

## **ARTICLE IV. ESTABLISHMENT OF ZONING DISTRICTS**

### **Section 4.1 Primary Zoning Districts Established: Purposes Set Forth**

For the purposes of this Ordinance, the City of Archdale, North Carolina, and the area comprising its extraterritorial zoning jurisdiction are hereby divided into the following primary use districts:

#### **Section 4.1.1 R-40 Residential District**

The R-40 Residential District is established for low density residential and rural agricultural purposes with some limited public, semi-public, and passive recreational uses permitted when they are compatible with low density residential development. As municipal services become available to such areas it is anticipated that the R-40 District will be considered for rezoning to other districts.

#### **Section 4.1.2 R-15 Residential District**

The R-15 Residential District is established for moderately low residential uses with some limited public, semi-public, and passive recreational uses permitted when they are compatible with moderately low density residential developments.

#### **Section 4.1.3 R-12.5 Residential District**

The R-12.5 Residential District is established for medium density residential development with some limited public, semi-public, and passive recreational uses permitted when they are compatible with medium density residential developments.

#### **Section 4.1.4 R-10 Residential District**

The R-10 Residential District is established for medium to high density residential development with some limited public, semi-public, and passive recreational uses permitted when they are compatible with medium density to high density residential developments.

#### **Section 4.1.5 Group Residential District (GRD)**

The intent of the Group Residential District (GRD) is to ensure that group developments are zoned and planned so as to provide adequate open space, access, and circulation within the development and sufficient buffers to ensure compatibility with surrounding land uses. Limited public and semi-public uses are permitted when they are compatible with these uses.

#### **Section 4.1.6 Residential Attached Housing District (R-AH)**

The Residential Attached Housing District (R-AH) is established for medium to high density development with some limited public, semi public, and passive recreational uses permitted when they are compatible with medium to high density residential developments.

#### **Section 4.1.7            Traditional Neighborhood District (TND)**

The Traditional Neighborhood District (TND) is provided to encourage developments that incorporate the principles of new urbanism. These principles include an interconnecting network of pedestrian oriented streets and public spaces, a mixture of housing types and prices, prominently sited civic or community buildings, and stores/offices/workplaces to provide a balanced mixed use development.

#### **Section 4.1.8            Office and Institutional District (OI)**

The Office and Institutional District (OI) is established to provide for business and professional office service occupations and light commercial uses. Because the office and institutional uses are subject to the public view, developers and operators of offices and businesses should provide an appropriate appearance, parking, and design of entrances and exits to offices and businesses in a manner to minimize the traffic congestion.

#### **Section 4.1.9            Highway Business District (HB)**

The Highway Business District (HB) is established for the retailing of goods and services that cater primarily to the passing motorists. Uses in this district are highly intensive in nature, require high visibility, and have significant front setbacks. Developments in this district are located along major thoroughfares and are within a close proximity to the interstate highway.

#### **Section 4.1.10          B-1 Business District**

The B-1 Business District is established to provide for retailing goods and services to the passing motorists and residents living in the area. Because the business uses are subject to the public view, developers and operators of businesses should provide an appropriate appearance, parking, and design of entrances and exits to businesses in a manner to minimize traffic congestion. The regulations of this district are designed to permit a concentrated development of permitted uses while maintaining a substantial relationship between the intensity of land uses and the capacity of utilities and streets.

#### **Section 4.1.11          B-2 Neighborhood Business District**

The B-2 Neighborhood Business District is established to provide for a compact neighborhood shopping district which provides convenience goods such as groceries and drugs and some types of personal services to the surrounding residential area. The regulations are designed to protect the surrounding residential districts and provide an appropriate community appearance. Parking and design of entrances and exits to businesses must be established in a manner to minimize traffic congestion.

**Section 4.1.12            M-1 Heavy Manufacturing District**

The M-1 Heavy Manufacturing District is established 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 nuisances that are not properly associated with residential, institutional, commercial, and/or service establishments. These uses normally seek outlying locations on large tracts of land where the operations involved do not detract from the development potential of nearby undeveloped properties.

**Section 4.1.13            M-2 Light Industrial District**

The M-2 Light Manufacturing District is established for industry assembly, fabrication, and warehousing located on planned sites with access to major highways and streets and with adequate utility facilities. This district is intended to allow a lower density of manufacturing and warehousing operations which create a more desirable appearance and less environment pollution than a more dense manufacturing zone. These uses normally seek outlying locations on large tracts of land where the operations involved do not detract from the development potential of nearby development property. The purpose of these regulations is to control building and traffic congestion and to provide an appropriate community appearance.

**Section 4.2                    Conditional Use Districts Established: Purposes Set Forth**

There is also established a Conditional Use District (CU) which corresponds to each of the districts authorized by this Ordinance as follows:

- |           |        |
|-----------|--------|
| CU R-40   | CU OI  |
| CU R-15   | CU B-1 |
| CU R-12.5 | CU B-2 |
| CU R-10   | CU M-1 |
| CU R-AH   | CU M-2 |
| CU GRD    | CU TND |
| CU HB     |        |

It is recognized that certain types of zoning districts would be inappropriate at certain 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 Use District is a means by which such special conditions can be imposed in the furtherance of the purpose of this Ordinance. The Conditional Use District classification will be considered for rezoning only upon request of a property owner. 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 Use Permit shall be null and void and of no effect and that proceedings shall be instituted to rezone the property to its previous zoning classification.

Within a CUD, only those uses authorized as permitted or special uses in the zoning district with which the CUD corresponds shall be permitted and all other requirements of the corresponding

district shall be met as minimum standards. In addition, within a CUD no use shall be permitted except pursuant to a Conditional Use Permit authorized by the City Council, which shall specify the use or uses authorized. Such permit may further specify the location on the property of the proposed use and uses, the number of dwelling units, the location and extent of supporting facilities such as parking lots, driveways, and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request, but not to include conditions not generally a part of land development controls. In granting a Conditional Use Permit the City Council may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured, and substantial justice done.

The authorization of a Conditional Use Permit in any CUD for any use which is permitted only as a Special Use Permit in the zoning district which corresponds to the CUD shall preclude any requirement for obtaining a Special Use Permit for any such use in a separate procedure.

PUD Districts:

In approving a Planned Unit Development, the City Council may modify any standard or requirement where in the Council's opinion equal or better performance will result. In approving a modification the Council may prescribe such reasonable and appropriate conditions and safeguards as will in its opinion assure performance and the maintenance of the purposes of this Ordinance.

PUD's shall be permitted only when requested as a Conditional Use and accompanied by a rezoning request to one of the following Districts:

1. CU PDR: Conditional Use Planned Unit Development Residential
2. CU PDMR: Conditional Use Planned Unit Development Mixed Residential
3. CU PDMC: Conditional Use Planned Unit Development Mixed Commercial

#### **Section 4.3                      Roadway Overlay District Established: Purposes Set Forth**

The Primary and Conditional Zoning Districts established in this article may also be zoned Roadway Overlay District as designated herein and as shown on the official Zoning Maps. In such case the land is subject to not only the requirements of the underlying primary or conditional zoning districts, but also the additional requirements of the Overlay District. The purpose of the Roadway Overlay District is to provide for the protection and preservation of thoroughfare corridors to avoid undue congestion and significant deterioration of service levels while at the same time provide for the preservation and enhancement of the appearance of the roadway corridor.

#### **Section 4.4**

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

The boundaries of the districts are shown on the map accompanying this Ordinance and made a part hereof entitled "Official Zoning Map, Archdale, North Carolina". The Zoning Map and all the notations, references, and amendments thereto, and other information shown thereon are hereby made a 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 is posted at the Archdale City Hall and is available for inspection by the public.

#### **Section 4.5**

#### **Rules Governing Boundaries**

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the official Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the centerlines of streets or highways, street or railroad right-of-way lines, or such lines extended, such centerlines or street or railway right-of-way lines shall be construed to be such boundaries.
2. Where district boundaries are so indicated that they approximately follow platted lot lines, such lot lines shall be construed to be said boundaries.
3. Where district boundaries are so indicated that they are approximately parallel to the centerlines of streets, highways, railroads, or right-of-ways of same, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by use of the scale shown on the said Zoning Map.
4. Where any street or alley is hereafter officially closed, vacated, or abandoned, the zoning district adjoining each side of the street or alley shall be automatically extended to the center of the street or alley, and all lands which are included in the closed portion shall thereafter be subject to the regulations of the extended districts.
5. Boundaries indicated as approximately following City limit lines shall be construed to follow such City limit lines.
6. Where district boundaries are indicated as following topographic contours, drainage divides, or specific measured distances, such features shall be construed to be such boundaries.
7. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
8. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

9. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or if further uncertainty exists as to the location of boundaries or applicability of zoning districts, the Board of Adjustment shall interpret the intent of the Zoning Map as to the location of such boundaries and the applicability of such districts.
10. Where a district boundary line divides a lot of which was in single ownership at the time of passage of this Ordinance, the Board of Adjustment may permit the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

**Section 4.6                      Determining Permitted and Conditional Uses, Principal Uses and Mixed Uses**

The listings of Permitted and Special 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 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 Permitted and Special Uses, the Zoning Administrator shall determine if the use is the same as, or manifestly similar to, a listed use in form and function. 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. In each case, the Zoning Administrator shall maintain a written record of such determinations.

In determining what is a principal use, 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 (as regulated in Article VII, Sections 'e' and 'n') or use that meets one or more of the following:

1. is clearly incidental to and customarily found in connection with a principal building or use;
2. is subordinate in area, extent, or purpose to the principal building or principal use served;
3. contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served; or,
4. is located on the same lot and zoned 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 buildings as long as each is a permitted use.