

Article 10 - Permissible Uses

Section 16-10.1 Table of Permissible Uses. The Table of Permissible Uses herein should be read in close conjunction with the definitions of terms set forth in Section 16-2 and the other interpretative provisions set forth in this article.

Section 16-10.2 Use of the Designations Z and C in Table of Permissible Uses.

16-10.2.1 Subject to Section 16-10.3, when used in connection with a particular use in the Table of Permissible Uses herein, the letter "Z" means that the use is permissible in the indicated zone with a zoning permit issued by the administrator. The letter "C" means a conditional use permit must be obtained from the board of commissioners.

16-10.2.3 Subject to Section 16-10.3, use of the designation "ZC" means that a zoning permit must be obtained if the development is located on a lot of one acre or less while a conditional use permit, respectively, must be obtained for all developments on lots in excess of one acre.

16-10.2.4 Use of the designation Z and C for combination uses is explained in Section 16-10.10.

16-10.3 Board of Adjustment Jurisdiction Over Uses Otherwise Permissible With a Zoning Permit. Notwithstanding any other provisions of this article, whenever the *Table of Permissible Uses* (interpreted in the light of Section 16-10.2 and the other provisions of this article) provides that a use in a non-residential zone is permissible with a zoning permit, a conditional use permit shall be required if the administrator finds that the proposed use would have an extraordinary impact on neighboring properties or the general public. In making this determination, the administrator shall consider, among other factors, whether the use is proposed for an undeveloped or previously developed lot, whether the proposed use constitutes a change from one principal use classification to another, whether the use is proposed for a site that poses peculiar traffic or other hazards or difficulties, and whether the proposed use is substantially unique or is likely to have impacts that differ substantially from those presented by other uses that are permissible in the zoning district in question.

Section 16-10.4 Zoning Administrator Jurisdiction Over Uses Otherwise Permissible with CUP. Notwithstanding any other provisions of this article, whenever the Table of Permissible Uses (interpreted in the light of Section 16-10.2 and other provisions of this article) provides that a use in the CB, GB, or OI zoning district is permissible with conditional use permit, only a zoning permit shall be required instead if the administrator determines that the new use involves no more than a change from one business to another, that no new substantial construction is

involved, and that the change in use would have a negligible adverse impact on neighboring property and the public health and safety.

Section 16-10.5 Permissible Uses and Specific Exclusions. The presumption established by this chapter is that most legitimate uses of land are permissible within at least one zoning district in the town's planning jurisdiction. Therefore, because the list of permissible uses set forth in herein, (Table of Permissible Uses) cannot be all-inclusive, those uses that are listed may be interpreted to include other uses that have similar impacts to the listed uses.

16-10.5.1 Section 16-10.1 (*Table of Permissible Uses*) shall not be interpreted to allow a use in one zoning district when the use in question is more closely related to another specified use that is permissible only in other zoning districts.

16-10.5.2 Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited in all districts:

- a) Use of travel trailer as a residence.
- b) The use of any motor vehicle (as defined in Section 6-1 of the town code), parked on a lot, as a structure in which, out of which or from which any goods are sold or stored, any service is performed, or other business (as defined in Section 8-1 of the town code) is conducted, except that retail sales of food products and goods manufactured, created or produced by the seller shall not be prohibited by this subdivision. Notwithstanding any other provision of this chapter, situations that exist on the effective date of this chapter that are in violation of this section shall not be regarded as lawful nonconforming situations thirty days after the effective date of this chapter.
- c) The installation, erection, or use of a wind energy system, wind turbines, and/or associated towers for wind energy conversion.

Section 16-10.6 Accessory Uses. The Table of Permissible Uses classifies different principal uses according to their different impacts. Whenever an activity (which may or may not be separately listed as a principal use in this table) is conducted in conjunction with another principal use and the former use (i) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (ii) is commonly associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use. For example, a swimming pool/tennis court complex is customarily associated with and integrally related to a residential subdivision or multifamily development and would be regarded as accessory to such principal uses.

16-10.6.1 For purposes of interpreting section 16-10.4:

- a) A use may be regarded as incidental or insubstantial if it is incidental or insubstantial in

and of itself or in relation to the principal use;

- b) To be "commonly associated" with a principal use it is not necessary for an accessory use to be connected with such principal use more times than not, but only that the association of such accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relatedness.

16-10.6.2 Without limiting the generality of section 16-10.6.1 the following activities are specifically regarded as accessory to residential principal uses so long as they satisfy the general criteria set forth above:

- a) Offices or studios within an enclosed building and used by an occupant of a residence located on the same lot as such building to carry on administrative or artistic activities of a commercial nature, so long as such activities do not fall within the definition of a home occupation.
- b) Hobbies or recreational activities of a non-commercial nature.
- c) The renting out of one or two rooms within a single family residence (use classification 1.110 or 1.120) (which one or two rooms do not themselves constitute a separate dwelling unit) to not more than two persons who are not part of the family that resides in the single family dwelling.
- d) Yard sales or garage sales, so long as such sales are not conducted on the same lot for more than three days (whether consecutive or not) during any 365 day period. Sales conducted in excess of these limitations shall be regarded as commercial activity that is unlawful in residential zones.

16-10.6.3 Without limiting the generality of section 16-10.6.1 the following activities shall not be regarded as accessory to a residential principal use and are prohibited in residential districts:

- a) Storage outside of a substantially enclosed structure of any motor vehicle that is neither licensed nor operational.
- b) Parking outside a substantially enclosed structure of more than four motor vehicles between the front building line of the principal building and the street on any lot used for purposes that fall within the following principal use classifications: 1.100, 1.200, 1.420, or 1.430.

Section 16-10.7 Permissible Uses Not Requiring Permits. Notwithstanding any other provisions of this chapter, no zoning or conditional use permit is necessary for the following uses:

- a) Streets.
- b) Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right of way.
- c) Neighborhood utility facilities located within a public right of way with the permission of the owner (state or town) of the right of way.

Section 16-10.8 Change in Use. A substantial change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. This occurs whenever:

- a) The change involves a change from one principal use category to another.
- b) The original use is a combination use (29.000) or planned unit development (30.000), the relative proportion of space devoted to the individual principal uses that comprise the combination use or planned unit development use changes to such an extent that the parking requirements for the overall use are altered.
- c) If the original use is a combination use or planned unit development use, the mixture of types of individual principal uses that comprise the combination use or planned unit development use changes.
- d) If there is only one business or enterprise conducted on the lot (regardless of whether that business or enterprise consists of one individual principal use or a combination use), that business or enterprise moves out and a different type of enterprise moves in (even though the new business or enterprise may be classified under the same principal use or combination use category as the previous type of business). For example, if there is only one building on a lot and a florist shop that is the sole tenant of that building moves out and is replaced by a clothing store, that constitutes a change in use even though both tenants fall within principal use classification 2.110. However, if the florist shop were replaced by another florist shop, that would not constitute change in use since the type of business or enterprise would not have changed. Moreover, if the florist shop moved out of a rented space in a shopping center and was replaced by a clothing store, that would not constitute a change in use since there is more than one business on the lot and the essential character of the activity conducted on that lot (shopping center - combination use) has not changed.

16-10.8.1 A mere change in the status of property from unoccupied to occupied or vice-versa does not constitute a change in use. Whether a change in use occurs shall be determined by comparing the two active uses of the property without regard to any intervening period during which the property may have been unoccupied, unless the property has remained unoccupied for more than 180 consecutive days or has been abandoned.

16-10.8.2 A mere change in ownership of a business or enterprise or a change in the name shall not be regarded as a change in use.

Section 16-10.9 Manufacturing/Processing, Etc. Uses. The Board finds that the residential/resort character of the area within Blowing Rock's planning jurisdiction is incompatible with the development of such area for uses within the 4.000 classification of the Table of Permissible Uses (manufacturing, processing, etc.) except to the extent that such uses create none of the negative impacts often associated with such manufacturing/processing uses. Therefore, no 4.000 classification use within any zoning district may:

- a) Emit from a vent, stock, chimney, or combustion process any smoke that is visible to the

naked eye.

- b) Generate noise that tends to have an annoying or disruptive effect upon uses located outside the immediate space occupied by the 4.000 use if that use is one of several on the lot, or uses located on adjacent lots.
- c) Generate any ground transmitted vibration that is perceptible to the human sense of touch measured at the outside boundary of the immediate space occupied by the enterprise generating the vibration if the enterprise is one of several located on a lot, or the lot line if the enterprise generating the vibration is the only enterprise located on a lot.
- d) Generate any odor that reaches the "odor threshold" measured at the outside boundary of the immediate space occupied by the enterprise generating the odor, or the lot line if the enterprise generating the odor is the only enterprise located on a lot. For purposes of this subdivision, the "odor threshold" is defined as the minimum concentration in air of a gas, vapor, or particulate matter that can be detected by the olfactory systems of a panel of healthy observers.
- e) Require for its operations a daily average of more than 200 gallons of water per employee.
- f) Create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance, or otherwise causes, creates, or contributes to the interference with electronic signals (including television and radio broadcasting transmissions) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

Section 16-10.10 Combination Uses. When a combination use comprises two or more principal uses that require different types of permits (zoning or conditional use), then the permit authorizing the combination use shall be:

- a) A conditional use permit if any of the principal uses combined requires a conditional use permit.
- b) A zoning permit in all other cases.

This is indicated in the Table of Permissible Uses by the designation "Z and C" in each of the columns adjacent to the 29.000 classification.

16-10.10.1 Subject to Section 16-10.10.2 when a combination use in an R-6 or R-10 zoning district consists of a residential subdivision and a multi-family development, the total density permissible on the lot shall be determined by having the developer indicate on the plans the portion of the total lot that will be developed for each purpose and calculating the density for each portion as if it were a separate lot.

16-10.10.2 Notwithstanding Section 16-12.2.2 whenever a combination use consists of a standard residential subdivision and a multi-family development, and the subdivided portion of the tract contains lots that exceed the minimum lot size requirements set forth in Section 16-181, but that do not exceed an average of 30,000 square feet, then the density of the portion of the tract developed for multi-family purposes may be increased beyond

the permissible density calculated in accordance with Section 16-10.10.1. The increase in density shall be determined as follows:

- a) The minimum lot size requirement for the applicable zoning district shall be subtracted from each lot that exceeds the minimum lot size, and the remainders totaled.
- b) The sum derived from the calculation in subdivision (1) shall be divided by the minimum lot size requirement. Fractions shall be rounded to the nearest whole number.
- c) The product of the calculation in subdivision (2) shall yield the number of additional multi-family dwelling units that may be located within the portion of tract developed for multi-family purposes.

16-10.10.3 When a residential use is combined with a non-residential use in a business district, the lot must have at least the minimum square footage required for the residential use alone.

16-10.10.4 When two principal uses are combined, the total amount of parking required for the combination use shall be determined by cumulating the amount of parking required for each individual principal use according to the relative amount of space occupied by that use.

Section 16-10.11 More Specific Use Controls. Whenever a development could fall within more than one use classification in the *Table of Permissible Uses*, the classification that most closely and most specifically describes the development controls. For example, a small doctor's office or clinic clearly falls within the 3.110 classification (Office and service operations conducted entirely indoors and designed to attract customers or clients to the premises). However, classification 3.130, "Physicians and dentists offices and clinics occupying not more than 10,000 square feet of gross floor area" more specifically covers this use and therefore is controlling.

Table of Permissible Uses

Z = Zoning Permit required; **C** = Conditional Use Permit required; **Z/C** = Zoning permit if lot less than 1 acre, CUP if lot 1 acre and greater; **Blank** = Use not permitted.

Uses Description	R-A	R-15	R-10S	R-10D	R-10M	R-6S	R-6M	R-MH	CB	TC	GB	OI	HMC	HSG	PGS
1.000 Residential															
1.100 Single-family residences															
1.110 Other than mobile homes	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z		
1.120 Mobile homes								Z							
1.130 Single family residence with accessory apartment	Z		Z	Z	Z	Z	Z		C		C	C			
1.200 Two-family residences															
1.210 Duplex <i>[Amended December 8, 1998]</i>				C	C		C		C		C	C	Z		
1.220 Two-family conversion <i>[Amended December 8, 1998]</i>				C	C		C		C		C	C	Z		
1.230 Townhouses <i>[Amended October 12, 2004]</i>				C	C		C		C		C	C	C		
1.300 Multi-family residences															
1.310 Other than mobile home parks					C		C	C	C		C	C			
1.320 Mobile home parks								C							
1.330 Multi-family conversion					C		C		C		C	C	Z		
1.400 Homes emphasizing special services, treatment or supervision															
1.410 Homes for handicapped or infirm	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z		
1.420 Nursing care, intermediate					C		C						C		
1.430 Child care homes					C		C						C		
1.440 Halfway houses													C		

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Uses Description	R-A	R-15	R-10S	R-10D	R-10M	R-6S	R-6M	R-MH	CB	TC	GB	OI	HMC	HSG	PGS
1.450 Facilities that are designed to provide a continuum of care, including independent living, assisted living/CCRC, home health care, adult day care, intermediate care, skilled nursing care, and acute care; provided, however, that residential living units shall be limited to no more than seven units per acre.													C		
1.500 Miscellaneous long-term rooms for rent situations															
1.510 Rooming houses, boarding houses	Z		Z	Z	Z	Z	Z		C	C	C	C	Z		
1.520 Fraternities, sororities, and similar housing with ten beds or less															
1.530 Dormitories, fraternities and sororities with more than ten beds, and similar housing															
1.600 Temporary Residences															
1.610 Temporary emergency construction and repair residences	Z	Z	Z	Z	Z	Z	Z	Z			Z	Z	Z		
1.620 Tourist homes and other temporary residences renting by the day or week									C	C	C	C			
1.630 Hotels, motels, and similar businesses or institutions providing overnight accommodations									C	C	C				
1.640 Bed and Breakfast establishments									C	C	C	C			
1.700 Home Occupations	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		

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Uses Description	R-A	R-15	R-10S	R-10D	R-10M	R-6S	R-6M	R-MH	CB	TC	GB	OI	HMC	HSG	PGS
Uses Description	R-A	R-15	R-15	R-10D	R-10M	R-10M	R-6M	R-MH	CB	CB	GB	GB	HMC	HSG	PGS

2.000 Sales and Rental of Goods, Merchandise and Equipment

2.100 Commercial activities to be located within a building. The display of goods outside that building is allowed.																
2.110 High-volume traffic generation																
2.111 Miscellaneous									C	C	C					
2.112 ABC Stores									C	C	C					
2.113 Convenience Stores									C	C	C					
2.120 Low-volume traffic generation									ZC	ZC	C					
2.130 Wholesale Sales											ZC					

3.000 Office, Clerical, Research and Services Not Primarily Related to Goods or Merchandise

3.100 All operations conducted entirely within fully enclosed building																
3.110 Operations designed to attract and serve customers or clients on the premises, such as the offices of attorneys, physicians, other professions, insurance and stock brokers, travel agents, government office buildings, etc.									ZC	ZC	ZC	C	ZC			
3.120 Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use									ZC	ZC	ZC	C	ZC			
3.130 Office or clinics of physicians or dentists with not more than 10,000 square feet of gross floor area									ZC	ZC	ZC	C	ZC			

3.200 Operations conducted within or outside fully enclosed building															
3.210 Operations designed to attract and serve customers or clients on the premises									ZC	ZC	ZC	C			
3.220 Operations designed to attract little or no customer or client traffic other than the employees of the entity operating the principal use									ZC	ZC	ZC	C			
3.230 Banks with drive-in windows									ZC	ZC	ZC				

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4.000 Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods, Merchandise and Equipment

4.100 All operations conducted entirely within fully enclosed building															
4.110 Majority of dollar volume of business done with walk-in trade									ZC	ZC	ZC				
4.120 Majority of dollar volume of business not done with walk-in trade											ZC				
4.200 Operations conducted within or outside fully enclosed building											ZC				

5.000 Educational, Cultural, Religious, Philanthropic, Social, Fraternal Uses

5.100 Schools															
5.110 Elementary and secondary (including associated grounds and athletic and other facilities)	C	C	C	C	C	C	C	C	C	C		C			

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Uses Description	R-A	R-15	R-10S	R-10D	R-10M	R-6S	R-6M	R-MH	CB	TC	GB	OI	HMC	HSG	PGS
5.120 Trade or											C				

vocational schools																
5.130 Colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)																
5.200 Churches, synagogues and temples (including associated residential structures for religious personnel and associated buildings but not including elementary school or secondary school buildings)	C	C	C	C	C	C	C	C	C	ZC	ZC	ZC	C	ZC		
5.300 Libraries, museums, art galleries, art centers and similar uses (including associated educational and instructional activities)																
5.310 Located within a building designed and previously occupied as a residence or within a building having a gross floor area not in excess of 3,500 feet										C	C	C	C	C	C	
5.320 Located within any permissible structure											C	C	C	C		
5.400 Social, fraternal clubs and lodges, union halls, and similar uses																
5.410 Featuring live entertainment or dancing at least four days per month													C			
5.420 Not featuring live entertainment or dancing at least four days per month											C	C	C	C		

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Uses Description	R-A	R-15	R-10S	R-10D	R-10M	R-6S	R-6M	R-MH	CB	TC	GB	OI	HMC	HSG	PGS	
6.000 Recreation, Amusement, Entertainment																

athletic fields, golf courses, tennis courts, swimming pools, parks, etc., not constructed pursuant to a permit authorizing the construction of another use such as a school															
6.230 Golf driving ranges not accessory to golf courses, miniature golf courses, skateboard parks, water slides, and similar uses											ZC				
6.240 Horseback riding, stables (not constructed pursuant to permit authorizing residential development)	C													Z	
6.250 Automobile and motorcycle racing tracks															
6.260 Drive-in movie theaters															
6.300 Adult business establishments, subject to the specific regulations and standards contained in Article XVII(C)											C				
7.000 Institutional Residence or Confinement Facilities															
7.100 Hospitals, clinics, other medical treatment facilities (including mental health) in excess of 10,000 square feet of floor area													C		

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Uses Description	R-A	R-15	R-10S	R-10D	R-10M	R-6S	R-6M	R-MH	CB	TC	GB	OI	HMC	HSG	PGS
7.200 Nursing Care Institutions, Intermediate Care Institutions, Handicapped or Infirm Institutions, Child Care Institutions													C		
7.250 Facilities that													C		

are designed to provide a continuum of care, including independent living, assisted living/ CCRC, home health care, adult day care, intermediate care, skilled nursing care, and acute care; provided, however, that residential living units shall be limited to no more than seven units per acre.																		
7.300 Institutions (other than halfway houses) where mentally ill persons are confined																		
7.400 Penal and Correctional Facilities																		
8.000 Restaurants, Bars, Night Clubs																		
8.100 No substantial carry-out or delivery service, no drive-in service, no service or consumption outside fully enclosed structure										ZC	ZC	ZC						

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8.200 No substantial carry-out or delivery service, no drive-in service. Service or consumption outside fully enclosed structure not allowed after 10:00 p.m. local time.										ZC	ZC	ZC						
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[Amended October 24, 1988 and June 13, 2006]															
8.300 Carry-out and delivery service, consumption outside fully enclosed structure allowed. Service or consumption outside fully enclosed structure not allowed after 10:00 p.m. local time. [Amended June 13, 2006]									ZC	ZC	ZC				
8.400 Carry-out and delivery service, drive-in service, service or consumption outside fully enclosed structure allowed											ZC				
8.500 [Deleted in its entirety June 8, 1993]															
8.600 Any of the above where the gross proceeds from the sale of food and non-alcoholic beverages are less than the gross proceeds from the sale of alcoholic beverages											C				

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Uses Description	R-A	R-15	R-10S	R-10D	R-10M	R-6S	R-6M	R-MH	CB	TC	GB	OI	HMC	HSG	PGS
9.000 Motor Vehicle-Related Sales and Service Operations															
9.100 Motor vehicle sales or rental; mobile home sales											ZC				
9.200 Sales with installation of motor vehicle parts or accessories (e.g., tires, mufflers, etc.)											ZC				
9.300 Motor vehicle repair and maintenance, not											C				

including substantial body work															
9.400 Motor vehicle painting and body work											C				
9.500 Gas Sales									C	C	C				
9.600 Car wash											Z				

10.000 Storage and Parking

10.100 Automobile parking garages or parking lots not located on a lot on which there is another principal use to which the parking is related										Z	Z	Z		Z	
10.200 Storage of goods not related to sale or use of those goods on the same lot where they are stored															
10.210 All storage within completely enclosed structures									C	Z	Z	Z		C	
10.300 Parking of vehicles or storage of equipment outside enclosed structures where: (i) vehicles or equipment are owned and used by the person making use of lot; and (ii) parking or storage is more than a minor and incidental part of the overall use made of the lot															

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Uses Description	R-A	R-15	R-10S	R-10D	R-10M	R-6S	R-6M	R-MH	CB	TC	GB	OI	HMC	HSG	PGS
10.300 Parking of vehicles or storage of equipment outside enclosed structures where: (i) vehicles or equipment are owned and used by the person making use of lot; and (ii) parking or storage is more than a minor and incidental part of the overall use made of the lot										ZC	ZC	ZC			

11.000 Scrap Materials, Salvage Yards, Junkyards, Automobile Graveyards

per acre; no more than eight sheep or goats per acre; and no more than 20 chickens per acre. The preceding figures are intended to be proportional and not cumulative; therefore, only one cow and one horse would be permitted on a single acre; or one cow and three hogs; or one cow and four sheep; or one cow and ten chickens, etc.															
14.130 Sod farming	C														
14.200 Silvicultural operations	Z	Z	Z	Z	Z	Z	Z	Z							
14.300 Mining or quarrying operations, including on-site sales of products															
14.400 Reclamation landfill	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z		Z

15.000 Miscellaneous Public and Semi-Public Facilities

15.100 Post Office										C	C	C	C		
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Uses Description	R-A	R-15	R-10S	R-10D	R-10M	R-6S	R-6M	R-MH	CB	TC	GB	OI	HMC	HSG	PGS
15.150 Public Maintenance Building									C	C	C	C		Z	
15.200 Airport															
15.300 Sanitary landfill															
15.400 Military Reserve, National Guard Centers															

16.000 Dry Cleaner, Laundromat

										C	C	C			
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17.000 Utility Facilities

17.100 Neighborhood	C	C	C	C	C	C	C	C	C	C	C	C	C		
17.200 Community or Regional										C	C	C			

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28.000 Subdivisions															
28.100 Major	C	C	C	C	C	C	C	C	C	C	C	C	C		
28.200 Minor	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		
29.000 Combination Uses	C	C	C	C	C	C	C	C	ZC	ZC	ZC	C	ZC		

*Note: The Office/Institutional District and related uses were enacted on July 14, 1998.
 The Parks and Green Space District and related uses were enacted on July 14, 1998.
 The R-10S District and related uses were enacted on October 13, 1998.
 The R-10D District and related uses were enacted on December 8, 1998.
 The R-10M District and related uses were enacted on October 13, 1998.
 The R-6S District and related uses were enacted on October 13, 1998.
 The R-6M District and related uses were enacted on October 13, 1998.
 The R-A District and related uses were enacted on March 14, 2000."*