

ARTICLE II. ZONING DISTRICTS

2.1 Zoning Districts Established

A. Types of zoning districts.

All areas within the zoning jurisdiction of the Town of North Wilkesboro are hereby divided into zoning districts within which the use of land and water areas; the location, height, bulk, appearance and use of structures; the provision of parking and loading areas; and the provision of buffers and screening areas are regulated as herein provided. Zoning districts within the Town of North Wilkesboro shall fall within one of the following three categories.

1. Conventional zoning districts.

Each conventional district category serves a different purpose and imposes its own set of requirements and restrictions on the use of land in addition to the general requirements and restrictions imposed on all land or uses within the zoning jurisdiction. A conventional district may be replaced by a conditional district or layered with an overlay district.

2. Conditional zoning districts.

- a. Most conditional districts are established as parallel or counterpart districts to a conventional district. In such cases, references in the zoning ordinance to the conventional district shall be construed to also include the counterpart conditional district. In addition, there are several districts which exist only as conditional districts and do not have counterpart conventional districts.
- b. Each conditional district with a counterpart conventional district is intended to accomplish the purposes of the counterpart district through the development of identified uses at a specific location in accordance with this article. All regulations and uses which apply to a conventional district also apply to the counterpart conditional district, and no use shall be allowed in the conditional district that is not allowed in its counterpart conventional district.
- c. Additional conditions which may be placed upon the development by the petitioner as part of the rezoning process shall be binding upon property within a conditional district in perpetuity or until the property is re-zoned by the Town Board. Such conditions may include increased buffers, architectural features, access, parking, hours of operation, or any other feature of the development that is integral to meeting the spirit and intent of this ordinance or that serves to mitigate the impacts of the development on adjacent property or the community at large. Such conditions must be enforceable by the Town, presented by the petitioner during the public hearing as part of the rezoning petition, and agreed to by the Town Board of Commissioners during the rezoning process.
- d. This is a voluntary procedure which is intended for firm development proposals. It is not intended or suited for securing early zoning for tentative or speculative proposals

3. Overlay districts.

Overlay districts are established to provide for certain additional requirements, to permit uses not otherwise permitted in the underlying district, to prohibit uses allowed in the underlying district, or to establish special development requirements for uses permitted. Thus, where overlay districts exist and there is a conflict between the requirements and/or uses specified between the overlay and the underlying district, the standards of the overlay district shall prevail. Otherwise, the standards of the underlying district shall also be in effect for any area

additionally zoned for an overlay district. A zoning map change either establishing or changing any overlay district shall be subject to the same procedures and requirements as any other zoning map change. In certain areas, two or more overlay districts may apply.

2.2 Districts Named

ABBREVIATION	DISTRICT NAME
R20	Rural Residential
R10 & R10-CD	Low Density Residential
R6 & R6-CD	High Density Residential
OI & OI-CD	Office and Institutional District
NB & NB-CD	Neighborhood Business District
CBD	Central Business District
GB & GB-CD	General Business District
HB & HB-CD	Highway Business District
LI & LI-CD	Light Industrial District
GI & GI-CD	General Industrial District
RFD	Riverfront District
MF-CD	Multi-Family Conditional District
PD-CD	Planned Development Conditional District
AO	Airport Overlay District
WSO	Watershed Overlay District
FPO	Floodplain Overlay District
COD	Corridor Overlay District

2.3 Zoning District Boundary Interpretation

- A. Where district boundaries are shown within a street or alley right-of way, railroad or utility line right-of-way, recorded easement, or navigable or non- navigable waterway, such boundaries shall be construed to be in the center of the right-of-way, easement, or waterway.
- B. Where district boundaries are so indicated that they approximately follow lot lines, or town, city, or county borders, such lines shall be construed to be said district boundaries, unless otherwise indicated.
- C. Where district boundaries are so indicated that they are approximately parallel to the centerlines of streets, highways, or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is shown, such distance shall be determined by use of the scale shown on the official zoning maps.
- D. Where a district boundary line divides a single lot, each part of the lot shall be used in conformity with the standards established by these regulations for the district in which that part is located.
- E. If, because of error or omission in the maps, any property within the jurisdiction of this ordinance is not shown as being in a zoning district, such property will be classified as "OPEN" until changed by amendment.

- F. When a zoning case file contains detailed, verifiable information regarding the boundary, that information will be used as the correct boundary location.
- G. In instances where none of the above methods are sufficient to resolve the boundary location, the Board of Adjustment shall establish the boundary location.

2.4 Zoning District Descriptions

A. Rural Residential District (R20)

This district is established to provide a location for low density residential dwellings and limited light commercial uses in a suburban or rural setting in areas that are not yet urbanized and do not have all urban- type utilities. The established regulations for this district are designed to encourage the protection of natural features and allow for rural living. This is completed through increased environmental protections and encouragement of contextual development practices.

B. Low Density Residential District (R10 and R10-CD).

This district is established to provide moderate-density neighborhood consisting of single- family residences in a suburban setting. Uses located in this district are expected to have access to community water and sewer facilities. Other uses in this district can include limited private and public community uses.

C. High Density Residential District (R6 and R6-CD)

This district is established to provide a high-density neighborhood including single- family houses, duplexes and limited private and public community uses. All uses in this district are expected to have access to community water and sewer facilities. Pedestrian access must be considered for all uses provided within this district, so as to maximize connectivity between the Town's most dense residential district and surrounding uses.

D. Office and Institutional District (OI and OI-CD).

This district is established as a relatively high-density area intended primarily for offices, institutions and commercial activities not involving the sale of merchandise at retail, and public and private community uses. Uses outside of those listed are greatly limited within this district. As such, this district may also be used to buffer residential districts from more intense commercial and industrial districts, where possible.

E. Neighborhood Business District (NB and NB-CD).

This district is established for the use of those businesses and other uses which are properly and necessarily located in and near residential areas and which cater to the everyday needs of a limited residential area. As such, the list of uses allowed in this district is more limited than other commercial districts. The standards designed for these uses are intended to protect surrounding residential areas from any undesirable aspects of nearby commercial uses. Any use within this district is intended to serve the local residences and therefore shall not create or expand traffic congestion. Instead uses should be designed to support walking and cycling trips.

F. Central Business District (CBD).

This district is established as the central core of the town and is established for those uses which normally require a central location and which provide merchandise and services to be used by the entire town and its environs. It is intended that this district shall develop and be maintained as a tight-knit core of commercial and cultural activity. As such, the district promotes a mixture of office, institutional, retail, and residential uses. This district promotes design and aesthetic consistency, while also considering flexibility to encourage unique placemaking opportunities. Pedestrian access shall be a fundamental design consideration in this district.

G. General Business District (GB and GB-CD).

This district is established to provide a location for those businesses and services which do not necessarily require a central location but which are more properly located out from the central core of commercial activity. Such uses shall be located and designed in such a manner to promote aesthetics and to minimize traffic impacts on adjoining streets.

H. Highway Business District (HB and HB-CD).

This district is established to serve the town as compact and efficient retail shopping, consumer services and wholesaling areas along designated highways and thoroughfares within town and surrounding ETJ. The district is intended to serve automobile traffic of persons residing in and/or travelling through North Wilkesboro. As such, the district is designed to promote inviting aesthetics and proper traffic considerations. The district also provides space for indoor and outdoor recreational uses which require large lots.

I. Light Industrial District (LI and LI-CD).

This district is established to allow light manufacturing, wholesale sales, research centers, limited retail sales, and accessory land uses incidental to and in support of heavier industrial uses. Uses within this district are intended to have few external impacts on neighboring properties, including noise, odor, or vibration. The district is also designed to mitigate such impacts through setbacks, buffers, and screening requirements.

J. General Industrial District (GI and GI-CD).

This district is established to allow industrial land uses, including, but not limited to, manufacturing, processing and assembling of parts and products, distribution of products at wholesale, transportation terminals and a broad variety of specialized commercial and industrial operations. Uses allowed in this district can have a significant effect on the environment, public utilities, traffic volumes, or nearby properties. As such, this district is designed to mitigate impacts through the most robust setbacks, buffers, and screening requirements required by this ordinance.

K. Riverfront District (RFD)

-TBD-

L. Multi-Family Conditional District (MF-CD).

The multi-family conditional district is established to accommodate multi-family projects which due to their design and/or scale may not be compatible with existing single family residential neighborhoods. This district is intended to accommodate duplex, triplex, patio homes, apartments, condominiums, and townhouse developments which may not as a whole integrate well into existing neighborhoods due to intensity of use.

1. Maximum residential density shall be 10 dwelling units per acre, unless otherwise granted by the Town Board of Commissioners during the conditional district rezoning process.
2. Multifamily developments with thirty (30) or more units shall have an on-site resident manager. This manager shall have on-site office hours of twenty (20) hours per week. These office hours must be posted on or near the door to the manager's office, and these hours must be between the hours of 8:00 a.m. and 6:00 p.m. Management shall post on or near the door to the manager's office an emergency contact number that enables residents to speak to a live person (not a recording) whenever the on-site manager does not have office hours.
3. Multifamily developments that contain four (4) or more dwelling units and that are located immediately adjacent to existing single-family residential districts shall have an opaque vegetative buffer at least thirty (30) feet in width between the proposed development and any

adjacent property zoned for single- family residential use. No buildings or parking shall be located within the buffer required by this subsection.

M. Planned Development Conditional District (PD-CD).

The planned development (PD) conditional district is established to permit flexibility in site design and land use codes for specialized projects and uses that are to be planned, developed and managed on a unified basis. Planned development proposals should be able to be supported by the existing, surrounding transportation systems and should be harmonious with surrounding development. Developers must conduct a pre- application meeting with town staff before submission of any application materials. Staff shall discuss details of the project, town policies, the town's vision for the property, and address concerns.

1. Permitted uses. Proposed uses shall be submitted by developer as part of the application process.
2. Dimensional requirements and supplemental standards.
3. Lot sizes shall be determined on a case-by-case basis and will depend on the design of the development and the types of uses proposed. However, developments may be subject to all overlay district requirements.
4. PD projects shall be a maximum of two hundred acres in size. All proposals shall conform to this size requirement except that proposals for tracts of less than thirty-five acres adjoining existing planned developments or the CBD district may be considered as long as they demonstrate that they are, in function and design, an extension of the existing CBD district.
5. The area of the PD shall be divided into blocks, streets, lots, and open space.
6. There shall be a substantial mix of housing types in exclusively residential PD projects; however, no more than sixty-five percent of dwelling units shall be multi-family housing.
7. Similar land uses shall front across each street. Dissimilar categories shall abut at rear lot lines when possible.
8. All uses shall be conducted completely within enclosed buildings, except that sidewalk sales, cafes, and open-air markets shall be permitted.
9. All streets and alleys shall terminate at other streets or alleys (e.g., cul-de- sacs and dead end streets shall be minimized).
10. Every PD that contains more than 20 dwelling units shall provide at least one square, or park or other form of open space no smaller than one acre. No portion of such neighborhood shall be more than six hundred feet from a square, park or open space.
11. The overall PD development must conform to the Town's adopted Comprehensive Plan.

N. Airport Overlay District (AO)

This district is intended to restrain influences which are adverse to the property and safe conduct of aircraft operations in the vicinity of the Wilkes County airport, to prevent creation of conditions hazardous to aircraft operation, to prevent conflict with land development which may result in loss of life and property, and to encourage development which is compatible with airport use characteristics within the intent and purpose of zoning.

O. Watershed Overlay (WSO)

It is the purpose of this district to protect the quality of drinking water for the Town of North Wilkesboro by setting standards for the development that occurs within designated public water supply watershed areas. It is further intended that the establishment of watershed regulations reflect the protection of critical environmental areas in accordance with the State of North Carolina's Water Supply Watershed Protection Rules

P. Floodplain Overlay (FPO)

The flood prone areas within the jurisdiction of Town of North Wilkesboro are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. The intent of this district is to minimize public and private losses due to flood conditions within flood prone areas by provisions and regulations of this district.

Q. Corridor Overlay (CO)

It is the intent to encourage development practices that maintain and/or enhance the natural beauty and scenic quality of various highway corridors in North Wilkesboro for the benefit of the motoring public and to protect the health, safety, and welfare of the motoring public by reducing impediments such as light glare, distractions, and visual clutter/obstructions. Regulations in the Corridor Overlay district work to regulate building aesthetics, placement, signage, and traffic flow in order to maintain these key corridors as appropriate gateways throughout the Town.

2.5 Measurements and Dimensions

A. General

No lot, even though it may consist of one (1) or more adjacent lots of record in single ownership, shall be reduced in size so that the lot area per dwelling unit, lot width, yard and lot coverage requirements, and other requirements of this chapter are not maintained. This prohibition shall not be construed to prevent the purchase or condemnation of narrow strips of land for public utilities or street right-of-way purposes.

B. Lot

A parcel of land recorded with Wilkes County, or a parcel described by metes and bounds, the description of which has been so recorded.

1. Lot Types

a. Interior

A lot other than a corner lot or a through lot, where only one property line fronts onto a street and all other lot lines are shared with other lots.

b. Corner Lot

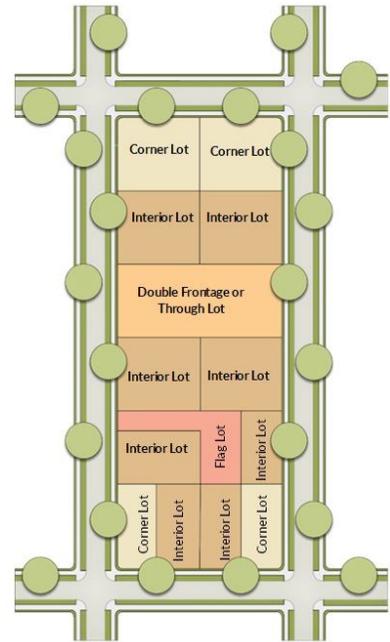
A lot that occupies the interior angle at the intersection of two or more right-of-way lines.

c. Double Frontage, Reverse Frontage, or Through Lot

A continuous lot of the same depth as the width of a block, and which has street frontage along two or more property lines.

d. Flag

An irregularly shaped lot which has an appendage or extension which does not meet lot width requirements of the district at the street.



2. Lot Area

a. Area shall be measured in gross square feet or acres.

b. Lot area shall be that area included in a single, undivided piece of land.

c. Minimum lot areas shall be exclusive of existing or proposed public or private right-of-way, resource conservation areas, and required recreation and open space.

C. Building Coverage

The maximum area of the lot that is permitted to be covered by buildings, including both principal structures and accessory buildings. Building coverage does not include paved areas such as driveways, uncovered porches or patios, decks, swimming pools or pool cages, or roof overhangs of less than three (3) feet.

D. Impervious Surface

The maximum area of the lot that is permitted to be covered by buildings, including both principal structures and accessory buildings, paved areas such as driveways, uncovered porches or patios,

or solid decks. For the purposes of calculating impervious surface, wooden slatted decks and the water area of a swimming pool are considered pervious.

E. Building Separation

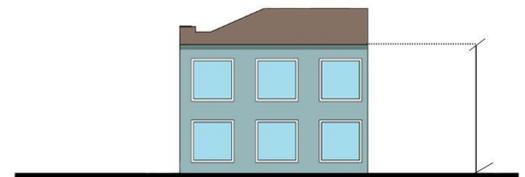
The required separation between any two (2) buildings located on the same lot or parcel of land. This distance shall be a minimum of twenty (20) feet and shall increase an additional ten (10) feet for every story over two (2) unless otherwise stated in this Ordinance.

F. Gross Floor Area

The Gross Floor Area of a building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The Gross Floor Area shall include the area of each floor including basements and mezzanines. Separated service facilities outside of the building, such as boiler rooms or maintenance shops, shall be excluded from the calculation.

G. Height Calculations

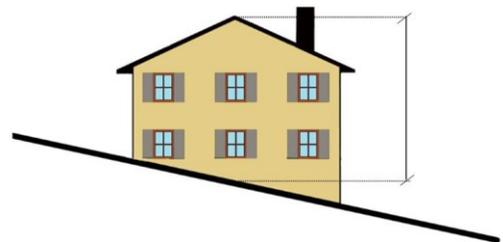
For purposes of this Ordinance, the height of a structure shall be the vertical distance measured from the average elevation of the finished grade of the structure to the highest point of the roof. In the case of a building with a parapet, the building height is only measured to the finished roof line of the building, exclusive of the parapet.



Measured to the highest finished roof surface

1. The maximum heights as indicated in the various districts may be exceeded for the following uses:

- a. Roof equipment not intended for human occupancy and which is accessory to the structure upon which it is placed, such as skylights, transmissions or television towers,
- b. Housing for elevators
- c. Stairways,
- d. Water tanks,
- e. Ventilating fans, air conditioning equipment or similar equipment,
- f. Steeples, spires, belfries, cupolas or chimneys,
- g. Radio and television antennae.



Measured from the average finished ground level to the highest point of the ridge.

H. Width

1. Building Width

Building width shall be measured by the distance along the front plane of any building (as determined by the location of an entrance fronting onto a street).

2. Parcel or Lot Width

Parcel or lot width shall be measured by the distance between the side lot lines (generally running perpendicular to a street), measured at the front setback line, parallel to the front property line or along the chord of the front property line.

I. Density

The number of residential dwelling units per acre of land, determined by dividing the number of dwelling units by the total number of acres in the parcel to be developed.

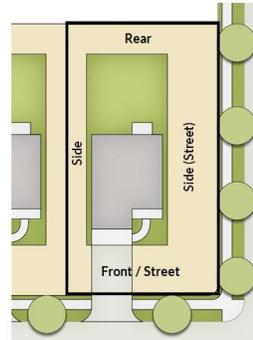
J. Reduction of Lot and Yard Areas Prohibited

1. No required yard or lot area existing at the time of adoption of this Ordinance or any amendment subsequent thereto shall be reduced in size below the minimum requirements set forth herein, except as the result of street widening or other taking for public use or conveyance in lieu thereof.
2. Yards or lots created after the effective date of this Ordinance shall meet the minimum requirements established by this Ordinance. This prohibition shall not be construed to prevent the condemnation of land for public purposes.

K. Setbacks and Yards

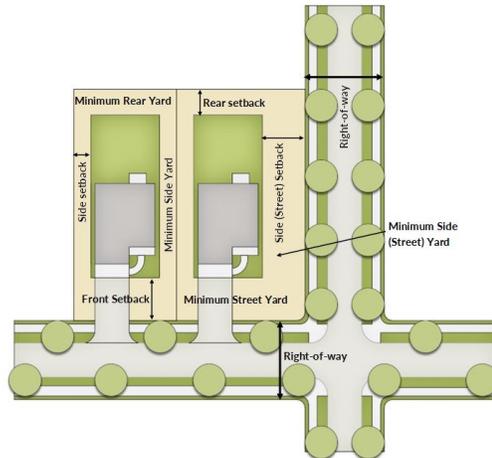
1. Defined

- a. **Setback.** The distance by which any building or structure must be separated from the lot line. Usually conveyed as the minimum distance permitted.
- b. **Yard.** The unoccupied, open space, at grade, on a lot extending from the lot line to the building. Usually conveyed as the minimum width permitted.



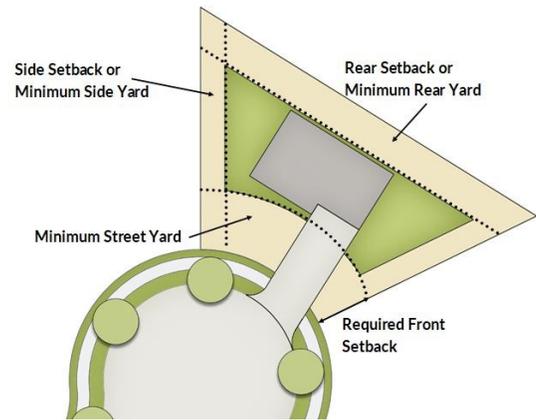
2. Types

- a. Front or Street
- b. Rear
- c. Side
- d. Corner



3. Measurement of Required Yards and Location of Minimum Setbacks

- a. Depth of a required front or corner yard shall be measured perpendicular to the street right-of-way line so that the yard established is equal to the minimum front or side (street) setback required by district regulations.
- b. The width of a required side yard shall be measured perpendicular to the side lot line so that the yard established is equal to the minimum side setback width required by district regulations.
- c. Depth of a required rear yard shall be measured perpendicular to the rear lot line in such a manner that the yard established is equal to the minimum rear setback required by district regulations.
- d. For lots located on a cul-de-sac, the street yard shall be measured as a line that extends parallel to the arc of the street right-of-way at a distance measured perpendicularly along the side lot lines and equal to that of the required minimum front setback required by the district regulations.



4. General

- a. All street yard and setbacks shall be measured from the edge of the property line. In instances where the property line extends to the middle of the roadway, the setbacks shall be measured from the edge of the cartway.
- b. Double frontage or through lots shall have a defined front and rear yard based on the historical development patterns of the blockface. Where there is no historical development pattern, the front yard shall be considered the yard which is adjacent to the primary road frontage or architectural front of the building.
- c. Every part of every required yard shall be open and unobstructed above grade upward to the sky except as provided or as otherwise permitted in this chapter.
- d. No part of a yard or other open space required for any structure or used for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space similarly required for another structure or use.

L. Location of Required Yards on Irregular Lots

The location of required front, side and rear yards on irregularly shaped lots shall be determined by the Administrator. The determination will be based on the spirit and intent of this Ordinance to achieve an appropriate spacing and location of buildings and structures on individual lots.

M. Yard / Setback Encroachments

The following encroachment standards shall apply to all required yards, so long as they do not extend into any easements:

- 1. An attached and uncovered ground level (i.e., no greater than four feet in height) slab may extend into a required rear yard but shall be no closer to a rear lot line than one-half (1/2) of the required rear yard setback. Said slab may not be covered or enclosed in the future or

otherwise be converted into heated floor space unless the full yard requirements for the structure are met.

2. Chimneys, pre-fabricated chimneys, flues, or smokestacks may extend a maximum of four feet into a required yard.
3. Building eave or roof overhang may extend up to twenty-four (24) inches into a required yard; provided that such extension is at least three feet from the property line, its lower edge is at least seven and a half (7½) feet above the ground elevation, and it is located at least five feet from any other building or eave.
4. Sills and ornamental features may project up to twenty-four (24) inches into any required yard.
5. Except in the CBD, fire escapes may project up to eight (8) feet into any required yard.
6. Signs may extend into required yards in conformance with standards found in [Section XX](#).
7. Pedestrian bridges, breezeways, building connections, and supports of these structures may extend into required yards upon findings by the approving authority that the connecting feature is necessary to provide safe pedestrian access or to improve transit access.
8. Security gates and guard stations may be located within any required yard.
9. Unenclosed patios, decks or terraces, including lighting structures, may extend up to four (4) feet into any required side yard, or up to eight (8) feet into any required rear yard.
10. Covered porches may encroach a maximum of twenty percent (20%) of the required street yard setback depth. This does not apply to enclosed porches and in no way shall a covered porch extend into the right-of-way.
11. Mechanical equipment for residential uses, such as HVAC units and security lighting, may extend into any required side yard but shall remain at least four (4) feet from the property line.
12. Bay windows, entrances, balconies, and similar features that are less than ten (10) feet wide may extend up to eighteen (18) inches into any required yard but shall remain at least six (6) feet from the property line.
13. Structures below and covered by the ground may extend into any required yard.
14. Driveways may extend into any required yard, provided that, to the extent practicable, they extend across rather than along the setback area and may be no closer than two (2) feet from the side property line, except for residential driveways which may coincide along a property line.
15. Planters, retaining walls, fences, hedges, and other landscaping structures may encroach into any required yard, subject to visibility restrictions.
16. Utility lines located underground and minor structures accessory to utility lines (such as hydrants, manholes, and transformers and other cabinet structures) may encroach into any required yard.

2.6 Dimensional Standards

District		Min. Lot Size (Sq. Ft.) ¹	Min. Lot Width (ft) ²	Min. Setbacks			Max. Bldg. Height (ft)
				Front	Side	Rear	
R20	Residential	20,000	100	40	12	35	35
	Non-Residential	40,000	100	40	20	35	35
R10	Residential	10,000	75	35	10	30	35
	Non-Residential	20,000	75	40	15	30	35
R6	Residential	6,000	50	30	8	25	35
	Non-Residential	20,000	50	30	12	30	35
OI	Residential	6,000	60	25	8	25	50 ⁴
	Non-Residential	10,000	60	25	8	25	50
NB		0	0	10	15	5	35
CBD		0	0	0	0	0	80
GB		0	50	10	25 ⁶	20	50
HB		0	100	20	25 ⁶	10	50
LI		0	50	30	30 ⁶	30 ⁶	80 ⁴
GI		0	50	40	30 ⁶	30 ⁶	80 ⁴
MF-CD		2 acres ³	100	50	50	50	Varies ⁵
PD-CD		Varies: See 5.??					
WSO		Varies: See 5.??	Same as Underlying District				
AO		Same as Underlying District					Varies: See 5.??
FPO		Same as Underlying District					
CO		Same as Underlying District					40

¹ Lot area requirements may be larger for lots within the WS-II or WS-IV Watershed areas

² Lot width to be measured at minimum required setback. Minimum frontage onto a public road for all lots is 40'

³ Maximum residential density shall be 10 units per acre

⁴ Height may be increased 1 foot for every additional 1 foot of setback provided for the building or portion thereof exceeding the height limit

⁵ To be determined during the conditional zoning process

⁶ May be reduced to zero if the uses is not adjacent to a residential use

2.7 Overlay Zoning District Regulations

A. Airport Overlay District.

1. Permitted uses.

Uses permitted by right, uses with supplemental standards conditions, and uses permitted upon the issuance of a special use permit are listed in the table of uses in [Section 6.7](#).

2. Dimensional requirements and supplemental standards.

- a. Airport height limitation zones. In order to carry out the provisions of this article, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the airport. Such zones are shown on the official zoning map described in [Section 6.5\(A\) \(3\) \(d\)](#) of this article. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established as sub-classifications of the airport overlay district and are defined as follows:
- (1) Precision Instrument Runway Approach Zone (AO-A1). The inner edge of this approach zone coincides with the width of the primary surface and is one thousand feet wide. The approach zone expands outward uniformly to a width of sixteen thousand feet at a horizontal distance of fifty thousand feet from the primary surface. Its center-line is the continuation of the centerline of the runway.
 - (2) Runway Larger Than Utility Visual Approach Surface (AO-A2). The inner edge of this surface begins at and corresponds with the width of the primary surface and is one thousand feet wide. This surface rises uniformly at a 20:1 slope to a width of one thousand five hundred feet at a horizontal distance of five thousand feet from the primary surface along the extended runway centerline.
 - (3) Runway Larger Than Utility with a Visibility Minimum as Low as Three-Fourths-Mile Non-precision Instrument Approach Zone (AO-A3). The inner edge of this approach zone coincides with the width of the primary surface and is one thousand feet wide. The approach zone expands outward uniformly to a width of four thousand feet at a horizontal distance of ten thousand feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
 - (4) Transitional zones (AO-T). The transitional zones are the areas beneath the transitional surfaces.
 - (5) Horizontal zone (AO-H). The horizontal zone is established by swinging arcs of ten thousand feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
 - (6) Conical zone (AO-C). The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of four thousand feet.
- b. Airport environs height limitations. Except as otherwise provided in this article, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created under this article to a height in excess of the applicable height herein established for such zone. However, nothing in this article shall be construed as prohibiting the erection, alteration, or maintenance of any structure or growth of any tree at or to a height which is below the limitations set forth herein. Such applicable height limitations are hereby established for each of the zones in question as follows:

- (1) Precision Instrument Runway Approach Zone (AO- A1). Slopes fifty feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet along the extended runway centerline; thence slopes upward forty feet horizontally for each foot vertically to an additional horizontal distance of forty thousand feet along the extended runway centerline.
- (2) Runway Larger Than Utility Visual Approach Zone (AO-A2). The inner edge of this surface begins at and corresponds with the width of the primary surface and is one thousand feet wide. This surface rises uniformly at a 20:1 slope to a width of one thousand five hundred feet at a horizontal distance of five thousand feet from the primary surface along the extended runway centerline.
- (3) Runway Larger Than Utility With a Visibility Minimum as Low as Three- Fourths- Mile Non-precision Instrument Approach. Zone (AO-A3). Slopes thirty-four feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet along the extended runway centerline.
- (4) Transitional zone (AO-T). Slopes seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty feet above the airport elevation which is one thousand three hundred and one feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface and extending a horizontal distance of five thousand feet measured at ninety-degree angles to the extended runway centerline from the edge of the approach surface.
- (5) Horizontal zone (AO-H). Established at a height of one hundred fifty feet above the airport elevation or an elevation of one thousand four hundred fifty-one feet above mean sea level
- (6) Conical zone (AO-C). Slopes twenty feet outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty feet above the airport elevation and extending to a height of three hundred fifty feet above the airport elevation, or an elevation of one thousand six hundred fifty-one feet above mean sea level.

c. Airport zoning related to sanitary landfill location.

Due to the increased attraction of birds in the vicinity of sanitary landfills and the potential hazards which birds create to aircraft operations, the following provisions shall apply:

- (1) No sanitary landfill shall be located within ten thousand feet from a runway of any airport.
- (2) Sanitary landfills which are proposed to be located farther than ten thousand feet from a runway of any airport but within the conical surface will be reviewed on a case by case basis by the Board of Adjustment, which may in turn consult with the FAA. If, in the opinion of the board of adjustment or the FAA, the proposed landfill

poses a threat to safe aircraft operations, then the landfill shall not be allowed in the proposed location.

3. Protective area map.

The protective surfaces and zones herein established are shown on the drawings entitled "Official Zoning Map –Airport Overlay" which are a separate but integral part of this section, and are kept on file in the office of the Planning Director.

4. Use Restriction.

Notwithstanding any other provision of this article, no use may be made of land or water within any zone established hereunder in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

5. Nonconforming uses.

- a. **Regulations Not Retroactive.** The regulations prescribed in this article shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this article, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this article and is diligently prosecuted to completion thereafter. The foregoing provisions, however, are subject to Section 2.3.
- b. **Marking and Lighting.** Notwithstanding the preceding provision of this article, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Wilkes County airport board to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction, provided that Wilkes County agrees to bear all cost and expense for such installation, operation and maintenance.

6. Applications

- a. In addition to the requirements of Section 3.3 of this ordinance, applications for building or zoning compliance (certifications of zoning compliance) shall contain such further information as may reasonably be required by the Zoning Administrator in order to determine whether the proposed use complies with the requirements of this article.
- b. **Permits and variances.**
 - (1) Issuance of Permit. No certification of zoning compliance, shall be issued by the Zoning Administrator under Section 3.1 of this ordinance with respect to any use within an "AO" zone unless said use complies with all of the requirements of this article; provided, however, that:
 - (a) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any use or structure except in cases where, because of terrain, land contour, or topographic features, such use or structure would extend above the height limits prescribed for such zones.

the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Adjustment, this condition may be modified to require the owner to permit Wilkes County, at its own expense, to install, operate, and maintain the necessary markings and lights.

B. Watershed Overlay (WO).

Please refer to Chapter V for Environmental Standards.

C. Floodplain Overlay (FPO).

Please refer to Chapter V for Environmental Standards.

D. Corridor Overlay District (CO)

1. Permitted uses.

Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a special use permit are listed in the table of uses in Section 6.7.

2. Dimensional requirements and supplemental standards.

a. In order to carry out the provisions of this article, there are hereby created and established certain zones which include all of the land adjoining Highways 18, 268, 115, and 421 Business. Such areas are determined by a 500-foot corridor (250 feet from the center line on each side of the highway) running parallel with the aforementioned highways. Such zones are shown on the official zoning map described in Section 6.5(D) (3) (J). The requirements of the COD shall be applied in addition to any other applicable land use controls. In the event that COD standards conflict with other existing development requirements, the more restrictive regulations apply and shall be applied to the following:

- (1) The development of vacant land
- (2) Redevelopment or expansion of existing site ground coverage, which includes buildings, accessory uses or structures, parking and outdoor storage areas; and
- (3) Any change in use that increases development intensity and results in increased traffic, water or air pollution. Examples of changes in use that may increase development intensity include, but are not limited to: alteration from a residential use to a commercial use or from a commercial use to an industrial use.

b. Structure Height.

Structures within the COD shall be limited in height a maximum of 40 feet as measured from the finished ground floor elevation to the highest point of the roof or structure. Chimneys, cupolas, and steeples are not included in measuring a structure's height.

c. Right-of-way Setback.

Structures within the COD shall be set back no less than 50 feet from the right-of-way or no closer than 100 feet of centerline of the specific Highway (Highway 18, 268, 115, 421 Business).

d. Buffer yard.

A buffer yard of 25 feet shall be provided and maintained immediately adjacent to and along each side of the right-of-way.

(1) Composition.

To the greatest extent possible, existing planting material within the buffer yard shall be retained—particularly mature trees and rare specimens. Where adequate plant material is absent or to be removed, a landscaped buffer consisting of two canopy trees and two understory trees per 100 linear feet of property frontage shall be installed. In addition, one upright shrub per eight linear feet of property frontage shall also be installed.

(2) Permitted Structures.

The following structures may be built within the required buffer yard:

- (a) Pedestrian or bicycle paths;
- (b) Planters, retaining walls, fences, park tables and seating, hedges, and other landscaping structures; and
- (c) Utility lines (above or belowground), their support structures, and minor structures accessory to utility lines, provided that they generally cross rather than run along the length of the buffer yard.

e. Maximum Impervious Surface.

The maximum permitted coverage by impervious surfaces shall be 80 percent of the total lot area, unless regulated by the watershed overlay district. The more stringent will apply in this case.

f. Parking and Loading.

(1) Parking.

(a) Location Requirements.

No vehicular or equipment parking except automobile parking shall be permitted in the yard area adjacent to the highway. When more than 20 off street parking spaces are provided, no more than 75 percent of the off-street parking spaces may be located in the yard directly facing the highway.

(b) Right-of-way Setbacks.

All automobile parking shall be set back at least 25 feet from the right-of-way of the highway.

(2) Loading.

All loading shall be from the side or rear of the principal structure as viewed from the highway. If loading is performed on the side of the building, as viewed from the highway, screening meeting the following standards shall be provided:

(a) .The screen shall be composed of view obscuring evergreen vegetation(used individually, or in combination with), a wall, semi opaque fence, or berm designed to obscure views from the ground, except for mechanical equipment which shall be screened to the height of the equipment plus six inches.

(b) One upright shrub shall be installed per four linear feet of any screen wall or fence that faces off-site. These plantings shall be placed such that they obscure the screen wall or fence.

- (c) Plants must be at least two feet tall at the time of installation and reach the desired height within three to five years of planting. Berms, when provided, must be covered with plant materials within three to five years

g. Outdoor Storage.

(1) Locational Requirements.

Outdoor storage areas shall not be placed in front yard or in a yard adjacent to, or facing, the highway.

- (2) Screening.** Outdoor storage areas must be fully screened from view from the highway. Screening meeting the standards above for loading areas shall be installed.

h. Exterior Lighting.

All exterior lighting shall be constructed or located so that the light source is not directly visible from a vehicle traveling the highway and does not project glare onto the highway or access roads. The use of full cutoff lighting fixtures is required.

i. Signs.

- (1) Maximum Height:** 12 feet.

- (2) Type.** Ground-mounted, monument, wall, canopy/awning, directional/incidental, window, and flag signs only are permitted.

- (3) Landscaping.** Appropriate landscaping shall be required at the base of all signs within the COD.

- (4) Maximum Area.** Monument sign size will be determined on the underlying zoning district and may be permitted up to 12 feet tall. Wall signs will be permitted to have the percentage coverage of the underlying zoning district.

- (5) Shielding of Illuminated Signs.** All illuminated signs must be shielded in such a manner that no direct glare from the light source can be seen from the highway or thoroughfare or from above.

- (6) Prohibited signs.**

- (a) Animated signs
- (b) Flashing signs
- (c) Roof signs
- (d) Off-premise outdoor advertising signs

j. Overlay area map.

The zones herein established are shown on the Town's online GIS map with the 151 layer labeled "Corridor Overlay District", and are a separate but integral part of this section.

- k. Nonconforming uses.** Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this article and is diligently prosecuted to completion thereafter.