

CHAPTER 16 - LAND USE ORDINANCE

Article I - General Provisions

Section 16-1 Short Title.

This chapter shall be known and may be cited as the Blowing Rock Land Use Ordinance.

Section 16-2 Authority.

This chapter is adopted pursuant to the authority contained in the town charter as well as the provisions of Article 19 of Chapter 160A, Article 21, Part 6 of Chapter 143, and Article 4 of Chapter 113A of the North Carolina General Statutes.

Section 16-3 Jurisdiction.

(A) This chapter shall be effective throughout the town's planning jurisdiction. The town's planning jurisdiction comprises the area within the corporate boundaries of the town as well as the area described in that ordinance adopted by the Board of Commissioners on January 8, 1985, entitled "An Ordinance Establishing The Town of Blowing Rock's Extraterritorial Planning Jurisdiction for The Purpose of Authorizing The Exercise of The Zoning and Other Regulatory Powers Permitted by Article 19 of Chapter 160A of the General Statutes", which ordinance is recorded in book 0002, page 234 of the Watauga County Registry and book 851, page 087 of the Caldwell County Registry. Such planning jurisdiction may be modified from time to time in accordance with Section 160A-360 of the North Carolina General Statutes.

(B) In addition to other locations required by law, a copy of a map showing the boundaries of the town's planning jurisdiction shall be available for public inspection in the inspections department.

Section 16-4 Effective Date.

The provisions in this chapter were originally adopted and became effective on March 13, 1984.

Section 16-5 Relationship to Existing Zoning, Subdivision and Flood Control Ordinances.

To the extent that the provisions of this chapter are the same in substance as the previously adopted provisions that they replace in the town's zoning ordinance, they shall be considered as continuations thereof and not as new enactments unless otherwise specifically provided. In particular, a situation that did not constitute a lawful, nonconforming situation under the previously adopted zoning ordinance does not achieve lawful nonconforming status under this chapter merely by the repeal of the zoning ordinance.

Section 16-6 Relationship to Land Use Plan

It is the intention of the Board that this chapter implement the planning policies adopted by the Board for the town and its extraterritorial planning area, as reflected in the land use plan and other planning documents. While the Board reaffirms its commitment that this chapter and any amendment to it be in conformity with adopted planning policies, the Board hereby expresses its intent that neither this chapter nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document.

Section 16-7 No Use of Land or Buildings Except in Conformity With Chapter Provisions.

(A) Subject to Article III of this chapter (Nonconforming Situations), no person may use, occupy, or sell any land or buildings or authorize or permit the use, or sale of land or buildings under his control except in accordance with all of the applicable provisions of this chapter.

(B) For purposes of this section, the "use" or "occupation" of a building or land relates to anything and everything that is done to, on, or in that building or land.

Section 16-7.01 No Boundary Line Adjustments Except in Conformity with Chapter Provisions.

No boundary of any lot may be adjusted, whether by subdivision, combination or recombination of previously platted lots, boundary line agreement, or any other legal method, except in conformance with the provisions of this Chapter. To assure that a proposed boundary line adjustment conforms to the provisions of this Chapter, including, but not limited to, lot sizes, lot frontages, and building setbacks, the proposed adjustment shall be submitted to the Zoning Administrator for review and approval prior to execution.

The plan, plat, or survey depicting the proposed boundary line adjustment shall contain the following certificate:

Certificate of Approval

The proposed boundary line adjustment depicted herein is in conformance with the requirements of the Land Use Ordinance of the Town of Blowing Rock and is hereby approved.

Date

Zoning Administrator

[Amended November 13, 2001]

Section 16-8 Fees.

(A) 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, subdivision plat approval, zoning amendments, variances and other administrative relief. The amount of the fees charged shall be as set forth in the town's budget or as established by resolution of the Board filed in the office of the town clerk.

(B) Fees established in accordance with subsection (A) shall be paid upon submission of a signed application or notice of appeal.

Sections 16-9 through 16-14 Reserved.