

ARTICLE 1

PURPOSE AND AUTHORITY

1.1 Short Title

This Ordinance shall be known and may be cited as the "Stallings Development Ordinance."

1.2 Enactment and Repeal

- 1.2-1 Enactment. This Ordinance is hereby enacted and shall be the *Development Ordinance* for the Town of Stallings, hereinafter "the Town" and its jurisdiction. This ordinance supersedes the "Unified Development Ordinance" adopted and effective on January 23, 2012, together with amendments thereto, and the Development Ordinance adopted February 26, 2018, which is hereby repealed in its entirety. Furthermore, this Ordinance incorporates the "Post Construction Storm Water Ordinance", adopted May 27, 2014, in its entirety as Article 19 of this Ordinance and codifies the provisions thereof into a consistent format herein. This Ordinance is adopted to conform the Stallings Development Ordinance to Chapter 160D of the North Carolina General Statutes.

ADOPTED on this the 26th day of February, 2018.

s/ Wyatt Dunn

Mayor

s/ Erinn Nichols

Town Clerk

- 1.2-2 Effective Date. This Ordinance shall become effective upon adoption.

1.3 Purpose

- 1.3-1 General Purpose. It is the purpose of this Ordinance to promote the health, safety, and the general welfare of the residents of the Town of Stallings jurisdiction through the stated regulations of this Ordinance which include provisions to regulate use of buildings and land, land development, planned developments, manufactured housing, development of subdivisions, signs, off- street parking and loading, planting yards, watershed protection, and flood damage prevention.
- 1.3-2 Implementation of Land Use and Comprehensive Master Plans. This Ordinance shall be used to implement the "Comprehensive Land Use Plan", adopted November 27, 2017, including subsequent amendments adopted by the Town Council of the Town of Stallings. See Section 1.5 of this Article.

1.4 Guiding Principles

The guiding principles reflected in this ordinance are those stated in the "Comprehensive Land Use Plan", adopted November 27, 2017, including subsequent amendments adopted by the Town Council of the Town of Stallings. These guiding principles are:

- (A.) The Town seeks to be adaptable to changes in demographics and the market by building a Town that can withstand downturns in the economy and has a built environment (buildings and infrastructure) that will have a lifespan of more than one generation. Being an adaptive community is about using land wisely to prevent future problems,

planning for the growth of Stallings and its surrounding communities, and giving thoughtful attention to the location, type, density, and timing of development.

- (B.) The Town’s unique geography and proximity to other communities creates opportunity for local and regional collaboration on issues and topics that transcend one jurisdiction. The desire for multi-jurisdictional and regional collaboration will be a key guide for the Town as it grows and develops over the next decades.
- (C.) Communities that are intentional about their development, focus on high quality growth at key activity centers, provide a diverse range of land uses, focus on connectivity, walkability, and human scaled development, and make placemaking a priority, become destinations that attract others from outside their borders. Stallings is dedicated to becoming a destination and encouraging development that will attract people to the town.
- (D.) Placemaking is a people-centered approach to the planning, design, and management of public spaces that enhances community identity, economic and community development, and brings the community together. The Town values the creation of “community” by developing civic and public gathering spaces that foster a sense of identity and connectedness.
- (E.) The Town aspires to provide a full range of land uses for employment, services, and residential, at a variety of densities. Creating a diverse portfolio of land uses will require increased densities at select locations, where a mixture of land uses creates a walkable, vibrant environment.
- (F.) The Town values an *intentional growth pattern* that focuses density at key locations and uses design principles to create a *coordinated approach* to site and building development. Transportation infrastructure sets the framework for the Town’s future land use opportunities and with a finite amount of land available for growth, the Town has placed value on *identifying areas* where the future development will have a profound impact on Stallings.

1.5 Relationship to Land Use and Comprehensive Master Plans

The administration, enforcement, and amendment of the Stallings Development Ordinance shall be carried out consistently with the “Comprehensive Land Use Plan”, adopted November 27, 2017, including subsequent amendments adopted by the Town Council of the Town of Stallings. New planning documents adopted by the Town Council are automatically incorporated into this Ordinance. See Section 1.3.2 of this Article. (*Amended August 24, 2020*)

1.6 Jurisdiction

The provisions of this Ordinance shall apply to all the territory encompassed in the Town of Stallings, North Carolina, as now or hereafter fixed, as depicted on the Town’s Official Zoning Map on file at the Stallings Town Hall. This map is hereby incorporated and made a part of this ordinance. This Ordinance shall govern the development and use of all land and structures within the Town as provided for by Chapter 160D of the North Carolina General Statutes.

1.6-1 Extraterritorial Jurisdiction (ETJ)

The Town may exercise the powers granted to cities under G.S. § 160D-202 within a defined area extending not more than one (1) mile beyond its contiguous corporate limits and which the County has agreed to allow the Town to exercise zoning and subdivision powers.

- (A.) Under G.S. § 160D-202 the Town shall notify the owners of all parcels of land proposed for addition to the area of extraterritorial jurisdiction (ETJ), as shown on the county tax records. The notice shall be sent by first-class mail to the last addresses listed for affected property owners in the county tax records.
- (B.) When the Town elects to exercise extraterritorial powers it shall provide a means of proportional representation based on population for residents of the extraterritorial area to be regulated.
- (C.) Population estimated for the ETJ must be updated no less frequently than after each decennial census.

1.7 Authority

This ordinance is adopted pursuant to portions of one or more of the following authorities in G.S. §§ Chapter 160D (Local Planning and Development Regulation), Chapter 113A (Pollution Control and Environment), Chapter 121 (Environmental Controls), Chapter 133 (Public Works), and Chapter 136 (Roads and Highways). This Ordinance may be amended as required or allowed by law.

1.8 Conflict or Inconsistency with Other Laws, Covenants, Deed Restrictions, or Agreements

- 1.8-1 Relation of this Ordinance to Other Regulations. This Ordinance is not intended to abrogate any other law, ordinance, or regulation. However, where conditions, standards, or requirements imposed by any provision of this Ordinance are either more restrictive or less restrictive than standards imposed by any other law, ordinance, or regulation, the provisions which are more restrictive or which impose higher standards or requirements shall govern. In cases where reference is made to the North Carolina General Statutes, or any provision thereof, said reference shall be to the current language of said statute or provision. Whenever a process is prescribed by this Ordinance, and said process contains requirements in addition to those prescribed by state law, the process prescribed in this Ordinance shall be deemed supplemental.
- 1.8-2 Conflicting Provisions of this Ordinance. In the event of any conflict between the limitations, requirements, or standards contained in different provisions of this Ordinance in applying them to an individual use or structure, the more restrictive provision shall apply. However, the regulations for overlay districts set forth in Article 8 of this Ordinance shall control in the event of any conflict between those regulations and regulations which are set forth in Article 8 of this Ordinance for the underlying district. In the event of a conflict or inconsistency between the text of this Ordinance and any caption, figure, illustration, or map contained herein, the text shall control.
- 1.8-3 Conflicts with Covenants, Deed Restrictions, etc. This Ordinance is not intended to abrogate any easement, covenant, or other private agreement. However, where the

regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this Ordinance shall govern.

- 1.8-4 Effect on Existing Agreements. This Ordinance is not intended to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, vested rights, or permits previously adopted or issued pursuant to law.

1.9 Severability

If any section or specific provision or standard of this ordinance or any regulating district boundary arising from it is found by a court to be invalid or unenforceable for any reason, the decision of the court shall not affect the validity or enforceability of any other section, provision, standard, or district boundary of these regulations except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

Should any section or provision of this ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect, impair, or invalidate the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

1.10 Interpretation of Ordinance

- 1.10-1 Minimum Requirements; Greater Restrictions Govern. In the interpretation and application of this Ordinance, all provisions shall be considered to be minimum requirements unless specifically stated otherwise. If any federal or state law or other ordinance or regulation allows lesser regulation, this Ordinance shall govern so that, in all cases, the more restrictive limitation or requirement shall govern. Whenever regulations imposed by this Ordinance are less restrictive than regulations imposed by any superior governmental authority, the regulations imposed by that authority shall govern.

1.11 Rules of Construction

1.11-1 Word Interpretation.

- (A.) Words not defined in this Ordinance shall be given their ordinary and common meaning.
- (B.) Words used in the present tense include the future tense.
- (C.) 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.
- (D.) Words used in the male gender include the female gender.
- (E.) The words "shall," "will," and "must" are mandatory in nature implying an obligation or duty to comply with the particular provision.
- (F.) Any act authorized by this Ordinance to be carried out by a specific official of the Town is, by implication, authorized to be carried out by a designee of that official.

- 1.11-2 Relationship of this Ordinance to Any Pending Action. The adoption of this Ordinance shall not affect any action, suit, notice of violation, citation, or proceeding that may be pending at the date this ordinance becomes effective. All rights and liabilities that have been received or created and any violation that has occurred under any previous provisions of the Code of Ordinances of the Town of Stallings that have been superseded by this Ordinance are still valid and may be preserved and enforced.

1.12 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.

No applicable permit shall be issued or granted that does not conform to the requirements of this Ordinance. Developments that have received staff approval, Enforcement Officer approval, or a building permit before the effective date of this Ordinance may proceed in accordance with such approval or permit while such approval or permit remains in effect.

1.13 Establishment of Official Zoning Map

- 1.13-1 Official Zoning Map. The Town, as now or hereafter fixed, is hereby divided into districts, as established in Article 8 (Zoning Districts) and as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.
The Official Zoning Map is on file with the Town Clerk and the *Development Administrator* at the Stallings Town Hall.
- 1.13-2 Incorporation by Reference. Development regulations adopted pursuant to G.S. § 160D-105 may reference or incorporate by reference flood insurance rate maps, watershed boundary maps, or other maps officially adopted or promulgated by state and federal agencies. For these maps, a regulation text or zoning map amendment may reference a specific officially adopted map or may incorporate by reference the most recent officially adopted version of such maps. When zoning district boundaries are based on these maps, the regulation may provide that the zoning district boundaries are automatically amended to remain consistent with changes in the officially promulgated state or federal maps, provided a copy of the currently effective version of any incorporated map shall be maintained for public inspection on file with the Town Clerk and the Development Administrator at the Stallings Town Hall.
- 1.13-3 Map Certification and Changes. The Official Zoning Map shall be attested by the Town Clerk and shall bear the seal of the Town. If changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map.

1.14 Interpretation of District Boundaries

- 1.14-1 Boundary Interpretation. Where uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the following rules shall apply in the interpretation of area boundaries and the location of lines shown on the map:
- 1.14-2 Centerline: Where a boundary line lies within and follows a street or *alley* right-of-way,

a railroad right-of-way, or utility easement, the boundary shall be construed to be in the center of such street or *alley* right-of-way, railroad right-of-way, or utility easement. If such a street or *alley* right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is *abandoned* or removed from dedication, the district boundaries shall be construed as following the centerline of the *abandoned* or vacated roadbed or utility easement.

- 1.14-3 Lot Line: Boundaries indicated as approximately following lot lines shall be construed as following such lot lines. In the event that a district boundary line divides a lot or tract, each part of the lot or tract so divided shall be used in conformity with the regulations established by this Ordinance for the district in which said part is located. Split zoning of lots should be avoided to the extent possible, with zoning boundaries following lot lines where feasible.
- 1.14-4 Town Limits: Boundaries indicated as approximately following the Town limits shall be construed as following the Town limits boundary lines.
- 1.14-5 Watercourses: Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines and shall be construed to reflect the naturally occurring changes to the location of the watercourse which may occur over time.
- 1.14-6 Extensions: Boundaries indicated as parallel to or extensions of street or *alley* rights-of-way, channelized waterways, railroad rights-of-way, utility easements, lot lines, Town limits, or county lines shall be so construed.
- 1.14-7 Scaling: In a case where a district boundary does not coincide with any boundary lines as above and no distances are described by specific ordinance; the boundary shall be determined by the use of the scale appearing on the map. In the case of Flood Hazard Area, Corps of Engineering work maps, if available, shall be used for scaling.
- 1.14-8 Other: Where the actual location of existing physical or natural features varies with those shown on the Official Zoning Map, or in other circumstances not addressed in this section, the *Development Administrator* shall have the authority to interpret the district boundaries, subject to appeal to the Board of Adjustment.

1.15 State of Emergency

These rules may be temporarily suspended during federal disaster “state of emergency” declarations by the Executive Office of the President and/or Federal Emergency Management Administration (FEMA) and/or during “Imminent Threat Alert” declared by the U.S. Department of Homeland Security by resolution adopted by the Town Council during a regular, continued, special or emergency meeting of the Town Council. The *Development Administrator* may suspend the application of all or part of these rules during a state of emergency declared either by the Governor of the State of North Carolina, or by the Mayor, upon authorization by Town Council, of the Town of Stallings. Upon the conclusion, lifting, and/or resending of the declared “state of emergency” by the authorized federal and/or state official, these rules are reinstated without further action by the Town and shall be in full force and effect.