

# Chapter 1. PURPOSE AND APPLICABILITY

## 1.1 Official Title and Map

This Ordinance is officially titled as the “Land Development Ordinance of the City of Salisbury, North Carolina”, and shall be known as the “LDO”. The official map designating the various zoning districts shall be titled the “City of Salisbury Land Development District Map”, and shall be known as the “District Map.”

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## 1.2 Purpose

This Ordinance seeks to implement the policy recommendations of the Salisbury Comprehensive Plan as adopted by the Salisbury City Council. This document establishes the collective vision of how the citizens of Salisbury would like to have their city look and function in the future.

To this end, this Ordinance embodies the principle of “Sustainable Growth.” Very simply, this means that the City seeks to accommodate and maintain population growth and economic expansion using coordinated planning and design. This principle fosters the philosophy that each development decision represents an investment in the long-term viability of the City. Thus, the commitment on the part of the City to improve, extend, and maintain public infrastructure must be coupled with a similar commitment to quality investment in all building and development.

## 1.3 Authority

These zoning provisions are enacted herein are under the authority of **G.S. §160D, Articles 1-7, 9, 10, 13, and 14**, which extends to cities the authority to enact regulations which promote the health, safety, and the general welfare of the community. It further authorizes cities to regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or land. This section authorizes the establishment of overlay districts in which additional regulations may be imposed upon properties that lie within the boundary of the district. The statutes also require that all such regulations shall be uniform for each use class or type of building throughout each district, but that the regulations in one district may differ from those in other districts.

These subdivision provisions enacted herein are under the authority of **G.S. §160D, Article 82** which provide for the coordination of streets within proposed subdivisions with existing or planned street and with other public facilities, the dedication or reservation or recreation areas serving residents of the immediate neighborhood within the subdivision, or alternatively, for the provision of funds to be used to acquire recreation areas serving residents of more than one neighborhood in the immediate area, and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding.

## **1.4 Applicability**

These regulations apply to the development and use of all land and structures within the corporate limits of the City of Salisbury, North Carolina and within the extraterritorial jurisdiction exercised by Ordinance and denoted on the District Map as is on file at the Salisbury Land Management & Development Department. This map and its boundaries shall be incorporated and made a part of this Ordinance.

## **1.5 Conformity with this Ordinance**

No land or building shall be used or occupied, and no building or parts shall be constructed, erected, altered, or moved, unless in conformity with all of the regulations herein specified for the district in which it is located. Every building erected, moved, or structurally altered shall be located on a lot conforming to the requirements of the district.

## **1.6 Relationship to Other Ordinances**

It is not intended that this Ordinance repeal, supersede, annul, impair, or interfere with any existing easements, private agreements, vested rights or building permits previously adopted or issued pursuant to law and currently effective.

## **1.7 Land Development District Map Interpretation**

The official map entitled Land Development District Map of The City of Salisbury, North Carolina, as adopted by the Salisbury City Council and certified by the City Clerk shall establish and reflect the official base zoning districts and all overlay districts.

The following rules shall apply in the interpretation of district boundaries and the location of centers shown on the zoning map:

- A.** Boundaries shown approximately following the centerline of streets, highways, streams, creeks, rear lanes, or alleys shall follow such centerlines.
- B.** Boundaries shown approximately following lot lines shall follow the actual surveyed lot lines.
- C.** Boundaries shown approximately following the Corporate Limits shall follow such Corporate Limits.
- D.** Boundaries shown approximately following the Extraterritorial Jurisdiction boundaries of the City of Salisbury shall follow such boundaries.
- E.** Boundaries shown parallel to or extensions of features indicated in this Section shall be construed as such. Distances not specifically indicated on the District Map shall be determined by the scale of the map.
- F.** Where the actual location of existing physical or natural features vary with those shown on the District Map, or in other circumstances not covered by this Section, the Administrator shall have the authority to interpret the District boundaries.

- G. Centers shown approximately at the intersection of streets shall be at the intersection of the street centerlines.
- H. Centers shown approximately following at parks or other civic spaces shall be at the center of such areas.

## 1.8 Conformance with Adopted Plans

All development plans shall be in conformance with all comprehensive and small area plans adopted by the Salisbury City Council.

### A. Forward 2040 Comprehensive Plan

Adopted on February 21, 2023, the Forward 2040 Plan is a strategic growth plan marking the third phase of community planning following the *Vision 2020 Comprehensive Plan*. This plan sets forth a series of visions for the community and outlines related goals, policies, and actions aimed at attaining these visions for the year 2040.

### B. Adopted Small Area Plans

All development plans shall be consistent with any adopted small area plan. Small area plans may contain any of the following elements:

- Multi-Modal Circulation Network (pedestrian, bicycle, automobile, and public transit networks)
- Green Infrastructure Network (floodplains, wetlands, lakes, streams, parks, squares, and other public open spaces)
- Location of sites reserved for Civic & Institutional buildings and uses
- General Massing and Development Intensity Pattern
- Specific Design Guidelines (in addition to those contained in this Ordinance)

### C. City Street and Thoroughfare Plans

1. **Transportation Corridors to be Preserved:** Where a development proposal includes any part of a City street or thoroughfare which has been designated as such on the official comprehensive plan map adopted by the City, the North Carolina Department of Transportation, or Rowan Metropolitan Planning Organization (MPO) or as part of any Transportation Plan adopted by the City of Salisbury, a right-of-way shall be platted in the location shown on the plan at the width specified in this Ordinance.
2. **Bicycle and Pedestrian Facilities:** All plans shall incorporate bicycle and pedestrian facilities, which are designed to connect with similar planned or existing local or regional facilities as shown on official plans and maps of the City of Salisbury, or neighboring municipalities.

### D. Variations to Adopted Plans

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 by the Administrator

provided the integrity of the proposed network and connections, location, or area shown in the plan are maintained.

### **1.9 Fractional Requirement Interpretation**

When any requirement of this Ordinance results in a fraction of a unit, a fraction of more than one-half or more shall be considered a whole unit and a fraction of less than one-half shall be disregarded. When the determination of the number of dwelling units permitted on a lot results in a fraction of a dwelling unit, a fraction of one-half or more shall be considered a dwelling unit and a fraction of less than one-half shall be disregarded.

### **1.10 Previously Approved Plans, Permits, or Districts**

Group development plans having received a valid approval prior to the effective date of this Ordinance shall maintain a valid approval until expiration. Special Use Districts (S-Districts), having been properly zoned, with any site-specific conditions shall remain valid as a Conditional District under this Ordinance. Special Use Permits, having been properly approved, shall remain valid as a Special Use Permit under this Ordinance.

### **1.11 Lots of Record**

Existing parcels, platted prior to the adoption of this Ordinance and identified by Rowan County with a tax map & parcel number, shall be considered a lot of record. Development upon the lot of record shall comply with the standards and provisions of this Ordinance.

### **1.12 Bona Fide Farm Exemptions**

Property that is located in the City's extraterritorial planning and development regulation jurisdiction and that is used for bona fide farm purposes is exempt from the City's zoning regulation to the same extent bona fide farming activities are exempt from county zoning pursuant to General Statutes 160D-903. As used, "property" means a single tract of property or an identifiable portion of a single tract. Property that ceases to be used for bona fide farm purposes shall become subject to exercise of the City's extraterritorial planning and development regulation jurisdiction. For purposes of complying with State or federal law, property that is exempt from the exercise of the City's extraterritorial planning and development regulation jurisdiction pursuant to General Statutes 160D-903(c) shall be subject to the county's floodplain regulation or all floodplain regulation provisions of the county's unified development ordinance.

### **1.13 Effective Date**

These regulations shall become effective on January 1, 2008. Upon adoption, these regulations shall annul and supersede Appendix A (The Subdivision Ordinance), as adopted on June 20, 1972 and subsequently amended in its entirety by Ord. No. 1994-12 on March 1, 1994; Appendix B (The Zoning Ordinance), as adopted on June 22, 1972 and periodically amended; and Appendix C (The Flood Damage Prevention Ordinance), as adopted by Ord. No. 1987-27 on May 19, 1987, of the City of Salisbury Code of Ordinances.