

## ARTICLE 5

### ESTABLISHMENT OF DISTRICTS

#### Section 5-1 General or Conditional Zoning Districts

##### 5-1.1 Types of Districts

For the purpose of this ordinance the Town of Jonesville and its extraterritorial planning jurisdiction is divided into the following districts:

##### General or Conditional Zoning Districts:

R-20 or R-20 CZ	Low Density Residential District
R-12 or R-12 CZ	Medium Density Residential District
R-10 or R-10 CZ	High Density Residential District
B-1 or B-1 CZ	Central Business District
B-2 or B-2 CZ	General Business District
B-3 or B-3 CZ	Neighborhood Business District
M-1 or M-1 CZ	Manufacturing District

##### Overlay Districts:

R-MH	Residential - Manufactured Housing District
WS-IV-CA	Yadkin River - Critical Area
WS-IV-PA	Yadkin River - Protected Area

##### 5-1.2 Intent

##### General and Conditional Zoning Districts

- (a) R-20 Residential District: A low density residential district outside the corporate limits of Jonesville, but inside its extraterritorial jurisdiction where low density residential and agriculture uses are the primary activities. *Housing units shall include site built units as well as Class A and B manufactured homes.* In the future, specific sites may be rezoned for other uses (higher density residential, commercial, or industrial uses), provided the use is in accordance with the development policies of the community.
- (b) R-12 Residential District: A medium density residential district inside the corporate limits where the primary uses are single-family dwelling units and other compatible uses such as churches and schools. *Only site-built or modular units are permitted.* Sites are expected to have both public water and sewer.

- (c) R-10 Residential District: A high density residential district inside the corporate limits. The primary uses are single family, duplex, and multi-family dwelling units and other compatible uses such as churches and schools. Only *site-built and modular units are permitted*. Sites are expected to have both public water and sewer.
- (d) B-1 Central Business District: A downtown retail and service district where setbacks - front, side or rear - are not generally required. Often buildings share common walls. Uses are discouraged that are not contained inside a structure.
- (e) B-2 General Business District: A business district along the major thoroughfares in the community. Within this district can be located a wide variety of compatible retail sale and service activities as well as light manufacturing uses. In most cases, with proper site planning these activities tend to create little noise, air or water quality problems off-site or appearance concerns with outside storage of materials or finished products, or traffic congestion.
- (f) B-3 Neighborhood Business District: A neighborhood business district for small scale retailing of goods and services to the adjacent residential neighborhood. Uses should be encouraged that are low traffic generators, employ few people, and operate in relatively small work spaces. (A Wal-Mart discount store would not be allowed, but a specialty shop such as a women's dress shop or a small appliance repair shop would be encouraged.)
- (g) M-1 Manufacturing District: An industrial, wholesaling, and warehousing district. The intent is to provide areas for manufacturing activities while restricting those uses that would be detrimental to the health, safety and welfare of the community.

#### Overlay Districts

- (h) R-MH Residential-Manufactured Housing: Within the R-12 Residential District manufactured housing units are not permitted by right but the Town of Jonesville can designate a specific area within this district to permit manufactured housing that meets certain development standards. This designated area shall consist of at least five contiguous properties.
- (i) WS-IV - CA Yadkin River - Critical Area: The critical area represents the land area half (1/2) a mile upstream from the intake and draining into the Yadkin River. Because the risk of pollution is directly related to the proximity to the water supply, development standards are higher in the critical area than in the balance of the watershed. The intent is to maintain current development patterns in order to minimize the risk of pollution from more intense land uses. Only new development activities that require an erosion and sedimentation control plan under state law are required to meet

the provisions of Article 7 Watershed Regulations when located in the WS- IV watershed.

- (j) WS-IV - PA Yadkin River - Protected Area: The protected area represents the land area ten (10) miles upstream and draining into the Yadkin River above the water intake, excluding the area in the critical area. Because development is further away from the intake, development standards are less (more dwelling units/acre and greater impervious limits) than in the critical area. The development standards are intended to allow a moderate to high land-use intensity. Only new development activities that require an erosion and sedimentation control plan under state law are required to meet the provisions of Article 7 Watershed Regulations when located in the WS-IV watershed.

### **5-1.3 General Use or Conditional Zoning Procedure**

Depending on the choice between general or conditional zoning, the petitioner shall take the steps in (a) or (b) below.

- (a) General Use: If the petitioner elects to seek a general-use district, he may refer, either in his petition or any hearings related to the petition, to the use intended for his property. However, The Town Council shall consider the full range of uses within that particular zoning district when approving or disapproving the petition. If approved as a general use district, any of the permitted uses may be allowed, provided all other requirements of this ordinance or met (i.e. dimensional requirements, signage, etc).
- (b) Conditional Zoning:
  - 1. If the petitioner elects to seek conditional zoning, they must specify the actual use intended for the property among those listed for that particular district. The council shall approve or disapprove the petition on the basis of the specific use requested and concurrent with other requirements of the ordinance.
  - 2. If the petition is approved, the Town Council shall issue a conditional zoning permit authorizing the requested use with such reasonable conditions as the Town Council determines to be desirable in promoting public health, safety, and general welfare. The conditions may include, but are not limited to the following: (1) location of the proposed use on the property; (2) the number of dwelling units; (3) the location and extent of support facilities such as parking lots, driveways, and access streets; (4) location and extend of buffer areas and other special purpose areas; (5) the timing of development; and (6) a statement that petitioners

shall incorporate in any future conveyance of this property a detailed description of the conditional zoning permitted and all the conditions imposed; and (7) such other matters as the petitioners may propose or the Town Council may find appropriate

3. The conditions must be agreed to in writing by the applicant at the time of the decision. The administrator shall file a copy of the conditional zoning permit in the town hall.
4. If the petitioners want to change the conditional zoning permit from one use to another, they must reapply for another conditional zoning permit.
5. Property may be placed in a conditional district only in response to a petition by all owners of the property to be included. Unless consented to by the petitioner in writing, in the exercise of the authority granted by this section, The Town may not require, enforce, or incorporate into the zoning regulations any condition or requirement not authorized by otherwise applicable law, including, without limitation, taxes, impact fees, or building design elements within the scope of G.S. 160D-702(b).

### **Section 5-2 District Boundaries Shown on Zoning map**

The boundaries of the districts as shown on the map accompanying this ordinance are entitled "Official Zoning Map, Jonesville, North Carolina." The zoning map and all the notations, references, amendments, and other information shown are made a part of this ordinance the same as if the information set forth on the map was all fully described. The zoning map properly attested, and all prior zoning maps are posted at the Jonesville Town Office and are available for inspection by the public.

Flood insurance rate maps, watershed boundary maps, or other maps officially adopted or promulgated by State and federal agencies may be incorporated by reference. For these maps a regulation text or zoning map may reference a specific officially adopted map or may incorporate by reference the most recent officially adopted version of such maps. When zoning district boundaries are based on these maps, the regulation may provide that the zoning district boundaries are automatically amended to remain consistent with changes in the officially promulgated State or federal maps, provided a copy of the currently effective version of any incorporated map shall be maintained for public inspection as provided in this section.

### **Section 5-3 Due Consideration Given to District Boundaries**

Where uncertainty exists as to the boundaries of any of the districts as shown on the zoning map, the following rules shall apply:

5-3.1 Where the district boundaries are indicated as approximately following streets,

alleys, or highways, the center lines shall be construed to be the boundaries;

5-3.2 Where district boundaries are indicated as approximately following lot lines, the lot lines shall be construed to be the boundaries;

5-3.3 Where district boundaries are indicated as approximately being parallel to the center lines of streets, alleys, highways, or the rights-of-way of same, the district boundaries shall be construed as being parallel and at the distance indicated on the zoning map; and

5-3.4 Where a district boundary line divides a lot or tract in single ownership, the district requirements for the least restricted portion of the lot or tract shall be deemed to apply to the whole provided such extensions shall not include a part of a lot or tract more than thirty-five (35) feet beyond the district boundary line. The term "least restricted" shall refer to use restrictions, not lot or tract size.

#### **Section 5-4 Only One Official Map**

The final authority for the current zoning status of land, buildings or other structures in the affected territory shall be the official zoning map, which is located in the Town Hall. If any copies of the official map are different from the original, the official map shall be the final authority.

#### **Section 5-5 Notice of Hearing for Zoning Map Amendments**

(a) Mailed Notice - The owners of affected parcels of land and the owners of all parcels of land abutting that parcel of land shall be mailed a notice of the hearing on a proposed zoning map amendment by first-class mail at the last addresses listed for such owners on the county tax abstracts. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the hearing. If the zoning map amendment is being proposed in conjunction with an expansion of municipal extraterritorial planning and development regulation jurisdiction under G.S. 160D-202, a single hearing on the zoning map amendment and the boundary amendment may be held. In this instance, the initial notice of the zoning map amendment hearing may be combined with the boundary hearing notice and the combined hearing notice mailed at least 30 days prior to the hearing. (b) Posted Notice - When a zoning map amendment is proposed, The Town shall prominently post a notice of the hearing on the site proposed for the amendment or on an adjacent public street or highway right-of-way. The notice shall be posted within the same time period specified for mailed notices of the hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required but The Town shall post sufficient notices to provide reasonable notice to interested persons.