

Chapter 16 - Land Use Ordinance

Article IX - Zoning Districts and Zoning Map

Part I. Zoning Districts

Section 16-135 Residential Districts Established.

(A) The following residential districts are hereby established: R-A, R-15, R-10S, R-10D, R-10M, R-6S, R-6M, and R-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. *[Amended October 13, 1998; December 8, 1998; March 14, 2000]*

(B) The R-A (Residential-Agriculture) district is designed to accommodate residential uses and a wide variety of plant and animal-related uses, but excluding those uses that would have the potential of creating a nuisance for adjoining or adjacent residential uses. *[Amended March 14, 2000]*

(C) The R-15 district is intended to be a low density residential district in which single family residences constitute the predominant use. Multi family dwellings and mobile homes are prohibited in this district.

(D) The R-10S district is intended to be a medium density residential district in which single family residences constitute the predominant use. Multi family dwellings and mobile homes are prohibited in this district. *[Amended October 13, 1998]*

(E) The R-10D district is intended to be a medium density residential district in which two family residences constitute the predominant use. *[Amended December 8, 1998]*

(F) The R-10M district is intended to be a medium density residential district in which multi family residences constitute the predominant use. *[Amended October 13, 1998]*

(G) The R-6S district is intended to be a higher density residential district in which single family residences constitute the predominant use. Multi family dwellings and mobile homes are prohibited in this district. *[Amended October 13, 1998]*

(H) The R-6M district is intended to be a higher density residential district in which two-family and multi-family residences constitute the predominant use. *[Amended October 13, 1998]*

(I) The R-MH district is designed primarily to accommodate mobile homes and mobile home parks.

Section 16-136 Nonresidential Districts Established.

(A) The following nonresidential districts are hereby established: CB (Central Business), TC (Town Center), GB (General Business), OI (Office/Institutional), HMC (Hospital/Medical Complex), HSG (Horse Show Grounds), PGS (Parks and Green Space), and ETA (Extraterritorial Area). These districts are created to accomplish the purposes and serve the objectives set forth in the remainder of this section. *[Amended April 10, 1985; July 14, 1998; and July 13, 2010]*

(B) The CB district is designed to accommodate a wide variety of commercial activities (particularly those that are pedestrian oriented) that will result in the most intensive and attractive use of the town's central business district.

(C) The GB district is designed to accommodate the widest range of commercial activities permitted within the town, particularly those that are automobile oriented.

(D) The OI district is designed to accommodate a narrow range of commercial and institutional activities, including offices, schools, churches, libraries, clubs and lodges, and government buildings. *[Amended July 14, 1998]*

(E) The HMC district is designed to accommodate the hospital and related offices and facilities that are designed to provide a continuum of care, including facilities that provide independent living, assisted living/CCRC, home health care, adult day care, intermediate care, skilled nursing care, and acute care. *[Amended August 14, 2001]*

(F) The HSG district is designed to accommodate equestrian activities such as horse shows.

(G) The PGS district is designed to accommodate public and private outdoor recreational facilities, including parks, trails, athletic fields, golf courses, tennis courts, swimming pools, etc. *[Amended July 14, 1998]*

(H) The TC district is designed to accommodate a wide variety of commercial activities (particularly those that are pedestrian oriented) that will result in the most intensive and attractive use of the town's central business district, while protecting the historic character of the downtown core primarily along Main Street. *[Added July 13, 2010]*

Section 16-137 Planned Unit Development Districts Established.
[Repealed March 11, 1997]

Section 16-138 Floodplain and Floodway Districts.

The floodplain and floodway districts are hereby 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. The floodplain and floodway districts are further described in Part I of Article XVI of this chapter.

Section 16-139 Overlay Districts.

(A) Bed and Breakfast Overlay

[Repealed October 13, 1998]

(B) Short-Term Rental Overlay District.

(1) Purpose. The purpose of the short-term rental overlay district is to provide areas within the underlying multi-family residential zoning districts that are appropriate for short-term residential rental uses. As an overlay district, the Short Term Rental Overlay District does not replace or restrict

the range of uses allowed in the underlying zoning district, but allows for additional uses within the boundaries of the overlay district.

(2) **Designation of Overlay District.** Following approval by the Board of Commissioners of an area to be included in the Short-Term Rental Overlay District, the area so designated shall be labeled as “STR” on the Official Zoning Map.

(3) **Permitted Uses.** In addition to the uses permitted within the underlying zoning district, the following uses are allowed within the Short-Term Rental Overlay District:

(a) Short-term rental of a dwelling unit

(4) **Adoption Criteria.** A Short-Term Rental Overlay District may be established if the proposed map amendment application meets the following standards, criteria, and conditions:

(a) The map amendment may only be initiated by the Board of Commissioners, the Planning Board, the Town Administration, or an owner of property located within the proposed district. Unless a map amendment is Town-initiated (by the Board of Commissioners, the Planning Board, or the Town Administration), an application for a map amendment must be endorsed by a majority of the property owners of all lots, parcels, and units to be included within the boundary area of the proposed map amendment. The public notice, public hearing, and procedural requirements for the map amendment shall be as provided in Article XX.

(b) The area proposed for the short-term rental district must be located within an existing R-10M or R-6M zoning district.

(c) The area proposed for the short-term rental district may only include an existing or proposed multi-family residential complex that has a homeowner’s or property owner’s association with the authority to regulate or manage short-term rental uses within the complex.

(d) The proposed short-term rental use must be compatible with established land uses in the immediate vicinity of the lots or parcels to be designated STR.

(e) The proposed short-term rental use will not result in so many additional vehicle trips that adverse traffic impacts will be felt upon the streets and within the neighborhoods bordering the proposed STR district.

(f) In addition to the requirements contained in Article XIX (Screening and Trees), the Council may require that the STR district be screened from any other adjacent residential use if it finds that any existing screening is inadequate or that there is insufficient separation between the proposed STR district and the adjacent residential uses.

[Amended April 11, 2000]

Part II. Zoning Map.

Section 16-142 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 city'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 office of the land use administrator. A copy of the zoning map shall also be filed in the Office of the Register of Deeds for Watauga County and Caldwell County.

(B) The Official Zoning Map dated March 13, 1984 is adopted and incorporated herein by reference. Amendments to this map shall be made and posted in accordance with Section 16-143.

(C) Should the Official Zoning Map be lost, destroyed, or damaged, the administrator may have a new map drawn on acetate or other durable material from which prints can be made. No further Board authorization or action is required so long as no district boundaries are changed in this process.

Section 16-143 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 chapter, as set forth in Article XX.

(B) The administrator shall update the Official Zoning Map as soon as possible after amendments to it are adopted by the Board. 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, and a copy of the updated map shall be furnished to the Office of the Register of Deeds for Watauga County and Caldwell County.

(C) No unauthorized person may alter or modify the Official Zoning Map.

(D) The administrator shall keep copies of superseded prints of the zoning map for historical reference.

Sections 16-144 and 16-145 Reserved.