

Article 14 ZONING DISTRICTS AND ZONING MAP

14.01 Residential Districts Established

- 14.01.01** 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.
- 14.01.02** The R1 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 comfortable, healthy, safe, aesthetically pleasing and pleasant living environment for family life that promotes peaceful quiet enjoyment sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.
- 14.01.03** The R1A Single-Family Residential with Accessory Dwelling District is established to provide a low-density living area consisting of single-family dwellings with or without subordinate, accessory dwellings. The regulations for this district are intended to maintain the essential character of a single-family neighborhood but allow for the establishment of accessory dwellings which are clearly subordinate to the single-family dwelling. The regulations for this district are designed to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.
- 14.01.04** 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:
- A.** The majority of the housing stock in the district shall have been constructed before the Town adopted zoning regulations; and
 - B.** The area must qualify under U.S. Department of Housing and Urban Development standards as a blighted area; and
 - C.** 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 nonconforming uses and uses with nonconforming structures, within the Residential Rehabilitation District, shall comply with Article 7 Nonconformities.
- 14.01.05** The R2 Two-Family Residential District is established to provide a medium density living area consisting of single-family and two-family dwellings, and other related uses necessary for a sound neighborhood. The regulations for this district are designed and intended to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.

14.01.06 The R3 Multiple-Family Residential District is established to provide a high density area consisting of three or more dwelling units per lot plus limited service use. The regulations for this district are designed and intended to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment in which to live and provide for compatible and disruptive activities that properly belong in nonresidential districts.

14.01.07 The R4 Two-Family/Manufactured Home District is established to provide a medium density area consisting of two-family uses, and manufactured homes on single lots. The regulations for this district are designed and intended to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment in which to live and provide for compatible and disruptive activities that properly belong in nonresidential districts.

14.01.08 The RA Residential/Agricultural District is established as a district in which the principal use of the land is for low density residential and agricultural purposes. Low-density commercial and service uses which serve the day to day convenience needs of the surrounding area are permissible so long as the uses are of such nature as to minimize conflicts with the area they serve. 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. The regulations for this district are designed and intended to create a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment for all appropriate uses.

14.01.09 The MH Manufactured 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 manufactured homes. The regulations for this district are designed and intended to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment in which to live and provide for compatible and disruptive activities that properly belong in nonresidential districts.

14.02 Commercial Districts Established

14.02.01 The following commercial districts are hereby established: B1, B2, B3, and OI. These districts are created to accomplish the purposes and serve the objectives set forth in the remainder of this Section.

14.02.02 The B1 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. The regulations for this district are designed and intended to create a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment for all appropriate uses.

- 14.02.03** The B2 Neighborhood Business District is intended to provide for the development of low-density commercial and services that are accessible by pedestrians and cyclists from surrounding neighborhoods, which serve the day to day convenience needs of surrounding neighborhoods, and are of such nature as to be in harmony with the neighborhoods they serve. Appropriate residential uses are allowed in this district, normally as part of mixed-use developments. The regulations for this district are designed and intended to create a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment for all appropriate uses.
- 14.02.04** The B3 General Business District is established to provide a wide range of consumer goods, convenience goods and personal services for the community and surrounding region. Appropriate residential uses are allowed in this district, normally as part of mixed-use developments. The regulations for this district are designed and intended to create a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment for all appropriate uses.
- 14.02.05** The OI Office/Institutional District is established to provide a zoning district which promotes the development of moderately intensive office and institutional uses which are oriented toward the provision of services versus the sale of products. Appropriate small scale residential uses are allowed in this district to the point they support allowable office and institutional uses. The regulations for this district are designed and intended to create a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment for all appropriate uses.
- 14.02.06** The Wellness District (WD) is established to provide an area-specific zoning district located around the local hospital to promote a diverse mixture of medical, education, office, retail and residential uses within a compact, vibrant pedestrian oriented center while encouraging community interaction and transportation options.
- 14.03 Educational Districts Established**
- 14.03.01** The educational districts are established to provide areas which promote the enhancement of compatible educational institutions and opportunities within the Town's planning area while preserving the overall small-town character of Boone. For their principal and accessory uses, the entities which are subject to the U1, E1 and E2 districts may only function within those districts. Uses allowed in those districts must be integral to the entity or must be specifically identified and authorized for those districts in the Table of Principal Uses, Table of Accessory Uses and Table of Temporary Uses.
- 14.03.02** The U1 University District is established for Appalachian State University (ASU). This district is intended to provide for the planning and expansion of ASU's main campus that is consistent with the Town's overall planning objectives. Specific uses listed in the U1 column in the Table of Principal Uses, the Table of Accessory Uses, and the Table of Temporary Uses are only allowed if they are associated with and have the approval of the institution authorized under Use Category 9.01 and 9.02.

14.03.03 The E-1 Educational District is established to provide for appropriate ASU, CCC&TI, and other institutions of higher learning uses away from the ASU main campus. Specific uses listed in the E-1 column in the Table of Permissible Uses, the Table of Accessory Uses, and the Table of Temporary Uses are only allowed if they are associated with and have the approval of the institution authorized under Use Category 9.01 and 9.02.

14.03.04 The E-2 Educational District is established to provide for planning and appropriate expansion of public or private elementary and secondary educational institutions such as Hardin Park Elementary and Watauga High School. Specific uses listed in the E-2 column in the Table of Permissible Uses, the Table of Accessory Uses, and the Table of Temporary Uses are only allowed if they are associated with and have the approval of the institution authorized under Use Category 9.04 and 9.05.

14.04 Manufacturing District Established

14.04.01 The M1 Manufacturing District is established primarily to accommodate appropriate, light industrial and warehouse enterprises engaged in the assembly, fabrication, finishing, packaging or warehousing of goods and materials, including the storage and processing of raw materials into other products.

14.05 Conditional and Planned Development Districts Established

14.05.01 A Conditional District (CD) and a Planned Development (PD) are zoning districts in which the use and development of a property pursuant to a site specific development plan is approved through the legislative process pursuant to Article 9 of this Ordinance. .

- A.** A CD utilizes the existing zoning district, is limited to the authorized uses and the development standards mandated within that district, and may be subjected to conditions that make the development plan more desirable.
- B.** A PD creates a sui generis (unique) zoning district not limited to the authorized uses and the development standards of a specific existing zoning district and may be subjected to conditions that make the development plan more desirable. A PD is intended to permit the establishment of areas in which diverse uses may be combined and integrated through careful planning to provide a unified and compatible development which is consistent with adopted plans, and which may reasonably be expected to result in a quality of living environment which is more closely in keeping with the purposes of zoning than would otherwise likely be obtained. It is not the intent of the Town Council that the PD district become a “loophole” designed to permit otherwise illegal contract, conditional or spot zoning, or clandestine institution of an unlawful use variance. Rather the PD district is intended to permit further refinement and more detailed expression of adopted plans in situations where the owners of the property present a development plan which is found to be in the public interest and consistent with adopted plans.

1. A PD should only be approved upon the following findings:

- a. That the proposed PD will produce a development of equal or higher quality than otherwise required by the strict application of district regulations that would otherwise govern;
- b. That the proposed PD will encourage innovative arrangement of buildings and open spaces to provide efficient, attractive, flexible, and environmentally sensitive design;
- c. That the proposed PD will produce a development functioning as a cohesive, unified project; and
- d. That the proposed PD will not substantially injure or damage the use, value, and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the adopted plans and policies of the Town.

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14.06 Special Flood Hazard Area

14.06.01 The Special Flood Hazard Area is an overlay district intended to regulate the Special Flood Hazard Area pursuant to Article 30 Flood Damage Prevention.

14.07 Watershed Districts

14.07.01 The watershed districts are established as overlay districts intended to regulate the water supply watershed areas pursuant to Article 29 Watershed Protection.

14.08 Corridor Overlay Districts

14.08.01 The corridor districts are established overlay district intended to protect the main thoroughfares though Town.

14.08.02 The following corridor district(s) are hereby established, with the limits of each district being 550' on either side of the centerline of each of the following thoroughfares, and shall apply to all development other than single-family dwellings along the thoroughfare:

- A. US Hwy 421 East:** Beginning at the intersection with 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.
- B. US Hwy 421 West:** Beginning at the intersection with Poplar Grove Connector and extending west along the centerline of US Hwy 421 to the farthest extent of the Town's planning jurisdiction.
- C. US Hwy 321:** Beginning at the intersection with 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.

- D. NC Hwy 105:** Beginning at the intersection with US Hwy 321 (Blowing Rock Road) and extending west along the centerline with NC Hwy 105 to the intersection of NC Hwy 105 Bypass (SR 1107).
- E. NC Hwy 105 Extension:** Beginning at the intersection with US 321 (Blowing Rock Road) and extending north along the centerline with NC Hwy 105 Extension to the intersection of US Hwy 421.
- F. NC Hwy 105 Bypass (SR1107):** Beginning at the intersection with NC Hwy 105 and extending north along the centerline of NC Hwy 105 Bypass to the farthest extent of the Town's planning jurisdiction.
- G. NC Hwy 194:** Beginning at the intersection with US Hwy 421 (East King Street) and extending north along the centerline with NC Hwy 194 to the farthest extent of the Town's planning jurisdiction.

14.08.03 Site development requirements shall apply to all developments within the established corridor district with the exception of single-family residences.

14.08.04 The requirements for all properties are listed below.

- A. 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.
- B. 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.
- C. Corner Clearance:** No driveway, except single-family residential access, shall be allowed within 150' of the centerline of an intersecting street.
- D. Driveway Spacing:** The distance between any two [2] drives shall be 150' on the protected thoroughfare[s].
 - 1. The driveway spacing requirement shall be measured along the right-of-way line from the centerline of the driveway.

- E. 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].
- F. Access Driveways: All developments (greater than 50,000 square feet of gross floor area) and fronting the protected thoroughfare[s] shall provide landscaped medians within the access driveway.
- G. 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.
- H. Coordination of Access: Access shall be 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.
- I. Transit Shelters and Stops: All 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.

14.08.05 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.

14.09 Neighborhood Conservation Districts

14.09.01 Neighborhood Conservation Districts are established as overlay districts to stabilize and maintain a suitable low-density living environment for family life.

14.09.02 The following Neighborhood Conservation Districts are hereby established:

- A. **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.
- B. **Forrest Hills Drive:** The limits of the district are depicted on the Neighborhood Conservation District overlay zoning map.
- C. **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.
- D. **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.

- E. 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.
- F. 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.

14.09.03 The requirements of all rental property within Neighborhood Conservation Districts shall be as follows:

- A.** 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.
- B.** 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.
- C.** No more than two unrelated persons per dwelling unit will be issued parking stickers.
- D.** Owners of rental property residing more than fifty (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.
- E.** Owners or local managing agents of rental property must notify tenants of applicable Neighborhood Conservation District requirements.

14.10 Viewshed Protection District

14.10.01 The Viewshed Protection District is established as an overlay district intended to protect the scenic beauty and natural environment of Boone’s hillside areas vital to preservation of a high quality of life and continued economic development by minimizing the visual impact of building construction and land disturbing activities.

14.10.02 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, cannot 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' 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 Article 6.

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

- A.** The maximum allowable land disturbance on property within the viewshed shall be as follows:
1. Property up to two (2) 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.
 2. The maximum allowable land disturbance for property in the viewshed which is larger than two (2) acres shall be limited to three-quarters (3/4) of an acre for the first two (2) acres, plus thirty percent (30%) of the additional property. For example, a tract of land of four (4) acres can be developed with three-quarters (3/4) 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 (2) acres. Therefore, a total of 58,806 square feet can be disturbed in the development of the four (4) acres, and this total amount of land disturbance may be consolidated in one area of the property. In this example, the land in one (1) acre can be 100% disturbed, in a second acre, partly disturbed, and in the remaining two (2) acres, undisturbed.
 3. 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.
- B.** The intensity of development of property zoned RA within the viewshed shall be as established for the RA district in Article 16 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 R1 zoning district in Article 16 of the UDO, but the exemption for single family homes contained in Subsection 16.01.01(B) shall not apply in the viewshed.
- C.** Property which has been developed before the effective date of this amendment will be affected as follows:

1. When the intensity of the development does not exceed the limits established by Subsection 14.01.03(B), it may be increased in size up to ten percent (10%) greater than the limits established by Subsection 14.10.03(B).
 2. When the intensity of the development already exceeds the limits established by Subsection 14.10.03(B), additional development is permitted up to a size 10% greater than the existing structure, and likewise, an additional ten percent (10%) of impervious surface may be created.
 3. The limits on land disturbing activity created by Subsection 14.10.03(A) 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 foot footprint and 2,000 square feet of driveway already exists on a three (3) 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 (3) acre tract, but as a tract of two (2) 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.
- D.** 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.
- E.** 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.
- F.** 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.

- G. 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 Article 6.
- H. All requirements of the particular zoning district or development in the viewshed otherwise established by the UDO shall remain in full force and effect.

14.11 Historic Districts

- 14.11.01** Historic districts are established as overlay districts intended to preserve historic landmarks and districts within the Town pursuant to Article 8 Historic Preservation.

14.12 Split Zone

- 14.12.01** When a development is proposed on land with more than one zoning classification, the elements of the development, including but not limited to parking, recreation and storage, must be located on those portions of the development with zoning designations which allows the use as a principal use or is otherwise specifically authorized. Notwithstanding this prohibition all portions of the site specific development plan may be used to satisfy the requirements of Section 16.01 unless otherwise prohibited.
- 14.12.02** Split zone developments have special rules regarding allowable intensity (see Article 16).