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## ARTICLE V PERMITTED USES

### 5.01 Permitted Use Table

#### A. Table of Permitted Uses.

1. Within each zoning district indicated on the Official Zoning Map and subject to all requirements and conditions specified in this Ordinance, land, buildings, and structures shall only be used and buildings and structures shall only be erected which are intended or designed to be used for uses listed in the [Table of Permitted Uses, Table 5-1](#).
2. In the appropriate columns of [Table 5-1](#) uses permitted by right with a zoning permit in the various districts are indicated by a 'Z', uses permitted by right with a zoning permit subject to meeting additional development standards (as set forth in [Article VIII, Development Standards for Individual Uses](#)) are indicated with a 'D', uses requiring a special use permit from the Planning Board are indicated by an 'S', and uses requiring a conditional use permit from the Board of County Commissioners are indicated by a 'C'. Special uses and conditional uses must also comply with the development standards delineated in [Article VIII](#) as well as any additional standards or conditions required by the permit-issuing board. Permit applications and site plans for the uses designated in [Table 5-1](#) with a 'D', 'S', or 'C' shall demonstrate how compliance with the applicable development standards will be achieved.
3. A blank space in the table indicates that a particular use is not permitted. Should there be a discrepancy between the Table of Permitted Uses and any other section of this Ordinance as to a use being permissible, the Table of Permitted Uses shall prevail. Exempt uses are indicated by an 'E' in [Table 5-1](#).

#### B. Formulation of Permitted Use Table:

1. The *Standard Industrial Classification (SIC) Manual - 1987* was utilized in the preparation of this table and shall be referred to as a guide for purposes of interpretation by the Zoning Administrator. SIC codes are used to refer to SIC Classifications. Entries with '0000' in the Reference SIC column do not correspond to any classification in the SIC Manual.
2. When a use is not listed in the Permitted Use Table, the Zoning Administrator shall classify it with that use in the table most similar to it. The SIC Manual shall serve as a guide in classifying any unlisted use. If the Zoning Administrator should determine that a use is not listed and is not similar to a use in the Permitted Use Table, then said use is prohibited.
3. Rental and leasing of any commodity shall be permitted under the same classification and in the same districts, as are sales of that commodity,

*Insert Table 5-1, Table of Permitted Uses*



unless rental or leasing of that commodity is listed separately in the Permitted Use Table.

## **5.02 Permissible Uses Not Requiring Permits**

Notwithstanding any other provisions of this Ordinance, neither a zoning, special use, nor conditional use permit is necessary for the following uses:

- A. Property used for bona fide farm purposes, except swine farms, as specifically exempted by NCGS 153A-340.
- B. Roads.
- C. 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.

## **5.03 Change in Use**

- A. 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:
  - 1. The change involves a change from one principal use category to another.
  - 2. 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.
  - 3. If the original use is a combination use, the mixture of types of individual principal uses that comprise the combination use changes.
  - 4. 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 were 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, that 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.
- B. A mere change in the 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.

- C. 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.

#### **5.04 Combination Uses**

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

#### **5.05 Mixed Uses**

Two or more permitted uses may occupy the same principal building.

#### **5.06 Accessory Uses**

- A. Whenever an activity is conducted in conjunction with another principal use and the former use (i) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (ii) is customarily associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use.
- B. For purposes of interpreting subsection A:
  - 1. A use may be regarded as incidental or insubstantial if it is incidental or insubstantial in and of itself or in relation to the principal use;
  - 2. To be 'customarily associated' with a principal use it is not necessary for an accessory use to be connected with such principal use more times than not, but only that the association of such accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relatedness.
- C. Without limiting the generality of subsections A and B, the following activities are specifically regarded as accessory to residential principal uses so long as they satisfy the general criteria set forth above:
  - 1. Offices or studios within an enclosed building and used by an occupant of a residence located on the same lot as such building to carry on administrative or

artistic activities of a commercial nature, so long as such activities do not fall within the definition of a home occupation.

2. Hobbies or recreational activities of a non-commercial nature.

D. Table 5-1, Table of Permitted Uses, Accessory Uses and Structures outlines the zoning districts in which specific accessory uses are allowed.

### **5.07 Prohibited Uses**

Within certain overlay districts some uses are specifically prohibited. The following uses are prohibited in the overlay districts listed.

#### **A. AP, Airport Protection Overlay District.**

1. Notwithstanding any other provisions of this Article, no use may be made of land or water within any zone established by [Section 7.01 D](#) in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the Edenton Municipal Airport.

#### **B. FHO, Flood Hazard Overlay District.**

1. The following uses are prohibited in designated floodways:

(a) Buildings, including manufactured homes; and

(b) Any use that would cause any increase in base flood levels.

### **5.08 Pets, Livestock, Poultry, and Wild Animals**

A. Any tract of land smaller than three (3) acres and on which there is a single-family dwelling or dwellings is presumed to be a residential use of property. The keeping of livestock or wild animals, as defined in subsection B, shall not be considered an appropriate accessory use in such an instance. This shall apply in the R-5, R-15, R-25, RMH-25, and R-40 zoning districts or any other future principal residential district established in Article IV, Zoning Districts and Zoning Map. For purposes of this Ordinance, domestic fowl shall not be considered livestock. However, the owner of any chicken or tame or domestic fowl of whatever description shall not permit such an animal to run at large within a residential zoning district.

B. For the purposes of this section, 'livestock' shall include horses, mules, cows, pigs, hogs, goats, sheep and all other animals that typically are kept primarily for productive or useful purposes rather than as pets. 'Wild animals' shall include an animal that (i) is typically found in a non-domesticated state and that, because of its size or vicious propensity or because it is poisonous or for any other substantial reason poses a potential danger to persons, other animals or property, or (ii) is

classified as a wild animal by the North Carolina Wildlife Resources Commission (WRC) so that any person wishing to possess the same is required by state law to obtain a permit from the WRC.

- C. In the R-5, R-15, R-25, RMH-25, and R-40 zoning districts or any other future principal residential district established in [Article IV, Zoning Districts and Zoning Map](#), each lot shall contain the following minimum lot area for horses kept on the property: 2.0 acres of gross lot area for one horse and 1.0 acre for each additional horse.