
1.0 GENERAL PROVISIONS

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1.1 SHORT TITLE.

This Ordinance shall be known as the Goldsboro Unified Development Ordinance and may be referred to as the “UDO” or the “Zoning Ordinance.” The Official Zoning Map of Goldsboro, North Carolina may be referred to as the “Zoning Map” and is hereby incorporated into and made part of this Ordinance.

1.2 AUTHORIZATION.

Zoning provisions enacted herein are under the authority of North Carolina General Statutes (GS) 160A, which extends to cities the authority to enact regulations promoting the health, safety, morals and general welfare of the community. These provisions are further authorized to regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land. This Ordinance further authorizes the establishment of overlay districts in which additional regulations may be imposed on properties that lie within the boundaries of the district.

Subdivision provisions enacted herein are under the authority of GS 160A, which provides for the coordination of streets and public facilities, the dedication or reservation of recreation areas or for the provision of funds to be used to acquire recreation areas, and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding.

Watershed protection provisions enacted herein are under the authority of GS 160A and in GS 143, which delegates and directs local governments to promote the health, safety and welfare of its citizenry by adopting regulations designed to protect public water supplies.

Whenever any provision of this Ordinance refers to or cites a section of the North Carolina General Statutes or a state or federal department rule or regulation and that section is later amended or superseded, the Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

1.3 JURISDICTION.

This Ordinance is effective throughout the City’s planning jurisdiction, consisting of the area within the corporate boundaries of the City and the area beyond the City limits within which the extraterritorial jurisdiction of the City has been extended.

1.4 EXEMPTION FOR BONA FIDE FARMS (AGRICULTURAL USES)

The building area and setback requirements of this Ordinance shall not apply to any bona fide farm located in any district outside of the corporate limits of the City except as provided in Sections 5.3.3.1, 5.9 and 5.10. In case of conversion to nonagricultural uses, however, a certificate of zoning compliance must be procured as prescribed in this Ordinance and the new use must comply with all of the regulations for the district in which it is located.

1.5 RELATIONSHIP TO THE LAND USE PLAN

It is the intention of the Goldsboro City Council, hereafter referred to as the “Council” or “City Council,” that this Ordinance implement the planning policies adopted for the City and its extraterritorial jurisdiction, as reflected in the land use plan and other planning documents. While the Council reaffirms its commitment that this Ordinance and any amendment to it conform to the adopted planning policies, Council hereby expresses its intent that neither this Ordinance nor any

amendment to it may be challenged based on any alleged nonconformity with any planning document.

1.6 THE UNIFIED DEVELOPMENT ORDINANCE AFFECTS EVERY BUILDING AND USE

No building or land shall be used or occupied and no building or part thereof shall be erected, moved or altered except in conformity with the regulations herein specified for the district(s) in which it is located, except as provided in this Ordinance. For the 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 the building or land.

1.7 FEES

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to the applicants seeking any permits or approvals over which this Ordinance has authority. The amount of fees charged shall be established by resolution of the Council and filed in the office of the City Clerk.

1.8 SEVERABILITY

It is hereby declared the intention of the Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable. If any 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.

1.9 INTERPRETATION AND PURPOSE

In adopting this Ordinance, it is the intent and purpose of the City to place the minimum restrictions on the rights of owners of private property in the development and uses thereof, consistent with the protection of the public health, safety, prosperity and welfare of all citizens. It is not intended by this Ordinance to abrogate or annul any easements, covenants or other agreements between parties, provided, however, that when this Ordinance imposes a greater restriction upon the use and development of buildings or property than are imposed or required by other ordinances, rules, regulations or agreements, the provisions of this Ordinance shall govern.

1.10 EFFECTIVE DATE

These regulations shall become effective on **July 9, 2007**. Upon such date, these regulations shall supercede, repeal and replace the Goldsboro Zoning Code, as amended, adopted on **April 4, 2005**, the Goldsboro Subdivision Regulations, as amended, adopted on **April 4, 2005** the Goldsboro Landscape and Tree Preservation Ordinance, as amended, adopted on **April 4, 2005**, the Goldsboro Stormwater Management for New Development Ordinance, as amended, adopted on November 20, 2000, the Goldsboro Illegal Discharge Control Ordinance, as amended, adopted on February 19, 2001, and the Goldsboro Watershed Protection Ordinance, as amended, adopted on April 1, 2002.

1.11 TRANSITIONAL RULES

To the extent that provisions of this Ordinance are the same in substance as the previously adopted provisions they replace in the City's zoning, subdivision, watershed and other ordinances they shall be considered as continuations thereof and not as new enactments. The following rules shall govern the transition to the new Unified Development Ordinance.

1. Any violation of the previous zoning and subdivision ordinances shall continue to be a violation under this Ordinance and be subject to penalties and enforcement under Section 4.0 (Enforcement), unless the use, development, construction or other activity complies with the provisions of this Ordinance. Payment shall be required for any civil penalty assessed under the previous Ordinances, even if the original violation is no longer considered a violation under this Ordinance.
2. Special use permits, conditional use permits, vested rights, subdivision plans, site plan approvals, building permits, sign permits and variances, any of which are valid on **April 4, 2005**, shall remain valid until their expiration date except as provided below. Projects with valid approvals or permits may be carried out with the development standards in effect at the time of approval, provided the permit or approval is valid and has not lapsed. Site plans, Special Use Permits and subdivision plats that did not have an expiration date prior to the adoption of this code shall remain valid for a period of three years from the original adoption date of the Unified Development Ordinance (April 4, 2005). Site plans, subdivision plats, Conditional Use Permits, and Special Use Permits that were approved prior to the original adoption of the Unified Development Ordinance on April 4, 2005 and the implementation of the stormwater regulations on March 9, 2001 shall expire as listed in this section or when vested rights for stormwater approvals expire, whichever occurs first. No site plan or preliminary subdivision plat approved prior to March 9, 2001 that would be subject to stormwater requirements shall be valid after March 9, 2006 due to the expiration of stormwater vested rights.
3. No provision of this Ordinance shall require any change in the plans, construction or designated use of any structure for which a building permit has been issued prior to **April 4, 2005**.
4. The Planning and Community Development Director may renew or extend the time of a previous approval if the proposed project complies with all the requirements of this Ordinance. Any extension granted shall not exceed one year in length, and no more than one extension shall be granted. Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.
5. All pending projects for which a complete application was submitted and accepted by the City prior to the effective date of this Ordinance shall be exempt from complying with the provisions of this Ordinance and shall comply with the development standards in effect at the time of the acceptance of the completed application.
6. Any legal nonconformity under the previous ordinances will also be a legal nonconformity under this Ordinance, as long as the situation that resulted in the nonconforming status under the previous ordinance continues to exist. If nonconformity under the previous ordinance becomes conforming because of the adoption of this Ordinance, then the situation will no longer be nonconforming.

7. When a lot is used for a purpose that was a lawful use before the effective date of this Ordinance, and this Ordinance no longer classifies such use as either a permitted use or special use in the general use zoning district in which it is located, such use shall be considered nonconforming and shall be controlled by the provisions of Section 5.6 (Nonconforming Situations) of this Ordinance.
8. Where any building, structure or lot that existed on the effective date of this Ordinance does not meet all standards set forth in this Ordinance, such building, structure, or lot shall be considered nonconforming and shall be controlled by the provisions of Section 5.6 (Nonconforming Situations) of this Ordinance.

1.12 SECTION RESERVED