

ARTICLE IX Zoning Districts and Zoning Map

Part I Zoning Districts

Section 151. Residential Districts Established

[a] The following residential districts are hereby established: R-1, R-1A, RR, R-2, R-3, R-4, R-A, and MH. Each of these districts is designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts. Other objectives of some of these districts are explained in the remainder of this section.

[b] The R-1 Single Family Residential District is established to provide a low-density living area consisting only of single-family dwelling units and other related uses necessary for a sound neighborhood. The regulations for this district are designed to stabilize and encourage a suitable living environment for family life.

[c] The R-1A Single-Family Residential with Accessory Apartment District is established to provide a low-density living area consisting of single-family homes with or without subordinate, accessory apartments. The regulations for this district are intended to maintain the essential character of a single-family neighborhood but allow for the establishment of accessory apartments which are clearly subordinate to the single-family home.

[d] The RR Residential Rehabilitation District is designed to recognize the need to preserve existing housing stock for low income occupants through rehabilitation efforts. Residential Rehabilitation Districts shall possess the following three characteristics:

- [1] The majority of the housing stock in the district shall have been constructed before the town adopted zoning regulations.
- [2] The area must qualify under U.S. Department of Housing and Urban Development standards as a blighted area.

- [3] The district must be a designated target area for which public money has been appropriated for the purpose of rehabilitating housing stock for low and moderate income persons. All existing non-conforming uses and uses with non-conforming features, within the Residential Rehabilitation District, shall comply with Sections 141 and 142 concerning nonconforming situations.

[e] The R-2 Two-Family Residential District is established to provide a medium density living area consisting of single-family and two-family dwellings, limited home occupations and other related uses necessary for a sound neighborhood.

[f] The R-3 Multiple-Family Residential District is established to provide a high density area consisting of three or more family dwelling units plus limited service use.

[g] The R-4 Two-Family/Mobile Home District is established to provide a medium density area consisting of two-family uses, and mobile homes on single lots.

[h] The R-A Residential/Agricultural District is established as a district in which the principal use of the land is for low density residential and agricultural purposes. These districts are intended to insure that residential development not having access to public water supplies and dependent upon septic tanks for sewage disposal will occur at a sufficiently low density to provide a healthful environment.

[i] The MH Mobile Home Park District is established to encourage well planned, attractive land development in the town by providing fair standards and beneficial requirements for the siting, operation, and maintenance of mobile homes.

Section 152. Commercial Districts Established

[a] The following commercial districts are hereby established: B-1, B-2, and B-3. These districts are created to accomplish the purposes and serve the objectives set forth in the remainder of this section.

[b] The B-1 Central Business District is intended to provide for the development of the commercial and service center for the town while maintaining its character, and to encourage appropriate residential uses in the central area of town, normally as part of mixed-use developments.

[c] The B-2 Neighborhood Business District is intended to provide for the development of low-density commercial and services that are accessible by pedestrians from surrounding neighborhoods, which serve the day to day convenience needs of surrounding neighborhoods, and are of such nature as to minimize conflicts with- the neighborhoods they serve.

[d] The B-3 General Business District is established to provide a wide range of consumer goods, convenience goods and personal services for the community and surrounding region.

[e] The O/I Office/Institutional District is established to provide a zoning district which promotes the development of moderately intensive commercial and institutional uses which are oriented toward the provision of services versus the sale of products.

[f] The U-1 University District is established to provide for university planning and expansion to occur consistent with overall community planning and expansion. The zone will provide a means by which the Planning Commission may review and coordinate plans of the university as they may affect the general health, safety, convenience and general welfare of the town.

Section 153. Manufacturing Districts Established

[a] The following district is established primarily to accommodate enterprises engaged in the assembly, fabrication, finishing, packaging or warehousing of goods and materials: M-1.

[b] The M-1, Light Industrial District is established to provide for light industrial and warehouse uses as defined by Section 15 [a][62].

Section 154. Conditional Zoning Districts Established

[a] Conditional zoning districts are zoning districts in which the development and use of the property is subject to predetermined ordinance standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property. A conditional zoning district allows particular uses to be established only in accordance with specific standards and conditions pertaining to each individual development project.

[b] It is noted that a conditional zoning district (bearing the designation CD) corresponds to each of the primary districts authorized by Sections 151, 152 and 153 of this ordinance. Conditional zoning districts are designed to accommodate land uses where significant local or regional impacts may not be adequately controlled under the standards of a general zoning district. Conditional districts provide for the accommodation of such uses by reclassification of property into a unique zoning district, subject to specific conditions, which ensure compatibility of the intended use with the use and enjoyment of neighboring properties.

[c] The conditional zoning district classification will be considered only upon the request of the property owner seeking rezoning. If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid, or if the applicant should fail to construct an approved site specific development plan in accordance with any condition agreed upon in the rezoning process, the authorization of the conditional zoning district shall be null and void and of no effect and proceedings shall be instituted to rezone the property.

[d] Within a conditional zoning district, only those uses authorized as permitted or special uses in the primary zoning district with which the zoning district corresponds shall be permitted, and all other requirements of the corresponding district shall be met as minimum standards.

[e] The authorization of a conditional zoning district for any use which is permitted only as a special use in the zoning district which corresponds to the conditional zoning district shall preclude any requirement for obtaining a special use permit for any such use from the Board of Adjustment.

[f] Any conditional zoning district authorized in accordance with the provisions of this ordinance shall have vested rights pursuant to North Carolina G.S. 160A-385.1 for the period of time established pursuant to Section 79 of this ordinance.

Section 155. Reserved

Section 156. Special Flood Hazard Area

[a] The Special Flood Hazard Area district is established as an “overlay” district, meaning that the district is overlaid upon other districts and the land so encumbered may be used in a manner permitted in the underlying district only if and to the extent such use is also permitted in the applicable overlay district. The Special Flood Hazard Area is further described in Part I of Article XVII of this ordinance.

Section 157. Watershed Districts

[a] The watershed districts are established as “overlay” districts, meaning that these districts are overlaid upon other districts and the land so encumbered may be used in a manner permitted in the underlying district only if and to the extent such use is also permitted in the applicable overlay district.

[b] The following watershed districts are hereby established: WS-II-CA [Critical Area], WS-IV-CA [Critical Area], and WS-IV-PA [Protected Area]. The watershed districts are further described in Article XIII of this ordinance.

Section 158. Corridor Districts

[a] The corridor districts are established as “overlay” districts, meaning that these districts are overlaid upon other districts and the land so encumbered may be used in a manner permitted in the underlying district only if and to the extent such use is also permitted in the applicable overlay district.

[b] The purpose and intent for creating the corridor districts are:

- [1] To create a visually pleasing impression of land uses along the corridor.
- [2] To consider the unique qualities of the corridor, such as views and vistas and natural features which merit special consideration or protection.
- [3] To consider the value of the corridor as an entryway to the town which can influence the perception of visitors to the area and individuals or firms considering residence or investment in the community.
- [4] To consider transportation, including vehicular access, driveway limitations and traffic impact, while protecting the public investment and lengthening the time during which highways can continue to serve their functions, without expansion or relocation, by expediting the free flow of traffic and reducing the hazards arising from unnecessary points of ingress and egress and cluttered roadside development.

[c] The following corridor district[s] are hereby established, with the limits of each district being five hundred and fifty (550) feet on either side of the centerline of each of the following thoroughfares,

US Hwy 421 East: Beginning at the intersection of US Hwy 321 (Hardin Street) and extending east along the centerline of US Hwy 421 to the farthest extent of the town’s planning jurisdiction. This Corridor District includes both the old two lane portion of US Hwy 421 and the new four lane portion of US Hwy 421 located in the town’s extraterritorial jurisdiction.

US Hwy 421 West: Beginning at the intersection of Poplar Grove Connector and extending west along the centerline of US Hwy 421 to the farthest extent of the town’s planning jurisdiction.

US Hwy 321: Beginning at the intersection of US Hwy 421 (East King Street) and extending south along the centerline of US Hwy 321 to the farthest extent of the town’s planning jurisdiction.

NC Hwy 105: Beginning at the intersection of US Hwy 321 (Blowing Rock Road) and extending west along the centerline of NC Hwy 105 to the intersection of NC Hwy 105 Bypass (SR 1107).

NC Hwy 105 Extension: Beginning at the intersection of US 321 (Blowing Rock Road) and extending north along the centerline of NC Hwy 105 Extension to the intersection of US Hwy 421.

NC Hwy 105 Bypass (SR1107): Beginning at the intersection of NC Hwy 105 and extending north along the centerline of NC Hwy 105 Bypass to the farthest extent of the town's planning jurisdiction.

NC Hwy 194: Beginning at the intersection of US Hwy 421 (East King Street) and extending north along the centerline of NC Hwy 194 to the farthest extent of the town's planning jurisdiction.

The above noted boundaries will also be shown of the Official Zoning map.

[d] Site development requirements shall apply to all developments within the established corridor district with the exception of single-family residences. Existing development that proposes improvements equaling or exceeding one half or fifty percent (50%) of the existing value of the site and buildings shall conform to the requirements. Sites with existing structures to be utilized in a change-of-use situation shall meet all requirements of Subsection 158 [e] [1], listed below and shall meet all remaining requirements within this article as practical.

[e] The requirements for all properties are listed below.

- [1] Allowed Access: All lots recorded and shown on tax maps at the Watauga County Register of Deeds and Tax Office as of the effective date of this ordinance shall be permitted one driveway access. If projects are proposed that encompass more than one parcel as recorded at the date of adoption of this ordinance, they shall be permitted only one driveway access for the project. If any street(s) or road(s) other than the thoroughfare(s) protected by this ordinance is (are) available for access to any parcel, tract or development, access must be taken from the alternate street(s). If the alternate street access is not adequate to serve the parcel, tract or development, a single access point to the regulated thoroughfare may be allowed.

- [2] Transition Tapers and Deceleration Lanes: These may be required for any driveway or development if the size of the development and/or traffic volume warrants, and shall be constructed in accordance with NCDOT standards. Transition tapers and deceleration lanes shall be required in accordance with standard engineering practices which analyze the results of the cumulative impacts of site distance, type of development and size of development.
- [3] Corner Clearance: No driveway, except single-family residential access, shall be allowed within one hundred fifty [150] feet of the centerline of an intersecting street.
- [4] Driveway Spacing: The distance between any two [2] drives shall be one hundred fifty [150] feet on the protected thoroughfare[s].
- [5] The driveway spacing requirement in Subsection 158 [e] [4] above shall be measured along the right-of-way line from the centerline of the driveway.
- [6] Subdivision Frontage: Any tract proposed for subdivision which borders the protected thoroughfare(s) shall provide sufficient frontage on another street [either pre-existing or created as part of the subdivision] for all lots created out of such tract so that direct access to lots does not need to be provided on the protected thoroughfare[s].
- [7] Access Driveways: To large scale developments [greater than 50,000 square feet of floor area] and fronting the protected thoroughfare[s] shall provide landscaped medians within the access driveway.
- [8] Access not Prohibited: Any parcel of record on the effective date of this ordinance that has been prohibited all vehicular access based on the provisions herein shall be allowed one (1) access point to its street frontage while meeting the intent of the technical requirements as is practical.
- [9] Loading, Storage and Service: To the extent that is practical, these areas shall be located on the side or in the rear and shall either be located or screened so as to not be seen from the protected thoroughfare[s] and adjacent residential uses.
- [10] Exterior Walls and Facades: New buildings shall avoid having featureless exterior walls and facades oriented to the view of the protected thoroughfare(s). Flat roofs are discouraged.

- [11] Mechanical and Service Equipment: To the extent that is practical, HVAC and similar types of incidental machinery or equipment shall be screened from view or located to be non-visible from the protected thoroughfare[s] and adjacent residential uses.
- [12] Coordination of Access: Access shall be provided and coordinated between adjoining properties for vehicles, pedestrians and bicycles. Pedestrian linkages must be in an acceptable form such as sidewalks, maintained gravel paths and paved walks.
- [13] Transit Shelters and Stops: All major developments (having greater than 50,000 square feet of gross floor area) shall provide transit shelters and stops as needed after consultation with local transit officials.

[f] No requirement of the corridor district shall repeal, modify or amend any federal or state law or regulation, but shall replace any specific regulation or ordinance provision pertaining to the specific requirement within this ordinance.

Section 159. Neighborhood Conservation Districts

[a] The Neighborhood Conservation Districts are established as “overlay” districts, meaning that these districts are overlaid upon other districts and the land so encumbered may be used in a manner permitted in the underlying district only if and to the extent such use is also permitted in the applicable overlay district.

[b] The purpose and intent for creating Neighborhood Conservation Districts is:

- [1] To promote public health, safety and welfare;
- [2] To stabilize and maintain a suitable low-density living environment for family life; and
- [3] To maintain and preserve the value of existing property.

[c] The following Neighborhood Conservation Districts are hereby established:

Blanwood Drive: The limits of the district are depicted on the Neighborhood Conservation District overlay zoning map and include all or portions of Oak Street, Windy Drive, Horn in the West Drive and Skyview Drive.

Forrest Hills Drive: The limits of the district are depicted on the Neighborhood Conservation District overlay zoning map.

Grand Boulevard: The limits of the district are depicted on the Neighborhood Conservation District overlay zoning map and include all or portions of Grand Boulevard, Orchard Street and Iris Lane.

Grandview Heights: The limits of the district are depicted on the Neighborhood Conservation District overlay zoning map and include all or portions of West Grandview Heights, Russell Drive and Poplar Grove Road.

Stadium Drive: The limits of the district are depicted on the Neighborhood Conservation District overlay zoning map and include all or portions of Hemlock Drive, Ferncliff Road, Tanglewood, Hawthorne Lane, Hope Drive, and Spring Street.

Queen Street: The limits of the district are depicted on the Neighborhood Conservation District overlay zoning map and include all or portions of Queen Street, Gladys Street and Charles Street.

[d] The requirements of all rental property within Neighborhood Conservation Districts shall be as follows:

- [1] All tenants of rental property must complete and file a Residential Parking Registration Form with the administrator. Tenants must provide personal identification, vehicle registration, and proof of residency within a designated Neighborhood Conservation District.
- [2] Tenants meeting eligibility requirements will be issued parking stickers for their vehicle(s) for the appropriate neighborhood district which must be permanently attached to eligible vehicles. Annual renewal and nominal fees are required.
- [3] No more than two unrelated persons per dwelling unit will be issued parking stickers.
- [4] Owners of rental property residing more than (50) miles from Boone must designate in writing a local managing agent residing within Watauga County that will be responsible for all matters concerning occupancy of such rental property, and must provide the administrator with the agent's name, address and telephone number.
- [5] Owners or local managing agents of rental property must notify tenants of applicable Neighborhood Conservation District requirements.

Section 160. Viewshed Protection District

[a] The Viewshed Protection District is established as an "overlay" district, meaning that this district is overlaid upon other districts and the land so encumbered may be used in a manner permitted in the underlying district only if and to the extent such use is also permitted in the applicable overlay district.

[b] The purpose and intent for creating the Viewshed Protection District is to preserve the scenic beauty and natural environment of Boone's hillside areas vital to preservation of a high quality of life and continued economic development. The district achieves this desired outcome by minimizing the visual impact of building construction and land development activities.

[c] Protection Map. The presumed boundaries of the Viewshed Protection District shall be depicted on a "Viewshed Map," which will be posted at the Town's Planning and Inspections Department and on the Town of Boone's website. This map shall show the areas of the Town's zoning jurisdiction which exceed the one hundred foot line which defines the lower most boundary of the viewshed. However, when an owner of property which is either partly or wholly above the depicted line files an application for development to take place within the presumed viewshed, the Administrator or his designee shall determine if the development, as proposed, can be seen during any season of the year from one of the major traffic corridors. If the Administrator determines that the property cannot be thus seen, the requirements of the overlay district shall not apply. In addition, the owner of property contained within the viewshed protection district may establish that the property to be developed is not within the viewshed by presenting sufficient information to the Administrator that the development, as proposed, can not be seen during any season of the year from one of the major traffic corridors, or by showing that the portion of the property to be developed is not more than 100 feet above the nearest major traffic corridor. Should the administrator determine that a portion of the property to be disturbed by the development is in the viewshed, when the owner contends it is not be in the viewshed as it is proposed to be developed, the Administrator's determination shall be considered an appealable determination which may be appealed to the Town of Boone Board of Adjustment in conformity with the procedures of UDO Section 106.

[d] The requirements for the development of properties wholly or partly within the Viewshed Protection District shall be as follows:

- [1] The maximum allowable land disturbance on property within the viewshed shall be as follows:
 - a. Property up to two acres in size shall be limited to three-quarters (3/4) of an acre of land disturbance. Therefore, a three-quarter (3/4) acre or smaller property in the viewshed is unrestricted by this section with regard to land disturbing activity.
 - b. The maximum allowable land disturbance for property in the viewshed which is larger than two acres shall be limited to three-quarters (3/4) of an acre for the first two acres, plus thirty percent of the additional property. For example, a tract of land of four acres can be developed with three-

quarters acre, or 32,670 square feet, of land disturbed based upon the first two acres, and an additional thirty percent (30%), or 26,136 square feet of land disturbed, based on the additional two acres. Therefore, a total of 58,806 feet can be disturbed in the development of the four acres, and this total amount of land disturbance may be consolidated in one area of the property. In this example, the land in one acre can be 100% disturbed, in a second acre, partly disturbed, and in the remaining two acres, undisturbed.

- c. Land disturbance of portions of a property below the viewshed are unrestricted by this section, but do not increase the amount of land disturbance which can take place on the portion of the property in the viewshed.
- [2] The intensity of development of property zoned RA within the viewshed shall be as established for the RA district in Article XII of the UDO. The intensity, including height limitations, of development of property in all other zoning districts within the viewshed shall be as established for the R-1 zoning district in Article XII of the UDO, but the exemption for single family homes contained in Section 200[a] shall not apply in the viewshed.
- [3] Property which has been developed before the effective date of this amendment will be affected as follows:
- a. When the intensity of the development does not exceed the limits established by Section [d][2], it may be increased in size up to 10% greater than the limits established by Section [d][2].
 - b. When the intensity of the development already exceeds the limits established by Section [d][2], additional development is permitted up to a size 10% greater than the existing structure, and likewise, an additional 10% of impervious surface may be created.
 - c. The limits on land disturbing activity created by Section [d][1] shall be calculated as if no development on the property has yet taken place. In other words, the Administrator shall exclude from the calculations of allowable land disturbance that portion of the property upon which an impervious surface exists at the time this amendment is effective. For example, if a house with a 2,000 square feet footprint and 2,000 square feet of driveway already exists on a three acre tract, and the owner wishes to construct an addition, the Administrator will first add the

square footage of the house's footprint and the square footage of the driveway to determine that there is already 4,000 square feet of impervious surface on the property. This existing square footage of impervious surface will be subtracted from the total land area of the property to calculate how much of the remaining property can be disturbed. In the example, the property will be viewed not as a three acre tract, but as a tract of two acres, plus 39,560 square feet (an acre = 43,560 square feet, minus 4,000 square feet of existing impervious surface). The amount of allowable land disturbance to put in the addition ends up being 44,538 square feet.

- [4] Persons developing property in the viewshed shall strive to reasonably site any structures to be developed on the property in such way as to minimize their visual impact from the major corridors. To this end, the Administrator may request a redesign of a site development plan to accomplish this goal.
- [5] Persons developing property in the viewshed shall strive to reasonably preserve and protect foliage and trees on the property, without placing the construction in danger, with a goal of minimizing the visual impact of the development from the major corridors.
- [6] All development in the viewshed shall include a plan for landscape buffering, using the techniques and vegetation authorized in Appendix B, in the line of sight from the major corridors, to reduce to the extent reasonably possible the visual impact of the development from the major corridors. Such plans, in the case of the construction of a single family home, need not be "formal" or prepared by a landscape professional, but must be in writing sufficiently detailed to allow the Administrator to know what is planned.
- [7] All development along ridgelines must be designed in an effort to reasonably minimize the visual impact of such development from the major corridors. To this end, the Administrator may require a redesign of a site development plan to accomplish this goal or may require specific landscape buffering, such as trees and other plant material, to be installed. This requirement by the Administrator shall be considered an appealable decision to the Board of Adjustment, and may be appealed in conformity with the procedures of UDO Section 106.

- [8] All requirements of the particular zoning district or development in the viewshed otherwise established by the UDO shall remain in full force and effect.

Section 161. Historic Districts

[a] The Town Council may designate and from time to time amend one or more historic districts within the Town's planning jurisdiction. Such districts are established as "overlay" districts, meaning that these districts are overlaid upon other districts and the land so encumbered may be used in a manner permitted in the underlying district only if and to the extent such use is also permitted in the applicable overlay district. Historic Districts shall be governed by the requirements of Article XXIII of this Ordinance.

Part II Zoning Map

Section 162. Official Zoning Map

[a] There shall be a map known and designated as the Official Zoning Map, which shall show the boundaries of all zoning districts within the town's planning jurisdiction. This map shall be drawn on acetate or other durable material from which prints can be made, shall be dated, and shall be kept in the Planning and Inspections Department.

[b] The Official Zoning Map dated June 21, 1979 is adopted and incorporated herein by reference. Amendments to this map shall be made and posted in accordance with Section 162.

[c] Should the Official Zoning Map be lost, destroyed, or damaged, the council may authorize by resolution to have a new map drawn on acetate or other durable material from which prints can be made. A new edition shall not change the zoning status of any property, but errors and omissions may be corrected. Such replacements shall be authenticated by the Town Clerk and shall bear the date of the authorizing resolution.

Section 163. Amendments to Official Zoning Map

[a] Amendments to the Official Zoning Map are accomplished using the same procedures that apply to other amendments to this ordinance, as set forth in Article XXI.

[b] The administrator shall update the Official Zoning Map as soon as possible after amendments to it are adopted by the council. Upon entering any such amendment on the map, the administrator shall change the date of the map to indicate its latest revision. New prints of the updated map may then be issued.

[c] No unauthorized person may alter or modify the Official Zoning Map.

[d] The Planning and Inspections Department shall keep copies of superseded prints of the zoning map for historical reference.

Section 164. Reserved