

ARTICLE 3. GENERAL REGULATIONS

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3.1. GENERAL.

Regulations contained in this Article shall apply uniformly jurisdiction wide.

Statutory Authority – NCGS § 160D-703(d)

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3.2. ZONING MAP.

3.2.1. Zoning Map. Zoning district boundaries adopted pursuant to this Ordinance shall be drawn on a map that is adopted or incorporated within a duly adopted development regulation. The Zoning Map shall be maintained for public inspection in the office of the Town Clerk. The map may be in paper or a digital format approved by the Town.

Statutory Authority – NCGS § 160D-105

(Ord. 12/1/1997; Ord. 7/8/2014, 9-2.1)

3.2.2. Identification of Official Zoning Map. The Zoning Map shall be identified by the signature of the Mayor attested by the Town Clerk and bearing the seal of the town under the following words: “This is to certify that this is the Official Zoning Map of the Zoning Ordinance, White Lake, North Carolina,” together with the date of the adoption of this Ordinance and most recent revision date.

(Ord. 12/1/1997; Ord. 7/8/2014, 9-2.2)

3.2.2.2. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other items portrayed on the Zoning Map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the Board of Commissioners with an entry on the official zoning map denoting the date of amendment, description of amendment, and signed by the Town Clerk. No amendment to this Ordinance which involves matter portrayed on the official zoning map shall become effective until after such change and entry has been made on said map.

(Ord. 12/1/1997; Ord. 7/8/2014, 9-2.3)

3.2.2.3. No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this Ordinance and state law. Any unauthorized change of whatever kind by any person shall be considered a violation of this Ordinance.

(Ord. 12/1/1997; Ord. 7/8/2014, 9-2.3 and 9-2.4)

3.2.2.4. Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map, which shall be located in the office of the Town Clerk, shall be the final authority as to the zoning status of land and water areas, buildings, and other structures in the town.

(Ord. 12/1/1997; Ord. 7/8/2014, 9-2.1 and 9-2.5)

3.2.2.5. In the event the official zoning map becomes damaged, destroyed, lost, or difficult to interpret, the Town Council may by resolution adopt a new official zoning map which shall supersede the prior zoning map. The new official zoning map may correct drafting errors or other errors or omissions in the prior official zoning map, but no correction shall have the effect of amending the original official zoning map, or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the Mayor attested by the Town Clerk, and bearing the seal of the town under the following words: “This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date

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of adoption of map being replaced), as part of the Zoning Ordinance, White Lake, North Carolina.”

(Ord. 12/1/1997; Ord. 7/8/2014, 9-2.6)

3.2.2.6. Unless the prior official zoning map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption or amendment. In the case of GIS data, each version of the zoning map produced shall be archived.

(Ord. 12/1/1997; Ord. 7/8/2014, 9-2.7)

3.2.3. Incorporation by Reference. Development regulations adopted pursuant to this Ordinance may incorporate by reference the most recently adopted versions of flood insurance rate maps, watershed boundary maps, or other maps officially adopted or promulgated by state and federal agencies.

3.2.3.1. When zoning district boundaries are based on these maps, the Town’s zoning district boundaries are automatically amended to remain consistent with changes in the officially promulgated state or federal maps, provided a copy of the currently effective version of any incorporated map shall be maintained for public inspection.

Statutory Authority – NCGS § 160D-105(b)

3.3. INTERPRETATION BY ZONING ADMINISTRATOR.

3.3.1. In the event that any question arises concerning the application of regulations, performance standards, definitions, development criteria, or any other provision of the Zoning Ordinance, the Zoning Administrator shall be responsible for interpretation and shall look to the Ordinance for guidance.

(Ord. 12/1/1997; Ord. 7/8/2014, 9-3.1)

3.3.2. Responsibility for interpretation by the Zoning Administrator shall be limited to standards, regulations and requirements of the Zoning Ordinance, but shall not be construed to include interpretation of any technical codes adopted by reference in the Zoning Ordinance, and shall not be construed as overriding the responsibilities given to any commission, board, building inspector, or town officials named in other sections or articles of the Zoning Ordinance.

3.3.3. Interpretations of the Zoning Administrator may be appealed to the Board of Adjustment.

(Ord. 12/1/1997; Ord. 7/8/2014, 7-3 and 9-3.2)

3.4. TYPES OF MAP INTERPRETATION.

3.4.1. Zoning Map Interpretation. Where uncertainty exists with respect to the boundaries of any districts shown on the Zoning Map, the following rules shall apply:

3.4.1.1. Use of Property Lines. Where district boundaries are indicated as approximately following street lines, alley lines, and lot lines, such lines shall be construed to be such boundaries. Where streets, highways, railroads, water courses, and similar areas with width are

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indicated as the district boundary, the actual district boundary line shall be the centerline of such area.

- 3.4.1.2. Use of the Scale. In un-subdivided property or where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shall be determined by use of the scale appearing on the map.
- 3.4.1.3. Vacated or Abandoned Streets. Where any street or alley is hereafter officially vacated or abandoned, the zoning regulations applicable to each parcel of abutting property shall apply to the centerline of such abandoned street or alley.
- 3.4.1.4. Split Zoned Parcels. If a district boundary divides a parcel, the requirement for the district in which the greater portion of the parcel lies shall be extended to the remainder of the parcel, provided that such extension shall not include any part of such parcel which lies more than one hundred and fifty (150) feet beyond the existing district boundary, and further provided that the remaining parcel shall not be less than the minimum required lot area for the district in which it is located. Following adoption of this Ordinance, split zoning of parcels will not be permitted.
- 3.4.1.5. Flood Hazard Boundaries. Interpretations of the location of floodway and floodplain boundary lines shall be made by the Zoning Administrator.
- 3.4.1.6. Board of Adjustment. In case any further uncertainty exists, the Board of Adjustment shall interpret the intent of the map as to location of such boundaries.

(Ord. 12/1/1997; Ord. 7/8/2014, 9-3-1)

3.5. RELATIONSHIP OF ZONING ORDINANCE AND MAP TO COMPREHENSIVE PLAN.

It is the intention of the Board of Commissioners that this Ordinance implement the planning policies adopted by the board for the Town of White Lake, as reflected in the Town of White Lake Comprehensive Plan and other planning documents.

Statutory Authority – NCGS § 160D-701

3. 6. PROVISIONS OF THIS ARTICLE APPLY TO ALL USE OR SALE OF LAND AND BUILDINGS.

- 3.6.1. Subject to **Article 14** of this Ordinance (Nonconforming Situations), no person may use, occupy, or sell any land or buildings or authorize or permit the use, occupancy, or sale of land or buildings under his control except in accordance with all of the applicable provisions of this Ordinance.
- 3.6.2. For purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land.

3. 7. EFFECT OF PRIVATE DEED RESTRICTIONS.

- 3.7.1. It is not intended by this ordinance to interfere with or annul any easements, covenants or other agreements between parties except in cases where such agreements require a use or location

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prohibited by this ordinance. Where this ordinance imposes a greater restriction on a building, use, or lot, the provisions of this ordinance shall govern.

3.8. NORTH CAROLINA STATE BUILDING CODE.

3.8.1. The Town of White Lake hereby adopts by reference the North Carolina State Building Code with appendices. This shall serve as the basis for regulation of building construction and repair. This Ordinance is not intended to conflict with or supersede the North Carolina State Building Code regulations.

3.9. REDUCTION OF LOT AND YARD AREAS PROHIBITED.

3.9.1. No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least these minimum requirements.

See Also Section 9.2.1, Minimum Lot Area.

3.10. STREET ACCESS.

3.10.1. No building shall be erected on a lot which does not abut a private street or have access to a public right-of-way. A building(s) may be erected adjoining a parking area or dedicated open space which has access to a street used in common with other lots and are included in an approved site plan.

See Also Section 9.2.4, Lot Access Requirements.

3.11. RELATIONSHIP OF BUILDING TO LOT.

3.11.1. Every building hereafter erected, moved, or structurally altered, shall be located on a lot and in no case shall there be more than one principal building and its customary accessory buildings on the lot except in the case of a designed complex of professional, residential, or commercial buildings with an approved site plan in an appropriate zoning district, i.e., school campus, apartments, condominiums, shopping center, and industrial park. Detached garages and carports must meet the same setback requirements as the principal building, just as if they were attached.

(Ord. 12/1/1997; Ord. 7/8/2014, 12-8(E))

See Also Section 9.2.5., Building Setback Requirements and Section 9.2.7., Dimensional Requirements for Accessory Buildings, Structures and Uses.

3.12. REQUIRED YARDS NOT TO BE USED BY BUILDING.

3.12.1. The minimum yards or other open spaces required by this Ordinance for each and every building shall not be encroached upon or considered as meeting the yard and open space requirements of any other building.

See Also Section 9.2.8.1., Supplementary Dimensional Requirements

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3.13. LOT REQUIREMENTS AND DIMENSIONS.

- 3.13.1. Insofar as practical, side lot lines which are not right-of-way lines shall be at right angles to straight street lines or radial to curved street lines.
- 3.13.2. Every lot shall have sufficient area, dimensions, and street access to permit a principal building to be erected thereon in compliance with all lot size and dimensions, yard space, setback, and other requirements of this Ordinance.
- 3.13.3. The location of required front, side, and rear yards on irregularly shaped lots shall be determined by the Zoning Administrator. The determination will be based on the spirit and intent of this Ordinance to achieve an appropriate spacing and location of buildings and structures on individual lots.

See also Section 9.2.1. Minimum Lot Area.

3.14. HEIGHT LIMITATION EXCEPTIONS.

- 3.14.1. The following uses are not controlled by height limitations of this Ordinance: belfries, spires, cupolas, domes, monuments, observation towers, chimneys, smokestacks, water towers, conveyors, flag poles, television and radio masts, aerials, and similar structures.

See also Section 9.2.6. Building Height Limitations.

3.15. STREET INTERSECTION SIGHT VISIBILITY TRIANGLE.

- 3.15.1. The land adjoining a local street intersection or egress to a local street from off-street parking areas shall be kept clear of obstructions to protect the visibility and safety of motorists and pedestrians.
- 3.15.2. On a corner lot, nothing shall be erected, placed, or allowed to grow in a manner so as materially to impede vision between a height of three feet and ten feet in a triangular area formed by a diagonal line between two points on the right-of-way lines, 20 feet from where they intersect.
- 3.15.3. A clear view shall be maintained on corner lots from 3 to 10 feet in vertical distance. Intersections of or with state maintained streets shall comply with NCDOT sight distance triangle requirements.

(Ord. 12/1/1997; Ord. 7/8/2014, 12-8(D))

3.16. PROPERTY DEDICATED FOR PRIVATE USE.

- 3.16.1. Any property dedicated for private ownership, including but not limited to property owners' association ownership, for any use permitted by this Ordinance is not the maintenance responsibility of the Town of White Lake.

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3.17. MEASUREMENT OF DISTANCE.

3.17.1. All measurements for the purpose of the separation of uses shall be from the closest points of property line to property line for the parcels on which the uses are located.

3.18. SIDEWALKS.

3.18.1. All new construction permitted following the adoption of this Ordinance shall be required to construct five (5) foot sidewalk(s) on the street right-of-way along White Lake Drive. The sidewalk(s) shall comply with the NCDOT requirements.

3.19. SCREENING OF UTILITIES AND EQUIPMENT.

3.19.1. The split zoning of any lot is prohibited. Any lots which were split zoned prior to the adoption of this Ordinance will be considered nonconforming lots.

3.20. ONE AND TWO-FAMILY DWELLINGS.

3.20.1. This Ordinance shall not set forward a minimum square footage of any structure subject to regulation under the North Carolina Code for One- and Two-Family Dwellings.

Statutory Reference - NCGS § 160A-381; S.L. 2019-174

3.21. RECORDS RETENTION.

3.21.1. A record of all decisions, permits, minutes, and other documents described in this Ordinance shall be kept on file as provided in the latest editions of the Municipal Records Retention and Disposition Schedule issued by the NC Department of Cultural Resources, Division of Archives and Records. Specific standards describing the documents required by this Ordinance include *Standard-5 Building Inspections Records and Standard-13 Planning and Zoning Records*.

Statutory Reference - NCGS §121-5 (c) and §132-8.