

## **Article 1. PURPOSE AND APPLICABILITY**

### **1.1 Title**

This Code is an officially titled article of the Fletcher Code of Ordinances, which shall be known as and may be cited as the “Land Development Code for the Town of Fletcher”, and may be referred to as the “Fletcher Land Development Code.”

### **1.2 Authority**

The Town Council of the Town of Fletcher, North Carolina, pursuant to the authority granted by the General Statutes of North Carolina, Article 19; Chapter 160A-381 through 160A-392, and as amended under Chapter 160D, hereby ordains and enacts into law the following zoning articles and sections for the purpose of promoting the health, safety, morals and general welfare of the community.

Additionally, pursuant to North Carolina General Statutes, Chapter 160A, Article 19, and as amended under Chapter 160D, the Town Council of Fletcher hereby ordains and enacts into law these subdivision articles and sections.

### **1.3 Jurisdiction**

The provisions of this Code shall be applicable to all land within the corporate limits and the Extraterritorial Jurisdiction (ETJ) of the Town of Fletcher, North Carolina, as established on the map entitled “Official Zoning Map, Town of Fletcher.”

The planning jurisdiction of the Town may be modified from time to time in accordance with Section 160A-360 and Chapter 160D of the N.C. General Statutes.

### **1.4 Intent and General Vision**

In order to protect and promote the health, safety, and general welfare of the town and its extraterritorial area, this article is adopted by the Town Council 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, and the location, use and design of landscaping, buildings, structures, and land for trade, industry, residence, and other purposes.

### **1.5 Required Conformance to Article Provisions**

No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered except in conformity with the regulations herein specified for the district in which it is located, except as provided in this Code.

**1.6 Exemptions for Bona Fide Farms**

Pursuant to NC GS 136-66.10 or 136-66.11, and NC GS 160D-903, the following shall apply to bona fide farm operations in the Town of Fletcher and its Extra-Territorial Jurisdiction (ETJ):

- A.** The regulations of this Code may affect property for bona fide farm purposes only as provided in subdivision C of this subsection. This subsection does not limit regulation under this Part with respect to the use of a farm property for nonfarm purposes.
- B.** Bona fide farm purposes include the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products having a domestic or foreign market.
- C.** However, swine farms served by animal waste management systems having a design capacity of 600,000 pounds steady state live weight (SSLW) or greater shall be considered “Heavy Manufacturing” for the purposes of this ordinance and shall be regulated as such.

**1.7 Relationship to the Existing Zoning Ordinance and Subdivision Ordinance**

To the extent that the provisions of this article are the same as the previously adopted provisions that they replace in the Zoning Ordinance and the Subdivision Ordinance, they shall be considered as continuation thereof and not as new enactment unless otherwise specifically provided.

**1.8 Conflict with Other Laws**

- A.** When provisions of this article impose higher standards than are required in any other statute or local ordinance or regulation, provisions of this article shall govern. When the provisions of any other statute or local ordinance or regulation impose higher standards than are required by the provisions of this article, the provisions of that statute or local ordinance or regulation shall govern.
- B.** Should any section or provision of this Code be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Code as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.
- C.** This Code shall neither repeal, abrogate, annul, impair nor interfere with any existing subdivision, the plats of which are properly recorded in the office of the Register of Deeds prior to the effective date of this Code nor with the existing easements, covenants, deed restrictions, agreements or permits previously adopted or issued pursuant to law prior to the effective date of this Code.
- D.** It is the legislative intent of the Town Council in adopting this ordinance that all provisions and sections thereof shall be liberally construed to protect and preserve the health, safety and general welfare of the inhabitants of the Town of Fletcher, and, further, that should any provision, portion, section or subsection of this ordinance be held to be invalid by a court of competent jurisdiction, such ruling shall not be

construed as affecting the validity of any of the remaining provisions, portions, sections or subsections, it being the intent of the town council that this ordinance shall stand, notwithstanding the invalidity of any provision, or section or part thereof.

- E. When provisions of this ordinance require a greater width or size of yards, or require a lower height of a building, or require a greater percentage of a lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, provisions of this ordinance shall govern. When the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, or require a lower height of a building, or require a greater percentage of a lot to be left unoccupied, or impose other higher standards than are required by the provisions made by this ordinance, the provisions of that statute or local ordinance or regulation shall govern.

### **1.9 Comprehensive Plan**

It is the intention of the Council that this article implements the planning policies adopted for the Town and its extraterritorial planning jurisdiction, as reflected in the 1993 Land Use Plan (and subsequent 2013 and 2018 updates), as well as the Strategic Plan Update (adopted June, 2004) and other related planning documents. While the Council reaffirms its commitment that this article and any amendment to it be in conformity with adopted planning policies, the Council hereby expresses its intent that neither this article nor any amendment to it may be challenged on the basis of any alleged non-conformity with any planning document.

### **1.10 Effective Date**

These regulations, adopted on November 14, 2005 shall become effective on March 6, 2006. Upon adoption, these regulations shall supersede, repeal, and replace the Fletcher Zoning Ordinance, as amended, adopted on May 12, 1997 and the Fletcher Subdivision Ordinance, as amended, adopted on June 1, 1994.

Many provisions herein are a restatement of provisions of the Fletcher Subdivision Regulations or the Zoning Ordinance, adopted and are hereby continued without interruption. All other provisions of this Ordinance shall become effective March 6, 2006.

*Amendments to comply with provisions of Chapter 160D effective January 11, 2021.*

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