

APPENDIX A APPLICATION INFORMATION

A1 General Requirements

A1.01 The presumption established by this Ordinance is that all of the information listed in this Appendix must be submitted with all applications to enable the permit issuing authority to determine whether the development, once completed as proposed, will comply with all requirements of this Ordinance.

- A.** However, the permit-issuing authority may require more information or accept less information according to the circumstances of the particular case.
- B.** An applicant who believes information presumptively required by this Appendix is unnecessary shall contact the Administrator for an interpretation.

A1.02 With respect to all plans and other documents required by this Ordinance, the applicant shall submit the number of copies that the Administrator deems necessary to expedite the review process.

A2 Written Application

A2.01 Every applicant shall complete a written application containing at least the following information:

- A.** The name, address, and phone number of the property owner; and
- B.** If the applicant is not the property owner in question, the name, address and phone number of the applicant.
 - 1. Pursuant to Subsection 4.03.01(B), when a person other than the owner of the property applies for a permit or approval including a lessee or a person who has contracted to purchase the property, the application must be accompanied by the written approval of the property owner or other proof of authority; and
- C.** The date of the application; and
- D.** A succinct statement of the nature of the development proposed under the permit or the nature of the variance; and
- E.** Identification of the lot in question by street address and Watauga County Parcel Identification Number; and
- F.** The zoning district in which the lot is located; and
- G.** The cost of the development project; and
- H.** The number of square feet or acres of the lot in question; and
- I.** The number of square feet or acres of land disturbing activity; and
- J.** The gross floor area of all existing or proposed buildings located on the lot where the development is to take place.

A3 Development Site Plans

A3.01 All plans should use a method of portrayal that is well thought out, systematized, and clearly presented graphically. All features required to be shown on the plans as set forth in this Section may be included on one set of plans, so long as the features are distinctly discernible.

A3.02 Basic Plan Requirements

A3.02.01 First Page: The first page of all development plans shall contain:

- A. Name of property owner(s); and
- B. Name of applicants(s); and
- C. Name of all responsible design professionals and/or project manager
- D. Name of development (if any); and
- E. North Arrow; and
- F. Legend; and

A3.02.02 Location Map: The location map shall show the location of the development in the broad context of the Town or planning jurisdiction.

- A. This location map may be drawn on the development site plan or it may be furnished separately using reduced copies of maps of the Town’s planning jurisdiction available at the Planning and Inspections Department.

A3.02.03 Scale: Plans shall be drawn to scale, using such a scale that all features required to be shown on the plans are readily discernible. Large developments may require that plans show the development in sections. The objective may be accomplished by using plans drawn to different scales to illustrate features.

A3.02.04 Plans must be drawn or printed in permanent blue or black ink.

A3.02.05 Plans must demonstrate all existing Natural, Man-Made, and Legal Features including:

- A. Tree line of wooded areas; and
- B. Orchards or other agricultural groves by common or scientific name; and
- C. Streams, ponds, drainage ditches, swamps; and
- D. Vehicle accommodation areas designated by surface material and showing the layout of existing parking spaces, and direction of travel; and
- E. Streets, private roads, sidewalks, and other walkways, all designated by surface material; and
- F. Curbs and gutters, curb inlets, and curb cuts, and drainage grates; and

- G. Other storm water or drainage facilities, including manholes, pipes, and drainage ditches; and
- H. Underground utility lines, including water, sewer, electric, telephone, gas and cable television; and
- I. Aboveground utility lines and other utility facilities; and
- J. Fire hydrants; and
- K. Location and dimension of all buildings, structures and signs; and
- L. Location of all exterior light fixtures; and
- M. Location of solid waste and recycling enclosures; and
- N. Zoning of the property; and
- O. All property lines (with dimension identified); and
- P. All street right-of-way lines; and
- Q. All utility or other easements.

A3.02.06 Plans must demonstrate all proposed changes in existing natural, man-made, and legal features, including:

- A. The number of square feet in every lot created by a new subdivision; and
- B. Lot dimension, including lot widths measured in accordance with Section 16.03; and
- C. All intensities as set forth in Section 16.01.02 Intensity Table.
- D. Location and dimension of all buildings, structures and signs; and
- E. All applicable street and interior setbacks;
- F. Location and dimensions of all required recreational areas, with each area designated as to type of use; and
- G. Vehicle accommodation areas designated by surface material and showing the layout of existing parking spaces, and direction of travel; and
- H. Areas intend to remain as usable open space. The plans shall clearly indicate whether such open space areas are intended to be offered for dedication to public use or to remain privately owned; and
- I. Streets, labeled by classification and street name showing whether curb and gutter or shoulder and swales are to be provided along with street pavement widths. Streets shall be labeled as public or private; and
- J. Curbs, gutters, curb inlets and curb cuts, drainage grates; and
- K. Other stormwater or drainage facilities; and
- L. Sidewalks and walkways showing widths and details of construction; and

- M.** Bridges; and
- N.** Underground utility lines, including water, sewer, electric, telephone, gas and cable television; and
- O.** Aboveground utility lines and other utility facilities; and
- P.** Fire hydrants; and
- Q.** Location of solid waste and recycling enclosures; and

A3.03 Grading Plan

- A3.03.01** When required, an applicant shall submit a grading plan.
- A3.03.02** The grading plan shall be prepared by and shall bear the seal and signature of a North Carolina licensed professional engineer, landscape architect, surveyor, or architect competent to perform all aspects of design.
- A3.03.03** The grading plan shall contain:
 - A.** Site specific soils investigation (if performed); and
 - B.** Detail drawings and cross-section of earthwork,
 - C.** Construction details for retaining structures; and
 - D.** Other narrative statements necessary to adequately describe the proposed development of the tract and the measures planned to comply with the requirements of this Ordinance.
 - E.** More specialized documentation may include such items as:
 - 1. Design calculations for temporary excavation support; and
 - 2. Calculations for temporary surface water diversion; and
 - 3. Dewatering methods with provisions for handling extracted water; and
 - 4. Importation of fill material (quantity and type); and
 - 5. Description of rock excavation techniques (blasting) with protection or monitoring of neighboring properties and structures, etc.
 - F.** The construction sequence describing major work activities shall be listed on the plan.
 - G.** Grading that can be conducted in phases should be clearly indicated on the plan. Multiple plans may be necessary to adequately portray tracts with complex phasing or discontinuous areas of land-disturbing activity.
 - H.** Topographic survey:
 - 1. The grading plan shall be based upon a topographic survey prepared by a registered land surveyor of the tract that includes detailed information of both natural and cultural physical features prior to development.

2. In addition to showing physical features such as existing buildings, overhead and/or underground utilities, roadways, walks, water or drainage features, the plan should also indicate the location of existing vegetation, particularly historic and significant trees being retained and protected and limits of vegetation if the tract is partially wooded.
 3. Contour lines shall be used to present the topography of the entire tract, including sufficient distance into adjoining properties to indicate continuity. The contour line interval should be selected to appropriately convey the topographic information for planning and controlling construction. Generally, a two (2) foot contour interval is sufficient. However, smaller intervals (0.5 – 1.0 ft.) may be used for flatter areas and larger intervals (5 – 10 ft.) for steeper terrain. Contour intervals may be no greater than ten feet (10').
- I. Basic Survey Data Required:
1. Boundary information (metes and bounds, legal description of the site if available), including all existing and proposed street right-of-ways.
 2. Location of existing curbing, walks, grass, utility or planting strips, edge of pavement, roadway medians, if any, and their respective grades, widths, and alignments.
 3. Location, size, and depths of all underground utilities when available, including; gas, electric, water, sanitary sewer, stormwater drainage features, telephone, television cable, etc.
 4. Location and approximate height above existing grade of overhead utility lines and poles for lighting, electric, telephone, cable television, etc.
 5. Location and description of all recorded public or private utility easements, building setbacks, and drainage easements encumbering the tract.
 6. Location of all natural features such as rock outcroppings, watersheds, streams, ponds, etc. on the lot or within 100 feet of the graded area. This information conveys the impact of the proposed development on the lot.
 7. Location of any wells or septic fields within 100 feet of the graded area.
 8. Location of existing structures such as buildings, retaining walls, fences, building foundations, underground storage tanks, etc. Reference of the setbacks of other buildings on adjacent properties and adjacent property lines.
 9. Location of sufficient spot elevations on existing land surface to generate a topographic map of the entire tract.
- J. Grading Plan Format: The following information shall also be included on the grading plan:
1. Contour lines shall be used to present the existing and proposed topography of the entire tract, including sufficient distance into adjoining properties to indicate

continuity. The contour line interval should be selected to accurately and appropriately convey the topographic information for planning and controlling construction. Generally, a two foot (2') contour interval is sufficient. However, smaller intervals (0.5 -1.0 ft.) may be used for flatter areas and larger intervals (5 - 10 ft.) for steeper terrain. Contour intervals may be no greater than ten feet (10').

2. Grades at corners of buildings, step landings, and first floor elevations.
3. Finished grades at the edges of surfaced areas and at such interior points as necessary to show the shaping of the area. A combination of proposed contours and spot evaluations may be used to convey this information.
4. Proposed roadway elevations by indicating proposed contours and spot elevations where necessary. Profiles, cross-sections, and spot elevations are to be used to establish grading of paved areas such as roadways.
5. Top-of-curb grades at all connecting walks, curb returns, and all catch basin locations.
6. Spot elevations along swale lines, by using arrows to show direction of flow. Slope gradients should also be shown.
7. Top elevation of all storm and sanitary sewer manholes and other appurtenances.
8. Lawn and earth grades can be shown by proposed contours and by spot elevations where necessary.
9. The proposed location of stockpiled topsoil for future use in landscaped areas. To avoid root compaction the stockpile should be located outside root zones of the significant vegetation to be preserved.
10. The storage locations of construction materials outside the root zones of significant vegetation to be preserved to avoid root compaction.
11. The location of existing significant vegetation such as specimen trees or the canopy limits of wooded areas intended for preservation.
12. The elevations of any flood plains located on, or directly affecting a tract (i.e. drainage, sediment and erosion control considerations and/or watershed protection).

A3.04 Soil Erosion and Sediment Control Plan

A3.04.01 When required, an applicant shall submit a soil erosion and sediment control plan.

A3.04.02 The soil erosion and sediment control plan shall be prepared by and shall bear the seal and signature of a North Carolina licensed professional engineer, landscape architect, surveyor, or architect competent to perform all aspects of design.

A3.04.03 The soil erosion and sediment control plan shall contain the following information:

- A. The soil erosion and sediment control plan shall define the existing site topography and the proposed site conditions in sufficient detail to accurately plan and implement the planned erosion, sedimentation, and velocity control measures.
- B. The soil erosion and sediment control plan shall be prepared to meet the basic objectives, design standards, and performance standards for erosion control in this Ordinance.
- C. The soil erosion and sediment control plan shall be presented at a scale not smaller than 1 inch = 50 feet.
- D. Soil erosion and sediment control measures that will be active, dormant, or removed during various phases of the land-disturbing activity shall be clearly indicated on the soil erosion and sediment control plan. Multiple erosion and sediment control plans may be necessary to adequately portray the tracts with complex phasing or discontinuous areas of land-disturbing activity.
- E. The soil erosion and sediment control plan should follow the same format for grading plans in accordance with A3.03.03-J.

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

A3.06 Special Flood Hazard Area Plan

- A3.06.01** When required, an applicant shall submit a special flood hazard area site plan.
- A3.06.02** The special flood hazard area site plan shall be prepared by a registered land surveyor or professional engineer.
- A3.06.03** The special flood hazard area site plan shall contain the following information:
 - A.** A site plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 1. The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development; and
 2. The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Subsection 30.01.02 or a statement that the entire lot is within the Special Flood Hazard Area; and
 3. Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Subsection 30.01.02; and
 4. The boundary of the floodway(s) or non-encroachment area(s) as determined in Subsection 30.01.02; and
 5. The Base Flood Elevation (BFE) where provided as set forth in Subsection 30.01.02; Section 30.02.03; or Subsection 30.02.04; and
 6. The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
 7. The certification of the site plan by a registered land surveyor or professional engineer.
 - B.** Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
 1. Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
 2. Elevation in relation to mean sea level to which any non-residential structure in Zone AE, or A will be floodproofed; and

3. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.
- C. If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.
- D. A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of Article 30 Flood Damage Prevention are met. These details include but are not limited to:
 1. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
 2. Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Subsection 30.03.02(E)(3) when solid foundation perimeter walls are used in Zones A, AE.
- E. Usage details of any enclosed areas below the lowest floor.
- F. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
- G. Certification that all other Local, State and Federal permits required prior to Floodplain Development Permit issuance have been received.
- H. Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Subsection 30.03.02(G) and 30.03.02(H) of Article 30 Flood Damage Prevention are met.
- I. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream as determined by the Flood Study; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

A3.07 Building Elevations

A3.07.01 When required, an applicant shall submit building elevations in accordance with Article 25 Community Appearance Standards.

A3.07.02 An applicant shall submit building elevations of each side of the building, which shall graphically illustrate in site plan view and elevation view, those elements which are publicly visible. Elevation drawing shall:

- A. Provide all materials and colors rendered in such a way that each is distinct; and

- B.** Be accompanied by the following information for each portion of the building, corresponding to the design requirements set forth in Article 25:
 - 1. Largest distance in plan between required features and the elevation(s) on which this occurs; and
 - 2. Largest distance in elevation between required features and the elevation(s) on which this occurs; and
 - 3. Number of features required and number present in each elevation (presented in a table “Feature Schedule”); and
 - 4. Name of each type of feature in elevation; and
 - 5. Material samples shall be provided for all synthetic materials not specifically approved by Section 25.02.

A3.08 Lighting Plan

A3.08.01 When required, an applicant shall submit a lighting plan in accordance with Article 25 Community Appearance Standards.

A3.08.02 An applicant shall submit a lighting plan prior to the issuance of building permits.

A3.08.03 The plan shall contain the following information:

- A.** An area lighting plan, drawn to scale, indicating all structures, parking lots, building entrances, vehicular and pedestrian traffic areas, vegetation that may interfere with lighting, and adjacent land uses that may be adversely impacted by the lighting. The plan shall contain a layout of all proposed fixtures by location, orientation, aiming direction, mounting height and type.
- B.** The plan shall include existing (to remain) and proposed exterior lighting (site, architectural, building entrance, landscape, flagpole, etc.).
- C.** A 10’ x 10’ illuminance grid (point-by-point) of maintained footcandles overlaid on the site plan plotted out to 0.0 footcandles, which demonstrates compliance with Section 25.05.

A3.08.04 A detail of all proposed light fixtures demonstrating compliance with Section 25.05 shall be submitted with the lighting plan.

A3.09 Landscape Plan

A3.09.01 When required, an applicant shall submit a landscape plan.

A3.09.02 Landscape plans shall be prepared by a person who demonstrates knowledge and experience in the field of landscaping and/or site design such as a landscape architect, urban designer, nurserymen, or horticulturist.

A3.09.02 A detailed tree survey showing all existing trees eight inch (8”) caliper or greater shall be submitted with the landscape plans.

- A3.09.03** The landscape plan shall include the following:
- A.** A plant list showing: quantity, scientific names, common names and sizes and a key that identifies the location of all plant material on the landscape plan.
 - B.** Shrub sizes shall be shown by height only and tree sizes by caliper and height.
 - C.** Proposed drives, paving areas, decks, walks, pools, and other man-made structures/elements which are to be constructed within the property.
 - D.** All construction notes/details relating to construction, specific material and planning procedures.
 - E.** A table which indicates detailed use of existing plant material.
 - F.** Landscape plans shall comply with required driveway/intersection sight distance triangle requirements in Subsection 31.02.02.
 - G.** All TPA's shall be specified on the landscape plan and the grading/soil erosion and sediment control plan.
 - H.** A tree protection fence detail provided on the landscape plan and the grading/soil erosion and sediment control plan.

A10 Plat Requirements

A10.01 Exempt Plats

A10.01.01 In accordance with Section 5.05 the following certifications must be included on a plat for an exempt division of land:

A. Certificate of Ownership for Exempt Divisions of Land

I (we) certify that I am (we are) the owner(s) of the property described hereon, which property is located within the jurisdiction of the Town of Boone.

Owner Date

B. Certificate of Survey and Accuracy

I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____, page _____, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, page _____; that the ratio of precision as calculated is 1:_____; that this plat was prepared in accordance with N. C. Gen. Stat. 47-30. Witness my original signature, registration number and seal this _____ day of _____, A.D., _____.

Seal or Stamp

Surveyor

Registration Number

C. Certificate of Approval of Exempt Division of Land

I certify that to the best of my ability I have determined that the plat shown hereon is exempt from the Town of Boone Subdivision Regulations because the plat represents:

(CHOOSE ONE)

- The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the minimum standards set forth in this Ordinance.
- The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.
- The public acquisition by purchase of strips of land for widening or opening streets or for public transportation system corridors.
- The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards set forth in this Ordinance.

Planning Director or Designee

Date

A10.02 Minor and Major Subdivisions

A10.02.01 All final plats shall be prepared in accordance with N.C. Gen. Stat. 47-30.

A10.02.02 Plat Content Required:

- A.** Dimensions of the plat shall be 18 inches x 24 inches. When more than one (1) sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision.

- B.** Title Block to contain:
 - 1. Name of Development; and
 - 2. Property owner's name, address and daytime telephone number; and
 - 3. Surveyor's name, address and telephone number; and
 - 4. Applicant's name, address and telephone number (if different from the property owner's); and
 - 5. Location (including address, township, county, and state); and
 - 6. Date(s) plat prepared or revised; and
 - 7. Graphic and written scale; and
- C.** North arrow.
- D.** Total acreage of the property to be subdivided along with the total number of proposed lots/units and the approximate location, dimension and acreage of all proposed or existing lots.
- E.** Current zoning and zoning district lines.
- F.** Existing land use within the property and on adjacent properties.
- G.** Names of adjoining property owners.
- H.** Plat book or deed book reference for the property to be subdivided.
- I.** Vicinity map showing location of site relative to surrounding area .
- J.** Corporate limits, county lines, and other jurisdiction lines, if any, on the tract.
- K.** The exact boundary lines of the property to be subdivided fully dimensioned by lengths and bearings, and the location of intersecting boundary lines of adjoining properties. If existing property lines are to be changed, label as "old property line(s)" and show as faded dashed lines.
- L.** The approximate location, dimensions (including rights-of-way, utility or other easements), and area of all land proposed to be set aside for park or playground use or other public use, or for the use of the property owners in the proposed subdivision.
- M.** Statement of intended use of lots.
- N.** The right-of-way lines and easement of all streets and roads, and access right-of-way to state roads or town streets.
- O.** Lot lines showing bearings and distances. All dimensions should be to the nearest one hundredth (0.01) of a foot and angles to the nearest minute.
- P.** Building setbacks lines (in table format).

- Q.** Relationship with the Special Flood Hazard Area as delineated by the most recent Flood Insurance Rate Map.
- R.** A statement that individual lots have or have not been approved by the Appalachian District Health Department for well and septic tank use.
- S.** Reference to deed book and page number of recorded restrictive covenants.
- T.** Reference to the deed book and page number of the owner’s deed for the property to be subdivided.
- U.** The plans for utility layouts, including sanitary sewers, water distribution lines, stormwater systems, natural gas, telephone and electric service, illustrating connections to existing systems or plans for individual water supply systems and/or sewage disposal systems, line sizes and location of fire hydrants, and manholes.
- V.** Street names
- W.** A subdivision disclosure as required by G.S. 136-102.6, which fully discloses the status, whether public or private, of the road upon which the lots front.
- X.** No final plat that shows lots served by private roads may be recorded unless the final plat contains the following notations:

“Further subdivision of any lot shown on this plat as served by a private road may be prohibited by the Town of Boone Unified Development Ordinance.”
- Y.** Final plat approval for any subdivision containing land that lies within a Special Flood Hazard Area may not be given unless the plat shows all Special Flood Hazard Area boundaries and contains in clearly discernible print the following statement:

“Use of land within the Special Flood Hazard Area is substantially restricted by the Flood Damage Prevention Ordinance of the Town of Boone.”
- Z.** Certifications
 - 1. Minor Subdivisions
 - a. Certificate Of Ownership for Minor Subdivision

I hereby certify that I am (we are) the owner(s) of the property described hereon, which property is within the subdivision regulation jurisdiction of the Town of Boone, and that I freely adopt this plan of subdivision.

Owner

Date

- e. The certificate listed below shall appear on all major subdivision plats which are located outside of the corporate limits of the Town but are within the planning jurisdiction and which contain public streets.

Division of Highways District Engineer Certificate

I certify that public streets shown on this plat have been completed, or that a performance bond or other sufficient surety has been posted to guarantee their completion, in accordance with at least the minimum specifications and standards of the State Department of Transportation for acceptance of subdivision streets on the state highway system for maintenance.

District Engineer

Date

A11 Owner's Associations

A11.01 Creation: When required, an owners' association must be established to fulfill requirements of the North Carolina Condominium Act and to accept conveyance and maintenance of all common elements and facilities within a subdivision or development containing common elements. The owners' association must be in legal existence prior to the conveyance, lease-option, or other long-term transfer of control of any unit or lot in the development.

A11.02 Conveyance: Where subdivisions or developments have common elements serving more than one dwelling unit, these common elements must be conveyed to the owners' association, in which all owners of lots in the development must be members. All common elements other than public street rights-of-way, other areas dedicated to the city, and lots must be designated as common elements. In a condominium development the common element must be platted as common elements in accordance with the NC Condominium Act. In other subdivisions or developments, fee-simple title must be conveyed by the applicant to the owners' association when the plat is recorded.

A11.03 Subdivision or Conveyance of Common Elements: Common elements may not subsequently be subdivided or conveyed by the owners' association unless a revised preliminary plat and a revised final plat showing such subdivision or conveyance have been submitted and approved.

A11.04 Minimize Number of Associations: Subdivisions or developments, whether including different land uses, different types of housing, or simply different sections, must hold the number of owners' associations to a minimum. An association may establish different categories of membership, different budgets for the categories, and different rates of

assessment when different kinds of services are provided to different categories. Smaller associations under an umbrella (master) association are permitted.

A11.05 Owners' Association Not Required: A development involving only 2 units attached by a party wall (or 2 separate walls back-to-back) is not required to have common elements or an owners' association. Such developments without an owners' association must establish a maintenance agreement between owners to govern any party walls and to ensure reciprocal easement rights needed for maintenance.

A11.06 Common Elements in Subdivision Phases: Common elements required by this ordinance must be provided within each phase of the subdivision in an amount proportional to the size of the phase under review. Common elements can be counted cumulatively, including all sections recorded to date.

A11.07 Submission of Owners' Association Declaration: After preliminary plat approval, the applicant shall submit for review and approval a draft of the declaration of the owners' association containing covenants and restrictions governing the owners' association, lots or units, and common elements. Prior to or concurrently with the submission of the final plat for review and approval, the applicant must submit a copy of the final declaration for review and approval. The declaration must include provisions for the following:

A. Membership: Membership in the owners' association is mandatory for each original purchaser and each successive purchaser of a lot or unit. Provisions must be made for the addition of owners in subsequent sections of the development.

B. Responsibilities of Association: The declaration must state that the owners' association is responsible for:

1. payment of premiums for liability insurance and local taxes and fees;
2. maintenance of landscaping, recreational, engineered stormwater control and/or other facilities located on the common elements; and
3. payment of assessments for all public and all private improvements made to or for the benefit of the common elements.

C. Exterior Maintenance of Units: The owners' association must be made responsible for exterior maintenance of all attached units (whether they be dwelling units or nonresidential units); or each unit owner must be made responsible, with the owners' association granted authority to perform such exterior maintenance in the event the unit owner fails to do so in a prompt and satisfactory manner and to assess the cost of the maintenance against the unit.

- D. Powers of the Association:** The owners' association is empowered to levy assessments against the owners of lots or units within the development. Such assessments must be for the payment of expenditures made by the owners' association for the items set forth in this Section, and any assessments not paid by the owner against whom such assessments are made will constitute a lien on the lot of the owner.
- E. Easements:** Easements over the common elements for access, ingress, and egress from and to public streets and walkways, and easements for enjoyment of the common elements and for parking, must be granted to each lot owner.
- F. Maintenance and Restoration:** Provisions for maintenance and restoration in the event of destruction or damage must be established for common element improvements and party walls.
- G. Parking Allocation:** The declaration must contain the following provision: "Parking spaces must be allocated among the individual lots or units in such a manner that each unit is entitled to a sufficient number of parking spaces to comply with this ordinance for the use intended to be located therein. The owners' association must maintain a register listing the total number of parking spaces in the development and the number of spaces allocated to each lot or unit. A copy of this register must be available to the Town of Boone Planning and Inspections Department upon request. The owners' association may not reduce the number of parking spaces allocated to an individual lot or unit without the express written consent of the subject owner, and in no case may the number of parking spaces allocated to an individual lot or unit be reduced to a number below that required by this ordinance."
- H. Owners Association with a Private Wastewater Treatment, Collection and Disposal System:** The Declaration for an owners' association, responsible for the maintenance of a private wastewater treatment, collection and disposal system, must contain the following provisions:
1. The wastewater collection system with pumps, wastewater treatment works, and/or disposal facilities, including all appurtenances (the "disposal system") must be part of the common elements.
 2. The disposal system must be properly maintained and operated by the owners' association in conformity with law and the provisions of the permit for construction, operation, repair and maintenance of the system and facilities, as required by Title 15A, Subchapter 2T of the North Carolina Administrative Code.

3. The disposal system must be maintained out of the common expenses of the owners' association, and must receive the highest priority for expenditures by the owners' association except for federal, state and local taxes and insurance.
4. In order to assure that there will be funds readily available to repair, maintain or construct the disposal system, beyond the routine operation and maintenance expenses, a separate fund must be created out of the common expenses. Such funds must be separate from the routine maintenance funds allocated for the disposal system and must be part of the yearly budget.
5. In the event the common expense allocation and separate fund are not adequate for the construction, repair and maintenance of the disposal system, the owners' association is authorized to levy special assessments to cover the necessary costs. There will be no limit on the amount of special assessments, and any such special assessments can be made as necessary at any time.
6. The owners' association may not enter into voluntary dissolution without first having transferred its disposal system to another person acceptable to and approved by the North Carolina Environmental Management Commission or appropriate delegated authority, by the issuance of a permit.
7. The owners' association may not transfer, convey, assign or otherwise relinquish or release its responsibility for the operation and maintenance of its disposal system until a permit has been issued by the North Carolina Environmental Management Commission or appropriate delegated authority, to the owners' association successor.