

# ARTICLE I

## GENERAL PROVISIONS

### **Section 15-1 Short Title.**

This chapter shall be known and may be cited as the **CARRBORO LAND USE ORDINANCE**.

### **Section 15-2 Authority.**

This chapter is adopted pursuant to the authority contained in Article 2 of N.C.G.S. Chapter 160D~~Article 19 of G.S. Chapter 160A~~; Article 21 (Part 6) of G.S. Chapter 143;- G.S. 143-215.6A; G.S. 143-214.5; Article 4 of G.S. Chapter 113A; as well as Chapter 527 of the Session Laws of 1953; Chapters 122 and 136 of the Session Laws of 1963; Chapter 260 of the Session Laws of 1977; Chapter 753 of the Session Laws of 1979; Chapters 233 and 476 of the 1987 Session Laws; Chapters 216 and 484 of the 2009 Session Laws; and other state and local laws. **(AMENDED 4/27/82; (REWRITTEN 6/26/12).**

### **Section 15-3 Jurisdiction.**

(a) \_\_\_ This chapter shall be effective throughout the town's planning jurisdiction. The town's planning jurisdiction comprises the area described by Chapters 122 and 636 of the Session Laws of 1963, as modified from time to time in accordance with Section 160D-200; 202; 903+60A-360 of the North Carolina General Statutes.

(b) \_\_\_ If a parcel of land lies within the planning and development regulation jurisdiction of more than one local government, the local governments may, by mutual agreement and with the written consent of the landowner, assign exclusive planning and development regulation jurisdiction for the entire parcel to any one of those local governments in accordance with the process described in G.S. 160D-203.

(c) \_\_\_ In addition to other locations required by laws, a copy of a map showing the boundaries of the town's planning jurisdiction shall be available for public inspection in the planning department. Maps may be maintained either in paper or digital format and shall be available for public inspection in the Planning Department.

### **Section 15-4 Effective Date.**

The provisions in this chapter were originally adopted and became effective on November 25, 1980. **(AMENDED 4/27/87).**

### **Section 15-5 Relationship to Existing Zoning, Subdivision and Flood Control Ordinances.**

To the extent that the provisions of this chapter are the same in substance as the previously adopted provisions that they replace in the town's zoning, subdivision, or flood control ordinances, they shall be considered as continuations thereof and not as new enactments unless otherwise

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specifically provided. In particular, a situation that did not constitute a lawful, non-conforming situation under the previously adopted zoning ordinance does not achieve lawful nonconforming status under this chapter merely by the repeal of the zoning ordinance.

**Section 15-6 Relationship to Comprehensive Plan, Land Use Plan and other Adopted Plans.**

(a) Pursuant to the intent and requirements of G.S. 160D-501, the Town shall adopt a Comprehensive Plan setting forth the goals, policies, and programs intended to guide the present and future physical, social, and economic development of the Town. The Comprehensive Plan may, among other topics, address any of the following: land use, economic sustainability, affordable housing, recreation, parks and open space, transportation, water and wastewater, energy and utilities, environmental systems and resilience, stormwater management, and public services.

- (1) The adoption and amendment of the comprehensive plan is a legislative decision and shall follow the process mandated for zoning text amendments set by G.S. 160D-601 and Article XX of this chapter.
- (2) The comprehensive plan shall periodically be reviewed and maintained to ensure the relevance of the policies to current and projected conditions.

(b) It is the intention of the ~~Town Council~~Board that this chapter implement the planning policies adopted by the ~~Council~~Board for the town and its extraterritorial planning area, as reflected in the Comprehensive Plan, Land Use Plan and other planning documents. While the ~~Council~~Board reaffirms its commitment that this chapter and any amendment to it be in conformity with adopted planning policies, the ~~Council~~Board hereby expresses its intent that neither this chapter nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document.

- (1) If an amendment to the Official Zoning Map is adopted and the action is deemed inconsistent with the adopted Comprehensive Plan, the Official Zoning Map amendment shall have the effect of also amending the Future Land Use Map of the Comprehensive Plan.
- (2) In such case, no additional application or fee for an amendment to the Comprehensive Plan shall be required of the applicant.

**Section 15-7 No Use of Land or Buildings Except in Conformity With Chapter Provisions**

(a) Subject to Article VIII of this chapter (Nonconforming Situations), no person may use, occupy, or sell any land or buildings or authorize or permit the use, occupancy, or sale of land or buildings under his control except in accordance with all of the applicable provisions of this chapter.

(b) For purposes of this section, the "use" or "occupation" of a building or land relates to anything and everything that is done to, on, or in that building or land.

**Section 15-8 Fees.**

(a) Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for zoning permits, sign permits, ~~conditional-use permits~~, special use permits, subdivision plat approval, zoning amendments, variances and other administrative relief. The amount of the fees charged shall be as set forth in the town's miscellaneous fees and charges schedule.

(b) Except as otherwise provided in this chapter or the miscellaneous fees and charges schedule, fees established in accordance with subsection (a) shall be paid upon submission of a signed application or notice of appeal. **(AMENDED 05/26/98)**

(c) Notwithstanding the provisions of Section 15-66 (Applications to be Processed Expeditiously) the planning staff may delay action on any request for a certificate of occupancy or final subdivision approval until all fees (including without limitation, engineering review fees) arising out of the permit review process for that particular development have been paid. **(AMENDED 05/26/98).**

**Section 15-9 Stricter Regulation Controls.** **(AMENDED 6/26/12)**

The requirements of this chapter are in addition to the requirements of any other ordinance, rule, regulation or other provision of law. Where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human or environmental health, safety, and welfare shall control.

**Section 15-10 through 15-14 Reserved.**