



# Town of Milton

## Article V: ESTABLISHMENT OF ZONING DISTRICTS

### Section 5.1 Primary Zoning Districts Established

For the purposes of this ordinance, the zoning jurisdiction of the Town of Milton, North Carolina, is hereby divided into the following primary use districts: Zoning does not allow for Single Wide Manufactured homes of any size in any zoning district. Singlewides having been grandfathered in, once removed, replaced, or damaged must be replaced with a manufactured, modular, or traditional stick-built home conforming to the prescribed sizing.

- A. **R-1 Residential District** - to establish a district in which the primary use of land is for one- and two-family dwellings. For Specific guidance, See Article VI, Section 6.1: R-1 Residential District.
- B. **C-U-R-1 Residential District** - This District is identical to the R-1 single-family Residential District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this Ordinance.
- C. **R-2 Residential District** - To establish a district in which the primary use of land is for one- and two-family dwellings, but which also permits Manufactured or Modular homes, on permanent foundations, subject to appearance standards and size requirements. For Specific guidance, See Article VI, Section 6.2: R-2 Residential District.
- D. **C-U-R-2 Residential District** - This District is identical to the R-2 Residential District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this Ordinance.
- E. **O & I Office and Institutional District** - To establish a district principally for office and institutional uses. For Specific guidance, See Article VI, Section 6.4: O-1 Office and Institutional District.
- F. **C-U-O & I Office and Institutional District** - This district is identical to the O & I Office and Institutional District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this Ordinance.
- L **B-1 and C-1 Business District** - To establish a primary commercial district where businesses are concentrated in a central location.



# Town of Milton

**J. C-U-C-1 District** - This District is identical to the C-1 Commercial District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this Ordinance.

**K. “Mixed Use” District (MU)** – District designated for the usage of buildings in the Business District to allow both Commercial activities and Residential activities in the same structure. Commercial activities conducted in the Mix Use district are either Vertical or Horizontal in nature. Vertical MU commercial activities are to be on the first (1<sup>st</sup>) floor or level of the structures with any Residential activities on the second (2<sup>nd</sup>) or higher levels of the structure. Horizontal MU commercial activities are to be the front of the structure with residential area to the rear of the structure. For further guidance, See Article VI, Schedule of District Regulations, Section 6.9 Overlay District, 3. Mixed Use.

## Section 5.2 Conditional Use Districts

There is a Conditional Use District (referred to as CU or CUD) which corresponds to each of the primary districts authorized in this ordinance. 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 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. NCGS 160D-102(7).

Within a CUD, only those uses authorized as permitted or conditional 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 Board of Commissioners, which shall specify the use or uses authorized. Such permit may further specify the location on the property of the proposed use or 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



# Town of Milton

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 architectural review or controls or other conditions not generally a part of land development controls. In granting a Conditional Use Permit the Board of Commissioners 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. For further guidance, See Article VI; Section 6.8: Conditional Use Districts (CUD).

## **Section 5.3 Overlay Districts**

The Primary Zoning Districts established in subsections 5.1 and 5.2 may also be zoned in one or more Overlay Districts as designated herein and as shown on the Official Zoning Map. In such case, the land is subject to not only the requirements of the underlying Primary Zoning District but also the additional requirements of the Overlay District.

### **A Flood Damage Prevention (FD)**

The Flood Damage Prevention District establishes standards to minimize public and private losses due to flood conditions in specific areas.

### **B. Historic District (HD)**

District establishes regulations which will help maintain the historic integrity of certain areas within the Town.

**C. Mixed Use Overlay - MU** has two (2) structural usages. Mixed usage is allotted for the established commercial district of Milton. This MU is requested through a variance for either Vertical or Horizontal mixed usage of commercial area.

1. **Vertical** (MU-V) usages are allotted for structures no more than forty (40) feet in height or four (4) stories. This includes new construction along with established structures. At no time shall a structure be constructed or altered to be taller than four (4) stories. Vertical MU (MU-V) is established to be first floor (1<sup>st</sup>) not including basement as the Commercial usage area. Commercial activities are held on the first floor (1<sup>st</sup>) of the structure when listed as MU-V. The remaining two (2) through four (4) floors are able to be used as either commercial or residential. At no time will



# Town of Milton

Residential usage be utilized before any commercial usage. **Example:** first floor commercial, second floor residential, and third floor commercial is not allowed. Usage must be in order of first floor commercial, second floor commercial, and third floor residential and so forth as requested by variance.

2. **Horizontal** (MU-H) usages are on structures which are no higher than one (1) story or fourteen (14) feet maximum. Usage is then determined by zoning and any requested variances. These structures may maintain a business or commercial activity in the front of the structure while the rear of the structure may be residential based on requested variance and active zoning for structure. For further guidance, See Article VI; Section 6.9(3):

Overlay Districts.

- D. Commercial District. The Town of Milton currently has zoning which splits properties between Residential and Commercial District. As requested by property owners, Commercial District property owners can request variances for Mixed Use (MU). If Variances are not requested, property will be zoned as shown on the Milton Zoning map.

## Section 5.4 District Boundaries Shown on Zoning Map

The boundaries of the districts shown on the map accompany this Ordinance and made a part hereof entitled "Official Zoning Map, Milton, North Carolina. The Zoning Map and all the notations, reference 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 was all fully described as set out herein. The Zoning Map is posted at Milton Town Hall and is available for inspection by the public. For further guidance, See Article VI, Section 6.9.

## Section 5.5 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:

- 1) Where district boundaries are indicated as approximately following street, alley, or highway lines, such lines shall be construed to be the boundaries.



# Town of Milton

- 2) Where district boundaries are indicated that they approximately follow lot lines such lot lines shall be construed to be the boundaries.
- 3) Where district boundaries are indicated that they are approximately parallel to the center line of streets, alleys or highways, or the rights-of-way of same, the district boundaries shall be construed as being parallel thereto and at the distance therefrom as indicated on the Zoning Map.
- 4) Where district boundaries are indicated as following topographic contours, drainage divides or specific measured distances such features shall be construed to be such boundaries.
- 5) 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.
- 6) 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 Maps as to the location of such boundaries, and the applicability of such districts, and may order the **Zoning** Map corrected.

## **Section 5.6 Definition of Future Land Use Categories**

1. **Conservation** This category includes areas that are permanently protected at various levels – Federal, state, Regional or local.
2. **Rural / Agricultural** This category includes areas where agriculture is the prime use of the land. Naturally pristine areas that are not currently used as agricultural land but are not protected by any regulations, laws, or agencies also fall under this category. Large lot residential (estate) is also grouped in this category.



## Town of Milton

3. **Suburban Residential (Low Density)** This category includes areas with low-density single family residential (1 du/ac and lower). The character of these areas will be suburban in nature with single family residential being the main use.
4. **Urban Residential (Medium to High Density)** This category includes areas of higher residential densities (1 du/ac and up). Different mix of housing types is encouraged, ranging from single family to multi-family.
5. **Commercial** This category includes commercial and retail uses ranging from highway oriented retail to center city main street retail.
6. **Office and Institutional** This category is a combination of office and institutional uses. Employment generating uses such as downtowns, central business districts, office parks and public institutions are grouped under this category.
7. **Industrial** This category includes light and heavy manufacturing, distribution and warehouse uses.
8. **Urban Mixed Use** This category includes uses mixed vertically in one or more buildings at higher densities. Uses may include, but are not limited to residential, commercial, employment and institutional.
9. **Suburban Mixed Use** This category includes uses mixed horizontally. Uses may include residential, commercial, employment and commercial.