

ARTICLE 9. ZONING DISTRICTS AND ZONING MAP

Part I. Zoning Districts

Section 9.1 Residential Districts Established.

(a) The following residential districts are hereby established: RA, R-20, R-14, R-10, and R-5. Each of these districts is designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts. Other objectives of some of these districts are explained in the remainder of this section.

(b) The RA District is established as a district in which the principal use of land is for very low-density, single-family residential and agricultural purposes (1 dwelling unit per 5 acres). The regulations of this district are intended to protect prime agricultural land, as defined by the Soil Conservation Service, from an influx of users likely to render it undesirable for farms and low-density residential development.

(c) The R-20 District is established to allow a variety of single-family residential agricultural land uses, at a low-density of approximately 2.1 dwelling units per acre, which are interspersed with large, undeveloped open areas.

(d) The R-14 District is established to allow principally single-family residences and other compatible uses permitted by major special use permit at a density of approximately 3.1 dwelling units per acre. *(Amended 9/14/2021)*

(e) The R-10 District is established as a district in which to allow primarily single-family and two-family residences and other compatible uses permitted by major special use permit at a density of approximately 4.13 dwelling units per acres. *(Amended 9/14/2021)*

(f) The R-5 District is established as a district in which to allow primarily single-family, two-family and multi-family residences at a medium density of approximately 8.7 dwelling units per acre.

(g) The R-40 District is established as a district in which to allow primarily single-family residential and agricultural land uses, at a low-density of one dwelling per acre. *(Amended 5/12/92)*

Section 9.2 Commercial Districts Established.

(a) The following commercial districts are hereby established: MA, CD, CN, CH, OS, and SC. Each of these districts is created to accomplish the purposes and serve the objectives set forth in the remainder of this section.

(b) The MA District is established as a district in which to allow health care facilities including hospitals, medical and dental offices and clinics, and related health care uses.

(c) The CD District is established as a district in which to accommodate a wide variety of commercial activities (particularly those that are pedestrian-oriented) in an intensive development

pattern in the town's central business district. The regulations of this district are intended to (i) preserve the general character and integrity of the current development in the central business district; (ii) encourage land uses which provide for a multi-purpose central business district including retail, offices, services, entertainment, and living space; (iii) encourage land uses which do not require large amounts of outdoor use areas; and (iv) encourage common or shared off-street parking.

(d) The CN District is established as a district in which to allow small, limited retail service land uses which provide goods and services primarily to surrounding residential neighborhoods. The major objectives of this district are to (i) encourage the location of convenience retail establishments, professional services, and professional offices so as to be as compatible as possible with surrounding residential uses; (ii) discourage intensive land uses which require large amounts of land area; and (iii) limit large vehicular traffic-generating uses to major streets

(e) The CH District is established as a district in which to accommodate highway-oriented retail and commercial service businesses which generally have as their market area the entire town and surrounding area. The major objectives of this district are to (i) encourage planned commercial and office parks; (ii) discourage small lot development on major highways; (iii) encourage vehicular access from service drives and other local commercial streets rather than directly from arterial streets; and (iv) provide a location for major shopping facilities and land uses requiring large outdoor spaces.

(f) The OS District is designed to accommodate office and service uses as well as medium-density residential uses. The major objectives of this district are to (1) encourage land uses which serve as an adequate buffer between intensive non-residential and residential uses; (2) provide aesthetic controls and dimensional requirements to ensure compatible office and service development with surrounding residential uses; and (3) encourage a mixture of medium-density residential uses with offices and services.

(g) The CS District is designed to accommodate well planned shopping centers serving the community and regional marketplace. The major objectives of this district are to (1) encourage attractive and orderly shopping center development, (2) promote unified site design, pedestrian circulation and traffic control within the shopping center complex, (3) provide opportunities for coordinated transportation planning for ingress and egress, and (4) promote urban design and corridor landscape improvements which are compatible with the Town's comprehensive planning goals. *(Amended 3/99)*

Section 9.3 Industrial Districts Established.

The IW District is established as a district in which to allow primarily light manufacturing, assembly, research, warehousing, and intensive commercial uses. The regulations of this district are intended to (i) encourage light manufacturing and intensive commercial uses as well as accessory land uses incidental to and in support of manufacturing uses; (ii) exclude heavy industry, major retail, and residences as acceptable land uses; and (iii) preserve locations that are best suited for industrial development. Land uses in the IW District are limited to those determined to be compatible with the character of the community. Uses permitted in the IW Districts are restricted to the SIC code-designated uses delineated in Section 10.1.

Section 9.4 Overlay Districts Established

(a) Four special control overlay districts are hereby established: FHO (Flood Hazard Overlay), AHO (Airport Hazard Overlay) HO (Historic Overlay) and BSR (South Broad Street Residential Overlay). These special control overlay districts are intended to be superimposed over the underlying general zoning district and the land so encumbered may be used in a manner permitted in the underlying district only if and to the extent such use is also permitted in the applicable overlay district. The specific objectives of each of these overlay districts are explained in the remainder of this section.

(b) The FHO District is established as an overlay district of all general zoning districts for the purpose of protecting people and property from the hazards of flooding. The flood hazard districts are further described in Part I of Article 16 of this ordinance.

(c) The AHO District is established as an overlay district of all general zoning districts in the vicinity of the Edenton Municipal Airport. The purpose of the AHO is to protect the airport environs from encroachment of incompatible land uses which present hazards to users of the airport as well as to persons residing or working in the airport vicinity. The additional regulations imposed in the AHO are designed to (i) place additional height restrictions on buildings and trees; (ii) control the above-ground storage of flammable materials; and (iii) control the locations of high-density residential uses and places of assembly. The additional regulations governing land development in the AHO district are delineated in Section 11.14.

(d) The HO District is established as an overlay district for all general zoning districts that contain structures or other facilities of historic significance. The purpose of the HO is to protect and conserve the heritage and character of the Edenton community by providing for the preservation of designated areas within the planning jurisdiction. No new historic districts nor any change to the boundaries of any existing historic district shall be designated until the North Carolina Department of Cultural Resources shall have been given an opportunity, in accordance with Chapter 160D, Article 9, Part 4 of the N.C. General Statutes, to make recommendations with respect to the establishment of such new district or change in the boundaries of an existing district. The additional regulations governing land development in the HO district are delineated in Section 11.15. *(Amended 9/14/2021)*

(e) The RCO District is established as an overlay district of all general zoning districts for the purpose of establishing streetscape appearance and pedestrian and bicycle circulation recommendations along six main road corridors that lead into downtown Edenton. The additional regulations governing land development in the RCO districts are delineated in Section 11.36.

(f) The BSR overlay district is established as an overlay district for an area of Broad Street located in the CD (Downtown Commercial) zoning district. The purpose of the overlay district is to prohibit residential uses in the first floor of structures fronting on South Broad Street.

Section 9.5 Conditional Zoning District.

The conditional zoning district (CZD) allows a site to be developed with a mixture of land uses according to an approved overall site plan. For example, a large tract may be developed with a mix of single-family and multi-family housing, with part of the site also devoted to commercial and office uses. The CZD allows for greater flexibility in dimensional standards (such as lot sizes and

setbacks) upon approval of an overall master plan for the entire development. The district does not require a rigid separation of different land uses. Uses are limited to the uses identified in Section 10.1 Table of Permitted Uses. All of the site-specific standards and conditions, including a site plan, are incorporated into the zoning district regulations for the CZD. Approval of the site plan will establish all zoning requirements for the subject property. A CZD district shall not be less than three (3) acres in area.

This negotiated approach to a legislative decision allows maximum flexibility to tailor regulations to a particular site and project. But it also has great potential for abuse - both in terms of impacts on individual landowners seeking approval and their neighbors and on the public interests zoning is supposed to promote. Thus, special restrictions have been placed on conditional zoning. Conditional Zoning Districts may only occur at the owner's request and cannot be imposed without the owner's agreement. The individual conditions and site-specific standards that can be imposed are limited to those that are needed to bring a project into compliance with town ordinances and adopted plans and to those addressing the impacts reasonably expected to be generated by use of the site. The town must assure that all of the factors defining reasonable spot zoning are fully considered and that the public hearing record reflects that consideration.

Conditional zoning provides important opportunities to carefully tailor regulations to address the interest of the landowner, the neighbors, and the public. The town may use conditional zoning when it concludes that a particular project should be approved but that the standards in the comparable conventional zoning district(s) are insufficient to protect neighbors or public interests (perhaps because the conventional zoning allows other uses not suitable for the site or dimensional standards inadequate to preserve the neighborhood). Conditional zoning often allows a developer to proceed with a project in a way that addresses site-specific concerns of neighbors and the Town of Edenton. The petitioner must consent in writing to all conditions imposed by the conditional zoning. *(Amended 9/14/2021)*

Section 9.6 through 9.10 Reserved.

Part II. Zoning Map

Section 9.11 Official Zoning Map.

(a) There shall be a map known and designated as the Official Zoning Map, which shall show the boundaries of all zoning districts within the town's planning jurisdiction. This map shall be drawn on acetate or other durable material from which prints can be made, shall be dated, and shall be kept in the office of the Edenton Building Inspector and Edenton Town Clerk.

(b) The Official Zoning Map dated November 14, 1989, is adopted and incorporated herein by reference. Amendments to this map shall be made and posted in accordance with Section 9.12.

(c) Should the Official Zoning Map be lost, destroyed, or damaged, the administrator may have a new map drawn on acetate or other durable material from which prints can be made. No further Council authorization or action is required so long as no district boundaries are changed in this process.

(d) Duly adopted zoning district maps shall be maintained for public inspection in the office of the Town Clerk. Current and prior zoning maps may be maintained in paper or a digital format approved by the town. *(Amended 9/14/2021)*

(e) This Ordinance may reference or incorporate by reference flood insurance rate maps, watershed boundary maps, or other maps officially adopted or promulgated by state and federal agencies. Where zoning district boundaries are based on these maps, said boundaries are automatically amended to remain consistent with changes in the officially promulgated state or federal maps. A copy of the currently effective version of any incorporated maps shall be maintained for public inspection as provided in subsection (d). *(Amended 9/14/2021)*

Section 9.12 Amendments to Official Zoning Map.

(a) Amendments to the Official Zoning Map are accomplished using the same procedures that apply to other amendments to this ordinance, as set forth in Article 20.

(b) The administrator shall update the Official Zoning Map as soon as possible after amendments to it are adopted by the Board. Upon entering any such amendment on the map, the administrator shall change the date of the map to indicate its latest revision. New prints of the updated map may then be issued.

(c) No unauthorized person may alter or modify the Official Zoning Map.

(d) The building inspection department shall keep copies of superseded prints of the zoning map for historical reference.

Sections 9.13 through 9.20 Reserved.