

ARTICLE 1: GENERAL PROVISIONS

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ARTICLE 1

GENERAL PROVISIONS

1-1 SHORT TITLE

This Ordinance shall be known and may be cited as the *City of Mebane Unified Development Ordinance*, except as referred to herein, where it shall be known as 'this Ordinance'.

1-2 REPEALS AND ENACTMENT

A. Repeal of Inconsistency

All ordinances, or portions thereof, of the City of Mebane that relate to zoning, subdivision, and land use which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

B. Enactment

This Ordinance is hereby enacted and shall be the Unified Development Ordinance for the City of Mebane.

C. Effective Date

This Ordinance shall become effective on February 4, 2008, as adopted by the City of Mebane City Council.

1-3 PURPOSE

A. General Purpose

It is the purpose of this Ordinance to promote the health, safety, and general welfare of the residents of the City of Mebane and the city's municipal extraterritorial planning jurisdiction (ETJ) to serve the public health, safety, and general welfare, and to provide the economic, social, and aesthetic advantages resulting from an orderly, planned use of land resources. This Ordinance shall govern the development and use of land and structures within the Mebane corporate limits and the city's ETJ.

In particular, this Ordinance is designed to address the following objectives:

1. Provide for the orderly growth and development of the area of the City of Mebane and the municipal extraterritorial planning jurisdiction;
2. Minimize land use conflicts and encourage the most appropriate use of land throughout the city;
3. Conserve the value of buildings and property;
4. Preserve the desirable features of the city's appearance and character;
5. Protect public investments and facilitate the adequate provision of schools, sewer, water, transportation, parks, open space, and

- other public requirements;
6. Protect the natural environment and other valuable resources;
 7. Promote the overall economic welfare of the city;
 8. Protect designated public water supply watersheds from activities which could degrade water quality; and
 9. Minimize public and private losses due to flooding by permitting only that development within the floodplain which is appropriate in light of the probability of flood damage and which represents a reasonable social and economic use of land in relation to the hazards involved.

B. Specific Purposes

More specific purposes concerning zoning, land subdivision, signs, landscaping and buffering, watershed protection, and flood damage prevention are delineated in the individual articles of this Ordinance that include provisions relating to these particular subjects.

1-4 JURISDICTION

This Ordinance shall govern the use and development of land within the City of Mebane and the Mebane extraterritorial jurisdiction. The City of Mebane zoning jurisdictional area comprises the area which is delineated on the official zoning map described in Section 3-2. The City's planning jurisdictional area may be modified from time to time in accordance with Section 160A-360 of the North Carolina General Statutes (NCGS).

1-5 AUTHORITY

The provisions of this Ordinance are adopted under authority granted by the General Assembly to North Carolina cities (NCGS Chapter 160A, Article 19). This Ordinance may be amended from time to time as required or allowed by subsequent legislature enactments. This Ordinance shall in no way regulate, restrict, prohibit, or otherwise deter any bona fide farm and its related uses, except that commercial feeder/breeder operations and any use of property for nonfarm purposes shall be subject to the provisions of this Ordinance. Chapter 4 of the City of Mebane City Code regulates the keeping of animals within the corporate limits of the City of Mebane. Consequently, some animal operations may not be permissible within zoning districts that are located within the Mebane corporate limits.

1-6 ABROGATION

This Ordinance is not intended to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law.

1-7 COMPLIANCE

No building, premises, or structure shall be constructed, erected, modified, converted, occupied, placed, maintained or moved, and no land use shall be commenced, maintained, or modified, except as authorized by this Ordinance. Development which was approved prior to the effective date of

this Ordinance and which does not comply with the provisions of this Ordinance shall be considered legally nonconforming. Modifications to and conversion of nonconforming uses shall be allowed pursuant to the requirements of Article 10, Nonconforming Situations. Nothing in this Section shall be deemed to preclude voluntary compliance with the provisions of this Ordinance for development approved prior to the effective date of this Ordinance.

1-8 RELATIONSHIP TO PLANNING POLICIES AND DOCUMENTS

It is the intention of the City Council that this Ordinance implement the planning policies adopted by the City Council for the City of Mebane planning jurisdiction, as reflected in land development plans, master plans, and other pertinent planning documents. In reviewing map or text amendments to this Ordinance, plan consistency statements are required for the Planning Board [Section 9-3, A] and the City Council [Section 9-4, A]. While the City Council reaffirms its commitment that this Ordinance and any amendment to it be in conformity with adopted planning policies, the City 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.

1-9 FEES

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, conditional use permits, special use permits, certificates of appropriateness, subdivision plat approval, zoning amendments, variances and other administrative relief. The amount of the fees charged shall be set forth in the city's budget or as established by resolution of the City Council and filed in the offices of the City of Mebane Planning and Zoning Department. Fees established as outlined above shall be paid upon submission of a signed application.

1-10 SEVERABILITY

A. Invalidation

Should any Section, sentence, clause, phrase, or word of this Ordinance be held invalid or unconstitutional by a Court of competent jurisdiction of either the State of North Carolina or the United States, such decision shall not affect, impair, or invalidate the validity of the remaining parts of this Ordinance which can be given effect without the invalid provision.

B. Prejudicial Application

If any section, sentence, clause, phase, or word of this Ordinance be held invalid or unconstitutional in its application to a particular case, such decision shall not affect or prejudice its application to other cases.

C. Lawful Presumption

There shall be a conclusive presumption when a zoning administrator or board authorizes regulatory action, that such administrator or board would not have authorized such action except in the belief that such action was lawful.