



*City of Lowell, North Carolina*  
*Chapter 1 - Purpose*

**Table of Contents**

<b>SECTION NUMBER</b>	<b>NAME</b>	<b>STARTS AT PAGE</b>
1.1	Title	1-1
1.2	Authority	1-1
1.3	Purpose	1-1
1.4	Jurisdiction	1-3
1.5	Severability	1-4
1.6	Reenactment and Repeal of Existing Ordinance(s)	1-4
1.7	Relationship with Other Local Ordinances	1-5
1.8	Technical Corrections	1-5
1.9	Effective Date	1-6

**Section 1.1 Title**

This Ordinance shall be known as the "Unified Development Ordinance of the City of Lowell, North Carolina" and may be referred to herein as the "Unified Development Ordinance", the "UDO", or "this Ordinance."

**Section 1.2 Authority**

This Ordinance is adopted pursuant to the authority granted to the City of Lowell by 160A, Article 19 of the General Statutes of North Carolina. The standards, districts, and maps identified in this Ordinance shall be in accordance with the objectives and policies of locally adopted comprehensive plans and other such plans as may have been adopted for the physical development of the unincorporated areas of the City of Lowell.

**Section 1.3 Purpose**

- A. The Ordinance enables the City of Lowell to respond uniformly and consistently to development proposals and to promote the health, safety, and general welfare of its residents. The UDO seeks to provide uniformity, certainty, and predictability regarding land use and development issues to the greatest degree feasible for properties located within the jurisdiction of this Ordinance. Notwithstanding, this Ordinance also attempts to provide flexibility in dealing with situations that may fall outside typical processes and requirements. The elements that make up the Ordinance are interrelated and cannot be taken in isolation; they must be taken within the context and intent of the entire Ordinance.



*City of Lowell, North Carolina*  
*Chapter 1 - Purpose*

**B.** Other goals that this UDO is anticipated to serve include:

1. Lessen congestion on streets;
2. Secure safety from fire, panic and dangers;
3. Avoid undue concentration of population;
4. Facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks and other public requirements.
5. Provide a guide for the orderly growth and development of Lowell;
6. Regulate the use of buildings, structures and land;
7. Control the bulk, scale and design of buildings and structures;
8. Ensure adequate privacy and access to property;
9. Maintain orderly and compatible land use and development patterns;
10. Protect the integrity of water supply watersheds;
11. Encourage environmentally responsible development practices;
12. Maintain and develop economically vibrant commercial and industrial areas;
13. Retain and expand the City's employment base;
14. Provide attractive and effective signage that is compatible with the surrounding environment;
15. Accommodate and promote pedestrians and pedestrian use to the greatest degree feasible and practical;
16. Allow a range of housing choices and options;
17. Establish clear and effective development review procedures;
18. Coordinate transportation networks and utilities within proposed subdivisions with existing or planned streets and highways and with other public facilities;
19. Dedicate or reserve recreation areas serving residents of the immediate neighborhood within a subdivision or, alternatively, for provision of funds to be used to acquire recreation areas serving residents of a development or subdivision or nearby developments or subdivisions;



*City of Lowell, North Carolina*  
*Chapter 1 - Purpose*

20. Ensure that rights-of-way or easements for street and utility purposes are secured;
21. Distribute population and traffic in a manner that will avoid congestion and overcrowding and create conditions that substantially promote the public health, welfare and safety.
22. Implement and ensure consistency with officially adopted plans;
23. Provide appropriate and effective enforcement mechanisms.

**Section 1.4 Jurisdiction**

- A.** These regulations govern the development and use of all land and structures only within the planning jurisdiction of the City of Lowell as now fixed and as may be amended in the future, said territory being indicated in the Official Zoning Map of the City of Lowell (hereafter referred to as "Zoning Map", "Official Zoning Map" or "City of Lowell Zoning Map") as is on file at the office of the Administrator. Said area shall include all parcels (or portions thereof) not located within the zoning jurisdiction of any municipality. This map and its boundaries shall be incorporated and made part of this Ordinance.
- B.** Unless indicated otherwise, all areas of Lowell are zoned as R-1, until such time as the Planning Board may hold a review on the matter. These regulations shall also govern all land released from any municipality from their zoning jurisdiction. Any land released from a municipality shall automatically have the zoning of R-1 placed on it until an official public hearing by the Lowell City Council and Planning Board has been held to place a more appropriate zoning district upon it.

NOTE: The Administrator, at the request of the property owner, may temporarily re-zone a relinquished area from R-1 to C-1, depending on the current use, until such time as a public hearing may be advertised and held.

- C.** No building, structure, or land shall be used or occupied, and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, enlarged, or structurally altered, unless in conformity with all the provisions of this Ordinance for the district in which it is located and other applicable regulations, except as otherwise provided by this Ordinance.
- D.** Except as herein provided, the provisions of this ordinance shall apply to all land, buildings, structures and uses thereof located within the planning jurisdiction of this ordinance, including land owned by municipal units of government. To the extent allowed by law, this Ordinance shall also apply to all land, buildings, structures and uses owned by county or federal agencies located within the



*City of Lowell, North Carolina*  
*Chapter 1 - Purpose*

planning jurisdiction of the City of Lowell. Where the provisions of this Ordinance do not apply to such structures and land, such agencies are encouraged to meet the provisions of this Ordinance. The provisions of this Ordinance shall also be applicable to the erection, construction and use of buildings owned by the State of North Carolina per NCGS 160A-392; however, no land owned by the State may be included within an overlay district or special use or conditional district without the approval of the Council of State.

**Section 1.5 Severability**

If any section or specific provision or standard of this Ordinance or any zoning district boundary that may exist in the future is found by a court to be invalid for any reason, the decision of the court shall not affect the validity 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.

**Section 1.6 Reenactment and Repeal of Existing Ordinance (s)**

- A. This Ordinance is in part carried forward by re-enactment of some of the provisions of:
1. The Zoning Ordinance of the City of Lowell (adopted by the Lowell City Council) on November 16, 1994, as amended); and
  2. City of Lowell Subdivision Regulations (adopted by the Lowell City Council) on July 9, 2007 as amended); and
- B. It is not the intention to repeal but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced. All provisions of the Zoning Ordinance of the City of Lowell, as amended and the City of Lowell Subdivision Regulations, as amended. All suits at law or in equity and/or all prosecutions resulting from the violation of said ordinances heretofore in effect, which are as of the adoption date pending in any of the courts of this State or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance but shall be prosecuted to their finality, the same as if this Ordinance had not been adopted, and any and all violations of these ordinances, prosecutions or suits for which have not yet been instituted, may be hereafter filed and prosecuted. Nothing in this Ordinance shall be construed as to abandon, abate or dismiss any litigation or prosecution now pending, and/or which may heretofore have been instituted or prosecuted.



*City of Lowell, North Carolina*  
*Chapter 1 - Purpose*

- C. For any piece of property which prior to the adoption of this Ordinance, had been zoned with a Planned Unit Development zone (PUD), the zoning for such piece of property shall remain unaltered until such time as another conditional or general zoning district is approved by the City Council. All development and land use standards associated with such PUD zoning under the former zoning ordinance shall apply to the piece of property in question even though such standards may differ from those contained in this Ordinance.

**Section 1.7 Relationship with Other Local Ordinances**

With land development, other ordinances may be applicable which are not enforced or contained within this UDO. The appendixes included in this UDO are Street / Road Numbering and Approved Tree and Shrub Species. **Note:** Street / Road Numbering Ordinance is enforced by City of Lowell Planning Department or their designee.

**Section 1.8 Technical Corrections**

The City of Lowell has the authority to make technical corrections to remedy typographical or clerical errors, without going through the requirements of Chapter 160A of the North Carolina General Statutes. None of these technical corrections shall be substantive in nature.

**Section 1.9 Effective Date**

This Ordinance shall become effective on 7/12/2010.