648 SCARLET BABY DR		BLYTHEWOOD, SC	29016
PINNACLE STORAGE OF BOONE, LLC	324 GREENVILLE AVE		WILMINGTON, NC	28403
PULIATTI, JOANNE S	275 CHESTNUT DR		BOONE, NC	28607
REYNOLDS, SALLY B, TRUSTEE, SALLY ELIZABETH BAUMANN REYNOLDS REV LIV	519 BROOKSIDE DR		BOONE, NC	28607
ROBERT J. CARLOUGH AND LINDA L. CARLOUGH, FAMILY TRUST	799 STANSBERRY RD		BUTLER, TN	37640
RUBLE, MATTHEW WILLIAM	1157 OLD TURNPIKE RD		BOONE, NC	28607
SH WOOD, LLC	633 E KING ST		BOONE, NC	28607
SKY COUNTRY LLC	348 BARE RIDGE RD		WEST JEFFERSON, NC	28694
SUTTON, CARL DAVID	P.O. BOX 2123		BOONE, NC	28607-2123
WARD, RICHARD M, WARD, CAROLYN JULIA MASON	253 CHESTNUT DR		BOONE, NC	28607
WILLIAMS, NANCY GREENE	396 GREENFIELD LN		BOONE, NC	28607
WILLIAMS, T GILBERT, WILLIAMS, GLENDA	6163 HAZELWOOD LANE		HIGH POINT, NC	27263-7818
WILLIAMS, VIRGINIA W	231 CHESTNUT DR		BOONE, NC	28607
WINSOME PARTNERS LLC	3825 MINDONA DR		WINSTON SALEM, NC	27106
WINSOME PARTNERS, LLC	3825 MINDONA DR		WINSTON SALEM, NC	27106
WINSOME PARTNERS, LLC	3825 MINDONA DR		WINSTON SALEM, NC	27106
WOOD, KENNETH BUDDY	633 E KING ST		BOONE, NC	28607
WOOD, KENNETH BUDDY	633 E KING ST		BOONE, NC	28607

Wynnefield Properties

January 11, 2024

Re: Property located at New Market Blvd. & Chestnut Drive

Dear Neighbor:

Wynnefield Properties, Inc is a local real estate development firm dedicated to developing and managing quality housing throughout the state of North Carolina. Realizing there is a strong need in the Boone area for this type housing, our group is considering the purchase, development and ongoing management of a 3.64 +/- acre site located between New Market Blvd and Chestnut Drive, Boone, NC (map attached). Our proposed design will be based on previous developed properties that have been very successful and well received by their communities. These properties are available for review.

This proposed 60-unit senior community will be attractive, well designed and constructed to very high standards and the landscaping details will be extensive. Our Property Management firm, with over 30 years' experience will provide assurance of a well-maintained community.

We would like to know how you, as a local area resident, feel regarding our proposed facility being located in your area. This letter is to serve as notification of our request to rezone this property to accommodate our proposed development. We will hold a Neighborhood Meeting Wednesday, February 7, 2024 at 6:00pm located at Boone Council Chambers (1500 Blowing Rock Road, Boone, NC 28607). This meeting is open to the public and your participation is encouraged.

We are available by telephone (336) 822-0765 and will be happy to personally meet with you should you choose to consider this matter. We look forward to your feedback.

Sincerely,



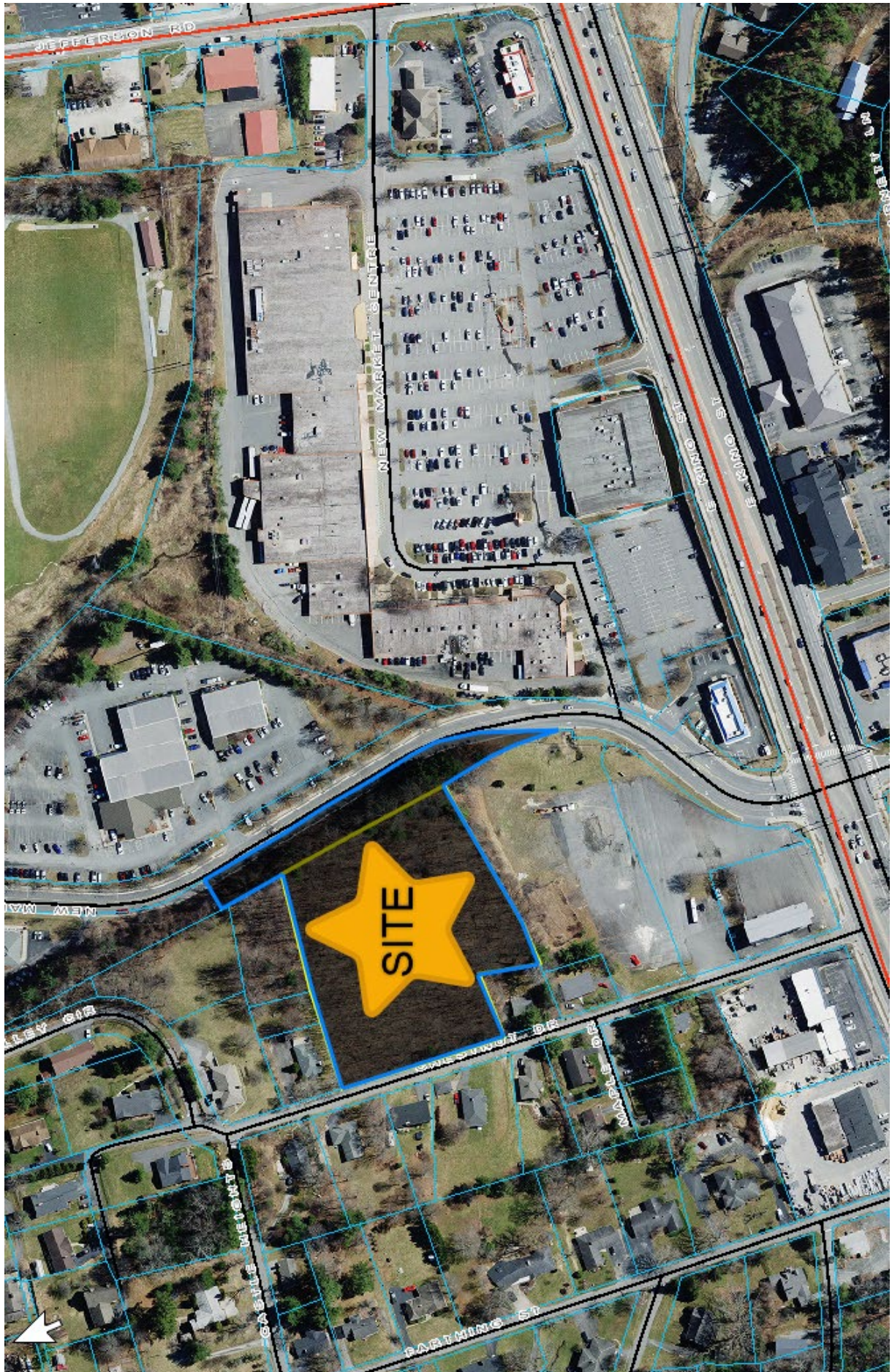
Davis Ray

PO BOX 395

Jamestown, NC

Phone: 336-454-6134

Fax: 336-454-6190



Wynnefield Properties - The Villas at South Fork

299 New Market Blvd. Boone, NC 28607
01/19/2024

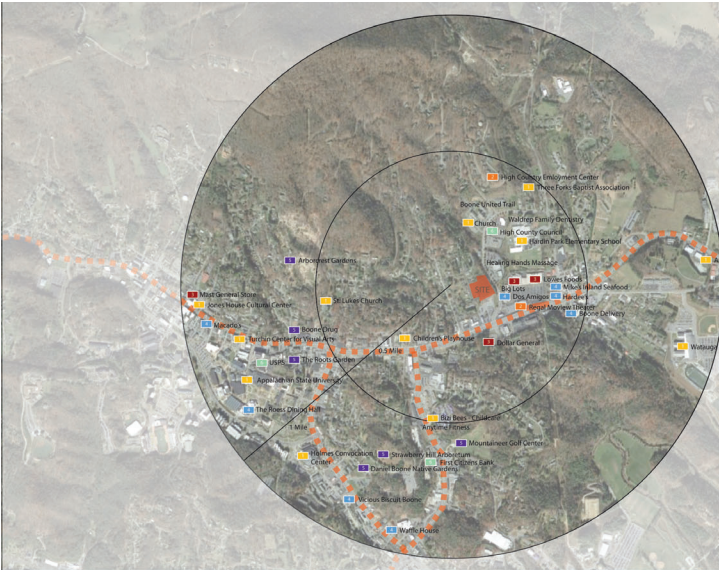


1 Site Plan
1" = 30'-0"

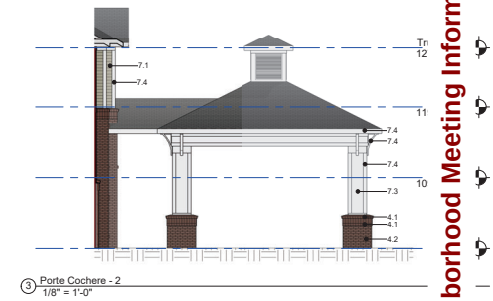
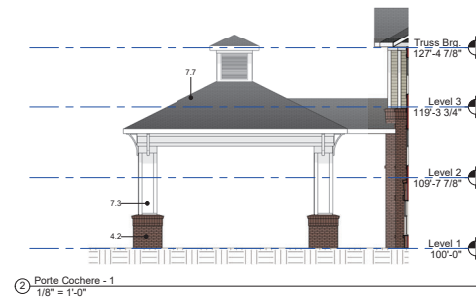
SITE METRICS	
PARCEL ID	2910399610000 2910399335000 2910492359000
ADDRESS	299 New Market Blvd Boone, NC 28607
PARCEL AREA	165,092 SQ.FT. (3.79 ACRES)
ZONING	Current: R1 Proposed: R5

PARKING		
Level	Type	Count
Level 1	9'x18'	72
Level 1	Accessible	9
		81

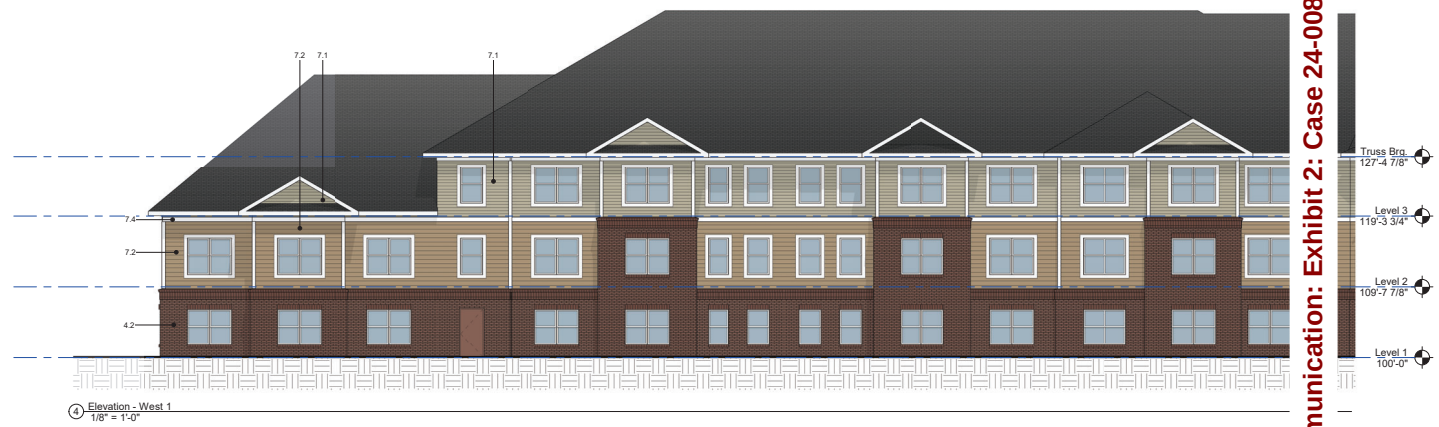
UNIT MATRIX										
BOONE SENIOR APARTMENTS										
BOONE, NC										
	Units	P.P. SF	NET SF	Level	Ground	1st	2nd	3rd	TOTAL	
298/28A 188/78A	A1	654	704	4	4	6	6	20	30	
	A1-Type A	654	704	0	1	1	1	1	3	
	A2	819	874	0	1	1	1	1	3	
	A3	777	832	1	1	1	1	1	4	
	B1	960	1,025	1	3	3	4	11	30	
	B1 - Type A	960	1,025	1	1	1	1	0	3	
	B2	915	979	1	1	1	1	1	4	
	B3	1,043	1,112	2	4	4	2	12		
	TOTAL UNITS				10	16	18	16	40	
	UNIT PAINT-PAINT SF				8,314	13,793	15,101	13,015	50,223	
UNIT NET (HEATED) SF					8,901	14,753	16,161	13,937	53,752	
BUILDING NET (HEATED) SF					14,164	19,929	19,923	17,577	71,593	
BUILDING GROSS (UNDER ROOF) SF					14,164	20,977	19,923	17,577	72,641	



Communication: Exhibit 2: Case 24-0085 Neighborhood Meeting Information (Case A24-0085 The Villas at



EXTERIOR MATERIALS		Image
Material Mark	Description	
4.1	BRICK - UTILITY - SOLDIER COURSE	
4.2	BRICK - UTILITY - RUNNING BOND	
7.1	CFB LAP SIDING - 5" REVEAL - COLOR	
7.2	CFB LAP SIDING - 7" REVEAL - COLOR	
7.3	CFB PANEL SIDING - SMOOTH - COLOR 3	
7.4	CFB TRIM - COLOR: WHITE	
7.7	ARCHITECTURAL ASPHALT SHINGLES - COLOR 4	
8.1	EXTERIOR WINDOW - VINYL - COLOR WHITE	
x		



Exterior Elevations

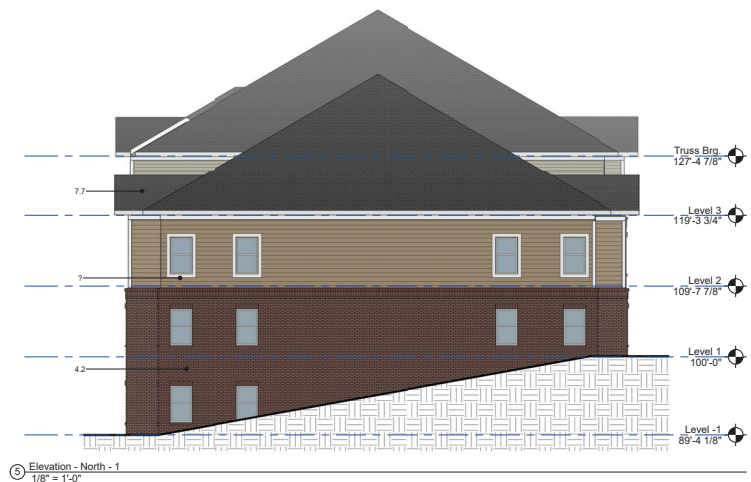
Wynnefield Properties - The Villas at South Fork

Communication: Exhibit 2: Case 24-0085 Neighborhood Meeting Information (Case A24-0085 The Villas at South Fork)

EXTERIOR MATERIALS

Material Mark	Description
4.1	BRICK - UTILITY - SOLDIER COURSE
4.2	BRICK - UTILITY - RUNNING BOND
7.1	CFB LAP SIDING - 5" REVEAL - COLOR 4
7.2	CFB LAP SIDING - 7" REVEAL - COLOR 3
7.3	CFB PANEL SIDING - SMOOTH - COLOR 3
7.4	CFB TRIM - COLOR: WHITE
7.7	ARCHITECTURAL ASPHALT SHINGLE - COLOR 4
8.1	EXTERIOR WINDOW - VINYL - COLOR WHITE

Image



EXTERIOR MATERIALS		Image
Material Mark	Description	
4.1	BRICK - UTILITY - SOLDIER COL	
4.2	BRICK - UTILITY - RUNNING BC	
7.1	CFB LAP SIDING - 5" REVEAL - C	
7.2	CFB LAP SIDING - 7" REVEAL - C	
7.3	CFB PANEL SIDING - SMOOTH COLOR 3	
7.4	CFB TRIM - COLOR: WHITE	
7.7	ARCHITECTURAL ASPHALT SHIN COLOR 4	
8.1	EXTERIOR WINDOW - VINYL - C WHITE	



Exterior Elevations

Wynnefield Properties - The Villas at South Fork

Communication: Exhibit 2: Case 24-0085 Neighborhood Meeting Information (Case A24-0085 The Villas at







March 15, 2024

Via Email Delivery

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

RE: The Villas at South Fork - Parking Space Requirements

To whom it may concern:

Wynnefield Forward, LLC, respectfully requests that the Town of Boone adjust the minimum parking requirements for its proposed Villas at South Fork apartment development (the "Project"), for the following reasons:

- Under Table 24.01 of the Town of Boone Unified Development Ordinance (the "Ordinance"), the Project – a proposed 60-unit senior housing complex – would be required to have at least 90 parking spaces to meet the minimum parking requirement. Under Section 24.01.09(A)(1) of the Ordinance, developments designated for the elderly may have the minimum parking adjusted upon reliable and persuasive evidence demonstrating that the requirement would result in excess and unnecessary parking. Pursuant to this section, we are requesting that the parking requirement for the Project be reduced to 74 parking spaces.
- Wynnefield and its affiliates have developed and/or managed over 15 senior apartment communities throughout North Carolina over the past several decades. In our experience, available parking of one space per unit has proven to be more than adequate to meet the needs of our senior residents.
- We have submitted an application to North Carolina Housing Finance Agency ("NCHFA") for an allocation of low-income housing tax credits to assist in financing the Project. Pursuant to this application, the Project will be income- and rent-restricted to remain affordable to low- and moderate-income seniors. NCHFA's own parking requirements, as set forth in Section V(F)(2) of Appendix B of the 2024 Qualified Allocation Plan, require only a minimum of one parking space per unit. Therefore, in NCHFA's determination, 74 spaces

would be more than sufficient to meet the parking needs of the Project's residents.

- If the Project is required to have 90 parking spaces, we will need to increase the size of the stormwater BMP (as a result of the increased impervious surface area), as well as add additional retaining walls that were not contemplated in the initial site plan. This will greatly increase the costs associated with construction of the Project. As with all projects that apply for tax credits, our Project is underwritten to an extremely tight construction budget. To be financially feasible, and to be competitive for an award of tax credits in the first place, we need to keep per-unit construction costs down wherever possible. The sizing of the BMP and additional walls could escalate costs to the point where the Project is no longer viable as an affordable housing property.

For the foregoing reasons, allowing us a discretionary reduction in required parking spaces will facilitate the development of 60 new affordable housing units for the elderly population of Boone. We sincerely appreciate your consideration of this request.

Very truly yours,

Wynnefield Forward, LLC



C. Craig Stone

Brandon Wise - Fwd: EXTERNAL EMAIL - Rezoning Resubmittal | New Market + ChestnutDrive

From: Jane Shook <jane.shook@townofboone.net>
To: Brandon Wise
Date: 3/6/2024 5:08 PM
Subject: Fwd: EXTERNAL EMAIL - Rezoning Resubmittal | New Market + ChestnutDrive
Attachments: Villas at South Fork Zoning 3-6-2024.pdf.txt; Wynnefield Properties - Traffic & Site Access Assessment.pdf

Sent from my iPhone

Begin forwarded message:

From: Davis Ray - WynnefieldForward <davis@wynnefieldforward.com>
Date: March 6, 2024 at 4:48:49 PM EST
To: Planning <Planning@townofboone.net>
Cc: Jane Shook <Jane.Shook@townofboone.net>, Matt Williams <mwilliams@borum-wade.com>
Subject: EXTERNAL EMAIL - Rezoning Resubmittal | New Market + Chestnut Drive

Good Afternoon:

I hope this email finds you doing well. We are following up on our call last week to submit our updated zoning packet for review and comment. Below are some items that were brought up during the review process we would like to elaborate on, along with the additional notes and detail in our plan.

1. Construction Access - It would be our desire and hope to only have one point of access to the site during construction for multiple reasons. We would propose that access being in the vicinity of the permanent driveway location off New Market. This would allow traffic one way in and one way out while also reducing the amount of unnecessary traffic through a residential neighborhood off Chestnut Drive. Based on our assessment, this would also be a more feasible route for anyone traveling to/from the site due to New Market being accessible from both King Street and Jefferson Road.
2. Noise Impacts - The noise impacts of the development of our proposed community will be limited to the construction phase. Any noise generated by the construction of our project including clearing, grading, deliveries, construction of structures, etc. will be limited to the standard business hours of other nearby businesses. That said, we do not foresee any circumstances that would force the project to operate which would cause a disruption to the neighborhood and/or neighboring properties. At the time of

stabilization and the property is occupied with tenants, there will be no unusually disturbing noises produced by the day-to-day operations of the community, except for landscaping, dumpster services, etc.

3. Lighting Impacts - During the permitting process we will submit a lighting plan and have a professional design the lighting plan based on the fixtures at the property. We aim to maintain a level of site lighting that is an added security feature to the residents, employees and any visitor; while also being cognizant of light pollution.

4. Any other Negative - in addition to the information submitted in the resubmittal, our design has been thoroughly evaluated to reduce any potential negative impact including but not limited to visual, traffic and health. In working with Wetherill Engineering, we have identified and addressed the comments raised by staff during the initial review process in the attached letter. Visually, our architect (Watts Leaf Associates) has included multiple detailed renderings from all aspects of the property, including a vantage point from Chestnut Drive. This updated rendered elevation provides visual representation of what impact the project would have, as proposed.

Additionally, our group has committed to preserving as much of the existing mature vegetation as possible during the development process, while also supplementing additional vegetation to meet and/or exceed requirements, per the UDO. The materials used on the building will be harmonious with surrounding uses and be an attractive addition to a growing part of the community. Our site engineers have also reviewed access to and from the site and we have made sure to allow ample space to construct necessary sidewalks to New Market, albeit a steep hill with multiple switchbacks.

5. Parking - Due to the landscaping and other requirements we are at 74 spaces. We are requesting an update to the waiver we submitted to be reduced to 74 spaces. If additional information/data is needed beyond what we have submitted, please advise with detail what would be necessary to further evaluate. Our financing partner, the North Carolina Housing Finance Agency (NCHFA) requires one parking space per unit on a project as designed, we are exceeding that requirement. As mentioned previously, our experience in managing over 100 communities throughout the state of North Carolina, no single community is capped out with a lack of parking spaces nor, do they come close to 85% of the parking being occupied, overall.

Thank you for your consideration and taking the time to review this request. We look forward to your feedback soon.

Davis Ray

[336.625.7641](tel:336.625.7641)

davis@wynnefieldforward.com<davis@wynnefieldforward.com>



Transportation
Planning
Bridge/Structural
Civil/Site
Construction Observation
Surveying

Offices in
Raleigh & Charlotte

MEMORANDUM

TO: Davis Ray

FROM: Larry Green, PE, PTOE

DATE: February 28, 2024

SUBJECT: Wynnefield Properties, Town of Boone – Traffic & Site Access Assessment

The Wynnefield Properties development is proposed from one full movement site access driveway on New Market Boulevard (across from an existing Ford Dealership) in the Town of Bone. A total of 60 Senior Apartment Units is proposed for the site. Based upon the Institute of Transportation Engineer's (ITE) Trip Generation Manual, 11th Edition, a total of 198 Daily Trips, 12 AM Peak Hour Trips, and 15 PM Peak Hour Trips will be generated by the site.

The purpose of this memorandum is to respond to requirements contained in the Town of Boone Unified Development Ordinance (UDO) Subsection 4.04.02 with regards to traffic and site access design assessments. Shown below are issues and responses:

1. A Traffic Impact Analysis (TIA) may be required if the development proposes an access to the public road system within 100' of the STOP bar of any traffic control signal; or

Response: Access is located more than 100 feet from the STOP bar at any traffic signal.

2. A TIA may be required if the development proposes an access to the public road system within 200' of the STOP bar of any traffic control signal and based upon Institute of Transportation Engineers (ITE) trip generation rates is projected to generate eighty (80) or more exiting trips during any one (1) hour period of any day; or

Response: Access is located more than 200 feet from STOP bar at any traffic signal and the site will not generate 80 or more trips during any one (1) hour period of the day.

3. A TIA may be required if the development proposes to have access to any public road at a location where sight distance in any direction along the road is less than 500'; or

Response: Wetherill Engineering conducted a sight distance field measurement at the proposed site access point on New Market Boulevard. The results of the sight distance measurement revealed that 530 feet of sight distance is available looking to the right along New Market Boulevard (looking south on New Market Boulevard); and that 430 feet of



WE Design Your Tomorrow . . .

Transportation
Planning
Bridge/Structural
Civil/Site
Construction Observation
Surveying

Offices in
Raleigh & Charlotte

sight distance is available looking to the left along New Market Boulevard (looking north on New Market Boulevard). The posted speed limit on New Market Boulevard at the site access driveway is 25 MPH. Based upon AASHTO's A Policy on Geometric Design of Highways and Streets criteria, a total of 280 feet of sight distance is required to safely turn from a STOP controlled intersection. As noted from the field measurements, available sight distances from the proposed driveway location far exceed the required AASHTO criteria.

4. A TIA may be required if the development proposes access onto a public road that does not have a paved width of at least eighteen feet (18'); or

Response: The approximate width of New Market Boulevard at the site access driveway is 33 feet.

5. A TIA may be required if the development proposes access to a public road that currently operates at a level of service of D or less and based upon ITE trip generation rates is projected to generate 1,500 weekday trips.

Response: As noted above, the proposed site will generate 198 weekday trips, and therefore, the level of service criteria is not applicable.

Conclusion

Based upon the trip generation and site access design elements of the proposed 60 Senior Apartment Units on New Market Boulevard in the Town of Boone, a formal TIA should not be required based upon subsection 4.04.02 of the Town of Boone Unified Development Ordinance.



Let 1

Lot 2	
PARCEL PIN:	2910-39-9610-000
DEED REFERENCE:	D.B. 1971, PG 823
LOT AREA:	2.90 ± ACRES
EXISTING ZONING:	R1
PROPOSED ZONING:	R5
EXISTING USE:	VACANT
PROPOSED USE:	1.17 ADULT LIVING COMMUNITY

TOTAL AREA:	3.79 ±ACRES
NO. OF UNITS:	60 APTS. UNITS
DENSITY:	60 UNITS / 3.79 AC = 15.8 UNITS / AC
REQUIRED LIVABILITY SPACE:	MINIMUM .27
LIVABILITY SPACE:	.54 (2.01 AC.)
PERVIOUS LIVABILITY SPACE:	2.01 AC.
IMPERVIOUS LIVABILITY SPACE:	0 AC.
BUILDING HEIGHT	46' 9 7/8"
TOTAL BUILDING S.F.	72,641 S.F.
DISTURBED AREA:	35 AC.

EXISTING ZONINGS:

PARKING SUMMARY

MOTORCYCLE PARKING REQUIRED:	2 SPACES
MOTORCYCLE PARKING PROVIDED:	2 SPACES
SHORT-TERM BICYCLE PARKING REQUIRED:	3 SPACES
SHORT-TERM BICYCLE PARKING PROVIDED:	4 SPACES
LONG-TERM BICYCLE PARKING REQUIRED:	6 SPACES
LONG-TERM BICYCLE PARKING PROVIDED:	6 SPACES

A. MULTI-PURPOSE RO

- B. COVERED DRIVE THROUGH OR DROP OFF
- C. SCREEN-IN PORCH (MIN. 150 SQ. FT.)
- D. EXERCISE ROOM (NEW EQUIPMENT)
- E. RESIDENT COMPUTER CENTER (MIN. 2 COMPUTERS)
- F. PATIO (10' X 16')
- G. 6 LONG TERM BICYCLE PARKING SPACES

1. PROPERTY LINE BOUNDARY INF

2. TOPOGRAPHICAL INFORMATION TAKE FROM AVAILABLE STATE LIDAR.
3. ALL ELECTRICAL POWER LINES, TELEPHONE, GAS DISTRIBUTION AND CABLE TELEVISION LINES IN ALL DEVELOPMENTS SHALL BE PLACED UNDERGROUND IN ACCORDANCE WITH THE SPECIFICATIONS AND POLICIES OF THE RESPECTIVE UTILITY SERVICE PROVIDERS AND LOCATED IN ACCORDANCE WITH THE TOWN'S STANDARD SPECIFICATIONS FOR STREET DESIGN AND CONSTRUCTION.
4. WHEEL CHAIR RAMPS AND DEPRESSED CURBS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE PUBLISHED STANDARDS OF THE NC BUILDING CODE, VOLUME 1-C ACCESSIBILITY.
UTILITY SERVICE PROVIDERS AND LOCATED IN ACCORDANCE WITH THE TOWN'S STANDARD SPECIFICATIONS FOR STREET DESIGN AND CONSTRUCTION.
5. ADDRESS NUMBERS SHALL BE A MINIMUM OF 6" IN HEIGHT AND CONTRASTING COLOR TO THE BACKGROUND.

SEALS:

PRELIMINARY
DRAWING
NOT FOR
CONSTRUCTION

PROJECT:

**THE VILLAS
AT SOUTH FORK
NEW MARKET BLVD.
WATAUGA COUNTY
BOONE, NORTH CAROLINA**

OWNER/DEVELOPER:

WYNNEFIELD FORWARD LLC
5614 RIVERDALE DRIVE
JAMESTOWN, NORTH CAROLINA
CONTACT: DAVIS RAY
336-625-7641

DRAWN BY: _____

DATE: 2/9/2024

REVISIONS: 3/6/2024- CITY COMMENTS

3/15/2024- CITY COMMENTS

SHEET TITLE:

ZONING

SITE

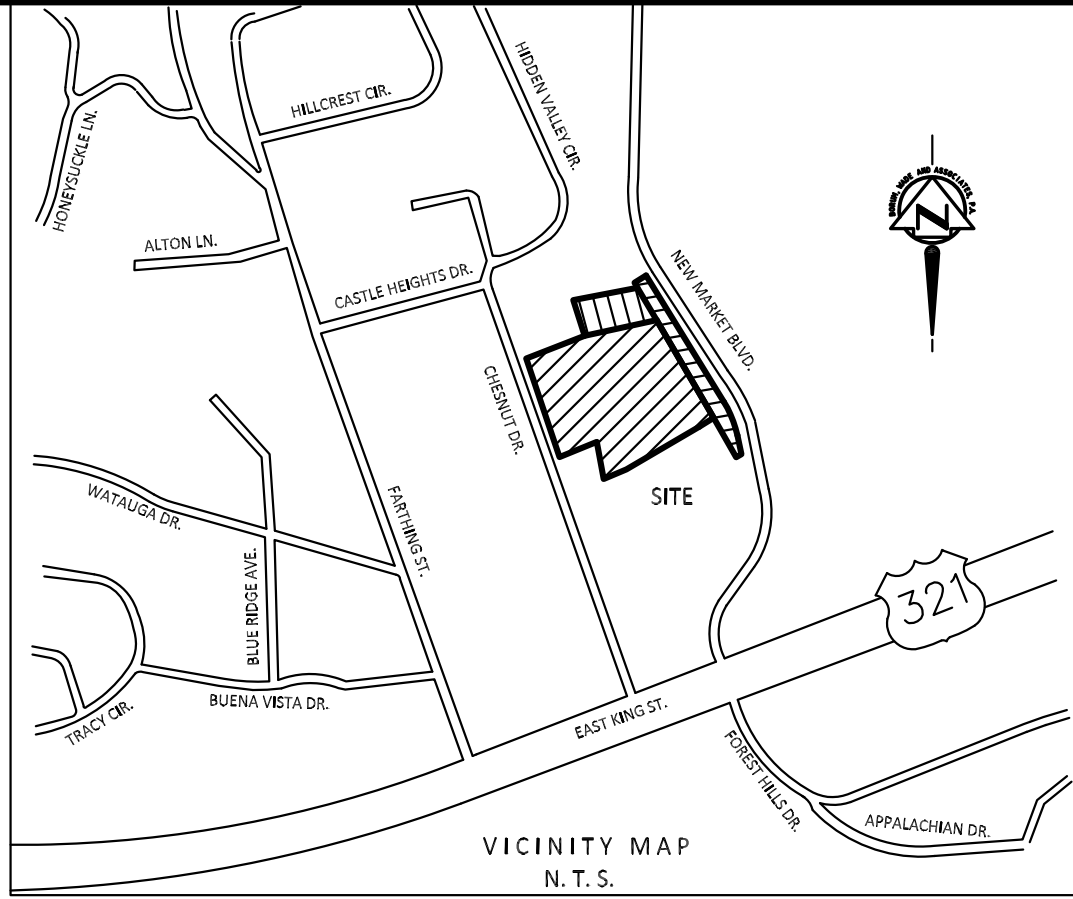
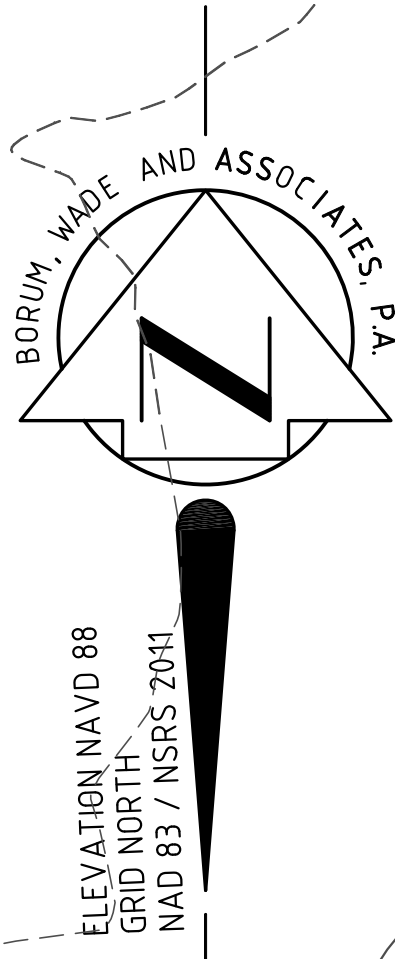
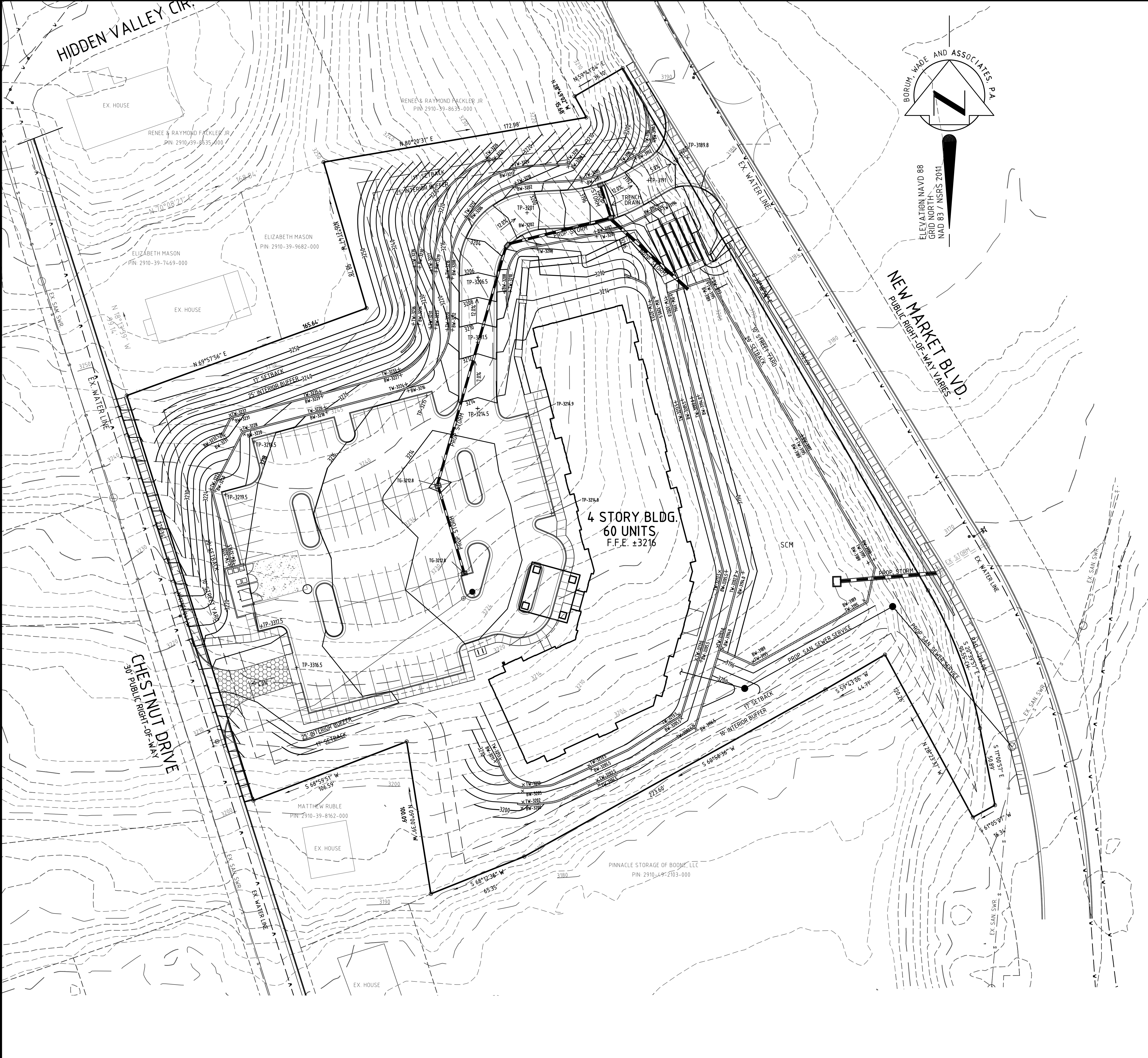
SITE PLAN

FILE NO: F:\WYNNFIELD\BOONE-\SITEPLAN

DRAWING SCALE: 1"=30'

PLAN SHEET NO. _____

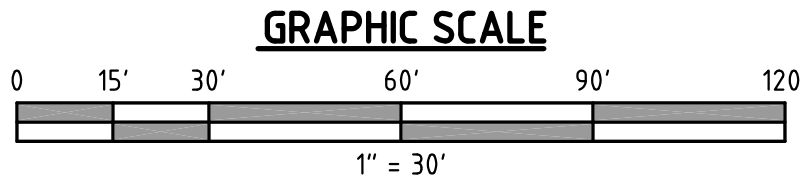
PLAN SHEET NO.



ZONING DATA

EXISTING ZONINGS: R1 SINGLE FAMILY RESIDENTIAL DISTRICT
B3 GENERAL BUSINESS
R5 55+ HOUSING RESIDENTIAL DISTRICT

PROPOSED ZONING:



BWA Engineers
Planners
Surveyors

Borum, Wade and Associates, P.A.

621 Eugene Court, Suite 100, Greensboro, NC 27401-2711
PO Box 21882 Greensboro, NC 27420-1882
Phone: 336-275-0471 Fax: 336-275-3719
Web: www.borum-wade.com
N.C. License # C-4868

SEALS:

**PRELIMINARY
DRAWING
NOT FOR
CONSTRUCTION**

PROJECT:

**THE VILLAS
AT SOUTH FORK**
NEW MARKET BLVD.
WATAUGA COUNTY
BOONE, NORTH CAROLINA

OWNER/DEVELOPER:

WYNNEFIELD FORWARD LLC
5614 RIVERDALE DRIVE
JAMESTOWN, NORTH CAROLINA
CONTACT: DAVIS RAY
336-625-7641

DRAWN BY:

DATE: 2/9/2024

REVISIONS: 3/6/2024 - CITY COMMENTS

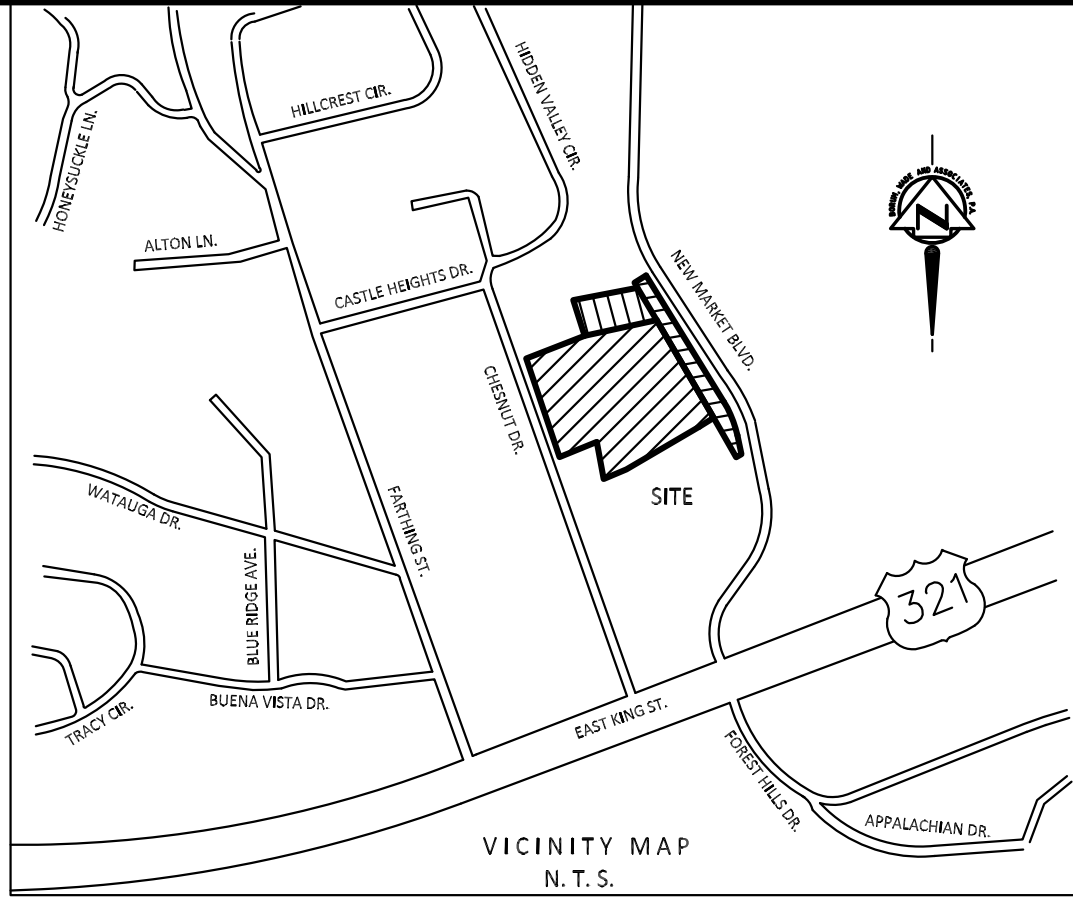
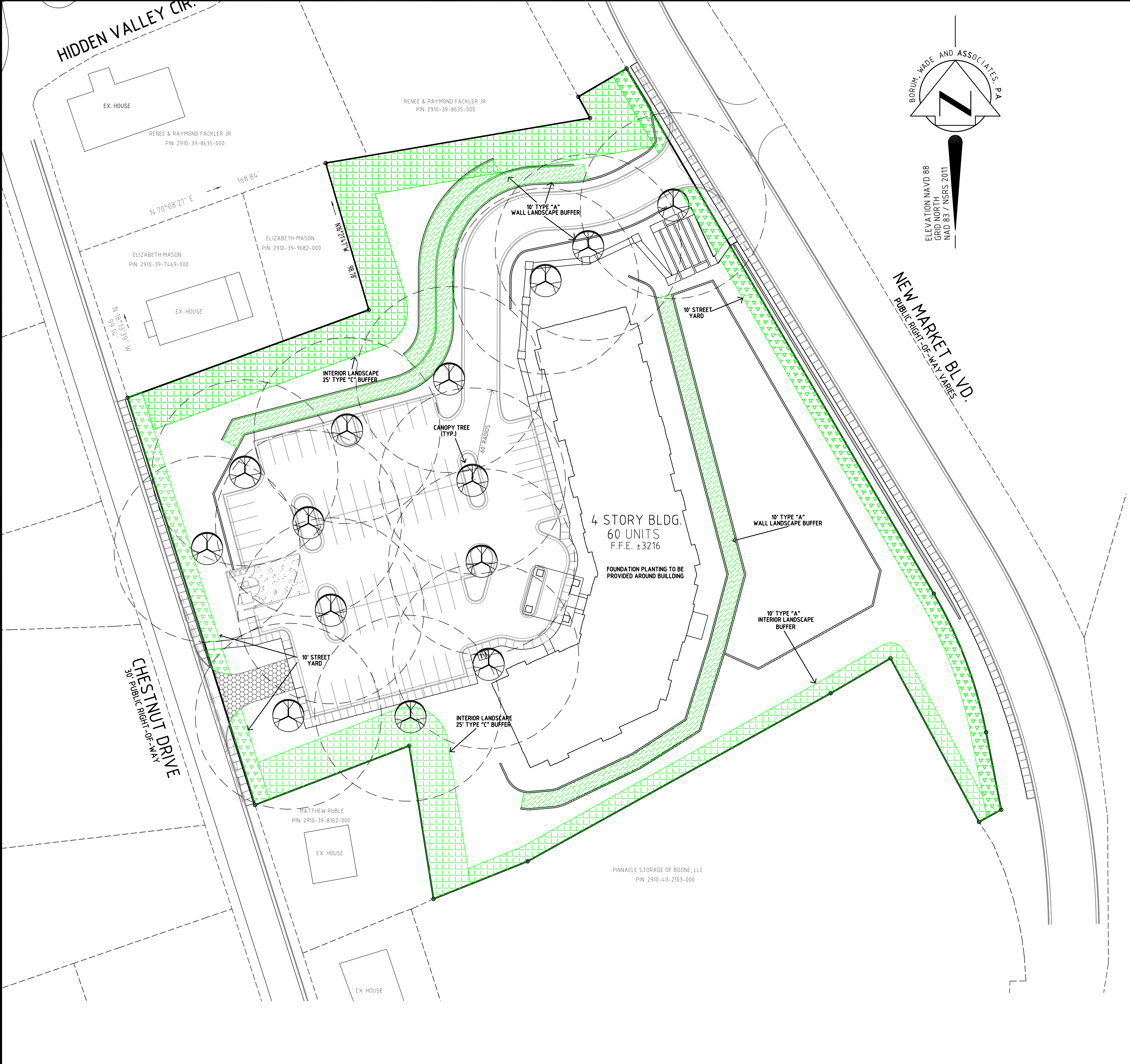
SHEET TITLE:

**ZONING
GRADING
PLAN**

FILE NO: F:\WYNNEFIELD\BOONE-\GRADING PLAN

DRAWING SCALE: 1"=30'

PLAN SHEET NO.



LANDSCAPE NOTE

- 1. FINAL LANDSCAPE TO SAVE EXISTING TREES IN BUFFERS AS GRADING ALLOWS
- 2. PARKING AREAS SHALL BE SEPARATED FROM THE EXTERIOR WALL OF A STRUCTURE BY LANDSCAPED PLANTING AREAS AT LEAST FOUR FEET (4') WIDTH.

STREET YARD

PER 30' OF STREET FRONTAGE	
1 LARGE TWO AND ONE HALF INCH MINIMUM CALIPER TREE	NEW MARKET BLVD. - 18 TREES (540')
	CHESNUT DR. - 9 TREES (275')
PER 3' OF STREET FRONTAGE	
1 - 18 INCH SHRUB	NEW MARKET BLVD. - 180 SHRUBS (540')
	CHESNUT DR. - 92 SHRUBS (275')

INTERIOR LANDSCAPE BUFFER

TYPE A BUFFER (10')		IN TOTAL (428 L.F.)
PER 100 L.F.		175 EVERGREEN TREES
15 EVERGREEN TREES		175 SHRUBS
15 SHRUBS		58 LARGE DECIDUOUS TREES
5 LARGE DECIDUOUS TREES		58 SMALL DECIDUOUS TREES
5 SMALL DECIDUOUS TREES		
TYPE C BUFFER (25')		IN TOTAL (738 L.F.)
PER 100 L.F.		175 EVERGREEN TREES
15 EVERGREEN TREES		175 SHRUBS
15 SHRUBS		58 LARGE DECIDUOUS TREES
5 LARGE DECIDUOUS TREES		58 SMALL DECIDUOUS TREES
5 SMALL DECIDUOUS TREES		

WALL LANDSCAPE BUFFER

PER 100 L.F.	IN TOTAL (872 L.F.)
7 EVERGREEN TREES	61 EVERGREEN TREES
3 SMALL DECIDUOUS TREES	26 SMALL DECIDUOUS TREES

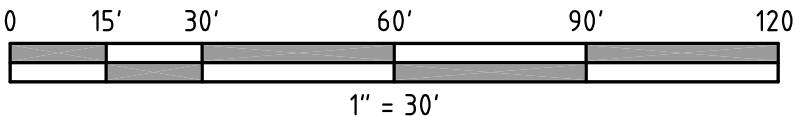
PARKING LANDSCAPE AREAS

REQ. LARGE DECIDUOUS TREES TO COVER ALL OF THE PARKING SURFACE WITH 60' RADIUS.	14
1 - 18" SHRUB PER 250 SF OF VEHICULAR SURFACE AREA	

LEGEND

- INTERIOR BUFFER
- WALL LANDSCAPE AREA
- STREET YARD
- TREE COVERAGE AREA
- TREES FOR PARKING COVERAGE

GRAPHIC SCALE



BWA

Engineers
Planners
Surveyors

Borum, Wade and Associates, P.A.

621 Eugene Court, Suite 100, Greensboro, NC 27401-2711
PO Box 21882 Greensboro, NC 27420-1882
Phone: 336-275-0471 Fax: 336-275-3719
Web: www.borum-wade.com
N.C. License #: C-4868

SEALS:

PRELIMINARY
DRAWING
NOT FOR
CONSTRUCTION

PROJECT:

THE VILLAS
AT SOUTH FORK
NEW MARKET BLVD.
WATAUGA COUNTY
BOONE, NORTH CAROLINA

OWNER/DEVELOPER:

WYNNEFIELD FORWARD LLC
5614 RIVERDALE DRIVE
JAMESTOWN, NORTH CAROLINA
CONTACT: DAVIS RAY
336-625-7641

DRAWN BY:

DATE: 2/9/2024

REVISIONS: 3/6/2024 - CITY COMMENTS

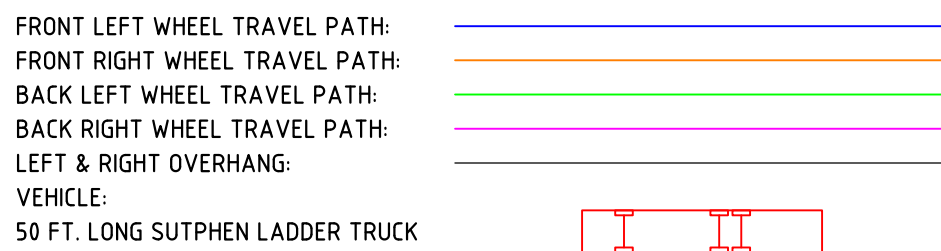
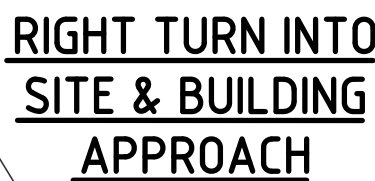
SHEET TITLE:

ZONING
LANDSCAPE
PLAN

FILE NO: F:\WYNNEFIELD\BOONE-LANDSCAPE PLAN

DRAWING SCALE: 1"=30'

PLAN SHEET NO.



NOTE:

VEHICLE TURNING PATHS DETERMINED USING SOFTWARE INCLUDED WITH CARLSON CIVIL SUITE 2022.

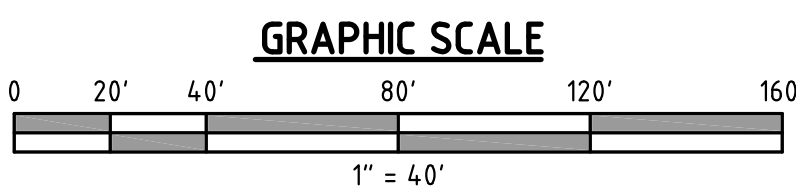
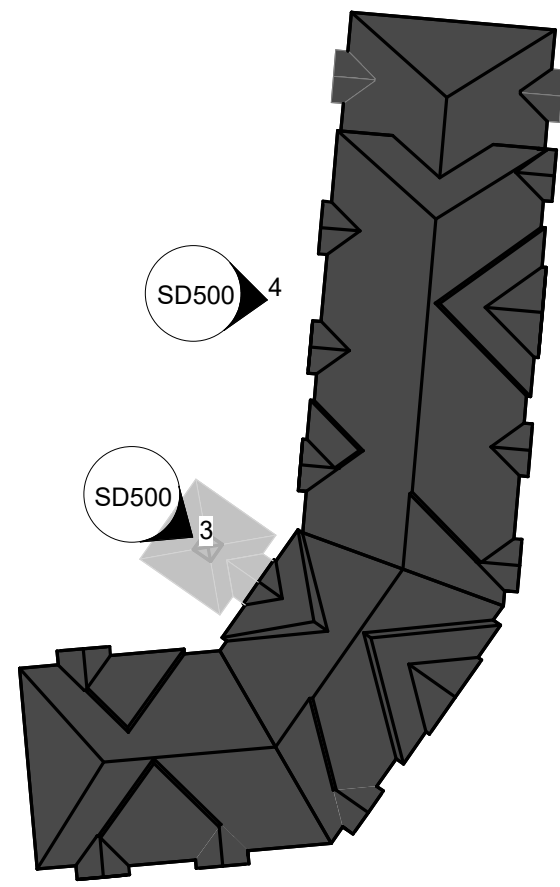
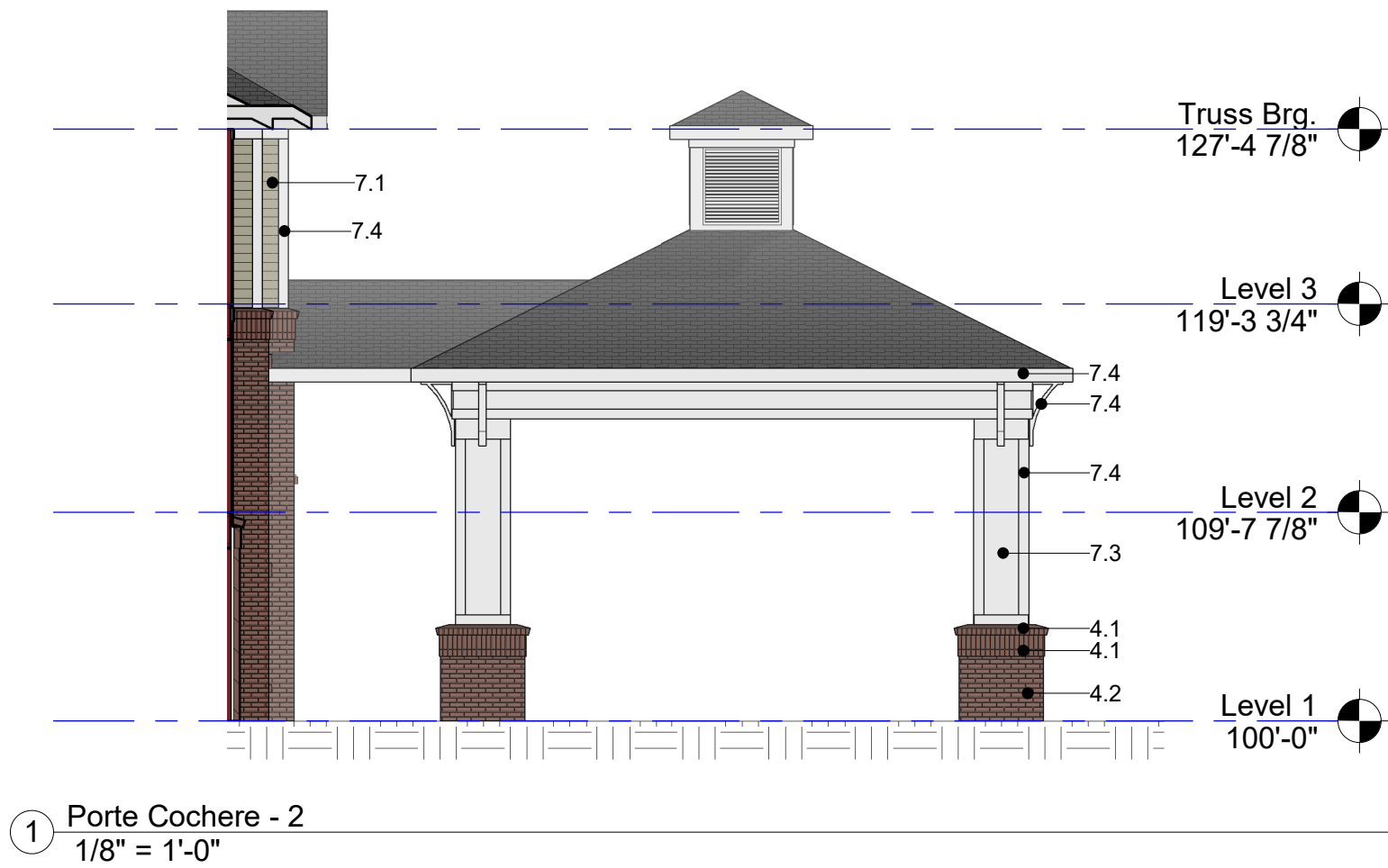
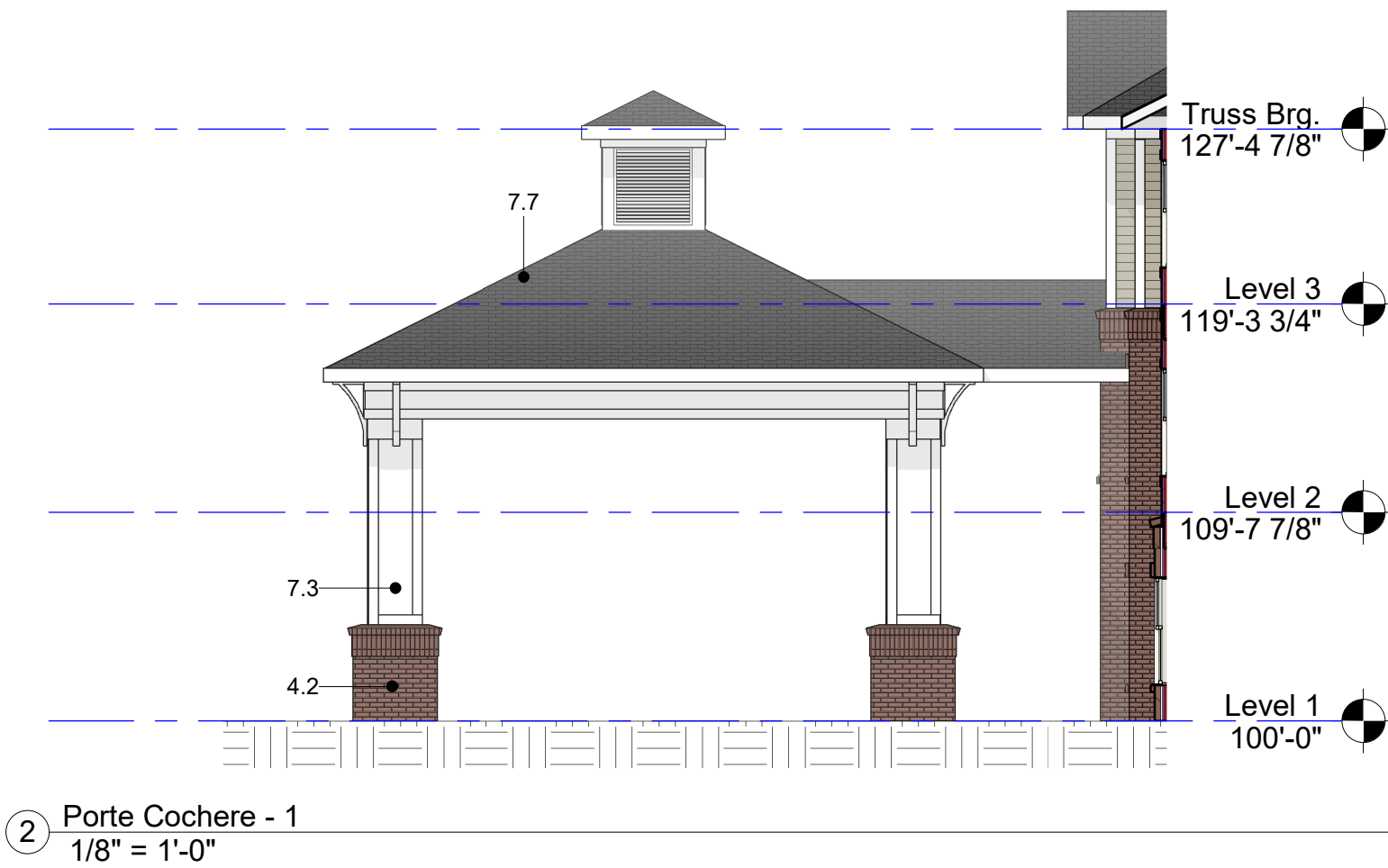
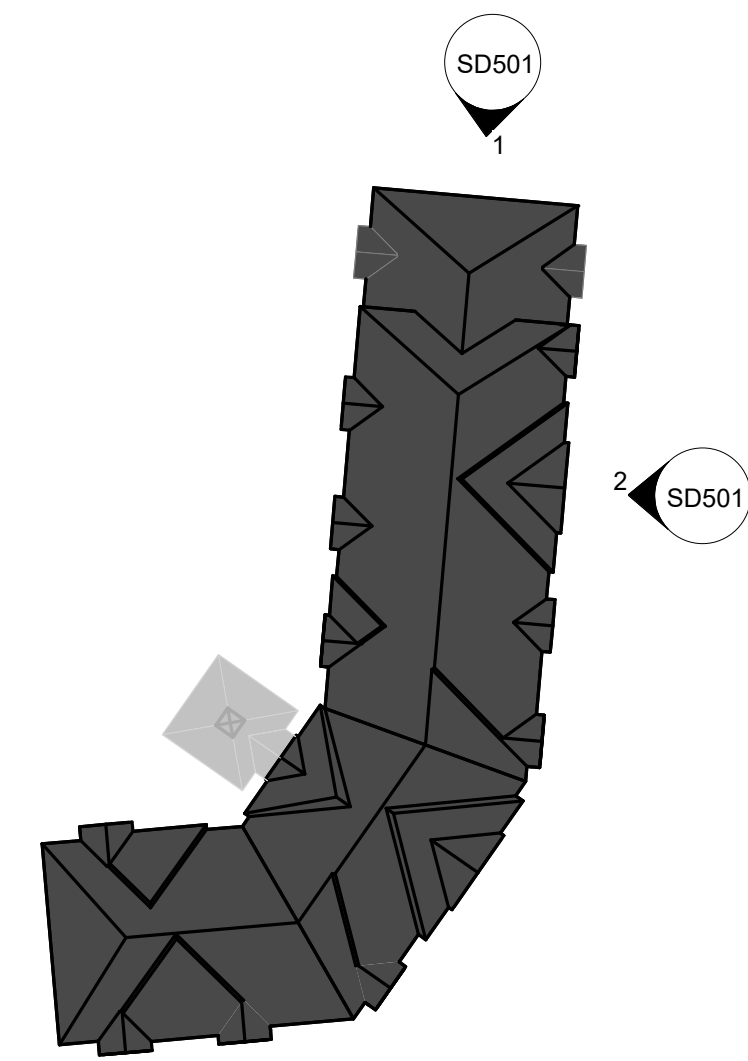
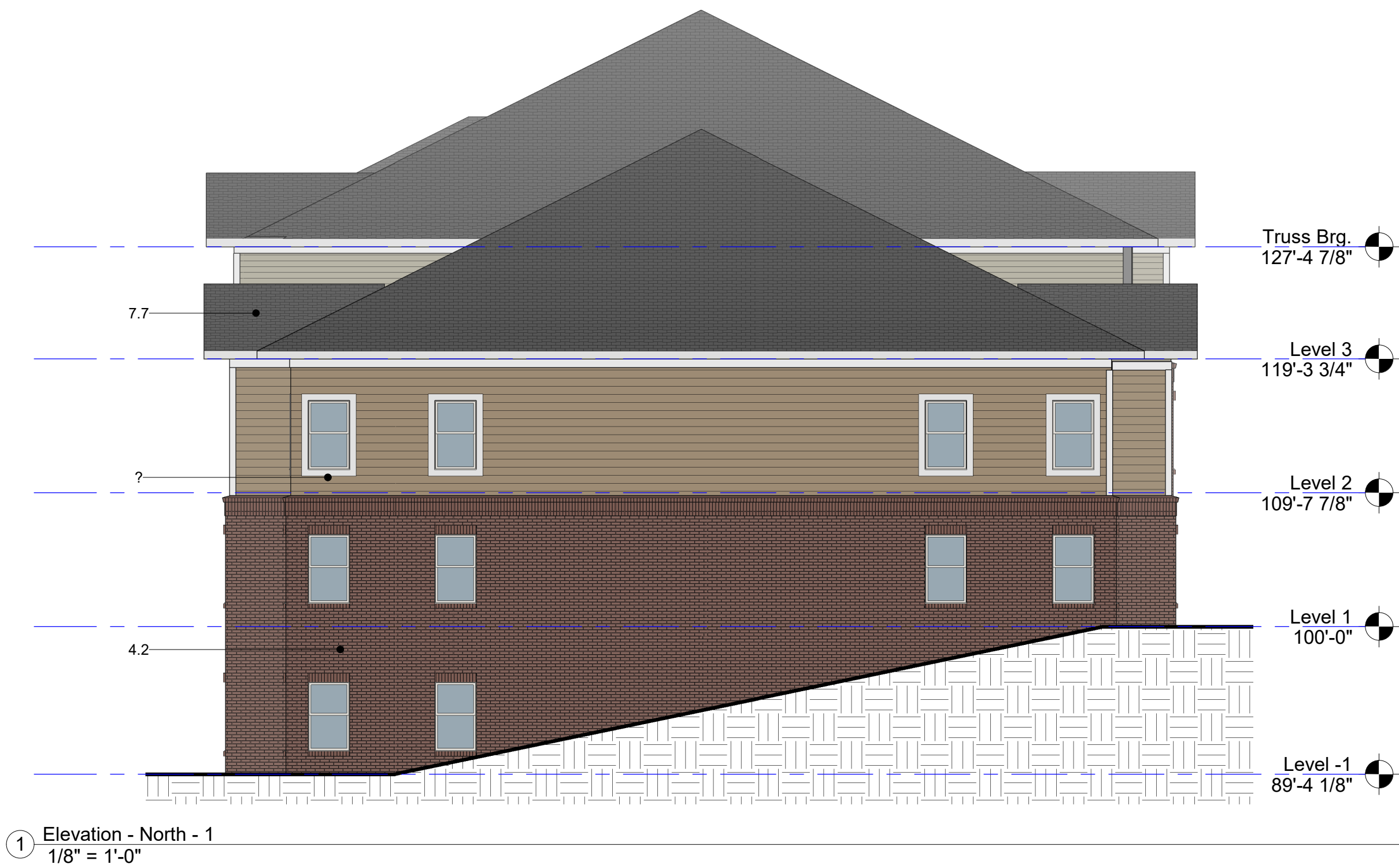


Exhibit 7



EXTERIOR MATERIALS		
Material Mark	Description	Image
4.1	BRICK - UTILITY - SOLDIER COURSE	
4.2	BRICK - UTILITY - RUNNING BOND	
7.1	CFB LAP SIDING - 5" REVEAL - COLOR 1	
7.2	CFB LAP SIDING - 7" REVEAL - COLOR 2	
7.3	CFB PANEL SIDING - SMOOTH - COLOR 3	
7.4	CFB TRIM - COLOR: WHITE	
7.7	ARCHITECTURAL ASPHALT SHINGLES - COLOR 4	
8.1	EXTERIOR WINDOW - VINYL - COLOR: WHITE	
x		





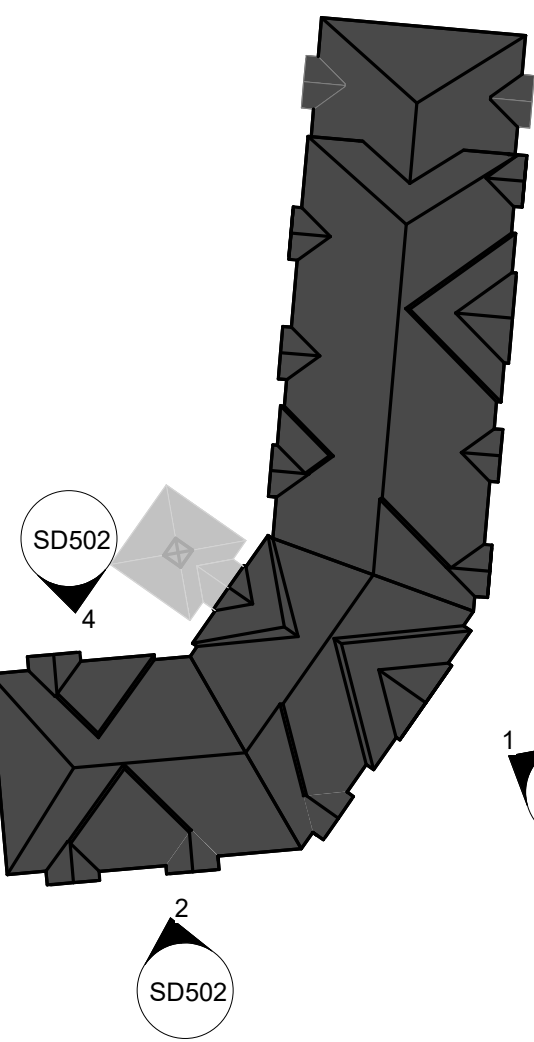
EXTERIOR MATERIALS		
Material Mark	Description	Image
4.1	BRICK - UTILITY - SOLDIER COURSE	
4.2	BRICK - UTILITY - RUNNING BOND	
7.1	CFB LAP SIDING - 5\" REVEAL - COLOR 1	
7.2	CFB LAP SIDING - 7\" REVEAL - COLOR 2	
7.3	CFB PANEL SIDING - SMOOTH - COLOR 3	
7.4	CFB TRIM - COLOR: WHITE	
7.7	ARCHITECTURAL ASPHALT SHINGLES - COLOR 4	
8.1	EXTERIOR WINDOW - VINYL - COLOR: WHITE	
x		



UDO SECTION 25.02.01 GROUND FLOOR GLAZING PERCENTAGE
TOTAL GROUND FLOOR AREA OF STREET FACING ELEVATION:
1,901.33 SQUARE FEET
TOTAL AREA OF GROUND FLOOR WINDOWS:
435 SQUARE FEET (22.88% > 10% REQUIRED)

EXTERIOR MATERIALS

Material Mark	Description	Image
4.1	BRICK - UTILITY - SOLDIER COURSE	
4.2	BRICK - UTILITY - RUNNING BOND	
7.1	CFB LAP SIDING - 5" REVEAL - COLOR 1	
7.2	CFB LAP SIDING - 7" REVEAL - COLOR 2	
7.3	CFB PANEL SIDING - SMOOTH - COLOR 3	
7.4	CFB TRIM - COLOR: WHITE	
7.7	ARCHITECTURAL ASPHALT SHINGLES - COLOR 4	
8.1	EXTERIOR WINDOW - VINYL - COLOR: WHITE	



UDO SECTION 25.02.01 GROUND FLOOR GLAZING PERCENTAGE

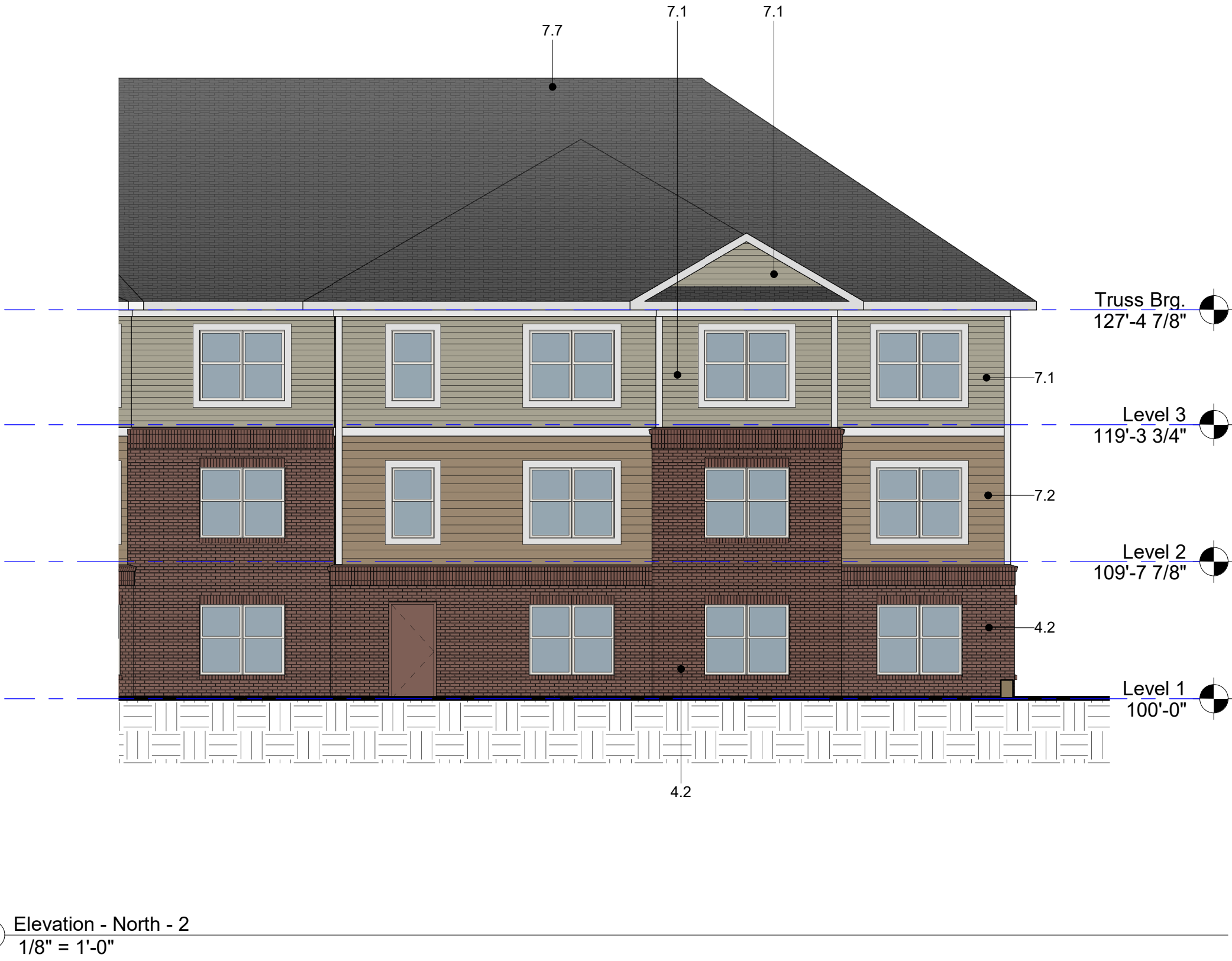
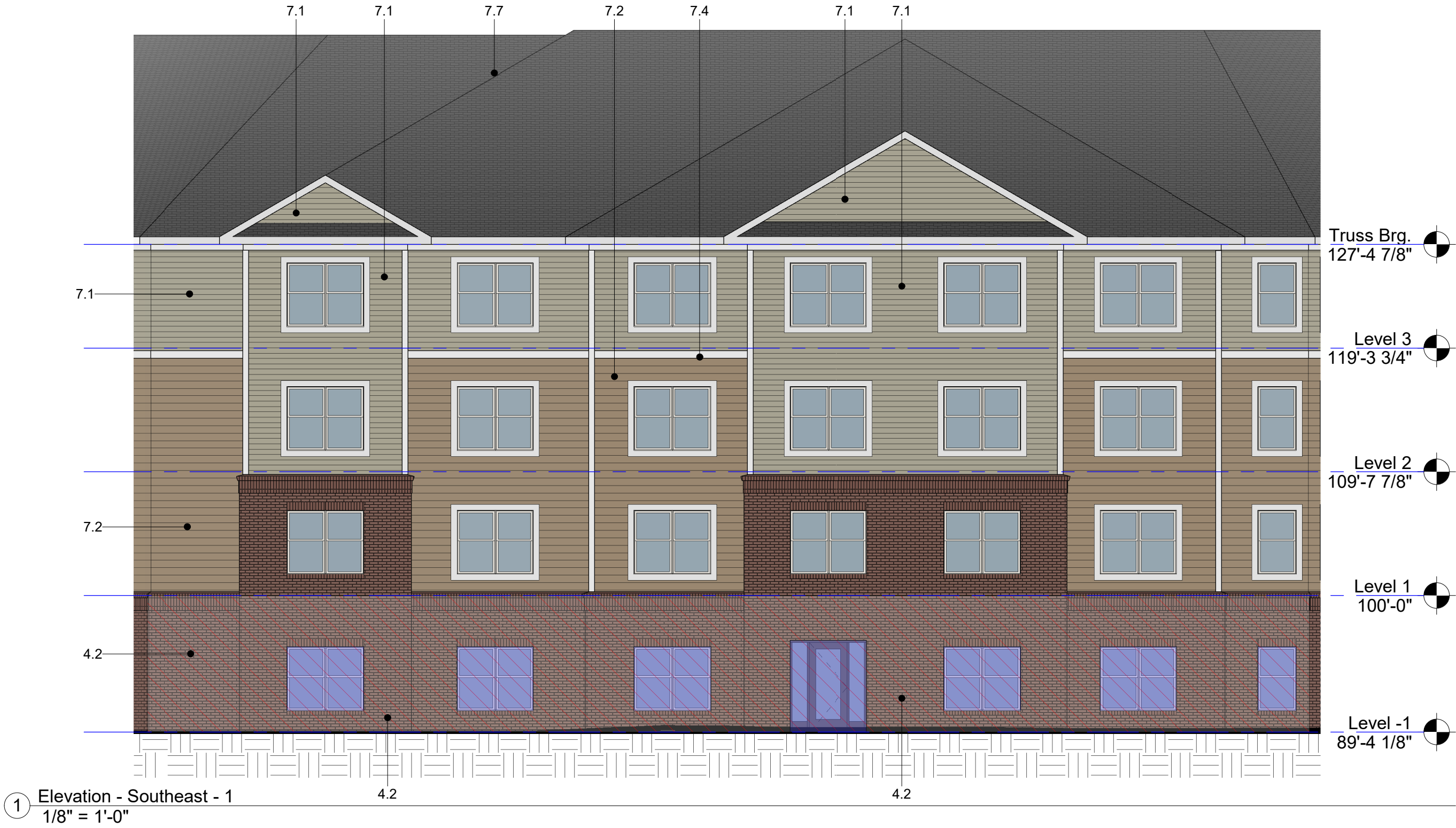
TOTAL GROUND FLOOR AREA OF STREET FACING ELEVATION:
959.36 SQUARE FEET

TOTAL AREA OF GROUND FLOOR WINDOWS:
210 SQUARE FEET (21.89% > 10% REQUIRED)

UDO SECTION 25.02.01 GROUND FLOOR GLAZING PERCENTAGE

TOTAL GROUND FLOOR AREA OF STREET FACING ELEVATION:
966.44 SQUARE FEET

TOTAL AREA OF GROUND FLOOR WINDOWS:
208 SQUARE FEET (21.52% > 10% REQUIRED)



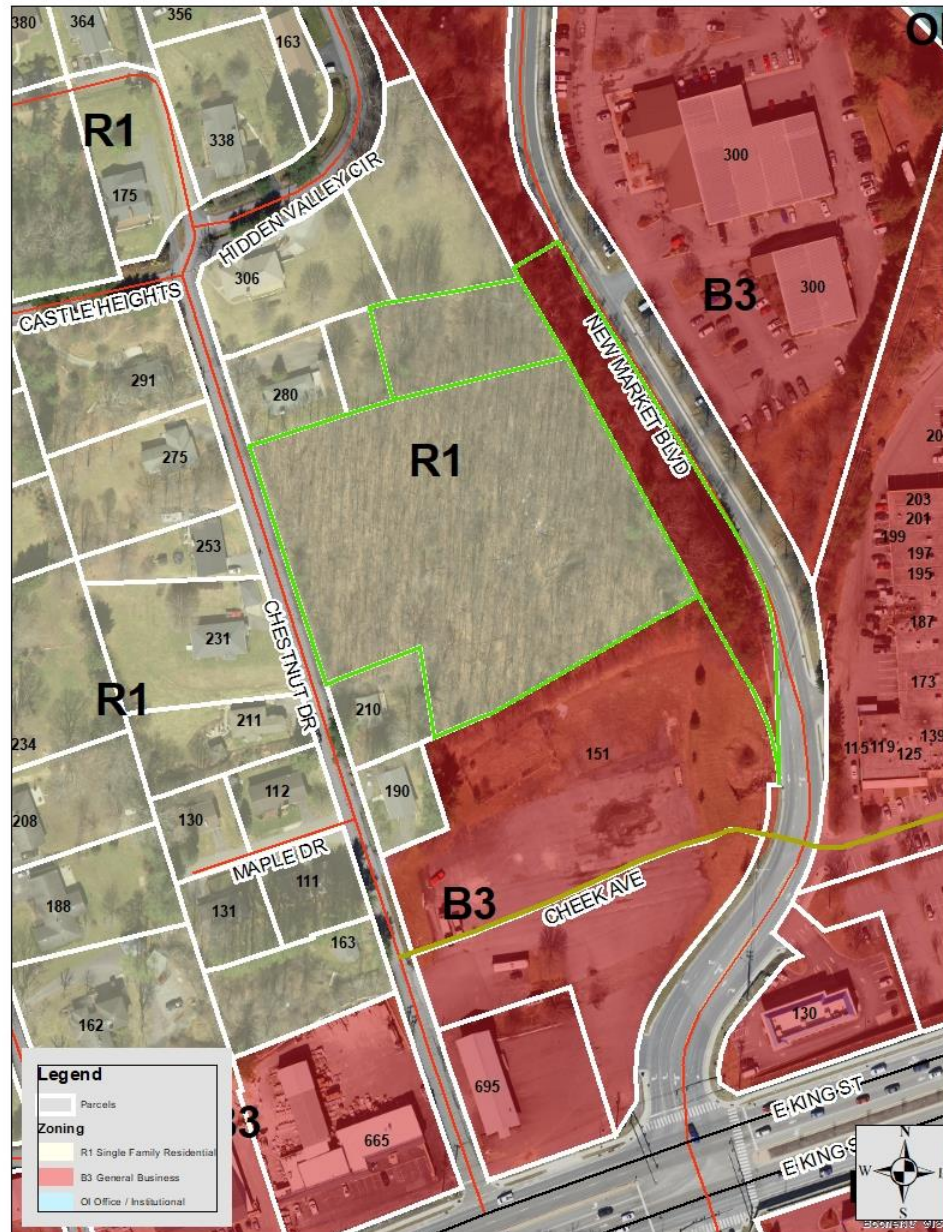






Staff Report
March 25, 2024

Case A24-0085 The Villas at South Fork Conditional District Zoning Map Amendment



Request

Wynnefield Forward, LLC has submitted a Conditional District Zoning Map Amendment application to rezone property on Chestnut Drive and New Market Boulevard (Watauga County PINs: 2910-39-9335-000, 2910-39-9610-000, 2910-49-2369-000) from R1 Single-Family Residential and B3 General Business to R5 55+ Housing with a site-specific plan for Use 1.17 Adult Living Community. The parcels included in the request are outlined in green on the map above.

Parcel Information

Watauga County PIN:	2910-39-9335-000	2910-39-9610-000	2910-49-2369-000
Property Owner:	DHB Development LLC	DHB Development LLC	BPT PROPERTIES LLC
Lot Size :	2.9	.41	.475
	Total Acreage of 3 parcels: 3.79 acres		
Jurisdiction:	Town of Boone		
Address:	TBD New Market Boulevard		
Access:	Access proposed of New Market Boulevard (Town maintained) with an additional emergency access for Fire off of Chestnut Drive which will be made of pavers (no access to traffic in this area). Construction access will be off of New Market Boulevard per the applicants communications (see Exhibit 4).		
SFHA:	No		
Watershed:	No		
Corridor:	Yes, a small portion of the southern property line (adjacent to the Pinnacle Storage development, zoned B3) lies within the Corridor District overlay. This area will consist of a landscape buffer. No additional compliance with the Corridor District requirements will be required.		
NCD:	No		
Viewshed:	No		
Steep Slope:	Yes, steep slope in at southern property line and along the property as it borders New Market Boulevard		
Transitional Zone:	Yes, 300'		
Current Zoning:	R1 Single Family	R1 Single Family	B3 General Business
	R1: The R1 Single Family Residential District is established to provide a low-density living area consisting only of single-family dwelling units and other related uses necessary for a sound neighborhood. The regulations for this district are designed to stabilize and encourage a comfortable, healthy, safe, aesthetically pleasing and pleasant living environment for family life that promotes peaceful quiet enjoyment sheltered from incompatible and disruptive activities that properly belong in nonresidential districts. B3: The B3 General Business District is primarily intended to accommodate a wide range of office, restaurant, retail, service, and multi-family residential uses in a mixeduse environment. The regulations for this district are intended to create a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment for all appropriate uses		

Proposed Zoning: R5 55+ Housing

The R5 55+ Housing Residential District is established to provide a medium to high density area consisting of residential housing for persons who are 55+. The regulations for this district are intended to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.

Current Use: Vacant**Proposed Use:** 1.17 Adult Living Community

An age-restricted planned residential development, consisting of a building or group of buildings for independent living for persons who are fifty-five years of age or older (55+). Residents may be offered a variety of housing choices with shared common areas, from detached single-homes on a single lot to multi-family dwellings. Services may be provided and may include food service, social service and referral consultation, housekeeping assistance and central laundry. No licensed professional medical care or related service are directly provided by on-site staff.

Zoning & Use of Adjacent Properties		
	Adjacent Zoning	Adjacent Land Use
North	R1 Single-Family Residential	Single-family dwelling; vacant
East	B3 General Business	Vehicle sales & service
South	R1 Single-Family Residential & B3 General Business	Single-family dwelling; self-storage facility
West	R1 Single-Family Residential	Single-family dwellings

Procedural Analysis:

Pursuant to UDO Subsection 14.01.02(C) a Conditional District (CD) is a zoning district in which the use and development of a property pursuant to a site-specific development plan is approved through the legislative process pursuant to Article 9 of this Ordinance. A CD utilizes a proposed general use zoning district, is limited to the authorized uses and development standards mandated within that district, and may be subjected to conditions that make the development more desirable.

A site-specific vesting plan is defined in UDO Article 34 as “A plan submitted to a local government in which the applicant requests vesting in accordance with Section 4.13, describing with reasonable certainty on the plan the type and intensity of use for a specific parcel or parcels of property. The plan may be in the form of, but not be limited to, any of the following plans or approvals: a subdivision plat, a preliminary or general development plan, a special use permit, a conditional district zoning plan. The plan shall include the approximate boundaries of the site; significant topographical and other natural features affecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways.”

See below for details on the applicant's compliance with the Conditional District procedural requirement for a neighborhood meeting as set forth in UDO Subsection 9.09.02 and the development's overall compliance with UDO standards specific to the development:

Compliance with UDO Subsection 9.09.02 Neighborhood Meeting:

- A.** The applicant shall conduct a neighborhood meeting prior to the submission of the application for a Conditional District Zoning Map Amendment. This meeting will allow the applicant to explain the proposed development and to be informed of the concerns of the neighborhood and surrounding property owners.
- B.** A meeting notice must be mailed to property owners within 300' of the development at least 25 days prior to the meeting in accordance with Subsection 1.13.02 herein. A copy of the notice shall also be provided to the Planning Department. The notice shall contain a summary of the proposed development, the applicants contact information, the date, time, and location of the meeting.
- C.** The meeting must be held at an accessible and convenient location and time in light of available options. Upon coordination through the Planning Department, the meeting may be held at Town Council Chambers if that location is available.
- D.** At the meeting, the petitioner, at a minimum, shall present all the following information:
 - 1. Contact information of the parties involved in the ownership, design, and development of the property;
 - 2. The location of the property and general information on the current conditions of the site;
 - 3. Proposed use(s) and site development;
 - 4. Any preliminary plans or renderings, if available; and
- E.** The applicant shall provide the Administrator with a summary report of the meeting which includes a list of all attendees and details the meeting including all concerns expressed by attendees and commitments made by the petitioner. This report shall be included in the staff report.

Staff Note: The applicant held a neighborhood meeting on February 7, 2024. A recap of the meeting along with the certification of mailing to the property owners is included in the board packet. Please see Exhibit 2 in board packet. Though not required, the applicant did record this meeting. Please use the following link to watch the video: [The Villas at South Fork Neighborhood Meeting Video](#)

Zoning Analysis

R5 55+ Housing Standards	Proposed	Compliance
Minimum Gross Land Area: 10,000 sq. ft.	165,092 ft. (3.79 acres)	Yes
Minimum Lot Width: 70 feet	392 feet	Yes
Minimum Street Frontage: 56 feet	538 feet	Yes
Minimum Livability Space: .27	.54	Yes
Interior Setback: 17'	Varies	Yes
Street Setback: 20'	20'	Yes
Maximum Building Height: 4 Stories/56'	4 stories/55.17'	Yes

Parking:

Use 1.17 Adult Living Community Standards	Required	Proposed	Compliance
Automobile Space – 1 space per unit + .5 for each dwelling unit for visitor parking	90	74	TBD*
Bicycle, Short-Term – 1 space per 20 Units	3	4	Yes
Bicycle, Long-Term – 1 space per 10 units	6	6	Yes
Motorcycle-1 space for every 40 vehicle parking spaces	2	2	Yes

*Pursuant to UDO Subsection 24.01.09, minimum parking standards may be adjusted by the permit-issuing authority (Council) when the applicant provides reliable and persuasive evidence (which may include but is not necessarily limited to a parking demand analysis prepared by a qualified engineer) demonstrating that the minimum parking required per the provisions of Article 24 would result in excess and unnecessary parking for the development. Without limiting the generality of the foregoing, the permit-issuing authority (Council) may allow deviations from the parking requirements set forth herein when it finds that a residential development is irrevocably oriented toward the elderly.

Staff Note: Please see the applicant's evidence in Exhibit 3 The Villas at South Fork – Parking Space Requirements which details their request to reduce the minimum parking from 90 spaces to 74 spaces (reduction of 16 spaces).

Appearance: Information to confirm full compliance with the Article 25 Community Appearance Standards has not been submitted. If approved, the applicant will need to demonstrate full compliance with UDO Article 25 Community Appearance during the zoning permit review process before permits can be issued.

Orientation

Pursuant to UDO Subsection 25.02.01(A), the primary façade and main building entry shall face the primary public way, which is the street that adjoins the property that carries the highest volume of traffic. Staff can approve a redesign in which the main primary entrance does not face the primary public way provided:

1. The main building entrance, when not facing the primary public way, shall provide a safe and convenient access for pedestrians from the main building entrance to the primary public way. The pedestrian way must provide additional landscape amenities.

Staff Note: The applicant is providing sidewalks to both Chestnut Street and New Market Boulevard so residents can access both streets as necessary. See Exhibit 6 (site plans) for more detail.

2. Ground floor windows or window displays shall be provided along at least ten percent (10%) of the building's (ground floor) street-facing elevation(s); windows and display boxes shall be integral to the building design and not mounted to an exterior wall.

Staff Note: The applicant has demonstrated compliance with this requirement. See Exhibit 7 (building elevations) for more detail.

Landscaping:	The applicant has demonstrated compliance with the following landscape requirements: 1. Chestnut Street: 10' streetyard 2. New Market Boulevard: 10' streetyard 3. Northern property line: 25' type C landscape buffer (not reduced) 4. Southern property line: 25' type C landscape buffer (not reduced) where the development adjoins a single-family dwelling (zoned R1) that transitions to a 10' Type A where the development adjoins commercial development (Pinnacle Storage, zoned B3), 5. Retaining walls: 10' type A in retaining wall systems exceeding 16' 6. Vehicular Surface Area: the applicant has met the requirement that each portion of the vehicular surface area is within 60' of the trunk of a large deciduous tree and (2) that each parking area is separated from the exterior wall of a structure with a planting area of 4' in width.
Stormwater:	The applicant is proposing to utilize a dry detention basing located between the building and New Market Boulevard.
Sidewalks:	The applicant is proposing to install sidewalks along both Chestnut Drive and New Market Boulevard as required by UDO Subsection 23.08.01. Additionally, pursuant to Subsection 23.08.03(C) the applicant is providing sidewalks linking the dwelling units with other dwelling units and the public street.
Utilities:	The applicant is proposing to access the sanitary sewer main on New Market Boulevard, however, the plans do not clearly indicate that once their proposed sewer line leaves their property that it immediately enters into the right-of-way. This may mean that it crosses private property to access the sewer main. If approved the applicant will need to provide clarification (demonstrate legal authority to connect to the sewer main at this location).
Traffic Impact Analysis:	The applicant was not required to submit a traffic impact analysis based upon the traffic and site access information they submitted. Please see Exhibit 5 Traffic and Site Access Assessment for more detail.
Retaining Walls:	The proposed development contains multiple retaining walls, including several retaining wall systems. At this time, the applicants are meeting all UDO requirements related to retaining walls. If approved, the applicant will be required to submit engineering drawings and final certifications certifying that the walls were built as designed.
Transitional Zone:	Pursuant to UDO Subsections 9.09.05 and 6.02.02, transitional zones are established for the purpose of creating special protections for residents of protected districts from the potential adverse impacts of certain potentially incompatible nearby development, based upon the legislative finding that the general requirements of this ordinance have not been sufficient to protect the

residents of such protected districts from the adverse consequences of such developments and that the variety of circumstances which may need to be ameliorated in the face of such development are not amenable to a “one size fits all” approach.

Per UDO 6.02.02 F and G -- In addition to all other requirements of this ordinance which pertain to the proposed lighting, and the size of setbacks, in order to meet the requirements of this Section, the applicant must produce substantial competent and credible evidence demonstrating that the planned development will effectively and to the greatest degree reasonably possible, mitigate the impacts of the proposed development upon the protected district, including but not limited to:

- a. noise impacts;
- b. light impacts; and
- c. any other predictable negative effect, including but not limited to:
 - i. negative visual effects;
 - ii. negative traffic effects; and
 - iii. negative health effects.

Because of the variable topography and characteristics of particular tracts of land within the Town’s zoning jurisdiction, the solutions incorporated into the development plan by the applicant must be tailored to specifically address the characteristics of the particular location in relation to the protected district. Only if an applicant can demonstrate by clear and convincing evidence that the normal requirements of the ordinance are themselves sufficient to protect the protected district may the application be approved without additional measures being incorporated into the site -specific development plan.

Staff Note: Use 1.17 Adult Living Community is allowed in the R5 55+ Residential zoning district subject to a 300’ transitional zone. Please note, that the proposed development either adjoins R1 Single-Family zoned properties to the North, the South, and to the West (across the street from Chestnut Drive). Please see the applicant’s email to Staff dated March 6, 2024 which in part describes the applicants plan to mitigate impacts based upon the transitional zone requirements.

ANALYSIS BY OTHER TOWN STAFF

Public Works:

Utilities Division (Robbie Jones, Utility Services Technician)

Approved

Services Division (Justin Stines, Deputy Public Works Director)

Review approved. However, if the CD is approved, the applicant will also have to provide stormwater infrastructure along Chestnut Drive (with the sidewalks). Additionally, the applicant is proposing to install sidewalks all along New Market Boulevard in front of their property. However, the plans do not clearly indicate the sidewalks are in the right-of-way. This may mean

that it crosses private property. If approved the applicant will need to provide clarification/demonstrate legal authority to install the sidewalks at this location.

Fire Department (Amy Flieg, Fire Marshal)

Approved

CONFORMITY TO ADOPTED PLANS

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.

Community Appearance and Community Character: Blend the built environment with the natural, scenic, and historic character of a High-Country small town. Especially discourage commercial strip development, cluttered signage, and "cheap" apartment buildings.

Open Space: Integrate open space and greenways into the urban fabric of the Town. Preserve the countryside by discouraging suburban sprawl. Avoid development in floodplains, on ridgetops, and on steep slopes.

Environmental Quality: Address and monitor growth factors and activities that contribute to water, air, light, and noise pollution.

Trees: Conserve existing trees and plant new trees, especially hardwoods.

Automobile Transportation: Maximize the efficiency of existing facilities, but not at the expense town and neighborhood character and livability. Build or expand transportation facilities and parking areas as needed, but with care. Work to reduce auto dependency, use, and congestion.

Bikeways: Implement the planned system of bikeways as a legitimate transportation alternative. Unify with greenways and other pedestrian facilities where possible.

Mass Transit: Enhance and support the mass transit system as an effective alternative to the congestion created by the individual automobile.

Pedestrian Movement: Encourage a system of sidewalks, paths, crosswalks and compact development patterns which make it easy to get around Boone on foot.

Infrastructure: Engage in long range planning for water and sewer systems, stormwater runoff, natural gas, and other utility systems. Place overhead utilities underground whenever feasible.

Public Safety: Maintain a high level of policing and fire protection and plan the expansion of public safety services to coincide with projected population increases and identified needs.

Energy and Waste: Reduce waste generation, and the consumption of energy and water. Develop area recycling programs to the fullest. Encourage an anti-litter consciousness among residents and visitors.

University: Emphasize cooperative planning among the Town, County, and University.

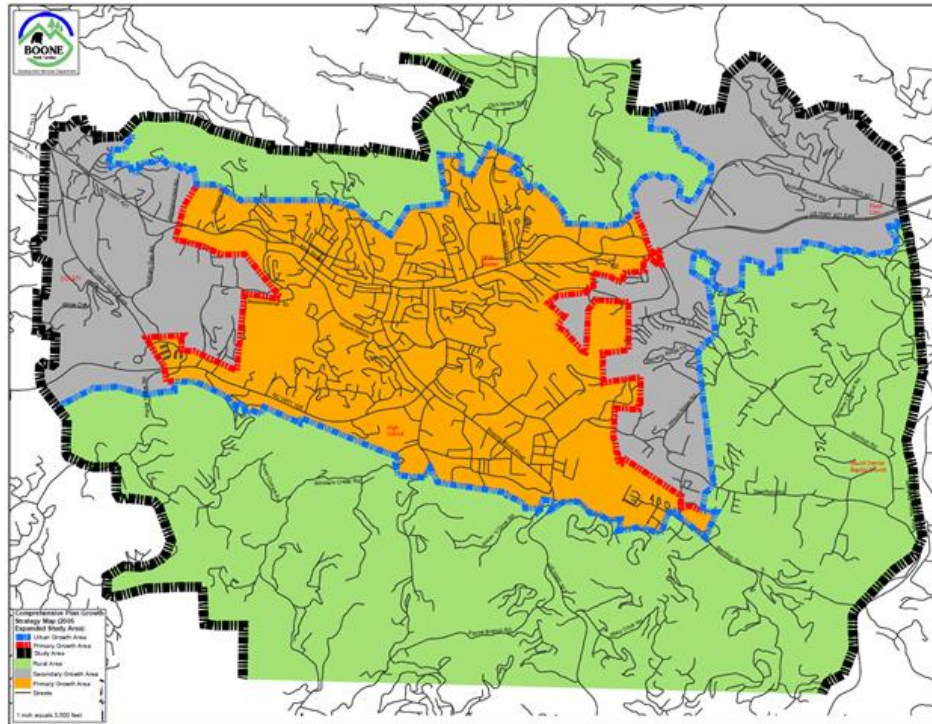
Downtown: Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

Recreation: Strive for additional public recreation facilities, especially sports fields, greenways and indoor recreation centers.

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

Public Involvement: Encourage active public involvement and volunteerism to expand the effectiveness of community planning and action.

1.2 Growth Strategy Map (p. 17): The property is located within Primary Growth Area.



The property is located within the Primary Growth area. The Primary Growth Area is that portion of the urban growth area where urban level or facilities are already in place or can be provided most cost effectively. This is the area where near term growth and development is to be especially encouraged.

The Secondary Growth Area is that portion of the urban growth area where urban level services can be provided, but on a lower priority basis than in the primary growth area.

Additionally, for comparison, the Rural Area is that portion of the planning study area that is influenced by urban area growth forces, but within which urban level development should be strongly discouraged. Urban level services and associated development densities should not be planned for this area, except in case by case evaluations of major economic development projects.

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. See below:

2.1 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.
- D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas.

...

2.3 THE COMMUNITY

- A. Urban type development within the Urban Growth Area shall meet appropriate Town standards.
- B. Properly planned, mixed use developments that promote efficient provision of public services shall be encouraged within the Urban Growth Area.

2.3.1 Community Appearance

- A. Measures to improve the effectiveness of grading, landscaping and buffering standards for new and existing developments shall be encouraged.
- B. The significance of street trees in providing visual relief, summer cooling, improved air quality and livability shall be recognized through public policies and actions to encourage their planting and maintenance.
- 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.

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.
- C. Wise development of the tourism potential of the area's architectural, historic, scenic and natural resources shall be encouraged.
- D. The destruction of significant architectural, historic, scenic, natural and archaeological resources in the planning area shall be discouraged.
- 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.

2.3.3 Housing & 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.
- B. Street system designs which discourage through traffic on purely local streets while allowing for free circulation within the neighborhood shall be encouraged.
- C. Proposed residential development which would expose residents to harmful effects of incompatible development or to environmental hazards shall be prohibited.
- D. Innovative and flexible land planning and development practices shall be encouraged to create livable developments which better safeguard land, water, energy and historic resources.
- E. Factors in determining preferred locations for high density residential development shall include: close proximity to the university, employment or shopping centers; access to major thoroughfares and the transit system; the availability of public services and facilities; and compatibility with adjacent land uses.

- 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.
- H. The overall housing unit density for proposed infill residential development or redevelopment should be compatible with the average density of existing areas.

Certificate of Mailing

I, Brenda Henson, certify that individual notices meeting the requirements of Article 9 of the Town of Boone UDO were placed in the mail (first class) on March 1, 2024.

/s/ Brenda Henson

Brenda Henson, Administrative Support Specialist

Certification of Posting

I, Brandon Wise, certify that the subject property was posted as required in Article 9, Subsection 9.03.03(B)(2) of the Town of Boone UDO on March 1, 2024.

/s/ Brandon Wise

Brandon Wise, Environmental Specialist

Conclusion

The following conditions are automatically included and a part of any approval.

1. Where there is a conflict between the application information and the plans (dated received on March 15, 2024), the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. Any commitments and representations concerning the proposed development made by the applicant or its (his or her) representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.
3. The applicant shall submit the necessary applications, plans, details and specifications which meet the requirements of the Town Code, UDO, Building Code and any other applicable codes for review and approval necessary to issue Zoning and Building Permits.

Any other conditions agreed upon by the applicant and Town Council:

1. Any other conditions agreed upon ...

Planning Commission Recommendations

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

Vote 1: The proposed amendment to the Town's zoning map ☐is OR ☐is not consistent with the Town's 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 A24-0085 within Exhibit A 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.

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 ACTION - 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. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently.

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

Note 1

Vote 2: The Town Council ☐approves OR ☐denies and believes ☐approval OR ☐denial of Ordinance A24-0085 in Exhibit A 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.

Exhibit A**Ordinance A24-0085**

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

WHEREAS, the Planning Commission and Town Council has received the request to amend the Official Zoning Map of the Town of Boone, North Carolina to rezone the property below from R1 Single-Family Residential and B3 General Business to R5 55+ Housing Residential with a site-specific development plan for Use 1.17 Adult Living Community.

Watauga County PIN:	2910-39-9335-000	2910-39-9610-000	2910-49-2369-000
Property Owner:	DHB Development LLC	DHB Development LLC	BPT PROPERTIES LLC
Address:	TBD New Market Boulevard		

WHEREAS, the Boone Town Council held a duly-noticed public hearing on March 25, 2024 with respect to this rezoning request; and

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

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

NOW, THEREFORE, BE IT RESOLVED as follows:

- SECTION 1.** The Boone Town Council hereby approves and adopts the modifications to the Town Zoning Map as set forth herein.
- SECTION 2.** All provisions of any Town ordinance in conflict with this ordinance are hereby repealed to the extent of such conflict.
- SECTION 3.** This Ordinance shall be effective immediately upon its adoption by Town Council.

Adopted this the 24th day of April, 2024.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon-Church, Town 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:

A24-0072

Case Name:

Short-term Rental Regulation Modification

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 14, 15, and Appendix B

Section(s): Sections 14.10, 14.13, 15.05, 15.14, 34.01, B1.01

Brief Description of Amendment (Attach Proposed Text):

UDO text amendment to limit the zoning districts where Use 3.06 Vacation Rental is allowed and to no longer allow accessory dwelling units to be used as Use 3.07 Homestay Rental.

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

02/07/2024
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: 3/25/2024

PC Meeting Date: _____

TC Meeting Date: _____

Text Approved: ☐ Yes ☐ No

Notes: _____

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

Communication: Case A24-0072 Application Information (Case A24-0072 Short-Term Rentals - UDO Text Amendment)



Staff Report
March 25, 2024

Case A24-0072 Short Term Rental Regulation Clarification -UDO Text Amendment

Request

Modify language in the UDO limiting the zoning districts where Use 3.06 Vacation Rental is allowed and to no longer allow accessory dwelling units to be used as Use 3.07 Homestay Rental.

On February 5, 2024, Town Council and Planning Staff convened a work session to further discuss housing solutions within the Town of Boone, with a focus on land-use planning. Comprehensive housing strategies and solutions were at the forefront of discussion to address the current housing challenges within the Town.

The session included a critical evaluation of the current short-term rental regulations, adopted in 2021, assessing any issues or concerns that have arisen since their implementation. Council members expressed concerns that the short-term rental regulations had resulted in the loss of residential units available for residents.

Based on these concerns, Council members directed that staff propose modifications to the regulations that will:

1. Remove Use 3.06 Vacation Rental as a permissible use in the RA Residential Agricultural and the R3 Multiple-Family zoning districts, and
2. No longer allow accessory dwelling units to be used as 3.07 Homestay Rental, and
3. Address any nonconformities resulting from the modifications.

2024 Town of Boone Short-Term Rental Report



Short-Term Rental Summary (as of February 1, 2024)

Active Enforcement Actions: 2 (renewals)

Currently Registered Short-Term Rentals: 34

Permitted Homestay & Vacation Rentals by Zoning District							
Type	R1	R1A	R3	B1DC	B2	B3	Totals
Homestay	12	5					17
Vacation Rental			10	3	1	3	17

Homestay Rental Analysis (17 Homestays)	
Zoning District	Location in relation to Main Dwelling

	Main Dwelling	Accessory Dwelling
R1 Single-Family	9	3
R1A Single-Family w/ Accessory Dwelling	3	2

[Online Resource for Short-Term Rentals](#)

[Short-Term Rentals \(Homestay & Vacation Rentals\) | Boone, NC \(townofboone.net\)](#)

CONFORMITY TO ADOPTED PLANS

COMPREHENSIVE PLAN UPDATE

1.1 Overall Objectives for the Boone Comprehensive Plan

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.

Community Appearance and Community Character: Blend the built environment with the natural, scenic, and historic character of a High Country small town. Especially discourage commercial strip development, cluttered signage, and "cheap" apartment buildings.

Open Space: Integrate open space and greenways into the urban fabric of the Town. Preserve the countryside by discouraging suburban sprawl. Avoid development in floodplains, on ridgetops, and on steep slopes.

Environmental Quality: Address and monitor growth factors and activities that contribute to water, air, light, and noise pollution.

Trees: Conserve existing trees and plant new trees, especially hardwoods.

Bikeways: Implement the planned system of bikeways as a legitimate transportation alternative. Unify with greenways and other pedestrian facilities where possible.

Pedestrian Movement: Encourage a system of sidewalks, paths, crosswalks and compact development patterns which make it easy to get around Boone on foot.

Infrastructure: Engage in long range planning for water and sewer systems, stormwater runoff, natural gas, and other utility systems. Place overhead utilities underground whenever feasible.

Public Safety: Maintain a high level of policing and fire protection and plan the expansion of public safety services to coincide with projected population increases and identified needs.

Energy and Waste: Reduce waste generation, and the consumption of energy and water. Develop area recycling programs to the fullest. Encourage an anti-litter consciousness among residents and visitors.

Downtown: Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

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

Public Involvement: Encourage active public involvement and volunteerism to expand the effectiveness of community planning and action.

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.

COMPREHENSIVE PLAN POLICIES

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.

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

...

- 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.

...

COMPREHENSIVE PLAN POLICIES

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.

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.

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 #A24-0072 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 ACTION – 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 #A24-0072 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 # A24-0010

AN ORDINANCE TO REVISE UNIFIED DEVELOPMENT ORDINANCE RELATING TO SHORT-TERM RENTALS

WHEREAS, the Boone Town Council assessed issues and concerns that have arisen since the adoption of short-term rental regulations, and

WHEREAS, the Boone Town Council held a duly-noticed public hearing on March 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 24th day of April, 2024.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon-Church, Town Clerk

Communication: Case A24-0072 Staff Report (Case A24-0072 Short-Term Rentals - UDO Text Amendment)

Exhibit A**Article 34 Definitions****Homestay Rental**

A homestay rental is defined as a resident-occupied dwelling or dwelling unit with up to two guest rooms that are located in the principal dwelling only and not in a separate accessory structure that are used, offered, and/or advertised (through an online platform or any other media) for transient overnight lodging accommodations for compensation for any period of less than one month and where the use is subordinate and incidental to the main residential use of the ~~property~~principal dwelling. A homestay rental is considered a "Lodging" use under this UDO. Any use that comes within the purview of another use under this ordinance (e.g., motel, hotel, boarding house, etc.) shall be governed by the terms of that use and not as a homestay rental.

Vacation Rental (or "Short term vacation rental" or "Short term rental" (STR))

A vacation rental is defined as a single-family detached dwelling, a two-family detached dwelling, an accessory dwelling structure separate and apart from the primary dwelling structure, or a multi-family dwelling unit with up to six guest rooms that is used, offered, and/or advertised (through an online platform or any other media) for transient overnight accommodations for any period of less than one month. A vacation rental is considered a "Lodging" use under this UDO. Vacation rentals do not include homestay rentals (as defined herein). A vacation rental includes any residential dwelling or dwelling unit, or portion thereof, provided to renters for any period of less than one month that does not qualify as a homestay rental under this ordinance; provided, that any use that comes within the purview of another use under this ordinance (e.g., motel, hotel, boarding house, etc.) shall be governed by the terms of that use and not as a vacation rental

Excerpt of Appendix B1.01 Table of Principal Uses

Use #	Specific Use	Zoning Districts																				Reference			
		Low Density Residential				Medium to High Density Residential					Commercial/Industrial								Education						
		RA	R1	R1A	RR	R1S	R2	R4	M H	R3	R5	OI	B1D C	B1DI	B2	B3	W D	M 1	U 1	E 1	E 2		E 3	E 4	
3.0 Transient Living																									
3.01	Home for Survivors of Domestic Violence	L	L	L			L	L				L			L ^{T125}	L									15.11
3.02	Shelter for Homeless, Category 1									L ^{T50}		L ^{T50}		L ^{T50}		L ^{T50}									15.12
3.03	Shelter for Homeless, Category 2									L ^{T300}		L ^{T300}				L ^{T300}									15.12
3.04	Bed and Breakfast, Category 1	L	S ^{T50}	S ^{T50}			L ^{T50}	L ^{T50}						L	L										15.13
3.05	Bed and Breakfast, Category 2						L	L ^{T125}								L ^{T125}									15.13
3.06	Vacation Rental	L ^{T75}								L ^{T75}				L ^{T75}	L ^{T75}	L ^{T75}	L ^{T75}								15.14
3.07	Homestay Rental	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L							15.05

Staff Note: Changes will be made to the tables in UDO Article 14, Sections 14.10 R3 Multiple-Family Residential and 14.13 RA Residential Agriculture to correspond to the changes made in Appendix B.

Excerpts of Article 15 Limited Use Requirements

15.05 Homestay Rental

A homestay rental is defined as a resident-occupied dwelling or dwelling unit with up to two guest rooms that are located in the principal dwelling only and not in a separate accessory structure that are used, offered, and/or advertised (through an online platform or any other media) for transient overnight lodging accommodations for compensation for any period of less than one month and where the use is subordinate and incidental to the main residential use of the property. A homestay rental is considered a "Lodging" use under this UDO. Any use that comes within the purview of another use under this ordinance (e.g., motel, hotel, boarding house, etc.) shall be governed by the terms of that use and not as a homestay rental.

- 15.05.01** Every homestay rental operator must first apply for and procure a zoning permit from the Town. Zoning permits must be renewed annually. Upon application for an initial permit and for each renewal, the applicant must demonstrate compliance with all applicable provisions of this section on such forms as may be provided by the Administrator.
- 15.05.02** The homestay operation shall be managed and carried on by a person who: 1) is a full-time resident of the property; and 2) is present during the homestay term for the entire time lodgers are staying at the property. To be a "full time resident," the person must reside on the property on a permanent basis, and it must be the person's primary home. A person can have only one homestay permit at any one time.
- 15.05.03** For purposes of this homestay ordinance, a person can only have one primary, full-time residence, and the homestay must be operated from that primary, full time residence (and not in any separate accessory dwelling structure). In order to be "present during the homestay term," the full-time resident shall be at the property overnight and not away on vacation, visiting friends or family, travelling out of town for business or personal reasons, etc. during the homestay term. However, the full-time resident may be temporarily absent from the property for purposes related to normal residential activities such as shopping, working, attending class, etc. A minimum of two documents establishing proof of residency shall be supplied from an approved list of documents.
- 15.05.04** The maximum number of guest rooms used as a homestay rental is two (2) per detached single-family, two-family, or three-family dwelling unit located on a single lot. ~~In addition, up to two guest rooms may be located in an accessory dwelling unit if the accessory structure and accessory residential use are lawful under the UDO with respect to the property at issue.~~

- 15.05.05** The maximum number of overnight guests for any dwelling used as a homestay rental is the greater of (i) two (2) adults and any number of children under those adults' care, or (ii) two occupants per guest room. The occupancy limit shall be posted prominently within the short-term rental and be included in property listings on online platforms or any other media.
- 15.05.06** A homestay rental operator shall ensure that the primary responsible renter of a homestay rental is at least twenty-one (21) years old.
- 15.05.07** Cooking facilities are not permitted in any bedroom. For the purpose of this regulation, cooking facilities include any refrigerator in excess of seven cubic feet; any stovetop range that operates on 220-volt electric service; any appliance that operates on natural gas; or any cooktop, whether integrated into a countertop or a separate appliance, which contains more than two cooking surfaces or burners.
- 15.05.08** No signs advertising the property as a rental are allowed.
- 15.05.09** No displays of goods, products, services, or other advertising may be visible from outside of the dwelling.
- 15.05.10** In residential zoning districts, homestay renters shall not utilize the premises for holding special events or large gatherings. The rental operator shall inform renters of this regulation and of the applicability of the town's noise ordinance (Chapter 82 of the Code of Ordinances), which regulates nuisance noises and makes it unlawful to create, cause, or allow the continuance of any unreasonably loud noise, particularly during nighttime, which interferes with neighboring residents' reasonable enjoyment of their properties.
- 15.05.11** The premises shall not be used for any home occupation that allows employees, customers, clients or patrons to visit.
- 15.05.12** Homestay rental operators shall comply with all applicable State and local laws, including those relating to fire and building codes, smoke detecting and carbon monoxide detecting equipment, and housing codes.
- 15.05.13** Homestay rental operators are responsible for and must ensure that any and all occupancy taxes and other applicable taxes due under law as a result of their rental activities are remitted to the proper tax authorities, whether through their online platform service or by personally remitting the required taxes. The town shall require evidence of payment of such taxes as part of the application and permitting process, and may also conduct audits of homestay rental permittees, as it sees fit in its sole discretion, in order to ensure payment of all such applicable taxes.
- 15.05.14** The zoning permit number authorizing the homestay rental shall be conspicuously posted on (i) all advertisements for homestay rentals, and (ii) on the subject property in a place that is conspicuous from the exterior of the property.

- 15.05.15** A homestay rental must provide at least one (1) dedicated parking space per guest room, which may not be located on any street right of way and must conform to all applicable parking regulations of this ordinance.
- 15.05.16** Except as specifically set forth herein, a dwelling or dwelling unit must comply with all UDO requirements applicable to the primary residential use.
- 15.05.17** Homestay rental operators must carry insurance that covers the homestay use and homestay renters.
- 15.05.18** Homestay rental permits are not transferrable. Every person wishing to operate a homestay rental must apply for and obtain the required permit prior to beginning operation of a homestay rental.
- 15.05.19** **Revocation of Permit.** The Administrator shall revoke a homestay rental permit following a written determination that an operator of the homestay rental has been:
- A.** Convicted of violating any of the following criminal laws on the homestay rental premises within the prior three-year period: Article 10 (*kidnapping*), Article 10A (*human trafficking*), or Article 27 (*prostitution*) of Chapter 14 of the North Carolina General Statutes;
 - B.** Convicted of committing a violent felony as defined at N.C. Gen. Stat. §14-7.7 on the homestay rental premises within the prior three-year period.
 - C.** Convicted of violating any of the following criminal laws on the homestay rental premises within the prior 365-day period:
 - 1. Article 3 of Chapter 18B of the North Carolina General Statutes (sale, possession and consumption of alcohol)
 - 2. N.C. Gen. Stat. §14-71.1 (possession of stolen goods)
 - 3. N.C. Gen. Stat. §14-292 (unlawful gambling)
 - D.** Received within a 365-day period two or more “Verified Violations” of any combination of the following, occurring on the homestay rental premises:
 - 1. Any Town Code zoning regulation.
 - 2. Any noise regulation set forth at Town Code Chapter 82.
 - 3. Any nuisance prohibited by Town Code Chapter 80.
- A Verified Violation means a determination made by a code enforcement official, law enforcement officer, or judge, following notice of violation being issued by the Town Code and opportunity to respond to the noticed alleged offenses and an order or other mandate issued to the owner or any other person imposing a sanction or requiring further actions to comply with the Town Code, including, without any limitation, the

payment of civil penalties or administrative fees, or implementation of corrective measures, or cessation of activities, or conviction of a criminal offense. A verified violation that is appealed continues as a verified violation unless it is overturned on appeal. If the violation is reinstated on a further appeal, it resumes its status as a verified violation.

- E. Once lawfully revoked, a new permit for a homestay rental cannot be issued or re-instated for the premise for a period of 365 days, except that in case of revocation under (A) or (B) above a new permit cannot be issued or re-instated for the premise for three years unless the person convicted of the criminal violation is no longer a resident, manager or operator of the homestay rental.

15.05.19 Compliance period; existing nonconformities

- A. Homestay operators in operation as of June 30, 2022 must apply for a permit as required in this section 15.05 on or before December 31, 2022 and must come into compliance with this section by June 30, 2023.
- B. Any existing homestay rental not conforming under this section 15.05 must be brought into compliance with this ordinance or cease operation by June 30, 2023.
- C. Any person seeking to begin operation of a homestay rental after ~~June 30, 2022~~ April 24, 2024 must first apply for and obtain a homestay rental permit as required under this section 15.05.
- D. Any homestay rental that received a homestay rental permit allowing use of a separate accessory dwelling structure as the homestay rental between June 30, 2022 and April 24, 2022 may continue to operate so long as the annual short-term rental permit (1) has not been revoked in accordance with Subsection 15.10.18 and (2) has been successfully renewed prior to the permits expiration.

OR, FOR DISCUSSION

Any homestay rental that received a homestay rental permit allowing use of a separate accessory dwelling structure as the homestay rental between June 30, 2022 and April 24, 2022 must come into compliance by ceasing to use the separate accessory dwelling structure as a homestay rental by MONTH, DATE, YEAR.

- 15.05.20 **Petition for Exemption.** Residents of Neighborhood Conservation Districts or other adversely impacted residents may petition Council if they support a prohibition on homestay rentals in their neighborhood.

...

15.14 Vacation Rental

A vacation rental is defined as a single-family detached dwelling, a two-family detached dwelling or a multi-family dwelling unit with up to six guest rooms that is used, offered,

and/or advertised (through an online platform or any other media) for transient overnight accommodations for any period of less than one month. A vacation rental is considered a "Lodging" use under this UDO. Vacation rentals do not include homestay rentals (as defined herein). A vacation rental includes any residential dwelling or dwelling unit, or portion thereof, provided to renters for any period of less than one month that does not qualify as a homestay rental under this ordinance; provided, that any use that comes within the purview of another use under this ordinance (e.g., motel, hotel, boarding house, etc.) shall be governed by the terms of that use and not as a vacation rental.

Notwithstanding the foregoing, the full-time resident of a dwelling unit (as defined at section 15.05.02 above) may rent out his or her dwelling unit for up to two weeks in any calendar year and such rental shall not be deemed a vacation rental under this section 15.14 but rather shall be considered an incidental use of the dwelling that does not require approval or permitting under this Article.

- 15.14.01** Every vacation rental operator must first apply for and procure a zoning permit from the Town. Zoning permits must be renewed annually. The zoning permit number authorizing the short-term rental shall be conspicuously posted on (i) all advertisements for short-term rentals, and (ii) on the subject property in a location easily viewable from the exterior of the structure provided, that if the permit number cannot be viewed from a private or public street, it shall be displayed where it can be viewed from the public or private street adjoining the primary façade of the dwelling unit.
- 15.14.02** A vacation rental is required to provide at least one (1) parking space per bedroom, which may not be located on any street right of way and must conform to all applicable parking regulations of this ordinance. In the RA Residential Agriculture zoning district, parking should be to the side or rear of the vacation rental dwelling.
- 15.14.03** A vacation rental operator shall ensure that the primary responsible renter of a vacation rental is at least twenty-one (21) years old.
- 15.14.04** Without limiting the applicability of other Ordinance requirements, a vacation rental is subject to Article 31 Landscape Standards.
- 15.14.05** In the R3 Multiple-Family, B1 Central Business, B2 Neighborhood Business, and B3 General Business zoning districts, only single-family detached dwellings and two-family detached dwellings existing as of January 1, 2014 may be converted to vacation rental.
- 15.14.06** Cooking facilities are not permitted in any bedroom. For the purpose of this regulation, cooking facilities include any refrigerator in excess of seven cubic feet; any stovetop range that operates on 220-volt electric service; any appliance that operates on natural gas; or any cooktop, whether integrated into a countertop or a separate appliance, which contains more than two cooking surfaces or burners. This shall not prohibit cooking facilities within a one-room studio vacation rental. For the purpose of this regulation, a studio shall be a single-

room rental with a sleeping area, living area and kitchen/eating area in one consolidated room.

- 15.14.07** No signs advertising the property as a rental are allowed.
- 15.14.08** In residential zoning districts, renters of vacation rentals shall not utilize the premises for holding special events or large gatherings. The rental operator shall inform renters of this regulation and of the applicability of the town's noise ordinance (Chapter 82 of the Code of Ordinances), which regulates nuisance noises and makes it unlawful to create, cause, or allow the continuance of any unreasonably loud noise, particularly during nighttime, which interferes with neighboring residents' reasonable enjoyment of their properties.
- 15.14.09** The premises shall not be used for a home occupation that allows employees, customers, clients or patrons to visit.
- 15.14.10** For any building that contains multiple dwelling units, no more than 5% of the dwelling units or two dwelling units, whichever is greater, may be operated as a vacation rental in any single building. Permits shall be issued on a first-come, first-served basis based on the initial application date, and thereafter may be renewed. If a permit lapses before renewal, a renewal application shall be treated like an initial application for purposes of this paragraph.
- 15.14.11** Vacation rental operators shall comply with all applicable State and local laws, including those relating to fire and building codes, smoke detecting and carbon monoxide detecting equipment, and housing codes.
- 15.14.12** Vacation rental operators are responsible for and must ensure that any and all occupancy taxes and other applicable taxes due under law as a result of their rental activities are remitted to the proper tax authorities, whether through their online platform service or by personally remitting the required taxes. The town shall require evidence of payment of such taxes as part of the application and permitting process, and may also conduct audits of vacation rental permittees, as it sees fit in its sole discretion, in order to ensure payment of all such applicable taxes.
- 15.14.13** The rental operator or the operator's employee, management company, or other agent must be available to respond to complaints by renters or neighbors and to emergencies within two (2) hours at all times that a rental is occupied. A method will be provided for concerned citizens to make complaints or report emergency situations.
- 15.14.14** If the primary structure on a property qualifies for vacation rental use, a lawful accessory dwelling structure on the same property also may be used for vacation rental. The operators of such a vacation rental may, at any given time, offer for short-term rental either the single-family dwelling unit or the accessory apartment, or both units. The simultaneous rental of both the single-family dwelling unit and the accessory apartment to more than one party

under separate contracts is prohibited. The units may, however, be rented out together to one party under a single contract.

15.14.15 Vacation rental operators must carry insurance that covers the rental use and renters.

15.14.16 Vacation rental permits are not transferrable. Every person wishing to operate a vacation rental must apply for and obtain the required permit prior to beginning operation of the rental.

15.14.17 **Revocation of Permit.** The Administrator shall revoke a vacation rental permit following a written determination that an operator of the facility has been:

- A.** Convicted of violating any of the following criminal laws on the short-term rental premises within the prior three-year period: Article 10 (*kidnapping*), Article 10A (*human trafficking*), or Article 27 (*prostitution*) of Chapter 14 of the North Carolina General Statutes;
- B.** Convicted of committing a violent felony as defined at N.C. Gen. Stat. §14-7.7 on the short-term rental premises within the prior three-year period.
- C.** Convicted of violating any of the following criminal laws on the rental premises within the prior 365-day period:
 - 1. Article 3 of Chapter 18B of the North Carolina General Statutes (*sale, possession and consumption of alcohol*)
 - 2. N.C. Gen. Stat. §14-71.1 (possession of stolen goods)
 - 3. N.C. Gen. Stat. §14-292 (unlawful gambling)
- D.** Received within a 365-day period two or more “Verified Violations” of any combination of the following, occurring on the short-term rental premises:
 - 1. Any Town Code zoning regulation.
 - 2. Any noise regulation set forth at Town Code Chapter 82.
 - 3. Any nuisance prohibited by Town Code Chapter 80.

A Verified Violation means a determination made by a code enforcement official, law enforcement officer, or judge, following notice of violation being issued by the Town Code and opportunity to respond to the noticed alleged offenses and an order or other mandate issued to the owner or any other person imposing a sanction or requiring further actions to comply with the Town Code, including, without any limitation, the payment of civil penalties or administrative fees, or implementation of corrective measures, or cessation of activities, or conviction of a criminal offense. A verified violation that is appealed continues as a verified violation unless it is overturned on appeal. If the violation is reinstated on a further appeal, it resumes its status as a verified violation.

~~C.E.~~ Once lawfully revoked, a new permit for a short-term rental cannot be issued or re-instated for the premise for a period of 365 days, except that in case of revocation under (A) or (B) above a new permit cannot be issued or re-instated for the premise for three years unless the person convicted of the criminal violation is no longer a resident, manager or operator of the short-term rental.

15.14.17 Compliance period; existing nonconformities

- A. The owner of any un-permitted vacation rental in operation as of June 30, 2022 must apply for a permit as required in this section 15.14 on or before December 31, 2022 and must come into compliance with this section by June 30, 2023.
- B. Any existing, un-permitted vacation rental not conforming under this section 15.14 must be brought into compliance with this ordinance or cease operation by June 30, 2023.
- C. Any person seeking to begin operation of a vacation rental after June 30, 2022 must first apply for and obtain a vacation rental permit as required under this section 15.14.
- D. Any vacation rental located in the RA or R3 zoning districts between June 30, 2022 and April 24, 2022 may continue to operate so long as the annual short-term rental permit (1) has not been revoked in accordance with Subsection 15.10.18 and (2) the annual permit has been successfully renewed prior to the permits expiration.

OR, FOR DISCUSSION

Any vacation rental located in the RA or R3 zoning districts that received a vacation rental permit between June 30, 2022 and April 24, 2022 shall cease operation by MONTH, DATE, YEAR.

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:
A24-0073
Case Name:
RR to CN

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): 6, 14

Section(s): 6.02, 14.01, 14.08, 14.29, B1.01, B1.02, B1.03, B1.04

Brief Description of Amendment (Attach Proposed Text):

UDO text amendment to rename and modify the RR Residential Rehabilitation zoning district. The district will be renamed CN Compact Neighborhood Residential; modifications include revising the district description and intensity standards.

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

02/07/2024
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: 1/22/2024

PC Meeting Date: _____

TC Meeting Date: _____

Text Approved: ☐ Yes ☐ No

Notes: _____

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

Communication: Case A24-0073 Application (Case A24-0073 RR Residential Rehabilitation - UDO Text Amendment)



Staff Report
March 25, 2024

Case A24-0073 Residential Rehabilitation to Compact Neighborhood -UDO Text Amendment

Request

Modify language in the Town of Boone Unified Development Ordinance to rename the RR Residential Rehabilitation zoning district to CN Compact Neighborhood Residential. Modifications include revising the district description and the intensity standards associated with the district to be in alignment with the only existing RR zoned area within the town. Revising the name and district description will now open this district as an option for future rezoning requests.



There are currently 43 properties with RR Residential Rehabilitation zoning in the Church Street/North Street area as shown on the map to the left (RR zoned portions of the properties are outlined in green).

Based upon review of the area using GIS including the 2022 aerial photography:

- Average lot size = $\pm$ 6,500 sq. ft.
- Many structures do not meet the 20' street setback
- Many structures do not meet the 13' interior setback
- Several parcels do not appear to have parking areas

CONFORMITY TO ADOPTED PLANS**COMPREHENSIVE PLAN UPDATE****1.1 Overall Objectives for the Boone Comprehensive Plan**

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.

Community Appearance and Community Character: Blend the built environment with the natural, scenic, and historic character of a High Country small town. Especially discourage commercial strip development, cluttered signage, and “cheap” apartment buildings.

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

Public Involvement: Encourage active public involvement and volunteerism to expand the effectiveness of community planning and action.

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.

COMPREHENSIVE PLAN POLICIES**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.

2.3.3 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.
- D. Innovative and flexible land planning and development practices shall be encouraged to create livable developments which better safeguard land, water, energy and historic resources.
- F. Factors in determining preferred locations for high density residential development shall include: close proximity to the university, employment or shopping centers; access to major thoroughfares and the transit system; the availability of public services and facilities; and compatibility with adjacent land uses.
- 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.

- H. The overall housing unit density for proposed infill residential development or redevelopment should be compatible with the average density of existing areas.

2.3.4 Public Involvement

- A. Public involvement shall be encouraged in decisions concerning land use and development by making the public aware of proposed developments at the earliest opportunity, as well as fostering communication among developers, the Town, the County, the University, and the general public.
- B. Neighborhood and special area planning shall be encouraged to foster public involvement in the production of closely tailored, action oriented special area plans and programs.
- C. Specific functional plans and implementation tools shall be supported as part of the comprehensive planning program for the Town and County.
- D. Special committees, advisory panels, educational forums, public workshops, leadership seminars, town meetings and media contacts shall be encouraged and fostered to enhance the effectiveness of citizen involvement in community planning and action.

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 A24-0073 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 ACTION – 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 #A24-0073 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 # A24-0073
AN ORDINANCE TO REVISE THE UNIFIED DEVELOPMENT ORDINANCE TO RENAME AND REVISE
STANDARDS IN THE RR RESIDENTIAL REHABILITATION DISTRICT

WHEREAS, the Boone Town Council desires to modify the requirements for the RR Residential Rehabilitation Residential zoning district, and

WHEREAS, the Boone Town Council held a duly-noticed public hearing on March 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 24th day of April, 2024.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon, Town Clerk

Communication: Case A24-0073 Staff Report (Case A24-0073 RR Residential Rehabilitation - UDO Text Amendment)

Exhibit A**Article 6 Quasi-Judicial Hearings**

...

6.02 Board of Adjustment Consideration of Special Use Permit, Transitional Zones and Major Subdivision Preliminary Plat Applications

...

6.02.02 Transitional Zones

- A.** Transitional zones are hereby established and may apply to the procedures and evidence required for development in any existing zoning districts. The land within a transitional zone may be used as permitted in the underlying district, but only pursuant to the procedures and standards applicable to these zones, as created under this Section.
- B.** Transitional zones attach to each R1, R1A, ~~RR~~, R2, CN and RA district, (hereinafter, “the protected district”) without regard to the current uses in that district. They are established for the purpose of creating special protections for residents of protected districts from the potential adverse impacts of certain potentially incompatible nearby development, based upon the legislative finding that the general requirements of this ordinance have not been sufficient to protect the residents of such protected districts from the adverse consequences of such developments and that the variety of circumstances which may need to be ameliorated in the face of such development are not amenable to a “one size fits all” approach.

...

Article 14 Districts and Uses**14.01 Enumeration and Description of Districts**

...

14.01.02 There are three types of zoning districts: general use districts, overlay districts and conditional districts.

- A.** General use districts are those in which a variety of uses are permitted. The general use districts established in this article are classified as follows:
- R1 Single-Family Residential District
 - R1S Small Home Residential District
 - R1A Single-Family Residential with Accessory Dwelling District
 - ~~RR Residential Rehabilitation Residential District~~
 - R2 Two-Family Residential District
 - R3 Multiple-Family Residential District
 - R4 Two-Family/Manufactured Home Residential District
 - R5 55+ Housing Residential District

<u>CN</u>	<u>Compact Neighborhood Residential District</u>
RA	Residential Agricultural District
MH	Manufactured Home Park District
B1	Central Business District
B2	Neighborhood Business District
B3	General Business District
OI	Office Institutional District
WD	Wellness District
M1	Manufacturing District
U1	University District
U1	Educational District
E2	Educational District
E3	Educational District
E4	Educational Child Daycare District

...

14.08 ~~RR Residential Rehabilitation District~~ CN Compact Neighborhood Residential District

14.08.01 The CN Compact Neighborhood Residential District is established to provide a medium density living area consisting of detached single-family dwellings with or without subordinate accessory dwellings. The regulations for this district are intended to maintain the essential character of traditional single-family neighborhoods while allowing new single-family dwellings at a higher density, which also may serve as a transition to higher density residential and nonresidential districts.

~~The RR Residential Rehabilitation District is designed to recognize the need to preserve existing housing stock for low income occupants through rehabilitation efforts. Residential Rehabilitation Districts shall possess the following three characteristics:~~

- ~~A. The majority of the housing stock in the district shall have been constructed before the Town adopted zoning regulations; and~~
- ~~B. The area must qualify under U.S. Department of Housing and Urban Development standards as a blighted area; and~~
- ~~C. The district must be a designated target area for which public money has been appropriated for the purpose of rehabilitating housing stock for low and moderate income persons. All existing nonconforming uses and uses with nonconforming structures, within the Residential Rehabilitation District, shall comply with Article 7 Nonconformities.~~

14.08.02 ~~RR~~CN Permissible Uses

Use #	Specific Use	<u>CN</u> RR	Reference
Allowable Principal Uses			
1.0 Household Living			
1.01	Single-Family Dwelling	P	

Use #	Specific Use	CNRR	Reference
1.02	Manufactured Home “Class A”	L	15.01
2.0 Group Living			
2.01	Family Care Home	L	15.06
3.0 Transient Living			
3.07	Homestay Rental	L	15.05
4.0 Institutional			
4.04	Cemetery	P	
5.0 Government Uses			
5.02	Government Neighborhood Cultural Facility, Indoor Activity Only	S	
5.05	Recreation Facility, Category 2	P	
5.06	Recreation Facility, Category 3	S	
5.12	Police Substation	P	
5.13	Utility Facility, Town	L	15.16
5.14	Utility Facility, Government, Neighborhood	L	15.16
6.0 Non-Government			
6.01	Utility Facility, Neighborhood	L	15.16
7.0 Wireless Communication			
7.01	Small Wireless Collocation	L	15.18
7.02	Wireless Facility Collocation on Existing Wireless Support Structure or Utility Pole	L	15.17
7.03	Stealth Wireless Facility Attached to Existing Building or Structure	L	15.17
7.05	Non-stealth Wireless Facility Collocation on Electrical Transmission Towers	L	15.17
7.06	Stealth Wireless Support Structure	S/L	15.17
7.08	Emergency Response Communication Antenna	P	
8.0 Assembly			
8.01	Religious Assembly, Category 1	P	
8.02	Religious Assembly, Category 2	pT125	
13.0 Agriculture			
13.01	Garden, Community	L	15.29
13.02	Garden, Residential	L	15.30
13.09	Forestry	L	15.31
Allowable Accessory Uses			
A-1	Secondary suite	L	15.45
A-2	Home occupation	L	15.46
A-3	Accessory dwelling unit	L	15.47
A-11	Poultry	L	15.54
A-12	Livestock, small	L	15.55
A-14	Bees	L	15.57
A-15	Garden, residential	L	15.58
A-16	Satellite receiving antennas less than 1 meter in diameter	P	
A-20	Swimming pools, spas, and hot tubs	L	15.59

Use #	Specific Use	CNRR	Reference
A-22	Vehicular gate	L	15.61
A-25	Open air market, accessory	L	15.22
A-26	Daycare, small	P	
A-28	Solar Energy System	L	15.64
A-29	Electric-Vehicle Charging Station	L	15.65
Allowable Temporary Uses			
T-1	Temporary care provider dwelling	L	15.62
T-2	Temporary construction or repair dwelling	L	15.62
T-3	Temporary construction trailer	L	15.62
T-6	Temporary portable storage containers	L	15.62
T-9	Carrier on wheels (cow)	L	15.62
T-10	Yard sales	L	15.62
T-11	Itinerant merchant/peddler	L	15.62

14.08.03 ~~RR~~-CN Development Standards

- A. Minimum Gross Land Area: 6,000 square feet (see UDO Subsection 14.03.02)
- B. Minimum Lot Width: ~~70~~-35 feet (see UDO Subsection 14.03.03)
- C. Minimum Street Frontage: ~~56~~28 feet (see UDO Subsection 14.03.04)
- D. Minimum Livability Space: ~~.48~~27 (see UDO Subsection 14.03.05)
- E. Minimum Setbacks (see UDO Subsection 14.03.06)
 - 1. Street: 20 feet
 - 2. Interior: ~~13~~10 feet

Staff Note: See Staff Report page 22 for more details.

- a. Whenever a lot in a CN district has a common boundary line with a lot in a different zoning district, the interior setback requirement applicable to that boundary of the CN lot shall be the interior setback required for the adjacent lot. By way of illustration, if the CN lot shares a common boundary with a lot zoned so as to require a 14-foot interior setback, the CN lot would be required to have a 14-foot interior setback along its common boundary with that different-zoned lot.

- F. Maximum Building Height: 3 stories (see UDO Subsection 14.03.07)

14.08.04 Occupancy: One (1) family or up to two (2) unrelated persons (see Section 14.04). A dwelling occupied by a family (but not by unrelated persons) may also have one (1) roomer.

...

14.29 U1 University District

...

14.29.03 U1 Development Standards

...

- C. Maximum Building Height:** In the U1 district, building heights for structures internal to the main campus shall be generally limited only by the Town’s firefighting capability except for those structures located immediately adjacent to property in a non-University district. In this instance:
1. All buildings proposed within 100 feet of an R1, R1A, ~~R1S RR~~, R2, R4, CN, or RA zoned property shall be limited to a maximum height of thirty-five feet (35’).
 2. All buildings proposed within fifty feet (50’) of an R3, OI, B1, B2, or B3 zoned property shall be limited to the maximum height allowed in the adjoining district. Additional height restrictions in Subsections 14.03.07(D) and (E) shall not apply in the U1 district.

B1.01 Excerpt of Complete Table of Principal Uses

Staff Note: Staff has only provided the “residential zoning districts portion of this table and (1) relocated the CN residential district to the “medium density residential” area, and (2) revised the order of the zoning districts in this section to be in numerical order.

Use #	Specific Use	Zoning Districts											Reference
		Low Density Residential				Medium Density Residential							
		RA	R1	R1A	RR	R1S	R2	R3	R4	R5	CN	MH	
1.0 Household Living					-							-	
1.01	Single-Family Dwelling	P	P	P	P	P	P		P		<u>P</u>		
1.02	Manufactured Home “Class A”	L			L		L		L		<u>L</u>	L	15.01
1.03	Manufactured Home “Class B”	L										L	15.01
1.04	Manufactured Home “Class C”												
1.05	Manufactured Home Park											L	15.02
1.06	Duplex (one duplex building per lot)	P					P	P	P				
1.07	Duplex (more than one duplex building per lot)							L					15.03
1.08	Townhouse (up to 30 bedrooms)							L ^{T50}	L ^{T50}				15.03
1.09	Townhouse (31-100 bedrooms)							L ^{T75}	L ^{T50}				15.03
1.10	Townhouse (> 100 bedrooms)							L ¹²⁵	L ^{T75}				15.03
1.11	Multi-Family Dwelling (up to 30 bedrooms)							L ^{T125}					15.03
1.12	Multi-Family Dwelling (31-100 bedrooms)							L ^{T200}					15.03
1.13	Multi-Family Dwelling (> 100 bedrooms)							L ^{T300}					15.03
1.14	Multi-Family Dwelling in Mixed Use (up to 30 bedrooms)												15.04
1.15	Multi-Family Dwelling in Mixed Use (31-100 bedrooms)												15.04
1.16	Multi-Family Dwelling in Mixed Use (> 100 bedrooms)												15.04
1.17	Adult Living Community							p ^{T300}		p ^{T300}			
2.0 Group Living													
2.01	Family Care Home	L	L	L	L	L	L	L	L		<u>L</u>		15.06
2.02	Family Care Institutions												15.07
2.03	Halfway House, Category 1												15.07

Use #	Specific Use	Zoning Districts											Reference
		Low Density Residential				Medium Density Residential							
		RA	R1	R1A	RR	R1S	R2	R3	R4	R5	CN	MH	
2.04	Halfway House, Category 2												15.07
2.05	Residential Care Facility									CD			
2.06	Fraternity or Sorority Dwelling							S ^{T300}					15.09
2.07	Boarding House							L					15.10
3.0 Transient Living													
3.01	Home for Survivors of Domestic Violence	L	L	L			L		L				15.11
3.02	Shelter for Homeless, Category 1							L ^{T50}					15.12
3.03	Shelter for Homeless, Category 2							L ^{T300}					15.12
3.04	Bed and Breakfast, Category 1	L	S ^{T50}	S ^{T50}			L ^{T50}		L ^{T50}				15.13
3.05	Bed and Breakfast, Category 2						L		L ^{T125}				15.13
3.06	Vacation Rental	L ^{T75}						L ^{T75}					15.14
3.07	Homestay Rental	L	L	L	±	L	L	L	L	L	L	L	15.05
3.08	Motel												
3.09	Hotel, Small												
3.10	Hotel, Large												
3.11	Hotel, extended stay												
4.0 Institutional													
4.01	Airport/Landing Strip	S ^{T300}											15.15
4.02	Heliport	S ^{T300}											
4.03	Funeral Home Establishment												
4.04	Cemetery	P	P	P	Ⓟ		P	P	P		P	P	
4.05	Post Office												
4.06	Post Office, Distribution												
4.07	Animal Sanctuary	S ^{T300}											
5.0 Government Uses													

Use #	Specific Use	Zoning Districts											Reference
		Low Density Residential				Medium Density Residential							
		RA	R1	R1A	RR	R1S	R2	R3	R4	R5	CN	MH	
5.01	Government Cultural Facility												
5.02	Government Neighborhood Cultural Facility, Indoor Activity Only	S	S	S	S		S		S		<u>S</u>		
5.03	Government Neighborhood Cultural Facility, Includes Outdoor Activity												
5.04	Recreation Facility, Category 1	P						P					
5.05	Recreation Facility, Category 2	P	P	P	P		P		P		<u>P</u>		
5.06	Recreation Facility, Category 3	P ^{T50}	S	S	S		S	P	S		<u>S</u>		
5.07	Event Venue, Category 1							P				P	
5.08	Event Venue, Category 2							S				S	
5.09	Event Venue, Category 3												
5.10	Landfill												
5.11	Solid Waste Processing												
5.12	Police Substation	P	P	P	P		P		P		<u>P</u>		
5.13	Utility Facility, Town	L	L	L	L	L	L		L		<u>L</u>		15.16
5.14	Utility Facility, Government, Neighborhood	L	L	L	L	L	L	P	L		<u>L</u>	P	15.16
5.15	Utility Facility, Government, Regional	L ^{T300}						L				L	15.16
5.16	Government Facility	P						L				L	
6.0 Non-Government Utility Facility													
6.01	Utility Facility, Neighborhood	L	L	L	L	L	L	L	L		<u>L</u>	P	15.16
6.02	Utility Facility, Regional	L ^{T300}											15.16
7.0 Wireless Communication													
7.01	Small Wireless Collocation	L	L	L	L	L	L	L	L		<u>L</u>	L	15.18
7.02	Wireless Facility Collocation on Existing Wireless Support Structure or Utility Pole	L	L	L	L	L	L	L	L		<u>L</u>	L	15.17
7.03	Stealth Wireless Facility Attached to Existing Building or Structure	L	L	L	L	L	L	L	L		<u>L</u>	L	15.17

Use #	Specific Use	Zoning Districts											Reference
		Low Density Residential				Medium Density Residential							
		RA	R1	R1A	RR	R1S	R2	R3	R4	R5	CN	MH	
7.04	Non-stealth Wireless Facility Attached to Existing Building or Structure												15.17
7.05	Non-stealth Wireless Facility Collocation on Electrical Transmission Towers	L	L	L	L	L	L	L	L		<u>L</u>	L	15.17
7.06	Stealth Wireless Support Structure	S/L	S/L	S/L	S/L	S/L	L	L	L		<u>S/L</u>	L	15.17
7.07	Non-stealth Wireless Support Structure							L					15.17
7.08	Emergency Response Communication Antenna	P	P	P	P	P	P	P	P	P	<u>P</u>	P	
8.0 Assembly													
8.01	Religious Assembly, Category 1	P	P	P	P		P	P	P		<u>P</u>	P	
8.02	Religious Assembly, Category 2	pT125	pT125	pT125	pT125		pT125	pT125	pT125		<u>pT125</u>	pT125	
8.03	Religious Assembly, Category 3	pT200											
8.04	Club/Lodge, Category 1												
8.05	Club/Lodge Which Does Not Serve Alcohol	P											
9.0 Education													
9.01	Public colleges and universities												
9.02	Private colleges and universities												
9.03	Trade school												
9.04	High school												
9.05	Elementary school												
9.06	Boarding school												
9.07	College- or university-operated community enterprise												15.63
9.08	College- or university-operated child daycare center												15.19
10.0 Daycare													
10.01	Child Daycare, Large	L						L	L				15.19
10.02	Child Daycare Center												15.19
10.03	Adult Daycare, Large	L						L	L				15.19

Use #	Specific Use	Zoning Districts											Reference
		Low Density Residential				Medium Density Residential							
		RA	R1	R1A	RR	R1S	R2	R3	R4	R5	CN	MH	
10.04	Adult Daycare Center												15.19
10.05	All Other Daycare												
11.0 General Sales and Service													
11.01	Kennel	L ^{T125}											15.20
11.02	Veterinary Office/Hospital with Outdoor Kennels	L ^{T125}											15.20
11.03	Veterinary Office/Hospital without Outdoor Kennels	P											
11.04	Financial Institution ≤ 5,000 ft²												
11.05	Financial Institution > 5,000 ft²												
11.06	Restaurant ≤ 2,500 ft² open to the public during 10 pm – 6 am												
11.07	Other Restaurants ≤ 2,500 ft²												
11.08	Restaurant > 2,500 ft² open to the public during 10 pm – 6 am												
11.09	Other Restaurants > 2,500 ft²												
11.10	Restaurant ≤ 3,500 ft² open to the public during 10 pm-6 am												
11.11	Other Restaurants ≤ 3,500 ft²												
11.12	Bar												
11.13	ABC Store												
11.14	Personal Service Establishment open to the public during 10 pm-6 am												
11.15	Other Personal Service Establishments												
11.16	Retail Store up to 5,000 ft²												
11.17	Retail Store more than 5,000 but less than 25,000 ft²												
11.18	Retail Store 25,000 ft² and greater												15.21
11.19	Reserved												
11.20	Business or Professional Office open to the public during 10 pm - am												

Use #	Specific Use	Zoning Districts											Reference
		Low Density Residential				Medium Density Residential							
		RA	R1	R1A	RR	R1S	R2	R3	R4	R5	CN	MH	
11.21	Other Business or Professional Office												
11.22	Medical Office, Category 1												
11.23	Medical Office, Category 2												
11.24	Medical Office, Category 3												
11.25	Medical Office, Category 4												
11.26	Hospital												
11.27	Medical Emergency Response												
11.28	Open Air Market, Recurring	L ^{T75}											15.22
11.29	Vehicle Sales and Service												15.23
11.30	Equipment Sales and Service												15.24
11.31	Moped Sales and Service												
11.32	Boat or Marine Craft Sales and Service												15.25
11.33	Impound Lot/Towing Service												15.26
11.34	Gas Station	p ^{T125}											
11.35	Car Wash												
11.36	Seasonal Retail Activities and Amusements	P											
11.37	Electric-Vehicle Charging Station												15.65
12.0 Recreation & Entertainment Uses													
12.01	Indoor Shooting Range	L ^{T75}											15.27
12.02	Outdoor Shooting Range												
12.03	Indoor Theater												
12.04	Outdoor Theater	p ^{T200}											
12.05	Event Venue, Category 1												
12.06	Event Venue, Category 2												
12.07	Event Venue, Category 3												

Use #	Specific Use	Zoning Districts											Reference
		Low Density Residential				Medium Density Residential							
		RA	R1	R1A	RR	R1S	R2	R3	R4	R5	CN	MH	
12.08	Campground and Recreational Vehicle Park	L ^{T200}											15.28
12.09	Coliseum												
12.10	Recreation Facility, Category 1	p ^{T125}											
12.11	Recreation Facility, Category 2	p ^{T125}											
12.12	Recreation Facility, Category 3	p ^{T200}											
12.13	Racetrack												
13.0 Agriculture													
13.01	Garden, Community	L	L	L	⊥	L	L		L		⏟		15.29
13.02	Garden, Residential	L	L	L	⊥	L	L		L		⏟		15.30
13.03	Agricultural Operation Excluding Livestock	P											
13.04	Agricultural Operation Including Livestock	P											
13.05	Swine Farm												
13.06	Confined Animal Feeding Operation (CAFO)												
13.07	Custom Slaughterhouse	P											
13.08	Other Slaughterhouse												
13.09	Forestry	L	L	L	⊥	L	L	L	L	L	⏟	L	15.31
14.0 Manufacturing													
14.01	Microbrewery												15.32
14.02	Brewpub												15.32
14.03	Brewery/Distillery												15.33
14.04	Brewery/Distillery, Other												15.34
14.05	Winery Associated with a Vineyard	L ^{T125}											15.35
14.06	Winery												15.35
14.07	Winery, Other												
14.08	Extraction of Earth Materials												

Use #	Specific Use	Zoning Districts											Reference
		Low Density Residential				Medium Density Residential							
		RA	R1	R1A	RR	R1S	R2	R3	R4	R5	CN	MH	
14.09	Machine/Welding Shop												15.37
14.10	Manufacturing, Other												15.38
15.0 Parking													
15.01	Parking Lot												15.39
15.02	Parking Structure							L ^{T125}					15.40
15.03	Park and Ride Lots	L											15.39
16.0 Storage													
16.01	Self-Storage Facilities	L ^{T125}											15.41
16.02	Outdoor Storage												15.42
16.03	Warehouse												
16.04	Fuel Storage Facility												
16.05	Chemical Storage Facility												
17.0 Transportation													
17.01	Passenger Terminals												
17.02	Trucking or freight terminal ≤ 10,000 ft²												
17.03	Trucking or freight terminal > 10,000 ft²												
18.0 Waste Related Uses													
18.01	Recycling Drop-off Station	L ^{T300}											15.42
18.02	Recycling and Salvage												15.42
18.03	Junkyard												
18.04	Private Landfill												
19.0 Particular Activities Which Pose Particular Concern About Public Health													
19.01	Electronic and Internet Gaming												15.43
19.02	Adult Establishments												15.44

B1.02 Complete Table of Accessory Uses

Staff Note: Staff has only provided the “residential zoning districts portion of this table and (1) relocated the CN residential district to the “medium density residential” area, and (2) revised the order of the zoning districts in this section to be in numerical order.

Use #	Accessory Use	Zoning Districts											Reference
		Low Density Residential					Medium Density Residential						
		RA	R1	R1A	RR	R1S	R2	R3	R4	R5	<u>CN</u>	MH	
A-1	Secondary suite	L	L	L	L	L	L	L	L		<u>L</u>	L	15.45
A-2	Home occupation	L	L	L	L	L	L	L	L		<u>L</u>	L	15.46
A-3	Accessory dwelling unit			L	L		L	L	L		<u>L</u>		15.47
A-4	Drive-through												15.48
A-5	Outdoor display												15.49
A-6	Outdoor storage												15.50
A-7	Outdoor dining												15.51
A-8	Automated teller machine (ATM)												
A-9	Automated teller machine (ATM), freestanding							L					15.52
A-10	Produce stand	L											15.53
A-11	Poultry	L	L	L	L		L	L	L		<u>L</u>	L	15.54
A-12	Livestock, small	L	L	L	L		L	L	L		<u>L</u>	L	15.55
A-13	Livestock, large	L											15.56
A-14	Bees	L	L	L	L	L	L	L	L		<u>L</u>	L	15.57
A-15	Garden, residential	L	L	L	L	L	L	L	L		<u>L</u>	L	15.58
A-16	Satellite receiving antennas less than 1 meter in diameter	P	P	P	P	P	P	P	P		<u>P</u>	P	
A-17	Satellite receiving antennas less than 2 meters in diameter	P											
A-18	Satellite receiving antennas 2 meters and greater in diameter												
A-19	Helistop	S ^{T300}											
A-20	Swimming pools, spas, and hot tubs	L	L	L	L	L	L	L	L		<u>L</u>	L	15.59

Use #	Accessory Use	Zoning Districts											Reference
		Low Density Residential					Medium Density Residential						
		RA	R1	R1A	RR	R1S	R2	R3	R4	R5	CN	MH	
A-21	Caretaker's residence												15.60
A-22	Vehicular gate	L	L	L	L	L	L	L	L	L	L	L	15.61
A-23	Vehicle washing station	P						P					
A-24	Chemical storage facility												
A-25	Open air market, accessory	L	L	L	L		L	L	L		L	L	15.22
A-26	Daycare, small	P	P	P	P	P	P	P	P		P	P	
A-27	Limited structure to enable recreational use of open rooftops							L ^{T300}					14.03.07(G) 14.19.06(H)(8)(d)
A-28	Solar Energy System	L	L	L	L	L	L	L	L	L	L	L	15.64
A-29	Electric-Vehicle Charging Station	L	L	L	L	L	L	L	L	L	L	L	15.65

B1.03 Complete Table of Temporary Uses

Staff Note: Staff has only provided the “residential zoning districts portion of this table and (1) relocated the CN residential district to the “medium density residential” area, and (2) revised the order of the zoning districts in this section to be in numerical order.

Use #	Temporary Use	Zoning Districts											Reference
		Low Density Residential				Medium amd High Density Residential							
		RA	R1	R1A	RR	R1S	R2	R3	R4	R5	CN	MH	
T-1	Temporary family care structure	L	L		T	L	L	L	L		L	L	15.62
T-2	Temporary construction or repair dwelling	L	L	L	T	L	L	L	L		L	L	15.62
T-3	Temporary construction trailer	L	L	L	T	L	L	L	L		L	L	15.62
T-4	Temporary mobile medical unit												15.62
T-5	Temporary classroom												15.62
T-6	Temporary portable storage containers	L	L	L	T	L	L	L	L		L	L	15.62

Use #	Temporary Use	Zoning Districts											Reference
		Low Density Residential				Medium amd High Density Residential							
		RA	R1	R1A	RR	R1S	R2	R3	R4	R5	CN	MH	
T-7	Temporary staging												15.62
T-8	Temporary non-fixed site event venue	L											15.62
T-9	Carrier on wheels (cow)	L	L	L	⊥	L	L	L	L		⊥	L	15.62
T-10	Yard sales	L	L	L	⊥	L	L	L	L		⊥	L	15.62
T-11	Itinerant merchant/peddler	L	L	L	⊥	L	L	L	L		⊥	L	15.62
T-12	Open air market, temporary	L											15.62
T-13	Temporary Use 9.01 Public Colleges and Universities												15.62

B1.04 Complete Intensity Table

Staff Note: Staff has only provided the “residential zoning districts portion of this table. The newly renamed CN district intensity standards maintained the minimum lot size but other standards were modified to follow the R1S standards for minimum lot width, street frontage, similar changes to interior setbacks and the livability space ratio set forth in the R5.

Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	Minimum Livability Space Ratio* (LSR)	Minimum Setbacks	
					Street	Interior
Residential Zoning Districts						
R1	8,000 sq. ft.	70 ft.	56 ft.	.53	20 ft.	14 ft.
R1S	5,000 sq. ft.	35 ft.	28 ft.	NA, Refer to UDO Subsection 14.06.03(D)	20'	7', Refer to Subsection 14.06.03(E)(2)
R1A	8,000 sq. ft.	70 ft.	56 ft.	.53	20 ft.	14 ft.
RR	6,000 sq. ft.	70 ft.	56 ft.	.48	20 ft.	13 ft.
R2	6,000 sq. ft.	70 ft.	56 ft.	.48	20 ft.	13 ft.

Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	Minimum Livability Space Ratio* (LSR)	Minimum Setbacks	
					Street	Interior
R3	20,000 sq. ft.	80 ft.	64 ft.	.40	20 ft.	13 ft.
R4	6,000 sq. ft.	70 ft.	56 ft.	.48	20 ft.	13 ft.
R5	10,000 sq. ft.	70 ft.	56 ft.	.27	20 ft.	17 ft.
RA No Public Water & Sewer Available	20,000 sq. ft.	100 ft.	80 ft.	.65	20 ft.	18 ft.
RA Public Water Available	15,000 sq. ft.	80 ft.	64 ft.	.65	20 ft.	18 ft.
RA Public Water & Sewer Available	10,000 sq. ft.	65 ft.	52 ft.	.65	20 ft.	14 ft.
CN	6,000 sq. ft.	35 ft.	28 ft.	.27	20 ft.	10 ft., Refer to Subsection 14.08.03(E)(3)
MH	87,120 sq. ft.	None	56 ft.	.51	20 ft.	20 ft.

B1.05 Complete Building Height Table

Zone	Height Limitation
R1, R1A, RR , R2, R4, CN , RA	3 stories
R1S	1 story with an attic story or a basement/25'; Refer to Subsection 14.06.03(F)
R3	3 stories
R5	4 stories/56'
MH	35'
B1-DC, B1-DI	Refer to Subsection 14.19.04(F)
B2	3 stories/40'
B3	3 stories/45' (primary)-4 stories/56' (secondary)
OI	4 stories/67'

Zone	Height Limitation
WD	Refer to Section 14.23(F)
M1	67'
E1, E2, E3	3 stories/45' (primary)-5 stories/67' (secondary)
E4	2 stories
U1	Refer to Subsection 14.29.03(C)

B1.06 Complete Occupancy Table

Occupancy Regulation	Zoning District
One family or up to 2 unrelated Note: a dwelling occupied by a family (but not unrelated persons) may also have one (1) roomer.	1. R1 Single-Family Residential 2. R1S Small Home Residential 3. R1A Single-Family Residential with Accessory Dwelling RR Residential Rehabilitation 4. R2 Two-Family Residential 5. R4 Two-Family Residential/Manufactured Housing 6. R5 55+ Housing Residential 7. RA Residential Agriculture 8. CN Compact Neighborhood 9. MH Manufactured Housing 10. B1 Downtown Interface 11. B1 Downtown Core 12. B2 Neighborhood Business 13. O/I Office Institutional 14. E2 Educational
One family or up to 4 unrelated	1. R3 Multiple-Family

Note: a dwelling occupied by a family (but not unrelated persons) may also have one (1) roomer.	2. B3 General Business 3. M1 Manufacturing
No Occupancy Limitations	1. U1 University
No Residential Uses Allowed	1. WD Wellness District 2. E1 Educational District 3. E3 Educational District 4. E4 Educational Child Daycare District

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:
A24-0095
Case Name:
Flag Lots/Cluster Subdivisions

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): 5, 14, 24, 34

Section(s): 5.10, 14.03, 24.02, 34.01

Brief Description of Amendment (Attach Proposed Text):

Modify language in the Town of Boone Unified Development Ordinance to allow "flag lots" in certain circumstances and to revise and modernize related standards for architecturally integrated (cluster) subdivisions.

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

02/14/2024
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: 3/25/2024

PC Meeting Date: _____

TC Meeting Date: _____

Text Approved: ☐ Yes ☐ No

Notes: _____

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

Communication: Case A24-0095 Application Information (Case A24-0095 Flag Lots & Architecturally Integrated Subdivisions - UDO Text



Staff Report
March 25, 2024
Case A24-0095 Flag Lots/Cluster Subdivisions -UDO Text Amendment

Request

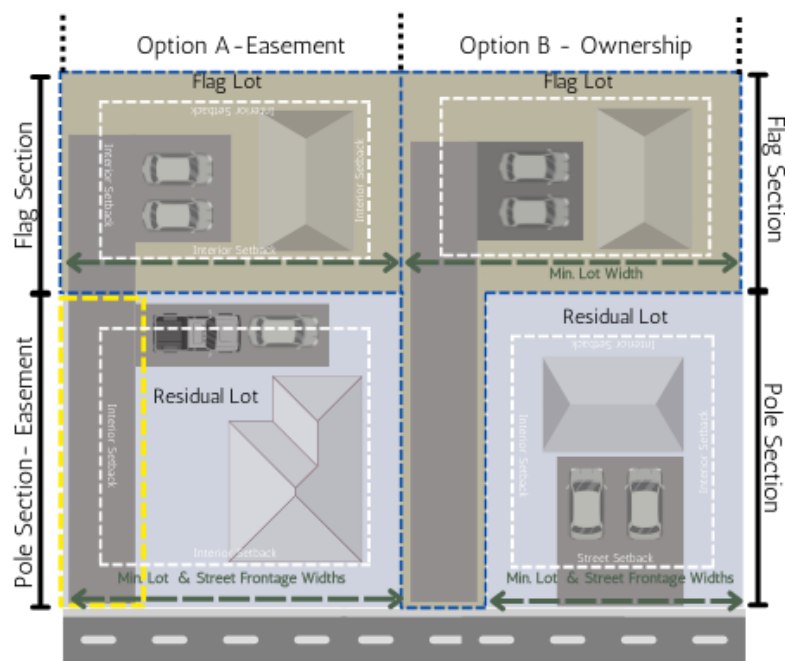
Modify language in the Town of Boone Unified Development Ordinance to allow “flag lots” in certain circumstances and to revise and modernize related standards for architecturally integrated (cluster) subdivisions.

The Town of Boone is interested in the identification, evaluation, and implementation of effective and efficient land planning tools that support responsible residential development. The purpose of this report is to evaluate and propose two options that are attended to address the area’s housing needs.

Flag Lots

The first option covered in this report is the creation and allowance of “flag lots”. Currently, each lot created through the subdivision process must meet the dimensional requirements set forth for the zoning district in which the lot is located, including street frontage. Street frontage for all new lots is set at 80% of the minimum lot width, with residential street frontage requirements ranging from 28’-56’. One way to allow an increase in dwelling units in existing developed areas is to allow flag lots. A flag lot is a lot that meets all other dimensional requirements except for street frontage. Access to the lot/street frontage (flag section) is provided by either an easement or narrow strip of land (flagpole section) from either a publicly maintained or private street. See example below:

Flag Lot Example



While existing standards do not allow flagpole lots have the benefit of creating uniformity in neighborhoods in terms of lot size and shape, these standards also limit infill housing opportunities. In this case, Staff uses the term “infill housing” to refer to increasing housing supply in existing residential areas by means of the creation of new lots similar in size to existing housing and served by expensive infrastructure (streets, water, sewer, police and fire protection, etc.) that is already in place. The draft text in Exhibit A sets forth the standards and limited instances where flag lots may be utilized and suggests restricting the use of flag lots, at least at this time, to only residentially zoned properties.

Cluster Subdivisions

In the process of revising text for flag lots, which necessitates a thorough review of current standards to rectify discrepancies, it became apparent to Staff that the “architecturally integrated subdivision” concept, a variant of a cluster subdivision, warranted reevaluation. This is due to the introduction of new standards for flag lots that ought to be applied uniformly across any lot assessed during the cluster subdivision review, guaranteeing that these lots meet adequacy and safety requirements.

Consequently, Staff advocates for the rebranding of the architecturally integrated subdivision to the more conventional and explicative term “cluster subdivision”. Additionally, this presents an opportunity for Staff to align the cluster subdivision standards with the new standards proposed for flag lots and bring them up-to-date.

Staff has coordinated with both the Fire Department and Public Works to ensure that any newly created lots created under the flag lot or residential cluster subdivision can still be adequately and safely served based upon NC Fire Prevention Code/Town Code and other operational standards.

CONFORMITY TO ADOPTED PLANS

COMPREHENSIVE PLAN UPDATE

1.1 Overall Objectives for the Boone Comprehensive Plan

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.

Community Appearance and Community Character: Blend the built environment with the natural, scenic, and historic character of a High Country small town. Especially discourage commercial strip development, cluttered signage, and “cheap” apartment buildings.

Automobile Transportation

Maximize the efficiency of existing facilities, but not at the expense town and neighborhood character and livability. Build or expand transportation facilities and parking areas as needed, but with care. Work to reduce auto dependency, use, and congestion.

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

Public Involvement: Encourage active public involvement and volunteerism to expand the effectiveness of community planning and action.

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.

COMPREHENSIVE PLAN POLICIES

2.2 Infrastructure

2.2.1 Transportation

- I. Driveway cuts along major streets and roads shall be limited to allow these streets to serve primarily as safe traffic movement corridors or, alternatively, to maximize curb frontage for on-street parking.

- I.1 Periodically evaluate the Town's driveway regulations to minimize driveway cuts onto area streets.

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.

2.3.3 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.
- D. Innovative and flexible land planning and development practices shall be encouraged to create livable developments which better safeguard land, water, energy and historic resources.
- F. Factors in determining preferred locations for high density residential development shall include: close proximity to the university, employment or shopping centers; access to major thoroughfares and the transit system; the availability of public services and facilities; and compatibility with adjacent land uses.
- 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.
- H. The overall housing unit density for proposed infill residential development or redevelopment should be compatible with the average density of existing areas.

2.3.4 Public Involvement

- A. Public involvement shall be encouraged in decisions concerning land use and development by making the public aware of proposed developments at the earliest opportunity, as well as fostering communication among developers, the Town, the County, the University, and the general public.
- C. Specific functional plans and implementation tools shall be supported as part of the comprehensive planning program for the Town and County.

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 #A24-0095 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 ACTION – 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 #A24-0095 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 # A24-0095

AN ORDINANCE TO REVISE THE UNIFIED DEVELOPMENT ORDINANCE TO REVISE THE STANDARDS FOR CLUSTER SUBDIVISIONS AND TO ALLOW FLAG LOTS IN CERTAIN CIRCUMSTANCES

WHEREAS, the Boone Town Council desires to modify the Unified Development Ordinance to allow flag lots in certain circumstances to promote appropriate infill residential to address the housing needs of the Town of Boone, and

WHEREAS, the Boone Town Council held a duly-noticed public hearing on March 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 24th day of April, 2024.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon-Church, Town Clerk

Exhibit A**Article 34 Definitions**

...

~~Architecturally Integrated Subdivision~~

~~A subdivision in which approval is obtained not only for the division of land into lots but also for a configuration of principal buildings to be located on such lots. The plans for an architecturally integrated subdivision shall show the dimensions, height, and location of all such buildings to the extent necessary to comply with the purpose and intent of architecturally integrated subdivisions as set forth in Section 5.10.~~

...

Gross Land Area

All the area within the boundaries of a lot as described in a fee simple deed.

...

Interior Setback

The land area between the interior lot line and the closest wall of a building located on the property.

...

Flag Lot

A lot meeting all dimensional requirements except street frontage and where access to the lot and street frontage is provided by either an easement or narrow strip of land to a publicly-maintained or private street.

...

Lot

A parcel of land whose boundaries have been established by a legal instrument for purposes of transfer of title.

Lot of Record

A lot, parcel, or tract which has been recorded in the Watauga County Register of Deeds' Office and which was in conformance with land development ordinances in effect at the time it was created.

Lot Area

The total area circumscribed by the boundaries of a lot, except that: [i] when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and thirty feet (30') from the traveled portion of the street, and [ii] in a residential district, when a private road that serves more than three (3) dwelling units is located along any lot boundary, then the lot boundary for purposes of computing the lot area shall be the inside boundary of the traveled portion of that road.

Lot Line

A line that marks the boundary of a lot.

Lot Front

The lot line and yard area where the primary access is located. In the case of additional equally significant access points located on other lot lines, the lot line and yard area for that access shall also be deemed a front.

Lot Line, Interior

Any lot line that is not a street lot line; a lot line separating a lot from another lot.

Lot Width

The horizontal distance between the side lot lines at the front building line measured parallel with the front lot line; or in the case of a lot fronting on a curved street, the straight-line distance between the side lot lines measured from the building line.

...

Residential Cluster Subdivision

A residential subdivision within which lots do not meet minimum lot size or other minimum dimensional lot requirements (lot width, street setback, building spacing, etc.) generally required within the zoning district but the subdivision is designed so that (1) the overall density of the subdivision does not exceed the density set forth for the underlying zoning districts and (2) the amount of land saved with the creation of smaller lots is reserved as common open space for use by the property owners and residents.

...

Setback

The land area located between a property line or the established edge of a right-of-way, whichever is closer, and the closest wall of a building located on the property.

Setback, Street

The land area between the established street right-of-way and the closest wall of a building located on the property.

...

Street Frontage Width

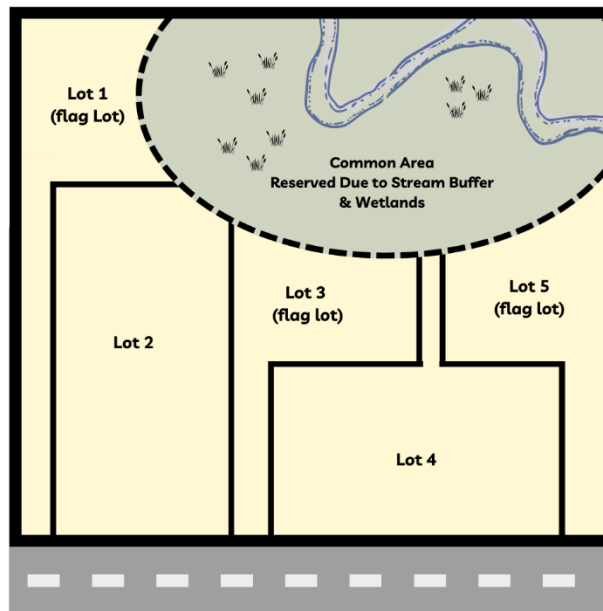
The horizontal distance measured along a straight line connecting the points at which the street lot line abuts such street with interior lot lines and or street lot lines.

...

5.10 ~~Architecturally Integrated~~ Residential Cluster -Subdivisions

5.10.01 A residential subdivision within which lots do not meet minimum lot size or other minimum dimensional lot requirements (lot width, street setback, building spacing, etc.) generally required within the zoning district but the subdivision is designed so that (1) the overall density of the subdivision does not exceed the density set forth for the underlying zoning districts and (2) the amount of land saved with the creation of smaller lots is reserved as common open space for use by the property owners and residents.

Residential Cluster Subdivision Example



Total Area: 1 acre /43,560 sq. ft.
 Zoned: R1 Single-Family
 Min. Lot Size: 8,000 sq. ft.
 Maximum Number of Lots: 5
 (43,560/8,000=5.45)

Note: All 5 Lots have access to common area.

Lot 1:	5,000 square feet
Lot 2:	6,000 square feet
Lot 3:	5,500 square feet
Lot 4:	7000 square feet
Lot 5:	5,000 square feet
Common Area:	15,060 square feet
Total:	43,560 square feet

5.10.02 The residential cluster subdivision standards are established for the following purposes:

- A.** To provide flexibility in design in order to promote an efficient use of land and to protect environmentally sensitive areas (wetlands, riparian buffers, streams, steep slopes, wooded areas, special flood hazard areas, wildlife habitats, etc.).
- B.** To provide flexibility in certain dimensional requirements without increasing overall density in order to allow a more flexible design than is permissible under the conventional subdivision process.

5.10.03 Overall subdivision approval is outlined in Article 5 Subdivisions, with the exception of Uses 1.08-1.10 Townhouse, in which the subdivision approval is tied to the approval process set forth for the use.

5.10.04 The tract of land to be subdivided may be held in single, multiple, or separate ownership, however the site shall be developed in accordance with a unified plan with common authority and common responsibility.

5.10.05 The use of the residential cluster subdivision process is limited to the following principal uses:

- A. 1.01 Single-Family Dwelling
- B. 1.02 Manufactured Home Class A
- C. 1.03 Manufactured Home Class B
- D. 1.06-1.07 Duplex
- E. 1.08-1.10 Townhouse

5.10.06 Dimensional requirements: In an architecturally integrated residential cluster subdivision, the applicant may create lots and construct buildings without regard to any minimum lot size, lot width or setback restrictions except that pursuant to the following standards:

A. Density

1. Townhouse Uses: The number of allowable lots for any townhouse use shall be limited by the minimum livability space and other development requirements (landscaping, parking, etc.) required for the development. For a townhouse subdivision that is composed of areas with different zoning designations, the number of lots shall be determined for each zoning district. The maximum number of lots for the project shall be the sum of the densities for each district.
2. The density (number of lots) for all other residential uses shall be calculated by dividing the total area by the minimum gross land area set forth for the underlying zoning district. For a subdivision that is composed of areas with different zoning designations, the number of lots shall be determined for each zoning district. The maximum number of lots for the project shall be the sum of the densities for each district. See cluster subdivision example below.

B. Lot Width and Depth: Each lot shall be of sufficient width and depth to accommodate the proposed dwelling and any required off-street parking.

C. Setbacks

1. Interior setback requirements shall apply where and to the extent the subdivision abuts land that is not part of the subdivision. However, interior setbacks between lots within the subdivision may be reduced to no less than seven feet (7').
2. Any flag lot in a residential cluster subdivision is not eligible for a reduction in setback and shall meet the minimum interior setback based upon the underlying zoning district.
3. Street: All lots, except flag lots as authorized in Subsection 14.03.06, shall meet the minimum street setback set forth for the underlying zoning district.

~~A.D.~~ Livability Space Ratio: Each cluster subdivision shall clearly indicate the maximum building footprint for each lot to determine that the development overall meets the minimum livability space ratio based upon the underlying zoning district. For a

subdivision that is composed of areas with different zoning designations, livability space shall be determined and met for each zoning district.

B.E. Common Area: Residential cluster subdivisions shall provide to the owners and residents of the cluster subdivision an amount of common area equal to the land saved by creating lots smaller than normally required. See cluster subdivision example below.

~~1. Lot boundary setback requirements shall apply where and to the extent that the subdivided tract abuts land that is not part of the subdivision, and~~

~~Each lot must be of sufficient size and dimensions that it can support the structure proposed to be located on it, consistent with all other applicable requirements of this Ordinance.~~

~~**5.10.02** The number of dwelling units in an architecturally integrated subdivision may not exceed the maximum density authorized for the tract. The number of lots allowed in an architecturally integrated subdivision shall be calculated by dividing the project area by the minimum gross land area set forth for the zoning district. For an architecturally integrated subdivision project that is composed of areas with different zoning designations, the number of lots shall be determined for each zoning district. The maximum number of lots for the project shall be the sum of the densities for each district. Further, only authorized uses shall be permitted in each zoning district.~~

~~**5.10.03** In architecturally integrated subdivisions the amount of land saved by creating lots that are smaller than the standards set forth in B1.04 Complete Intensity Table, shall be set aside as open space.~~

~~**5.10.04** The purpose of this Section is to provide flexibility, consistent with the public health and safety and without increasing overall density, to the applicant who subdivides property and constructs buildings on the lots created in accordance with a unified and coherent plan of development.~~

Article 14 Zoning District Standards

14.03.01 Unless otherwise provided in this Ordinance, development shall comply with the intensity regulations set forth for the district. Review Appendix B to view comparative tables that comprehensively list the intensity regulations set forth for the zoning districts enumerated in Section 14.01.

A. Subject to the other provisions of this Ordinance, if (i) any portion of a tract lies within an area that is part of a proposed public park, sidewalk, greenway, bikeway, or other public improvement proposed by the Town and (ii) the owner of the tract, with the concurrence of the Town, dedicates to the Town that portion of the tract then, when the remainder of the tract is developed, the permissible density at which the remainder

may be developed shall be calculated by regarding the dedicated portion of the original lot as if it were still part of the lot proposed for development.

14.03.02 Minimum Gross Land Area

- A. When a lot is located in more than one zoning district, the minimum square footage of the lot shall be the sum of the square footage derived by multiplying the minimum square footage required for each represented district by the proportion of the lot located within that district.
- B. The area within the street right-of-way may not be used to satisfy lot area requirements.

14.03.03 Minimum Lot Width

- A. No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that:
 - 1. Could be used for purposes that are permissible in that zoning district, and
 - 2. Could satisfy any applicable setback requirements for that district.
- B. Where a lot fronts two (2) or more streets, the minimum lot width requirement shall be considered met if the lot width at the street setback from any one of such streets meets the minimum lot width requirement.
- C. No lot created after the effective date of this Ordinance that is less than the required width shall be entitled to a variance from any building setback requirement.

14.03.04 Minimum Street Frontage Width

- A. The minimum width of the frontage of a lot on a street shall be eighty percent (80%) of the minimum lot width required for the lot. Easement areas shall be excluded from this requirement.
- B. Where a lot fronts on two (2) or more streets, the minimum street frontage width requirements shall be considered met if the frontage along any one of such streets meets the minimum street frontage width requirements.
- C. Where a lot fronts on a turning circle of a cul-de-sac or at a point of a street where the radius of the curvature of the right-of-way is less than ninety feet (90'), the minimum street frontage width requirement shall not apply.

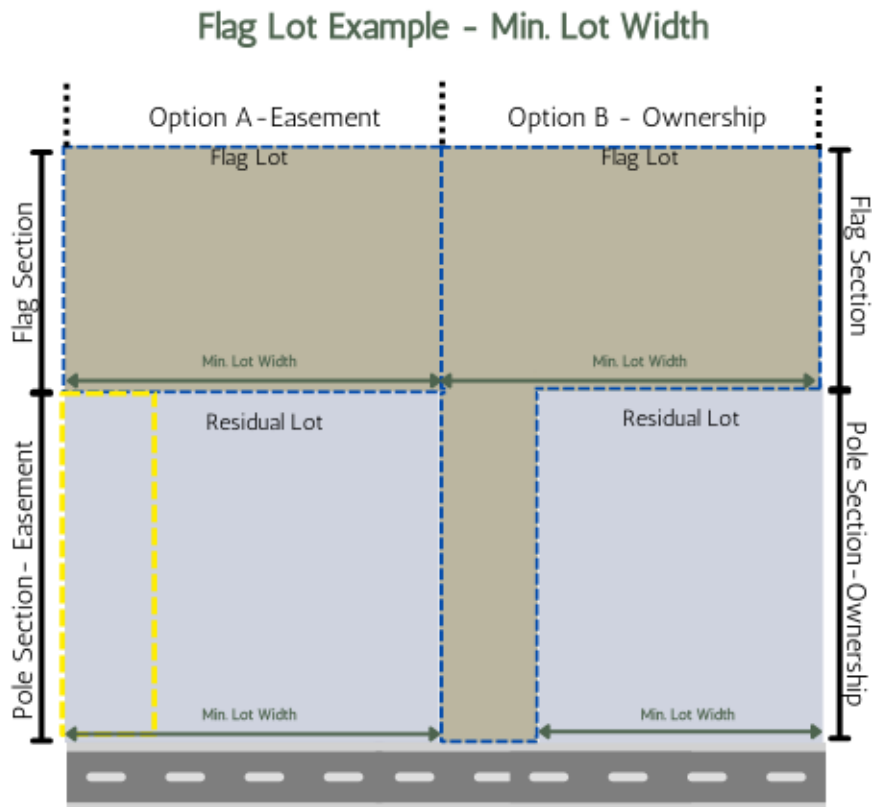
14.03.05 Livability Space Ratio

- A. Livability space includes natural areas, lawns and other landscaped areas, walkways, terraces, sitting areas, outdoor recreational areas, and the pervious, landscaped portion of street rights-of-way. Livability space does not include paved pedestrian sidewalks or vehicular areas

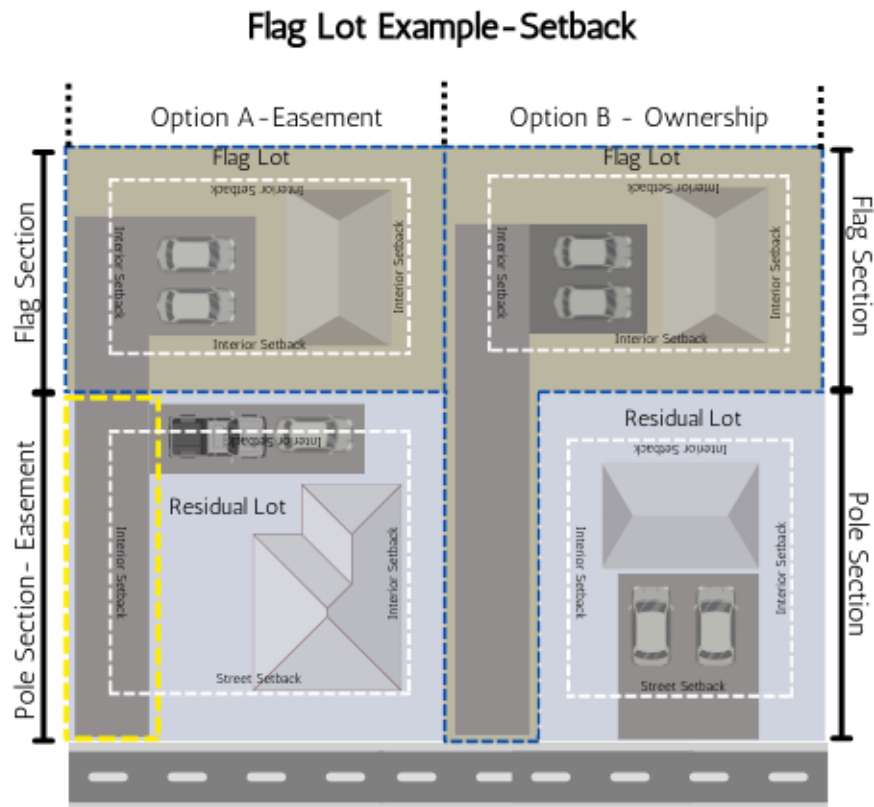
- B. A maximum of one-third of the livability space required for a development may be impervious (e.g., paved terraces or sitting areas).
- C. Livability space ratio is a ratio where the numerator is the square footage of Livability Space and the denominator is the square footage of the entire parcel.

14.03.06 Residential Flag Lots

- A. Residential flag lots are permissible where there is adequate lot area to divide the property into two (2) or more lots but not enough street frontage to meet the minimum street frontage requirement. The intent is to promote the efficient use of land to provide additional housing opportunities while meeting standards for both fire protection and solid waste, recycling, and similar services to the newly created lot(s).
- B. Flag lots are only allowed in residential zoning districts for Use 1.01 Single-Family Dwelling with permissible accessory uses. Due to limited access, accessory dwellings are prohibited on any flag lot. Staff Note: FOR DISCUSSION
- C. Flag lots must comply with the standards of the underlying zoning district unless otherwise specified herein.
- D. Minimum Gross Land Area: Each flag lot shall meet the minimum gross land area based on the underlying zoning district.
- E. Minimum Lot Width: Each flag lot shall meet the minimum lot width based on the underlying zoning district at the point the “pole section” meets the “flag portion” of the flag lot. Residual lots giving an easement to the flag lot may count the area within the easement as part of the residual lots required lot width.



- F. Flag Lot Setbacks:** No structure, other than a solid waste enclosure just large enough to satisfy the requirements of Town Code Section 91.05, shall be built in the “pole portion” of a flag lot. The flag section of the lot shall meet interior setbacks unless a street setback is applicable:



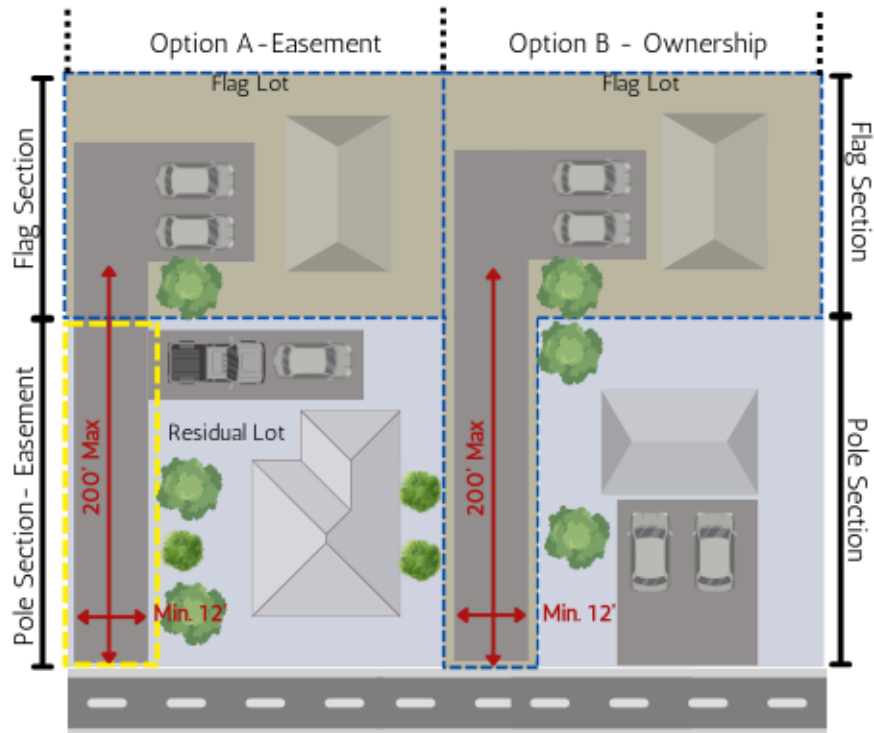
G. Flag Lot Access: Flag lots are encouraged to utilize the same driveway as the residual lot, however:

1. All driveways shall meet the driveway requirements set forth in UDO Section 23.03 and Section 24.03.
2. In no case may a driveway serving a flag lot exceed 200' in length from the street to the parking area without permission of the Fire Chief.

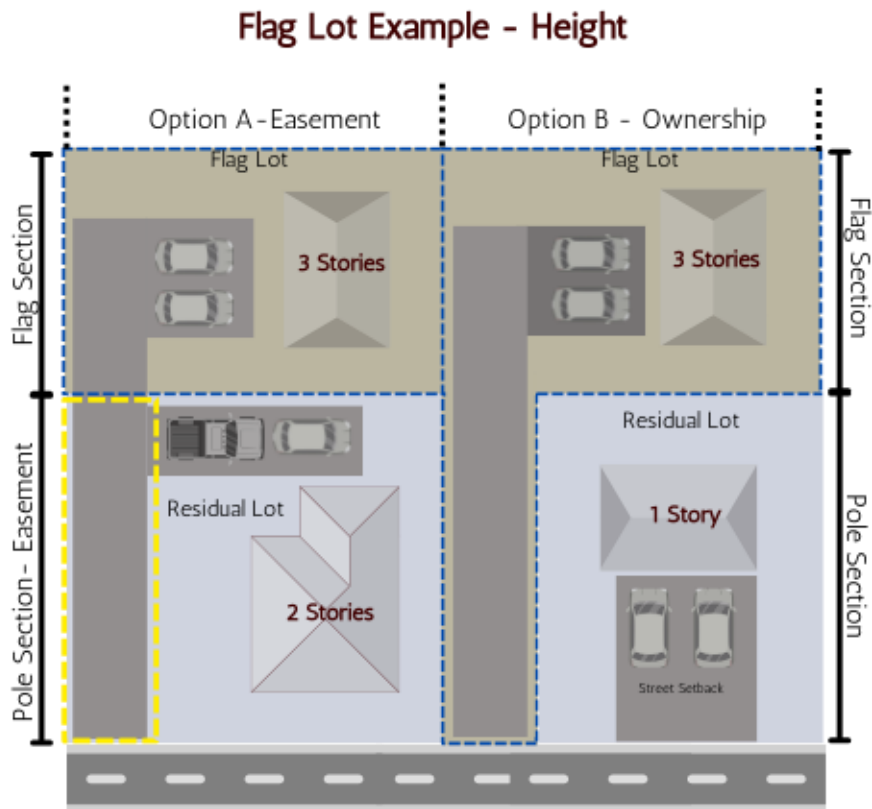
~~1. All driveways serving a flag lot shall have a travel lane at least twelve foot (12') in width. This twelve foot (12') travel lane shall be kept free of any overhanging branches or landscape material to a height of thirteen feet six inches (13'6") to allow access by responding fire apparatus.~~

...

Flag Lot Example - Access



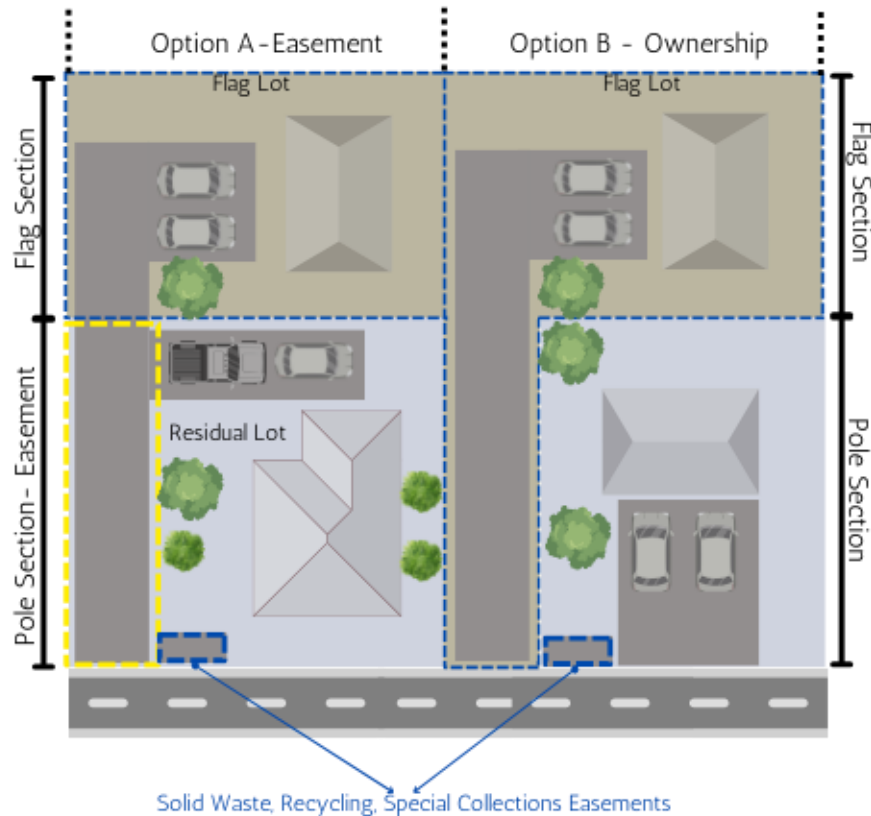
B.H. Flag Lot Building Height: To maintain continuity of mass and scale within neighborhoods, all dwelling units on flag lots, except for those located in the R1S zoning district, may be one-story greater than the tallest dwelling unit on lots immediately adjacent to the flag lot, so long as the flag lot dwelling unit meets the maximum stories/maximum height set forth for the underlying zoning district.



For Discussion: Some ordinances require dwelling units built on flag lots to be the same number of stories of the residual lot or adjacent lots. Staff believes that this may be too limiting based upon topography and steep slope issues. However, height of new construction may have an impact on the overall character of existing neighborhoods.

- I. Solid Waste, Recycling, & Special Collections: All applicants seeking approval of a flag lot shall demonstrate that the owners have a plan to meet the requirements of Town Code Sections 91.05 and 91.06 for both the storage and collection of solid waste, recycling, and other special collections. This plan shall be presented to the Public Works Department for review and approval and may require additional easements with notation on the final plat.

Flag Lot Example - Solid Waste, Recycling, Special Collections



Article 24 Parking

...

24.02 Parking Space Dimensions and Required Widths of Parking Area Aisles and Driveways

24.02.01 Subject to Subsections 24.02.02, 24.02.03 and 24.02.06, each parking space shall contain a rectangular area at least seventeen- and one-half feet long (17.5') and nine feet (9') wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this Section.

24.02.02 In parking areas containing ten (10) or more parking spaces, a rectangular area of only seven- and one-half feet (7.5') in width by fifteen feet (15') in length, may be conspicuously designated as reserved for compact cars in the following situations:

- A.** Multi-family uses may provide up to fifty percent (50%) of the parking spaces for compact cars.

- B. All other uses may provide up to thirty-five percent (35%) of the parking spaces for compact cars.
- C. Compact spaces must be signed as “compact”.

24.02.03 Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall be not less than twenty-three feet (23') by nine- and one-half feet (9.5').

24.02.04 Parking area aisle widths shall conform to the Table 24.02 Geometric Design Standards for Parking Table, which varies the width requirement according to the angle of parking.

24.02.05 ~~24.02.05~~ Driveway Width

- A. Driveways, including a shared driveway to no more than two lots, serving a single-family or a two-family dwelling shall be at least 12' in width. This 12' travel lane shall be kept free of any overhanging branches or landscape material to a height of 13'6" to allow access by responding fire apparatus. However, wider widths or a vehicle turnaround for larger vehicles may be required to satisfy fire protection requirements when a driveway exceeds 200'.
- B. Unless required differently under the NC Fire Prevention Code, all other driveways for shall not be less than ~~eleven~~twelve feet (~~11~~12') in width for one-way traffic and eighteen feet (18') in width for two-way traffic, except that ~~eleven~~twelve feet (~~11~~12') wide driveways are permissible for two-way traffic when:
 1. The driveway is no longer than fifty feet (50'), and
 2. The driveway provides access to not more than six (6) spaces, and
 3. Sufficient turning space is provided so that vehicles need not back into a public street.

**TOWN COUNCIL AND PLANNING COMMISSION
PUBLIC HEARING MINUTES
MONDAY, JANUARY 22, 2024, 6:00 PM
1500 BLOWING ROCK ROAD AND VIA WEBEX SOFTWARE**

COUNCIL MEMBERS PRESENT: Mayor Tim Futrelle, Mayor Pro Tem Dalton George, Todd Carter (via WebEx, joined at 7:00 p.m.), Dalton George, Eric Plaag, Virginia Roseman, and Edie Tugman

PLANNING COMMISSION MEMBERS PRESENT: Adrian Tait-Chair, Frank Veno-Vice Chair, Chris Behrend (via WebEx), and Smith Warren (via WebEx)

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Brandon Wise-Environmental Specialist, and Brenda Henson-Board Secretary

OTHER TOWN STAFF/REPRESENTATIVES PRESENT: Amy Davis-Town Manager (via WebEx), Todd Moody-Public Works Director (via WebEx), Justin Stines-Deputy Public Works Director (via WebEx), and Allison Meade-Town Attorney (arrived at 6:07 p.m.)

Call to Order

Mayor Futrelle called the Town Council to order at 6:01 p.m. Chair Tait 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, as well as via WebEx.

Moment of Silence

A moment of silence was observed.

Approval of Meeting Minutes

Council Member Roseman made a motion to approve the November 27, 2023, Public Hearing minutes as written. The motion was seconded by Mayor Pro Tem George.

Vote: Aye – 5
Nay – None

The motion passed.

Commission Member Behrend made a motion to approve the November 27, 2023, Public Hearing minutes as written. The motion was seconded by Vice Chair Veno.

Vote: Aye – 4
Nay – None

The motion passed.

PUBLIC HEARING

Case A23-0646 Community Appearance Commission Dissolution – UDO Text Amendment

Modify language in UDO Articles 2 and 25 to provide for the dissolution of the Community Appearance Commission. Though North Carolina General Statute 160D-304 authorizes the creation of an “appearance commission” with specific duties set forth in General Statute 160-960, a local government is not mandated to create or maintain such a commission.

Ms. Jane Shook, Director of Planning & Inspections for the Town of Boone, presented the case as outlined in the meeting packet. She summarily noted that the elimination of the Community Appearance

Commission would allow the Planning Commission, which had an active membership, to assume the duties of the CAC.

Council Member Plaag referred to UDO Section 25.07.02 and asked why the sentence that was struck that read *"The Administrator may, but is not required, to seek the recommendation of the Community Appearance Commission with respect to any proposed alternative."* was not just changed to say Planning Commission if the intent was to replace the CAC with the Planning Commission. Ms. Shook noted that the staff had never consulted CAC on an alternative. Additionally, the Planning Commission did not meet every month for regular business, which could create possible time delays. Council Member Plaag questioned why the language in the CAC's charge regarding visual appearances, community beautification, and landscape development was not put under the Planning Commission's charge. Ms. Shook replied that the Planning Commission's charge was already broad enough to cover those items. Council Member Plaag stated he did not want to lose the ability to have reviews done by Town boards. Ms. Shook suggested that language could be added to UDO Section 2.02 that stated the Planning Commission had the powers and duties of the Community Appearance Commission, as outlined in the statutes.

Mayor Futrelle asked what the impetus was for this text amendment. Ms. Shook explained that staff struggled for many years to have a full membership on the Community Appearance Commission. She noted that statutes required seven members and those seven members were required to have certain qualifications if at all possible, making it difficult to find and keep members. Ms. Shook added that the Planning Commission already functioned in the same manner and stated they should be more utilized to review text.

Vice Chair Veno agreed that it was difficult to get volunteers to serve on any board. He noted that the Comprehensive Plan endorsed a Community Appearance Commission and asked how that related to the request. Ms. Shook explained that, when the Comprehensive Plan was created, the CAC was very new as were the standards. She stated that it was time to reevaluate standards along with the Comprehensive Plan, noting that the duties of the CAC could be done by the Planning Commission.

Ms. Allison Meade, Town Attorney, stated that other communities only had a Planning Commission.

There was no public comment on this case.

Discussion ensued as to an appearance commission's authority to review plans. Ms. Shook noted that statutory authority did not extend to plan review.

Commission Member Behrend stated she understood the reason for having the Planning Commission assume the responsibilities of the CAC. She asked for more information on what that would entail for the PC. Ms. Shook noted that the Planning Commission may be called upon the review design standards and perhaps the Town could contract with design professionals should the need arise.

Mayor Pro Tem George asked if the membership of the Planning Commission needed to be expanded. Council Member Plaag added that consideration should be given to offering board members a stipend. He suggested that this be discussed at the Budget Retreat.

Chair Tait asked if any of the CAC members were interested in becoming a Planning Commission member. Ms. Shook replied that the staff had reached out to current members but had not had any response.

Ms. Shook stated that she felt a membership of seven was a good number for the Planning Commission. She added that she would like to utilize the Planning Commission more for reviews of UDO text amendments and the creation of text.

Mayor Pro Tem George asked if the staff could reach out to past Community Appearance Commission members to see if they would be interested in serving on the Planning Commission. Ms. Shook replied that the staff could try to contact past members.

With nothing further, Mayor Futrelle closed the public hearing for this case at 6:27 p.m.

Case A24-0010 Vacation Rental and Homestay Rental – UDO Text Amendment

Modify language in UDO Article 15 Limited Use Requirements to clarify inartful language related to when single-family or two-family dwellings in certain zoning districts can be used as a Use 3.06 Vacation Rental.

Ms. Jane Shook, Director of Planning & Inspections for the Town of Boone, presented the case as it was outlined in the meeting packet. She explained that the Board of Adjustment was a board that often was able to identify issues in existing language during the application of the standards for cases and at a recent Board of Adjustment meeting concerns over the interpretation of Subsection 15.14.05 arose. She noted that the proposed amendment was to clarify the text to reflect what was originally intended. She noted that the actual intent behind Subsection 15.14.05 was to allow single and two-family dwellings in those zoning districts to be used for short-term rentals only if the dwelling existed as of January 1, 2014.

Ms. Meade stated that she crafted the original language and it did not occur to her that the language could be interpreted in the way that Ms. Shook had explained. She added that other sections of the UDO, such as the Use Table and Section 15.14.10, spoke to the allowance of short-term rentals in the R3, B1, B2, and B3 zoning districts so it seemed clear that the intent was to allow them in those districts, despite the ambiguous language in Section 15.14.05. Ms. Meade stated that it was the intent of the Town Council at that time to include short-term rentals in these zoning districts.

Council Member Roseman stated that having served on the Board of Adjustment for years, she understood the difficulties of interpreting the Ordinance literally versus considering intent.

Council Member Plaag stated that when the text was being proposed the original definition of a vacation rental was a single or two-family dwelling that was rented as a whole on a daily, weekly, or monthly basis. He noted that it did not include multi-family properties or multi-family dwelling units. Council Member Plaag further explained that the draft text was modified so that the definition that was proposed had in brackets (or a multi-family dwelling unit) as a possible addition for discussion by the Town Council. Council Member Plaag stated that he did not remember there being a discussion about changing the definition of vacation rentals to include them in multi-family dwellings although it was implied in other sections of the Ordinance. He added that, if he had fully considered the implications at the time, he would not have voted for it. Council Member Plaag suggested that further discussion should take place on this topic at the Planning Retreat.

Ms. Shook stated that it was good practice to periodically revisit standards to see if the standards were appropriate and if the intent of the regulations was being accomplished.

Mayor Pro Tem George agreed that this topic needed to be revisited because of the jeopardy it was placing on the housing stock.

Ms. Meade pointed out that several property owners had already been approved to operate short-term rentals in a multi-family dwelling. She stated that this would need to be taken into consideration for grandfathering or sunseting.

Council Member Roseman asked how the short-term rental monitoring company hired by the Town was doing. Ms. Shook replied that Host Compliance monitored over 75 platforms for short-term rental compliance and had been working well.

Council Member Tugman asked how long it would take to modify the language. Ms. Shook explained that modifying the language would require a UDO text amendment which would go through the Public Hearing process and take 1.5 to 3 months. She suggested further discussion could take place at next week's Planning Retreat. Council Member Tugman asked what would be involved in creating a moratorium. Ms. Meade replied that the timeframe for a text amendment would not be a lot different than the timeframe to enact a moratorium.

Council Member Plaag asked if the staff could provide short-term rental numbers for the Planning Retreat. Ms. Shook stated that she would try to get that information in time to include it in the meeting packet, but if not she would distribute it at the Retreat.

Vice Chair Veno stated he was in favor of revisiting the language.

Commission Member Behrend stated she was in favor of clarifying the language presented in this text amendment tonight, and then revisiting the language as a whole.

Council Member Plaag agreed with clarifying the language as presented. He added that he objected to how the whole concept of short-term rentals was working.

Commission Member Warren agreed with clarifying the language and then revisiting.

There was no public comment on this case.

With nothing further, Mayor Futrelle closed the public hearing for this case at 7:00 p.m.

Case A24-0011 Town Utility Facility – UDO Text Amendment

Modify language in UDO Article 14 Districts and Uses to provide clarification on the permitting requirements for Use 5.13 Town Utility Facilities.

Ms. Jane Shook, Director of Planning & Inspections for the Town of Boone, stated that this modification would allow town utility facility-related improvements to be exempt, except in specific circumstances, from zoning requirements due to the overall public benefit of these improvements. She noted that these improvements might include but were not limited to communication towers, equipment/material storage areas/buildings, pump stations, salt barns, or other similar facilities that were not typically open to the public.

Ms. Shook explained that Public Works needed a salt barn and unless this language was changed they would have to meet community appearance standards. She stated that the previous Town Council did not feel the appearance standards should apply to this building because it was a storage facility and that it was not necessarily a public benefit for the salt barn to have to meet appearance standards.

Council Member Plaag referenced the proposed language in Section 14.02.03(A)(3) that read *if the parcel at issue is in or adjoins a historic district or historic landmark*. He suggested adding language to be similar to the Section 106 review done at the federal level for the national historic registry which looked at impacts on the viewshed of the historic property. Ms. Shook stated that language could be added along those lines.

There was no public comment on this case.

With nothing further, Mayor Futrelle closed the public hearing for this case at 7:15 p.m.

Case A24-0017 Window Signs – UDO Text Amendment

Modify the language in UDO Article 26 Signs revise and clarify regulations related to window signs.

Ms. Jane Shook, Director of Planning & Inspections for the Town of Boone, presented the case as it was outlined in the meeting packet. She stated that after the adoption of the sign ordinance in May 2023 businesses were given until January 1, 2024, to come into compliance with the new window sign regulations. Ms. Shook noted that the Planning and Inspections staff began the process of notifying businesses who would need to come into compliance with this standard and during this process, many business owners and the Chamber of Commerce reached out to the Town Council to indicate their concerns with the wholesale prohibition for lighted window signs. In December 2023, the Town Council agreed to delay enforcement until this issue could be more fully discussed and agreed to hear solutions that would allow lighted window signage but at a limited scale.

Council Member Plaag asked if there was a general size of the lighted window signs currently in place. Ms. Shook replied that based on her research open/closed signs were generally less than four square feet but other lighted window signs varied in size. Council Member Plaag asked if it needed to be included here that the lights could not flash, blink, or run. Ms. Shook replied that this was an overall prohibition and was included elsewhere in the regulations.

At 7:20 p.m., Mayor Futrelle invited public comment.

Mr. David Jackson with the Boone Area Chamber of Commerce stated that he drove around town and found 12 businesses with some sort of secondary sign, in addition to the open/closed sign that advertised what was going on in a particular business. Mr. Jackson suggested the possibility of grandfathering the signs already in place by these businesses as a way to not burden small businesses with added expenses.

There was discussion regarding placing a size limitation on the signs versus allowing the sign size to be a percentage of the window size. Ms. Shook stated that a sign based on a percentage of window size would likely require a permit in order to be regulated. She added that a set square footage limit would be easier to regulate without a permit.

Upon further discussion, there was general agreement that two lighted window signs would be allowed. One of the signs would have a size limit of four square feet, the other sign's size would be determined by the Town Council after measurements were taken by the staff of existing window signage. This survey of information would be available by the Town Council meeting.

With nothing further, Mayor Futrelle closed the public hearing for this case at 7:58 p.m.

Case A24-0018 Invasive Species – UDO Text Amendment

Modify UDO Article 31 Landscape Standards, Article 34 Definitions, and Appendix C to revise language to define and allow for the removal of invasive species.

Mr. Brandon Wise, Environmental Specialist with the Town of Boone, presented the case as it was outlined in the meeting packet.

Council Member Plaag wished to verify that homeowners would not be penalized for having an invasive species on their property or be required to proactively remove them. Mr. Wise replied that though this was a requirement for commercial properties, not residential, there was no requirement to remove invasive species. The requirements prohibit the planting during development and provide a vehicle for removal if needed.

There was no public comment on this case.

Mayor Pro Tem George stated he thought the list, as presented, was a good list.

Council Member Tugman stated she would like to see the plant list published in the newspaper.

With nothing further, Mayor Futrelle closed the public hearing for this case at 8:04 p.m.

Adjournment of Town Council

Mayor Pro Tem George made a motion to adjourn the Town Council at 8:04 p.m. The motion was seconded by Council Member Tugman.

Vote: Aye – 5
Nay – None

The motion passed.

Tim Futrelle, Mayor

Brenda Henson, Board Secretary

Adrian Tait, Planning Commission Chair

PLANNING COMMISSION MEETING

Public Comment

There was no public comment.

Approval of Planning Commission Meeting Minutes

Vice Chair Veno noted some typographical errors in the November 30, 2023, Special Planning Commission meeting minutes. Commission Member Behrend made a motion to approve the November 30, 2023, Special Planning Commission meeting minutes with the correction of the typographical errors. Vice Chair Veno seconded the motion.

Vote: Aye – 4
Nay – None

The motion passed.

Case A23-0646 Community Appearance Commission Dissolution – UDO Text Amendment

Modify language in UDO Articles 2 and 25 to provide for the dissolution of the Community Appearance Commission. Though North Carolina General Statute 160D-304 authorizes the creation of an “appearance commission” with specific duties set forth in General Statute 160-960, a local government is not mandated to create or maintain such a commission.

Vice Chair Veno, Commission Member Warren, and Chair Tait stated they were in favor of dissolving the Community Appearance Commission.

First Motion and Vote: Vice Chair Veno made a motion that the proposed amendment to the Town’s zoning ordinance 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

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.

Comprehensive Plan Policy 2.3.4 Public Involvement

A. Public involvement shall be encouraged in decisions concerning land use and development by making the public aware of proposed developments at the earliest opportunity, as well as fostering communication among developers, the Town, the County, the University, and the general public.

The motion was seconded by Commission Member Behrend.

Vote: Aye – 4
Nay – None

The motion passed.

Second Motion and Vote: Vice Chair Veno made a motion that the Planning Commission recommends approval of Ordinance A23-0646 within Exhibit A and approval is reasonable and in the public interest because since the town has had difficulty maintaining membership for the Community Appearance Commission and their duties are duplicated by the Planning Commission and since UDO Section 2.02.05 allows the Council to appoint advisory committees it would be appropriate for the Council to dissolve the CAC. The motion was seconded by Commission Member Behrend.

Vote: Aye – 4
Nay – None

The motion passed.

Case A24-0010 Vacation Rental and Homestay Rental – UDO Text Amendment

Modify language in UDO Article 15 Limited Use Requirements to clarify inartful language related to when single-family or two-family dwellings in certain zoning districts can be used as a Use 3.06 Vacation Rental.

First Motion and Vote: Chair Tait made a motion that the proposed amendment to the Town's zoning ordinance 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

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.

Vice Chair Veno wished to amend the motion to add:

Comprehensive Plan Policy 2.1.1 Economic Development

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.

Chair Tait accepted the amendment. The motion was seconded by Commission Member Behrend.

Vote: Aye – 4
Nay – None

The motion passed.

Second Motion and Vote: Chair Tait made a motion that the Planning Commission recommends approval of Ordinance A24-0010 within Exhibit A and approval is reasonable and in the public interest because this clarifies language related to multi-family short-term rentals. The motion was seconded by Commission Member Behrend.

Vote: Aye – 4
Nay – None

The motion passed.

Case A24-0011 Town Utility Facility – UDO Text Amendment

Modify language in UDO Article 14 Districts and Uses to provide clarification on the permitting requirements for Use 5.13 Town Utility Facilities.

First Motion and Vote: Vice Chair Veno made a motion that the proposed amendment to the Town's zoning ordinance 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.

Comprehensive Plan Policy 2.1.1 Economic Development

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.

The motion was seconded by Commission Member Behrend.

Vote: Aye – 4
Nay – None

The motion passed.

Second Motion and Vote: Vice Chair Veno made a motion that the Planning Commission recommends approval of Ordinance A24-0011 within Exhibit A and approval is reasonable and in the public interest because the change helps make the regulations more streamlined and permits procedures to be more predictable and timely as noted in the Comprehensive Plan policies. Planning Commission further recommends that staff create language to address to further address parcels within the viewshed of historic areas. The motion was seconded by Commission Member Warren.

Vote: Aye – 4
Nay – None

The motion passed.

Case A24-0017 Window Signs – UDO Text Amendment

Modify the language in UDO Article 26 Signs revise and clarify regulations related to window signs.

Ms. Shook reminded Commission members of the discussion during the public hearing regarding the allowance of two lighted window signs, one being limited to four square feet and the other size limitation to be determined after the staff surveys existing signs.

First Motion and Vote: Chair Tait made a motion that the proposed amendment to the Town's zoning ordinance 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.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

D. Sign policies and standards shall be periodically updated to enhance community identity and create a high quality business image.

The motion was seconded by Commission Member Behrend.

Vote: Aye – 4
Nay – None

The motion passed.

Second Motion and Vote: Vice Chair Veno made a motion that the Planning Commission recommends approval of Ordinance A24-0017 within Exhibit A and approval is reasonable and in the public interest because the changes reflect sign policies and standards that enhance community appearance and high quality of business interests. Planning Commission further recommends the allowance of two lighted window signs with one being limited to four square feet and the other sign's size to be determined by Town Council after the staff's survey of existing signs. The motion was seconded by Commission Member Behrend.

Vote: Aye – 4
Nay – None

The motion passed.

Case A24-0018 Invasive Species – UDO Text Amendment

Modify UDO Article 31 Landscape Standards, Article 34 Definitions, and Appendix C to revise language to define and allow for the removal of invasive species.

First Motion and Vote: Commission Member Behrend made a motion that the proposed amendment to the Town's zoning ordinance 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 2.2.5 Environmental Health

E. Development which preserves the natural features of the site, including existing topography, streams and significant trees and vegetation, shall be reflected in the Town's Development Standards.

O. Encourage use of low-impact habitat-friendly practices to achieve and maintain native species, including plants, wildlife and beneficial insects (such as pollinators) within private and public developments.

Comprehensive Plan Policy 2.3.2 Community Character

D. The destruction of significant architectural, historic, scenic, natural and archaeological resources in the planning area shall be discouraged.

Vice Chair Veno wished to amend the motion to include:

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.4 Balance the benefits of economic development projects with special concern for environmental quality issues.

Commission Member Behrend accepted the amendment.

The motion was seconded by Chair Tait.

Vote: Aye – 4
Nay – None

The motion passed.

Second Motion and Vote: Chair Tait made a motion that the Planning Commission recommends approval of Ordinance A24-0018 and believes approval is reasonable and in the public interest because the removal of invasive species from the community is beneficial to the environment and is in line with our environmental responsibility and community appearance. The motion was seconded by Commission Member Behrend.

Vote: Aye – 4
Nay – None

The motion passed.

Other Matters

Ms. Shook expressed her appreciation to those who were able to attend the Comprehensive Plan Kick-Off at Hardin Park School. She stated there were approximately 150-170 people in attendance. Ms. Shook encouraged everyone to visit the Boone Next website.

Adjournment of Planning Commission

Vice Chair Veno made a motion to adjourn the meeting at 8:56 p.m. Commission Member Behrend seconded the motion.

Vote: Aye – 4
Nay – None

The motion passed.

Adrian Tait, Planning Commission Chair

Brenda Henson, Board Secretary