

**Article X     Establishment of Zoning Districts****Section 10.1   Zoning Districts Established Purpose Set Forth**

For the purpose of this ordinance, the Town of Stanley, North Carolina, and the area comprising the extraterritorial zoning jurisdiction are hereby divided into the following use districts:

**R-20 Single-Family Residential and Agricultural District****R-12 Single-Family Residential District****R-8 Residential District****R-8SF Single-Family Residential District****R-8MF Multi-Family Residential District****CB Central Business District****GB General Business District****M-1 Manufacturing and Industrial District****M-1L Light Industrial District****M-1H Heavy Industrial District****MU Mixed Use District****R-20 Single-Family Residential and Agricultural District**

Purpose: To establish a district for the purpose of maintaining the principal land use of low density residential or agricultural uses and to provide and protect low density residential areas for those desiring that type of environment. These low-density residential developments may not have access to public water supplies and be dependent upon septic tanks for sewage disposal thus sufficiently low densities are necessary to provide a healthful environment. In establishing this district, it is intended that as public water and sewer are provided to property within the district that the property, on a case-by-case basis, can be considered for more intensive land use.

**R-12 Single-Family Residential District**

Purpose: To establish a district to provide for medium density neighborhoods consisting of single-family residences or as a district in which the principal use of land is for low density single-family houses along with limited home occupations and private community uses. The regulations of this district are intended to provide areas for those persons desiring smaller

residences and to discourage any use which would substantially interfere with the quiet residential nature of this district. It is expected that municipal water and sewer facilities will be available to each lot in such districts.

### **R-8 Residential District**

Purpose: To establish a district as a medium to high density district in which the principal use of land is for single-family, duplex, and multi-family residences. Structures within this district shall have both public water and sewer. Individual manufactured homes are permitted only in conjunction with temporary use permits in this district.

### **R-8SF Single-Family Residential District**

Purpose: To establish a medium to high density district in which the principal use of land is for single-family residential purposes. The regulations of this district are intended to provide areas in the community for those persons desiring small residences in medium density neighborhoods. The regulations are intended to prohibit any use which because of its character, would interfere with the quiet residential nature of this district. It is expected that municipal water and sewer facilities will be available to each lot in such districts.

### **R-8MF Multi-Family Residential District**

Purpose: To establish a district in which the primary use of land is for single-family, two-family and multi-family residences. The regulations of this district are intended to provide areas in the community for those persons desiring small residences and multi-family structures in relatively high-density neighborhoods. The regulations are intended to prohibit any use which because of its character, would interfere with the residential nature of this district. It is expected that municipal water and sewer facilities will be available to each lot in such districts.

### **CB Central Business District**

Purpose: To establish a district to serve as the central shopping area of the town encompassing 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 tightly-knit core of commercial, professional, and governmental activity.

### **GB General Business District**

Purpose: To establish a district that provides areas within the community for businesses which normally require a significant flow of traffic but do not require location in the central business district. Such uses depend on exposure to large flows of traffic associated with major thoroughfares and should have ample parking, controlled traffic movement and suitable site design. It is intended that this district be developed with as little impact on surrounding land uses and thoroughfares as possible.

### **M-1 Manufacturing and Industrial District**

Purpose: To establish a district for those areas of the community where the principal use of land is for manufacturing, industrial, and warehousing uses. These uses, by their nature, may create some nuisance and are not properly associated with residential, institutional, commercial and/or service establishments. These uses generally seek outlying locations on large tracts of land where the operations involved do not detract from the development potential of nearby undeveloped properties. It is not intended to permit in this district any use which is inherently obnoxious because of noise, odors, smoke, light, dust, or dangerous materials.

### **M-1L Light Industrial District**

Purpose: To establish and preserve areas for industrial and related uses (manufacturing and warehousing) of such a nature that they do not create serious problems of compatibility with other kinds of land uses and to make provisions for certain kinds of commercial uses which are most appropriately located as neighbors of industrial use which are necessary to service the immediate needs of people in these areas. It is not intended to permit in this district any use which is inherently obnoxious because of noise, odors, smoke, light, dust, or dangerous materials.

### **M-1H Heavy Industrial District**

Purpose: To establish and preserve areas for necessary industrial and related uses (manufacturing and warehousing) of such a nature that they require isolation from many other kinds of land uses and to make provisions for commercial uses which are necessary to service the immediate needs of people in these areas. These uses normally seek outlying locations on large tracts of land where the operations involved do not detract from development potential of nearby undeveloped properties.

### **MU Mixed Use District**

Purpose: To establish a mixed-use district which allows residential, recreational, civic, business, and/or retail uses in one location. The regulations for this district produce a development which provides easy access for the community to reach employment locations, public and/or private schools, and necessity retail and services. These are permitted where both water and sewer are available. This classification is only permitted through a Conditional Use Permit that has been reviewed by the Planning Board and received approval by the Town Council.

## **Section 10.2 Overlay Districts Established**

### **Manufactured Home Overlay District**

Purpose: To provide for locations suitable for the development of both Manufactured Home Parks and Manufactured Homes on individual lots. The Manufactured Home Overlay District shall only overlay Residential Districts. The districts are:

MHO Manufactured Home Overlay District

MHP Manufactured Home Park Overlay District

### **AOB Adult Oriented Business Overlay District**

Purpose. The purpose of this Overlay District is to provide areas in which adult entertainment or sexually oriented businesses may be established. Adult establishments, because of their very nature, are recognized as having serious objectionable operational characteristics upon adjacent neighborhoods and residential or institutional uses. It has been demonstrated that the establishment of adult businesses often creates problems for law enforcement agencies, by the very nature of these businesses and the difficulty often experienced in trying to determine if the operations are of a legal nature. Special regulation of these establishments is necessary to ensure that these adverse affects will not contribute to a de facto downgrading or blighting of surrounding neighborhoods and uses. It is the intent of this Overlay District to restrict the concentration of these uses and to separate these uses from residential and institutional uses or areas (including but not limited to residences, schools, child day care centers, or churches).

The AOB Overlay District shall only be permitted to overlay the H-1 Heavy Industrial District. This classification is only permitted through a Conditional Use Permit that has been reviewed by the Planning Board and received approval by the Town Council.

### **HD Historic Overlay District**

Purpose. The HD Historic Overlay District establishes regulations which will help maintain the historic integrity of certain areas within the Town.

### **Section 10.3 Conditional District**

Purpose: To establish a legislative process, in which site plans and individualized development conditions are imposed. It is recognized that certain types of zoning districts would be inappropriate at particular locations in the absence of special conditions.

Where the applicant for rezoning desires property to be rezoned to such a district in such situations, the Conditional District is a means by which such individualized development conditions can be imposed in the furtherance of the purpose of this Ordinance. The Conditional District classification will be considered only upon request of all applicant property owners for rezoning. If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid or if the applicant should fail to accept any condition, it is the intent of this Ordinance that the authorization of such Conditional District rezoning shall be null and void and of no effect and that proceedings be instituted to rezone the property to its previous zoning classification. See Article XVII, Section 17.5 for further guidelines on Conditional District zoning. Authority found in G.S. 160A-382(a).

### **Section 10.4 District Boundaries Shown on Zoning Map**

The boundaries of the districts are shown on the map accompanying this Ordinance and made part hereof entitled, "Official Zoning Map, Stanley North Carolina." The Zoning Map and all the notations, references an amendment thereto and other information shown thereon are hereby made part of this Ordinance the same as if such information set forth on the map were all fully described as set out herein. The Zoning Map properly attested is posted at the Stanley Town Hall and is available for inspection by the public.

### **Section 10.5 Due Consideration Given to District Boundaries**

In the creation, by this Ordinance, of the respective districts, careful consideration is given to the peculiar suitability of each and every district for the particular uses and regulations applied thereto, and the necessary and proper grouping and arrangement of various uses and densities of population in accordance with a well-considered comprehensive plan for the physical development of the Town.

### Section 10.6 Rules Governing Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

- (a) Where such district boundaries are indicated as approximately following street, alley or highway lines, such lines shall be construed to such boundaries.
- (b) Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to said boundaries.
- (c) Where district boundaries are so indicated that they are approximately parallel to the center line of streets, alleys or highways, or the rights-of ways of the same, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the zoning map.
- (d) Where district boundaries are indicated as following topographic contours, drainage divides or specific measured distances such features shall be construed to such boundaries.
- (e) Where an underlying use district boundary line divides a lot or tract in a single ownership, the district requirements for the least restricted portion of such lot or tract shall be deemed to apply to the whole thereof, provided such extensions shall not include any part of a lot or tract more than thirty-five (35) feet beyond the district boundary line. The term, "least restricted," shall refer to use restrictions, not lot or tract size.

### Section 10.7 Interpreting Permitted Uses

The listings of Permitted Uses in the various districts in this Ordinance are considered to be specific in regard to the types of uses intended for each of the various districts. In interpreting proposed uses, the Zoning Enforcement Officer (or agent) shall refer to the Standard Industrial Classification (SIC) Manual as a guide. When a proposed use is not specifically listed in the Table of Permitted and Conditional Uses, the Zoning Enforcement Officer (or agent) shall use the SIC Manual to determine if the use is the same as, or manifestly similar to, a listed use in form and function. If the Zoning Enforcement Officer (or agent) finds that the proposed use is the same as, or manifestly similar to, a listed use, he/she shall classify the proposed use a listed use. If the Zoning Enforcement Officer (or agent) finds that the proposed use is not the same as, or manifestly similar to, a listed use, he/she shall classify the use as not permitted. In each case, the Zoning Enforcement Officer (or agent) shall maintain a written record of such interpretations. Any person who is aggrieved by any such interpretation by the Zoning Enforcement Officer (or agent) may appeal such interpretation to the Board of Adjustment as provided for in Article VI.