

Article I. GENERAL PROVISIONS FOR APPLICABILITY

Section 1.01 TITLE

This ordinance shall be known as and may be cited as the Town of Lillington, North Carolina, “Unified Development Ordinance,” and may be referred to as the “Ordinance,” “UDO” or “Lillington UDO”.

Section 1.02 AUTHORITY

The Lillington UDO is hereby adopted under the authority and provisions in Chapter 160D of the North Carolina General Statutes (NCGS).

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of the North Carolina General Statutes and that section of the North Carolina General Statutes is later amended or superseded, this UDO shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

Section 1.03 JURISDICTION

The Lillington UDO shall be effective throughout the Town of Lillington and its extraterritorial planning jurisdiction (ETJ) as identified on the Official Zoning Map of the Town of Lillington. However, pursuant to NCGS 160D-903 property that is located in the extraterritorial jurisdiction which is used for bona fide farm purposes is exempt from the regulations of this UDO. The planning jurisdiction of the Town may be modified from time to time in accordance with NCGS 160D-202. The Official Zoning Map is on file with the Town Clerk and with the Administrator of this ordinance. The Official Zoning Map and its boundaries shall be incorporated and made a part of this ordinance.

Section 1.04 PURPOSE AND INTENT

The purpose of the regulations set forth in the Lillington UDO shall be to fulfill the goals, objectives, recommendations and action items of the Lillington Downtown Master Plan, Lillington Bicycle & Pedestrian Plan, Lillington Land Use Plan, as adopted and as may be amended from time to time.

In order to protect and promote the health, safety, and general welfare of the Town and its ETJ, the Lillington UDO is adopted by the Board of Commissioners to regulate and restrict by means of zoning and subdivision regulations the height and size of buildings and other structures; the appearance and design of developments; the percentage of lots that may be covered or occupied; the dimensions of setbacks; the size of open spaces; the density of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks, playgrounds, and other public requirements, to control development of flood prone areas and regulate impervious surface areas; signs; to regulate and to facilitate the further re-subdivision of larger tracts into smaller parcels of land and the location, use and design of landscaping, buildings, structures, and land for trade, industry, residence, and other purposes.

Section 1.05 REPEAL OF EXISTING ZONING AND SUBDIVISION REGULATIONS

The existing zoning & subdivision regulations entitled as adopted on November 11, 2003 and as subsequently amended are hereby repealed. The adoption of the Lillington UDO, however, shall not affect nor prevent any pending or future prosecution of, or action to abate an existing violation of said regulations.

Section 1.06 CONSISTENCY WITH ADOPTED PLANS

In accordance with NCGS 160D-701 it is the intention of the Board of Commissioners that the Lillington UDO implements the planning policies adopted for the Town and its ETJ, as reflected in the Town of Lillington Land Use Plan 2015, Lillington Downtown Master Plan, Lillington Bike and Pedestrian Plan and other related planning documents. While the Board of Commissioners reaffirms its commitment that the Lillington UDO and any amendment to it, be in conformity with adopted planning policies, the Board of Commissioners hereby expresses its intent that neither the Lillington UDO nor any amendment to it may be challenged on the basis of any alleged non-conformity with any planning document.

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.

Section 1.07 INTERPRETATION AND CONFLICT

1.07.01 INTERPRETATION

The Lillington UDO is intended to be administered with the flexibility to respond to unique circumstances of individual properties in ways that best achieve its purposes.

- A.** This UDO establishes many, but not all, of the standards and procedures for development. Other portions of the Code of Ordinances, as well as other standards, shall apply to development, including, but not limited to, building codes, fire codes, utility, street and drainage design and construction standards.
- B.** The issuance of any development approval pursuant to this UDO shall not relieve the recipient from the responsibility to comply with all other Town, County, State or federal laws, ordinances, rules or regulations.
- C.** References to other regulations or provisions of the UDO are for the convenience of the reader. The lack of a cross-reference does not exempt a land, building, structure, or use from other regulations.
- D.** The UDO contains numerous graphics, pictures, illustrations, and drawings to assist the reader in understanding and applying the UDO. However, to the extent that there is any inconsistency between the text of the UDO and any such graphic, picture, illustration, or drawing, the text controls unless otherwise provided in the specific section.

1.07.02 CONFLICT

When provisions of the Lillington UDO impose higher standards than are required in any other statute or local ordinance or regulation, provisions of the Lillington UDO shall govern. When the provisions of any other statute or local ordinance or regulation impose higher standards than are required by the provisions of the Lillington UDO, the provisions of that statute or local ordinance or regulation shall govern.

Section 1.08 CONFORMANCE TO LILLINGTON UDO PROVISIONS

Except as otherwise specifically provided in the Lillington UDO, no land shall be subdivided; no land or structure shall hereafter be used or occupied; no excavation, removal of soil, clearing of a site, or placing of fill shall take place on lands contemplated for development; no infrastructure shall be constructed or installed; and no structure, or part thereof, shall be constructed, erected, altered, or moved, unless in compliance with all of the applicable provisions of the Lillington UDO.

All existing lots of record, platted prior to the adoption of this UDO or the prior Zoning & Subdivision Regulation and upon which no buildings have been erected, shall be grandfathered upon the date of adoption of this UDO and shall not be subject to the new lot standards herein. However, buildings upon such lots shall be subject to standards in this ordinance including all related site improvements.

Section 1.09 CONTINUED VIOLATIONS

Any violation of provisions existing on the effective date of the ordinance 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 express terms of this ordinance.

Section 1.10 DEVELOPMENT UNDER PRIOR REGULATIONS

1.10.1 ISSUED APPROVALS

Any building or development for which a permit or plan approval was issued under prior regulations shall be allowed, provided a valid approval has not expired. All new applications shall comply with the provisions of this UDO. Legal non-conforming situations may continue in conformance with this UDO.

1.10.2 PERMIT CHOICE

- 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 prior to said date, or the applicant may decide to request the application be processed under the new land use rules and regulations.
- B.** The application approval process for such applications must be completed within one year of the filing date. Completion of the application approval process is considered to be the issuance of the appropriate Town permit, certificate, or

other designation sought under the land use rules and regulations in effect prior to the effective date of this ordinance.

- 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 Lillington.

Section 1.11 FEES

Any action on an application for development shall be subject to payment of the required fee in the amount established by resolution of the Board of Commissioners and filed in the office of the Town Clerk. All required fees shall accompany an application, shall be made payable to the Town of Lillington, and shall be submitted to the Administrator. All fees are non-refundable.

Section 1.12 ADMINISTERING THE UDO

This UDO is intended to be administered in an efficient manner that provides appropriate opportunities for public involvement and an efficient development process. The roles of the Board of Commissioners, Planning Board, Board of Adjustment, other boards and Town staff are established in *Article 7 – Administration & Development Processes*.

Section 1.13 EFFECTIVE DATE

Many provisions herein are a restatement of provisions of the Lillington Zoning and Subdivision Ordinances, adopted November 11, 2003 and are hereby continued without interruption. All other provisions of this Ordinance shall become effective February 14, 2017.