

CHAPTER 1: GENERAL PROVISIONS

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Section 1.1 Title and Effective Date

This Ordinance shall be known as the Land Development Ordinance of the Village of Whispering Pines, North Carolina and may be known as the “Land Development Ordinance” (LDO). This Ordinance shall become effective on November 10, 2010.

Section 1.2 Statement of Intent of this Ordinance

The following Statement of Intent shall apply to and guide the implementation and enforcement of the entire Ordinance. All following Chapters of this Ordinance shall be interpreted as being in furtherance of and consistent with this Statement of Intent.

The Village of Whispering Pines is a residential community with many recreational opportunities. It shall be the primary goal of this Ordinance to preserve the quiet, tranquil and unusually attractive Village atmosphere. In all decisions affecting land use, it shall be Village policy to encourage adherence to this goal by encouraging the further development of the Village of Whispering Pines as a residential, retirement and recreational community. To this purpose, those activities and land uses that are not compatible, such as intensive industrial uses, extensive commercial districts, and architecturally incompatible structures and glaring signs shall be prohibited. The preservation of the environmental and aesthetic character of Whispering Pines will be controlled by land use regulations made with reasonable consideration given to, among other things, the character of the various areas of the Village and its environs and the unique suitability of these areas for particular uses, conservation and enhancement of property values, and encouraging the use of land in a manner which is most appropriate in view of this Statement of Intent.

Section 1.3 General Purposes and Authority

This Ordinance is adopted pursuant to authority granted to the Village of Whispering Pines by the General Assembly of the State of North Carolina, General Statute Chapter 160A, Art. 19 (Planning and Regulation of Development); General Statute Chapter 143, Art. 21, Part 6 (Flood Plain Regulations); General Statute 143, Article 21 (Watershed Protection Rules), General Statute, 113A, Article 4 (Sedimentation Control Act), and the Village Charter which is Chapter 105 of the Session Laws of 2008.

This Ordinance is adopted for the following purposes:

- A. To provide for orderly growth and development of the Village and its Extraterritorial Jurisdiction;
- B. To promote the public health and general welfare;
- C. To secure the safety of residents from fire, flood, panic, and other dangers;
- D. To create traffic patterns in a manner that will avoid congestion and overcrowding and will create conditions that substantially promote public health, safety, and general welfare;

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- E. To prevent the overcrowding of land and avoid undue concentrations of population;
- F. To facilitate the adequate and safe provision of transportation, water, wastewater treatment, schools, parks, open space and other public facilities and requirements;
- G. To maintain and enhance the character of various districts within the Village and encourage the most appropriate use of land throughout the community;
- H. To enhance the value of buildings and land;
- I. To conserve and protect the natural resources and environmental quality of the Village and its environs;
- J. To protect watersheds from activities which could degrade water quality; and
- K. To minimize public and private losses due to flooding by permitting only that development within the Floodplain which is appropriate in light of the probability of flood damage and which represents a reasonable and social and economic use of land in relation to the hazards involved.

Section 1.4 Official Map of Zoning Districts and Extraterritorial Jurisdiction Line

The Official Map of Zoning Districts and Extraterritorial Jurisdiction boundary, along with all notations, references, and other information shown thereon, is hereby incorporated into and made part of this Ordinance. As part of this Ordinance, the Official Map of Zoning Districts shall be amended only in accordance with the procedures set forth in Chapter 13 of this Ordinance.

Section 1.5 Jurisdiction and Applicability

- A. The provisions of this Ordinance shall apply to all land, buildings, structures, or uses thereof located within the corporate limits of the Village of Whispering Pines and within the Village's Extraterritorial Jurisdiction, as identified on the Official Map of Zoning Districts.
- B. Except as otherwise provided by this Ordinance, all development which occurs within the Village and its Extraterritorial Jurisdiction shall comply with the applicable terms and requirements of this Ordinance.
- C. No lot of record which did not exist on the effective date of this Ordinance shall be created, by Subdivision or otherwise, which does not conform to the applicable requirements of this Ordinance.
- D. The terms, conditions, provisions, and prohibitions of this Ordinance shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity, and general welfare of the Village of Whispering Pines, North Carolina.

Section 1.6 Conflict or Inconsistency with Other Laws, Covenants, or Deed Restrictions

- A. This Ordinance is not intended to abrogate any other law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable standards imposed by any other law, ordinance, or regulation, the provisions which are more restrictive or which impose more restrictive standards or requirements shall govern.
- B. This Ordinance is not intended to abrogate any easement, covenant, or other private agreement. However, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this Ordinance shall govern. Nothing in this Ordinance shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this Ordinance.

Section 1.7 Severability

- A. Nothing contained herein shall repeal, modify, or amend any Federal or State law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace; nor shall any provision of this Ordinance amend, modify, or restrict any provisions of the Code of Ordinances of the Village of Whispering Pines; however, the adoption of this Ordinance shall and does amend any and all ordinances, resolutions, and regulations in effect in the Village of Whispering Pines at the time of the adoption of this Ordinance that may be construed to impair or reduce the effectiveness of this Ordinance or to conflict with any of its provisions.
- B. If any court of competent jurisdiction invalidates any provision of this Ordinance or declares any provision to be unconstitutional, the declaration shall not affect the validity of this Ordinance as a whole, or any part thereof, that is not specifically declared to be invalid or unconstitutional.
- C. The Village Council hereby declares that it has lawfully adopted this Ordinance and each section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid by a court of competent jurisdiction.

Section 1.8 Actions by Moore County Register of Deeds

The Review Officer of Moore County shall not authorize, and the Register of Deeds shall not thereafter file or record a Subdivision Plat or exempt properties map located within the corporate limits or Extraterritorial Jurisdiction of the Village without the approval of the Village as required in this Ordinance. The landowner or authorized agent shall sign a statement on the Plat stating whether or not any land shown thereon is within the corporate limits or Extraterritorial Jurisdiction of the Village.

Section 1.9 General Rules of Interpretation

The following rules shall apply for construing or interpreting the terms and provisions of this Ordinance:

- A. The provisions of this Ordinance shall be held to be the minimum requirements for the promotion and protection of the public health, safety and general welfare, and shall be construed to achieve the purposes for which this Ordinance is adopted.
- B. In the event of any conflict between the limitations, requirements, or standards contained in different provisions of this Ordinance and applying to an individual use or structure, the more restrictive provision shall apply. However, the regulations for Overlay Districts shall control in the event of any conflict between those regulations and the regulations for the underlying district.
- C. In the event of a conflict or inconsistency between the text of this Ordinance and any caption, figure, illustration, table, or map contained herein, the text shall control.
- D. The words “shall”, “must”, and “will”, are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The word “may” is permissive in nature. Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa. The word “his” shall mean his or “hers” as the case may be.
- E. Any act authorized by this Ordinance to be carried out by a specific official of the Village is authorized to be carried out by a designee of the Village Manager.

Section 1.10 Rules Governing the Interpretation of Zoning District Boundaries

Where uncertainty exists as to the boundaries of zoning districts as shown on the Zoning Map, the following rules shall apply:

- A. Where district boundaries are indicated as approximately following either street, alley, railroad or highway lines or centerlines thereof, such lines shall be construed to be said boundaries.
- B. Where district boundaries are indicated, as approximately following lot lines, such lot lines shall be construed to be said boundaries. However, a surveyed Plat prepared by a registered land Surveyor may be submitted to the Village of Whispering Pines as evidence that one or more properties along these boundaries do not lay within a specific district.
- C. Where district boundaries lay at a scaled distance more than twenty-five (25) feet from any parallel lot line, the location of district boundaries shall be determined by use of the required scale appearing on the Zoning Map.

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- D. Where district boundaries lay at a scaled distance of twenty-five (25) feet or less from any parallel lot line, the location of district boundaries shall be construed to be the lot line.
- E. Where other uncertainty exists, the Administrator shall make a determination as to the location of such boundaries.