

## **Article I            General Provisions**

### **Section 1.        Short Title**

**[a]**    This ordinance shall be known and may be cited as the Town of Boone Unified Development Ordinance.

### **Section 2.        Authority**

**[a]**    This ordinance is adopted pursuant to the authority contained in the following North Carolina General Statutes: Chapter 160A, Article 19; Chapter 143, Part 6, Article 21; Chapter 160A, Article 15; and, Chapter 113A, Article 4.

**[b]**    Whenever any provision of this ordinance refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, the ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.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 ordinance 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 areas described in Ordinance 83-5 adopted by the Town Council on April 7, 1983 and Ordinance 92-03 adopted by the Town Council on September 3, 1992, which ordinance is recorded in book 0246, page 147 and 148 of the Watauga County Registry; and Ordinance 98-04 adopted by the Town Council on November 19, 1998, which ordinance is recorded in book 3, page 40-42, of the Watauga County Registry; and Ordinance 99-02 adopted by the Town Council on May 27, 1999, which ordinance is recorded in book 3, page 45-50, of the Watauga 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 Planning and Inspections Department.

### **Section 4.        Effective Date**

**[a]**    The provisions of this ordinance are hereby adopted and effective on this date, January 1, 1998.

**Section 5. Relationship to Existing Zoning, Subdivision and Soil Erosion and Sedimentation Control Ordinances**

**[a]** To the extent that the provisions of this ordinance are the same in substance as the previously adopted provisions that they replace in the town's zoning, subdivision, or soil erosion and sedimentation control ordinances, they shall be considered as continuations thereof and not as new enactment's 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 ordinance merely by the repeal of the zoning ordinance.

**Section 6. Relationship to Comprehensive Plan**

**[a]** It is the intention of the council that this ordinance implement the planning policies adopted by the council for the town and its extraterritorial planning area, as reflected in the comprehensive plan and other planning documents. While the council reaffirms its commitment that this ordinance and any amendment to it be in conformity with adopted planning policies, the council hereby expresses its intent that neither this ordinance 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 Ordinance Provisions**

**[a]** Subject to Article VIII of this ordinance (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 ordinance.

**[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. Relationship to Fire Code, Water and Sewer Use Code and Other Pertinent Town Code Provisions**

**[a]** No construction may be undertaken pursuant to this ordinance until the permit holder or applicant has demonstrated compliance with all applicable Town Code provisions, including but not limited to the North Carolina State Building Code: Fire Prevention Code, as it may be amended from time to time, with all optional sections which have been adopted by the Town, and the Town's Water and Sewer Use Code, all of which are incorporated by reference herein. Any applicant for a zoning permit is hereby advised, but not required, to directly confer with all pertinent Town departments before submitting any proposed development application so as to avoid the unnecessary expenditure

of funds to plan a development which although generally compliant with the specific provisions of this ordinance, is prohibited by another such code.

### **Section 9. 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, special use permits, subdivision plat approval, zoning amendments, variances and other administrative relief. The amount of fees charged shall be set forth in the town's budget or as established by resolution of the council filed in the office of the town clerk.

**[b]** Fees established in accordance with Subsection 8[a] shall be paid upon submission of a signed application or notice of appeal.

### **Section 10. Severability**

**[a]** 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 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, that day shall be excluded. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and legal 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 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.

**Section 13**    **Reserved**

**Section 14.**   **Reserved**