

# 1 PURPOSE AND APPLICABILITY

## 1.1 TITLE

These development ordinances and map delineating the location and use of land for trade, industry, housing, recreation and other uses, and dividing such uses into zones or zoning districts each with design and development standards, shall be known as the Unified Development Ordinance, or UDO.

## 1.2 AUTHORITY

The development regulations contained in the UDO have been adopted pursuant to the authority conferred by the North Carolina General Statutes. Specifically, principal authorization comes in the North Carolina General Statutes in Chapter 160D (Local Planning and Development Regulation). The UDO of Wilson, North Carolina also uses powers granted in other sections of the North Carolina General Statutes relating to particular types of development or particular development issues.

## 1.3 JURISDICTION

The provisions of the UDO shall apply within the corporate limits of the City of Wilson, North Carolina and within the city's extraterritorial jurisdiction, as identified on the Zoning Map of the City of Wilson, except that property in the extraterritorial jurisdiction which is used for bona fide farm purposes is exempt from the requirements of the UDO, pursuant to NCGS 160D - 903. A digital copy of the Zoning Map is on file with the Administrator of this ordinance. The map and its boundaries shall be incorporated and made a part of this ordinance.

## 1.4 PURPOSE & INTENT

The regulations contained in the UDO have been adopted in accordance with the 2030 Comprehensive Plan for the City of Wilson, North Carolina, as adopted, in order to:

- Promote the health, safety, morals, and general welfare of the community.
- Promote sustainable development that ensures the prudent use of existing resources, conserves valuable resources for future generations, and reduces waste and climate impacts.
- Support development that generates new jobs and tax revenues in order to maintain a consistent level of municipal services and improve quality of life for Wilson residents.
- Manage growth in a manner that preserves valuable open space and community history.
- Promote the revitalization of Wilson's residential neighborhoods, especially those in the Center City area.
- Create a built environment that reinforces better quality of life by improving the design and quality of development in Wilson and supporting pedestrian and bicycle connectivity throughout the community.
- Create a network of educational opportunities.
- Allow residents to become active participants in the public realm of their community.
- Improve collaboration with neighboring jurisdictions and support shared objectives.
- Provide adequate provision of transportation, water, sewage, schools, parks and other public infrastructure.

## 1.5 CONSISTENCY WITH ALL ADOPTED PLANS AND POLICIES

In accordance with G.S. 160D – 604 and 605, all development plans and subdivision master plans shall be in conformance with all adopted plans and policies (including comprehensive plans, transportation plans, neighborhood plans, open space and greenway plans, corridor plans, or any other plan adopted by the Wilson City Council).

### 1.5.1 IMPLEMENTATION OF PLAN

The UDO is intended to apply the goals, policies, and implementation actions of the 2030 Comprehensive Plan for the City of Wilson as adopted on April 15, 2010 and any plans, policies, and resolutions incorporated by reference into that document.

### 1.5.2 AMENDMENTS TO UDO AND COMPREHENSIVE PLAN

Any amendments to, or actions pursuant to, this ordinance should be consistent with the Comprehensive Plan. The Comprehensive Plan for the City of Wilson may be amended, and this Unified Development Ordinance and the incorporated Zoning Map should reflect those changes.

### 1.5.3 VARIATIONS TO ADOPTED PLANS

Specific alignments, locations, or areas of public facilities noted in any adopted plan may be varied on a site by site basis as requested by the developer or the Administrator, provided the integrity of the proposed network and connections, location, or area shown in the plan are maintained. Such variations are subject to the authority of the appropriate approving agency as described in Chapter 15 (Administration).

### 1.5.4 CONFLICTS WITH ADOPTED PLANS

In the event of a conflict or inconsistency between this ordinance and any adopted plans, the requirements of this ordinance shall take precedence.

## 1.6 REQUIRED CONFORMANCE

### 1.6.1 REQUIRED CONFORMANCE WITH THIS ORDINANCE AND OTHER LAWS

- A. No land or structure shall be used or occupied, and no structure or parts shall be constructed, erected, altered, or moved, unless in conformity with all of the regulations herein specified for the zoning district in which it is located and all other applicable local, state and federal laws. Every building erected, moved, or structurally altered shall be located on a lot conforming to the requirements of the district.
- B. From and after the adoption of the UDO, no real property lying within the jurisdiction of the UDO shall be subdivided except in conformance with all applicable provisions of the UDO. In addition, after the effective date of the UDO, no plat for subdivision of land within the jurisdiction of the UDO shall be certified for recording by the Administrator until it has been submitted and approved in accordance with the provisions of the UDO.
- C. All existing lots of record, platted prior to the adoption of this ordinance and upon which no buildings have been erected, shall be grandfathered upon the date of adoption of this ordinance and shall not be subject to the new lot standards herein. However, buildings upon such lots shall be subject to standards in this ordinance, including all related site improvements.

### 1.6.2 OPTIONAL CONFORMANCE WITH PREVIOUS ORDINANCES

- A. Notwithstanding the provisions of Section 1.6.1 above, until July 31, 2013 applicants for any permit or development approval subject to regulations of this ordinance may choose to abide by the provisions of the Zoning Ordinance, the Subdivision Ordinance, and other City ordinances and policies in effect prior to the effective date for this UDO established in Section 1.10. However, no amendments to the previous Subdivision Ordinance, Zoning Ordinance or its associated map shall be made.
- B. All development approvals granted in accordance with the Zoning Ordinance, the Subdivision Ordinance, and other City ordinances and policies in effect prior to the effective date for this ordinance established in Section 1.10, shall have until July 31, 2014 to complete the approved development under the terms of the previous ordinances and policies. After such time, all development must be completed in accordance with the provisions of this UDO.

## 1.7 TRANSITIONAL PROVISIONS

The following transitional provisions shall apply to various activities, actions and other matters pending or occurring as of the effective date of this ordinance.

### 1.7.1 CONTINUATION OF PERMITS AND APPROVALS ISSUED UNDER PREVIOUS ORDINANCES

Any approval or permit issued for a building, development or use of property prior to the effective date of the UDO, or any amendment thereto, shall continue to be valid according to the terms of the ordinance(s) under which such approval or permit was granted. If such building, development or use of property does not comply with the requirements in this ordinance, it shall be subject to the standards of Chapter 13 as a nonconforming use or structure.

### 1.7.2 VIOLATIONS CONTINUE

Any violation of any previous ordinance of the City of Wilson shall continue to be a violation under this ordinance and shall be subject to the penalties set forth at the time of the violation, unless the use, development, construction or other activity is clearly consistent with the express terms of this ordinance.

### 1.7.2 COMPLETION OF CURRENT DEVELOPMENT PLANS UNDER PREVIOUS ORDINANCES

- A. **Permit Issued:** Any building or development for which a permit was issued prior to the effective date of the UDO, or any amendment thereto, may be completed in conformance with the issued permit and other applicable permits and conditions.
- B. **Application Filed**
  - 1. Any type of land development application which has been officially filed with the appropriate city official prior to the effective date of this ordinance or any amendment thereto, may continue to be processed under the land use rules and regulations in effect prior to said date.
  - 2. The application approval process for such applications must be completed within 1 year of the filing date.

3. If the application approval process is not completed within the specified time, then the application process may be completed only in strict compliance with the requirements of this ordinance.
4. The specified time may be extended at the discretion of the Administrator due to delays in approvals from agencies external to the City of Wilson.

## **1.8 CONFLICT WITH OTHER LAWS**

### **1.8.1 CONFLICT RESOLUTION AND INTERNAL CONSISTENCY**

- A. This ordinance is not intended to abrogate any other law, ordinance or regulation. However, wherever the requirements of this ordinance are in conflict with other requirements or laws of the United States or the State of North Carolina, or with other lawfully adopted city rules, regulations, ordinances, and policies, the most restrictive, or that imposing the highest standards, shall govern.
- B. Except as hereinafter provided, these regulations shall not be deemed to interfere with, abrogate, annul, or otherwise affect in any manner whatsoever any easement, covenants, or other agreements between parties. However, where the regulations of this chapter are more restrictive or impose higher standards or requirements than such easement, covenant or other private agreement, then the requirements of this ordinance shall govern. Unless deed restrictions, covenants or other contracts directly involve the City of Wilson as a party in interest, the city shall have no administrative responsibility for enforcing such deed restrictions or covenants.
- C. In the event of a conflict or inconsistency between the text of the UDO and any caption, figure, illustration or map contained herein, the text shall control.

### **1.8.2 SEVERABILITY**

It is the legislative intent that, in adopting this ordinance, all of its provisions shall be liberally construed to protect and preserve the peace, health, safety and general welfare of the City of Wilson. It is the further legislative intent of the City Council that this ordinance shall stand, notwithstanding the invalidity of any part, and that, should any provision of this ordinance be held to be unconstitutional or invalid, such holding shall not be construed as affecting the validity of the remaining provisions.

## **1.9 INTERPRETATION**

In interpreting and applying these regulations, the requirements contained herein are declared to be the minimum requirements necessary to carry out the purpose of these regulations and are adopted for the promotion of the public health, safety, and general welfare.

## **1.10 EFFECTIVE DATE**

Many provisions herein are a restatement of previous provisions of the zoning, subdivision, and other officially adopted ordinances. Those provisions are hereby continued without interruption. All other provisions of this ordinance shall become effective January 18, 2013.