

## **Article 4. ZONING DISTRICTS AND ZONING MAP**

### **PART I. ZONING DISTRICTS**

#### **Section 4-1: Establishment of Zoning Districts, and the Purpose Thereof**

For the purpose of this Ordinance, the Town of Ayden and its extraterritorial jurisdiction are divided into the following classes of zones:

- (A) *RA-20 Residential/Agricultural District.* The primary purposes of this district are agriculture and low density residential development on lots with a minimum size of 20,000 square feet, and further to provide for certain other permitted and conditional uses as set forth in this section. This district is intended to ensure that residential development not having access to a public water system and dependent on septic systems for sewage disposal will occur at a low density to provide a healthful environment.
- (B) *RA-20A Residential (Manufactured)/Agricultural District.* The primary purposes of this district are agriculture and low density double-wide manufactured residential development on lots with a minimum size of 20,000 square feet, and further to provide for certain other permitted and conditional uses as set forth herein. This district is intended to ensure that double-wide manufactured residential development, not having access to a public water system and dependent on septic systems for sewage disposal, will occur at a low density to provide a healthful environment.
- (C) *R-12 Residential District.* The primary purpose of this district is to provide for single-family residential development on lots with a minimum size of 12,000 square feet in neighborhoods which receive all of the customary urban services.
- (D) *R-10 Residential District.* The primary purpose of this district is to provide for single-family residential development on lots with a minimum size of 10,000 square feet in neighborhoods which receive all of the customary urban services.
- (E) *R-8 Residential District.* The primary purpose of this district is to provide for single-family development on lots with a minimum size of 8,000 square feet in neighborhoods which receive all of the customary urban services.
- (F) *R-6 SF Residential District.* The primary purpose of this district is to provide for single-family development on lots with a minimum size of 6,000 square feet in neighborhoods which receive all of the customary urban services.
- (G) *MF Multi-Family District.* A district designed to accommodate a variety of attached single-family dwellings up to a density of eleven (11) units per acre.

- (H) *MH Manufactured Housing.* A district established to offer affordable housing alternatives and to ensure the orderly development of such establishments.
- (I) *PUD Planned Unit Development District.* This district is defined as an area characterized by an orderly integration of residential development, open space land uses, and in some cases commercial development which conform to the design requirements contained herein. It permits the planning of a project and a calculation of densities over the entire development rather than on an individual lot-by-lot basis. This district is served by public water and sewer facilities. No PUD district shall be less than twenty-five (25) acres in area.
- (J) *O/I Office and Institutional District.* The O/I District is defined as certain land uses with structures that provide office space for professional services and for certain institutional functions and residential accommodations, usually medium or high-density in nature. The district is normally small and may include older homes undergoing conversion. This district is usually situated between business and residential districts, and the regulations are designed to permit development of the permitted functions and still protect and be compatible with nearby residential districts. O/I districts may serve as transitional zones between high intensity and low intensity land uses.
- (K) *B-1 Central Business District.* The primary purpose of this district is to serve as the central commercial area of the Town of Ayden and to provide for the full range of retail, office, service and accessory uses customarily located in central business districts.
- (L) *B-2 Highway Commercial District.* The primary purpose of this district is to accommodate those businesses that serve the traveling public, require large amounts of land for display and parking, and are oriented to the pedestrian shopper. \*Effective December 14, 2015, all rezoning requests for B-2 along the NC 11 corridor will be required to include the CCOL (Commercial Corridor Overlay) designation.
- (M) *LI Light Industrial District.* The LI District is intended to provide for industrial and other uses which would not be inherently obnoxious and yield only very minimal noise, odor, smoke, light, vibration, dust, or the use of dangerous chemicals and/or materials. Adequate buffering between uses within the district and other bordering districts will be required. The array of permitted uses is limited to support the environmental protection of this district and the surrounding areas of Ayden.
- (N) *HI Heavy Industrial District.* The HI District is defined as an area where most manufacturing establishments may be developed. This district is customarily located in proximity to railroad sidings and/or major thoroughfares. The purpose of this district is to provide for major industrial development and operation. Only uses which would not be inherently obnoxious and yield only reasonable levels of noise, odor, smoke, light, vibration, dust, or the use of dangerous chemicals and/or materials are allowed.

- (O) Adequate buffering between uses within the district and other bordering districts will be required.
- (P) *CON Conservation District.* Areas of special public interest that should be placed in a zone protected from any development.
- (Q) *CCOL\** *Commercial Corridor Overlay District.* The primary purpose of this overlay district is to promote community goals and objectives for character and aesthetics along key corridors within the Town of Ayden's Planning and Zoning Jurisdiction. More specifically, the intent is to promote commercial development that is compatible with surrounding areas; to minimize the negative impacts caused by strip commercial development, loading facilities, storage facilities, sign clutter and proliferation of access points; and to strengthen the quality of life by providing for a well designed built environment that contributes to the unique character of The Town of Ayden. The district will be used in conjunction with the Base Zoning District to ensure that development and redevelopment within this district meets this intent. \*\*Effective December 14, 2015, all rezoning requests for B-2 along the NC 11 corridor will be required to include the CCOL (Commercial Corridor Overlay) designation.

#### **Section 4-2\*\*\* Conditional Zoning Districts**

In addition to the general use zoning districts established in Section 4-1, a corresponding Conditional Zoning Districts, bearing the designation 'CD', may be established in accordance with the provisions of Section 4-2. Accordingly, the following Conditional Zoning Districts may be designated upon approval by the Board of Commissioners of a petition by the property owners to establish a Conditional Use District: RA-20, RA-20A, R-12, R-10, R-8, R-6SF, MF, MH, O/I, B-1, B-2, LI and HI.

All regulations which apply to a general use zoning district also apply to the corresponding conditional zoning district. All other regulations which may be offered by the property owner and approved by the Board of Commissioners as part of the rezoning process shall also apply. Property may be placed in a conditional zoning district only in response to a petition by the owners of all of the property to be included.

- (A) There are circumstances in which a general zoning district designation allowing a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property and consistent with the objectives of this Ordinance, county planning policies, and adopted land use plans. The review process established in this Section provides for the accommodation of such uses by a reclassification of property into a conditional zoning district, subject to specific conditions that ensure compatibility of the use with the use and enjoyment of neighboring properties.

- (B) The conditional zoning district procedure is an entirely voluntary procedure that is intended for firm development proposals. It is not intended or suited for securing early zoning for tentative proposals that may not be undertaken for some time.
- (C) Decisions on the establishment of conditional zoning districts are a legislative process subject to the same procedures and standard of review as apply to general zoning district decisions. No conditional zoning district shall be established until after the person proposing the district has submitted a petition for the reclassification of property and the Board of Commissioners has approved such petition in accordance with the procedures delineated in Section 20-1.
- (D) Any use permitted under this process must also conform to the development regulations for the corresponding general zoning district. Uses that may be proposed and considered for a conditional zoning district shall be restricted to those uses permitted in the underlying general zoning district either by right or by special or conditional use permit. If the proposed use is one allowed by special use permit, it shall be reviewed and approved by the Board of Commissioners rather than the Board of Adjustment.
- (E) Every petition for the reclassification of property to a conditional zoning district shall be accompanied by a site plan depicting the proposed development an/or use. In the course of evaluating the proposed use, the Board of Commissioners may request additional information deemed appropriate to provide a complete analysis of the proposal.
- (F) The Board of Commissioners may approve the reclassification of property to a conditional zoning district only upon determining that the proposed use will meet all standards and requirements in these regulations that are applicable to the proposed use. In approving a petition for the reclassification of property to a conditional zoning district, the Planning Board may recommend and the Board of Commissioners may attach reasonable and appropriate conditions to approval of the petition. Any such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, road and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, and other matters that the Board of Commissioners may find appropriate or that the petitioner may propose. Such conditions to approval of the petition may include dedication of any rights-of-way or easements for roads, water, sewer, or other public utilities necessary to serve the proposed development. Such conditions shall not include architectural review or controls. The petitioner shall have a reasonable opportunity to consider and respond to any such conditions prior to final action by the Board of Commissioners.

- (G) If a petition is approved under this Section, the district that is established, the approved petition and site plan, and all conditions which may have been attached to the approval are binding on the property as an amendment to this Ordinance and to the zoning map. All subsequent development and use of the property shall be in accordance with the standards for the approved conditional zoning district, the approved petition and site plan, and all conditions attached to the approval. Only those uses and structures indicated in the approved petition and site plan shall be allowed on the subject property. Any development in the district shall comply with all provisions of and conditions to the approved petition and site plan. Any uses and structures on the subject property shall also comply with all standards and requirements for development in the underlying general zoning district.
- (H) Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the zoning map by the appropriate district designation. A conditional use district shall be identified by the same designation as the underlying general zoning district followed by the letters 'CD' (for example, R40-CD).
- (I) Except as provided in Section 4-2 (J), changes to the approved petition or to the conditions attached to the approval shall be treated the same as amendments to this Ordinance or to the zoning map and shall be processed in accordance with the procedures in this Ordinance.
- (J) Minor changes in the detail of the site plan which will not alter the basic relationship of the proposed development to surrounding properties or the standards and requirements of these regulations or to any conditions attached to the approval may be approved by the Zoning Administrator without going through the amendment process or a public hearing. The Zoning Administrator, at his discretion, may forward any application for changes in detail to the Board of Commissioners for its consideration as an amendment to this Ordinance or the zoning map. The applicant may appeal the decision of the Zoning Administrator to the Board of Adjustment for review and decision as to whether an amendment to the approved district shall be required.
- (K) No sooner than two years after the date of approval of the petition, the Zoning Administrator shall inspect the use and maintenance of the subject property to ensure the use has been established and is in continued compliance with this Ordinance, the approved petition and site plan, and any conditions attached by the Board of Commissioners to approval of the petition. If the Zoning Administrator determines that the development is not in accordance with the approved petition, site plan, and conditions, the Zoning Administrator shall either initiate a reclassification of the property in accordance with the procedures established in this Ordinance or shall forward a report to the Board of Commissioners recommending that the property be reclassified to the original zoning district or to another district.

**Section 4-3: Interpretation of Zoning District Boundaries**

- (A) *Streets, Rights-of-Way, and Easements.* Unless otherwise specifically indicated, where district boundaries are indicated on the zoning map as approximately following the centerline of a street, highway, railroad right-of-way, utility easement, stream or riverbed, or of such lines extended, then such lines shall be construed to be such district boundaries.
- (B) *Lot Lines.* Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (C) *Corporate Limits.* Boundaries indicated as approximately following the corporate limits shall be construed as following the corporate limits.
- (D) *Property Divisions.* If a district boundary divides a lot, the requirements for the district in which the greater portion of the lot lies shall be extended to the balance of the lot; provided, that such extension shall not include any part of such lot which lies more than one hundred (100) feet beyond the district boundary; and further provided, that the remaining parcel shall not be less than the minimum required for the district in which it is located.
- (E) *Vacation and Abandonment.* Where any public street or alley is hereafter officially vacated or abandoned, the regulations applicable to parcels abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.*Further Interpretation.* In case any further uncertainty exists, the Board of Adjustment shall interpret the intent of the map as to location of such boundaries.

**PART II. OFFICIAL ZONING MAP**

**Section 4-4: Zoning Map is a Part of this Ordinance**

The planning area is hereby divided into districts whose locations and boundaries are shown on the official zoning map for the Town of Ayden, which is hereby adopted by reference and declared to be a part of this Ordinance.

The map shall be identified by the signature of the Mayor, attested by the Town Clerk, and bearing the official seal of the Town of Ayden under the following words: "This is to certify that this is the official zoning map referred to in Article 4, Part II of the Zoning Ordinance for the Town of Ayden, North Carolina." The date of adoption and subsequent amendments shall also be shown.

**Section 4-5: Replacement of the Official Zoning Map**

In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret, the Board of Commissioners may, by ordinance, adopt a new official zoning map which shall be the same in every detail as the map it supersedes. The new map shall bear the seal of the Town under the following words: "This is to certify that this official zoning map supersedes and replaces the official zoning map adopted and referred to in Article 4, Part II of the Zoning Ordinance for the Town of Ayden, North Carolina." The date of adoption of the new official zoning map shall also be shown.

**Section 4-6: Maintenance of the Official Zoning Map**

Upon notification by the Board of Commissioners that a zoning change has been made, the Administrator shall cause to be made the necessary changes on the official zoning map within fourteen (14) calendar days of notification.

NOTE: See Article 20 for Amendment Criteria.

**PART III. APPLICATION OF GENERAL REGULATIONS**

**Section 4-7: Only One Main Building, One Main Use on Lot, and Orientation of a Building**

In all districts, every main building hereafter erected or altered shall be located on a separate lot, as defined in this Ordinance, and in no case shall there be more than one main building and permitted accessory building(s) on the lot nor more than one main use (e.g., commercial, industrial or residential) per building and lot; provided that this requirement shall not apply to uses that are permitted in the Table of Permitted Uses (Section 4-10) within the same zoning district and located in the same building, nor to motels or manufactured home parks/RV parks, nor to planned building groups approved by the Planning Board, nor to a bona fide farm use. In the case of applications for double occupancy permits involving a residential use and a nonresidential use of the same building in an O-1, B-1, or B-2 zone, where the Administrator or his authorized agents deem that an above-normal safety hazard exists due to the storage of chemicals or explosive commodities which creates a substantial detriment to the proposed residential occupancy, residential occupancy of that building shall be prohibited.

**Section 4-8: Minimum Yards**

The minimum yards or other open spaces required by this Ordinance, including those provisions regulating intensity of use, for each and every building hereafter erected or structurally altered shall not be encroached upon or considered as meeting the yard or open space requirements or the intensity of use provisions for any other building.

**Section 4-9: Lot Subdivision**

No lot shall hereafter be so reduced in area as to cause any open space required by this Ordinance to be less in any dimension than is herein required by the minimum yard requirements of the zone in which the lot in question is situated.

**Section 4-10: Improvements Bond**

No final certificate of occupancy/compliance for a commercial, residential, or manufactured home park or planned building group will be issued until all required site improvements have been completed. In lieu of completion of required site improvements, the developer of the planned group may enter into a contract with the Town of Ayden providing for the installation of required improvements within a designated period of time. Performance of said contract shall be secured by a cash or surety bond which will cover the total estimated cost of the improvements as determined by the Town of Ayden; provided, however, that said bond may be waived by the Town Board of Commissioners within its discretion.

**PART IV. DISTRICT REGULATIONS**

**Section 4-11: Table of Permitted Uses**

Districts in which particular uses are permitted as a use-by-right are indicated by "P." Uses not specifically listed in the Table of Permitted Uses are prohibited. Districts in which particular uses are permitted as a use-by-right with certain conditions are indicated by "P" with a reference to a footnote to this table.

Districts in which particular uses are permitted as a conditional use upon approval of the Town Board of Commissioners are indicated by "C." See Procedure for Conditional Use Permit, Section 12-17, for details on conditional uses.

Districts in which particular uses are prohibited are indicated by a blank.

Any land use listed in the Table of Permitted Uses that incorporates or utilizes a drive-in or drive-thru facility must have its site design plan and proposed traffic circulation and parking plan approved by the Town of Ayden. Those plans must be approved prior to construction of the drive-in or drive-thru facility.

Minimum zoning district lot/parcel area (acreage) requirements are defined in Article 5, Table of Area, Yard, and Height Requirements.