

ARTICLE 1. PURPOSE, AUTHORITY, AND LEGAL PROVISIONS

1.1 Purpose

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan and for the purposes of:

1. Promoting the public health, safety, morals, and general welfare;
2. Promoting the orderly growth and development of the City of Archdale and the surrounding area;
3. Lessening congestion in the streets and roads;
4. Providing adequate light and air;
5. Securing safety from fires, panic, and other dangers;
6. Preventing the overcrowding of land;
7. Avoiding undue congestion of population; and
8. Facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

They have been made with reasonable consideration, among other things to the character of each Zoning District and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdiction.

1.2 Authority

This Ordinance is enacted pursuant to the authority conferred by Chapter 160D of the General Statutes of North Carolina.

1.3 Title

This Ordinance shall be known as the Zoning Ordinance of the City of Archdale, North Carolina and may be referred to as the Zoning Ordinance. The map referred to herein is identified by the title Official Zoning Map, Archdale, North Carolina and may be known as the Zoning Map.

1.4 Territorial Jurisdiction

For the purpose of this Zoning Ordinance, the zoning jurisdiction of the City of Archdale shall include the land within the corporate limits of the City and that land located between these limits and the boundaries established in the municipal ordinance establishing extraterritorial jurisdiction (ETJ) boundaries, as now or hereafter fixed.

1.5 Zoning Affects Every Building and Use; Bona Fide Farm Exemption

No building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered except in conformity with the regulations herein specified for the district in which it is located, except as hereinafter provided in this Zoning Ordinance. Bona fide farms in the City's extraterritorial jurisdiction are exempt from regulation under this ordinance to the extent granted in the exemption established under NCGS 160D-903(c).

1.6 Minimum Regulations

Regulations set forth by this Ordinance shall be minimum regulations. If the requirements set forth in this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinance, the more restrictive or higher standards shall govern.

1.7 Applications for Development Approvals - Qualifications

Only the landowner, or duly authorized agent, as set forth in NCGS 160D-403(a) shall be permitted to submit an application for any development approval under this Ordinance. Proof of agency may be required by the Zoning Administrator prior to accepting any application.

1.8 Fees

Applicants for permits and other procedures as provided for by this Ordinance may be required to pay such fees as may be established by the City Council in the Schedule of Fees and Charges.

1.9 Incorporation of Zoning Map

The Official Zoning Map and all notations, references, and other information shown on the map are hereby incorporated and made a part of this Ordinance.

1.10 Interpretation and Conflicts

In interpreting and applying the provisions of the Ordinance, the provision shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity, and general welfare. This Ordinance is not intended to interfere with, abrogate, or annul any

easements, covenants, or other agreements between parties; provided, however, where this Ordinance imposes a greater restriction or imposes higher standards than those required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern so that, in all cases, the most restrictive limitation or requirement causing the highest standard of improvement, shall govern.

1.11 Repeal and Reenactment of Existing Zoning Ordinance

The rewriting of this Ordinance in part carries forth by re-enactment some of the provisions of the existing Zoning Ordinance of the City of Archdale and it is not intended to repeal, but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have been accrued are preserved and may be enforced. All provisions of the Zoning Ordinance which are not re-enacted herein, are hereby repealed.

All suits at law or in equity and/or all prosecutions resulting from the violation of the Zoning Ordinance in effect, which are now pending in any of the courts of this State or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance, but shall be prosecuted to their finality the same as if this Ordinance had not been adopted; and any and all violations of the existing Ordinance, prosecutions for which have not been instituted, may be filled and prosecuted; and nothing in this Ordinance shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending and/or which may have been instituted or prosecuted.

1.12 Effect of Ordinance Changes on Previous Development Approvals

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any building, structure, or part thereof for which a building permit has been granted by the Building Inspector prior to the time of passage of this Ordinance or any amendment thereto; provided, however, that where construction is not begun under the outstanding permit within a period of one year subsequent to the passage of this Ordinance or any amendment thereto, or where construction has been voluntarily discontinued for 12 consecutive months, any further construction or use shall be in conformity with the provisions of this Ordinance or any such amendment.

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any Zoning Permit which has been granted prior to the adoption of this Ordinance provided that a Building Permit has been obtained and construction begun within one year of the date of the issuance of such permit and provided that such Building Permit is prosecuted to completion as provided for above.

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any Special Use Permit which has been granted prior to the adoption of this Ordinance and which Special Use is no longer carried forth on this Ordinance provided that a Building Permit has been obtained and construction begun within one year of the date of the approval of such Permit and provided that such Building Permit is prosecuted to completion as provided for above. Such valid Special Uses including those already existing for non-continued uses may be constructed, continued, and reconstructed the same as any permitted use subject to such use limitations and other conditions as provided for in the original issuance of the Special Use Permit. Any such Special Use that is changed to any permitted use for any period of time shall not be permitted to resume the Special Use.

Nothing herein contained shall require any change in any zoning vested right which has been established prior to the adoption of this Ordinance during its vested rights period except to the extent permitted at the time of the approval of the Site-Specific Vesting Plan and consistent with North Carolina General Statute 160D-108.1.

1.13 Severability

If any Section, Subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each Section, Subsection, clause, and phrase thereof, irrespective of the fact that any one or more Sections, Subsections, sentences, clauses or phrases be declared invalid.

1.14 Effective Date

The effective date of the City of Archdale Zoning Ordinance is November 1, 2023.