

**MINUTES – SPECIAL MEETING
BOONE TOWN COUNCIL
December 8, 2021**

CALL TO ORDER

A special meeting of the Boone Town Council was called to order electronically on Wednesday, December 9, 2021 at 6:00 p.m. Mayor Rennie Brantz presided. Council members present included Mayor Pro-Tem Connie Ulmer, Sam Furguele, Dalton George, Nancy LaPlaca and Virginia Roseman. Staff present included Town Manager John Ward, Town Clerk Nicole Harmon, Long Range Planner Jessica Mitchell, Planning Director Jane Shook, Sustainability and Special Projects Manager George Santucci, Assistant Planning Director Stacey Miller, Public Works Director Rick Miller, Cultural Resources Director Mark Freed, Police Chief Andy Le Beau, and Human Resources Director Dale Presnell. Town Attorney Allison Meade was also in attendance. The purpose of the meeting was to consider cases heard at the November 22, 2021 Public Hearing, as well as Case PL05168-100621 Short-Term Rentals, Cemetery Guidelines proposed by the Historic Preservation Commission, give direction regarding the potential acquisition and local landmark designation of the Hayes, Bryan, Greene Cemetery, and to consider an annual Arbor Day proclamation.

TENTATIVE AGENDA ADOPTION

Upon a motion by Mayor Pro-Tem Ulmer, seconded by Mr. George, Council unanimously approved the agenda as presented.

PUBLIC COMMENT

Mike Curcio of Boone expressed concerns regarding an excess of garbage building up at properties located along Wallace Circle. He added that he hoped the problems associated with whole-house short-term rentals could be mitigated.

COUNCIL MATTERS

CONSIDERATION OF CASES HEARD AT THE NOVEMBER 22, 2021 PUBLIC HEARING

Case PL05268-110121 Minimum Housing – Town Code Text Amendment

Ms. Shook presented the above Town Code text amendment. Mr. Furguele asked whether the condemnation of a property was not always based upon it being unsafe, and therefore the text was unneeded. He added that he understood that the language was statutory and that it applied to both minimum housing and unsafe buildings, but believed that if a structure had not been condemned as unsafe, a basis for condemnation did not exist. Ms. Meade stated that she would think about the matter more, and suggested that Council table this item until after the break so that she could review the entire section before action was taken. Mr. Furguele made a motion to table this item until after the other UDO amendments had been dealt with. Mayor Pro-Tem Ulmer seconded the motion, which carried unanimously.

Case PL005269-110121 Criminal Penalties – UDO Text Amendment

Mr. George 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 plan(s) of the Town that are applicable because it complies with Comprehensive Plan Policy 2.1.1 Economic Development 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; and 2.3.4 Public Involvement 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. Mayor Pro-Tem Ulmer seconded the motion, which carried unanimously. Ms. Roseman then made a motion to approve ordinance PL05269-110121 to the Town's zoning ordinance and believes approval is reasonable and in the public interest because it will encourage public safety, and will continue a comprehensive analysis within special committees and will allow for more conducive education. Mr. George seconded the motion which

carried unanimously. Ms. Meade pointed out that the point of this ordinance was that the text was required to bring the Town's UDO into compliance with state law.

ORDINANCE # PL05269-110121**AN ORDINANCE TO REVISE ARTICLE 12 OF THE TOWN OF BOONE UNIFIED DEVELOPMENT ORDINANCE
WITH RESPECT TO PERSONS LIABLE FOR VIOLATIONS**

WHEREAS, the Boone Town Council desires to modify the town's Unified Development Ordinance ("UDO") with respect to persons liable for violations of the ordinance;

WHEREAS, it is appropriate to hold construction and design professionals responsible for UDO violations in which they knew or should have known they played a part;

WHEREAS, the state legislature has adopted Session Law 2021-138 which, at Part XIII, section 13(b), provides, *inter alia*, that a municipality may no longer criminalize violations of certain local ordinances, including zoning and development ordinances enacted pursuant to authority under G.S. chapter 160D, except for those ordinances related to unsafe buildings; and

WHEREAS, the Boone Town Council is authorized to adopt this ordinance pursuant to its zoning and development regulation powers under Chapter 160D of the North Carolina General Statutes; and

WHEREAS, this proposed UDO text amendment was duly noticed for public hearing; a public hearing was held with respect to the proposed amendment on November 22, 2021; and the Boone Planning Commission has had an opportunity to submit a written report to the Boone Town Council;

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

- SECTION 1.** The following subsections of Article 12 of the Boone Unified Development Ordinance are hereby amended as set forth in the attached Exhibit A to this ordinance, with deletions and additions shown in red and blue respectively, which attached exhibit is incorporated by reference. All other provisions of Article 12 remain unchanged.
- 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 8th day of December, 2021.

The Honorable Rennie Brantz, Mayor

Attest:

Nicole Harmon, Town Clerk

Ordinance Exhibit A**Article 12 Enforcement**

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12.03 Persons Liable

12.03.01 The owner, tenant, or occupant of any land or structure, or part thereof, or other person who possesses a cognizable interest in the real or personal property in question, who participates in, assists, directs, causes, allows, maintains, or is otherwise responsible for any situation that is contrary to the requirements of this Ordinance shall be liable for violations of this Ordinance.

12.03.02 A builder, contractor, architect, engineer or other construction, trade or design professional who participates in, assists, directs, or creates a situation that constitutes a violation of this ordinance or is otherwise responsible for a situation that is contrary to the requirements of this Ordinance shall be liable for violations of this Ordinance.

12.03.03 No landlord may escape liability for an occupancy violation based upon a claimed lack of knowledge of the violation unless:

- A. The lease of the property includes a provision which authorizes the landlord to terminate the lease early if the tenant violates the occupancy or zoning rules of the Town; and
- B. The landlord takes prompt action to terminate the lease and/or tenancy of the tenants of the property when an occupancy violation has been confirmed by the Administrator.

12.03.04 The liability imposed upon persons pursuant to this section 12.03 is joint and several. Each responsible person is subject to enforcement and such fines and/or other remedies as are as set forth in this Article.

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12.06 Remedies

12.06.01 Available Remedies: Any or all of the following may be used to enforce the provisions of this Ordinance.

- A. **Civil Penalties:** Any person who violates any provision of this ordinance may be subject to the assessment of a civil penalty in accordance with Section 12.07. In addition, where the violation consists of or includes working without required permit(s), the violator shall be required to pay double the normal fee for any required permit(s).

B. Criminal Penalties:

~~1. Assessment:~~ Criminal penalties may be assessed only for violations of this ordinance that create or maintain an unsafe building circumstance. In any such case, unless a more stringent criminal penalty is prescribed pursuant to State law for ~~thea~~ particular violation of this Ordinance or are otherwise provided conduct at issue, any person who violates the UDO a person who knowingly or willfully violates this ordinance shall be guilty of a Class 3 misdemeanor, ~~pursuant to N.C. Gen. Stat. § 14-4 (a), with~~ and a fine up to \$500.00 for each such violation.

~~A. Any person who, being the owner or agent of the owner of any land located within the planning jurisdiction of the Town, subdivides their land in violation of this Ordinance, or transfers or sells land by reference to, exhibition of, or by any other~~

~~use of a plat showing a subdivision of the land before the plat has been properly approved and recorded in the office of the Watauga County Register of Deeds, shall be guilty of a Class 1 misdemeanor with a fine of \$1,000.00. The Town may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land. Building permits required pursuant to G.S. 160D-1102 shall be denied for lots that have been illegally subdivided. In addition to other remedies, the Town may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from violation of this Ordinance.~~

~~a.~~ The Administrator shall institute criminal charges only with the authorization of the Town Manager.

~~2. Determination: In determining whether criminal charges should be recommended with respect to a particular violation, the Administrator shall consider the following factors, which shall not be exclusive, and the applicability of any individual factor shall not determine the decision, which should be based on the best interests of the Town:~~

- ~~a. Whether the violator is a repeat violator;~~
- ~~b. Whether the violator has acted in intentional disregard of the Ordinance;~~
- ~~c. Whether there are factors outside control of the violator which have prevented the person from expeditiously correcting the violation;~~
- ~~d. Whether the violator has stated an intention to undertake prompt correction action;~~
- ~~e. What damage has occurred as a result of the violation;~~
- ~~f. Whether the violation is capable of repetition but escaping review, or civil penalties are ineffective in ensuring enforcement of the Ordinance; and~~
- ~~g. Whether some other reason is identified which will enhance the enforcement of the Ordinance by the pursuit of criminal charges in a particular case.~~

- C. Injunction:** Any violation of this Ordinance or of any condition, order, requirement, or remedy adopted pursuant to this Ordinance may be restrained, corrected, abated, mandated, or enjoined by other appropriate proceeding pursuant to State law. The institution of an action for injunctive relief under this Section does not relieve any party to such proceedings from any civil or criminal penalty prescribed for violations of this Ordinance.
- D. Revocation of Approvals or Certificates:** The Administrator may revoke and require the return of a development approval, a Certificate of Compliance, a Certificate of Occupancy, or a Certificate of Zoning Completion pursuant to Section 12.09.
- E. Stop Work Orders:** Whenever the Administrator determines that a person is engaged in doing work without a required development approval; or any building or structure or part thereof is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, or in substantial violation of any State or local building law, or in a manner that endangers life or

property, the Administrator may order the specific part of the work that is in violation or presents such a hazard to be immediately stopped pursuant to Section 12.08.

- F. **State and Common Law Remedies:** In addition to other enforcement provisions contained in this Article, the Council may exercise any and all enforcement powers granted to it by State law or common law.

ORDINANCE # PL05270-110121**AN ORDINANCE TO REVISE ARTICLES 2, 14, 24, AND 25 OF THE TOWN OF BOONE UNIFIED DEVELOPMENT ORDINANCE RELATING TO THE HISTORIC PRESERVATION COMMISSION, FINAL LIGHT PLAN COMPLIANCE CERTIFICATIONS AND LIVABILITY SPACE REQUIREMENTS**

WHEREAS, the Boone Town Council desires to modify, clarify and streamline the requirements within the Unified Development Ordinance; 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. 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 8th day of December, 2021.

The Honorable Rennie Brantz, Mayor

Attest:

Nicole Harmon, Town Clerk

Ordinance Exhibit A**Article 2 Administrative Mechanisms****2.04 Historic Preservation Commission**

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2.04.02 Membership. There shall be a Historic Preservation Commission consisting of ~~five (5)~~ **seven (7)** members. To the extent qualified persons can be found, the majority of the Commission shall have demonstrated special interest, experience, or education in history, architecture, archaeology, or related fields, and to the extent persons may be found with the stated qualifications, the Town Council shall seek to appoint two persons with significant experience or knowledge in historic preservation, one person with significant experience or knowledge in building construction, and one person with significant experience or knowledge in architecture.

2.04.04 Historic Preservation Commission Chair and Vice-Chair

A. In or about July of each year, the Commission will accept and review applications from the current membership for Chair and Vice-Chair positions in order to forward a recommendation on these positions to Council. Upon receipt of the Commission's recommendations, Council shall review the submitted applications and the Historic Preservation Commission recommendations before designating the Chair and the Vice-Chair. The people so designated shall serve in these capacities for terms on one (1) year, with eligibility for unlimited re-appointment. Vacancies in these offices shall be filled for the unexpired terms only.

1. The Historic Preservation Commission shall designate the Chair and Vice-Chair of any subcommittees.

B. The people so designated shall serve in these capacities for terms of one (1) year, with eligibility for unlimited re-appointment.

C. The Chair and Vice-chair may take part in all deliberations and vote on all issues.

Article 14 Zoning District Regulations

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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.

Article 25 Community Appearance Standards

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25.05 Lighting

25.05.01 The intent of this Section is to prevent light from commercial developments from excessively illuminating the property in question, other properties, or the night sky.

25.05.02 Only light fixtures which are categorized as full cut-off (FCO) fixtures shall be permitted, except sportsfield fixtures which must comply with Section 25.05.04.

25.05.03 The following are specific standards for lighting intensity based upon the activity involved. Values are presented in allowable foot-candles (fc) maintained (measured horizontally) at grade and are to be averaged throughout the site to avoid hot spots, i.e. areas of extreme light intensity relative to the remainder of the site:

Activity	Minimum	Maximum	Min./Max. Uniformity Ratio
Pedestrian Areas/Sidewalks	.2 f.c.	1.0 f.c.	
Building Entries	1.0 f.c.	10.0 f.c.	
Street Lighting	.2 f.c.	1.0 f.c.	
Open Parking Areas	.2 f.c. to 9 f.c.	3.6 fc	4:1
Playgrounds		5.0 fc	
Site Perimeter		.5 fc	

25.05.04 Lighting for sports fields and outdoor courts is generally in excess of general outdoor lighting levels. Recreation lighting levels established by the IESNA are to be used as the standard. All sportsfields or tennis courts must meet the following minimum standards:

- A. Fixtures must be fitted with the manufacturer's glare control package. If the manufacturer does not have a glare control package, the fixture specification must be changed to a manufacturer that offers a glare control package.
- B. Lighting shall be extinguished no later than one hour after the event ends.
- C. Fixtures must be designed with a sharp cutoff and aimed so that their beams fall within the primary playing area and the immediate surroundings, so that off-site direct illumination is significantly restricted.

25.05.05 Gas station canopies shall be illuminated at a maximum illuminance of 30 fc and individual fixtures shall be flush mounted or have the canopy edge below the lowest light-emitting point on the fixtures. All existing gas station canopies which exceed this standard shall be made compliant within seven (7) years of the date of adoption of this Article.

25.05.06 Up-lighting may be used to illuminate a building, landscaping element or architectural feature, provided the lighting design has a maximum illuminance of 12fc, measured in a vertical plane. Down lighting is preferred.

25.05.07 Parking decks and covered parking areas must conform to IESNA standards.

25.05.08 At the end of a development permit, the applicant shall submit a final certification that a post installation inspection was conducted to check for compliance with a light meter against the approved lighting plan. Substitutions by electricians and contractors are common and will not be accepted unless substitutions are reviewed and approved.

—The post installation inspection should be conducted by a professional engineer with demonstrable expertise in lighting design and mitigation strategies, or a lighting specialist who is lighting certified (LC) by the National Council on Qualifications for the Lighting Professions (NCQLP).

Article 34 Definitions

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Livability Space

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. ~~A maximum of one third of the livability space required for a development may be impervious (e.g., paved terraces or sitting areas).~~

Ms. Mitchell presented the above case and revisions made by the Planning Commission. Ms. Roseman then made a motion that the amendment to the Town's zoning ordinance is consistent with the Town's Comprehensive Plan and any other adopted plan(s) of the Town that are applicable because it complies with Comprehensive Plan Policy 2.1.1 Economic Development 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. Mr. George seconded the motion, with carried unanimously. Ms. Roseman then made a second motion to approve ordinance PL05270-110121 and that approval is reasonable and in the public interest because by doing so Council allowed meetings within the Historic Preservation Commission to perform productively with a smaller number of people with a majority present; and by allowing the administrative powers to oversee minor developments and procedures which will save the Town money. Mr. George seconded this motion, which carried unanimously.

ORDINANCE # PL05270-110121**AN ORDINANCE TO REVISE ARTICLES 2, 14, 24, AND 25 OF THE TOWN OF BOONE UNIFIED DEVELOPMENT ORDINANCE RELATING TO THE HISTORIC PRESERVATION COMMISSION, FINAL LIGHT PLAN COMPLIANCE CERTIFICATIONS AND LIVABILITY SPACE REQUIREMENTS**

WHEREAS, the Boone Town Council desires to modify, clarify and streamline the requirements within the Unified Development Ordinance; 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:

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2.04.04 Historic Preservation Commission Chair and Vice-Chair

A. In or about July of each year, the Commission will accept and review applications from the current membership for Chair and Vice-Chair positions in order to forward a recommendation on these positions to Council. Upon receipt of the Commission's recommendations, Council shall review the submitted applications and the Historic Preservation Commission recommendations before designating the Chair and the Vice-Chair. The people so designated shall serve in these capacities for terms on one (1) year, with eligibility for unlimited re-appointment. Vacancies in these offices shall be filled for the unexpired terms only.

1. The Historic Preservation Commission shall designate the Chair and Vice-Chair of any subcommittees.

B. The people so designated shall serve in these capacities for terms of one (1) year, with eligibility for unlimited re-appointment.

C. The Chair and Vice-chair may take part in all deliberations and vote on all issues.

Article 14 Zoning District Regulations

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25.05.03 The following are specific standards for lighting intensity based upon the activity involved. Values are presented in allowable foot-candles (fc) maintained (measured horizontally) at grade and are to be averaged throughout the site to avoid hot spots, i.e. areas of extreme light intensity relative to the remainder of the site:

Activity	Minimum	Maximum	Min./Max. Uniformity Ratio
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Building Entries	1.0 f.c.	10.0 f.c.	
Street Lighting	.2 f.c.	1.0 f.c.	
Open Parking Areas	.2 f.c. to 9 f.c.	3.6 fc	4:1
Playgrounds		5.0 fc	
Site Perimeter		.5 fc	

25.05.04 Lighting for sports fields and outdoor courts is generally in excess of general outdoor lighting levels. Recreation lighting levels established by the IESNA are to be used as the standard. All sportsfields or tennis courts must meet the following minimum standards:

- A. Fixtures must be fitted with the manufacturer's glare control package. If the manufacturer does not have a glare control package, the fixture specification must be changed to a manufacturer that offers a glare control package.
- B. Lighting shall be extinguished no later than one hour after the event ends.
- C. Fixtures must be designed with a sharp cutoff and aimed so that their beams fall within the primary playing area and the immediate surroundings, so that off-site direct illumination is significantly restricted.

25.05.05 Gas station canopies shall be illuminated at a maximum illuminance of 30 fc and individual fixtures shall be flush mounted or have the canopy edge below the lowest light-emitting point on the fixtures. All existing gas station canopies which exceed this standard shall be made compliant within seven (7) years of the date of adoption of this Article.

25.05.06 Up-lighting may be used to illuminate a building, landscaping element or architectural feature, provided the lighting design has a maximum illuminance of 12fc, measured in a vertical plane. Down lighting is preferred.

25.05.07 Parking decks and covered parking areas must conform to IESNA standards.

25.05.08 At the end of a development permit, the applicant shall submit a final certification that a post installation inspection was conducted to check for compliance with a light meter against the approved lighting plan. Substitutions by electricians and contractors are common and will not be accepted unless substitutions are reviewed and approved.

—The post installation inspection should be conducted by a professional engineer with demonstrable expertise in lighting design and mitigation strategies, or a lighting specialist who is lighting certified (LC) by the National Council on Qualifications for the Lighting Professions (NCQLP).

Article 34 Definitions

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Livability Space

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. ~~A maximum of one-third of the livability space required for a development may be impervious (e.g., paved terraces or sitting areas).~~

Case PL05272-110121 Solar & Electric-Vehicle Charging – UDO Text Amendment

Ms. Shook presented the above text and the revisions suggested by the Planning Commission. Mayor Pro-Tem Ulmer asked how the number of days (180) was arrived at for a vehicle to be considered abandoned. Ms. Shook indicated that there was no discussion of a timeframe at the Public Hearing, and that 180 was the same time frame used for non-conforming uses. Mr. Furguele stated that he had received an email earlier from Jody

Feimster regarding this matter and wanted to suggest some language that he thought addressed some of the points that she made in her email. He agreed with her that it may not be possible to fully repair a solar/electric vehicle charging station in 180 days if a person were waiting to get a necessary part, but that was unsure about changing that number. Mr. Furgiuele suggested that text be added into 15.64.82 to make exceptions for property that was in the process of being repaired. Next, Mr. Furgiuele suggested that in subsection G4, text be added to indicate that a charging station was only available for use to those people who had a contract to use it, the signage requirements were unneeded. In instances where merchants who had parking spaces available with poles with electrical outlets, Mr. Furgiuele recommended that text be added to subsection C2 that read unless use is restricted to patrons of the development, or only available during time periods when the development is not in operation would it be potentially necessary to obtain a parking analysis. He noted that Ms. Feimster did make other comments regarding the historic district that he did not address. Ms. LaPlaca stated that she found the text to be unnecessarily complex, and that Council should not be adding to a problem that did not really exist. Ms. Meade asked whether Council had any concern about requiring removal of solar equipment unless it presented either a safety hazard or visual nuisance. Mr. Furgiuele responded that it should be assumed that equipment was a visual nuisance if it was in disrepair or not in use and should be removed, particularly if the district height limitations had been relaxed to allow installation on the rooftops. He referred to the increased height limitations at the Courthouse which were recently approved by Council and obstructed the view of the mountains, and noted that this could also be viewed as a visual nuisance. Ms. LaPlaca disagreed and pointed out that she had a neighbor who had solar hot water panels on their house which were not being used and did not find them to be an eyesore. She believed that the Town should focus on the basics such as keeping the recycling and garbage collected instead of picking on solar panels. After brief discussion, Mr. Furgiuele made a motion that the language be amended to provide that solar energy systems that are in disrepair and have not been in use for 180 consecutive days, and not in the process of repair and can be seen from a public street shall be considered abandoned and shall be removed by the property owner. Ms. Roseman seconded the motion.

VOTE: Aye: Furgiuele, Roseman, Ulmer, George
 Nay: LaPlaca

Ms. LaPlaca noted that if changes were not made to the net metering system, nothing about solar would ever change and stated that she felt that the Town had done nothing to address climate change.

Mr. Furgiuele then made a motion to include language in section 15.65a(4)g to allow for signage that included a statement along the lines of “charging station is only available by contract”. The motion died due to lack of a second. After brief discussion, Ms. Roseman made a motion to strike section 15.65a(4) from the proposal. Mr. Furgiuele seconded the motion, which carried unanimously.

Regarding the accessory uses named in section 15.65(B)(i), Mr. Furgiuele suggested that there be additional clarification that it was the use of parking spaces that was being regulated. He felt it was a significant problem if an establishment advertised a charging station without adequate parking. Ms. Shook responded that she believed the text addressed that issue, and that the accessory should not have an impact on parking for the business itself. Ms. Meade agreed that additional language did not need to be added in her view.

As suggested by Ms. Fiemster, it was the consensus of Council that the Historic Preservation Commission should consider the classification of charging stations as minimal work in the historic district.

Mr. Furgiuele made a motion that the draft ordinance with the revisions proposed is consistent with the Comprehensive Plan and any other adopted plan(s) of the Town that are applicable because it complies with Comprehensive Plan policy 2.1.1 Economic Development A.A.4 Balance the benefits of economic development projects with special concern for environmental quality issues; 2.2.1(B) Planned systems of pedestrian ways, bikeways, greenways, and similar facilities shall be encouraged as energy efficient and environmentally sound transportation alternatives. Site planning that incorporates secure bicycle storage at places of living, working or schooling, shopping, and gathering shall be required, where appropriate; 2.2.1 B.1 Encourage and legitimize alternative transportation through the enhanced use of bikeways, pedestrian ways, and greenways throughout the Town. Link existing bike, pedestrian, and greenways where possible and continue efforts for expansion; B.4

Explore funding options for alternative transportation projects throughout Town. Options could include a city-wide vehicle registration fee, earmarking property taxes for alternative transportation improvements, and seeking grant funding opportunities from federal, state and private organizations; 2.2.5 Environmental Health K. The Town shall encourage and set an example which promotes water and energy conservation, and the reduction of waste generation at the source; 2.2.2 Utilities F. Area-wide cooperation and support shall be sought in bringing in alternative utility services to the Boone Area. Mr. George seconded the motion, which carried unanimously.

Mr. Furgiuele made a motion to approve ordinance PL05272-110121 and that approval is reasonable and in the public interest because it begins to set the standards for electric charging stations and solar systems in Town; because it sets a standard which is not burdensome and allows the Town to move forward in seeking additional funding and additional alternatives which will accelerate the Town's conversion to renewable sources of energy. Ms. Roseman seconded the motion, which carried unanimously.

ORDINANCE # PL05272-110121**AN ORDINANCE TO REVISE ARTICLES 14, 15, 25, 31, AND 34 OF THE TOWN OF BOONE UNIFIED DEVELOPMENT ORDINANCE RELATING TO REVISING LANGUAGE REGULATING ACCESSORY SOLAR ENERGY SYSTEMS AND ELECTRIC VEHICLE CHARGING STATIONS**

WHEREAS, the Boone Town Council desires to modify, clarify and streamline the requirements for approval of solar energy systems and electric vehicle charging; and

WHEREAS, the Town Council of the Town of Boone adopted a Resolution to Clarify Town of Boone Goals to Combat Climate Change in April 2019, which states the Town of Boone wishes to be a leader in the fight against climate change and wishes to amend the Unified Development Ordinance to clarify regulations on certain solar energy systems and electric vehicle charging stations; 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 8th day of December, 2021.

The Honorable Rennie Brantz, Mayor

Attest:

Nicole Harmon, Town Clerk

Exhibit A**Article 14 Zoning District Regulations****14.02 Use Information**

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14.02.03 Uses Not Requiring Development Approvals

A. Notwithstanding any other provisions of this ordinance, no zoning –related permit is required for the following uses:

1. Public streets, sidewalks or greenways.
2. Electric power, telephone, telegraph, cable television, gas, water and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way with the permission of the public owner.
3. Town utility facilities located within the Town's right-of-way or on Town property with the permission of the Town; *provided*, that if the proposed Town utility facility would exceed any otherwise applicable development standard relating to height, size, intensity of use, or standards related to Historic Districts or Historic Landmarks the Administrator shall notify the Town Council and Town Council may direct that a hearing be held to solicit public comment with respect to the proposed facility.

~~3.~~ 4. Electric vehicle charging stations installed on Town property or the public right of way.

14.03 Intensity Standards

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14.03.07 Building Height

- A. The height of a building shall be the vertical distance measured from the average elevation of the finished grade at the primary façade of the building to the highest point of the building except as provided herein.
- B. "Stories" as used herein refers to the number of heated, habitable floors above grade at the primary facade. Where both stories and heights are listed, the building can have no more than the listed number of stories, and also may not exceed the specified height in feet.
- C. Secondary Height: If expressly allowed, the height limitation may range between the primary height limitation to the secondary height limitation (which is the maximum for the district), subject to the provisions below:
 1. For each foot the height of the structure exceeds the primary height limitation, the boundary lot setback applicable to the entire structure shall increase by one foot (1').

- b. The features must be set back from the edge of the roof at primary and secondary facades a minimum of one foot for every foot which such features extend above the roof surface to which they are attached.

Article 15 Limited Use Requirements

15.64 Solar Energy Systems, Accessory (A-27)

A. General Requirements

1. Solar energy systems as described in this Section are permissible in all zoning districts as an accessory use to a permitted principal use subject to the standards for accessory uses in applicable zoning districts and the specific criteria set forth herein.
2. Solar energy systems that are in disrepair, have not been in use for 180 consecutive days, are not in the process of repair and can be seen from a public street shall be considered abandoned and shall be removed by the property owner.
3. The costs associated with the installation of an electric vehicle charging station shall not trigger compliance with or otherwise be counted in the calculations set forth at Subsection 7.05.02.

B. Rooftop Solar Energy Systems

1. The highest point of a rooftop solar energy system shall be permitted to exceed the district height limit of up to fifteen feet (15') above the rooftop to which it is attached. Roof-mounted solar energy systems are not subject to the limitations in Subsection 14.03.07(G).

C. Ground-mounted Solar Energy Systems

1. All ground-mounted solar energy systems shall meet the building street setback requirement of fifteen feet (15') from the street right-of-way line and seven feet (7') from any interior lot line.
2. The maximum lot coverage of a ground-mounted energy system shall not exceed ten percent (10%) of the lot.
3. A ground-mounted solar energy system must be clearly subordinate to the principal structure in all dimensional aspects and shall not exceed fifteen feet (15') in height.
4. A ground-mounted solar energy system shall not be located in an easement unless expressly allowed.
5. Applicants are allowed five percent (5%) of additional impervious surface before additional stormwater requirements, set forth in Article 21, are required.
6. Ground-mounted solar energy systems are not allowed within any required landscape buffer.

15.65 Electric Vehicle Charging Stations, Accessory (A-28) and Principal (11.37)

A. General Requirements

1. An electric vehicle charging station shall only be installed in standard-size parking space(s).
2. Every electric vehicle charging station and associated parking space(s) shall be installed outside of the public right-of-way.
3. Wheel stops, bollards, or other barriers shall be placed between the electric vehicle charging space and the equipment unless the equipment is designed to be impact-resistant. Alternatively, there shall be a minimum distance of two (2) feet between the curb and the electric vehicle charging equipment.
 - a. The installation of an electric vehicle charging station and any protective measures shall not reduce the size of the parking space.
 - b. Any cords shall be retractable or have a place to hang the connector and cord sufficiently out of the electric vehicle charging space.
 - c. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.
4. Electric vehicle charging station equipment may encroach 20% into any required landscape buffer provided the equipment shall be placed outside of the critical root zone for any tree.
5. The costs associated with the installation of an electric vehicle charging station shall not trigger compliance with or otherwise be counted in the calculations set forth at Subsection 7.05.02.

B. Electric Vehicle Charging Stations (Accessory Use, A-28)

1. Electric vehicle charging stations installed as accessory uses are exempt from any appearance, landscaping, or stormwater requirement.

C. Electric Vehicle Charging Stations (Principal Use, 11.37)

1. Canopies or other structures associated with Use 11.37 shall meet all setbacks required for the district.
2. When Use 11.37 is created through the conversion of parking spaces in an existing development:
 - a. The applicant shall provide reliable and persuasive evidence (which may include but is not necessarily limited to a parking demand analysis prepared by a qualified engineer) demonstrating that sufficient parking for the development remains after the removal of the parking for the electric vehicle charging station use.
 - b. Two-hundred square feet (200 sq. ft.) of additional impervious surface is allowed before additional stormwater requirements outlined in Article 21 are required.
3. Use 11.37 electric vehicle charging stations shall meet all other ordinance requirements for commercial development.

Article 25 Community Appearance Standards

25.05 Lighting

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- 25.05.05** ~~Gas-station~~ [Canopies associated with vehicle related services](#) shall be illuminated at a maximum illuminance of 30 fc and individual fixtures shall be flush mounted or have the canopy edge below the lowest light-emitting point on the fixtures. All existing gas station canopies which exceed this standard shall be made compliant within seven (7) years of the date of adoption of this Article.

Article 31 Landscape Standards**31.06 Buffer and Screen Requirements****31.06.05 Loading Docks, Screening of Solid Waste and Recycling Container Areas, Outdoor Storage Areas, Utility Structures and Rainwater Harvesting Systems**

- A. Loading docks, solid waste and recycling containers, outdoor storage, mechanical and HVAC equipment, rainwater harvesting systems, and similar facilities on the roof, on the ground, or on buildings shall be incorporated into the overall design theme. These areas shall be located and screened so that the visual impacts of these facilities are fully contained and out of view from adjacent properties and public streets.
 1. [Accessory solar energy systems are exempt from this screening requirement.](#)
- B. Solid waste and recycling containers (when required) shall be screened in accordance with the Solid Waste and Recycling Enclosure Detail (Subsection 22.13.03). The design and materials of the enclosure, fence or wall must be presented as part of the site plan or subdivision approval process. The screening material shall be architecturally compatible with the principal building(s) on site. Landscape plantings compatible with the overall landscape plan may be required outside of enclosures where they are in public view from a street and it is necessary to soften the enclosures appearance.
- C. Outdoor storage areas shall be located along the side or the rear of the principle structure and screened so that the visual impacts are fully contained and out of view from adjacent properties and public streets. Screening material may include fence, wall or landscaping so long as materials are architecturally compatible with the principle building(s) on site and will provide an opaque screen. All areas utilized for outdoor storage must be located in areas specifically designed for outdoor storage and is prohibited in or on designated exterior walkways, parking areas, driveways, and landscape areas.

(Ord. 20140384, 08-18-2014)

Article 34 Definitions

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[Electric Vehicle Charging Station](#)

A structure that connects an electric vehicle (EV) to a source of electricity to recharge electric vehicles, and plug-in hybrids.

Solar Energy System

The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems that are accessory to a principal use. Such systems include, but are not limited to ground-mounted, roof-mounted, and building-integrated solar energy systems. Solar energy systems may generate energy in excess of the energy requirements of the property if it is to be sold back to a public utility in accordance with applicable laws.

Solar Energy System, Accessory

An accessory solar energy system is designed to meet or off-set the energy demands of the principal use rather than for the purpose of supplying or distributing electrical energy to users, a customer or customers.

C1.01 Complete Table of Principal Uses

		Zoning Districts																							
Use #	Specific Use	Low Density Residential				Medium to High Density Residential				Commercial/Industrial							Education				Reference				
		RA	R1	R1A	RR	R1S	R2	R4	MH	R3	R5	OI	R1DC	B1DI	B2	B3	W/D	M1	U1	E1		E2	E3	E4	
11.0 General Sales and Service																									
11.29	Vehicle Sales and Service															L725									15.23
11.30	Equipment Sales and Service															L725		L725							15.24
11.31	Moped Sales and Service													P	P	P									
11.32	Boat or Marine Craft Sales and Service															L775		L775							15.25
11.33	Impound Lot/Towing Service																L7125		L7125						15.26
11.34	Gas Station																P7125	P7125	P7125						
11.35	Car Wash																P7125	P7125	P7125						
11.37	Electric Vehicle Charging Station													L	L	L		L							15.65
15.0 Parking																									
15.01	Parking Lot												L				L								15.39
15.02	Parking Structure																L7125		L						15.40
15.03	Park and Ride Lots	L											L			CD		L		L					15.39

C1.02 Complete Table of Accessory Uses

Use #	Accessory Use	Zoning Districts																					
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial								Education					
		RA	R1	R1A	RR	R1S	R2	R4	MH	R3	R5	OI	B1DC	B1D	B2	B3	WD	M1	U1	E2	E3		E4
A-27	Solar Energy System	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	15.64
A-28	Electric-Vehicle Charging Station	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	15.65

(Ord. PL04727-050721, 07-01-2021)

CONSIDERATION OF CASE PL05168-100621 SHORT-TERM RENTALS - UDO TEXT AMENDMENT

Ms. Shook presented Case PL05168-100621 Short-Term Rentals-UDO Text Amendment. Mr. Ward shared a host compliance website that staff was considering utilizing to assist in the process of regulating short-term rentals within the Town of Boone. Ms. Meade pointed out that the language regarding the ability of neighborhood conservation districts was gratuitous in that any resident could petition Council if they wanted to be exempted from allowing homestays. She suggested that it would make more sense to narrow the exemption from only neighborhood conservation districts, to simply saying that residents of any district could petition Council. Mr. Furgiuele was concerned with how a neighborhood would be defined. Ms. Meade answered that she did not believe there was any need to define what a neighborhood was, and suggested that language be added to state that residents of neighborhood conservation districts or other adversely affected residents may petition Council to prohibit homestay rentals in their neighborhood. Council agreed with this suggestion before the discussion turned to signage. Mr. Furgiuele was concerned that neighbors needed to have sufficient contact information for owners of short-term rentals if a problem arose, though he thought the method that should be prescribed could be left up to the Town. Compliance dates were discussed next, with Mr. Ward indicated that he would need time to prepare a budget adjustment for revenue and fees, as well as adjustments to the fee schedule. It was the consensus of Council to change the compliance date in section 15.14.17(a) from June 30, 2021 to December 30, 2021, and in (c) the date would change to June 30, 2022. Mr. Furgiuele then made a motion that the amendment to the Town's zoning ordinance as amended is consistent with the Town's Comprehensive Plan and any other adopted plan(s) of the Town that are applicable because it complies 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; 2.3.3 Housing and Neighborhoods A. The protection and rehabilitation of viable neighborhoods shall be encouraged to ensure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community; C. Proposed residential development which would expose residents to harmful effects of incompatible development or to environmental hazards shall be prohibited; 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. Mayor Pro-Tem Ulmer seconded the motion, which passed unanimously. Mr. Furgiuele made a second motion to approve the amendment to the Town's zoning ordinance and that approval is reasonable and in the public interest because short-term rentals were already in widespread use within the Town and were currently unregulated in the low density residential neighborhoods; because they are often being utilized in violation of the Town's zoning laws within these zoning districts; because the existence of these types of uses is important to people who many need the income from the units within their homes in order to meet their living needs; and because these types of uses have the capacity to destroy low density neighborhoods if left unregulated. Mr. George seconded the motion which carried unanimously.

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Ordinance # PL05168-100621

**AN ORDINANCE TO REVISE ARTICLES 15 AND 34 OF THE
TOWN OF BOONE UNIFIED DEVELOPMENT ORDINANCE
RELATING TO SHORT-TERM RENTALS**

WHEREAS, the Boone Town Council has in several meetings over the prior years discussed the desirability of establishing new and clarified regulations for short-term rental uses within the town, and solicited public comment regarding the same;

WHEREAS, the Boone Town Council and the Boone Planning Commission held a public hearing on October 25, 2021 with respect to proposed changes to the Town's Unified Development Ordinance ("UDO") related to "homestay rentals" and "vacation rentals," as described herein;

WHEREAS, the Planning Commission considered the proposed amendments at its duly-noticed meeting held on November 1, 2021 and made certain recommendations to the Town Council concerning their adoption;

WHEREAS, the Boone Town Council is authorized to enact this Ordinance pursuant to its zoning authority under G.S. Chapter 160A, Article 19; and

WHEREAS, the Boone Town Council finds that it is reasonable, in the public interest, and warranted to achieve purposes set forth in the Comprehensive Plan to adopt the amendments set forth herein in order to, among other things: (1) provide additional lodging opportunities for visitors to the Town that meets a clear demand for such lodging; (2) support local residents who supplement their incomes with rental income from homestays and vacation rentals; (3) require that homestay and vacation rental operators pay their fair share of occupancy taxes, and are not permitted to compete on unfair terms with hotel, motel, and other lodging operators; (4) safeguard the peaceful, residential character of the town's low-density residential neighborhoods, and protect against potential negative effects including but not limited to additional traffic, noise, and parking demands associated with transient lodging; and (5) seek to protect the affordability of properties in the town's residential neighborhoods for family and workforce housing as against the increased demand and prices that result from investor demand for and conversion of full-time residences to rental units;

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

- SECTION 1.** Articles 15 and 34 of the Town of Boone Uniform Development Ordinance ("UDO") are hereby revised as set forth in the attached **Exhibit A** to this Ordinance, which is incorporated by reference.
- 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.

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SECTION 4. This Ordinance shall be effective immediately upon its adoption by Town Council, upon such additional terms as are set forth in **Exhibit A**.

Adopted this 8th day of December, 2021

The Honorable Rennie Brantz, Mayor

Attest:

Nicole Harmon, Town Clerk

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Exhibit A

- 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 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. 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

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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:

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- 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.

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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 must first apply for and obtain a homestay rental permit as required under this section 15.05.

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~~

~~15.14.01 A Vacation Rental is required to provide at least one (1) parking space per bedroom.~~

~~15.14.02 In the RA Residential Agriculture zoning district, parking should be to the side or rear of the vacation rental dwelling.~~

~~15.14.03 Without limiting the applicability of other Ordinance requirements, a Vacation Rental is subject to Article 31 Landscape Standards.~~

~~15.14.04 Only existing single family and two family dwellings in the R3 Multiple-Family, B1 Central Business, B2 Neighborhood Business, and B3 General Business zoning districts may be converted to a Vacation Rental.~~

~~15.14.05 The operator of a Vacation Rental must provide contact information if the operator lives more than fifty (50) miles from the Town of Boone corporate limits.~~

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

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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.

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- 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 a 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)

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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.

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.

ARTICLE 34 DEFINITIONS

Accessory Dwelling Unit

A subordinate dwelling unit associated and located on the same lot as a single family dwelling.

- a. An accessory dwelling unit in the R3 Multiple Family, B3 General Business, or M1 Manufacturing zoning districts shall be classified as a boarding house if occupied by more than four (4) unrelated persons.
- b. An accessory dwelling unit in any other zoning district shall be classified as a boarding house if occupied by more than two (2) unrelated persons.

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Adult

Unless otherwise defined or implied from context, "adult" means an individual 18 years of age or older and not the legal ward of another person.

Child/Children

Unless otherwise defined or implied from context, "child" or "children" means an individual under 18 years of age.

Duplex

A building, not including a manufactured home, that is developed with space on all sides, containing, intended or used solely for two (2) single-family dwelling units that share a common wall or ceiling/floor and where each dwelling unit has separate access from the outside; not attached to any non-accessory building or dwelling unit; and not on the same lot as any other dwelling unit; unless another dwelling unit is explicitly authorized by this Ordinance.

- a. A dwelling unit in the R3 Multiple Family, B3 General Business, or M1 Manufacturing zoning districts shall be classified as a boarding house if occupied by more than four (4) unrelated persons.
- b. A dwelling unit in any other zoning district shall be classified as a boarding house if occupied by more than two (2) unrelated persons.

Dwelling unit

A single unit providing living space for one or more persons, including facilities for sleeping, cooking and sanitation.

Dwelling

Any building, structure, manufactured home, or mobile home, or part thereof, used, intended or designed to be used, rented, leased, let or hired out to be occupied for human habitation, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

Guest room

Guest room means an enclosed room designed for and outfitted to be used for sleeping and/or lodging of guests. A shared space or a space designed for or outfitted to be used for any purpose other than sleeping or lodging of guests shall not be counted as a guest room (e.g. living rooms, parlors, offices, game room, or utility room).

Homestay rental

A homestay rental is defined as a resident-occupied dwelling or dwelling unit with up to two guest rooms 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

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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.

Multi-Family Dwelling

A building or combination of buildings on a single lot that includes three or more dwelling units.

Single-Family Detached Dwelling

A building, not including a manufactured home, that is developed with space on all sides, containing, intended or used solely for one dwelling unit; not attached to any non-accessory building or dwelling unit.

- a. A single-family detached dwelling in the R3 Multiple Family, B3 General Business, or M1 Manufacturing zoning districts shall be classified as a boarding house if occupied by more than four (4) unrelated persons.
- b. A single-family detached dwelling in any other zoning district shall be classified as a boarding house if occupied by more than two (2) unrelated persons.

Single-Family Dwelling

~~A building, not including a manufactured home, that is developed with space on all sides, containing, intended or used solely for one dwelling unit; not attached to any non-accessory building or dwelling unit; and not on the same lot as any other dwelling unit; unless another dwelling unit is explicitly authorized by this Ordinance.~~

Two-Family Detached Dwelling

See Duplex.

~~Vacation Rental~~

~~A single or two-family dwelling that is rented as a whole on a daily, weekly, or monthly basis.~~

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 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.

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Appendix B Comparative Tables

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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 4. RR Residential Rehabilitation 5. R2 Two-Family Residential 6. R4 Two-Family Residential/Manufactured Housing 7. R5 55+ Housing Residential 8. RA Residential Agriculture 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 Note: a dwelling occupied by a family (but not unrelated persons) may also have one (1) roomer.	1. R3 Multiple-Family 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

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B1.01 Comparative 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	MH	R3	R5	OI	B1DC	B1DI	B2	B3	WD	M1	U1	E1	E2		E3	E4
3.0 Transient Living																								
3.01	Home for Survivors of Domestic Violence	L	L	L								L												15.11
3.02	Shelter for Homeless, Category 1											L ^{T50}				L ^{T50}								15.12
3.03	Shelter for Homeless, Category 2											L ^{T300}					L ^{T300}							15.12
3.04	Bed and Breakfast, Category 1	L	S ^{T50}	S ^{T50}								L ^{T50}				L								15.13
3.05	Bed and Breakfast, Category 2												L ^{T125}				L ^{T125}							15.13
3.06	Vacation Rental	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	L	L	L	L	L	15.05
3.07.8	Motel																P ^{T300}							
3.08.9	Hotel, Small												P				P	P						
3.09.1	Hotel, Large																P ^{T200}							
3.10.1	Hotel, extended stay																P ^{T300}							

NOTE: The UDO will be updated to reflect the changes in use numbers and to reflect the change in the Table of Principal Uses in each zoning district.

Mayor Brantz declared a break at 8:24 p.m. Council reconvened at 8:36 p.m.

Discussion turned back to Case PL05268-110121 Minimum Housing Code - Town Code Text Amendment, which Ms. Meade reviewed during the break. She indicated that state law carved out an exception for a historic structure which could be closed rather than demolished. Ms. Meade further noted that the ordinance already provided more flexibility and allowed repair or demolition of a structure that was in bad condition, so she felt comfortable deleting the provision altogether. Mr. George then made a motion that the amendment to the Town Code is consistent with the Town's Comprehensive Plan and any other adopted plan(s) of the Town that are applicable because it complies 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; C. The Town shall encourage the development of a well-balanced tourism trade as a primary element of the area's economic future. Investments in services, facilities, and proper growth management shall be employed in furtherance of this objective; D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas; 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; 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; A.2 Seek out locations of historical merit in the community, and prepare an action plan for their enhancement, rehabilitation, or relocation as may be necessary; B. Multiple and appropriate adaptive reuse of historic resources shall be encouraged; D. The destruction of significant architectural, historic, scenic, natural and archaeological resources in the planning area shall be discouraged; Mr. Furgiuele seconded the motion, which carried unanimously. Mr. George made a second motion that the Town Council approves Ordinance PL05268-110121 and believes approval is reasonable and in the public interest because it attempts to secure and improve current housing stock to protect current renters and residents of the Town of Boone improve overall quality of living conditions in Town and establish housing standards that the Town expects in Town limits. Mayor Pro-Tem Ulmer seconded the motion, which carried unanimously.

Ordinance # PL05268-110121**AN ORDINANCE TO AMEND THE TOWN OF BOONE
CODE OF ORDINANCES CHAPTER 151 – MINIMUM HOUSING CODE**

WHEREAS, the Boone Town Council desires to modify Town Code Chapter 151 (“Minimum Housing Code”) to comply with the provisions of N.C.G.S. § 160D-1201 *et seq.* (updating and clarifying local planning and development regulatory authority) and Session Law 2021-138, Part XIII, section 13(b) (regarding the decriminalization of certain local ordinances);

WHEREAS, the Boone Town Council desires to clarify the responsibility of property owners to provide dwelling units that are weather-tight and do not have leaks or other defects resulting in the retention of moisture that can result in unsafe or unsanitary conditions; and

WHEREAS, the Boone Town Council is authorized to adopt this ordinance pursuant to its powers under Chapter 160D of the North Carolina General Statutes, including but not limited to its authority to regulate and enforce minimum housing standards to promote the safety and health of the general public;

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

SECTION 1. Chapter 151 of the Boone Code of Ordinances is hereby revised as set forth in the attached **Exhibit A** to this Ordinance, which is incorporated by reference.

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 8th day of December, 2021

Attest:

The Honorable Rennie Brantz, Mayor

Nicole Harmon, Town Clerk

CONSIDERATION OF PROPOSED GUIDELINES FOR CEMETERIES

Ms. Mitchell and Dr. Plaag with the Historic Preservation Commission presented a request for consideration of proposed guidelines for cemeteries. Upon a motion by Mr. Furgiuele, seconded by Mayor Pro-Tem Ulmer, Council voted unanimously to approve the cemetery guidelines as presented.

REQUEST FOR DIRECTION ON HAYES, BRYAN, GREENE CEMETERY

Ms. Mitchell and Dr. Plaag presented a request for direction on the Hayes, Bryan, Greene Cemetery regarding whether Council was seeking in addition to the historical marker, a recommendation on the acquisition of the cemetery by the Town or its designation as an historic landmark. Ms. Roseman believed, as the Historic Preservation Commission liaison, that the people buried in the cemetery were significant to the history of Boone, and felt that the Town should protect and preserve it. She asked what this would look like for Town staff and for the budget. Mr. Ward responded that insurance for the property would need to be added, as well as additional staffing to maintain the grounds. In spite of the additional funding needed, Mr. Ward encouraged Council to consider taking over the cemetery, or at least asking the incoming Council to consider this during budget discussions early next year. Mr. Furgiuele noted that funds were already set aside for the historic marker and that Council could move forward even without the landmark designation. He also supported its designation as a historic landmark although he acknowledged, per Ms. Meade's advice, that landmark designation was not currently before the Council. Mr. Furgiuele made a motion to request that the Historic Preservation Commission perform its landmark designation analysis for presentation to the new Town Council at the appropriate time. Ms. Roseman seconded the motion, which passed unanimously.

CONSIDERATION OF ANNUAL ARBOR DAY PROCLAMATION

Upon a motion by Mayor Pro-Tem Ulmer, seconded by Mr. George, Council unanimously approved the annual Arbor Day Proclamation as presented.

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, the Town of Boone was named a 2020 Tree City USA by the Arbor Day Foundation in honor of its commitment to effective urban forest management; and

NOW THEREFORE, LET IT BE RESOLVED, I, Dr. Rennie Brantz, Mayor of the Town of Boone, do hereby proclaim December 8, 2021 **ARBOR DAY** in the Town of Boone, and I urge all citizens to support efforts to care for our trees and woodlands and to support our Town's Community Forestry Program, and further, I urge all citizens to plant trees to gladden the hearts and promote the wellbeing of present and future generations.

Recognition as a 2021 Tree City USA is a reflection of The Town of Boone's commitment to the environment and an effective urban forest management. We realize that trees provide numerous environmental, social and economic benefits and that trees are one piece of community infrastructure that actually increases in value over time

This the 8th day of December, 2021.

ATTEST:

Rennie Brantz, Mayor

Nicole Worley, Town Clerk

ADJOURNMENT

Upon a motion by Mr. Furguele, seconded by Ms. LaPlaca, Council voted unanimously to adjourn the meeting at 9:18 p.m.

Nicole Harmon, Town Clerk

Tim Futrelle, Mayor