

ARTICLE I

PURPOSE AND AUTHORITY

1-1 SHORT TITLE

This Ordinance shall be known and may be cited as the 'Town of White Lake Zoning Ordinance', except as referred to herein, where it shall be known as 'this Ordinance'.

1-2 REPEALS AND ENACTMENT

1-2.1 Repeal of Inconsistency

All ordinances, or portions thereof, of the Town of White Lake which relate to zoning and land use which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

1-2.2 Enactment

This Ordinance is hereby enacted and shall be the Zoning Ordinance for the Town of White Lake.

1-2.3 Effective Date

This Ordinance was originally adopted on October 14, 1997 and shall become effective on December 1, 1997.

1-3 PURPOSE

1-3.1 General Purpose

It is the purpose of this Ordinance to promote the public health, safety, and general welfare of the residents of White Lake and its extraterritorial planning jurisdiction through the regulations of this Ordinance. The zoning regulations, adopted and prescribed in this Ordinance, are found by the Board of Commissioners to be necessary and appropriate to:

- (A) Lessen congestion in the streets;
- (B) Secure safety from fire, panic and other dangers;
- (C) Provide adequate light and air,
- (D) Prevent the overcrowding of land;
- (E) Avoid undue concentration of population;

- (F) Facilitate the efficient, adequate and economic provision of transportation, water, sewage, schools, parks, and other public services;
- (G) Preserve and enhance visual attractiveness and economic vitality;
- (H) Require appropriate setbacks for buildings and other structures to facilitate the safe movement of vehicular and pedestrian traffic, provide adequate fire lanes and ensure adequate distance from dust, noise and fumes created by vehicular traffic; and
- (I) Establish a zoning vested right upon the approval of a site specific development plan pursuant to NCGS 160A-385.1. (*Amended 01-09-07*)

1-3.2 Manufactured Housing Regulation Purpose

The manufactured housing regulations, adopted and prescribed in this Ordinance, are found by the Board of Commissioners to be necessary and appropriate to:

- (A) Provide alternative, affordable housing opportunities for low and moderate income residents in residential areas by allowing for the use of manufactured dwellings; and
- (B) Protect property values and preserve the character and integrity of the community or individual neighborhoods within the community.

1-3.3 Sign Regulation Purpose

The sign regulations, adopted and prescribed in this Ordinance, are found by the Board of Commissioners to be necessary and appropriate to:

- (A) Recognize that signs serve a legitimate public service and that they complement and support tourism, trade, and investment within White Lake;
- (B) Encourage the effective use of signs as a means of visual communication;
- (C) Promote a positive community appearance for the enjoyment of all citizens;
- (D) Maintain and enhance the aesthetic environment and the community's ability to attract sources of economic development and growth;
- (E) Protect the public from damage or injury attributable to distractions and/or obstructions caused by improperly designed or located signs; and
- (F) Protect existing property values in both residential and nonresidential areas.

1-3.4 Off-Street Parking, Stacking, and Loading Regulation Purpose

The off-road parking, stacking, and loading regulations, adopted and prescribed in this Ordinance, are found by the Board of Commissioners to be necessary and appropriate to:

- (A) Ensure a sufficient amount of off-road parking, stacking, and loading areas for various land uses;
- (B) Ensure easy, convenient circulation of vehicles within parking and loading areas;
- (C) Minimize the potential for conflict with traffic on public streets; and
- (D) Permit the shared use of parking areas by establishments and/or activities which have different hours of operation.

1-3.5 Buffer Yard Purpose

The buffer yard regulations adopted and prescribed in this Ordinance, are found by the Board of Commissioners to be necessary and appropriate to:

- (A) Create a better quality of life for the community by encouraging preservation of existing trees and vegetation;
- (B) Provide visual buffering and enhance beautification;
- (C) Establish appropriate separation between land uses;
- (D) Provide the separation necessary to permit certain land uses to coexist harmoniously which might not do so otherwise;
- (E) Safeguard and enhance property values and protect public and private investment;
- (F) Enhance the community's competitive position in economic development and tourism by improving views, particularly along streets; and
- (G) Reduce the negative impact of glare, noise, trash, odors, overcrowding, traffic, lack of privacy, and visual disorder when incompatible land uses adjoin one another.

1-4 JURISDICTION

- (A) The regulations presented in this Ordinance shall be effective throughout the Town of White Lake's planning jurisdiction. The town's planning jurisdiction comprises the area within the corporate boundaries of the Town of White Lake as well as the extraterritorial jurisdictional (ETJ) area described in that ordinance adopted by the Town Board of Commissioners on May 11, 1993 which is recorded in Book 328, Page 522 of the Bladen 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) Pursuant to NCGS 160A-392, the provisions of this Ordinance shall not be applicable to any lands owned by any governmental body (Federal, State, or local),

but shall be applicable to the erection, construction, and use of buildings owned by a governmental body (Federal, State, or local). (*Amended 01-09-07*)

- (C) Pursuant to NCGS 160A-458.5, forestry activity on forestland that is taxed on the basis of its present-use value as forestland under Article 12 of Chapter 105 of the North Carolina General Statutes, or forestry activity that is conducted in accordance with a forest management plan that is prepared or approved by a forester registered in accordance with Chapter 89B of the North Carolina General Statutes, shall not be subject to the regulations of this Ordinance. (*Amended 01-09-07*)

1-5 AUTHORITY

The provisions of this Ordinance are adopted under authority granted by the General Assembly to North Carolina municipalities. (N.C. General Statutes, Chapter 160A, Article 19). This Ordinance may be amended from time to time as required or allowed by subsequent legislature enactments.

1-6 ABROGATION

This Ordinance is not intended to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law.

1-7 COMPLIANCE

1-7.1 Compliance

No building, premises, or structure shall be constructed, erected, modified, converted, occupied, placed, maintained or moved, and no land use shall be commenced, maintained, or modified, except as authorized by this Ordinance.

1-7.2 Voluntary Compliance

Nothing in this Section shall be deemed to preclude voluntary compliance with the provisions of this Ordinance for development approved prior to the effective date of this Ordinance.

1-8 RELATIONSHIP TO THE LAND DEVELOPMENT PLAN

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

1-9 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, special use permits, zoning amendments, variances and other

administrative relief. The amount of the fees charged shall be set forth in the Town's budget or as established by resolution of the Board of Commissioners and filed in the offices 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.

1-10 SEVERABILITY

1-10.1 Invalidation

Should any Section, sentence, clause, phrase, or word of this Ordinance be held invalid or unconstitutional by a Court of competent jurisdiction of either the State of North Carolina or the United States, such decision shall not affect, impair, or invalidate the validity of the remaining parts of this Ordinance which can be given effect without the invalid provision.

1-10.2 Prejudicial Application

If any Section, sentence, clause, phase, or word of this Ordinance be held invalid or unconstitutional in its application to a particular case, such decision shall not affect or prejudice its application to other cases.

1-10.3 Lawful Presumption

There shall be a conclusive presumption when the Zoning Inspector or board authorizes regulatory action, that such inspector or board would not have authorized such action except in the belief that such action was lawful.

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