

ARTICLE II: ZONING DISTRICTS

DIVISION 20 ESTABLISHMENT OF ZONING DISTRICTS

Section 20.01 Zoning Districts Established; Purposes Set Forth

A. A-1 Agricultural Conservation District

The A-1 Agricultural Conservation District is primarily intended to provide a place for agricultural and low density and scattered residential uses, excluding manufactured homes. The district is established for the following purposes: 1) to preserve and encourage the continued use of land for agricultural, forest, and open space purposes; 2) to discourage scattered commercial land uses; 3) to encourage only those industries which are agricultural-related; 4) to concentrate urban development in and around growth areas, thereby avoiding premature conversion of farmland to urban uses; and, 5) to discourage any use which, because of its character, would create premature or extraordinary public infrastructure and service demands. The A-1 District requires a minimum lot size of 3 acres.

B. AR Agricultural-Residential District

The AR Agricultural-Residential District is intended for low-density single-family dwellings, excluding manufactured homes. Single-family residences will tend to be scattered and often located on large tracts within this district. It is the intent of this district to allow for certain types of agricultural related uses, utilities related uses, community facilities uses, institutional uses, and a few commercial uses that would not be detrimental to the agricultural or residential character of the district. The AR District requires a minimum lot size of 30,000 square feet or the lot size as determined by the Environmental Health Section of the county health department, whichever is greater.

C. R-30 Residential District

The R-30 Residential District is intended primarily for low-density single-family dwellings excluding manufactured homes, in those areas outside of the town limits where exclusively residential development is likely to take place. This district is further intended to protect existing and future single-family neighborhoods from potentially incompatible land uses. It is the intent of this district to allow for certain types of non-residential community facilities that would not be detrimental to the residential character of the district. The R-30 District requires a minimum lot size of 30,000 square feet or the lot size as determined by the Environmental Health Section of the county health department, whichever is greater.

D. R-20 Residential District

The R-20 Residential District is intended primarily for low-density single-family dwellings, excluding manufactured homes, in areas around the periphery of the town limits, both inside and outside the town limits, in order to encourage the development of larger lots and lower density. Public or community water and/or sewer may be present or available or where the soil characteristics and environmental health regulations may allow for septic systems on this size lot if only public water lines exist. It is the intent of this district to allow for certain types of non-residential uses and community facilities that would not be detrimental to the residential character of the district. The R-20 District

requires a minimum lot size of 20,000 square feet or the lot size as determined by the Environmental Health Section of the county health department, whichever is greater.

E. R-20MH Manufactured Home Residential District

The R-20 MH Residential District is intended primarily for low-density single-family dwellings, including Class A manufactured homes, where public or community water and/or sewer are available and where the soil characteristics and environmental health regulations may allow for septic systems on this size lot if only public water lines exist. This district is further intended to protect existing single-family neighborhoods in the Pinetops Extraterritorial Jurisdiction from incompatible land uses. It is the intent of this district to allow for certain types of non-residential uses and community facilities that would not be detrimental to the residential character of the district. The R-20 MH District requires a minimum lot size of 20,000 square feet or the lot size as determined by the Environmental Health Section of the county health department, whichever is greater.

F. R-12 Residential District

The R-12 Residential District is intended for medium density development primarily within the town limits for single-family and two family dwellings, excluding manufactured homes, where public or community water and sewer are available. This district is further designed to protect existing single-family neighborhoods in Pinetops from incompatible land uses. It is the intent of this district to allow for certain types of non-residential uses and community facilities that would not be detrimental to the residential character of the district. The R-12 District requires a minimum lot size of 12,000 square feet for single-family dwellings and 20,000 square feet for two-family dwellings.

G. R-10MH Manufactured Home Residential District

The R-10 MH Manufactured Homes Residential District is intended for medium density development primarily within the town limits for single-family, including Class A manufactured homes, and two family dwellings where public or community water and sewer are available. This district is further designed to protect existing neighborhoods of this character in Pinetops from incompatible land uses. It is the intent of this district to allow for certain types of non-residential uses and community facilities that would not be detrimental to the residential character of the district. The R-10 MH District requires a minimum lot size of 10,000 square feet for single-family dwellings and 18,000 square feet for two-family dwellings.

H. R-7 Residential District

The R-7 Residential District is intended to permit single-family, excluding manufactured homes, and two-family residences on smaller lots platted in the past in certain areas of town and where both public water and sewer are available. This district also permits certain types non-residential uses and community facilities that would not be detrimental to the residential character of the district. The R-7 District requires a minimum of 7,000 square feet for single-family dwellings and 15,000 square feet for two family dwellings.

I. RMF Residential-Multifamily District

The RMF Residential-Multi-Family District is intended to permit multifamily residences in higher density than other districts where both public water and sewer are available within the town limits and where the street system can provide for the level of traffic associated with this concentration of residences. This district also permits single-family, excluding manufactured homes, and two family residences along with certain type non-residential uses and community facilities that would not be detrimental to the residential character of the district. The RMF District requires a minimum of 7,000 square feet for single-family dwellings, 15,000 square feet for two family dwellings, and the required dimensions for multi-family units are prescribed in Article IV- Dimensional Requirements in this Ordinance.

J. B-1 Central Business District

The B-1 Central Business District is established to protect and promote the continued vitality of the downtown commercial, service, cultural, and governmental center of town. This district is intended to allow for a wide variety of retail and service oriented uses and to serve as the primary shopping and service district and governmental area of the town.

K. B-2 Rural Business District

The B-2 Rural Business District is established to provide a limited range of retail, service, and some wholesale trades. This district will typically be located at or near the intersection of rural collector roads outside of town.

L. B-3 General Business District

The B-3 General Business District is established to provide for a variety of general retail, service, and wholesale uses that are more intensive than uses permitted in the Central Business District.

The uses of this district will usually cater to the motoring public or is located in convenient locations at the periphery of the Central Business District. This district is thus intended to provide for controlled commercial development along major streets in the town.

M. OI Office and Institutional District

The intended principal use of land in the O&I Office and Institutional District is for public institutions, educational or religious facilities, and professional offices that are compatible with each other and do not materially detract from nearby residential uses. This district may be used to provide a transitional area between single-family residential and commercial uses.

N. LI Light Industrial District

The LI Light Industrial District is intended to accommodate those light manufacturing, wholesale, warehouse, and other uses that by their nature do not create an excessive amount of noise, odor, smoke, dust, airborne debris, or other objectionable impacts that might be

detrimental to the health, safety, or welfare of surrounding areas. This district may be located either in or outside the town limits and will contain uses, which are usually located on large tracts. The uses of this district shall not place extreme demands on water and/or sewer systems and will minimize outside storage.

Section 20.02 Official Zoning Map

A. District Boundaries Shown on Zoning Map

The boundaries of the districts are shown on the Official Zoning Map of the Town of Pinetops, North Carolina. The Zoning Map and all notations, references, and amendments thereto and other information shown thereon are a part of this Ordinance the same as if such information set forth on the map were all fully described and set out herein. The Official Zoning Map is kept at the Pinetops Town Hall where it will be made available for inspection by the public.

B. Zoning Map Changes

If, in accordance with Article XI (Amendments) of this Ordinance, changes are made in the zoning district boundaries or other matter shown on the map, such changes shall be made together with an entry on the map as follows:

"On (date), by official action of the Board of Commissioners, the following changes were made in the Official Zoning Map: (brief description of change)."

The entry shall be signed by the Mayor, and attested to by the Town Clerk. The Board of Commissioners shall give official notice of the zoning change to the Zoning Administrator within twenty-four (24) business hours after passage of said change.

C. Replacement of Official Zoning Map

In the event that the official zoning map becomes dated, 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 best as records will permit as the map it supersedes. The new map shall bear the signatures of the Mayor and Town Clerk and 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 on (date of adoption of map replaced)" together with the date of adoption of the new map.

D. Responsibility for Maintenance of the Official Zoning Map

Zoning district boundaries adopted pursuant to N.C.G.S. 160D shall be drawn on a map that is adopted or incorporated within a duly adopted development regulation. Zoning district maps shall be maintained for public inspection in the office of the clerk or such other office as specified in the development regulation. The maps may be in paper or a digital format approved by the Town.

- (1) The Town adopts the most current version of the Army Corps of Engineer's Flood Insurance Rate Maps by reference
- (2) These maps shall be maintained for public inspection as provided in the office of the clerk.
- (3) Copies. - Copies of the zoning district map may be reproduced by any method of reproduction that gives legible and permanent copies and, when certified by the clerk,

shall be admissible into evidence and shall have the same force and effect as would the original map.

Section 20.03 Rules Governing Boundaries

Where uncertainty exists with respect to the boundaries of any of the districts as shown on the "Official Zoning Map of the Town of Pinetops, North Carolina," the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, alleys, or railroads shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following Town Limits shall be construed as following such Town Limits.
- D. Boundaries indicated as parallel to or extensions of features indicated on subsections A through C above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- E. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsection A through D above, the Zoning Administrator shall interpret the intent of the Zoning Map as to the location of district boundaries and the applicability of districts in question.

DIVISION 25 TABLE OF USES

Section 25.01 Determining Types of Uses

- A. Determining Proposed Uses
 - 1. The listings of uses in the various districts in this Ordinance, as shown in the Table of Uses, Table 25.02 are considered to be specific in regard to the types of uses intended for each of the various districts. In determining proposed uses, the Zoning Administrator shall classify the form and function of the use. When a proposed use is not specifically listed in the Table of Uses, the Zoning Administrator shall determine if the use is the same as, or manifestly similar to, a listed use in form and function. The Zoning Administrator shall refer to the *Standard Industrial Classification (SIC) Manual* to assist in this determination. The SIC Manual shall serve as a guide in classifying any unlisted uses. If the Zoning Administrator finds that the proposed use is the same as, or manifestly similar to a listed use, he shall classify the proposed use as the listed use. If the Zoning Administrator finds that a proposed use is not the same as, or is not manifestly similar to a listed use, he shall classify the proposed use as not permitted.
 - 2. The *Standard Industrial Classification (SIC) Manual - 1987 Edition* was utilized for each listed use and listed in a column on the Table of Uses to the right of the name of the use. It is to be used as a guide for the purposes of interpretation by the Zoning Administrator. The SIC codes are used to refer to SIC Classifications, which assist in defining the nature and characteristics of a type of use. Entries with 0000 in that column do not correspond to any classification in the *SIC Manual*.

3. Rental and leasing of any commodity shall be permitted under the same classification and in the same districts *as* sales of that commodity, unless rental or leasing of that commodity is listed separately in the Table of Uses.
4. If a business or industrial facility involves two (or more) activities with different SIC codes on the same lot with the same zoning classification, the activities shall be permitted only in those zoning districts where the more restricted activity is permitted.

B. Permissible Uses Not Requiring Permits

Notwithstanding any other provisions of this Ordinance, no zoning or special use permit is necessary for the following uses:

1. Roads.
2. 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.
3. Communication towers located on government facilities and structures (all other communication towers are permitted only in accordance with the requirements of Article III).

C. Determining Principal Use

In determining what a principal use is, the principal use shall be considered as the primary purpose or function that a lot or structure serves or is proposed to serve. An accessory use shall be considered a structure or use that:

1. Is clearly incidental to and customarily found in connection with a principal building or use;
2. Is subordinate to and serves a principal building or a principal use;
3. Is subordinate in area, extent, or purpose to the principal building or principal use served;
4. Contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served; and
5. Is located on the same lot and zones the same as the principal building or use served.

Two or more principal uses may, in some cases, be permitted to occupy the same land or building as long as each use is a permitted use; however, the most restrictive use/activity shall determine the appropriate zoning district - see A.4. within this subsection.

D. Change in Use

1. 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. If the original use is a combination use, the relative proportion of space devoted to the individual principal uses that comprise the combination 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, the mixture of types of individual principal uses that comprise the combination use changes.
 - d. If the original use is a planned residential development, the relative proportions of different types of dwelling units change.
 - e. 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. However, if the florist shop was replaced by another florist shop, that would not constitute a 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, which 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.
2. A mere change in 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.
 3. 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.

E. Combination Uses

1. When a combination use comprises two or more principal uses that require different types of permits (zoning or special use), then the permit authorizing the combination use shall be:
 - a. A special use permit if any of the principal uses combined requires a special use permit.
 - b. A zoning permit in all other cases.

2. When a combination use consists of a single-family detached residential subdivision that is not a planned unit development and two-family or multi-family uses, the total density permissible on the entire tract shall be determined by having the developer indicate on the plans the portion of the total lot that will be developed for each purposes and calculating the density for each portion as if it were a separate lot.

Section 25.02 Table of Uses

A. Categories of Uses

The Table of Uses that follows contains a listing of uses that may be permitted in one or more of the various Zoning Districts established by this Ordinance. Uses are listed in alphabetical order within the following twelve functional categories:

Agricultural
Mining
Residential
Accessory
Recreational
Educational and Institutional
Business, Professional and Personal Services
Retail Trade
Wholesale Trade
Transportation, Warehousing and Utilities
Manufacturing and Industrial
Other Uses

B. Interpretation of Symbols in the Table

1. Districts in which particular uses are permitted by right in the various districts are indicated by a "P". Permitted uses require a Zoning Permit or certificate of compliance.
2. Districts in which particular uses are permitted with a Special Use Permit are indicated by an "S". A Special Use Permit requires approval by the Board of Adjustment.
3. Districts in which particular uses are permitted by right subject to meeting certain development standards as set forth in Article III are indicated by a "D". These uses require a Zoning Permit or certificate of compliance.
4. Districts in which particular uses are prohibited are indicated by the absence of a symbol.

C. Table of Uses (See Table 25.02 starting on the following pages)