

ARTICLE I - General Provisions

§ 152-1. Short Title.

This chapter shall be known and may be cited as the Aberdeen Unified Development Ordinance.

§ 152-2. Authority.

(A) Unless otherwise stated herein, this chapter is adopted pursuant to G.S. Chpt. 160A, Art. 19.

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this chapter refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, the chapter shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

§ 152-3. Purpose.

The purpose of this chapter is to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of populations; and to facilitate the adequate provision of transportation, water, sewage facilities, schools, parks, open space and other public requirements. This chapter has been made with reasonable consideration, among other things, as 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 community.

§ 152-4. 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 within the ordinance adopted by the Board of Commissioners on November 12, 1985, which ordinance is recorded in the Moore County Registry at Ordinance Book 2, Page 856, and as amended by ordinance adopted by the Board of Commissioners on April 9, 1990, which ordinance is recorded in the Moore County Registry at Book 715, Page 136. Such planning jurisdiction may be modified from time to time in accordance with G.S. § 160A-360.

(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 Planning Department.

§ 152-5. Effective Date.

Except as otherwise provided herein, the provisions in this chapter were originally adopted and became effective on June 13, 2011.

§ 152-6. 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.

§ 152-7. Relationship to Land Development Plan.

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

§ 152-8. No Use or Sale of Land or Buildings Except in Conformity With Ordinance Provisions.

(A) Subject to article VIII, "Nonconforming Situations," of this chapter, 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 or her 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.

§ 152-9. Fees.

(A) Reasonable fees sufficient to cover the cost of administration, inspection, publication of notice and similar matters may be charged to applicants for certificates of zoning compliance, sign permits, conditional 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 budget or as established by resolution of the Town Board filed in the office of the Town Clerk.

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

§ 152-10. Severability.

It is hereby declared to be the intention of the Town Board that the sections, paragraphs, sentences, clauses, and phrases of this chapter 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 unconstitutionally or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this chapter since the same would have been enacted without the incorporation into this chapter of such unconstitutional or invalid section, paragraph, sentence, clause, or phrase.

§ 152-11. 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, the 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.

§ 152-12. Miscellaneous.

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

(B) Words used in the singular in this chapter include the plural and words used in the plural include the singular.

§ 152-13

If a permit applicant submits a permit application for any type of development under this Ordinance and any amendment is made to this Ordinance changes between the time the permit application was submitted and a permit decision is made, the permit applicant may choose which version of the Ordinance will apply to the permit.

§ 152-14. Reserved.