

ZONING ORDINANCE

Town of Mars Hill
Mars Hill, North Carolina

TITLE

An Ordinance of the Town of Mars Hill, North Carolina, and its extraterritorial jurisdictional area regulating the location and use of buildings and other structures, the size of yards, and the density and distribution of population; creating districts for said purposes and establishing the boundaries thereof; defining certain terms used herein; providing for the imposition of penalties for the violation of the provisions of this Ordinance; and repealing all ordinances in conflict therewith.

ARTICLE I

AUTHORITY, TITLE PURPOSE

- 100 **Authority:** Pursuant to the authority conferred by the North Carolina General Statutes Chapter 160A, Article 19, the Board of Aldermen of the Town of Mars Hill, North Carolina, does hereby ordain and enact into law the following articles and sections.
- 101 **Short Title:** This Ordinance shall be known and may be cited as "The Official Zoning Ordinance of the Town of Mars Hill, North Carolina, and the Area Comprising it's One-Mile Extraterritorial Jurisdiction."
- 102 **Purpose:** This Ordinance shall be enacted for the purpose of promoting the health, safety, morals, and general welfare of the community; lessening congestion in the streets; securing safety from fire; providing adequate provision for transportation, water, sewerage, schools, parks, and other public improvements; protecting scenic areas; and protecting the character of neighborhoods in accordance with a comprehensive plan.

ARTICLE II

JURISDICTION

- 200 Territorial Limits – The regulations presented in this Ordinance shall apply to all property and use of land and buildings within the corporate limits of the Town of Mars Hill, North Carolina, as well as all property and use of land and buildings outside the corporate limits, but within the one (1) mile thereof in all directions, as established on the map entitled "Official Zoning Map of the Town of Mars Hill, North Carolina," adopted on December 15, 1970, by the Board of

Aldermen or subsequent amendments thereto. Said map and all explanatory matter thereon accompanies and is hereby made a part of this Ordinance, and it shall be on file in the office of the Town Clerk. Any changes in the district boundaries or other matter portrayed on the official Zoning Map shall be entered on the Map by the Town Clerk within seven (7) days after the amendment has been approved by the Board of Aldermen. The Official Zoning Map on file in the Clerk's office shall be the final authority as to the current zoning of all lands within the zoning jurisdiction.

- 201 Bona Fide Farms – This Ordinance shall in no way regulate any bona fide farm and its related uses except that any use of such property for non-farm purposes shall be subject to such regulations.
- 202 Interpretation of District Boundaries – Unless otherwise indicated, district boundary lines are intended to follow lot lines or the center lines of streets, blocks, railroad tracks, stream beds, river beds, or corporate limits. Where a district boundary appears to divide a lot, the location of such boundary, unless indicated by dimensions, shall be determined by the use of the scale appearing on the map. In the event that a district boundary line on the Zoning Map divides a platted lot of less than one (1) acre, the lot so divided shall be used in conformity with the regulations established by this Ordinance for the district in which the largest portion of the lot is located. If the boundary location cannot be resolved according to any of the above criteria, the Planning Board shall interpret the intent of the map as to the location of district boundaries.
- 203 Expansion of Area of Extraterritorial Jurisdiction – Where the area of extraterritorial jurisdiction has been expanded by the Town due to annexation or other lawful means, the following provisions shall apply:

Within ninety (90) days, the Planning Board may review and make recommendations pertaining to the zoning of this new area. The Planning Board shall have ninety (90) days to make its recommendations, which may be, in whole or in part, in the form of recommended zoning amendments. The Board of Aldermen shall then process and act upon proposed amendments following the public hearing required by this ordinance. Should the Planning Board not make a recommendation pertaining to the zoning classification of this new area within the allotted ninety (90) days, the property in this area shall be deemed to be zoned R-1 Residential, from the date that the official map, denoting the new area, is filed.