

ZONING ORDINANCE

**TOWN OF MINERAL SPRINGS
UNION COUNTY, NORTH CAROLINA**

An Ordinance establishing comprehensive zoning regulations for the Town of Mineral Springs, North Carolina, and providing for the administration enforcement, and amendment thereof, in accordance with the provisions of Chapter 160A, Article 19 General Statutes of North Carolina, (and all succeeding amendments thereto) and for the repeal of all Ordinances in conflict herewith.

ARTICLE 1

AUTHORITY, ENACTMENT, SHORT TITLE, JURISDICTION, PURPOSE

Section 1.1 Authority and Enactment Clause.

WHEREAS, Chapter 160A, Article 19, General Statutes of North Carolina, empowers the Town to enact a Zoning Ordinance and to provide for its administration, enforcement, and amendment, and

WHEREAS, the Town Council deems it necessary for the purpose of promoting the health, safety, morals, and general welfare of the Town to enact such an Ordinance, and

WHEREAS, the Town Council, pursuant to the provisions of Chapter 160A, Article 19, General Statutes of North Carolina, has appointed a Planning Board to recommend the boundaries of the various zoning districts and appropriate regulations to be enforced therein, and

WHEREAS, the Planning Board has given reasonable consideration, among other things to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town, and

WHEREAS, the Planning Board has prepared a zoning plan and certified its final plan to the Town Council, and

WHEREAS, the Town Council has given due notice of hearings relating to zoning regulations, and restrictions, has held such public hearing, and

WHEREAS, all the requirements of Chapter 160A, Article 19, General Statutes of North Carolina, with regard to the preparation of the report of the Planning Board and the subsequent action of the Town Council have been met;

NOW THEREFORE, be it ordained by the Town Council of the Town of Mineral

Springs, North Carolina that these regulations shall take effect and be enforced as of the Effective Date recorded herein.

Section 1.2 Short Title

These regulations shall be known and may be cited as the “Zoning Ordinance of the Town of Mineral Springs, North Carolina.”

Section 1.3 Jurisdiction.

These regulations shall govern the use of all land and the development thereof within all of the incorporated area of the Town of Mineral Springs, North Carolina.

Section 1.4 Purposes.

The purpose of these regulations shall be to regulate the height, number of stories, and size of buildings and other structures; the percentage of lot that may be occupied; the location and use of buildings; structures and land for trade and residence, and other purposes, so as to lessen congestion in the streets, to secure safety from fire, panic and other dangers; to promote the public health, safety, and general welfare, to provide adequate light and air; to prevent overcrowding of land; to protect floodplains and wetlands; to promote economy in governmental expenditures; and to encourage the most appropriate use of land, buildings, and other structures within the area of jurisdiction of this Ordinance. The zoning districts and maps have been made with due consideration of future growth, development, and change in land development according to objectives expressed in the Land Development Plan for the development of the community, as well as with due consideration of existing development and uses of land within the Town of Mineral Springs and prior zoning under the auspices of Union County.

These regulations and districts represent reasonable consideration of the character of the districts and their peculiar suitability for particular uses of land and have been made with a view to preserving the existing environment, and assuring the development of a future environment that realizes the most appropriate use and enjoyment of land throughout the Town. This is balanced against the necessary protection of the values of buildings and land and the use and enjoyment of land on adjacent properties and with the objective of promoting and protecting the public welfare through the regulation of land use and the process of land development.

Section 1.5 Enforcement and Penalties.

Pursuant to North Carolina General Statute Sections 160A-175, 160A-365, 160A-389, and GS 14-4, any person, firm or corporation violating any provision of this Ordinance shall be subject to a civil penalty of fifty dollars (\$50.00) per day for each calendar day that the violation exists. Violations of this Ordinance shall not constitute a misdemeanor or infraction. Proceeds from civil penalties collected under this Ordinance shall go into

the town's general fund.

Pursuant to North Carolina General Statute Section 160A-175, the Town may file a civil action to recover said penalty, if the offender does not pay said penalty within five (5) days after the offender has been cited for violation of the Ordinance.

Pursuant to North Carolina General Statute Sections 160A-175, 160A-365, and 160A-389, the Town may also seek any appropriate equitable relief issuing from a court of competent jurisdiction that it deems necessary to ensure compliance with the provisions of this Ordinance. In such case, the General Court of Justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the Town for equitable relief that there is an adequate remedy at law.

Pursuant to General Statute 160A-389, if a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Ordinance or other regulation made under authority conferred thereby, the Town in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate the violation, to prevent occupancy of the building, structure or land or to prevent any illegal act, conduct, business or use in or about the premises.

Pursuant to North Carolina General Statute 160A-175, the Town may seek a mandatory or prohibitory injunction and an order of abatement commanding the offender to correct the unlawful condition upon or cease the unlawful use of the subject premises. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.

The above remedies are cumulative, and the Town may pursue any or all of the same as its direction. Each calendar day that the violation exists shall constitute a separate and distinct offense.