Ordinance # _____

AN ORDINANCE TO AMEND CHAPTER 50, SECTION 291 OF THE TOWN OF BOONE CODE OF ORDINANCES REGARDING WATER AND SEWER EXTENSIONS AND CONNECTIONS OUTSIDE OF TOWN LIMITS

WHEREAS, the Town of Boone operates a public water and sewer system under the authority of Chapter 160D of the N.C. General Statutes; and

WHEREAS, the Boone Town Council finds it desirable and in the best interests of the residents of Boone to make certain modifications to the town's ordinance regarding extensions and connections of water or sewer outside the town limits in light of the change to state law codified at N.C.G.S. §160D-913 exempting certain state-owned and managed properties and developments from the town's zoning and development regulation;

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

SECTION 1. Section 50.291of 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 All provisions of any Town ordinance in conflict with this ordinance are hereby repealed to the extent of such conflict.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 _____ day of _____, 2026

_____ ATTEST: _____

Dalton George, Mayor Town Clerk

EXHIBIT A

§ 50.291 EXTENSIONS AND NON-HARDSHIP CONNECTIONS OUTSIDE OF THE TOWN LIMITS PROHIBITED EXCEPT UPON APPROVAL OF ANNEXATION AND ZONING; EXCEPTIONS.

(A) Except in cases of hardship connections approved pursuant to § 50.290, no water or sewer connection or extension will be allowed until the property owner has petitioned and been approved for annexation and the property has been zoned.

(B) Exceptions for certain government-owned properties. In its discretion based upon its weighing of the public interests, and upon such additional conditions as it may choose to impose, Town Council may authorize a water or sewer connection of property located outside the town corporate limits if the property is owned by the State of North Carolina, the town, or Watauga County and either:

(1) The property is to be used for public utility purposes as authorized per G.S. § 116-35 (regarding university utilities); or

(2) The property is to be developed with the financial assistance of Watauga County and/or the town pursuant to the authority granted by G.S. § 158-7.1 for local government support of economic and industrial development. For purposes of this division, "financial assistance" is intended to include the provision of a leasehold interest in real estate, but is not intended to include the mere provision of water or sewer or other utility infrastructure itself. This exception is not intended to include any residential housing project of any nature.

(3) If the development at issue constitutes the construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, demolition, or use of any building or property by (i) the State of North Carolina, or (ii) by The University of North Carolina or any of its constituent institutions so as to be exempted from town zoning and land use regulation under state law.

(C) In order to proceed with an application under division (B), the applicant must present to the Town Council a general development plan setting forth planned uses, siting of structures, sketch drawings of buildings/elevations, and any such additional information, drawings, or plans as may be required by Council. However, the foregoing provisions is not intended to limit the Council's discretion as to what information, drawings, or plans it may require. For example, in its discretion, the Council may require documentation sufficient to meet the requirements for site-specific plan approval under the town's development ordinance.

(D) Any water or sewer connection granted under division (B) is limited to the use of development site as presented in the general development plan presented to Council. In the event the use of the site is substantially changed or the property sold to a non-governmental entity, the Director shall provide 30 days written notice and disconnect the water/sewer connection.

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§ 160D-913. Public buildings.

(a) Except as provided in G.S. 143-345.5 and this section, local government zoning and development regulations are applicable to the erection, construction, and use of buildings by the State of North Carolina and its political subdivisions.

(b) Except as provided in G.S. 143-345.5, this Chapter shall not apply to the construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, demolition, or use of any building or property by the State of North Carolina, if the project is managed by the State Construction Office, or The University of North Carolina or any of its constituent institutions, if the project is managed or authorized by The University of North Carolina, and the project is located in whole or in part in Buncombe, Orange, Watauga, or Wake County.

(c) Except as provided in G.S. 143-345.5, this Chapter shall not apply to the construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, demolition, or use of any building or property when the project is managed by the Legislative Services Commission.

(d) Notwithstanding the provisions of any general or local law or ordinance, except as provided in Part 4 of Article 9 of this Chapter, no land owned by the State of North Carolina may be included within an overlay district or a conditional zoning district without approval of the Council of State or its delegate.

(e) For properties exempt from this Chapter under subsection (b) or (c) of this section, the State Construction Office or the Legislative Services Commission shall consult with the appropriate county or city with jurisdiction with regard to all of the following:

(1) Water and sewer services to be provided to the project.
(2) Stormwater implications of the project.
(3) Impacts on traffic patterns and parking.
(4) Perimeter buffering, landscaping, tree protection, and riparian buffer requirements.
(5) Local environmental regulations adopted under Part 2 of Article 9 of this Chapter.

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