

TOWN OF HARMONY 2006 LAND USE PLAN

INTRODUCTION

This Land Use Plan was prepared for the Town of Harmony, North Carolina in 2006. The focus of this plan is the area that lies within the Town of Harmony's corporate limits.

The objective of this Land Use Plan is to provide a land use development guide that can be used by the Planning Board and the Town Aldermen in making recommendations and decisions as they deal with the development of the Town.

GEOGRAPHIC SETTING

The Town of Harmony is in northeast Iredell County, North Carolina. The Town sits at the crossroads of US 21 (Harmony Hwy) and NC 901 (Memorial Hwy).

LAND USE PLAN MAP

The Land Use Plan Map (Figure 1) designates areas of future development according to the following general land use classifications:

- Residential and Agricultural Uses
- Commercial Uses
- Industrial Uses
- Transitional Uses

It is intended that the actual designation of property for development purposes be in accordance with the purposes as set forth in the Zoning Ordinance for designation to a specific Zoning District and in accordance with good zoning practices. Based upon that concept, the Land Use Plan designations infers the general appropriateness of the areas so designated as follows:

Residential and Agricultural Uses- Those uses contained in the Residential Zoning Districts.

Residential-Transitional Office- Those uses contained in the Residential and Office-Institutional Zoning Districts. Older developed areas that are currently residential in character that are anticipated to transition to office in the future. Where feasible, these transitions should be accommodated using existing structures rather than in new buildings in order to maintain the area's residential decorum.

Neighborhood Commercial- Those uses contained in the Office-Institutional and Neighborhood Business Zoning Districts. Small-scale commercial development that is intended to serve adjoining and nearby developments with low-impact type uses.

Commercial Uses- Those uses contained in the Business and Shopping Center Zoning Districts.

Industrial Uses- Those uses contained in the Light and Heavy Manufacturing Districts.

PRINCIPLES OF ZONING

In the course of the land use planning process, it is necessary and desirable to develop certain principles or criteria as a basic frame of reference. With such principles, a general guide will be available for use by anyone who may be involved in the process. Since zoning decisions will have a major impact on arriving at any future land use scheme, these principles are offered for consideration in that process.

Zoning principles are valuable in three significant situations. First, they can provide a point of departure for citizens and property owners who seek zoning amendments and for those who oppose such amendments. Any presentation of fact and opinion supporting or opposing a petition for a zoning change should be based upon such principles or upon closely related concepts. If this practice were followed, irrelevant and unrelated arguments would not develop and the principal issue would not become clouded. Secondly, such principles can be a valuable aid to the Planning Board members in weighing alternatives and in arriving at proper recommendation in regard to zoning questions. Finally, these principles should form the foundation for deliberation and decision on zoning matters by the Board of Aldermen.

Reasonable and Legal. Zoning must be reasonable, uniform in its application to properties of like class, and must stay within the bounds of legal authority. It must have a substantial relationship to a land use plan, to the existing and potential uses of property, and to the health, safety, welfare and convenience of the community and the public.

All zoning problems and questions of rezoning should be examined and studied with a view toward reaching decisions that can be community-wide in their application. This principle underlies the structure of planning and zoning and cannot be side-stepped if zoning and planning are to continue to provide a service to the community and the public. Decisions must be based upon principles rather than pressures - there must be patterns and policies to follow. It is permissible, and often necessary, to redefine the patterns or policies when applied to a given situation in order to treat the situation realistically, but it is neither desirable nor permissible to arbitrarily ignore the patterns or policies.

Zoning is General and Not Specific in Application. A second major principle is that except through Conditional Use Zoning which will be discussed later, there are no legal means of zoning property to a particular district classification and at the same time restricting the use where other uses or development plans are equally and legally available within that district. Property should be zoned to a particular district only when it is considered that any use or development plan permitted in the district would be desirable. Conditions change and ownerships change. Owners are not legally bound by good intentions or promises; they are only bound to the zoning regulations applying

uniformly and generally throughout the particular district. Therefore, regardless of any conditions, in no case should the Planning Board or Board of Aldermen establish policy, practice or consider evidence which would require or imply judgment of the integrity or motives of persons seeking rezoning of property.

Validity of Current Zoning Map. Since a current zoning map should be the product of careful investigation and analysis, it is presumed to be sound in its present state, and the burden of proof or needed change falls upon the petitioners requesting such change. Any alteration of the zoning map must be supported by sound and conclusive reasoning, particularly since a desirable attribute of zoning is the stability that it creates. There is no justification for capriciously altering a zoning pattern. All property owners are entitled to assume that a zoning pattern, once established, will continue until there is substantial proof that a change is required. Such evidence must show that one or more of the purposes of zoning as provided by the General Statutes will be served. The presence of a situation self-created by the applicant for rezoning is not a valid reason upon which to base a decision to rezone.

It is a recognized land use practice that a "holding zone" -- such as R-20 -- is placed on the land in large undeveloped areas where the pattern of urban land use is not yet set. Then, as potential development patterns become apparent, the land is considered for rezoning from R-20 to other appropriate districts in light of the merits of each case and proposed land use patterns. Such consideration normally takes place at the time requests for rezoning are received.

Use Limitations: No Ground for Change. Reasonable limitations upon opportunities for property usage or development are no justification for a zoning change or for denial of an otherwise valid proposal for a change. The welfare of the community, particularly as expressed in the best or most appropriate use of one or any group of properties, takes precedence over individual gain or loss whenever the interests of the two are in conflict. Thus, it is not valid to adopt a change in the Zoning Ordinance solely because a property owner may thereby realize a greater financial return from his investment. At the same time, each owner should be allowed a reasonable range of uses for his property. An owner whose property suffers a loss of value because of the operation of a zoning regulation is no more entitled to compensation than the community is entitled to assess benefits from owners whose property values have increased because of a change in zoning.

Each District Zoned for its Most Appropriate Use. Each zoning district should be organized for a specific class of uses and then such additional or secondary uses as are compatible, appropriate or auxiliary. Such districts may also allow for certain conditional uses under appropriate safeguards and conditions. This method of organizing the permitted uses is primarily functional and allows a greater freedom in the choice of uses while at the same time insuring protection against incompatible uses. This distinction recognizes the integrity of uses which is a basic philosophy of land use planning.

Avoidance of Spot Zoning. The use of the term "spot zoning" has been somewhat abused, and there is frequently some difficulty in detecting it. Spot zoning generally is the

granting of a special privilege or even a small monopoly to one or a small group of properties in a manner that is contrary to the overall zoning scheme and adverse to the interest and welfare of the greater number of surrounding properties not similarly treated. Spot zoning cannot stand the test of meeting the purposes of zoning and is recognized as a arbitrary and capricious practice. Spot zoning has been declared invalid repeatedly by court decisions and in any regard is considered to be a practice leading to many unfortunate circumstances.

Avoidance of Strip Commercial Zoning. There is a popular belief that the street frontage of all major traffic arteries should be devoted to commercial uses. Such an impression arises from the supposition that the larger volumes of traffic on the major arteries would

create opportunities for trade. It is also assumed by many that property fronting a major thoroughfare is not desirable for residential uses. The fallacy of both these assumptions is well demonstrated in development both here and elsewhere. Certainly commercial uses need major street access, but it is clear that only a limited amount of street frontage can be used profitably for commercial activities. It is also clear that strip commercialization is not only self-defeating but is also injurious to the public's investment in traffic facilities and to surrounding property. If such commercial uses are properly located and grouped, mutual support will result and the public interest will be better served. Likewise, residential developments and major thoroughfares can be compatible through proper design relationships, but this will not likely be forthcoming in the face of the instability caused by strip commercialization along thoroughfares.

Reasonable Boundaries. There are two primary considerations in the establishment of zoning boundaries:

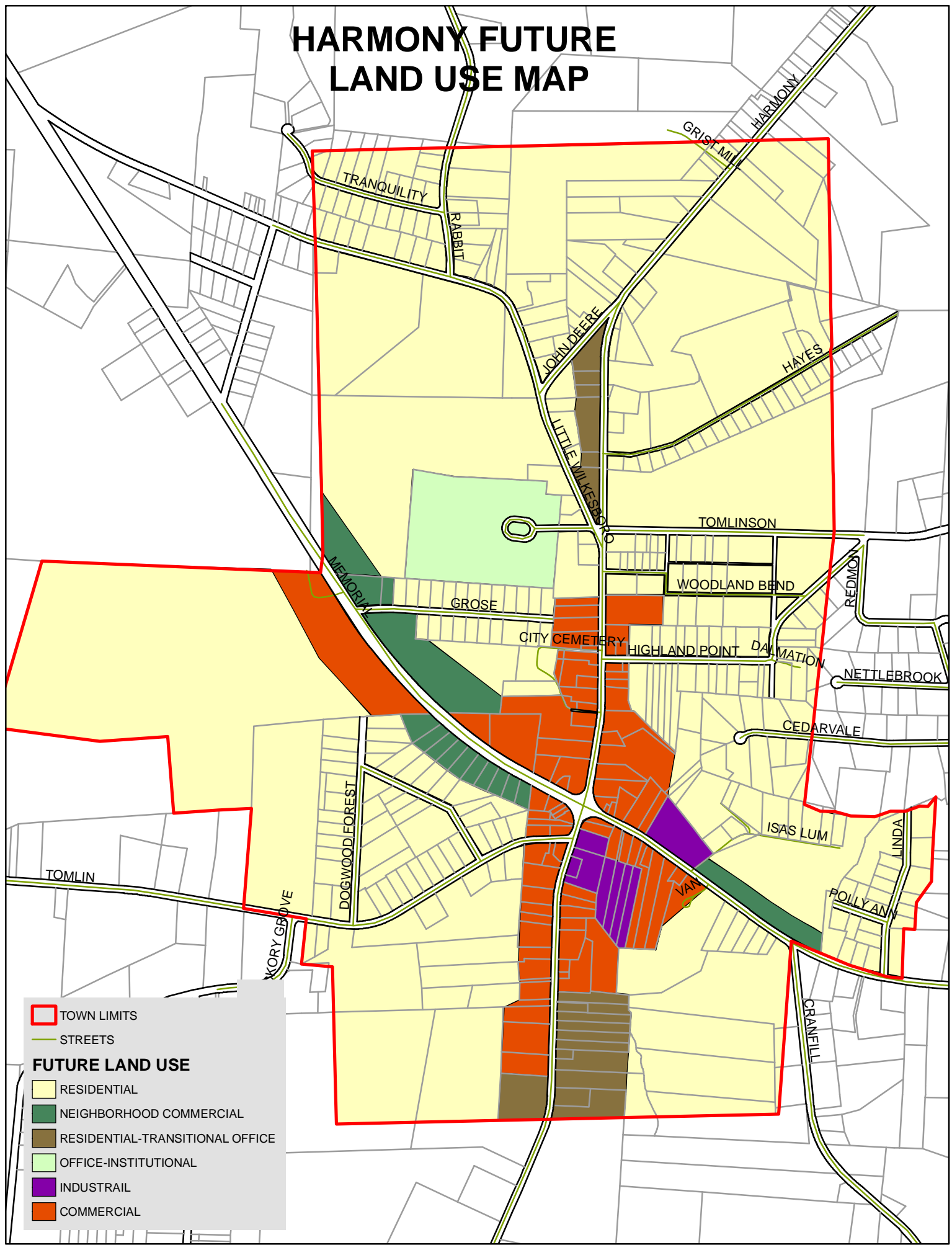
1. The relationship of each one to the next; and,
2. The appropriate place to draw boundary lines separating one zone from the other.

Zoning boundaries cannot be arbitrary; the issue throughout the consideration of boundaries, as in every phase of zoning, is reasonableness. Reasonable boundaries create stability and confidence in zoning while acting to prevent the constant erosion of boundaries evident in strip commercial zoning and commercial-industrial invasion of residential areas. Zoning districts must begin and end somewhere, and in some instances an obvious boundary between districts is not available. But the line has to be drawn, and the principle is to draw the line at the place that seems to be the most reasonable, or as reasonable as any other alternative. What is reasonable? A reasonable zoning boundary can be defined as a line separating (or joining) zoning districts which can be logically and justifiably defended as accomplishing the lawful purposes of zoning. It is evident, then, that what may be reasonable in one instance may not be in another; each boundary must be separately justifiable.

Conditional Use Zoning. Conditional Use Zoning is an optional method for rezoning property which permits the property owner to specify limitations on the use of the property and to specify conditions on the development of the property which are more

stringent than the general standards of the Zoning Ordinance. It is an effective tool in preventing land use relationship problems and provides planning and zoning flexibility in implementing Land Use plans. The practice of Conditional Use Zoning has been upheld by the North Carolina Supreme Court* in which it said, "... This Court holds today that conditional use zoning, when carried out properly, is an approved practice in North Carolina. Like the jurisdictions we expressly join today, we are persuaded that the practice, when properly implemented, will add a valuable and desirable flexibility to the planning efforts of local authorities throughout our state. In our view, the 'all or nothing' approach of traditional zoning techniques is insufficient in today's world of rapid industrial expansion and pressing urban and rural social and economic problems." It is recommended that the Conditional Use Zoning procedure be used as a major process in the implementation of the Land Use Plan.

HARMONY FUTURE LAND USE MAP



- TOWN LIMITS
- STREETS
- FUTURE LAND USE**
- RESIDENTIAL
- NEIGHBORHOOD COMMERCIAL
- RESIDENTIAL-TRANSITIONAL OFFICE
- OFFICE-INSTITUTIONAL
- INDUSTRIAL
- COMMERCIAL