

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1999**

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**SENATE BILL 543**

State and Local Government Committee Substitute Adopted 4/29/99

Short Title: Forsyth Area Zoning Changes.

(Local)

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Sponsors:

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Referred to:

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March 29, 1999

**A BILL TO BE ENTITLED**

**AN ACT RELATING TO ZONING BY FORSYTH COUNTY, THE TOWNS OF  
KERNERSVILLE AND LEWISVILLE, AND THE VILLAGE OF CLEMMONS.**

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 381 of the 1973 Session Laws reads as rewritten:

"Section 1. Section 23 of Chapter 677 of the Session Laws of 1947, as amended, is hereby amended as follows: by inserting between the first and second paragraphs thereof the eight following paragraphs:

'The Board of Aldermen of the City of Winston-Salem is hereby empowered, in accordance with the conditions and procedure specified in this act, by ordinance to regulate in any portion or portions of the City of Winston-Salem the uses of buildings and structures for trade, industry, residence, recreation, public activities or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, water supply conservations, soil conservation, forestry or other purposes.

For any or all these purposes, the City may divide its territorial jurisdiction into districts of any number, shape, and area that may be deemed best suited to carry out the purposes of this section; and within those districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or land. All

1 regulations shall be uniform for each class or kind of buildings throughout each district,  
2 but the regulations in one district may differ from those in other districts; provided,  
3 however, that the City may provide for the creation of special use districts in addition to  
4 general use districts.

5 It is the purpose and intent of this section to permit Winston-Salem to create general  
6 use districts in which a variety of uses are permitted, and to also create special use  
7 districts in which a single use is permitted upon the issuance by the Board of Aldermen of  
8 a special use permit prescribing the conditions under which such use will be permitted.

9 A person petitioning for rezoning of a tract of land, where special use districts are  
10 authorized by ordinance, may elect to request general use district zoning for said tract, or  
11 he may elect to request special use district zoning for said tract.

12 If he elects to petition for general use district zoning, he may not refer, either in his  
13 petition or at any hearings related to the petition, to the use intended for the property  
14 upon rezoning. The Board of Aldermen may not consider the intended use in  
15 determining whether to approve or disapprove the petition, but shall consider the full  
16 range of uses permitted within the requested general use district. If the petition is  
17 approved, the re-zoned property may be used for any of the uses permitted in the  
18 applicable general use district.

19 If the petitioner elects to petition for special use district zoning, the petition must  
20 specify the actual use intended for the property specified in the petition, and the intended  
21 use must be one permitted in the corresponding general use district. If the petition is for  
22 special use district zoning, the Board of Aldermen is to approve or disapprove the  
23 petition on the basis of the specific use requested. If the petition is approved, the Board  
24 of Aldermen shall issue a special use district permit authorizing the requested use with  
25 such reasonable conditions as the Board of Aldermen determines to be desirable in  
26 promoting public health, safety and general welfare.

27 The conditions contained in a special use permit issued by the Board of Aldermen may  
28 include: location of the proposed use on the property; the number of dwelling units; the  
29 location and extent of support facilities such as parking lots, driveways, and access  
30 streets; location and extent of buffer areas and other special purpose areas; the timing of  
31 development; and such other matters as the petitioner may propose and the Board of  
32 Aldermen may find ~~appropriate, but not to include architectural review or controls.~~  
33 appropriate.

34 It is the further intent of this section to permit the creation of districts for specific uses  
35 and the imposition of reasonable conditions in order to secure the public health, safety  
36 and welfare, and insure that substantial justice be done."

37 Section 2. Section 2 of Chapter 381 of the 1973 Session Laws reads as  
38 rewritten:

39 "Sec. 2. Section 25 of Chapter 677 of the Session Laws of 1947, as amended, is  
40 hereby amended by inserting the seven following paragraphs after the first paragraph  
41 therein:

42 'For any or all these purposes, the County may divide its territorial jurisdiction into  
43 districts of any number, shape, and area that may be deemed best suited to carry out the

1 purposes of this section; and within those districts it may regulate and restrict the  
2 erection, construction, reconstruction, alteration, repair or use of buildings, structures, or  
3 land. All regulations shall be uniform for each class or kind of building throughout each  
4 district, but the regulations in one district may differ from those in other districts;  
5 provided, however, that the County may provide for the creation of special use districts in  
6 addition to general use districts.

7 It is the purpose and intent of this section to permit Forsyth County to create general  
8 use districts in which a variety of uses are permitted, and to also create special use  
9 districts in which a single use is permitted upon the issuance by the Board of County  
10 Commissioners of a special use district permit prescribing the conditions under which  
11 such use will be permitted.

12 A person petitioning for rezoning of a tract of land, where special use districts are  
13 authorized by ordinance, may elect to request general use district zoning for said tract, or  
14 he may elect to request special use district zoning for said tract.

15 If he elects to petition for general use district zoning, he may not refer, either in his  
16 petition or at any hearings related to the petition, to the use intended for the property  
17 upon rezoning. The Board of County Commissioners may not consider the intended use  
18 in determining whether to approve or disapprove the petition, but shall consider the full  
19 range of uses permitted within the requested general use district. If the petition is  
20 approved, the re-zoned property may be used for any of the uses permitted in the  
21 applicable general use district.

22 If the petitioner elects to petition for special use district zoning, the petition must  
23 specify the actual use intended for the property specified in the petition, and the intended  
24 use must be one permitted in the corresponding general use district. If the petition is for  
25 special use district zoning, the Board of County Commissioners is to approve or  
26 disapprove the petition on the basis of the specific use requested. If the petition is  
27 approved, the Board shall issue a special use district permit authorizing the requested use  
28 with such reasonable conditions as the Board determines to be desirable in promoting  
29 public health, safety and general welfare. The act of issuing a special use district permit  
30 shall be deemed to be a legislative act of the Board of County Commissioners, and the  
31 procedural standards applicable to the legislative acts shall apply to the consideration and  
32 issuance of a special use permit.

33 The conditions contained in a special use permit issued by the Board may include:  
34 location of the proposed use on the property; the number of dwelling units; the location  
35 and extent of support facilities such as parking lots, driveways, and access streets;  
36 location and extent of buffer areas and other special purpose areas; the timing of  
37 development; and such other matters as the petitioner may propose and the Board may  
38 find appropriate, but not to include architectural review or controls.

39 It is the further intent of this section to permit the creation of districts for specific uses  
40 and the imposition of reasonable conditions in order to secure the public health, safety  
41 and welfare, and insure that substantial justice be done."

42 Section 3. The Charter of the Town of Kernersville, being Chapter 381 of the  
43 1989 Session Laws, is amended by adding a new section to read:

1 "Sec. 27.1. Zoning. The Board of Aldermen of the Town of Kernersville is hereby  
2 empowered by ordinance to regulate in any portion or portions of the Town the uses of  
3 buildings and structures for trade, industry, residence, recreation, public activities or  
4 other purposes, and the uses of land for trade, industry, residence, recreation, agriculture,  
5 water supply conservations, soil conservation, forestry or other purposes.

6 For any or all these purposes, the Town may divide its territorial jurisdiction into  
7 districts of any number, shape, and area that may be deemed best suited to carry out the  
8 purposes of this section; and within those districts it may regulate and restrict the  
9 erection, construction, reconstruction, alteration, repair or use of buildings, structures, or  
10 land. All regulations shall be uniform for each class or kind of buildings throughout each  
11 district, but the regulations in one district may differ from those in other districts;  
12 provided, however, that the Town may provide for the creation of special use districts in  
13 addition to general use districts.

14 It is the purpose and intent of this section to permit the Town to create general use  
15 districts in which a variety of uses are permitted, and to also create special use districts in  
16 which a single use is permitted upon the issuance by the Board of Aldermen of a special  
17 use permit prescribing the conditions under which such use will be permitted.

18 A person petitioning for rezoning of a tract of land, where special use districts are  
19 authorized by ordinance, may elect to request general use district zoning for said tract, or  
20 he may elect to request special use district zoning for said tract.

21 If he elects to petition for general use district zoning, he may not refer, either in his  
22 petition or at any hearings related to the petition, to the use intended for the property  
23 upon rezoning. The Board of Aldermen may not consider the intended use in  
24 determining whether to approve or disapprove the petition, but shall consider the full  
25 range of uses permitted within the requested general use district. If the petition is  
26 approved, the rezoned property may be used for any of the uses permitted in the  
27 applicable general use district.

28 If the petitioner elects to petition for special use district zoning, the petition must  
29 specify the actual use intended for the property specified in the petition, and the intended  
30 use must be one permitted in the corresponding general use district. If the petition is for  
31 special use district zoning, the Board of Aldermen is to approve or disapprove the  
32 petition on the basis of the specific use requested. If the petition is approved, the Board  
33 of Aldermen shall issue a special use district permit authorizing the requested use with  
34 such reasonable conditions as the Board of Aldermen determines to be desirable in  
35 promoting public health, safety, and general welfare.

36 The conditions contained in a special use permit issued by the Board of Aldermen  
37 may include: location of the proposed use on the property; the number of dwelling units;  
38 the location and extent of support facilities such as parking lots, driveways, and access  
39 streets; location and extent of buffer areas and other special purpose areas; the timing of  
40 development; and such other matters as the petitioner may propose and the Board of  
41 Aldermen may find appropriate.

1       It is the further intent of this section to permit the creation of districts for specific uses  
2 and the imposition of reasonable conditions in order to secure the public health, safety,  
3 and welfare, and insure that substantial justice be done."

4       Section 4. The Charter of the Town of Lewisville, being Chapter 116 of the  
5 1991 Session Laws, is amended by adding a new section to read:

6       "**Section 5-3. Zoning.** The Town Council of the Town of Lewisville is hereby  
7 empowered by ordinance to regulate in any portion or portions of the Town the uses of  
8 buildings and structures for trade, industry, residence, recreation, public activities or  
9 other purposes, and the uses of land for trade, industry, residence, recreation, agriculture,  
10 water supply conservations, soil conservation, forestry or other purposes.

11       For any or all these purposes, the Town may divide its territorial jurisdiction into  
12 districts of any number, shape, and area that may be deemed best suited to carry out the  
13 purposes of this section; and within those districts it may regulate and restrict the  
14 erection, construction, reconstruction, alteration, repair or use of buildings, structures, or  
15 land. All regulations shall be uniform for each class or kind of buildings throughout each  
16 district, but the regulations in one district may differ from those in other districts;  
17 provided, however, that the Town may provide for the creation of special use districts in  
18 addition to general use districts.

19       It is the purpose and intent of this section to permit the Town to create general use  
20 districts in which a variety of uses are permitted, and to also create special use districts in  
21 which a single use is permitted upon the issuance by the Town Council of a special use  
22 permit prescribing the conditions under which such use will be permitted.

23       A person petitioning for rezoning of a tract of land, where special use districts are  
24 authorized by ordinance, may elect to request general use district zoning for said tract, or  
25 he may elect to request special use district zoning for said tract.

26       If he elects to petition for general use district zoning, he may not refer, either in his  
27 petition or at any hearings related to the petition, to the use intended for the property  
28 upon rezoning. The Town Council may not consider the intended use in determining  
29 whether to approve or disapprove the petition, but shall consider the full range of uses  
30 permitted within the requested general use district. If the petition is approved, the  
31 rezoned property may be used for any of the uses permitted in the applicable general use  
32 district.

33       If the petitioner elects to petition for special use district zoning, the petition must  
34 specify the actual use intended for the property specified in the petition, and the intended  
35 use must be one permitted in the corresponding general use district. If the petition is for  
36 special use district zoning, the Town Council is to approve or disapprove the petition on  
37 the basis of the specific use requested. If the petition is approved, the Town Council shall  
38 issue a special use district permit authorizing the requested use with such reasonable  
39 conditions as the Town Council determines to be desirable in promoting public health,  
40 safety, and general welfare.

41       The conditions contained in a special use permit issued by the Town Council may  
42 include: location of the proposed use on the property; the number of dwelling units; the  
43 location and extent of support facilities such as parking lots, driveways, and access

1 streets; location and extent of buffer areas and other special purpose areas; the timing of  
2 development; and such other matters as the petitioner may propose and the Town Council  
3 may find appropriate.

4 It is the further intent of this section to permit the creation of districts for specific uses  
5 and the imposition of reasonable conditions in order to secure the public health, safety,  
6 and welfare, and insure that substantial justice be done."

7 Section 5. The Charter of the Village of Clemmons, being Section 7 of  
8 Chapter 437 of the 1985 Session Laws, is amended by adding a new Article to read:

9 **"ARTICLE VII. ADMINISTRATION.**

10 **"Sec. 7.1. Zoning.** The Village Council of the Village of Clemmons is hereby  
11 empowered by ordinance to regulate in any portion or portions of the Village the uses of  
12 buildings and structures for trade, industry, residence, recreation, public activities or  
13 other purposes, and the uses of land for trade, industry, residence, recreation, agriculture,  
14 water supply conservations, soil conservation, forestry or other purposes.

15 For any or all these purposes, the Village may divide its territorial jurisdiction into  
16 districts of any number, shape, and area that may be deemed best suited to carry out the  
17 purposes of this section; and within those districts it may regulate and restrict the  
18 erection, construction, reconstruction, alteration, repair or use of buildings, structures, or  
19 land. All regulations shall be uniform for each class or kind of buildings throughout each  
20 district, but the regulations in one district may differ from those in other districts;  
21 provided, however, that the Village may provide for the creation of special use districts in  
22 addition to general use districts.

23 It is the purpose and intent of this section to permit the Town to create general use  
24 districts in which a variety of uses are permitted, and to also create special use districts in  
25 which a single use is permitted upon the issuance by the Board of Aldermen of a special  
26 use permit prescribing the conditions under which such use will be permitted.

27 A person petitioning for rezoning of a tract of land, where special use districts are  
28 authorized by ordinance, may elect to request general use district zoning for said tract, or  
29 he may elect to request special use district zoning for said tract.

30 If he elects to petition for general use district zoning, he may not refer, either in his  
31 petition or at any hearings related to the petition, to the use intended for the property  
32 upon rezoning. The Village Council may not consider the intended use in determining  
33 whether to approve or disapprove the petition, but shall consider the full range of uses  
34 permitted within the requested general use district. If the petition is approved, the  
35 rezoned property may be used for any of the uses permitted in the applicable general use  
36 district.

37 If the petitioner elects to petition for special use district zoning, the petition must  
38 specify the actual use intended for the property specified in the petition, and the intended  
39 use must be one permitted in the corresponding general use district. If the petition is for  
40 special use district zoning, the Village Council is to approve or disapprove the petition on  
41 the basis of the specific use requested. If the petition is approved, the Village Council  
42 shall issue a special use district permit authorizing the requested use with such reasonable

1 conditions as the Village Council determines to be desirable in promoting public health,  
2 safety, and general welfare.

3 The conditions contained in a special use permit issued by the Village Council may  
4 include: location of the proposed use on the property; the number of dwelling units; the  
5 location and extent of support facilities such as parking lots, driveways, and access  
6 streets; location and extent of buffer areas and other special purpose areas; the timing of  
7 development; and such other matters as the petitioner may propose and the Board of  
8 Aldermen may find appropriate.

9 It is the further intent of this section to permit the creation of districts for specific uses  
10 and the imposition of reasonable conditions in order to secure the public health, safety,  
11 and welfare, and insure that substantial justice be done."

12 Section 6. This act is effective when it becomes law.