

ARTICLE I

GENERAL PROVISIONS

Section 1 Short Title/Purpose.

This chapter shall be known and may be cited as the Edenton Land Development Ordinance. This ordinance is designed to serve as a land development regulatory document which combines traditional zoning provisions, subdivision regulations, flood damage prevention regulations, and street and utility standards. The principal objectives of the Edenton Land Development Ordinance are to (i) assist in the implementation of the town's land development plan, (ii) provide a flexible means to administer land development regulations, and (iii) expedite the land development permit review process.

Section 2 Authority.

(a) This chapter is adopted pursuant to the authority contained in Article 19, Chapter 160A; Article 4, Chapter 113A; and Article 21, Chapter 143 of the North Carolina General Statutes.

(b) Whenever any provision of this chapter refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, the chapter shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

Section 3 Jurisdiction.

(a) This chapter shall be effective throughout the town's planning jurisdiction. The town's planning jurisdiction comprises the area within the corporate boundaries of the town as well as the area described in that ordinance adopted by the Town Council on November 14, 1989, entitled an "Ordinance Establishing Extraterritorial Jurisdiction," which ordinance is recorded in book____, page____ of the Chowan County Registry. Such planning jurisdiction may be modified from time to time in accordance with Section 160A-360 of the North Carolina General Statutes.

(b) In addition to other locations required by law, a copy of a map showing the boundaries of the town's planning jurisdiction shall be available for public inspection in the Zoning Administrator's office.

Section 4 Effective Date.

The provisions in this chapter were originally adopted and became effective on May 27, 1969.

Section 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 specifically provided. In particular, a situation that did not constitute a lawful, nonconforming 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 6 Relationship to Land Use Plan.

It is the intention of the Council that this chapter implement the planning policies adopted by the Council for the town and its extraterritorial planning area, as reflected in the land use plan and other planning documents. While the Council reaffirms its commitment that this chapter and any amendment to it be in conformity with adopted planning policies, the Council 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.

Section 7 No Use or Sale 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 "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land.

Section 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, Certificates of Appropriateness and other administrative relief. The amount of the fees charged shall be as set forth in the town's budget or as established by resolution of the Council filed in the office of the Town Administrator (*Amended 1/14/03*).

(b) Fees established in accordance with subsection (a) shall be paid upon submission of a signed application or notice of appeal.

Section 9 Severability.

It is hereby declared to be the intention of the Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not

affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this ordinance since the same would have been enacted without the incorporation into this ordinance of such unconstitutional or invalid section, paragraph, sentence, clause or phrase.

Section 10 Computation of Time.

(a) Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and holidays shall be excluded.

(b) Unless otherwise specifically provided, whenever a person has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served by mail, three days shall be added to the prescribed period.

Section 11 Split Jurisdiction.

If a project is partially located within the Town's jurisdiction and Town requirements are being applied to the portion of the project outside of the Town's jurisdiction, the Town and property owner must certify that Town regulations are not being applied under coercion. Coercion means that Town of Edenton approval of the portion of the project within Town jurisdiction would be withheld unless application of Town regulations will apply to the portion of the project located beyond the Town's jurisdiction. The certification may be evidenced by a signed statement of the parties on any approved plat recorded in accordance with this UDO.

Section 12 Miscellaneous.

(a) As used in this ordinance, words importing the masculine gender include the feminine and neuter.

(b) Words used in the singular in this ordinance include the plural and words used in the plural include the singular.

Sections 13 and 14 Reserved.