

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1999**

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**SENATE BILL 543**

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

House Committee Substitute Favorable 5/19/99

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,

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

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

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

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

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

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

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

41 Section 2. Section 2 of Chapter 381 of the 1973 Session Laws reads as  
42 rewritten:

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

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

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

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

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

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

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

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 3. The Charter of the Town of Kernersville, being Chapter 381 of the  
5 1989 Session Laws, is amended by adding a new section to read:

6 "Sec. 27.1. Zoning. The Board of Aldermen of the Town of Kernersville 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 conservation, soil conservation, forestry, or other purposes.

11 For any or all of 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 Board of Aldermen of a special  
22 use 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 Board of Aldermen may not consider the intended use in  
29 determining whether to approve or disapprove the petition, but shall consider the full  
30 range of uses permitted within the requested general use district. If the petition is  
31 approved, the rezoned property may be used for any of the uses permitted in the  
32 applicable general use 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 Board of Aldermen is to approve or disapprove the  
37 petition on the basis of the specific use requested. If the petition is approved, the Board  
38 of Aldermen shall issue a special use district permit authorizing the requested use with  
39 such reasonable conditions as the Board of Aldermen determines to be desirable in  
40 promoting public health, safety, and general welfare. The act of issuing a special use  
41 district permit shall be deemed to be a legislative act of the Board of Aldermen, and the  
42 procedural standards applicable to the legislative acts shall apply to the consideration and  
43 issuance of a special use permit.

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

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

10       Section 4. The Charter of the Town of Lewisville, being Chapter 116 of the  
11 1991 Session Laws, is amended by adding a new section to read:

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

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

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

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

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

39       If the petitioner elects to petition for special use district zoning, the petition must  
40 specify the actual use intended for the property specified in the petition, and the intended  
41 use must be one permitted in the corresponding general use district. If the petition is for  
42 special use district zoning, the Town Council is to approve or disapprove the petition on  
43 the basis of the specific use requested. If the petition is approved, the Town Council shall

1 issue a special use district permit authorizing the requested use with such reasonable  
2 conditions as the Town Council determines to be desirable in promoting public health,  
3 safety, and general welfare. The act of issuing a special use district permit shall be  
4 deemed to be a legislative act of the Town Council, and the procedural standards  
5 applicable to the legislative acts shall apply to the consideration and issuance of a special  
6 use permit.

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

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

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

18 **"ARTICLE VII. ADMINISTRATION.**

19 "Sec. 7.1. Zoning. The Village Council of the Village of Clemmons is hereby  
20 empowered by ordinance to regulate in any portion or portions of the Village the uses of  
21 buildings and structures for trade, industry, residence, recreation, public activities, or  
22 other purposes, and the uses of land for trade, industry, residence, recreation, agriculture,  
23 water supply conservation, soil conservation, forestry, or other purposes.

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

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

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

39 If he elects to petition for general use district zoning, he may not refer, either in his  
40 petition or at any hearings related to the petition, to the use intended for the property  
41 upon rezoning. The Village Council may not consider the intended use in determining  
42 whether to approve or disapprove the petition, but shall consider the full range of uses  
43 permitted within the requested general use district. If the petition is approved, the

1 rezoned property may be used for any of the uses permitted in the applicable general use  
2 district.

3 If the petitioner elects to petition for special use district zoning, the petition must  
4 specify the actual use intended for the property specified in the petition, and the intended  
5 use must be one permitted in the corresponding general use district. If the petition is for  
6 special use district zoning, the Village Council is to approve or disapprove the petition on  
7 the basis of the specific use requested. If the petition is approved, the Village Council  
8 shall issue a special use district permit authorizing the requested use with such reasonable  
9 conditions as the Village Council determines to be desirable in promoting public health,  
10 safety, and general welfare. The act of issuing a special use district permit shall be  
11 deemed to be a legislative act of the Village Council, and the procedural standards  
12 applicable to the legislative acts shall apply to the consideration and issuance of a special  
13 use permit.

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

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

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