

# ARTICLE I. GENERAL PROVISIONS

## 1.1 Authority

These regulations are adopted pursuant to the authority vested in the Town of North Wilkesboro by its charter, the Session Laws, and the General Statutes of North Carolina, particularly Chapter 160D-702 and any special local legislation enacted by the General Assembly for the Town of North Wilkesboro.

## 1.2 Purpose

The purposes of these regulations are to: promote the health, safety, morals, and general welfare of the community; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate and economic provision of public facilities and infrastructure; to conserve the value of buildings; and to encourage the most appropriate use of land throughout the corporate area and extraterritorial zoning jurisdiction, in accordance with adopted plans and policies.

## 1.3 Title

These regulations shall be known as the Unified Development Ordinance of the Town of North Wilkesboro, North Carolina, and may be cited as the "Ordinance", the "Code", or the "UDO". The map referred to herein titled "Official Zoning Map, North Wilkesboro, North Carolina" may be cited as the "Zoning Map".

## 1.4 Jurisdiction

These regulations govern the development and use of all land and structures within the corporate limits and the extraterritorial zoning jurisdiction of the Town of North Wilkesboro.

## 1.5 Zoning Map

The Town Board, upon the recommendation of the Planning Board, has adopted a series of zoning maps entitled "Official Zoning Maps, Town of North Wilkesboro, NC" which are maintained by the Planning Director. The Zoning Map is available in both digital and paper form for public inspection. The zoning maps set out and delineate the zoning districts established in **Section 6.1**. The zoning maps and notations thereon are hereby designated, established, and incorporated as a part of these regulations and shall be as much a part of these regulations as if they were fully described herein.

## 1.6 Severability

If any section, specific provision, or standard of these regulations, including any zoning district boundary that now exists or may exist in the future, is found by a court of competent jurisdiction to be invalid for any reason, the decision of the court shall not affect the validity of any other section, provision, standard, or district boundary of these regulations except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

## 1.7 Effective Date

These regulations shall become effective on **December ??, 2024**, the date of their adoption by the Board of Commissioners of the Town of North Wilkesboro.

## 1.8 Applicability

No building, structure, or land shall be used, occupied, or altered; nor shall any building, structure, or part thereof be erected, constructed, reconstructed, moved, enlarged, or structurally altered; nor shall any changed use be established for any building, structure, or land, unless in conformity with the general provisions of this ordinance and the specific provisions for the district in which it is located, except as otherwise provided by these regulations.

## 1.9 Relation to Other Ordinances.

If the provisions of this ordinance conflict with the provisions of any other validly enforceable ordinance(s), the most stringent provisions shall control.

## 1.10 Consistency With Adopted Plans

- A. As a condition of adopting and applying zoning regulations under N.C.G.S Chapter 160D, the Town shall adopt and reasonably maintain a land use plan that sets forth goals, policies, and programs intended to guide the present and future physical, social, and economic development of the jurisdiction. The development regulations contained herein should be consistent with the adopted Town of North Wilkesboro Comprehensive Plan, adopted in June 2018, and any subsequent revisions.
- B. All proposed subdivisions of land shall be placed and designed in a manner consistent with the adopted plans and policies of the Town.

## 1.11 Transitional Provisions

### A. Conforming Uses and Structures

1. Any use or structure existing prior to the effective date of this Ordinance that conforms to the regulations of this Ordinance for permitted uses and satisfies the dimensional requirements and any other applicable regulations of the district in which it is located may be continued, provided any use, structural, or other changes shall comply with the provisions of this Ordinance.
2. Any use or structure existing prior to the effective date of this Ordinance that would be permitted by this Ordinance with a special use permit in the district in which it is located may be continued as if a special use permit had been issued, provided that any use, structural, or other changes shall comply with the provisions of this chapter.
3. Any use or structure existing prior to the effective date of this Ordinance that would be permitted by this Ordinance with Conditional Zoning (or previously as a conditional use), may be continued, provided that any use, structural, or other changes shall comply with the Conditions of the Conditional District and any associated plan approved as a portion of the original rezoning, otherwise the provision of this Code shall apply.

### B. Effect of Amendment

If subsequent amendments to this Ordinance or the Zoning Map result in the creation of additional nonconformities or conformities, such nonconformities or conformities shall be governed by the provisions of this Chapter **?? Nonconformities**, unless otherwise stated in the amendment.

### C. Applications and Prior Approvals

#### 1. Applications Submitted but Not Approved Prior to Effective Date

Any complete application submitted before the effective date of this Ordinance, but not yet approved, is subject to Permit Choice, as outlined in **NEED SECTION HERE**. Development may be completed in conformance with applicable permits and conditions of the regulations in effect at the time of submission of the application, even if such application does not fully comply with the provisions of this chapter.

#### 2. Applications Submitted and Approved Prior to the Effective Date

Where a permit, site plan, subdivision, planned development, or special use was approved prior to the effective date of this Ordinance, the provisions of the ordinance that was in effect at the time of approval shall apply, subject to the limitation of Vested Rights as outlined in **NEED SECTION HERE** and provided they do not conflict with the original conditions of approval.

**3. Construction Begun Prior to Adoption**

Nothing in this Ordinance shall be deemed to require any change in the plans, construction, or designed use of any building or structure upon which a building permit was secured prior to the adoption of this Ordinance.