

## **ARTICLE 2. GENERAL PROVISIONS**

### **SECTION 2.010. Intent.**

The intent of this ordinance is to encourage the most appropriate use of land and the conservation and stabilization of property values; to aid in rendering fire and police protection; to insure adequate open space for light, air, and circulation; to prevent undue concentration of population; to facilitate adequate provisions for community utilities and facilities such as water, sewerage, electrical distribution systems, transportation, schools, parks, and other public requirements, and, in general, to promote public health, safety, and general welfare.

The basis for this ordinance is the City's Comprehensive Plan, which sets the character of the City, provides policies pertaining to land and public improvements, and lays out the general design of the City.

### **SECTION 2.020. Compliance with Ordinance Provisions.**

1. A parcel of land may be used or developed, by land division or otherwise, and a structure may be used or developed, by construction, reconstruction, alteration, occupancy or otherwise only as this Ordinance permits.
2. In addition to complying with the criteria and other provisions within this Ordinance, each development shall comply with the applicable standards published by the Public Works Superintendent.
3. The requirements of this Ordinance apply to the person undertaking a development, or the user of a development, and to the person's or user's successors in interest.

### **SECTION 2.030. Interpretation.**

It shall be the duty of the Planning Commission to interpret the provisions of this ordinance in such a way as to carry out the intent and purpose, and to rule on the proper application. When in the administration of this Ordinance there is doubt regarding the intent of the Ordinance or the suitability of uses not specified, the City Manager or designee may request an interpretation of the provision by the Commission. An interpretation by the Planning Commission shall not have the effect of amending the provisions of this Ordinance. Any interpretation of the Ordinance by the Planning Commission shall be deemed an administrative action, subject to review by the City Council pursuant to Section 11.310 and 11.320 and based on the following considerations:

1. The City of Winston Comprehensive Plan;
2. The purpose and intent of the Ordinance as applied to the particular section in question; and, if necessary,
3. The opinion of the appointed legal counsel of the approving authority.

**SECTION 2.040. Restrictiveness.**

Where the conditions imposed by a provision of this ordinance or the Subdivision Ordinance are less restrictive than comparable conditions imposed by other provisions of this ordinance, the Subdivision Ordinance or any other ordinance of the city, or any provisions of state law, the provisions which are more restrictive shall govern.

**SECTION 2.050. Severability.**

The provisions of this ordinance are severable. If any section, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

**SECTION 2.060. Minor Text Corrections.**

The City Manager may correct the Zoning and Subdivision Ordinances, the Comprehensive Plan and the Transportation System Plan, without prior notice or hearing, so long as the City Manager does not alter the sense, meaning, effect, or substance of any adopted ordinance and, within such limitations, the City Manager may:

1. Renumber chapters, articles, sections, subsections, findings, goals, objectives, and policies, and parts of chapters, articles, sections, subsections, findings, goals, objectives, and policies of Zoning and Subdivision Ordinances, the Comprehensive Plan and the Transportation System Plan;
2. Rearrange chapters, articles, sections, subsections, findings, goals, objectives, and policies, and parts of chapters, articles, sections, subsections, findings, goals, objectives, and policies;
3. Change reference numbers to agree with renumbered chapters, articles, sections, subsections, findings, goals, objectives, and policies, and parts of chapters, articles, sections, subsections, findings, goals, objectives, and policies;
4. Delete references to repealed chapters, articles, sections, subsections, findings, goals, objectives, and policies, and parts of chapters, articles, sections, subsections, findings, goals objectives, and policies;
5. Substitute the proper chapter, article, section, subsection, finding, goal, objective, or policy numbers;
6. Change capitalization and spelling for the purpose of uniformity;
7. Correct manifest clerical, grammatical or typographical errors; and,
8. Change the name of an agency by reason of a name change prescribed by law.

The City Manager shall maintain a record, available for public access, of all corrections made under this Section.

Corrections to the Zoning and Subdivision Ordinances, the Comprehensive Plan and the Transportation System Plan made by the City Manager pursuant to this Section are prima facie evidence of the law, but they are not conclusive evidence. If any correction to the Zoning and Subdivision Ordinances, the Comprehensive Plan and the Transportation System Plan made pursuant to this Section differs in sense, meaning, effect, or substance from any adopted ordinance, the adopted ordinance shall prevail.