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# UNIFIED DEVELOPMENT ORDINANCE

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## ARTICLE I: GENERALLY



**CATAWBA COUNTY, NORTH CAROLINA**



## ARTICLE I. GENERALLY.

*Purpose:* This Article provides an overview of this Chapter, referred to as the Unified Development Ordinance (UDO). This Article is the basis for the UDO, recites the ordinance policies, and establishes rules of interpretation for this Chapter.

### Sec. 44-101. Title.

This Chapter may be referred to and cited as “Unified Development Ordinance.”

### Sec. 44-102. Authority.

The Articles contained within this Chapter are enacted pursuant to North Carolina General Statutes 153A-323, 153A-340 to 349, 153A-330 to 339, 153A- 379; 39-32.1 to 39-32.4, 47-30 to 47-32.2, and 136-90 to 136-102.6. Where applicable, the County’s general police powers are exercised pursuant to the power and authority established in NCGS 153A-121.

### Sec. 44-103. General purpose and intent.

- (a) *Zoning.* The County is divided into zoning districts which establishes permitted uses, dimensional standards, and design standards.

The purposes of the zoning districts, in part, include:

- (1) Implementation of the comprehensive plan;
- (2) Lessening congestion in the streets;
- (3) Securing safety from fire, panic and other dangers;
- (4) Promoting the health, safety and general welfare;
- (5) Providing adequate light and air;
- (6) Preventing the overcrowding of land;
- (7) Avoiding undue concentration of population;
- (8) Facilitating the adequate provision of transportation, water, sewer, schools, parks and other public infrastructure;
- (9) Protecting the character of each district and its suitability for particular uses;
- (10) Conserving the value of buildings;
- (11) Encouraging the most appropriate use of land throughout the County; and
- (12) Providing for orderly growth and development in future expansion areas of cities within the County,

- (b) *Subdivision regulation.* The purposes of the subdivision regulations, in part, include:

- (1) Providing for the orderly growth and development of the County;



- (2) The coordination of streets and roads within proposed subdivisions with existing or planned streets and roads and with other public facilities;
- (3) The dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and rights-of-way or easements for street and utility purposes, including the dedication of rights-of-way pursuant to NCGS 136-66.10 and/or 136-66.11; and
- (4) The distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety, and the general welfare; and
- (5) The wise and timely development of areas, in harmony with the land development plan(s) and other official plans of the County; and
- (6) Accurate public records of land ownership, to facilitate land ownership transfer, the effective conduct of public and private business and the protection of private property rights.

**Sec. 44-104. Applicability.**

This Chapter applies to all of Catawba County outside the jurisdictions of the municipalities in the County. No development may occur unless all applicable regulations and standards established by this Chapter are complied with and all permits or land use decisions have been approved as provided for in this Chapter.

**Sec. 44-105. Bonafide farm exemption.**

In accordance with NCGS 153A-340, this Chapter does not regulate bonafide farms.

**Sec. 44-106. County public facilities.**

County public facilities are a permitted use in all zoning districts; therefore, a special use permit is not required. County public facilities include schools, fire departments, rescue squads, sheriff's offices, utility pump stations, communication towers, water towers and treatment plants, resource recovery sites, sanitary landfills, recycling centers, refuse transfer stations and other public facilities. The facilities must meet all other site improvements and permitting requirements as required in this Chapter.

**Sec. 44-107. Consistency with VisionQuest, small area plans and other plans**

This Chapter is designed to implement the County's comprehensive planning policies, including the following plans which may be modified from time to time: VisionQuest, Catawba Small Area Plan, Mountain View Small Area Plan, St. Stephens-Oxford Small Area Plan, Balls Creek Small Area Plan, Sherrills Ford Small Area Plan, Startown Small Area Plan, Plateau Small Area Plan, the US 321 Corridor District Plan and any other land use plans adopted subsequent to this Chapter.



**Sec. 44-108. Coordination with other regulations.**

- (a) *Generally.* Where there are conflicts between the regulations in this Chapter and other lawfully adopted regulations involved in such considerations, those which establish the highest requirements or most stringent limitations shall govern except where specific exceptions are set forth in the regulations. Any prior regulations on matters contained within this Chapter are hereby abolished, and the regulations set forth in this Chapter are controlling from the date of adoption.
- (b) *Zoning.* Conflicts between the zoning provisions of this Chapter and any other statute or local Chapter or regulation shall be resolved as provided in NCGS 153A-346.

**Sec. 44-109. Severability.**

- (a) If any word, phrase, sentence, part, section, subsection, or other portion of this Chapter or any application to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this Chapter, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.
- (b) Any permit issued under this Chapter shall be comprehensive and not severable. If part of a permit is deemed or ruled to be invalid or unenforceable in any material respect, by a competent authority, or is overturned by a competent authority, the permit shall be void in total, upon determination by the County.

**Sec. 44-110. Rules of construction and location instructions for definitions and development standards.**

- (a) *Word usage.* In the interpretation of this Chapter, the provisions and rules of this section shall be observed and applied, except when the context clearly require otherwise:
  - (1) The words “shall,” “must” and “will” are mandatory in nature, implying an obligation or duty to comply with the particular provision.
  - (2) The words “may,” “can”, “should”, “allow” or “encourage” are permissive in nature.
  - (3) Words used in the present tense include the future tense.
  - (4) Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.
  - (5) Words used in the masculine gender include the feminine gender.
  - (6) The word “person” includes a firm, association, partnership, trust, company or corporation as well as an individual.



- (7) The word “County” shall refer to Catawba County, North Carolina.
- (8) The words “Register of Deeds” shall refer to the Catawba County Register of Deeds.
- (9) The specific controls the general.
- (10) If there is any difference of meaning or implication between the text of this chapter and any title, illustration, summary table, or illustrative example, the text shall control.
- (11) Unless the context clearly indicates the contrary, where a regulation involves two or more times, conditions, provisions, or events connected by the conjunction "and," "or," or "either . . . or," the conjunction shall be interpreted as follows:
  - a. The term “and” indicates that all the connected items, conditions, provisions, or events shall apply.
  - b. The term “or” indicates that one or several of connected items, conditions, provisions, or events shall apply.
- (b) General definitions pertaining to this Chapter are located in the Appendix.
- (c) Special development definitions are located within Article IV and Article V and include, but are not limited to, the following: floodplain, watershed, village center, manufactured home parks and signs. Definitions related to abandoned and junked vehicles are in Article VIII, Sec. 44-803.
- (d) General development standards that are distinct and apart from special standards are located within the general standard sections located within Article IV and Article V.
- (e) Special development standards are self contained within the special or overlay districts in Article IV, and include, but are not limited to, the following: floodplain, village centers, manufactured home parks and planned developments.

**Sec. 44-111 - 199.**

**Reserved.**

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