Staff Report
Public Hearing
November 23, 2026
Case A26-0770 – Legislative Update – UDO Text Amendment

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## Request

Staff requests that Town Council consider revisions to the Town of Boone Unified Development Ordinance (UDO) Articles 1, 4, 6, 14, 15, 21, 25, and 34 and Appendix A Application Information in order to bring standards into alignment with recent statutory changes relating to administrative interpretations, appeals, permit choice, vested rights, home occupations, stormwater regulation, and building glazing/window transparency requirements.

This Staff Report outlines the amendments proposed to the UDO in response to recent changes in North Carolina law. Each statutory change is addressed separately with an explanation of the required change and the specific text revisions proposed for alignment with the change. The Ordinance in Staff Report Exhibit B is a presentation of the cumulative changes to the UDO for all statutory changes.

## Statutory Revisions

### Appeals

*Staff has recommended changes to Subsections 2.01.05, and 6.04.02 to clean up the items in 6.04.02 that were more appropriate in 2.01.05.*

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**Article 2 Administrative Mechanisms**

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**2.01 Board of Adjustment**

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**2.01.05 Powers and Duties of the Board of Adjustment**

**A.** The Board is a quasi-judicial body that shall hear and decide:

1. Appeals from any order, decision, requirement, interpretation, or determination made by the Administrator, including decisions related to building permits, erosion and sedimentation control, and stormwater control, as provided in Article 6 Quasi-Judicial Hearings.
2. Applications for special-use permits, as provided in Article 6 Quasi-Judicial Hearings.

3. Applications for variances, as provided in Article 6 Quasi-Judicial Hearings.
4. Applications for major subdivision preliminary plat approval, as provided in Article 6 Quasi-Judicial Hearings.
5. Appeals of the grant or denial of an application for a Certificate of Appropriateness by the Historic Preservation Commission.
6. Any other matter the Board is required to act upon by any other Town Ordinance or State law.

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**Article 6 Quasi-Judicial Hearings**

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**6.04 Appeals of Administrative Decisions**

**6.04.01** Administrative decisions on ~~minor work~~ statements of conformity may be appealed to the Historic Preservation Commission.

**6.04.02** ~~the Board of Adjustment shall hear and decide appeals of all other administrative decisions made by staff including decisions related to erosion and sedimentation control, and stormwater control.~~ **Reserved**

Interpretative Determinations

*Session Law 2026-41 modified N.C. Gen. Stat. § 160D-403(b1) to add a new subsection requiring a local government to issue an "interpretive determination". UDO Section 2.06 Interpretation has been modified to bring to bring the current interpretation standards into alignment with the required change.*

**2.06 Land Use Administrator**

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**2.06.03 Interpretations and Advisory Opinions~~Interpretive Determinations~~**

**A.** Upon proper written application, the Planning Director is authorized to:

1. Interpret the zoning map. Where uncertainty exists as to the boundary of districts as shown on the Official Zoning Map, the following rules shall apply:
   a. A boundary indicated as approximately following the centerline of an alley, street, highway, stream or railroad shall be construed to follow such centerline;
   b. A boundary indicated as approximately following a lot line, corporate limit, or extraterritorial boundary line, shall be construed as following such line, limit or boundary;
   c. A boundary indicated as following the shoreline or the centerline of a stream, river, lake, or other bodies of water shall be construed to follow such shoreline

or centerline, and in the event of change in the shoreline or centerline, the boundary shall be construed as moving with the actual shoreline or centerline;

d. A boundary indicated as approximately following the designated limit of a special flood hazard area shall be construed as following such limit;

e. Where a district boundary divides a lot or where distances are not specifically indicated on the Official Zoning Map, the boundary shall be determined by measurement, using the scale of the Official Zoning Map;

f. Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

2. Interpret the Unified Development Ordinance. Where uncertainty exists as to any meaning of this Ordinance, the provisions of Article 1 shall be used for guidance.

   a. See procedures set forth in Subsection 14.02.06 for evaluating unlisted uses.

3. Provide advisory opinions on regarding nonconformities. An advisory interpretation or advisory opinion given by the Administrator is not binding and does not constitute a final and binding decision subject to appeal under Article 6.

4. Issue written interpretative determinations.

   a. Upon written request by a person with standing pursuant to G.S. 160D-1403.1(b), the Planning Director shall issue a written interpretative determination regarding the applicability or interpretation of a development regulation to a given state of facts. Upon issuance, the determination shall be binding on the town and the person requesting the determination, unless the determination is altered or set aside by a decision-making board or a court of competent jurisdiction.

   b. The Planning Director shall give written notice to the owner of the property that is the subject of the determination and to the party who sought the determination, if different from the owner. The written notice shall be delivered by personal delivery, email, or first-class mail. The notice shall be delivered to the last address listed for the owner of the affected property on the county tax abstract and to the address provided in the application or request for a determination if the party seeking the determination is different from the owner.

   c. It is conclusively presumed that all persons with standing to appeal have constructive notice of the determination from the date a sign providing notice that a determination has been made is prominently posted on the property that is the subject of the determination, so long as the sign remains on the property for at least 10 days. A posted sign shall contain the words "Zoning Decision" or

"Subdivision Decision" or similar language for other determinations in letters at least six inches high and shall identify the means to contact a local government staff member for information about the determination. Posting of signs is not the only form of constructive notice. Any sign posting is the responsibility of the landowner, applicant, or person that sought the determination. Verification of the posting shall be provided to the staff member responsible for the determination.

~~Article 1 **Zoning Map Interpretations:** The Planning Director is authorized to interpret the zoning map and disputed questions of zoning district boundary lines.~~

~~1. A zoning map interpretation shall only be made upon proper written application.~~

~~Title I Where uncertainty exists as to the boundary of districts as shown on the Official Zoning Map, the following rules shall apply:~~

~~g. A boundary indicated as approximately following the centerline of an alley, street, highway, stream or railroad shall be construed to follow such centerline;~~

~~h. A boundary indicated as approximately following a lot line, corporate limit, or extraterritorial boundary line, shall be construed as following such line, limit or boundary;~~

~~i. A boundary indicated as following the shoreline or the centerline of a stream, river, lake, or other bodies of water shall be construed to follow such shoreline or centerline, and in the event of change in the shoreline or centerline, the boundary shall be construed as moving with the actual shoreline or centerline;~~

~~j. A boundary indicated as approximately following the designated limit of a special flood hazard area shall be construed as following such limit;~~

~~k. Where a district boundary divides a lot or where distances are not specifically indicated on the Official Zoning Map, the boundary shall be determined by measurement, using the scale of the Official Zoning Map;~~

~~l. Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.~~

~~m. **Text Interpretation:** The Planning Director is authorized to interpret Ordinance text.~~

~~1. A text interpretation shall only be made upon proper written application.~~

~~n. Where uncertainty exists as to any meaning of this Ordinance, the provisions of Article 1 shall be used for guidance.~~

~~o. The Planning Director shall consult with the Town Attorney where there is uncertainty in the meaning of the Ordinance with respect to substantive matter.~~

~~p. **Advisory Opinions Regarding Nonconformities**: An advisory interpretation or advisory opinion given by the Administrator is not binding and does not constitute a final and binding decision subject to appeal under Article 6.~~

~~q. Procedure for Evaluating Unlisted Uses: See procedures set forth in Subsection 14.02.06.~~

Glazing

*Session Law 2026-59, modified N.C. Gen. Stat. §160D-702.1 regarding window glazing and transparency. The session law has defined glazing and the maximum area to which such glazing requirements can be applied. The proposed changes to the UDO address the maximum glazing percentage and clarify where such glazing requirements are limited to on the building facade.*

*Glazing requirements are currently written for the Wellness District, Multi-Family in Mixed-Use, and Community Appearance Standards. Suggested changes are proposed in UDO Subsections 14.23, 15.04, 25.05, and Article 34.*

Article 14 Zoning District Regulations
14.23 WD Wellness District
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14.23.05 WD Development Standards
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H. Appearance Standards

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4. Building Fenestration: Fenestrations (windows and doors) should maximize the views and allowable daylight into spaces.

   a. For all street level/ground floor uses located along public streets and other public spaces, a minimum of 35% ~~60-90%~~ of ~~all wall area~~ the ground-floor facade area ~~between two (2) and twelve (12) feet~~ shall consist of transparent glazing (clear windows and doors). Upper floors fronting public rights- of-way shall consist of 30-70% transparent glazing~~windows~~.

      i. Exception: Commercial uses that are considered non-storefront uses shall have a minimum of 20% of the ground-floor facade area that shall be comprised of transparent glazing.

   ~~a.~~b. Fenestrations shall be spaced thirty (30) linear feet maximum between features.

   ~~b.~~c. Ground floor restaurants are encouraged to provide windows and doors that can be opened to provide direct access to the sidewalk when weather permits.

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Article 15 Limited Use Requirements
15.04 Multi-Family in Mixed Uses

15.04.01 Multi-family residential uses (Use 1.14, 1.15 and 1.16) are allowed in the B1, B2 and B3 zoning districts when the criteria in this Section are met.

A. For purposes of this Section, "commercial" shall include the following uses: 3.08 Motel, 3.09-3.11 Hotel, 4.03 Funeral Home Establishment, 4.05 Post Office, 5.01 Government Cultural Facility, 5.02-5.03 Government Neighborhood Cultural Facility, 5.04-5.06 Recreation Facility, 5.07-5.09 Event Venue, 5.12 Police Substation, 5.16 Government Facility, 8.0 Assembly, 9.0 Education, 10.02 Child Daycare Center, 10.04 Adult Daycare Center, 10.5 All Other Daycare, 11.0 General Sales and Service, 12.0 Recreation, 14.0 Manufacturing, 16.01 Mini-Storage, 17.0 Transportation, and 19.0 Particular Activities which pose Particular Concerns about Public Health.

B. To the extent this Section conflicts with other Articles of this Ordinance, this Section shall control.

C. "Commercial use" and "street level commercial land use" as referred to in this section 15.04, means only space in a building used or to be used for commercial uses unrelated to the residential use of the building or development. By way of clarification and not as a limitation, the following uses may not be counted as "commercial use": amenities operated entirely or in the main for residents (including but not limited to swimming pools, gyms, etc.); required recreation space; space used to operate and maintain the residential portion of the development, including leasing, management, and/or maintenance-related office space; and/or common areas of the residential units.

1. Notwithstanding the foregoing, only parking spaces located in a single-use parking structure (not containing residential units below or above) may be counted as "street level commercial land use."

D. A minimum of 35% ~~minimum of 60%~~ of the ground-floor facade area ~~street facing street level building facade~~ shall be comprised of transparent~~, non-reflective windows~~ glazing (clear windows and doors).

1. Exception: Commercial uses as listed in UDO Subsection 15.04.01 (A) that are considered non-storefront uses as defined herein Article 34 shall have a minimum of 20% of the ground-floor facade area that shall be comprised of transparent glazing.

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15.04.02 Multi-family residential uses, either as the result of new construction or conversion, are allowed in the Central Business District (B1) only if the projects in which they are included meet all the following criteria:

A. Each project shall provide primary street level commercial land uses (i.e. retail, office, restaurant) of at least fifty percent (50%) of the square footage of the footprint of each building on the primary street level. For developments located on lots which abut more than one public street in the Central Business District, each additional street level floor shall provide commercial uses of at least 30% of that level's square footage. For purposes of this Subsection, the "primary street" shall be determined according to the following order: King Street, Howard Street, Depot Street, all other streets. For example, if a project is located on a lot that abuts both King Street and Howard Street, King Street shall be

considered the "primary street" while for a project which abuts Howard Street and Depot Street, Howard Street shall be considered the "primary street" and so on.

B. The entire frontage of the primary street level of the building abutting the street shall provide commercial uses. Required entrances for ingress and egress to secondary uses are permitted along said frontage so long as they are no larger than necessary to meet building code and safety requirements for ingress and egress. Commercial uses on the non-primary street level(s) shall front on the non-primary street.

C. The entire primary street level floor of the building shall be constructed to commercial standards in accordance with North Carolina Building Code Group A, B, E or M.

D. New projects on property which was vacant as of February 1, 2018 shall be at least two floors above the primary street level.

E. Buildings facades shall be oriented to each public street and shall have a primary entrance door facing each abutting public sidewalk.

F. A minimum of 30% of non-primary ~~street level~~ facing ground-floor facade areas ~~building facades~~ shall be comprised of transparent~~, non-reflective windows~~ glazing.

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Article 25 Community Appearance Standards

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25.05 Building Orientation

25.054.01 With the exception of townhouse uses, structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings are exempt from this section.

25.045.02 The intent of this Section is to provide a design of buildings that support a safe and attractive pedestrian environment.

A. Primary façade and main building entry shall face the primary public way.

B. If site constraints are present, the applicant's intent to use a "stock plan" is not a basis for appeal.

C. The Administrator may approve a redesign in which the main primary entrance does not face the primary public way provided the following:

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

2. Entrances which are oriented on a diagonal are permitted, provided that they are integrated with the overall architectural design, and not merely angled appendages or alcoves.

3. Ground floor windows or window displays shall be provided along at least ten percent (10%) of the building's ground-floor facade area ~~(ground floor) street-facing elevation(s)~~; windows and display boxes shall be integral to the building design and not mounted to an exterior wall. Parapets above the first floor are excluded from the calculations when the building is over eighty feet (80') in length.

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Article 34 Definitions

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Ground-floor facade area (only in relation to glazing/fenestration requirements)
The exterior wall area of a building measured from grade to 10 feet above grade, excluding loading docks, service bays, mechanical areas, emergency exits, vehicular doors, and other functional areas that are not reasonably treated as storefront facade.

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Non-Storefront Uses (only in relation to glazing/fenestration requirements)
For commercial or mixed-use buildings, glazing requirements have an exception for non-storefront uses as listed herein. Non-storefront uses include all of the following:

A. Religious assembly or sanctuary spaces.

B. Medical or dental examination, treatment, or healthcare services.

C. Educational instruction or counseling.

D. Civic or nonprofit services.

E. Funeral services.

F. Lodge or meeting hall use.

G. Storage or back-of-house operations.

H. Other institutional, assembly, or service uses not primarily operated as walk-in retail, restaurant, bar, entertainment, or commercial storefront uses.

Manufactured Homes

*Session Law 2026-59 modified. N.C. Gen. Stat. § 160D-910 and §143.145(7) to conform the definition of manufactured home to the federal definition. Suggested changes are proposed in UDO Subsection 1.28, 15.01, and Article 34. Staff also cleaned up the section by not having the definition repeated in Section 15.01 and by removing regulatory standards from the definition.*

Article 1 General Provisions

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1.28 Building Design Elements

1.28.02 Any regulation relating to building design elements adopted under this Ordinance may not be applied to any structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings except under one or more of the following circumstances:

A. The structures are located in an area designated as a local historic district pursuant to Part 4 of Article 9 of N.C.G.S. 160D.

B. The structures are located in an area designated as a historic district on the National Register of Historic Places.

C. The structures are individually designated as local, State, or national historic landmarks.

D. The regulations are directly and substantially related to the requirements of applicable safety codes adopted under G.S. 143-138.

E. Where the regulations are applied to manufactured housing in a manner consistent with G.S. 160D-910~~908~~ and federal law.

F. Where the regulations are adopted as a condition of participation in the National Flood Insurance Program.

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Article 15 Limited Use Requirements

15.01 Manufactured Home (Class A and Class B)

15.01.01 Manufactured Home "Class A" is ~~a~~subject to the following:

~~Manufactured Home "Class A" is a structure, constructed after June 15, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, transportable in one or more sections, which in the traveling mode is eight feet (8') or more in width, or forty feet (40') or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with a continuous permanent masonry foundation (not pierced except for required ventilation and access) and connected to the required utilities for systems contained therein and satisfies the following criteria:~~

~~A.~~

~~c.~~A. The pitch of the home's roof is a minimum vertical rise of one foot (1') for each five feet (5') of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;

~~d.~~B. The exterior siding consists of wood, hardboard, aluminum, or vinyl covering, with reflectivity in no case exceeding the reflectivity of gloss white paint, comparable in composition, appearance, and durability to the exterior siding compatible with standard residential construction; and

C. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

15.01.02 Manufactured Home "Class B" requires skirting. ~~is a structure, constructed after June 15, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, transportable in one or more sections, which in the traveling mode is eight feet (8') or more in width, or forty feet or more (40'±) in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without a continuous permanent masonry foundation (not pierced except for required ventilation and access) and connected to the required utilities for systems contained therein, but that does not satisfy the criteria necessary to qualify as "Class A" (10.01.02 A). Skirting is required for "Class B" manufactured homes.~~

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Article 34 Definitions

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Manufactured Home
For manufactured homes built on or after June 15, 1976, as defined in 42 U.S.C. § 5402(6), "manufactured home" means a structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built with or without a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under this chapter; and except that such term shall not include any self-propelled recreational vehicle.

For manufactured homes built before June 15, 1976, "manufactured home" means (i) a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semipermanent foundation having a measurement of over thirty-two (32) feet in length and over eight (8) feet in width; or (ii) a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semipermanent foundation having a measurement of over thirty-two (32) feet in length and over eight (8) feet in width."

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

~~The pitch of the home's roof is a minimum vertical rise of one (1) foot for each five (5) feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;~~

~~The exterior siding consists of wood, hardboard, aluminum, or vinyl covering, with reflectivity in no case exceeding the reflectivity of gloss white paint, comparable in composition, appearance, and durability to the exterior siding compatible with standard residential construction; and~~

~~The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.~~

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

utilities for systems contained therein, but that does not satisfy the criteria necessary to qualify as "Class A". ~~Skirting is required for "Class B" manufactured homes.~~

Manufactured Home "Class C"
Any ~~mobile or~~ manufactured home that does not meet the criteria of a Class A or Class B manufactured home.
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No-Impact Home-Based Business

*Session Law 2026-51 added N.C. Gen. Stat. § 160A-205.8 No-impact home-based businesses, an act to provide that cities shall not prohibit certain home-based businesses within their jurisdictions. This addition required Staff to evaluate the "home occupation" use and bring it into compliance with the new standards. Changes were made to Section 15.46 and the definition in Article 34.*

**15.46** ~~**Home Occupation**~~**No-Impact Home-Based Business (Accessory)**

**15.46.01** A no-impact home-based business may be conducted as an accessory use of a dwelling unit without a permit. A no-impact home-based business is a business that:

**A.** Is limited to the sale of lawful goods and services. Goods are defined as any merchandise, equipment, products, supplies, or materials.

**B.** Does not generate on-street parking or a substantial increase in traffic through the residential area.

**C.** Occurs inside or in the yard of the residential dwelling.

**D.** Is not visible from the street.

**15.46.02** The use of the dwelling unit for the no-impact home-based business shall be clearly subordinate to its use for residential purposes.

**15.16.03** The total number of on-site employees and clients do not exceed the occupancy limit for the property.

**15.16.04** No equipment or process shall be employed that will cause noise, vibration, odor, glare, or electrical or communication interference detectable to the normal senses. For detached dwelling units this is measured at the lot line. For attached dwelling units this is measured just outside of the dwelling.

~~**15.46.01** A Home Occupation may be conducted as an accessory use of a dwelling unit, provided that:~~

~~**A.** No person other than members of the resident family shall be engaged in such occupation, and~~

~~**B.** The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes, and not more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation, and~~

~~**A.** No external evidence of the conduct of the home occupation shall be visible, other than a sign as permitted in Article 26, and~~

~~**C.** The home occupation shall not generate traffic volumes or parking area needs greater than would normally be expected in a residential neighborhood, and~~

~~**D.** No equipment or process shall be employed that will cause noise, vibration, odor, glare, or electrical or communication interference detectable to the normal senses off the lot; in the case of detached dwelling units, or outside the dwelling unit, in the case of attached dwelling units, and~~

~~**E.** The on-premise sale and delivery of goods which are not the products of the home occupation are prohibited.~~

~~**Home Occupation**~~**No-Impact Home-Based Business**

~~An accessory use conducted entirely within a dwelling and carried on by the occupants thereof, which use is incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof.~~ Any business owned and operated by the owner or occupant of the residential dwelling that manufactures, provides, or sells goods or services.

~~**Home Occupation**~~**No-Impact Home-Based Business Sign**

A sign permitted in association with a legitimate ~~home occupation~~no-impact home-based business conducted on the premises of the dwelling unit occupied by the operator of the establishment.

*Note: Staff will update all use of "home occupation" within the UDO to "no-impact home-based business".*

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Permit Choice

*Session Law 2026-41 modified NC Gen. Stat. § 143-755 regarding permit choice, where the permit choice has been expanded to be applicable to rezoning applications and stormwater plans. Suggested changes are proposed in UDO Subsection 4.05.*

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Article 4 Development Approvals

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4.05 Processing of Applications

4.05.01 Upon submission of a complete application, the Administrator shall review the application for compliance with this Ordinance and any other requirements of the Town.

4.05.02 Permit Choice:

A. Following submission of a complete application for a development permit, if this unified development ordinance is amended between the time a complete application was submitted and the time a development permit decision is made, the applicant may choose which adopted version of the ordinance will apply to the permit and use of the building, structure, or land indicated on the permit application.

B. Where multiple development permits are required to complete a development project, the development permit applicant may choose the version of this ordinance applicable to the project upon submittal of the application for the initial development permit. This provision is applicable only for those subsequent development permit applications filed within 18 months of the date following the approval of an initial permit. For purposes of the vesting protections of this subsection (B), an erosion and sedimentation control permit or a sign permit is not an initial development permit.

C. For purposes of this section 4.05.02, except as provided at subsection (B) or otherwise provided by law, "development permit" means an administrative, legislative, or quasi-judicial approval that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal, including any of the following:

1. Zoning permits.
2. Site plan approvals.
3. Special use permits.
4. Variances.
5. Certificates of appropriateness.
6. Plat approvals.
7. Development agreements.
8. Building permits.
9. Subdivision of land.
10. State agency permits for development.
11. Driveway permits.
12. Erosion and sedimentation control permits.
13. Sign permit.
14. Conditional or general use rezoning approvals.
~~13.~~15. Stormwater permits.

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Stormwater

*Session Law 2026-39 modified NC General Statutes § 143.214.7 to utilize the "built-upon area" terminology instead of the previously used "development" and "impervious" terminology. Suggested changes are proposed in UDO Article 21, Article 34, and Appendix A.*

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Article 21 Stormwater Management

21.01 Plan Approval Required

21.01.01 Subject to the requirements of Article 4, a drainage plan with supplemental stormwater calculations is required to be submitted with all applications.

A. Single-Family Dwellings (Use 1.01), Manufactured Homes (Use 1.02-1.04), other uses lawfully operated out of a single-family dwelling or Use 1.06 Duplex (one duplex building per lot) with less than 40% of impervious area, not discharging to steep or very steep slope, shall submit a drainage plan and supporting calculations in compliance with:

1. UDO Appendix C, Section C.2 Stormwater Control Measures (SCMs) Guidelines for Certain Residential Development; or

2. UDO Article 21 and Appendix A, Section A3.05.

B. All other development, including subdivision infrastructure, shall submit a drainage plan and supporting calculations in compliance with this Article and the drainage plan requirements set forth in UDO Appendix A, Section A3.05.

C. Exemptions. The following are exempt from the requirements of Subsections A or B above, as applicable:

1. ~~Impervious~~ Built-upon area improvements of 500 square feet or less where the applicant takes measures to ensure that neighboring properties are not burdened with any stormwater runoff.

2. Lots ~~within subdivisions or developments~~ that have an approved drainage plan where any new impervious area was considered in the previously approved plan and subsequently constructed in accordance with such plan.

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21.03 Drainage & Stormwater Management Performance Standards

21.03.01 All drainage structures and stormwater management measures shall be designed, constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of development activities. Specifically:

A. Offsite areas which drain to or across a site proposed for development must be accommodated in the stormwater plans for the development.

1. The stormwater management system must be capable of conveying the existing offsite flows through or around the development such that the volume and rate of flow from the adjacent property is not altered.

2. If offsite flows are carried in the site system, any detention ponds shall be sized to accommodate this flow.

B. Stormwater drainage facilities shall be designed to limit the discharge from the site to the rate that existed prior to any ~~development~~ addition of built-upon area of the site.

1. For projects that are redeveloping a developed site, the discharge ~~will be limited to that which occurs before any new development.~~ shall be limited to that which occurred from the previous built-upon area.

C. The type and location of the discharge will be as occurred before the current development unless the discharge is to a manmade conveyance system.

1. If the discharge is in a manmade conveyance the Town of Boone will be furnished an easement to the point that the pre-development flows are duplicated.

21.03.02 All ~~site improvements~~ increased built-upon area shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the ~~development~~ site. Surface water shall not be regarded as unduly retained if:

A. The retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or stormwater runoff control plan, or

B. The retention is not substantially different in location or degree than that experienced on the ~~development~~ site prior to ~~site improvements~~the increase in built-upon area, unless such retention presents a danger to health or safety.

21.03.03 These competing goals for retention and discharge can be accomplished by designing, constructing and maintaining all stormwater management installations to the extent practicable to:

A. Avoid increases in surface runoff volume and velocity by including measures which promote the infiltration of stormwater,

B. Maximize the time of concentration of stormwater runoff, and

C. Promote the filtration and precipitation of pollutants from stormwater runoff in order to protect the water quality of the receiving watercourse.

21.03.04 The drainage system ~~of a development site~~ shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets where they exist.

21.03.05 All site improvements shall conform to the natural contours of the land, and without disturbance, utilize the preexisting natural and preexisting man-made drainage ways.

21.03.06 Lot boundaries within subdivisions shall be made to coincide with natural and preexisting man-made drainage ways to avoid creation of lots that can only be built upon by altering such drainage ways.

21.03.07 Stormwater shall not be diverted from one natural drainage basin into another.

21.03.08 Stormwater shall not be channeled or directed into sanitary sewers.

21.03.09 Design Storm:

A. The minimum design capacity for all storm drainage facilities and cross drainage facilities in public streets shall be the twenty-five (25) year discharge.

B. The design of drainage facilities in flood hazard areas shall be consistent with the requirements of Article 30.

C. The computation of stormwater runoff shall follow established engineering best practices. Acceptable methods of computation include, but are not limited to, those outlined in the Soil Conservation Service National Engineering Field Manual, the Rational Method, and published U.S. Geological Survey techniques for estimating stream flow. Runoff coefficients shall be based on full development of the watershed to the extent of the current zoning.

D. Stormwater detention shall be provided to ensure that the rate of discharge does not exceed the ~~pre-development~~ rate of discharge on the site prior to the increase in built-upon area. In order to demonstrate this, pre and post development hydrographs will be submitted that demonstrate no increase in flow leaving the site during the twenty-five (25) year twenty-four (24) hour storm. In this situation pre development shall reference the site, with all built-upon area, prior to the increase in built-upon area. Inflow-outflow calculations shall also be submitted for any stormwater detention ponds.

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Article 34 Definitions

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Built-Upon Area

Built-upon area means impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. None of the following surfaces shall be considered built-upon area:

A. A slatted deck with pervious surface beneath

B. The water area of a swimming pool

C. A surface of number 57 stone, as designated by the American Society for Testing and Materials laid at least four inches (4") think over a geotextile fabric.

D. A trail as defined in North Carolina G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour).

E. Landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive only pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle.

F. Artificial turf manufactured to allow water to drain through the backing of the turf and installed according to the manufacturer's specifications over a pervious surface.

~~Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities, etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious).~~

**Development**

Unless the context clearly indicates otherwise, and without altering the scope of any regulatory authority granted by statute or local act, the term means any of the following:

a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.

b. The excavation, grading, filling, clearing, or alteration of land.

c. The subdivision of land as defined in G.S. 160D-802.

d. The initiation of or substantial change in the use of land or the intensity of use of land.

~~d.~~e. In addition, for the purposes of determining stormwater runoff the term development also includes any land-disturbing activity that increases the amount of built-upon area or that otherwise decreases the infiltration of precipitation into the subsoil.

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**Appendix A Application Information**

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A3.05 Drainage Plan

A3.05.01 When required, an applicant shall submit a drainage plan.

A3.05.02 The drainage plan shall be prepared by and shall bear the seal and signature of a North Carolina licensed professional engineer or landscape architect, competent to perform all aspects of design.

A3.05.03 The drainage plan shall refer to the drawings and technical documentation for planned site improvements necessary to fulfill both the drainage and stormwater requirements of this Ordinance and shall include:

A. Location and topographic maps with the total drainage area delineated including both on-site and off-site areas and sufficient information to define all ridges, existing streams, drainage ways, wetland areas, existing springs, and water elevation of any proposed discharge point, and any additional information required to evaluate the existing and proposed drainage system.

B. Architectural and engineering drawings showing plan, profile and details of; piping, drainage structures, swales, and channels tying into a network of pre-existing man made or natural channels.

C. Written project specifications governing work performance and materials.

~~C.~~D. Site plans shall include the location of existing built-upon area and shall show the area of new built-upon area.

~~D.~~E. Computations and assumptions sufficient to support the design of; piping, drainage structures, retention/detention ponds, and permanent erosion control measures.

~~E.~~F. Whatever other narrative statements necessary to adequately describe the proposed site improvements and the measures planned to comply with the requirements of this Appendix.

~~F.~~G. The Drainage Plan shall be prepared to meet the basic objectives and design standards for drainage and stormwater management as described in Article 21.

~~G.~~H. The Drainage Plan shall show the existing site topography and proposed site drainage improvements in sufficient detail to facilitate plan review and construction. The Drainage Plan drawings shall be presented at a scale not smaller than 1 inch = 50 feet.

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## Vested Rights

*Session Law 2026-59 modified N.C. Gen. Stat. § 160D-108.1 by increasing the duration of vested rights for site-specific vesting plans. The other changes also modified how vesting rights now prevent applying overlay zoning, when applicable. The same session law has also modified language regarding vesting expiration and the 24-month discontinuance period. The text presented below has been modified to include the General Statute language for when the 24-month discontinuance period is tolled, or not counted against that 24-month period. Suggested changes are proposed in UDO Subsection 4.13.*

Article 4 Development Approvals

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4.13 Vested Rights for Certain Approvals

4.13.01 A vested right shall be deemed established upon proper and lawful approval of a site- specific vesting plan for a special use permit, major subdivision, or conditional district zoning map amendment.

4.13.02 Duration: Except as provided for in Subsection 4.13.02(C), a right that has been vested as provided for in this Ordinance shall remain vested for a period of five (5) ~~two~~ years.

A. This vesting shall not be extended by any amendments or modifications to a site- specific development plan unless expressly provided by the approval authority at the time the amendment or modification is approved.

B. A site-specific vesting plan shall be deemed approved upon the effective date of the approval authority's action or Ordinance relating thereto.

C. The permit-issuing authority may provide that rights vest for a period of time exceeding five (5) ~~two (2)~~ years but not exceeding eight (8) ~~five (5)~~ years, inclusive of all amendments, modifications and phasing, where warranted in light of all relevant circumstances, including but not limited to, the size and phasing of the development, the level of investment, the need for the development, economic cycles, and market conditions. These determinations shall be in the sound discretion of the approval authority at the time the site-specific development plan is approved or modified.

D. Approval shall vest for seven years for a multi-phased development of at least 25 acres' subject to a master development plan with committed elements showing the type and intensity of use of each phase.

4.13.03 The establishment of a vested right shall ~~not preclude~~ preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type and intensity of use, or Ordinances or regulations that are general in nature and are applicable to all property subject to regulation by the Town, including, but not limited to building, fire, plumbing, electrical and mechanical codes.

A. Applicable new or amended development regulations shall only become effective with respect to property that is subject to a site-specific development plan upon the expiration or termination of the vested right in accordance with this Ordinance.

4.13.04 A vested right is not a personal right, but shall be attached to and run with the applicable property. After approval of a site-specific development plan, all successors to the original landowner shall be entitled to exercise such rights while applicable.

4.13.05 Termination/Expiration: A right that has been vested as provided for in this Ordinance shall terminate and automatically expire:

A. At the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed, or

B. With written consent of the affected landowner, or

C. ~~With respect to development with vesting periods of 2 years or more, if development work is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months, or~~

D. Upon findings by the permit-issuing authority, by Ordinance after notice and public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site-specific development plan, or

E. Upon payment to the affected landowner of compensation for all costs, expenses, and other losses incurred by the landowner including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval by the Town, together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property which is caused by such action, or

F. Upon findings after notice and an evidentiary hearing that the landowner or the landowner's representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the approval authority of the vested right, or

G. ~~Upon enactment or promulgation of a~~As required by State or federal law or regulation that precludes the development subject to the vested right, in which case the approval authority shall modify the affected provisions, upon finding that the change in state or federal law has a fundamental and retroactive effect on the development, after notice and a public hearing, or~~.~~

H. Upon a failure by the permit holder to abide such terms and conditions as have been attached to the approval or otherwise required by this Ordinance, or~~.~~

I. With respect to development(s) with vesting periods, if development work is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months, or the 24-month discontinuance period can be tolled, or not counted, for any of the following:

1. The pendency, or length of time pending, for any Board of Adjustment proceeding or civil action in State or federal trial or appellate court regarding the validity of a development permit, the use of property, or the existence of the statutory vesting period granted by NC General Statute § 160D-108.

2. The pendency of any litigation involving the development itself or the property that is the subject of the vesting.

3. The duration of any emergency declaration issued under NC General Statute § 166A-19.20 or § 166A-19.22 for which the defined emergency area includes the property in whole or in part.

4.13.06 Nothing in this Section is intended or shall be deemed to create any vested right other than those established pursuant to N.C. Gen. Stat. § 160D-108.

4.13.07 Any petition for voluntary annexation filed with the Town under G.S. 160A-31 or G.S. 160A-58.1 shall contain a signed statement declaring whether or not any vested right with respect to the property subject to the petition has been established under G.S.160D-108. A statement that declares that no vested right has been established, or the failure to sign a statement declaring whether or not a vested right has been established, shall be binding on the landowner and any such vested right shall be terminated.

## Conformity to Adopted Plans

### Boone Next: Our Town, Our Future

| Community Vision | Government and Public Services |
|---|---|
| We will be a prosperous, livable, people-oriented mountain community modeling resilient growth that promotes and protects our natural resources with diverse housing options and dynamic economic opportunities. We will celebrate and build upon our community's historic foundation to leave a sustainable and equitable town for future generations. | The Town is committed to engage inclusive processes that build upon existing commitments to expediency, innovation, and public engagement ensuring the provision of excellent services and facilities. The Town will foster a collaborative environment where community input is valued and integrated in town decisions. |

Goals & Policies

Goal 4.1 LOCAL GOVERNANCE THAT IMPLEMENTS THE COMMUNITY'S VISION
Local government is easy to understand, navigate, and engage with. Local policies and actions advance the long-term best interests of the community.

Policy 4.1.1: Continued Excellence in Transparency
Continue to make governance and government decision-making accessible and transparent to all residents.

Policy 4.1.4: Accessible and Understandable Documentation

Seek to make key Town documents, such as the annual budget and the capital improvements program, user-friendly and accessible to the general public.

## Planning Board Report/Recommendations

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

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

*Note 1*

_____

_____

_____

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

Vote 2: The Planning Commission recommends ☐approval OR ☐denial of Ordinance #A26-0770 within Exhibit A and ☐approval OR ☐denial is reasonable and in the public interest because:

*Note 2*

_____

_____

_____

***Note 2**: briefly explain why, factors may include the benefits and detriments to the landowners, the neighbors, and the surrounding community; why the action taken is in the public interest; and any changed conditions warranting the amendment.*

## Town Council Action Required – November 23, 2026

No Council action is anticipated at this meeting. Final consideration would occur at a future Town Council meeting (anticipated to be December 9, 2026) upon receipt of the Planning Commission's recommendations.

## Staff Report Exhibit A: Ordinance #A26-0770

ORDINANCE # A26-0770

AN ORDINANCE TO REVISE THE UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the Boone Town Council desires to modify the Unified Development Ordinance to modify UDO standards to reflect recent statutory changes, and

WHEREAS, the Boone Town Council held a duly-noticed public hearing on November 23, 2026, with respect to this ordinance; and

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

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

WHEREAS, the Town Council finds that it is in the best interest of the Town and its citizens that Town Council directly consider and, with input from the public as deemed appropriate by Council; and

WHEREAS, the Boone Town Council is authorized to enact this Ordinance pursuant to its zoning authority under G.S. Chapter 160D, Article 6;

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

SECTION 1. The Town of Boone Unified Development Ordinance ("UDO") is hereby revised as set forth in the attached Exhibit A to this Ordinance, which is incorporated by reference, with deletions and additions shown in ~~red~~ and blue respectively:

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

SECTION 3. In the event any section, subsection, subdivision, paragraph, subparagraph, item, sentence, clause, phrase or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining provisions of this ordinance, which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this ordinance.

SECTION 4. This Ordinance shall be effective immediately upon its adoption by Town Council.

Adopted this the 9th day of December, 2026.

_____
The Honorable Dalton George, Mayor

Attest:

_____
Nicole Harmon-Church, Town Clerk

## Staff Report Exhibit B: UDO Text Amendment

**Article 1 Administrative Mechanisms**

…

1.28 Building Design Elements

1.28.02 Any regulation relating to building design elements adopted under this Ordinance may not be applied to any structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings except under one or more of the following circumstances:

A. The structures are located in an area designated as a local historic district pursuant to Part 4 of Article 9 of N.C.G.S. 160D.

B. The structures are located in an area designated as a historic district on the National Register of Historic Places.

C. The structures are individually designated as local, State, or national historic landmarks.

D. The regulations are directly and substantially related to the requirements of applicable safety codes adopted under G.S. 143-138.

E. Where the regulations are applied to manufactured housing in a manner consistent with G.S. 160D-910~~908~~ and federal law.

F. Where the regulations are adopted as a condition of participation in the National Flood Insurance Program.

…

**Article 2 Administrative Mechanisms**

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**2.01 Board of Adjustment**

…

**2.01.05 Powers and Duties of the Board of Adjustment**

**B.** The Board is a quasi-judicial body that shall hear and decide:

1. Appeals from any order, decision, requirement, interpretation, or determination made by the Administrator, including decisions related to building permits, erosion and sedimentation control, and stormwater control, as provided in Article 6 Quasi-Judicial Hearings.

2. Applications for special-use permits, as provided in Article 6 Quasi-Judicial Hearings.

3. Applications for variances, as provided in Article 6 Quasi-Judicial Hearings.

4. Applications for major subdivision preliminary plat approval, as provided in Article 6 Quasi-Judicial Hearings.

5. Appeals of the grant or denial of an application for a Certificate of Appropriateness by the Historic Preservation Commission.

6. Any other matter the Board is required to act upon by any other Town Ordinance or State law.

…

**2.06 Land Use Administrator**

…

**2.06.03 Interpretations and Advisory Opinions~~Interpretive Determinations~~**

**B.** Upon proper written application, the Planning Director is authorized to:

~~3.~~1. Interpret the zoning map. Where uncertainty exists as to the boundary of districts as shown on the Official Zoning Map, the following rules shall apply:

a. A boundary indicated as approximately following the centerline of an alley, street, highway, stream or railroad shall be construed to follow such centerline;

b. A boundary indicated as approximately following a lot line, corporate limit, or extraterritorial boundary line, shall be construed as following such line, limit or boundary;

c. A boundary indicated as following the shoreline or the centerline of a stream, river, lake, or other bodies of water shall be construed to follow such shoreline or centerline, and in the event of change in the shoreline or centerline, the boundary shall be construed as moving with the actual shoreline or centerline;

d. A boundary indicated as approximately following the designated limit of a special flood hazard area shall be construed as following such limit;

e. Where a district boundary divides a lot or where distances are not specifically indicated on the Official Zoning Map, the boundary shall be determined by measurement, using the scale of the Official Zoning Map;

f. Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

~~4.~~2. Interpret the Unified Development Ordinance. Where uncertainty exists as to any meaning of this Ordinance, the provisions of Article 1 shall be used for guidance.

a. See procedures set forth in Subsection 14.02.06 for evaluating unlisted uses.

3. Provide advisory opinions on regarding nonconformities. An advisory interpretation or advisory opinion given by the Administrator is not binding and does not constitute a final and binding decision subject to appeal under Article 6.

4. Issue written interpretative determinations.

   a. Upon written request by a person with standing pursuant to G.S. 160D-1403.1(b), the Planning Director shall issue a written interpretative determination regarding the applicability or interpretation of a development regulation to a given state of facts. Upon issuance, the determination shall be binding on the town and the person requesting the determination, unless the determination is altered or set aside by a decision-making board or a court of competent jurisdiction.

   b. The Planning Director shall give written notice to the owner of the property that is the subject of the determination and to the party who sought the determination, if different from the owner. The written notice shall be delivered by personal delivery, email, or first-class mail. The notice shall be delivered to the last address listed for the owner of the affected property on the county tax abstract and to the address provided in the application or request for a determination if the party seeking the determination is different from the owner.

   c. It is conclusively presumed that all persons with standing to appeal have constructive notice of the determination from the date a sign providing notice that a determination has been made is prominently posted on the property that is the subject of the determination, so long as the sign remains on the property for at least 10 days. A posted sign shall contain the words "Zoning Decision" or "Subdivision Decision" or similar language for other determinations in letters at least six inches high and shall identify the means to contact a local government staff member for information about the determination. Posting of signs is not the only form of constructive notice. Any sign posting is the responsibility of the landowner, applicant, or person that sought the determination. Verification of the posting shall be provided to the staff member responsible for the determination.

~~Article 2 **Zoning Map Interpretations:** The Planning Director is authorized to interpret the zoning map and disputed questions of zoning district boundary lines.~~

~~2. A zoning map interpretation shall only be made upon proper written application.~~

~~Title II Where uncertainty exists as to the boundary of districts as shown on the Official Zoning Map, the following rules shall apply:~~

~~g. A boundary indicated as approximately following the centerline of an alley, street, highway, stream or railroad shall be construed to follow such centerline;~~

~~h. A boundary indicated as approximately following a lot line, corporate limit, or extraterritorial boundary line, shall be construed as following such line, limit or boundary;~~

~~i. A boundary indicated as following the shoreline or the centerline of a stream, river, lake, or other bodies of water shall be construed to follow such shoreline or centerline, and in the event of change in the shoreline or centerline, the boundary shall be construed as moving with the actual shoreline or centerline;~~

~~j. A boundary indicated as approximately following the designated limit of a special flood hazard area shall be construed as following such limit;~~

~~k. Where a district boundary divides a lot or where distances are not specifically indicated on the Official Zoning Map, the boundary shall be determined by measurement, using the scale of the Official Zoning Map;~~

~~l. Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.~~

~~m. **Text Interpretation:** The Planning Director is authorized to interpret Ordinance text.~~

~~2. A text interpretation shall only be made upon proper written application.~~

~~n. Where uncertainty exists as to any meaning of this Ordinance, the provisions of Article 1 shall be used for guidance.~~

~~o. The Planning Director shall consult with the Town Attorney where there is uncertainty in the meaning of the Ordinance with respect to substantive matter.~~

~~p. **Advisory Opinions Regarding Nonconformities**: An advisory interpretation or advisory opinion given by the Administrator is not binding and does not constitute a final and binding decision subject to appeal under Article 6.~~

~~q. Procedure for Evaluating Unlisted Uses: See procedures set forth in Subsection 14.02.06.~~

…

Article 4 Development Approvals

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4.05 Processing of Applications

4.05.01 Upon submission of a complete application, the Administrator shall review the application for compliance with this Ordinance and any other requirements of the Town.

4.05.02 Permit Choice:

A. Following submission of a complete application for a development permit, if this unified development ordinance is amended between the time a complete application was submitted and the time a development permit decision is made, the applicant may choose which adopted version of the ordinance will apply to the permit and use of the building, structure, or land indicated on the permit application.

B. Where multiple development permits are required to complete a development project, the development permit applicant may choose the version of this ordinance applicable to the project upon submittal of the application for the initial development permit. This provision is applicable only for those subsequent development permit applications filed within 18 months of the date following the approval of an initial permit. For purposes of the vesting protections of this subsection (B), an erosion and sedimentation control permit or a sign permit is not an initial development permit.

C. For purposes of this section 4.05.02, except as provided at subsection (B) or otherwise provided by law, "development permit" means an administrative, legislative, or quasi-judicial approval that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal, including any of the following:

1. Zoning permits.
2. Site plan approvals.
3. Special use permits.
4. Variances.
5. Certificates of appropriateness.
6. Plat approvals.
7. Development agreements.
8. Building permits.
9. Subdivision of land.
10. State agency permits for development.
11. Driveway permits.
12. Erosion and sedimentation control permits.
13. Sign permit.
~~13.~~14. Conditional or general use rezoning approvals.
~~14.~~15. Stormwater permits.

...

4.13 Vested Rights for Certain Approvals

4.13.01 A vested right shall be deemed established upon proper and lawful approval of a site- specific vesting plan for a special use permit, major subdivision, or conditional district zoning map amendment.

4.13.02 Duration: Except as provided for in Subsection 4.13.02(C), a right that has been vested as provided for in this Ordinance shall remain vested for a period of five (5) ~~two~~ years.

E. This vesting shall not be extended by any amendments or modifications to a site- specific development plan unless expressly provided by the approval authority at the time the amendment or modification is approved.

F. A site-specific vesting plan shall be deemed approved upon the effective date of the approval authority's action or Ordinance relating thereto.

G. The permit-issuing authority may provide that rights vest for a period of time exceeding five (5) ~~two (2)~~ years but not exceeding eight (8) ~~five (5)~~ years, inclusive of all amendments, modifications and phasing, where warranted in light of all relevant circumstances, including but not limited to, the size and phasing of the development, the level of investment, the need for the development, economic cycles, and market conditions. These determinations shall be in the sound discretion of the approval authority at the time the site-specific development plan is approved or modified.

H. Approval shall vest for seven years for a multi-phased development of at least 25 acres' subject to a master development plan with committed elements showing the type and intensity of use of each phase.

4.13.03 The establishment of a vested right shall ~~not preclude~~ preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type and intensity of use, or Ordinances or regulations that are general in nature and are applicable to all property subject to regulation by the Town, including, but not limited to building, fire, plumbing, electrical and mechanical codes.

B. Applicable new or amended development regulations shall only become effective with respect to property that is subject to a site-specific development plan upon the expiration or termination of the vested right in accordance with this Ordinance.

4.13.04 A vested right is not a personal right, but shall be attached to and run with the applicable property. After approval of a site-specific development plan, all successors to the original landowner shall be entitled to exercise such rights while applicable.

4.13.05 Termination/Expiration: A right that has been vested as provided for in this Ordinance shall terminate and automatically expire:

A. At the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed, or

B. With written consent of the affected landowner, or

~~With respect to development with vesting periods of 2 years or more, if development work is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months, or~~

C. Upon findings by the permit-issuing authority, by Ordinance after notice and public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site-specific development plan, or

D. Upon payment to the affected landowner of compensation for all costs, expenses, and other losses incurred by the landowner including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval by the Town, together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property which is caused by such action, or

E. Upon findings after notice and an evidentiary hearing that the landowner or the landowner's representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the approval authority of the vested right, or

F. ~~Upon enactment or promulgation of a~~As required by State or federal law or regulation that precludes the development subject to the vested right, in which case the approval authority shall modify the affected provisions, upon finding that the change in state or federal law has a fundamental and retroactive effect on the development, after notice and a public hearing, or~~.~~

G. Upon a failure by the permit holder to abide such terms and conditions as have been attached to the approval or otherwise required by this Ordinance, or~~.~~

H. With respect to development(s) with vesting periods, if development work is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months, or the 24-month discontinuance period can be tolled, or not counted, for any of the following:

1. The pendency, or length of time pending, for any Board of Adjustment proceeding or civil action in State or federal trial or appellate court regarding the validity of a development permit, the use of property, or the existence of the statutory vesting period granted by NC General Statute § 160D-108.

2. The pendency of any litigation involving the development itself or the property that is the subject of the vesting.

3. The duration of any emergency declaration issued under NC General Statute § 166A-19.20 or § 166A-19.22 for which the defined emergency area includes the property in whole or in part.

4.13.06 Nothing in this Section is intended or shall be deemed to create any vested right other than those established pursuant to N.C. Gen. Stat. § 160D-108.

4.13.07 Any petition for voluntary annexation filed with the Town under G.S. 160A-31 or G.S. 160A-58.1 shall contain a signed statement declaring whether or not any vested right with respect to the property subject to the petition has been established under G.S.160D-108. A statement that declares that no vested right has been established, or the failure to sign a statement declaring whether or not a vested right has been established, shall be binding on the landowner and any such vested right shall be terminated.

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**Article 6 Quasi-Judicial Hearings**

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**6.04 Appeals of Administrative Decisions**

**6.04.01** Administrative decisions on ~~minor work~~ statements of conformity may be appealed to the Historic Preservation Commission.

**6.04.02** ~~the Board of Adjustment shall hear and decide appeals of all other administrative decisions made by staff including decisions related to erosion and sedimentation control, and stormwater control.~~ **Reserved**

**…**

Article 14 Zoning District Regulations

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14.23 WD Wellness District

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14.23.05 WD Development Standards

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H. Appearance Standards

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i. Building Fenestration: Fenestrations (windows and doors) should maximize the views and allowable daylight into spaces.

a. For all street level/ground floor uses located along public streets and other public spaces, a minimum of 35% ~~60-90%~~ of ~~all wall area~~ the ground-floor facade area ~~between two (2) and twelve (12) feet~~ shall consist of transparent glazing (clear windows and doors). Upper floors fronting public rights- of-way shall consist of 30-70% transparent glazing~~windows~~.

i. Exception: Commercial uses that are considered non-storefront uses shall have a minimum of 20% of the ground-floor façade area that shall be comprised of transparent glazing.

b. Fenestrations shall be spaced thirty (30) linear feet maximum between features.

c. Ground floor restaurants are encouraged to provide windows and doors that can be opened to provide direct access to the sidewalk when weather permits.

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Article 15 Limited Use Requirements

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15.01 Manufactured Home (Class A and Class B)

15.01.01 Manufactured Home "Class A" is ~~a~~subject to the following:

~~Manufactured Home "Class A" is a structure, constructed after June 15, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, transportable in one or more sections, which in the traveling mode is eight feet (8') or more in width, or forty feet (40') or~~

~~more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with a continuous permanent masonry foundation (not pierced except for required ventilation and access) and connected to the required utilities for systems contained therein and satisfies the following criteria:~~

A. The pitch of the home's roof is a minimum vertical rise of one foot (1') for each five feet (5') of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;

B. The exterior siding consists of wood, hardboard, aluminum, or vinyl covering, with reflectivity in no case exceeding the reflectivity of gloss white paint, comparable in composition, appearance, and durability to the exterior siding compatible with standard residential construction; and

C. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

15.01.02 Manufactured Home "Class B" requires skirting. ~~is a structure, constructed after June 15, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, transportable in one or more sections, which in the traveling mode is eight feet (8') or more in width, or forty feet or more (40'±) in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without a continuous permanent masonry foundation (not pierced except for required ventilation and access) and connected to the required utilities for systems contained therein, but that does not satisfy the criteria necessary to qualify as "Class A" (10.01.02-A). Skirting is required for "Class B" manufactured homes.~~

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15.04 Multi-Family in Mixed Uses

15.04.01 Multi-family residential uses (Use 1.14, 1.15 and 1.16) are allowed in the B1, B2 and B3 zoning districts when the criteria in this Section are met.

A. For purposes of this Section, "commercial" shall include the following uses: 3.08 Motel, 3.09-3.11 Hotel, 4.03 Funeral Home Establishment, 4.05 Post Office, 5.01 Government Cultural Facility, 5.02-5.03 Government Neighborhood Cultural Facility, 5.04-5.06 Recreation Facility, 5.07-5.09 Event Venue, 5.12 Police Substation, 5.16 Government Facility, 8.0 Assembly, 9.0 Education, 10.02 Child Daycare Center, 10.04 Adult Daycare Center, 10.5 All Other Daycare, 11.0 General Sales and Service, 12.0 Recreation, 14.0 Manufacturing, 16.01 Mini-Storage, 17.0 Transportation, and 19.0 Particular Activities which pose Particular Concerns about Public Health.

B. To the extent this Section conflicts with other Articles of this Ordinance, this Section shall control.

C. "Commercial use" and "street level commercial land use" as referred to in this section 15.04, means only space in a building used or to be used for commercial uses unrelated to the residential use of the building or development. By way of clarification and not as a

limitation, the following uses may not be counted as "commercial use": amenities operated entirely or in the main for residents (including but not limited to swimming pools, gyms, etc.); required recreation space; space used to operate and maintain the residential portion of the development, including leasing, management, and/or maintenance-related office space; and/or common areas of the residential units.

1. Notwithstanding the foregoing, only parking spaces located in a single-use parking structure (not containing residential units below or above) may be counted as "street level commercial land use."

D. A minimum of 35% ~~minimum of 60%~~ of the ground-floor facade area ~~street facing street level building facade~~ shall be comprised of transparent~~, non-reflective windows~~ glazing (clear windows and doors).

1. Exception: Commercial uses as listed in UDO Subsection 15.04.01 (A) that are considered non-storefront uses as defined herein Article 34 shall have a minimum of 20% of the ground-floor facade area that shall be comprised of transparent glazing.

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15.04.02 Multi-family residential uses, either as the result of new construction or conversion, are allowed in the Central Business District (B1) only if the projects in which they are included meet all the following criteria:

A. Each project shall provide primary street level commercial land uses (i.e. retail, office, restaurant) of at least fifty percent (50%) of the square footage of the footprint of each building on the primary street level. For developments located on lots which abut more than one public street in the Central Business District, each additional street level floor shall provide commercial uses of at least 30% of that level's square footage. For purposes of this Subsection, the "primary street" shall be determined according to the following order: King Street, Howard Street, Depot Street, all other streets. For example, if a project is located on a lot that abuts both King Street and Howard Street, King Street shall be considered the "primary street" while for a project which abuts Howard Street and Depot Street, Howard Street shall be considered the "primary street" and so on.

B. The entire frontage of the primary street level of the building abutting the street shall provide commercial uses. Required entrances for ingress and egress to secondary uses are permitted along said frontage so long as they are no larger than necessary to meet building code and safety requirements for ingress and egress. Commercial uses on the non-primary street level(s) shall front on the non-primary street.

C. The entire primary street level floor of the building shall be constructed to commercial standards in accordance with North Carolina Building Code Group A, B, E or M.

D. New projects on property which was vacant as of February 1, 2018 shall be at least two floors above the primary street level.

E. Buildings facades shall be oriented to each public street and shall have a primary entrance door facing each abutting public sidewalk.

F. A minimum of 30% of non-primary ~~street level~~ facing ground-floor facade areas ~~building facades~~ shall be comprised of transparent~~, non-reflective windows~~ glazing.

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**15.46 ~~Home Occupation~~No-Impact Home-Based Business (Accessory)**

**15.46.01** A no-impact home-based business may be conducted as an accessory use of a dwelling unit without a permit. A no-impact home-based business is a business that:

**A.** Is limited to the sale of lawful goods and services. Goods are defined as any merchandise, equipment, products, supplies, or materials.

**B.** Does not generate on-street parking or a substantial increase in traffic through the residential area.

**C.** Occurs inside or in the yard of the residential dwelling.

**D.** Is not visible from the street.

**15.46.02** The use of the dwelling unit for the no-impact home-based business shall be clearly subordinate to its use for residential purposes.

**15.16.03** The total number of on-site employees and clients do not exceed the occupancy limit for the property.

**15.16.04** No equipment or process shall be employed that will cause noise, vibration, odor, glare, or electrical or communication interference detectable to the normal senses. For detached dwelling units this is measured at the lot line. For attached dwelling units this is measured just outside of the dwelling.

~~**15.46.01** A Home Occupation may be conducted as an accessory use of a dwelling unit, provided that:~~

~~**F.** No person other than members of the resident family shall be engaged in such occupation, and~~

~~**G.** The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes, and not more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation, and~~

~~**B.** No external evidence of the conduct of the home occupation shall be visible, other than a sign as permitted in Article 26, and~~

~~**H.** The home occupation shall not generate traffic volumes or parking area needs greater than would normally be expected in a residential neighborhood, and~~

~~**I.** No equipment or process shall be employed that will cause noise, vibration, odor, glare, or electrical or communication interference detectable to the normal senses off the lot; in the case of detached dwelling units, or outside the dwelling unit, in the case of attached dwelling units, and~~

~~J. The on-premise sale and delivery of goods which are not the products of the home occupation are prohibited.~~

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Article 21 Stormwater Management

21.01 Plan Approval Required

21.01.01 Subject to the requirements of Article 4, a drainage plan with supplemental stormwater calculations is required to be submitted with all applications.

A. Single-Family Dwellings (Use 1.01), Manufactured Homes (Use 1.02-1.04), other uses lawfully operated out of a single-family dwelling or Use 1.06 Duplex (one duplex building per lot) with less than 40% of impervious area, not discharging to steep or very steep slope, shall submit a drainage plan and supporting calculations in compliance with:

1. UDO Appendix C, Section C.2 Stormwater Control Measures (SCMs) Guidelines for Certain Residential Development; or

2. UDO Article 21 and Appendix A, Section A3.05.

B. All other development, including subdivision infrastructure, shall submit a drainage plan and supporting calculations in compliance with this Article and the drainage plan requirements set forth in UDO Appendix A, Section A3.05.

C. Exemptions. The following are exempt from the requirements of Subsections A or B above, as applicable:

1. ~~Impervious~~ Built-upon area improvements of 500 square feet or less where the applicant takes measures to ensure that neighboring properties are not burdened with any stormwater runoff.

2. Lots ~~within subdivisions or developments~~ that have an approved drainage plan where any new impervious area was considered in the previously approved plan and subsequently constructed in accordance with such plan.

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21.03 Drainage & Stormwater Management Performance Standards

21.03.01 All drainage structures and stormwater management measures shall be designed, constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of development activities. Specifically:

A. Offsite areas which drain to or across a site proposed for development must be accommodated in the stormwater plans for the development.

1. The stormwater management system must be capable of conveying the existing offsite flows through or around the development such that the volume and rate of flow from the adjacent property is not altered.

2. If offsite flows are carried in the site system, any detention ponds shall be sized to accommodate this flow.

B. Stormwater drainage facilities shall be designed to limit the discharge from the site to the rate that existed prior to any ~~development~~ addition of built-upon area of the site.

1. For projects that are redeveloping a developed site, the discharge ~~will be limited to that which occurs before any new development.~~ shall be limited to that which occurred from the previous built-upon area.

C. The type and location of the discharge will be as occurred before the current development unless the discharge is to a manmade conveyance system.

1. If the discharge is in a manmade conveyance the Town of Boone will be furnished an easement to the point that the pre-development flows are duplicated.

21.03.02 All ~~site improvements~~ increased built-upon area shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the ~~development~~ site. Surface water shall not be regarded as unduly retained if:

A. The retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or stormwater runoff control plan, or

B. The retention is not substantially different in location or degree than that experienced on the ~~development~~ site prior to ~~site improvements~~the increase in built-upon area, unless such retention presents a danger to health or safety.

21.03.03 These competing goals for retention and discharge can be accomplished by designing, constructing and maintaining all stormwater management installations to the extent practicable to:

A. Avoid increases in surface runoff volume and velocity by including measures which promote the infiltration of stormwater,

B. Maximize the time of concentration of stormwater runoff, and

C. Promote the filtration and precipitation of pollutants from stormwater runoff in order to protect the water quality of the receiving watercourse.

21.03.04 The drainage system ~~of a development site~~ shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets where they exist.

21.03.05 All site improvements shall conform to the natural contours of the land, and without disturbance, utilize the preexisting natural and preexisting man-made drainage ways.

21.03.06 Lot boundaries within subdivisions shall be made to coincide with natural and preexisting man-made drainage ways to avoid creation of lots that can only be built upon by altering such drainage ways.

21.03.07 Stormwater shall not be diverted from one natural drainage basin into another.

21.03.08 Stormwater shall not be channeled or directed into sanitary sewers.

21.03.09 Design Storm:

A. The minimum design capacity for all storm drainage facilities and cross drainage facilities in public streets shall be the twenty-five (25) year discharge.

B. The design of drainage facilities in flood hazard areas shall be consistent with the requirements of Article 30.

C. The computation of stormwater runoff shall follow established engineering best practices. Acceptable methods of computation include, but are not limited to, those outlined in the Soil Conservation Service National Engineering Field Manual, the Rational Method, and published U.S. Geological Survey techniques for estimating stream flow. Runoff coefficients shall be based on full development of the watershed to the extent of the current zoning.

D. Stormwater detention shall be provided to ensure that the rate of discharge does not exceed the ~~pre-development~~ rate of discharge on the site prior to the increase in built-upon area. In order to demonstrate this, pre and post development hydrographs will be submitted that demonstrate no increase in flow leaving the site during the twenty-five (25) year twenty-four (24) hour storm. In this situation pre development shall reference the site, with all built-upon area, prior to the increase in built-upon area. Inflow-outflow calculations shall also be submitted for any stormwater detention ponds.

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Article 25 Community Appearance Standards

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25.05 Building Orientation

25.054.01 With the exception of townhouse uses, structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings are exempt from this section.

25.045.02 The intent of this Section is to provide a design of buildings that support a safe and attractive pedestrian environment.

A. Primary façade and main building entry shall face the primary public way.

B. If site constraints are present, the applicant's intent to use a "stock plan" is not a basis for appeal.

C. The Administrator may approve a redesign in which the main primary entrance does not face the primary public way provided the following:

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

2. Entrances which are oriented on a diagonal are permitted, provided that they are integrated with the overall architectural design, and not merely angled appendages or alcoves.

3. Ground floor windows or window displays shall be provided along at least ten percent (10%) of the building's ground-floor facade area ~~(ground floor) street-facing elevation(s)~~; windows and display boxes shall be integral to the building design and not mounted to an exterior wall. Parapets above the first floor are excluded from the calculations when the building is over eighty feet (80') in length.

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Article 34 Definitions

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Built-Upon Area

Built-upon area means impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. None of the following surfaces shall be considered built-upon area:

A. A slatted deck with pervious surface beneath

B. The water area of a swimming pool

C. A surface of number 57 stone, as designated by the American Society for Testing and Materials laid at least four inches (4") think over a geotextile fabric.

D. A trail as defined in North Carolina G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour).

E. Landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive only pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle.

F. Artificial turf manufactured to allow water to drain through the backing of the turf and installed according to the manufacturer's specifications over a pervious surface.

~~Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities, etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious).~~

…

**Development**

Unless the context clearly indicates otherwise, and without altering the scope of any regulatory authority granted by statute or local act, the term means any of the following:

A. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.

B. The excavation, grading, filling, clearing, or alteration of land.

C. The subdivision of land as defined in G.S. 160D-802.

D. The initiation of or substantial change in the use of land or the intensity of use of land.

~~D.~~E. In addition, for the purposes of determining stormwater runoff the term development also includes any land-disturbing activity that increases the amount of built-upon area or that otherwise decreases the infiltration of precipitation into the subsoil.

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Ground-floor facade area (only in relation to glazing/fenestration requirements)

The exterior wall area of a building measured from grade to 10 feet above grade, excluding loading docks, service bays, mechanical areas, emergency exits, vehicular doors, and other functional areas that are not reasonably treated as storefront facade.

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Manufactured Home

For manufactured homes built on or after June 15, 1976, as defined in 42 U.S.C. § 5402(6), "manufactured home" means a structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built with or without a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under this chapter; and except that such term shall not include any self-propelled recreational vehicle.

For manufactured homes built before June 15, 1976, "manufactured home" means (i) a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semipermanent foundation having a measurement of over thirty-two (32) feet in length and over eight (8) feet in width; or (ii) a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semipermanent foundation having a measurement of over thirty-two (32) feet in length and over eight (8) feet in width."

Manufactured Home "Class A"

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

~~The pitch of the home's roof is a minimum vertical rise of one (1) foot for each five (5) feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;~~

~~The exterior siding consists of wood, hardboard, aluminum, or vinyl covering, with reflectivity in no case exceeding the reflectivity of gloss white paint, comparable in composition, appearance, and durability to the exterior siding compatible with standard residential construction; and~~

~~The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.~~

Manufactured Home "Class B"

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

Manufactured Home "Class C"

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

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~~**Home Occupation**~~**No-Impact Home-Based Business**

~~An accessory use conducted entirely within a dwelling and carried on by the occupants thereof, which use is incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof.~~ Any business owned and operated by the owner or occupant of the residential dwelling that manufactures, provides, or sells goods or services.

~~**Home Occupation**~~**No-Impact Home-Based Business Sign**

A sign permitted in association with a legitimate ~~home occupation~~no-impact home based business conducted on the premises of the dwelling unit occupied by the operator of the establishment.

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Non-Storefront Uses (only in relation to glazing/fenestration requirements)

For commercial or mixed-use buildings, glazing requirements have an exception for non-storefront uses as listed herein. Non-storefront uses include all of the following:

A. Religious assembly or sanctuary spaces.

B. Medical or dental examination, treatment, or healthcare services.

C. Educational instruction or counseling.

D. Civic or nonprofit services.

E. Funeral services.

F. Lodge or meeting hall use.

G. Storage or back-of-house operations.

H. Other institutional, assembly, or service uses not primarily operated as walk-in retail, restaurant, bar, entertainment, or commercial storefront uses.

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**Appendix A Application Information**

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A3.05 Drainage Plan

A3.05.01 When required, an applicant shall submit a drainage plan.

A3.05.02 The drainage plan shall be prepared by and shall bear the seal and signature of a North Carolina licensed professional engineer or landscape architect, competent to perform all aspects of design.

A3.05.03 The drainage plan shall refer to the drawings and technical documentation for planned site improvements necessary to fulfill both the drainage and stormwater requirements of this Ordinance and shall include:

A. Location and topographic maps with the total drainage area delineated including both on-site and off-site areas and sufficient information to define all ridges, existing streams, drainage ways, wetland areas, existing springs, and water elevation of any proposed discharge point, and any additional information required to evaluate the existing and proposed drainage system.

B. Architectural and engineering drawings showing plan, profile and details of; piping, drainage structures, swales, and channels tying into a network of pre-existing man made or natural channels.

C. Written project specifications governing work performance and materials.

~~C.~~D. Site plans shall include the location of existing built-upon area and shall show the area of new built-upon area.

~~D.~~E. Computations and assumptions sufficient to support the design of; piping, drainage structures, retention/detention ponds, and permanent erosion control measures.

~~E.~~F. Whatever other narrative statements necessary to adequately describe the proposed site improvements and the measures planned to comply with the requirements of this Appendix.

~~F.~~G. The Drainage Plan shall be prepared to meet the basic objectives and design standards for drainage and stormwater management as described in Article 21.

~~G.~~H. The Drainage Plan shall show the existing site topography and proposed site drainage improvements in sufficient detail to facilitate plan review and construction. The Drainage Plan drawings shall be presented at a scale not smaller than 1 inch = 50 feet.