

# PURPOSE & APPLICABILITY

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## 1.1 TITLE

This ordinance is officially titled “The Planning Ordinance of the Town of Davidson, North Carolina” and shall be known as the “Planning Ordinance.” The official map designating the various planning areas shall be titled, “Town of Davidson Planning Ordinance Map” and shall be known as the “Planning Ordinance Map.”

## 1.2 AUTHORITY

The development regulations contained in the Planning Ordinance have been adopted pursuant to the specific authority granted to municipalities by the North Carolina General Statutes (NCGS) in Sections 160A-372, 160A-381 and 160A-381. The enumeration of these sections of the general statutes is not intended to exclude any other section of the general statutes which grants or confirms authority to municipalities to promulgate ordinances, rules, or regulations similar or identical to those set forth in the Planning Ordinance.

## 1.3 JURISDICTION

These regulations apply to the development and use of all land and structures within the corporate limits of the Town of Davidson, North Carolina, and within the extraterritorial jurisdiction exercised by ordinance as now or hereafter fixed, and as indicated on the Planning Ordinance Map on file at the Davidson Planning Department. This map and its boundaries shall be incorporated and made part of this ordinance.

## SECTIONS

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## 1.4 PURPOSE & INTENT

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The regulations contained in the Planning Ordinance have been adopted in accordance with the 2010 Davidson Comprehensive Plan, and other adopted plans and policies, in order to promote the health, safety, morals, and general welfare of the community and to incorporate the planning principles as described in the Preface to the Planning Ordinance.

## 1.5 CONSISTENCY WITH ALL ADOPTED PLANS

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### 1.5.1 IMPLEMENTATION OF ADOPTED PLANS & POLICIES

In accordance with NCGS 160A-382-383, the Planning Ordinance is intended to implement the various development-related plans and policies adopted by the Board of Commissioners (including the 2010 Comprehensive Plan, the Park and Recreation Master Plan, transportation plans, small area plans, corridor plans, or any other development-related plan or policy). As such, all development plans shall be in conformance with such adopted plans and policies. Any amendments to, or actions pursuant to, this ordinance should be consistent with these adopted plans and policies, as amended.

### 1.5.2 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 14 - Administration & Procedures.

### 1.5.3 CONFLICTS WITH ADOPTED PLANS OR POLICIES

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

## 1.6 REQUIRED CONFORMANCE WITH THIS ORDINANCE

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### 1.6.1 REQUIRED CONFORMANCE

No land, structure or parts thereof shall be used, occupied, 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.

### 1.6.2 SUBDIVISION OF PROPERTY

From and after the effective date of the Planning Ordinance, no real property lying within the jurisdiction of the Planning Ordinance shall be subdivided except in conformance with all applicable provisions of the Planning Ordinance, and no plat for subdivision of land shall be certified for recording by the Administrator until it has been submitted and approved in accordance with the provisions of the Planning Ordinance.

### 1.6.3 NONCONFORMITIES & CONTINUATION OF VIOLATIONS

- A. Any building, development or use of property which was legally established prior to the effective date of this Planning Ordinance, and which does not comply with the requirements of this ordinance, shall be governed by the provisions of Chapter 12 – Nonconformities.
- B. Any violation of any previous ordinance of the Town of Davidson 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 expressed terms of this ordinance.

### 1.6.4 INTERPRETATION

- A. In the interpretation and application of this ordinance, all provisions contained herein shall be considered to be the minimum requirements necessary to meet the purposes and objectives stated in this ordinance and shall be liberally construed to meet such purposes and objectives in order to promote the health, safety, morals, and general welfare of the community.
- B. In the interpretation and application of any numeric standards established in this ordinance, normal rounding rules shall apply to calculated totals (i.e., .5 and above is rounded to the next highest number; below .5 is rounded to the next lowest number).

## 1.7 PLANNING ORDINANCE MAP

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The Planning Ordinance Map, as adopted by the Board of Commissioners, establishes the official zoning districts and overlay districts for the Town of Davidson and is hereby incorporated by reference. Digital and hard copies of the Planning Ordinance Map, including all amendments, are maintained by the Town of Davidson Planning Department and are available from the Administrator upon request.

### 1.7.1 INTERPRETATION OF BOUNDARIES

The following rules shall apply in the interpretation of boundaries shown on the Planning Ordinance Map:

- A. Boundaries corresponding to streets, highways, or alleys shall follow the centerlines of such features.
- B. Boundaries corresponding to lot lines shall follow such lot lines.
- C. Boundaries corresponding to Town of Davidson's corporate limits shall follow such corporate limits.
- D. Boundaries shown approximately following the extraterritorial jurisdiction boundaries or sphere of influence of the Town of Davidson shall follow such boundaries.
- E. Boundaries corresponding to railroad lines shall be located midway between the main tracks.
- F. Boundaries shown as parallel to or extensions of features indicated in this section shall be construed as such.
- G. Distances not specifically indicated on the Planning Ordinance Map shall be determined by the scale of the map.
- H. Where the actual location of existing physical or natural features vary with those shown on the Planning Ordinance Map, or in other circumstances not covered by this section, the Planning Director shall have the authority to interpret the district boundaries.

## 1.8 TRANSITIONAL PROVISIONS

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These transitional provisions shall apply to all matters pending as of the effective date of this ordinance.

### 1.8.1 CONTINUATION OF PERMITS & APPROVALS

- A. Any approval or permit issued for a building, development or use of property prior to the effective date of this Planning Ordinance, 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.
- B. If such building, development or use of property has not been completed, it may be completed in conformance with the issued permit and other applicable permits and conditions.

### 1.8.2 PENDING APPLICATIONS

- A. Any type of land development application which has been officially filed with the appropriate town 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 at the time the application was submitted.
- B. The application approval process for such applications must be completed within 1 year of the filing date.
- C. 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.
- D. The specified time may be extended at the discretion of the Administrator due to delays in approvals from agencies external to the Town of Davidson.

## 1.9 CONFLICT WITH OTHER LAWS

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### 1.9.1 CONFLICT RESOLUTION & CONSISTENCY

- A. This ordinance is not intended to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, vested rights, or building permits previously adopted or issued pursuant to law and currently effective. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.
- B. This ordinance is not intended to repeal, modify, amend or abrogate any other law, ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace. However, wherever the requirements of this ordinance are in conflict with other requirements of Federal or State laws, or with other lawfully adopted town rules, regulations, ordinances and policies, the most restrictive, or that imposing the highest standards, shall govern.
- C. In the event of a conflict or inconsistency between the text of the Planning Ordinance and any caption, figure, illustration or map contained herein, the text shall control.

### 1.9.2 SEVERABILITY

If any section or specific provision of this ordinance, or any regulating district boundary established herein, is found by a court of competent jurisdiction to be unconstitutional, invalid or otherwise unenforceable for any reason, such decision shall not affect the validity or enforceability of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional, invalid or otherwise unenforceable. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

## 1.10 EFFECTIVE DATE

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Many provisions herein are a restatement of previous provisions of the Davidson Planning Ordinance, as amended. Those provisions are hereby continued without interruption. All other provisions of this ordinance shall become effective on May 1st, 2015.