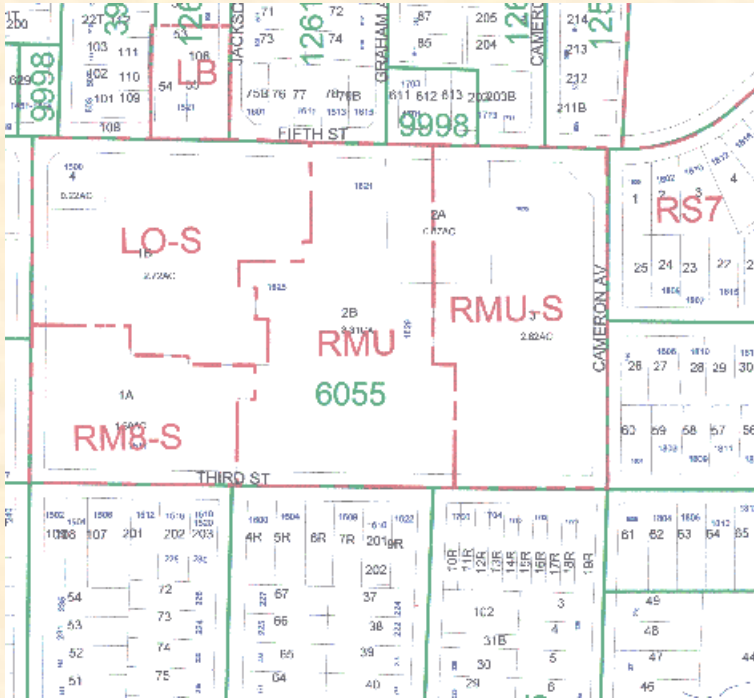


# What is Zoning and How Does it Relate to Area Plans?

## The Legacy Toolkit

**What is Zoning?** All land in Forsyth County is zoned for one land use or another...whether a property is residential, commercial, industrial, or even undeveloped. When a building permit for a new structure or a change of use of an existing structure in Forsyth County is requested, the zoning district for the property will be checked to insure the building and its intended use meet zoning requirements.

### Sample Zoning Map



Zoning is a common form of land use regulation used by local governments. It is designating permitted land uses based on mapped zones which separate one set of land uses from another (see zoning map sample to the left). In Forsyth County, zoning not only regulates land use, but also building height, lot coverage, setbacks, screening, landscape buffering and parking requirements. Zoning and subdivision regulations in Forsyth County may be found in the *Unified Development Ordinances*, and are enforced by the City-County Inspections Department.

Land owners in Winston-Salem and Forsyth County wanting to change their current zoning district must submit a petition to the City-County Planning Board, which makes a recommendation to the elected body on the request. The final decision on the rezoning petition is made by the City Council or County Commissioners.

**How Does Zoning Relate to Area Plans?** The Area Planning process is different than the rezoning process. Area Plans are long range in nature and help translate the policies of the Comprehensive Plan, *Legacy*, to a community and neighborhood level. Area Plans are not part of any code or ordinance like zoning and are not legally binding. They are guidelines. One of the features of Area Plans is a Proposed Land Use Map which is a *recommended* land use plan for the future – it does not carry the same legal weight that zoning does.

The Proposed Land Use Map in an adopted Area Plan does not automatically change the zoning or permitted use of a property. The land owner must still go through a rezoning process to change the permitted use on a piece of land. However, zoning requests that are in conformance with an adopted Area Plan have a better chance of support from staff and the boards which must decide on them.

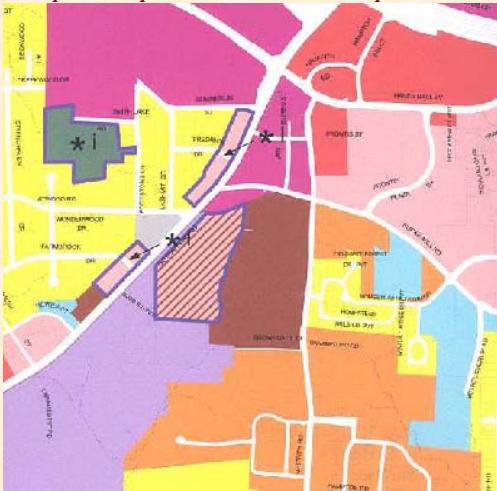
**Nonconforming Uses.** Land uses which predate the zoning ordinance and are not in keeping with a property's zoning are called "nonconforming uses." An example would be an old existing store on property zoned for single-family residential. Such uses are "grandfathered", and small expansions are permitted. To increase their square footage substantially or change to a more intense use, rezoning is required. If the property's nonconforming use ceases for a year, the use can lose its "nonconforming status" and the land can only be used for its zoned purpose.

# What is a Proposed Land Use Plan in an Area Plan?

## *The Legacy Toolkit*

**What is the Purpose of a Proposed Land Use Plan?** The Proposed Land Use Plan is typically the centerpiece of an Area Plan and is developed using the goals and objectives of the Citizens' Advisory Committee for that area as well as planning principles spelled out in *Legacy*, Forsyth County's Comprehensive Plan. The Proposed Land Use Plan is a guideline for future land use which designates locations for new residential, commercial, office, and industrial development as well as areas where redevelopment of existing uses is feasible or desirable. The colors shown on the map are the key to the recommended land use (see "The Area Plan Process: Land Use Codes" Handout). Some sensitive areas (such as small business areas tucked into neighborhoods) may have very detailed recommendations and are marked with a blue star on the Proposed Land Use Map. These are called Special Land Use Condition Areas.

### *Sample Proposed Land Use Map*



**How Does the Proposed Land Use Plan Relate to Zoning?** North Carolina State Statutes require that all rezoning decisions be made on the consideration of an adopted community plan. Because *Legacy* is general in nature, the Area Plan process is an important step in achieving this consistency by bringing the planning principles outlined in *Legacy* to a community and neighborhood level. The Proposed Land Use Plan is used as a guideline by the City-County Planning Board and elected officials in making zoning decisions.

**How are Land Use Recommendations Made for the Proposed Land Use Map?** Many factors are considered when making land use recommendations including: accessibility to roads, sewer availability, public transportation availability, future roads, historic resources, topography, environmental constraints, existing zoning, the need for local services, and the availability of vacant land. Existing land use patterns are particularly important, both in terms of new development being compatible with existing development as

well as how older commercial/industrial uses impact older neighborhoods. The Proposed Land Use Map is developed with input by citizens, landowners, and businesses who participate in a very interactive process for preparing and adopting each Area Plan.

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**The Planning Board is funded jointly by the Winston-Salem City Council and the Forsyth County Board of Commissioners.** Contact the City-County Planning Board at 336.727.8000 or visit our website at [www.cityofws.org/planning](http://www.cityofws.org/planning).

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