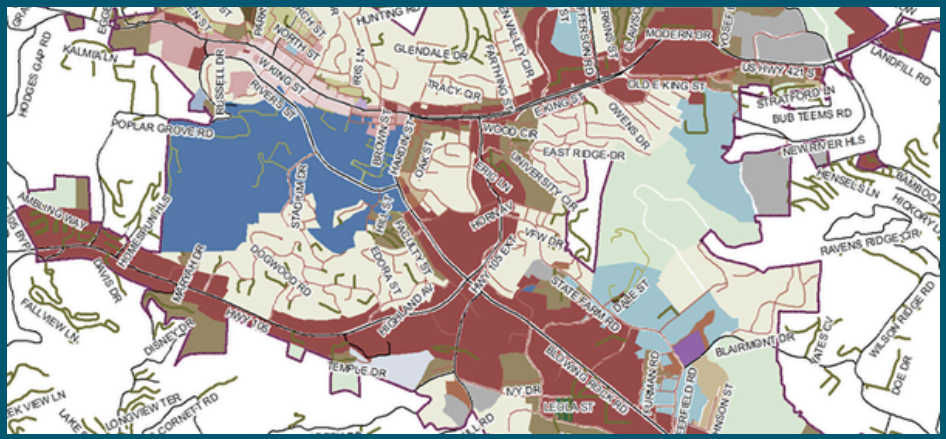
Conditional District Zoning Map Amendment Guidance

A comprehensive guide to the procedures, timelines, and submission requirements for Conditional District Zoning Map Amendment applications.

Please select a tab below to learn more.



PLANNING AND INSPECTIONS

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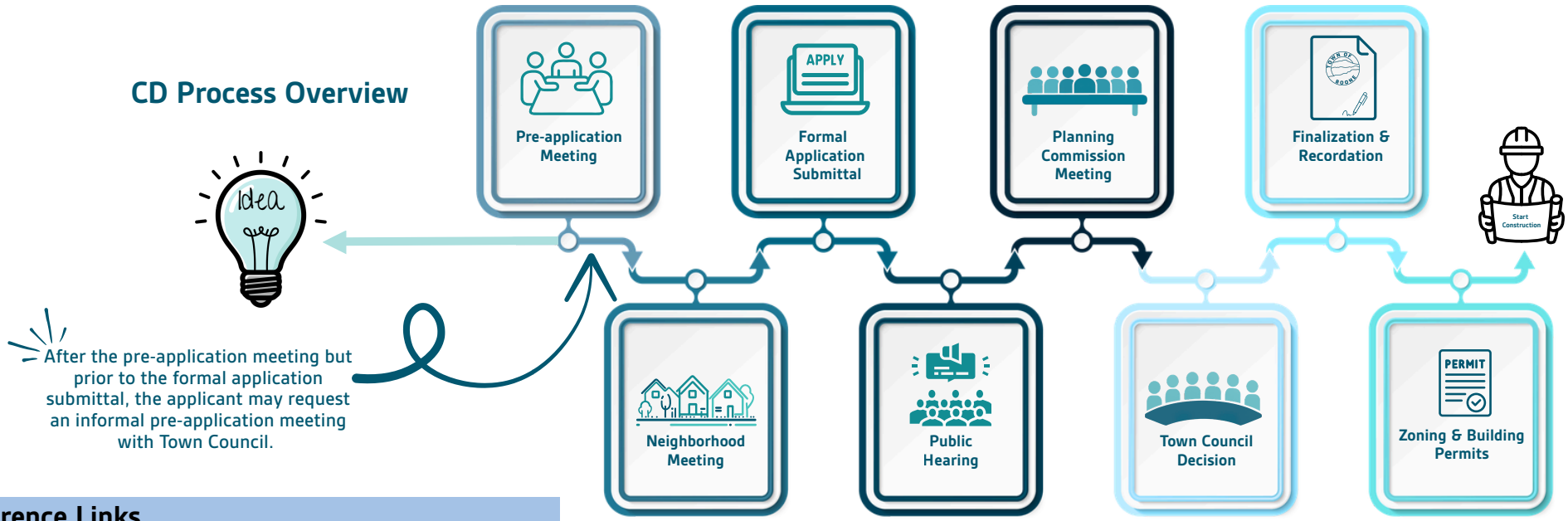
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CONDITIONAL DISTRICT PROCESS OVERVIEW	1 PRE-APPLICATION MEETING	OPTIONAL INFORMAL PRE-APPLICATION DISCUSSION WITH TOWN COUNCIL	2 NEIGHBORHOOD MEETING	3 FORMAL APPLICATION SUBMITTAL	4 PUBLIC HEARING	5 PLANNING COMMISSION MEETING	6 TOWN COUNCIL DECISION	7 FINALIZATION & RECORDATION

Conditional District Process Overview

A Conditional District Zoning Map Amendment (CD) is a legislative zoning map change that includes a site-specific development plan and may include site-specific conditions agreed to by the applicant and the town to address specific circumstances or development goals and to ensure compatibility with neighboring uses, adopted plans (Boone Next), and/or other development goals of the town. Deviations from existing standards may be allowed where such deviations result in a development that meets or exceeds the quality and intent of the district's established standards and are aligned with adopted plans. By allowing tailored conditions and standards, the CD process offers both flexibility for the applicant and continuity for the Town, which are often not achievable through a general use zoning map amendment. To utilize the CD process, the applicant must follow specific mandated procedural steps, and the CD application must include more detailed information than would otherwise be required.

CD Process Overview



Reference Links

Town of Boone UDO and Adopted Plans

CONDITIONAL DISTRICT PROCESS OVERVIEW	1	OPTIONAL	2	3	4	5	6	7
	PRE-APPLICATION MEETING	INFORMAL PRE-APPLICATION DISCUSSION WITH TOWN COUNCIL	NEIGHBORHOOD MEETING	FORMAL APPLICATION SUBMITTAL	PUBLIC HEARING	PLANNING COMMISSION MEETING	TOWN COUNCIL DECISION	FINALIZATION & RECORDATION

1 Pre-application Meeting with Planning & Inspections

When an applicant wishes to explore a development concept, whether through a CD or any other proposal, the applicant is encouraged to meet with Planning and Inspections staff as early in the planning process as possible. Early engagement allows Staff to understand the development and help the applicant identify the applicable review process, timeline, and requirements before an applicant invests in final plans. The more information that can be shared about a development's location and intended use, the more accurately Staff can outline the appropriate process and expectations. A pre-application meeting is required for all CD applications.

Project Manager Liaison

At the pre-application meeting, applicants will be assigned a Project Manager Liaison, who will serve as the primary point of contact from start to finish for the development. The liaison coordinates communication across Town departments and helps applicants and other interested parties understand process expectations. If an applicant decides to move forward with the development, the liaison will also ask for the applicant to designate a primary contact for the development team. This helps maintain clear, consistent communication, reduces delays, and ensures that all the required information, revisions, and decisions are routed through the appropriate representative.



What Applicants Need

- Sketch site plan
- List of intended uses
- Should be attended by the applicant's primary contact and any design professionals who may be assisting with the development



Exepected Deliverables

- Staff will provide the applicant:
  - An estimated timeline based on the current schedule.
  - A spreadsheet of property owners within 300' of the development.
  - Links to all relevant resources.
- When requested in advance, the Project Manager Liaison can invite other members of the Town review team (Public Works, Fire, etc.).
- This step may be repeated as many times as needed.

Reference Links

UDO Article 4 Development Approvals
UDO Article 9 Amendments

Optional Informal Pre-Application Discussion with Town Council

After the required pre-application meeting but before submitting an application, an applicant may request an informal pre-application discussion at an upcoming Town Council meeting. This request is made through the Project Manager Liaison, who will coordinate scheduling.

This step is entirely optional and can be helpful to understand Council priorities, concerns, and expectations before design work is finalized. Feedback is informal and advisory only. Council does not vote, direct staff, or negotiate conditions at this meeting. Planning and Inspections Staff will attend to clarify process or ordinance requirements. The applicant may request more than one of these types of meeting prior to making a formal application.

Scheduling

- Council meetings are held on the 2nd (9 am) and 4th (6 pm) Wednesdays each month.
- Agendas are limited to one (1) informal pre-application discussion per meeting, on a first-come, first-served basis.
- All requests and presentation materials must be submitted through your Project Manager Liaison at least two (2) full weeks prior to the Council meeting.
- The discussion will be scheduled under Requested Appearances and will appear on online agendas as "Informal Pre-Application Discussion for (insert name/address)".

Presentation

- Presentations will be limited to 15 minutes.
- The meeting minutes of the discussion will be presented in the public hearing board packet should the development proceed.

Reference Links

Town of Boone Agenda and Minutes Portal

2 Neighborhood Meeting

After the pre-application meeting and before the actual submittal of the CD application, the applicant shall hold at least one neighborhood meeting. The purpose of the neighborhood meeting is to provide the applicant with an opportunity to present the proposed development to neighbors and any other attendees, gather feedback, document concerns, and, if feasible, work toward reasonable mitigation of issues.

Neighborhood Meeting Notice

- A notice following the Neighborhood Meeting Notice template will be mailed to owners of property within 300' of the development at least 25 days before the meeting.
- The notice must be emailed to the Project Manager Liaison to post on the Town's website.
- The meeting notice must follow the Neighborhood Meeting Notice Template linked below, which includes a summary of the proposed development, the applicant's phone number and email address, and the meeting details (date, time, and location).



Neighborhood Meeting

- The meeting must be held at an accessible and convenient location. Upon request, the meeting may be held at Town Council Chambers.
- At the meeting, the applicant must present, at a minimum, contact information for the parties involved in the ownership, design, and development of the property; the location of the property and general info on current site conditions; proposed uses and site development; and any preliminary plans or renderings.

Neighborhood Meeting Deliverables

- As part of the formal application, the applicant will need to provide accurate meeting minutes that include a list of all attendees, any and all concerns expressed by attendees, and any and all commitments made by the applicant.

Reference Links

Neighborhood Meeting Notice Template

Neighborhood Protection Notices

3 Formal Application Submittal

The applicant has six (6) months from the date of the neighborhood meeting to submit a complete application. Failure to file a complete application within this time frame requires the applicant to repeat the process. Once the application has been submitted and the Project Manager Liaison deems the application complete, the Town's review team will begin its official review, and the request will be scheduled for an upcoming Public Hearing and placed on the agenda on a first-come, first-served basis. Meeting agendas are limited and are based on both the number and complexity of submitted applications. Applicants are strongly encouraged to submit well in advance of posted deadlines. The final deadline is not intended to be the primary submission date, and waiting until the last day may result in delayed scheduling.



Application Requirements

- Must be submitted through the online permit portal.
- Application fees must be paid.
- All applications are subject to a completeness review in accordance with UDO Subsection 4.04.01(A).
- Applications must include all information necessary for the Town Council to determine whether the development, if completed as proposed, will comply with all UDO requirements (except to the extent of requested and approved deviations) and all other duly adopted requirements of the Town. However, it is recognized that each development is unique, and therefore the Town Council may allow less information or require more to be submitted, depending on the needs of the particular case.
- The application must include a detailed written narrative following the Conditional District Project Narrative Template linked below.

Reference Links

Planning & Inspections Board Meeting Calendar

Town of Boone Online Permit Portal

Fee Schedule

Conditional District Project Narrative Template

4 Public Hearing

The Town Council and the Planning Commission (PC) meet jointly for public hearings on zoning map amendments on the 4th Monday of every other month. The meeting is bifurcated, with public hearings for all cases on the agenda held at the beginning. Once the public hearings are concluded, the Town Council adjourns, and the Planning Commission remains to make recommendations. Please see tab 5 for more on the PC meeting.

Public Hearing Notice Requirements

- Not less than 10 days but not more than 25 days before the public hearing, the Town will:
  - publish a legal ad in the Watauga Democrat once a week for two (2) consecutive weeks*
  - Mail letters to owners of property within 300' of the proposed development*
  - Post a sign giving notice of the hearing on the site proposed for development

* Actual costs of these items will be billed to the applicant

- After the notice has been posted, the applicant shall make no changes to the request prior to the public hearing unless proposing additional or more restrictive conditions. These changes shall be submitted to the Project Manager Liaison at least 5 business days prior to the hearing so that they may be added to the board packet.

Public Hearing

- Shall follow the Town's adopted Public Comment and Meeting Participation Policy.
- Order in which the case will be presented:
  - Town Staff will present the Staff Report
  - The applicant will present their request
  - Town Council and the PC will discuss the case and ask the applicant and Staff any questions they may have
  - The Mayor will open public comment where any persons wishing to speak will be given an opportunity to do so
  - After public comment, the Town Council and the PC will continue discussion of the case
  - Mayor closes the Public Hearing and Town Council adjourns
- The applicant, Town Council, and the PC shall endeavor to use the hearing as a forum to voice and address concerns and to explore conditions that, upon the applicant's agreement, could be placed on the approval.

Citizen Comment

Any resident, property/business owner, or other citizen may email or deliver a written statement to Planning and Inspections at least two (2) days prior to the vote to be delivered to Council.

Reference Links

Board Meeting Schedule

Town of Boone Agenda and Minutes Portal

Public Comment and Meeting Particpation Policy

Email: Planning@boonenc.gov

5 Planning Commission Meeting

Once the public hearings are concluded, the Town Council adjourns, and the Planning Commission remains to make recommendations.

Planning Commission Meeting

- After the public hearing, the PC may consider the request immediately, at its next regularly scheduled meeting, and/or at a subsequent special meeting. Delayed consideration is especially likely if the public hearing extends late into the evening or the case is particularly complex.
- The PC may not reopen a public hearing or hold a second public hearing except as approved by the Town Council; however, the PC may seek additional information from Town Staff during its discussion.
- The PC shall endeavor to provide the Town Council with a written report and recommendations within 30 days of the public hearing. In its report, the PC may comment, as it deems appropriate, on any matter related to the request, including any conditions of approval it wishes Council to consider.
- The Planning Commission may recommend approval, approval with conditions, or denial.
- Rather than, or in addition to, preparing its written report, the PC may recommend that a second public hearing be held on the amendment to gather additional public comment or other information. Such a request for a second public hearing shall not preclude the Town Council from taking action on the proposed rezoning once 30 days have lapsed from the date of the initial public hearing.

Reference Links

Board Meeting Schedule

Town of Boone Agenda and Minutes Portal

Public Comment and Meeting Particpation Policy

6 Town Council Decision

At any meeting following the receipt of the Planning Commission's written recommendation, or after 30 days following the public hearing if the Planning Commission fails to submit a written recommendation, the Council may proceed with its consideration of the requested rezoning. Note: Statutorily, the Town Council is not bound by the Planning Commission's recommendation.

Scheduling

- The Planning Commission's recommendation will be forwarded for consideration at the Town Council's meeting scheduled for the 4th Wednesday of the month at 6 p.m. The board meeting packet for a Town Council meeting is posted no later than the prior Friday.

Conditions of Approval

- Council may not require or enforce any condition not authorized by law unless the applicant consents in writing.
- Conditions must relate only to ordinance compliance, adopted plans, or impacts reasonably expected from the development.
- An applicant must answer Council's request to accept a condition, but may ask for a continuance or postponement to consider it. Council may grant the delay by consensus or majority vote.
- If an applicant refuses to answer a request to accept a proposed condition, the application is considered withdrawn.

Council Action

- In deciding whether to approve a CD, the Council's central concern is whether the request advances public health, safety, or welfare. All other issues are irrelevant, and any information related to them at the public hearing may be declared irrelevant and excluded by the Mayor.
- Council may:
  - approve, approve with modifications, or deny the rezoning request,
  - continue its consideration of the request to a later date, or
  - refer the request back to Staff and/or the Planning Commission for such further consideration as Council may direct, including but not limited to a second public hearing.
- The rezoning request may be approved only by a majority affirmative vote. A failure to vote is not considered a vote in the affirmative.
- Council shall endeavor to take action within 60 days of the Planning Commission's recommendation. However, the rezoning shall be deemed denied if Council fails to act within 90 days of receiving the recommendation.

Reference Links

Town of Boone Agenda and Minutes Portal

7 Finalization and Recordation

Recorded Order

- If a CD rezoning is approved, the approval will be reduced to an official order signed by both the applicant and the Town.
- The signed order will be recorded with the Watauga County Register of Deeds, and a copy of the recorded order will be given to the applicant/property owner.
- A copy of the order, along with the approved site-specific plan, will be kept on file at the Planning and Inspections office.

Next Steps

- Once a CD has been approved, the next step is for the applicant to apply for zoning and building permits. Zoning and building permits can be reviewed concurrently; however, the building permit will not be issued until zoning has been approved.
- During the zoning permit process, the applicant will be required to submit detailed plans demonstrating compliance with the UDO, Town Code, and the CD approval.
- Once the zoning permit has been issued, site work may begin. Once the building permit has been issued, construction of any structures may begin.

Modification of Approval

- Proposed changes to an approval shall be processed as a new application.
- Except for a minor modification, an applicant cannot apply to amend a CD within six (6) months of the date of approval or within six (6) months of a previous hearing to amend.
  - A minor modification is one that does not significantly change the essential character of the use or activity previously authorized through the CD approval.

Questions? Please contact:

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