

ARTICLE 16 DISTRICT STANDARDS

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16.01 Schedule of Land Use Intensity Regulations

16.01.01 Unless otherwise specified, development in the following zones shall comply with the intensity regulations indicated in the following Intensity Table.

- A.** Unless otherwise provided in this Ordinance, the land use intensity regulations for architecturally integrated subdivisions shall apply to the development as a whole and not to individual parts thereof.
- B.** In the B1 Zoning District, a minimum “Building Footprint” of fifty percent (50%) of the lot or parcel area is required. All other regulations in the Intensity Table apply.
- C.** In the R1S Zoning District, a maximum building footprint of 800 square feet is allowed, exclusive of decks, porches, steps, carports, and standalone garages (with no living space above or below). Buildings shall be oriented to the primary public way.
 - 1. An attic story or a basement of no more than 400 square feet is permissible for a maximum of 1,200 square feet of total living space
 - 2. A garage within the building footprint is counted as living space for the purposes of calculating the 1,200 square foot limit.

16.01.02 Intensity Table

| Zoning District | Minimum Gross Land Area | Minimum Lot Width | Minimum Street Frontage | Minimum Livability Space Ratio* (LSR) | Minimum Setbacks | |
|---|-------------------------|-------------------|-------------------------|---|---------------------------------|--|
| | | | | | Street | Interior |
| Residential Zoning Districts | | | | | | |
| RA No Public Water & Sewer Available | 20,000 sq. ft. | 100 ft. | 80 ft. | .65 | 20 ft. | 18 ft. |
| RA Public Water Available | 15,000 sq. ft. | 80 ft. | 64 ft. | .65 | 20 ft. | 18 ft. |
| RA Public Water & Sewer Available | 10,000 sq. ft. | 65 ft. | 52 ft. | .65 | 20 ft. | 14 ft. |
| R1 | 8,000 sq. ft. | 70 ft. | 56 ft. | .53 | 20 ft. | 14 ft. |
| R1A | 8,000 sq. ft. | 70 ft. | 56 ft. | .53 | 20 ft. | 14 ft. |
| RR | 6,000 sq. ft. | 70 ft. | 56 ft. | .48 | 20 ft. | 13 ft. |
| R1S | 5,000 sq. ft. | 35 ft. | 28 ft. | Refer to UDO Subsection 16.01.01(C) | 20' | 7' Refer to Subsection 16.06.10 |
| R2 | 6,000 sq. ft. | 70 ft. | 56 ft. | .48 | 20 ft. | 13 ft. |
| R4 | 6,000 sq. ft. | 70 ft. | 56 ft. | .48 | 20 ft. | 13 ft. |
| R3 | 20,000 sq. ft. | 80 ft. | 64 ft. | .40 | 20 ft. | 13 ft. |
| R5 | 10,000 sq. ft. | 70 ft. | 56 ft. | .27 | 20 ft. | 17 ft. |
| MH | 87,120 sq. ft. | None | 56 ft. | .51 | 20 ft. | 20 ft. |
| Commercial/Industrial Zoning Districts | | | | | | |
| OI | 10,000 sq. ft. | 100 ft. | 80 ft. | .27 | 20 ft. | 17 ft. |
| B1 | 5,000 sq. ft. | 15 ft. | 12 ft. | None | Refer to Section 16.06.02 | Refer to Section 16.06.04 |
| B2 | 5,000 sq. ft. | 50 ft. | 40 ft. | .27 | 20 ft. | 17 ft. |
| B3 | 5,000 sq. ft. | 50 ft. | 40 ft. | .27 | 20 ft. | 17 ft. |
| M1 | 17,000 sq. ft. | 80 ft. | 64 ft. | .3 | 20 ft. | 22 ft. |
| Educational Zoning Districts | | | | | | |
| U1 | None | None | None | .27 | Refer to Section 16.06.09 | Refer to Section 16.06.08 |
| E1 | 5,000 sq. ft. | 50 ft. | 40 ft. | .27 | 20 ft. | 17 ft. |
| E2 | 5,000 sq. ft. | 50 ft. | 40 ft. | .27 | 20 ft. | 17 ft. |
| E3 | 5,000 sq. ft. | 50 ft. | 40 ft. | .27 | 20 ft. | 17 ft. |

*LSR is a ration where the numerator is the square footage of Livability Space and denominator is the square footage of the entire parcel

16.01.03 Where a lot is located in more than one zoning district, the appropriate land use intensity ratios shall be applied individually to each portion of the gross land area located within the different districts.

(Ord. 20140384, 08-18-2014; Ord. 20150028, 11-19-2015, Ord. 2016071, 03-16-2017; PL00479-050817, 07-20-2017; Ord. PL03076-090919, 11-19-2019; Ord. PL03173-100319, 12-17-2019; Ord. PL03171-100319, 12-16-2019)

16.02 Gross Land Area

16.02.01 When a lot is located in more than one zoning district, the minimum square footage of the lot shall be the sum of the square footage derived by multiplying the minimum square footage required for each represented district by the proportion of the lot located within that district.

16.02.02 The area within the street right-of-way may not be used to satisfy lot area requirements.

16.03 Minimum Lot Widths

16.03.01 No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that:

- A. Could be used for purposes that are permissible in that zoning district, and
- B. Could satisfy any applicable setback requirements for that district.

16.03.02 Where a lot fronts two (2) or more streets, the minimum lot width requirement shall be considered met if the lot width at the street setback from any one of such streets meets the minimum lot width requirement.

16.03.03 No lot created after the effective date of this Ordinance that is less than the required width shall be entitled to a variance from any building setback requirement.

16.04 Minimum Street Frontage Widths

16.04.01 The minimum width of the frontage of a lot on a street shall be eighty percent (80%) of the minimum lot width required for the lot. Easement areas shall be excluded from this requirement.

16.04.02 Where a lot fronts on two (2) or more streets, the minimum street frontage width requirements shall be considered met if the frontage along any one of such streets meets the minimum street frontage width requirements.

16.04.03 Where a lot fronts on a turning circle of a cul-de-sac or at a point of a street where the radius of the curvature of the right-of-way is less than ninety feet (90'), the minimum street frontage width requirement shall not apply.

16.05 New Lots: Distance From Existing Wireless Support Structures.

16.05.01 New Lots: Distance From Existing Wireless Support Structure. When creating lots from an existing lot or parcel that contains a wireless support structure (stealth or non-stealth),

the new lot(s) shall be located no closer to the existing structure than the applicable setback requirement provided at Section 15.24.09 and 15.24.10.

(Ord. 20160751, 03-16-2017; Ord. PL02336-030719, 05-09-2019)

16.06 Building Setback Requirements

16.06.01 Subject to Sections 16.07 and 16.11 and the other provisions of this Section, no portion of any building may be located on any lot closer to any lot line or to the street right-of-way line or centerline than is authorized in the Intensity Table.

- A.** If the street right-of-way line is readily determinable (by reference to a recorded map, set irons, or other means), the setback shall be measured from such right-of-way line. If the right-of-way line is not so determinable, the setback shall be measured from the street centerline. Whenever a lot fronts a street with a right-of-way of thirty feet (30') or less, the setback shall be measured from a line running parallel to the centerline at a distance of fifteen feet (15') from the centerline.
- B.** As used in this Section, the term "lot boundary line" refers to lot boundaries other than those that abut streets.
- C.** As used in this Section, the term "building" includes any substantial structure which by nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. Without limiting the generality of the foregoing, the following structures shall be deemed to fall within this description:
 - 1. Gas pumps and overhead canopies or roofs.
 - 2. Fences running along lot boundary adjacent to public street rights-of-way if such fences exceed nine feet (9') in height and are substantially opaque.
 - 3. Retaining walls which exceed four feet (4') in height.
- D.** Flagpoles, bridges, transmission poles, cables, heat pumps, generators, air condition units and pad mounted transformers shall be exempt from building setback requirements, however, walk in coolers and refrigeration units must meet the requirements for accessory buildings.

16.06.02 In the B1 district, existing development may rebuild to existing building footprint lines, but cannot rebuild any closer to a street than the established existing building setback line as noted on the Official Existing Building Line Maps recorded with the Watauga County Registry in Deed Book 239, Pages 132-138. Structures existing prior to February 25, 1993 that do not meet the required setbacks shall not be considered to have nonconforming features.

- 16.06.03** In the B1 district, the minimum street setback distance shall not apply to a projecting theater marquee, canopy or roof overhang supports as long as such supports do not go beyond the edge of the sidewalk. This exemption shall not obviate the need for an encroachment agreement.
- 16.06.04** The interior setback for the B1 zoning district is 0', unless the lot abuts a district other than a U1 zoning district, in which case the lot boundary setback shall be fifteen feet (15').
- 16.06.05** In the B2 and B3 zoning districts, sideline to sideline construction may be permitted on one or more lots of at least 100 feet road frontage upon issuance of a special use permit in accordance with the provisions of Article 6 and subject to the following conditions:
- A.** The building must be constructed in accordance with the regulations for the primary fire district as contained in the North Carolina State Building Code.
 - B.** There shall be a deeded street or right-of-way, built to Town standards, at both the front and the rear of the property.
 - C.** Loading, unloading and refuse disposal access shall be from the street at the rear of the property.
 - D.** Loading and parking shall be in compliance with Article 24 of this Ordinance.
- 16.06.06** Whenever a lot in a nonresidential district has a common boundary line with a lot in a residential district, and the property line setback requirement applicable to the residential lot is greater than that applicable to the nonresidential lot, then the lot in the nonresidential district shall be required to observe the property line setback requirement applicable to the adjoining residential lot.
- 16.06.07** Setback distances shall be measured from the property line or street right-of-way line to a point on the lot that is directly below the nearest extension of any part of the building that is substantially a part of the building itself and not a mere appendage to it (such as a flagpole, etc.).
- 16.06.08** In the U1 district, the minimum street setback of ten feet (10') shall apply only when development is proposed adjacent to Town maintained streets.
- 16.06.09** In the U1 district, the minimum interior setback shall be increased to fourteen feet (14') only when development is proposed adjacent to R1 zoned property. Additional setback provisions in Section 16.06.05 do not apply in the U1 district. The minimum interior setback is zero feet (0') only when development is proposed adjacent to B1 zoned property.
- 16.06.10** Whenever a lot in a R1S district has a common boundary line with a lot in a different zoning district, the interior setback requirement applicable to that boundary of the R1S lot shall be the interior setback required for the adjacent lot. By way of illustration, if the R1S lot shares a common boundary with a lot zoned so as to require a 14-foot interior setback, the R1S lot would be required to have a 14-foot interior setback along its common boundary with that different-zoned lot.

(Ord. PL03171-100319, 12-16-2019)

16.07 Accessory Structure Setback Requirements

- 16.07.01** All accessory structures shall meet the building street setback requirement of fifteen feet (15') from the street right-of-way line and seven feet (7') from any interior lot line.
- 16.07.02** No accessory structure may be further forward to the street setback than the front most point of the principal structure.
- 16.07.03** The maximum lot coverage of the accessory structure shall not exceed twenty percent (20%) of the lot.
- 16.07.04** An accessory structure must be clearly subordinate to the principal structure in all dimensional aspects.
- 16.07.05** An accessory structure shall not be located in an easement unless expressly allowed.

16.08 Building Height

- 16.08.01** For the purposes of this Section:
 - A.** The height of a building shall be the vertical distance measured from the mean elevation of the finished grade to the highest point of the building except as provided for herein.
 - B.** "Stories" as used herein refers to the number of heated, habitable floors above grade. Where both stories and heights are listed in the table below at section 16.08.02, the building can have no more than the listed number of stories, and also may not exceed the specified height in feet.
- 16.08.02** Subject to the remaining provisions of this Section, building height limitations in the various zoning districts shall be as follows:

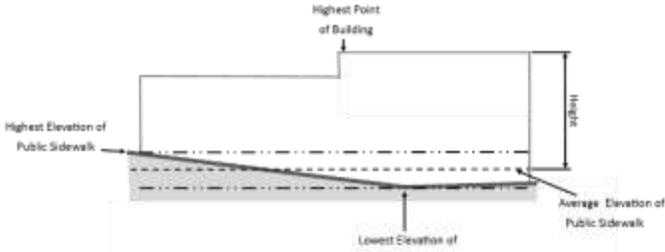
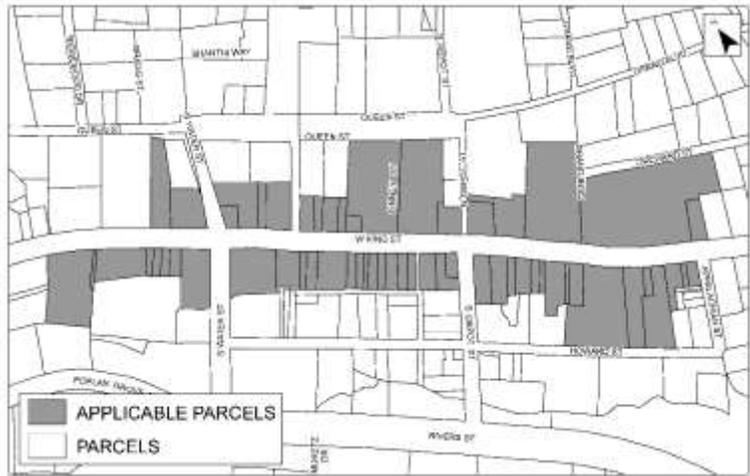
| Zone | Height Limitation |
|-------------------------|---|
| R1, R1A, RR, R2, R4, RA | 3 stories/40'; accessory structures may not exceed 25' |
| R1S | 1 story with an attic story or a basement/25' Refer to Subsection 16.08.11 |
| R3 | 3 stories/50' |
| R5 | 4 stories/56' |
| MH | 35' |
| OI | 4 stories/67' |
| B1 | 33-33', Refer to Subsection 16.08.04 |
| B2 | 3 stories/40' |
| B3 | 3 stories/45' (primary) – 4 stories/56' (secondary) |
| E1, E2, E3 | 3stories/45' (primary) – 5 stories/67' (secondary) |
| U1 | Refer to Subsection 16.08.09 |
| M1 | 67' |

16.08.03 In the R3, B2, B3, E1, E2 and E3 districts the height limitation may range between the primary height limitation in the table to the secondary height limitation (which is the maximum for the district), subject to the provisions below:

- A. For each foot the height of the structure exceeds the primary height limitation, the boundary lot setback applicable to the entire structure shall increase by one foot (1’).
- B. For each story which exceeds the primary height limitation, the boundary lot setback applicable to the entire structure shall increase by 11 feet (11’).
- C. In no case shall the height of a structure exceed the secondary height limitation established in the table.

16.08.04 Height in the B1 Central Business District

- A. Building Height by Location:
 - 1. King Street



B1 - Building Height for Lots with Street Frontage

- a. Buildings which front on King Street as shown on the map above are limited to thirty feet (30’), as measured from the average elevation of the existing or proposed public sidewalk facing King Street to the highest point of the building or structure.

- b. Buildings which front King Street on corner lots shall be limited to thirty feet (30'), as measured from the average elevation of the existing or proposed public sidewalk facing King Street to the highest point of the building or structure.
 - c. Buildings which front on King Street as shown on the map above and Howard Street are limited to thirty feet (30') at the King Street elevation, and thirty-three feet (33') at the Howard Street elevation. Building height shall be measured from the average elevation of the existing or proposed public sidewalk facing the street to the highest point of the building or structure subject to the limitations below. The building height limitation for the King Street elevation may extend horizontally from the building frontage on King Street toward Howard Street not more than 75% of the lot length.
 - d. Buildings which front on King Street as shown on the map above and Queen Street are limited to thirty feet (30') at the King Street elevation, and thirty-three feet (33') at the Queen Street elevation. Building height shall be measured from the average elevation of the existing or proposed public sidewalk facing the street to the highest point of the building or structure. The applicable building height shall apply for each street and the building height limitation shall terminate at the midpoint of the lot.
2. Buildings fronting streets in the B1 Central Business District, outside of the area governed by 16.08.04(A)(1) above, are limited to thirty-three feet (33'), as measured from the average elevation of the existing or proposed public sidewalk facing the street to the highest point of the building or structure containing the primary entrance.
 3. Buildings in the B1 Central Business District located on interior lots with no street frontage are limited to thirty-three feet (33'), with height being the vertical distance measured from the average elevation of the finished grade at the primary façade of the building to the highest point of the building or structure.
- B. Building Height Limitations:**
1. Flat roofs shall be capped by parapets of sufficient height to screen rooftop equipment and penthouses from view when standing at ground level twenty feet (20') from the structure.
 - a. The building height limitations for buildings on King Street governed by Subsection 16.08.04(A)(1) above shall include parapet walls.
 - b. The building height limitations for buildings governed by Subsections 16.08.04(A)(2) and 16.08.04(A)(3) above shall not include parapet walls so long as the parapet walls do not exceed 4' above the maximum building height of thirty-three feet (33'). The height of parapet walls above 4' shall be counted toward the building height.

2. An existing building may not be demolished and replaced with a building of greater height unless approved under the Conditional District Zoning Map Amendment set forth in Article 9 herein.
 - a. The height of existing buildings may not be increased unless approved under the Conditional District Zoning Map Amendment process set forth in Article 9 herein.
 - b. Addition or modification of the features exempted in Subsection 16.08.08 do not trigger the requirement for the Conditional District Zoning Map Amendment process.
- 16.08.05** In all nonresidential zones and the R3 zone, all structures located within 100 feet of an R1 zoned property shall not exceed 40 feet in height.
- 16.08.06** Where a multi-unit or nonresidential structure has a height in excess of 20 feet and adjoins a low density residential district, the structure shall meet an additional setback of one and one-half feet for each foot in height above 20 feet.
- 16.08.07** If a structure is located at an elevation of 3,000 feet above mean sea level and 500 feet above the valley floor, in no case shall the height of such structure exceed 40 feet above the mean natural grade.
- 16.08.08** The following features are not included in calculating the height of a structure for the purposes of applying the district height limitations set forth in in this Article, except that on a corner lot in any residential district no planting, structures, fence, wall or obstruction to vision more than three feet in height measured from the street center line shall be placed or maintained within the triangular area formed by the intersection street lines and a straight line connecting points on said street lines each if which is 25 feet from the point of intersection.
- A. Belfries, chimneys, church spires, cupolas, domes and similar structural appendages not intended or used as places of storage or occupancy; and
 - B. Accessory antennas, flagpoles, solar collectors and similar equipment fixtures and devices provided that such features do not exceed 15% of the maximum height requirements; and
 - C. Except as provided at 16.08.04(B)(2), parapets which do not exceed five feet (5') past the maximum building height; by way of clarification, the height of parapets above 5' shall be counted toward the building height for purposes of applying building height; and
 - D. Elevator and mechanical equipment and penthouses; and
 - E. Utility transmission poles and cables; and
 - F. Limited structures to enable recreation uses of open rooftops. As used in this provision, "limited structure" does not include areas that are simply decking to be used for standing or sitting.

G. The features listed above are exempt from the height limitations subject to the following requirements:

1. Not more than one-third (1/3) of the total roof area may be consumed by such features.
2. The features must be set back from the edge of the roof at primary and secondary facades a minimum of one foot for every foot which such features extend above the roof surface to which they are attached.

16.08.09 In the U1 district, building heights for structures internal to the main campus shall be generally limited only by the town's firefighting capability except for those structures located immediately adjacent to property in a non-University district. In this instance:

- A.** All buildings proposed within 100 feet of an R1, R1A, RR, R2, R4, or RA zoned property shall be limited to a maximum height of 40 feet.
- B.** All buildings proposed within 50 feet of an R3, OI, B1, B2, or B3 zoned property shall be limited to the maximum height allowed in the adjoining district. Additional height restrictions in Subsections 16.08.04 and 16.08.05 shall not apply in the U1 district.

16.08.10 Other than in the case of a single family residence, attic space that is not counted as habitable space when a development is approved may not ever subsequently be converted to habitable space.

16.08.11 In the R1S district, building height and maximum number of stories shall be measured from the mean elevation of the finished grade along the primary façade of the building.

(Ord. 20160751, 03-16-2017; Ord. PL00479-050817, 07-20-2017; Ord. PL01340-22718, 04-26-2018; Ord. PL01389-032818, 04-26-2018; Ord. PL03076-090919, 11-19-2019; Ord. PL03178-100319, 12-16-2019; Ord. PL03171-100319, 12-16-19)

16.09 Minimum Building Spacing

16.09.01 The minimum spacing between any two (2) buildings located on a single lot or in the U1 district, which contain dwelling units, shall be the sum of the spacing distances required for the walls of each building or portion thereof as follows:

- A.** The required spacing between buildings for any wall containing windows shall be the horizontal distance equal to the minimum interior setback applicable to the lot or district in which it is located, plus one (1) additional foot for each foot the height of the building exceeds thirty-five feet (35').
- B.** The required spacing distance for a windowless wall shall be in accordance with the applicable building codes.

16.09.02 Unless otherwise regulated by this Ordinance, the spacing between structures or portions of structures not containing dwelling units shall be appropriate to the use of such structures or portions thereof. Spacing shall be related to fire protection requirements, the separation of spaces by fences, walls or vegetative screening, the location of parking and service areas, the exposure to nearby living quarters and similar considerations.

16.10 Intensity Regulations for the U1 District

16.10.01 University campus land will be considered as a whole for purposes of computing land use intensities. This provision does not apply to satellite tracts; however, land separated from the main campus only by a public street or thoroughfare will be deemed part of the main campus.

(Ord. PL00479-050817, 07-20-2017)

16.11 Architecturally Integrated Subdivisions

16.11.01 In an architecturally integrated subdivision, the applicant may create lots and construct buildings without regard to any minimum lot size, lot width or setback restrictions except that:

- A. Lot boundary setback requirements shall apply where and to the extent that the subdivided tract abuts land that is not part of the subdivision, and
- B. Each lot must be of sufficient size and dimensions that it can support the structure proposed to be located on it, consistent with all other applicable requirements of this Ordinance.

16.11.02 The number of dwelling units in an architecturally integrated subdivision may not exceed the maximum density authorized for the tract under Section 16.01. The number of lots allowed in an architecturally integrated subdivision shall be calculated by dividing the project area by the minimum gross land area as shown in Section 16.01. For an architecturally integrated subdivision project that is composed of areas with different zoning designations, the number of units shall be determined for each zoning district. The maximum number of units for the project shall be the sum of the densities for each district. The units may be distributed throughout the project without regard to the zoning district lines subject to meeting the requirements of Subsection 16.11.01. Further, only uses authorized by Article 15 shall be permitted in each zoning district.

16.11.03 To the extent reasonably practicable, in architecturally integrated subdivisions the amount of land saved by creating lots that are smaller than the standards set forth in Section 16.01 shall be set aside as usable open space.

16.11.04 The purpose of this Section is to provide flexibility, consistent with the public health and safety and without increasing overall density, to the applicant who subdivides property and constructs buildings on the lots created in accordance with a unified and coherent plan of development.

16.12 Density on Lots Where Portion Dedicated to Town

16.12.01 Subject to the other provisions of this Ordinance, if (i) any portion of a tract lies within an area designated on any officially adopted Town plan as part of a proposed public park, greenway, or bikeway, and (ii) before the tract is developed, the owner of the tract, with the concurrence of the Town, dedicates to the Town that portion of the tract so designated, then, when the remainder of the tract is developed for residential purposes, the permissible density at which the remainder may be developed shall be calculated by regarding the dedicated portion of the original lot as if it were still part of the lot proposed for development.

(Ord. 20160751, 03-16-2017)