

## Article 1: General Provisions

### 1.1 TITLE

This ordinance is officially titled as Unified Development Ordinance of Sunset Beach, North Carolina, and shall be known as the Unified Development Ordinance (UDO). This ordinance may be referred to as “this ordinance” of which contains zoning, subdivision, signage, wireless telecommunication, floodplain, and other land development regulations.

### 1.2 EFFECTIVE DATE

The provisions in this ordinance were originally adopted September 5, 2023 and became effective immediately and as subsequently amended.

### 1.3 AUTHORITY

- A. The Unified Development Ordinance and Zoning Map are made in accordance with the Comprehensive Plan and are designed to lessen congestion in the streets; to secure public safety; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, parks, open space, and other public requirements; to control development of flood prone areas and regulate stormwater runoff/discharge; to regulate signs; and to establish proceedings for the subdivision of land. The regulations have been made with reasonable consideration, among other things, as to the character of the jurisdiction and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdiction.
- B. Zoning provisions enacted herein are under the authority of NCGS 160D, which extends to towns/cities the authority to enact regulations which promote the health, safety, and the general welfare of the community. It is further authorized under NCGS 160D-703 which authorizes cities to regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or land. This section further authorizes the establishment of overlay districts in which additional regulations may be imposed upon properties that lie within the boundary of the district. The statutes also require that all such regulations shall be uniform for each class or type of building throughout each district, but that the regulations in one district may differ from those in other districts.
- C. Subdivision provisions enacted herein are under the authority of NCGS 160D-804 which provide for the coordination of streets within proposed subdivisions with existing or planned streets and with other public facilities, the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision, or alternatively, for the provision of funds to be used to acquire recreation areas serving residents of more than one neighborhood in the immediate area, and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding.
- D. This UDO, which combines zoning and subdivision authority, is further enacted under NCGS 160D-103.

- E. North Carolina Building Code Adopted by Reference. The most current edition of the “North Carolina State Building Code all Volumes” found therein is hereby adopted as the official building code of the town.

#### 1.4 JURISDICTION AND ZONING MAP

- A. The regulations set forth in this ordinance shall apply to all property within the Town of Sunset Beach planning jurisdiction , which shall include the Corporate Limits and Extraterritorial Jurisdiction (ETJ). Such planning jurisdiction may be modified from time to time in accordance with NCGS 160D-202.
- B. The boundaries of the districts as herein established are shown upon the map accompanying this ordinance entitled “Official Zoning Map of Sunset Beach, North Carolina” and made a part thereof. The zoning map and all notations, references, and other information shown thereon are hereby made a part of this ordinance the same as if such information set forth on the map were all fully described and set forth herein.
- C. The zoning map shall be identified by the signature of the Mayor and 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 Unified Development Ordinance, Sunset Beach, North Carolina” together with the adoption date. Zoning maps that are so adopted shall be maintained for public inspection in the office of the UDO Administrator. The maps may be in paper or a digital format.
- D. When the zoning map is officially replaced, unless the prior 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.
- E. Copies of the zoning district map may be reproduced by any method of reproduction that gives legible and permanent copies and, when certified by the town clerk in accordance with NCGS 160A-79, shall be admissible into evidence and shall have the same force and effect as would the original map.

#### 1.5 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any district shown on the Official Zoning Map, the UDO Administrator shall employ the following rules of interpretation:

- A. Centerline. Where a boundary line lies within and follows a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be in the center of such street or alley right-of-way, railroad right-of-way, or utility easement. If such a street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two (2) separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the centerline of the abandoned or vacated road bed or utility easement.
- B. Edge Line. Where a boundary line follows the edge of a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be on the edge of such street or alley right-of-way, railroad right-of-way, or utility easement. If such a street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two (2) separate zoning districts is abandoned or removed from

dedication, the district boundaries shall be construed as following the edge of the abandoned or vacated road bed or utility easement.

- C. Lot Line. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines. In the event that a district boundary line divides a lot or tract, each part of the lot or tract so divided shall be used in conformity with the regulations established by this ordinance for the district in which said part is located.
- D. Watercourses. Zoning district boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
- E. Extensions. Boundaries indicated as parallel to or extensions of street or alley right-of-ways, utility easements, lot lines, town limits, county lines, or extraterritorial boundaries shall be so construed.
- F. Where any further uncertainty exists, the UDO Administrator shall interpret the intent of the map as to location of such boundaries.

## 1.6 RELATIONSHIP TO EXISTING DEVELOPMENT REGULATIONS

To the extent that the provisions of this ordinance are the same in substance as the previously adopted development regulations, they shall be considered as continuations thereof and not as new enactments unless otherwise specifically provided. In particular, a situation that did not constitute a lawful, nonconforming situation under the previously adopted development regulations does not achieve lawful nonconforming status under this ordinance merely by the repeal of the former development regulations.

## 1.7 INTERPRETATION AND CONFLICT

- A. In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity, and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this ordinance shall govern.
- B. Where one (1) or more articles of this UDO are in conflict with one another, the most restrictive requirements shall apply.

## 1.8 COMPUTATION OF TIME

Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded. When the period of time prescribed is less than seven (7) days, intermediate Saturdays, Sundays, and holidays shall be excluded.

## 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, conditional use permits, subdivision approval, site plan approval, zoning

amendments, variances, changes to ordinance text and map, and other administrative actions. The amount of the fees charged shall be as set forth in the town's budget or as established by resolution of the Town Council filed in the office of the town clerk.

- B. Applicable fees established shall be paid upon submission of a development application.

#### 1.10 SEVERABILITY

If any section or specific provision or standard of this ordinance or any regulating district boundary arising from it 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.