

ARTICLE1: GENERAL PROVISIONS

Section 1.1 Authority and Enactment

In pursuance of the authority granted by the General Statutes of North Carolina, Chapter 160A, Article 19, Parts 2 and 3, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF ELM CITY, as follows:

Section 1.1.2 Title

This Ordinance shall be known and may be cited as the Unified Development Ordinance of the Town of Elm City, North Carolina, and may be hereafter referred to as the Town of Elm City UDO or simply Ordinance.

Section 1.1.3 Territorial Jurisdiction

The area to which this ordinance applies is shown on the official zoning map, and in addition shall govern each and every subdivision within the Town of Elm City and its extraterritorial jurisdiction as shown on the official extraterritorial boundary map, the boundaries of which are set forth in the Extraterritorial Jurisdiction Ordinance dated _____ and recorded in the Wilson County Court House Register of Deeds in Book ____ Page ____.

Section 1.1.4 Purpose

- A. The regulations as set forth herein are intended to provide requirements and procedures to govern the development and use of land and structures for the territorial jurisdiction as described in Article 1, Section 1.1.3 above, and to serve the public health, safety, and general welfare of the community. These regulations are also intended to provide economic, social, and aesthetic advantages resulting from an orderly, planned use of land resources based on town-wide land use policies with reasonable consideration, among other things to the character of each zoning district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the town's planning jurisdiction as well as addressing the following objectives:
1. Provide for orderly development and growth in the Elm City planning jurisdiction in accordance with current plans and policies;
 2. Minimize land use conflicts and encourage the most appropriate use of land;
 3. Conserve the value of buildings and property;
 4. Preserve the desirable features of the town's appearance and character;
 5. Provide for adequate light and air, safety from fire and other dangers, and avoid undue congestion of population;

6. Protect public investments and facilitate the adequate provision of schools, water, sewer, transportation, parks, and/or other public requirements;
 7. Protect the natural environment and other valuable resources; and,
 8. Promote the overall economic welfare of the town.
- B. In addition to the above purpose and objectives, these regulations are also designed to establish procedures and standards for the development and subdivision of land within the planning jurisdiction of the Town of Elm City and address the following objectives:
1. Coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities;
 2. Dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and of right-of-ways or easements for street and utility purposes;
 3. Distribution of population and traffic in a manner which will avoid congestion and overcrowding and will create conditions essential to the public health, safety and the general welfare;
 4. Further facilitate adequate provision of water supply, sanitary sewer disposal systems, parks, schools and playgrounds, etc.;
 5. Facilitate the further subdivision of larger tracts into smaller parcels of land and provide for proper land records and ensure identification of current location of real property boundaries;
 6. Encourage efficient development design that is protective of environmental quality; and,
 7. Preserve the natural beauty and topography of the Town and ensure that development is consistent with the indigenous natural features.
- C. In addition, it is the purpose of this Ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:
1. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
 2. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
4. Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
5. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

Section 1.1.5 Relationship to Comprehensive Plan

It is the intention of the Board of Commissioners that the Town of Elm City UDO shall implement the planning policies of the Community Growth Area Plan as part of the Wilson Growth Plan for the Town of Elm City, including amendments or revisions thereof. The Board of Commissioners also recognizes the Wilson 20/20 Vision Plan strategies that are applicable for the Town of Elm City. While the Board of Commissioners reaffirms its commitment that this Ordinance and any amendment to it are considered in conformity with adopted planning policies, the Board of Commissioners hereby expresses its intent that neither this Ordinance nor any amendment to it may be challenged on the basis of any nonconformity with any planning document.

Section 1.1.6 Interpretation, Abrogation, and Relationship with Other Laws

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity, and general welfare. This Ordinance is not intended to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where the provisions of this Ordinance imposes a greater restriction or higher standards as well as less restrictive or lower standards than comparable provisions of any other law, ordinance, or regulation, the most restrictive provisions or higher standards shall govern.

Section 1.1.7 Severability

This Ordinance and the various parts, sections, subsections, and clauses thereof, are hereby declared to be severable together with the following provisions:

A. Invalidation

Should any Section, sentence, clause, phrase, or word of this Ordinance be held invalid or unconstitutional by a court of competent jurisdiction of either the State of North Carolina or the United States, such decision shall not affect, impair, or invalidate the validity of the remaining parts of this Ordinance which can be given effect without the invalid provision.

B. Prejudicial Application

Should any Section, sentence, clause, phrase, or word of this Ordinance be held invalid or unconstitutional in its application to a particular case, such decision shall not affect or prejudice its application to other cases.

C. Conditions or Limitations on Use or Plan

Whenever any condition or limitation is included in an order authorizing a Zoning Permit, Special Use Permit, Variance, Conditional Use Permit, or site plan approval, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this ordinance or the requirements of some provisions hereof, and to protect the public health safety, and welfare. In addition, it shall be conclusively presumed that the officer or board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

Section 1.1.8 Statue of Limitations

In accordance with G.S. 160A-364.1, a cause of action as to the validity of this Ordinance, or amendment thereto, shall accrue upon the adoption of this Ordinance or amendment thereto, and shall be brought within nine (9) months as provided in G.S. 1-54.1.

Section 1.1.9 Fees

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice, and similar matters or steps may be charged to applicants for such procedures as zoning permits, sign permits, special use permits, conditional use permits, zoning amendments, variances, and other administrative relief. The amount of the fees charged shall be set forth in a fee schedule determined by the town's budget or by resolution of the Board of Commissioners and filed with the Zoning Administrator. Fees established in accordance with this subsection shall be paid upon submission of a signed application or notice of appeal.

Section 1.1.10 Relationship to Existing Ordinances in Progress

A. Repeal of Existing Ordinances

Upon the effective date of this Ordinance, the following ordinances are repealed to the extent necessary to give this ordinance full force and effect:

1. Town of Elm City – Subdivision Ordinance
2. Town of Elm City – Zoning Ordinance

B. Flood Damage Prevention Ordinance

In addition, the Town of Elm City Flood Damage Prevention Ordinance originally adopted on October 21, 1999 and with subsequent amendments adopted on April 13, 2004 and October 12, 2004 is included as Section 9.1 in Article 9 of this UDO.