



WELDON, NC

Zoning Ordinance

Adopted:
Last Amended:

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SUMMARY OF AMENDMENTS TO THIS ORDINANCE

ORDINANCE NUMBER	EFFECTIVE DATE	DESCRIPTION

(this table is suggested as a location to track subsequent Ordinance amendments)

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ARTICLE 155.1 GENERAL PROVISIONS

1.1 AUTHORITY AND ENACTMENT

This Ordinance is adopted in accordance with the authority granted to the Town of Weldon, North Carolina by the General Statutes of North Carolina, including Chapter 160D and the Town's Charter.

1.2 TITLE

This Ordinance shall be known and may be cited as the Zoning Ordinance of the Town of Weldon, North Carolina, and may be referred to as the "Zoning Ordinance" or "this Ordinance."

1.3 EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after (*insert the effective date of this Ordinance*).

1.4 PURPOSE OF ORDINANCE

- 1.4.1 For the purpose of promoting the health, safety, morals, and general welfare, this Ordinance is adopted by the governing body to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes.
- 1.4.2 The zoning regulations in this Ordinance are adopted and administered in accordance with a comprehensive plan and are designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; 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; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations have been made with reasonable consideration, among other things, as to the character of the jurisdiction and its areas and their 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.

1.5 JURISDICTION

The provisions of this Ordinance shall be applicable to all land within the corporate limits of Weldon and its extraterritorial jurisdiction, as shown on the Official Zoning Map.

1.6 APPLICATION OF REGULATIONS

The regulations set forth in this Ordinance shall affect all land, every structure, and every use of land and/or structure, and shall apply as follows:

- 1.6.1 No structure or land shall hereafter be used or occupied, and no structure or part thereof shall be erected, moved, or structurally altered except in conformity with the regulations of this Ordinance for the zoning district in which it is located.
- 1.6.2 No structure shall hereafter be erected or altered so as to exceed the height limit or density regulations of this Ordinance for the zoning district in which it is located.
- 1.6.3 No lot, even though it may consist of one (1) or more adjacent lots of record in single ownership, shall be reduced in size so that the lot area per dwelling unit, lot width, yard, and lot coverage requirements and other requirements of this ordinance are not maintained. This prohibition shall not be construed to prevent the purchase of condemnation of narrow strips of land for public utilities or street right-of-way purposes.
- 1.6.4 No part of a yard, landscaping or other open space required for any structure or use for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard, landscaping or other open space similarly required for another structure or use.
- 1.6.5 In any district, no more than one (1) principal use may be erected on a single lot of record. A principal use shall ordinarily consist of a single building or structure, such as a single-family dwelling. However, an apartment complex, office park, shopping center, or similar unified development shall be considered as a single principal use, provided such complex, park, or center meets all requirements of this Ordinance. Individual buildings in such clusters or complexes shall meet the front, side, and rear yard and/or other applicable spacing requirements of this Ordinance.

1.7 CONSISTENCY WITH ADOPTED POLICY GUIDANCE

1.7.1 ADVISORY IN NATURE

Adopted policy guidance is advisory in nature and does not carry the effect of law. Consistency with adopted policy guidance is not a requirement for the continuing validity of any provision of this Ordinance, except as provided in NCGS §§ 160D-604 and 160D-605.

1.7.2 CONFORMANCE

This Ordinance is intended to ensure that all development within the Town is in conformance with the goals, objectives, policies, strategies, and actions expressed in the Town's adopted policy guidance. While conformance with adopted policy guidance is desired, it is not legally required.

1.7.3 CONSISTENCY

- A. To the extent this Ordinance or the Official Zoning Map is or becomes inconsistent with the Town's adopted policy guidance, it should be amended to remain consistent.
- B. Consistency with adopted policy guidance is not a prerequisite for approval of a rezoning or planned development application, and the future land use map portion of the Comprehensive Plan shall be deemed amended when the Town Council approves a rezoning or planned development application that is inconsistent with the future land use map in accordance with NCGS § 160D-605.

1.8 INTERPRETATION OF REGULATIONS

The regulations in this Ordinance shall be enforced and interpreted according to the following rules:

- 1.8.1 Uses not designated in the zoning district regulations as permitted or special use uses shall be prohibited. Special uses are permitted according to the additional regulations imposed. These special uses can be approved only the Board of Adjustment as specified in this Ordinance. Additional uses may be added to the Ordinance by amendment.
- 1.8.2 Regulations set forth by this Ordinance shall be minimum regulations. If the requirements set forth in this Ordinance are at variance with the requirements of any other lawfully adopted uses, regulations, or ordinances, the more restrictive or higher standard shall govern.
- 1.8.3 Unless restrictions established by covenants with the land are prohibited by or contrary to the provisions of this Ordinance, nothing herein contained shall be construed to render such covenants inoperative.

1.9 VESTED DEVELOPMENT RIGHTS

1.9.1 PURPOSE

This section is intended to implement NCGS§160D-108 with respect to the establishment of zoning vested rights for landowners or applicants who have received a development approval from the Town.

1.9.2 VESTED RIGHTS DEFINED

As used in this Ordinance, a zoning vested right is defined as the right to undertake and complete the development and use of land under the terms and conditions of a development approval issued by the Town.

1.9.3 EFFECT OF A VESTED RIGHT

- A. Development approvals that have an established vested right in accordance with NCGS§160D108 and this section shall preclude any action by the Town that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property authorized by the development approval, except where a change in State or federal law occurs and has a retroactive effect on the development or use.
- B. Except when subject to sub-section (C) below, amendments to this Ordinance shall not be applicable to any of the following development approvals after they are vested:
1. Building or uses of land for which a development permit application has been submitted and approved in accordance with this Ordinance and NCGS§143-755;
 2. Subdivisions of land for which a subdivision application has been submitted and approved in accordance with this Ordinance and NCGS§143-755;
 3. A site-specific vesting plan approved in accordance with this Ordinance and NCGS§160D108.1; and
 4. A multi-phase development approved in accordance with this Ordinance and NCGS§160D-108.
- C. Amendments to this Ordinance shall apply to vested development approvals if:
1. A change to State or federal law occurs and has a retroactive effect on the development or use;
 2. There is written consent to be subject to the amendment by the landowner;
 3. The development approval expires; or
 4. The development is not undertaken or completed in accordance with the approval.

1.9.4 ESTABLISHMENT OF A VESTED RIGHT

A vested right may only be established following an approval of a development application in accordance with this section and the applicable requirements in the North Carolina General Statutes. The following sub-sections detail the ways in which a vested right may be established.

A. COMMON LAW VESTED RIGHTS

1. DEFINED

A common law vested right establishes the right to undertake and complete the development and use of property on substantial expenditures in good faith reliance on a valid governmental approval. Such approvals include, but are not limited to:

- a. Zoning Compliance Permits;
- b. Sign Permits;
- c. Building Permits;
- d. Special Use Permits; and
- e. Subdivision Preliminary Plats.

2. ESTABLISHMENT

A request for a determination of a common law vested right will be reviewed and acted upon by the Zoning Administrator.

3. APPLICATION

The applicant shall provide satisfactory proof that each of the following standards are met in order to establish a common law vested right:

- a. The applicant has, prior to the adoption or amendment of an ordinance, made substantial expenditures of time, effort, or money on a proposed development; and
- b. The obligations and/or expenditures were incurred in good faith; and
- c. The obligations and/or expenditures were made in reasonable reliance on and after the issuance of a valid governmental permit, if such permit is required provided however, a mistakenly-issued governmental permit shall not give rise to a common law vested right; and
- d. The amended or newly adopted ordinance is a substantial detriment to the applicant.

B. ISSUANCE OF A BUILDING PERMIT

Issuance of a building permit by the Town in accordance with the applicable standards in this Ordinance and applicable State law shall entitle the building permit holder to vested rights to develop the proposal as identified in the approved building permit, subject to the following standards:

1. The applicant shall not be required to file for a determination to establish common law vested rights or maintain vested status during the time period for which the building permit remains valid.
2. The owner has a vested right only as long as the building permit remains valid and only for the work approved by the building permit.
3. The building permit shall expire six months after issuance if work has not substantially commenced.
4. The building permit shall expire after work commences if there is a 12-month discontinuance of work.

5. The building permit may be revoked for any substantial departure from the approved plans, failure to comply with any applicable local or State law (not just the building code and Zoning Ordinance), and any misrepresentations made in securing the permit.
6. Building permits mistakenly issued may be revoked.
7. If the building permit expires or is revoked, the vested right based on it is also lost.

C. STATUTORY VESTED RIGHTS

Development permits for a building, use of a building, use of land, or subdivision of land establishes statutory vested rights, which shall entitle the permit holder to vested rights to develop the proposal as identified in the approved permit, subject to the following standards:

1. Issuance of a building permit is not considered a development permit, and the vesting term shall only continue in accordance with Section 1.8.4 B, Issuance of a Building Permit.
2. A development permit is valid for one year after issuance, unless otherwise specified by statute, and the applicant is vested in that permit for the term of validity.
3. If the applicant fails to substantially commence authorized work within one year, then the development permit and vesting expire.
4. Vesting shall continue provided there is a substantial commencement of authorized work under a valid development permit.
5. The development permit and vesting shall expire after substantial work commences if there is a two-year period of intentional and voluntary discontinuance of work unless otherwise specified by statute.

D. SITE-SPECIFIC VESTING PLAN

1. DEFINED

- a. For the purposes of this section, a site-specific vesting plan is defined as a plan submitted to the Town in which the applicant requests vesting, describing with reasonable certainty on the plan, the type and intensity of use for a specific parcel or parcels of property.
- b. A site-specific vesting plan must provide, with reasonable certainty, all of the following:
 - i. The boundaries of the development;
 - ii. Topographic and natural features affecting the site;
 - iii. The approximate location of proposed buildings, structures, and other improvements;
 - iv. The approximate dimensions, including height, of proposed buildings and other structures;
 - v. The approximate location of all existing and proposed infrastructure on the site, including water, sewer, streets, and pedestrian ways;
 - vi. The type or types of proposed land uses; and
 - vii. The density or intensity of development.
- c. A Site Plan, Plot Plan, or any other document that fails to describe with reasonable certainty the type and intensity of use for a specific lot or lots of property shall not constitute a Site-Specific Vesting Plan.
- d. The following development approvals constitute a Site-Specific Vesting Plan:
 - i. A Site Plan associated with a Conditional Rezoning application;

- ii. A Preliminary Plat for a Major Subdivision;
- iii. Site Plans; and
- iv. A Site Plan associated with a Special Use Permit.

2. ESTABLISHMENT

- a. Development approvals identified by this Ordinance as Site-Specific Vesting Plans shall be granted a vested right to develop for a maximum period of two years from the date of the approval, provided the applicant has requested, in writing, that a vested right is sought, and provided the development subject to the approval complies with all applicable terms and conditions.
- b. In cases where a Site Plan is associated with an approved conditional rezoning, the conditional zoning designation shall run with the land, but the vesting status of the associated Concept Plan shall be in accordance with the standards for any other Site-Specific Vesting Plan

3. EXTENSION

- a. The two-year vesting duration of a Site-Specific Vesting Plan may be extended up to five years from the date of the approval only in accordance a Vested Rights Certificate.
- b. Site-Specific Vesting Plans meeting the definition of a Multi-Phase Development shall be vested in accordance with Section 1.9.4.E, Multi-Phase Development Plan.

E. MULTI-PHASE DEVELOPMENT PLAN

1. A Multi-Phase Development Plan that occupies at least 25 acres of land area, is subject to a master plan that depicts the types and intensities of all uses as part of the approval and includes more than one phase shall be considered as a Multi-Phase Development Plan that is granted a vested right to develop for a period of seven years from the date of approval of the first site plan associated with the development.
2. Vesting shall commence upon approval of the Site Plan for the first phase of the development.
3. The vested right shall remain in effect provided the development does not expire and provided it complies with all the applicable terms and conditions of the approval.

F. VOLUNTARY ANNEXATION

1. Any petition for Annexation filed with the Town shall contain a signed statement from the applicant indicating if vested rights on the properties subject to the petition have been established in accordance with NCGS§ 160D-108.
2. A statement that declares that no zoning vested right has been established or the failure to provide a statement declaring whether vested rights have been established, shall result in a termination of any vested rights established prior to Annexation.

1.9.5 TERMINATION OF A VESTED RIGHT

A. GENERALLY

1. Vested rights established in accordance with this Ordinance shall run with the land.
2. In no instance shall vesting status extend beyond the maximum duration for the type of development application approval.

3. In no instance shall the vesting status of a development approval continue after the development approval expires or if the development approval is revoked for failure to comply with the terms of the approval or of this Ordinance.
4. In no instance shall the vesting status of a development approval continue after it is determined that the development approval was based upon intentional inaccurate information or material misrepresentations.
5. In no instance shall vested rights continue if the Town Board of Commissioners finds, after a duly noticed public hearing, that natural or man-made hazards resulting from the development would result in a serious threat to public health, safety, or welfare if the development were to be continued or completed.
6. In the event of commenced but uncompleted work associated with a development approval, vested rights shall expire within 24 months of the discontinuance of work. This 24-month period shall not include the time associated with work stoppage resulting from an appeal or litigation.

B. LIMITATIONS

1. The establishment of a vested right does not preclude the Town's application of overlay zoning district requirements or other development regulations that do not affect the type of land use, its density, or intensity.
2. A vested right shall not preclude the application of changes to building, fire, plumbing, electrical, or mechanical codes made after the development approval where a vested right was established.

1.10 SEVERABILITY

This Ordinance and the various parts, sections, subsections, and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is judged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected. The sections not declared invalid will continue to be used and enforced by the Town.

1.11 REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances of the Town of Weldon which are in conflict or inconsistent with this Ordinance are repealed and superseded to the extent necessary to give this Ordinance full force and effect.

ARTICLE 155.2 DEFINITIONS

2.1 GENERALLY

For the purpose of interpreting this Ordinance, certain words or terms are defined in this article. Except as defined herein or in other sections of this Ordinance, all words used in this Ordinance shall have their customary dictionary definition. Unless the context clearly indicates otherwise, the terms defined in this Ordinance shall have the meanings indicated below:

2.2 INTERPRETATION OF COMMONLY USED TERMS AND WORDS

- A. Words used in the present tense include the future tense.
- B. Words used in the singular number include the plural, and words used in the plural include the singular. Words used in the masculine gender include the feminine gender.
- C. "Person" includes a firm, association, organization, partnership, corporation, trust, and company as well as an individual.
- D. "Lot" includes the words "plot", "parcel", "site," and "tract."
- E. The word "structure" includes the word "building."
- F. The word "shall" is always mandatory and not merely directory.
- G. "Use", as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used."
- H. "Map", "zoning map," or "Weldon Zoning Map" shall mean the Official Zoning Map of the Town of Weldon, North Carolina.
- I. The words "Town Board", "governing body", and "Weldon Board of Commissioners" shall refer to the Board of Commissioners of the Town of Weldon, North Carolina.
- J. The words "Planning Board" shall refer to the Planning Board of the Town of Weldon, North Carolina, established by this Ordinance.
- K. The words "Board of Adjustment" shall refer to the Board of Adjustment of the Town of Weldon, North Carolina, established by this Ordinance.

2.3 DEFINITIONS OF COMMONLY USED TERMS AND WORDS

TABLE OF DEFINITIONS

TERM	DEFINITION
A	
ABC STORE	A retail facility operated by the North Carolina Alcoholic Beverage Control Commission.
ABUTTING	Means that the property either directly touches another piece of property but does not include properties separated only by a street or utility right-of-way.

TABLE OF DEFINITIONS	
TERM	DEFINITION
ACCESSORY BUILDING, STRUCTURE, OR USE	A building, structure, or use on the same lot with, or of a nature customarily incidental or subordinate to, and of a character related to the principal use or structure.
ACCESSORY DWELLING UNIT, DETACHED	An accessory dwelling unit established on the same lot as a principal single-family detached dwelling but within a separate structure that is clearly separate and detached from the principal single-family detached dwelling.
ACCESSORY DWELLING UNIT, INTERNAL	An accessory dwelling unit established within the perimeter walls and roof of an existing single-family detached residential dwelling unit.
ADULT ESTABLISHMENTS	Any principal or accessory structure or use of land, which meets the definition of adult establishment as set forth in NC General Statute 14-202.10 but excluding "Massage and Bodywork Therapy".
AIR CONDITIONING SUPPLIES AND EQUIPMENT SALES	See Building Materials and Supplies Sales.
APARTMENT COMPLEX	Two or more buildings, each consisting of two dwelling units or more, under common ownership and located on the same or directly abutting pieces of property.
ALLEY	Means a strip of land, owned publicly or privately set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.
AMBULANCE SERVICE (NON-EMERGENCY)	An establishment engaged in providing transportation services of persons who are sick, convalescent, incapacitated and non-ambulatory but do not ordinarily require emergency medical treatment while in transit.
AMUSEMENT PARKS	A commercially operated park having various devices for entertainment, such as merry-go-round and roller coasters, as well as games and food and drink service for patrons.
ANTIQUe MALL	A building that is partitioned to provide spaces for the sale of antiques by antique dealers, for items such as clocks, lamps, clothing, rugs, toys, furniture, and the like.
ASPHALT PLANT	An industrial establishment engaged in the production of asphalt, macadam, blacktop, concrete, or mortar for use in the construction and repair of buildings, roadways, and vehicular use areas. The use involves the stockpiling of sand, binder and filler, as well as a heater to mix the ingredients, and trucks to deliver products to the site of installation.

TABLE OF DEFINITIONS

TERM	DEFINITION
AUDITORIUMS/CIVIC CENTERS	A building or structure designed or intended for use for spectator sports, entertainment events, expositions, conferences, seminars, product displays, recreation activities, and other public gatherings, all occurring inside a structure typically limited to a capacity of 500 or fewer seats, along with secondary functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption.
AUTO ACCESSORIES MANUFACTURING	See Manufacturing.
AUTOMOTIVE RENTAL OR LEASING	A facility engaged in the display and rental of automobiles.
AUTOMOTIVE REPAIR SERVICES	A facility engaged in the repair and maintenance of automobiles.
AUTOMOTIVE TOWING & STORAGE	A facility engaged in providing towing services and storage of automobiles.
B	
BANKS AND OTHER FINANCIAL INSTITUTIONS INCLUDING DRIVE-IN	An establishment that provides retail banking services, mortgage lending, cash or checks for the purposes of payments or investments, or similar services to individuals and businesses. Financial institutions include those establishments engaged in the on-site circulation of cash money and check-cashing facilities including bail bond brokers. Banks or credit unions may also provide automated teller machines (ATM) services, located within a fully enclosed space or building, or along an exterior building wall intended to serve walk-up customers only, as well as drive-through facilities.
BAR	An establishment having as its principal or predominant use the serving of beer, wine, or liquor for consumption on the premises, and which sets a minimum age requirement for entrance, consistent with state law. The primary source of revenue for such use is derived from alcohol sales, and the secondary source from the serving of food. Such uses may also provide on-site entertainment in the form of live performances, dancing, billiards, or other entertainment activities.
BED & BREAKFAST	A transient lodging establishment, generally in a single-family dwelling or detached guesthouses, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide breakfast for guests only.
BOARDING HOUSE	An owner-occupied dwelling, or part thereof, in which lodging is provided to more than two, but not more than six paying guests on a daily or longer basis and where the rooms rented do not constitute separate dwelling units.
BUILDING	Any structure having a roof supported by columns or by walls, and intended for shelter, housing, or enclosure any use or occupancy.

TABLE OF DEFINITIONS

TERM	DEFINITION
BUILDING, HEIGHT OF	The vertical distance measured from the adjacent grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the height level between the eaves and ridge of a gable, hip, or gambrel roof.
BUILDING MATERIALS AND SUPPLIES SALES	An establishment engaged in the sale of goods and materials which are commonly used in the construction industry. Asphalt plants, sandpits, quarries and the manufacturing of building materials and supplies are not included in this definition.
C	
CALIPER	A standard trunk diameter measurement for trees taken six inches above the ground for up to and including four-inch caliper size, and twelve inches above the ground for larger sizes.
CAMPGROUND, COMMERCIAL	An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and recreational vehicles, and which is primarily used for recreational purposes and retains an open air or natural character.
CAMPGROUND, YOUTH OR ORGANIZED GROUPS	An establishment in an open air or natural setting either publicly or privately owned, complete with buildings, structures, and sanitary facilities and services designed for recreation and/or education for: (a) youth groups; or (b) organized secular or religious organizations for their members and not open to the general public.
CAR WASHES	A facility engaged in providing cleaning of automobiles whether by hand or with machinery.
CEMETERY	Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, sales, and maintenance facilities. Mortuaries shall be included when operated within the boundary of such cemetery.
CHURCHES, TEMPLES, SYNAGOGUES	A facility used for public worship.
CIVIC AND FRATERNAL ORGANIZATIONS	A facility operated by a civic, fraternal, or similar organization for the purposes of providing space for their meetings.
CLAY, STONE, CONCRETE, CEMENT PRODUCTS	See Building Materials and Supplies Sales.
CLAY, STONE, CONCRETE, CEMENT PRODUCTS MANUFACTURING	See Manufacturing.

TABLE OF DEFINITIONS

TERM	DEFINITION
COLLEGES AND UNIVERSITIES	A public or private, non-profit institution for post-secondary education offering courses in general or technical education which operates within buildings or premises on land owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities and sororities, and other facilities which further the educational mission of the institution. In no event shall this definition prohibit a college or university from engaging in an activity historically conducted by such institutions.
CONVENIENCE STORES W/FUEL SALES	A building or structure designed or intended for use for spectator sports, entertainment events, expositions, conferences, seminars, product displays, recreation activities, and other public gatherings, all occurring inside a structure typically limited to a capacity of 500 or fewer seats, along with secondary functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption.
COMMUNITY CENTER	A place, structure, area, or other facility used as a place of meeting, recreation or social activity and not operated for profit which may be open to the public.
COMMUNICATION OR BROADCAST FACILITY	An installation which transmits, receives and/or relays communications such as a microwave or satellite relay tower, cellular telephone tower, radio or television broadcast tower or similar facility.
CONDOMINIUM	A project meeting the requirements of the North Carolina General Statutes, Chapter 47A. The type of structure and use rather than the condominium form of ownership shall be the determining factor in deciding whether a use is permitted in a district.
CONTRACTOR SERVICES	An establishment engaged in the day-to-day administrative services for businesses providing contracted services, such as building contractors, HVAC and electrical contractors, landscaping, janitorial, and pest control services. This use may include the outdoor storage of a fleet of vehicles or equipment, on-site repair of vehicles and equipment, and/or material preparation such as a layout yard.
CRITICAL ROOT ZONE (CRZ)	A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree's survival. The critical root zone is one foot of radial distance for every inch of tree DBH, with a minimum circumference of eight feet.
D	
DAIRIES	A facility engaged in the storage, processing, and distribution of milk and milk products.

TABLE OF DEFINITIONS

TERM	DEFINITION
DAY CARE CENTER	Any facility, other than a private dwelling, operated for the purpose of providing care, protection and guidance to children or adults during only part of a 24-hour day. This term includes nursery schools, preschools, day care centers for individuals, and other similar uses, but excludes public and private educational facilities or any facility offering care to individuals for a full 24-hour period.
DAY CARE, HOME	An operation in which day care is provided for up to five preschool-age children, or up to nine other children and/or adults.
DBH	Diameter-at-breast-height is the tree trunk diameter measured in inches at a height of 4.5 feet above the ground.
DECIDUOUS	Those plants that annually lose their leaves.
DRIP LINE	A vertical line extending from the outermost edge of the tree canopy or shrub branch downward to the ground.
DRUG STORES	A commercial establishment engaged in the storage, preparation, and sale of drugs and other medications to customers at retail. Pharmacy uses may also offer a wide variety of food, household goods, or other personal products for sale. A pharmacy may also incorporate a medical technician who provides on-site medical assistance and counselling to patrons.
DWELLING, SINGLE-FAMILY, DETACHED	A dwelling containing one principal dwelling unit meeting the minimum size requirements in the North Carolina Building Code that is occupied by one family and that is not physically attached to any other principal structure on an individual lot. For regulatory purposes, this term does not include manufactured dwellings, mobile homes, or recreational vehicles. An accessory dwelling unit may be within, attached to, or on the same lot as a single-family detached home.
DWELLING, TWO-FAMILY (DUPLEX)	A single detached dwelling on one lot that contains two dwelling units. The units may be located side by side in a horizontal configuration or stacked one above the other in a vertical configuration, sharing common vertical walls or horizontal floors and ceilings.
DWELLING, MULTIFAMILY	A structure containing three or more dwelling units that are not located on individual lots. Units may be located side by side in a horizontal configuration or stacked one above the other in a vertical configuration, sharing common vertical walls or horizontal floors and ceilings. Multi-family dwellings include what are commonly called apartments, or condominium units, but not single-family attached dwellings.
DWELLING, TOWNHOMES	A residential dwelling until built immediately adjacent to another dwelling unit with an intervening party wall, and with each dwelling having an individual exterior entrance. Such structures may be situated on their own lot or have a condominium ownership structure.

TABLE OF DEFINITIONS

TERM	DEFINITION
DWELLING UNIT	Means a group of rooms within a dwelling forming a single independent habitable unit used for or intended to be used for living, sleeping, sanitation, cooking and eating purposes by one family only.
E	
ELECTRICAL SUPPLIES AND EQUIPMENT	See Building Materials and Supplies Sales.
ENGINEERING SUPPLIES AND EQUIPMENT	See Building Materials and Supplies Sales.
ENTERTAINMENT, COMMERCIAL, INDOOR	An establishment offering entertainment or games to the general public for a fee or charge where the activity takes place indoors. Typical uses include but are not limited to, game rooms/arcades, billiard parlors, roller skating rink, theater.
ENTERTAINMENT, COMMERCIAL OUTDOOR	An establishment offering entertainment or games to the general public for a fee or charge wherein any portion of the activity takes place in the open, excluding golf courses and public parks. Typical uses include but are not limited to, batting cages, golf driving ranges and miniature golf courses, go-cart tracks.
EQUIPMENT REPAIR, HEAVY	Repair of construction equipment, commercial trucks, agricultural implements, and similar heavy equipment, including automobiles, where major engine and transmission repairs are conducted. Typical uses include but are not limited to, automobile and truck repair garages, transmission shops, radiator shops, body and fender shops, equipment service centers, machine shops and other similar uses where major repair activities are conducted.
EVERGREEN	Those plants that retain foliage throughout the year.
EVERGREEN SCREEN	A plant growing to over 20 feet in height at maturity that retains foliage year-round that is planted to provide a dense vegetative screen for purposes of visual mitigation between zoning districts.
F	
FAMILY	A) An individual; B) two (2) or more persons related by blood, marriage, or adoption living together in a dwelling unit, and (unless the dwelling contains an accessory dwelling unit) may also include not more than two (2) unrelated persons; or C) a group of not more than four (4) persons who need not be related by blood, marriage, or adoption living together in a dwelling unit. A family may include five (5) or fewer foster children placed in a family foster home licensed by the state but shall not include fraternities, sororities, boarding or rooming houses, tourist homes, family care homes, dormitories, or group homes.

TABLE OF DEFINITIONS	
TERM	DEFINITION
FAMILY CARE HOME	A North Carolina licensed facility home with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for not more than six resident persons with disabilities. A mental health facility licensed by the State of North Carolina for up to six people shall also be considered a family care home. A disabled person is a person with a temporary or permanent physical, emotional, or mental disability including but not limited to an intellectual disability, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in NCGS§ 122C-3(11)b.
FARM EQUIPMENT AND SUPPLIES	Commercial establishments engaged in the sale, whether at retail or wholesale, of seeds, feed, tools, equipment, or services related to the operation of agricultural uses. Farm supply sales uses are not engaged in the sale of produce or agricultural products for end-user or non-farm consumption.
FARM EQUIPMENT MANUFACTURING	See Manufacturing.
FARMERS MARKET	A principal use that includes the sale of horticulture or agriculture products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agriculture products
FARMING	Land, including water areas engaged in the production of crops, plants, livestock, or other agricultural commodities. Agricultural land does not include land used for processing or altering agricultural products.
FERTILIZER MANUFACTURING	See Manufacturing.
FUEL DEALERS	An establishment that stores and distributes fuel oil or bottled gases such as propane, oxygen, or liquid petroleum in bulk quantities for wholesale sale or distribution to retail outlets or end consumers at the point of use. A use engaged in sale of automobile fuel is a retail use.
FLEA MARKET (INDOOR)	An establishment involving the setting up of two or more booths, tables, platforms, racks, or similar display areas for the purpose of selling, buying, or trading merchandise, goods, materials, products, or other items offered for sale inside an enclosed building.
FLEA MARKET (OUTDOOR)	An establishment involving the setting up of two or more booths, tables, platforms, racks, or similar display areas for the purpose of selling, buying, or trading merchandise, goods, materials, products, or other items offered for sale outside an enclosed building. Flea markets shall not include any of the following activities which occur at the same location four or fewer days in any calendar year: garage sales, produce stands, or fundraising activities done by a nonprofit organization.

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TERM	DEFINITION
FLOOR AREA, GROSS	Gross floor area shall be defined as the number of square feet of total floor area bounded by the exterior faces of a structure, plus the number of square feet of unenclosed space devoted to the conduct of the use, excluding basements and unenclosed porches, balconies and terraces, unless used in conjunction with the use, such as for outdoor eating, merchandising storage, assembly, or similar uses, and excluding off-street parking and loading areas.
FOOD AND BEVERAGE MANUFACTURING	See Manufacturing.
FUNERAL HOMES	A commercial establishment engaged in the provision of services related to funeral services for humans or pets. Such uses may provide embalming, cremation, and memorial services. Chapels and storage areas are secondary uses. Uses for the interment of human or animal remains are cemeteries.
FURNITURE MANUFACTURING	See Manufacturing.
G	
GENERAL RETAIL <5,000 SQUARE FEET	Establishments not otherwise defined of 5,000 square feet or less of gross floor area which is engaged in the sale or rental of goods and services for consumer or household use.
GENERAL RETAIL >5,000 SQUARE FEET	Establishments not otherwise defined of greater than 5,000 square feet of floor area engaged in the sale or rental of goods for consumer or household use.
GLASS, GLASSWARE, CHINA, POTTERY	See Manufacturing.
GOVERNMENT OFFICE	An office of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to, employment offices, public assistance offices, or motor vehicle licensing and registration services.
GREENHOUSE, COMMERCIAL	A retail business whose principal activity is the selling of plants grown on the site and having outside storage, growing, or display.
GROUND COVER	A plant growing less than two (2) feet in height at maturity is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides.
GROUP HOME	A residential facility (such as an orphanage, shelter, crisis center) with support and supervisory personnel that provides temporary room and board, housekeeping, personal care, or rehabilitation services for more than six persons needing emergency or post-incarceration services (but not including those with mental illness who are dangerous to themselves or others) in accordance with § 168-21 of the North Carolina General Statutes.

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TERM	DEFINITION
H	
HARDWARE MACHINERY, APPLIANCE	See Manufacturing.
HARDWARE, WHOLESALE	See Building Materials and Supplies Sales.
HEAVY EQUIPMENT SALES	Premises on which new or used heavy equipment (tractors, loaders, excavators, backhoes, cranes, lifts, rollers and similar devices) are displayed for sale, lease, or rental. On-site repair and service to heavy equipment may also be provided.
HOME OCCUPATION	The incidental use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods and/or services.
HOSPITALS	An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, that is licensed by State law to provide facilities and services in surgery, obstetrics, or general medical practice. Such institutions may include in-patient medical or surgical care for the sick or injured and related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.
HOTEL OR MOTEL	A building or group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis. Hotels or motels may include an associated eating establishment, conference facilities, and on-site recreational amenities. Hotels or motels regularly offering extended duration stay facilities to patrons are extended stay facilities. Hotel, motel, resorts, lodges, and similar overnight lodging uses are to be considered synonymous uses.
K	
KENNEL	An establishment for the keeping or breeding of dogs for profit.
L	
LABORATORIES FOR RESEARCH OR TESTING	An institutional use type engaged in the analysis, testing, identification, or research of chemicals, compounds, tissue, animals, or equipment.
LANDFILL, CONSTRUCTION AND DEMOLITION (C&D)	A landfill that accepts construction or demolition debris or waste including solid waste from construction, remodeling, repair, and demolition operations. Such landfills must be licensed by the State of North Carolina.
LANDFILL, LAND CLEARING AND INERT DEBRIS (LCID)_	A disposal site for stumps, limbs, leaves, concrete block, brick, rock, gravel, wood, and uncontaminated earth. Such landfills must be licensed by the State of North Carolina.

TABLE OF DEFINITIONS	
TERM	DEFINITION
LANDFILL, SANITARY	A facility for the disposal of solid waste on a land in a sanitary manner in accordance with Chapter 130A (Public Health), Article 9 (Solid Waste Management) of the North Carolina General Statutes.
LANDSCAPING	The process or product of site development including grading, installation of plant materials, and seeding of turf or ground cover.
LEATHER AND LEATHER PRODUCTS	See Manufacturing.
LEATHER GOODS, WHOLESALE	An establishment engaged in the wholesale distribution of leather goods.
LIBRARIES	A public facility for the use, but not sale, of literary, historical, scientific, musical, artistic, or other reference materials.
LOT	A parcel, tract, or area of land established by plat, subdivision, deed or as otherwise permitted by law to be separately owned, used, developed, or built upon.
LOT AREA	The computed area contained within the lot lines exclusive of any portion lying within a street or road right-of-way.
LOT, CORNER	A lot which occupies the interior angle at the intersection of two or more right-of-way lines. A lot abutting on the right-of-way of a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five degrees.
LOT COVERAGE, MAXIMUM IN PERCENT	Means the maximum percent of the lot which may be covered by impervious or semi-pervious surfaces. All yard requirements must be met in addition to lot coverage requirements.
LOT DEPTH	The distance between the midpoints of straight lines connecting the foremost point of the side lot lines in front and the rearmost points of side lot lines in the rear.
LOT OF RECORD	Means a lot which is part of a subdivision recorded in the Office of the Register of Deeds of Halifax County, or a lot described by metes and bounds, the description of which has been so recorded.
LOT WIDTH	The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided however, that width between side lot lines at their foremost points (where they intersect the right-of-way line) shall not be less than eighty percent of the required lot width, except in the case of the turning circle of cul-de-sac where the eighty percent requirement shall not apply.
M	
MACHINE SHOPS	A workshop for making and repairing mechanical items.
MANUFACTURED HOME	A dwelling unit, designed for use as a permanent residence, that is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed for installation or assembly on the building site.

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TERM	DEFINITION
MANUFACTURED HOME, CLASS "A"	A dwelling unit that: (i) is not constructed in accordance with the requirements of the North Carolina Uniform Residential Building Code as amended, and (ii) is composed of two or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site, and (iii) meets or exceeds the construction standards of the US Department of Housing and Urban Development, and (iv) conforms to the development standards of Section 5.4.18, Manufactured Home on Individual Lot, Class "A."
MANUFACTURED HOME, CLASS "B"	A manufactured home ten years old or less at the time of permitting that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction, but that does not satisfy all of the criteria necessary to qualify as a Class A manufactured home, but meets the development standards of Section 5.4.19, Manufactured Home Class B.
MANUFACTURED HOME, MODULAR	A dwelling unit that: (1) Is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the site on its own chassis; (2) Is constructed in accordance with the North Carolina Uniform Residential Building Code.
MANUFACTURED HOME PARK	A residential use in which more than 3 Class A or B manufactured homes are located on a single lot or tract. See Section 5.4.20, Manufactured Homes Park, for specific provisions related to manufactured home parks.
MANUFACTURED HOME MANUFACTURING	See Manufacturing.
MANUFACTURED HOME SALES	A sales lot for new and/or used manufactured homes.
MANUFACTURING	Establishments engaged in the mechanical, chemical, or biological transformation of materials or substances into new products, including but not limited to the assembly of component parts, creation of products, and/or processing of materials and substances.
MASSAGE THERAPY BUSINESS	A use of a building or portion thereof that offers "massage and bodywork therapy", as a principal or accessory use, which is legally defined as, "systems of activity applied to the soft tissues of the human body for therapeutic, educational or relaxation purposes" and who employ therapists licensed by the North Carolina Board of Massage and Bodywork Therapy.
MEDICAL SUPPLIES	See Manufacturing.
MEDICAL SUPPLIES AND EQUIPMENT	A commercial establishment engaged in the sale of medical supplies and equipment to medical professionals. See drug store for facilities providing medial equipment sales and rentals to individuals.

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TERM	DEFINITION
MIGRANT LABOR CAMP	A building, structure, barracks, or dormitory, and the land appertaining thereto, that is rented or reserved for occupancy by five or more migrant farm workers, except any housing owned or operated by a public housing authority, unless such housing is specifically provided for persons whose principal income is derived from agriculture.
MOTOR VEHICLE SALES, NEW AND USED	A commercial establishment engaged in the sale of motor vehicles and includes sales facilities for boats, recreational vehicles, all-terrain vehicles and golf carts.
MUSICAL INSTRUMENT MANUFACTURING	See Manufacturing.
MUSEUMS	A facility engaged in the care, preservation, and maintenance of historical objects or items.
N	
NIGHTCLUBS	See Bar.
O	
OFFICE EQUIPMENT AND SUPPLIES	A retail facility engaged in the sale of office equipment and supplies.
OFFICE EQUIPMENT, MANUFACTURING	See Manufacturing.
OPTICAL, SCIENTIFIC, JEWELRY, AND CLOCK MANUFACTURING	See Manufacturing.
P	
PAINT AND WALLPAPER, WHOLESALE	See Building Materials and Supplies Sales.
PAINT MANUFACTURING	See Manufacturing.
PARKS, MUNICIPAL	Land used for recreation, exercise, sports, education, rehabilitation, or similar activities, or a land area intended to enhance the enjoyment of natural features or natural beauty, specifically excluding commercially operated amusement parks.
PARKING LOT PLANTINGS	Planting areas within and adjacent to parking areas designed to shade and improve the attractiveness of large areas of pavement.

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TERM	DEFINITION
PERSONAL SERVICES	Establishments not of an adult nature, or listed as a separate use, which provide non-medically related services to individuals. Such uses include, but are not limited to: barber shops, beauty salons and spas, clothing rental, coin-operated laundromats, marriage counseling, massage therapy business (see separate definition), personal laundry and dry-cleaning establishments, photographic studios, and travel agencies. These uses may also include accessory retail sales of products related to the services provided.
PAWN SHOPS	A commercial establishment operated by a pawnbroker, who provides short-term loans to customers who leave collateral items with the pawnbroker to secure the loan for the agreed-upon holding period. Collateral from unpaid loans is made available for purchase at retail to customers following the end of the holding period. Such uses may include indoor storage areas.
PEST AND TERMITE CONTROL	See Contractor Services.
PETROLEUM, BULK STORAGE	A facility engaged in the storage and/or marketing of petroleum products.
PETS AND PET SUPPLIES	A retail facility engaged in the sale of pets and pet supplies.
PHARMACEUTICAL MANUFACTURING	See Manufacturing.
PHOTOCOPYING OR DUPLICATING	An establishment engaged in offering photocopying services to businesses and individuals.
PHOTOGRAPHIC STUDIO	A business owned and represented by one or more photographers who create and sell their own and sometimes others' photographs.
PLANTING AREA	The area prepared for the purpose of accommodating the planting of trees, shrubs, and groundcovers.
PLANTING YARD	The required installation of landscaping and screening materials between zoning districts and sometimes individual uses.
PLANT NURSERIES AND RELATED AGRICULTURAL USES	A place where plants are propagated and grown to a desired size for retail or wholesale to individuals and businesses.
PLAYGROUNDS, MUNICIPAL	A public place designed to provide an environment for children that facilitates play, typically outdoors.
PLAYGROUNDS, MUNICIPAL	See definition for Parks, Municipal.
PLUMBING AND AIR CONDITIONING EQUIPMENT MANUFACTURING	See Manufacturing.

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TERM	DEFINITION
POWER GENERATION AND CO-GENERATION PLANTS	An industrial use engaged in generating electrical power for consumption by the public.
PRINCIPAL BUILDING, USE OR STRUCTURE	The main use of a lot or the building or structure in or on which the main use of the lot takes place.
PRINTING PLANTS, NEWSPAPER AND PUBLISHERS	A facility engaged in the printing and sales of books, newspapers, magazines, and other written materials.
PUBLIC SAFETY STATIONS	A public facility engaged in providing police, fire, and/or rescue services to the community in which it is located.
R	
RECREATION FACILITY, INDOOR	Establishments engaged in providing indoor recreation services including public or private health or exercise clubs, tennis or other racquet courts, swimming pools, YMCA's, YWCA's or similar uses which are enclosed in buildings and are operated on a fee or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. Indoor recreation structures may include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.
RECREATION FACILITY, OUTDOOR	Establishments which are engaged in providing outdoor recreation services such as public or private golf courses, country clubs, swimming pools, tennis courts, ball fields and ball courts. Such uses are not enclosed in buildings, and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. Outdoor recreation may include any accessory uses, such as snack bars, pro shops, and clubhouses which are designed and intended primarily for the use of patrons of the principal recreational use.
REPAIR & MAINTENANCE SHOPS (OTHER)	Establishments primarily engaged in the provision of repair services to individuals and businesses but excluding automotive and heavy equipment repair use types. Typical uses include but are not limited to, appliance repair shops, shoe repair, watch or jewelry repair shops, or repair of musical instruments.
RESTAURANT	An establishment whose primary purpose is serving meals to patrons.
RESTAURANT, INDOOR	Any restaurant except a drive-in or take-out restaurant.

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TERM	DEFINITION
RESTAURANT, DRIVE IN OR TAKE-OUT	Any restaurant, which makes provision for curbside service, outdoor service or a drive-in-window, or any restaurant more than ten percent of whose average daily customers take their food or beverages out of the restaurant.
RIGHT-OF-WAY, STREET	A strip of land, owned publicly or privately, which affords the principal means of access to abutting property.
ROOF LINE	The top edge of the roof or the top edge of the parapet, whichever forms the top line of the building silhouette, but not including penthouses or equipment structures.
S	
SEPTIC TANK SERVICE	An establishment engaged in the collection and disposal of solid and liquid wastes from private disposal systems. The provider may also provide repair services for septic systems.
SERVICE STATION, AUTOMOBILE GASOLINE	An establishment where gasoline and other petroleum products are sold as the principal use of the property. Light maintenance activities such as engine tune-ups, lubrication, and minor repairs may also be provided if incidental to such principal use. Service stations do not include premises where retail sales space exceeds 25 percent of the total building area or 500 square feet of gross floor area, whichever is less. Service stations do not include premises where heavy automobile maintenance activities, such as engine overhauls, automobile painting, and body work, are conducted.
SEWAGE TREATMENT PLANT	A facility that collects, treats, and discharges wastewater.
SHOPPING CENTER	Any building or group of buildings on the same site containing more than two retail or wholesale trade establishments.
SHRUB	A woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.
SIGN	Any outdoor letter, symbol, number, trademark, or other form of publicity or combination of these as well as the surface on which they are painted or to which they are attached, and any background material, coloring, shapes or other trim shall be considered a sign, unless entirely enclosed by a fence or wall such that the above items and any structure or lighting attached to or accessory to them cannot be seen off the premises on which they are located. Works of fine art which in no way identify or advertise a product or business shall be excluded from this definition.
SIGN, IDENTIFICATION	A sign which contains any or all of the following: the name of the occupant, owner, or establishment, the type of establishment, the name of the franchise, the hours of operation and house number when located on the site of the establishment.

TABLE OF DEFINITIONS	
TERM	DEFINITION
SIGN, ONSITE ADVERTISING	A sign which contains information about an establishment or the products or services that it offers, other than that contained in an identification sign, when located on the same site as the establishment to which it refers.
SIGN, OFFSITE ADVERTISING (BILLBOARD)	A sign which contains information about an establishment, business, commodity, activity, or service not conducted, sold, or offered upon the premises where such sign is located.
SIGN, GROUND	A sign erected on a freestanding frame, mast and/or pole and not attached to any building, fence, or wall.
SIGN, WALL	A sign which is attached flat to the wall or façade of a building, or to a fence or wall.
SIGN, PROJECTING	A sign which extends beyond and is attached to a building wall and may extend over a public right-of-way.
SIGN, ROOF	A sign attached to and extending upward from a roof of a structure.
SIGN, SNIPE	A temporary off-premises commercial sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects.
SOCIAL FACILITY	A property having a residential zone classification where the existing structure is to be utilized as a gathering place for purposes including, but not limited to: 1.Community agency workshops and seminars. 2.Corporate meetings and retreats. 3.Social uses (wedding receptions, private parties, catered luncheon, or dinner parties).
STORAGE AND SALVAGE YARDS	An establishment where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, and the like, are brought, sold, exchanged, baled, packed, disassembled, stored, or handled, including used lumber and building material yards, house wrecking yards, heavy equipment wrecking yards, and yards or places where salvaged house wrecking or structural steel materials are stored, handled, and sold. This definition includes automobile wrecking or automobile wrecking yards and establishments for the sale, purchase, or storage of second-hand cars, clothing, salvaged machinery, furniture, radios, stoves, refrigerators, or similar household goods and appliances, all of which shall be usable, nor shall it apply to the processing of used, discarded, or salvaged materials incident to manufacturing activity on the same site where such processing occurs.
STREET TREE	A tree planted along the street but outside of a public street right-of-way.
STREET YARD	A planting area parallel to a public street designed to provide continuity of vegetation along the right-of-way and to soften the impact of the development by providing a pleasing view from the road.

TABLE OF DEFINITIONS

TERM	DEFINITION
STRUCTURE	Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, manufactured homes, fences, signs and swimming pools.
T	
TATTOO PARLOR/BODY PIERCING STUDIO	An establishment whose principal business activity is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.
TAXI STAND	A place where taxicabs park while waiting to be engaged.
TAXIDERMY SHOP	An establishment providing taxidermy services.
TEA ROOM	A tearoom, for the purpose of this Ordinance, is a restaurant that serves tea, coffee or other soft beverages and light meals for breakfast and lunch and which is open for business only during daytime hours.
TEMPORARY EVENT	A use permitted for a short duration of time on an irregular basis. Temporary events include such uses as carnivals or fairs, religious tent revivals, farm stands, sale of seasonal decorations, etc.
TEMPORARY USE	A use or structure established for a fixed period of time for a purpose which may not normally be permitted in a zoning district, which is necessary in special situations. Examples include but are not limited to temporary manufactured homes, construction office trailers, etc.
TEXTILE AND APPAREL MANUFACTURING	See Manufacturing.
TIRE REPAIR, RECAPPING	A facility engaged in providing tire repair and recapping services to the general public.
TOWNHOUSE	A single-family dwelling unit constructed in a series or group of attached units with property lines separating such units. Individual lots may or may not be surrounded by a larger tract that incorporates shared parking, recreation features, or access. The larger tract may or may not be owned in common by the landowners of individual lots
TRUCK & TRAILER LEASING	A facility engaging in providing trucks and trailers for lease to individuals and businesses.
TRUCKING TERMINAL	An area or building where cargo or containers are stored and where trucks load and unload cargo or containers on a regular basis.
TRUCK STOPS	A commercial facility engaged in providing fuel, rest, food and other services to motorists and truck drivers.
U	
UPHOLSTERY SHOPS	A retail serve for the upholstery and re-upholstery of furniture.

TABLE OF DEFINITIONS

TERM	DEFINITION
V	
VARIANCE	A relaxation of the strict terms of a specific provision of this Ordinance authorized by the Board of Adjustment.
W	
WAREHOUSING	A use engaged in long-term or short-term storage of manufactured products, supplies, and equipment excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.
WAREHOUSING, SELF-STORAGE	A facility that rents storage space, also known as “storage units,” to tenants, usually on a short-term basis.
WASTE TRANSFER STATIONS	A facility where municipal solid waste is unloaded from collection vehicles and sorted or compacted before being reloaded onto larger vehicles for shipment to a final disposal site.
WATER TREATMENT PLANT	A facility engaged in the treating of raw water for domestic consumption.
WOODWORKING SHOPS	A workshop engaged in the marking of items from wood, and includes cabinetry, furniture making, joinery, carpentry, and woodturning.
Y	
YARD	An open space on the same lot with a principal structure or use unobstructed and unoccupied by any structure or portion thereof or parking or loading area, except as provided in this Ordinance.
YARD, FRONT	A yard extending the full width of the lot and situated between the right-of-way line and the front line of the principal structure or use projected to the side lines of the lot. Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point in the case of rounded property corners at street intersections shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear yard lines may be parallel.
YARD, REAR	A yard extending along either side of a lot measured from front yard line to rear yard line and lying between the side lot line and the principal structure or use on the lot.
YARD, SIDE	A yard extending along either side of a lot measured from front yard line to rear yard line and lying between the side lot line and the principal structure or use on the lot.
Z	
ZONING ADMINISTRATOR	The official charged with the enforcement of this Ordinance, who shall be appointed by the Weldon Board of Commissioners.

ARTICLE 155.3 DISTRICT PROVISIONS

3.1 ESTABLISHMENT AND PURPOSE OF DISTRICTS

For the purpose of this Ordinance, the zoning jurisdiction of the Town of Weldon is divided into the following districts:

3.1.1 CONVENTIONAL DISTRICTS

A. R-40 RURAL RESIDENTIAL DISTRICT

The purpose of this district is to allow agricultural activities and residential development at low rural densities of one or fewer dwelling units per acre in areas where public services are not available.

B. R-20 SUBURBAN RESIDENTIAL DISTRICT

The purpose of this district is to provide for existing residential areas which have developed at two or fewer dwelling units per acre, as well as the establishment of new areas for neighborhoods of a suburban character where public sewer is available or will be in the near future.

C. R-10 MEDIUM DENSITY RESIDENTIAL DISTRICT

The purpose of this district is to provide for existing residential areas which have developed at four or fewer dwelling units per acre, as well as for the establishment and maintenance of new residential neighborhoods where public services are provided.

D. R-8 HIGHER DENSITY RESIDENTIAL DISTRICT

The purpose of this district is to provide single-family neighborhoods which have developed at five and one-half dwelling units per acre, as well as the establishment of new areas for where adequate public facilities can be provided. Neighborhoods incorporating high quality design and open space shall be encouraged.

E. R-MF MULTIFAMILY RESIDENTIAL DISTRICT

The purpose of this district is to provide for the development of multi-family residential structures where adequate public services can be provided.

F. R-MH MANUFACTURED HOME RESIDENTIAL DISTRICT

The purpose of this district is to provide for the development of manufactured homes on individual lots and of manufactured home parks in appropriate locations.

G. TR TRANSITIONAL RESIDENTIAL DISTRICT

The purpose of this district is to provide for the conversion of older homes into office or light commercial uses where such conversion is appropriate in order to preserve Weldon's older homes.

H. CB CENTRAL BUSINESS DISTRICT

The purpose of this district is to allow a wide range of commercial uses compatible with Weldon's downtown area.

I. NB NEIGHBORHOOD BUSINESS DISTRICT

The purpose of this district is to provide a location for neighborhood-serving businesses, as well as shopping centers and highway-oriented businesses in appropriate areas with proper controls and design standards.

J. HB HIGHWAY BUSINESS DISTRICT

The purpose of this district is to provide areas near Uniform Standard routes and interstate highways which serve the needs of the traveling public.

K. HC HEAVY COMMERCIAL DISTRICT

The purpose of this district is to provide suitable locations for those businesses which may require extensive land areas, utilize outdoor sales and storage, and are oriented to single-purpose trips. These businesses are incompatible with residential areas, and can increase traffic congestion if improperly controlled or allowed to locate in long, unbroken strips along major highways.

L. O&I OFFICE AND INSTITUTIONAL DISTRICT

The purpose of this district is to provide locations in the community for office and institutional uses.

M. I-1 INDUSTRIAL DISTRICT

The purpose of this district is to provide locations for manufacturing, wholesaling, and warehousing uses which can be conducted without producing harmful effects on the citizens of Weldon.

3.1.2 CONDITIONAL ZONING DISTRICTS

A. PURPOSE

The purpose of this conditional zoning districts section is to establish the range of available conditional zoning districts. Applicants seeking to establish a conditional zoning district may select one from the range of districts included in the table below. Conditional zoning districts are established in order to:

1. Provide an alternative to conventional zoning districts when a conventional zoning district may allow a range of uses that could have adverse impacts on public facilities or surrounding lands;
2. Create an adequate amount of flexibility in addressing the standards of this Ordinance to accommodate unique site-specific conditions or contexts;
3. Allow a landowner to propose, and the Board of Commissioners to consider, conditions, restrictions, or deviations on a range of allowable uses, use-specific standards, development intensities, development standards, and other applicable regulations; and
4. Establish a legislative means to accommodate desirable development while avoiding or addressing anticipated problems that may arise from the proposed development.

B. ESTABLISHMENT

Lands may be classified into one of the conditional zoning districts identified in the table below only in accordance with the standards in Section 6.6, Conditional Rezoning.

TABLE 3.1.2: CONDITIONAL ZONING DISTRICTS

CONDITIONAL ZONING DISTRICT	CORRESPONDING CONVENTIONAL DISTRICT
R-40-CZ	R-40
R-20-CZ	R-20
R-10-CZ	R-10
R-8-CZ	R-8
R-MF-CZ	R-MF
R-MH-CZ	R-MH
TR-CZ	TR
PUD	none
CB-CZ	CB
NB-CZ	NB
HB-CZ	HB
O&I-CZ	O&I
I-1-CZ	I-1

C. CONDITIONS

Applications for the establishment of a conditional zoning district shall include conditions proposed in accordance with the following standards:

1. Conditions may be proposed by an applicant or the Board of Commissioners. Regardless of how proposed, only those conditions agreed to by both the applicant and the Board of Commissioners shall be included in the approved conditional rezoning.
2. Every applicable condition shall be consented to in writing by the applicant prior to the approval of the application establishing the conditional zoning district.

D. APPLICABLE STANDARDS

Development in a conditional zoning district shall be subject to all the use and development standards and requirements that apply to development in a corresponding zoning district, plus any conditions imposed as part of the conditional zoning approval (including a site plan, if provided).

E. LEGACY SPECIAL USE DISTRICTS

Upon *(insert the effective date of this Ordinance)*, each special use zoning district is automatically translated to the most closely corresponding conditional zoning district listed in Table 3.1.2, Conditional Zoning Districts.

3.1.3 PLANNED DEVELOPMENT DISTRICT (PUD)

A. PURPOSE

The purpose of the planned unit development district is to provide for larger developments which integrate a variety of compatible land uses into a cohesive project while promoting preservation of open space and good design. Planned unit developments may be developed in multiple programmed phases of development.

B. DISTRICT DESCRIPTION

The PUD District is a conditional zoning district that requires a zoning amendment application in accordance with Section 6.6, Conditional Rezoning.

C. MINIMUM PROJECT SIZE

To be considered for PUD district zoning, the minimum project size must be at least five (5) gross acres.

D. USES PERMITTED

1. 5 TO 50 ACRE PROJECTS

- a. Residential Uses only.
- b. May contain any of the permitted or special residential uses listed for the R-40, R-20, R-10, R-8 or R-MF districts.

2. OVER 50 ACRES

- a. A planned unit development may contain any of the permitted or special uses listed for the R-40, R-20, R-10, R-8, R-MF, O&I, NB, or HB districts.
- b. Where an individual use is classified as special use under conventional zoning, no separate special use permit is required.

E. ACCESSORY USES

1. Accessory uses shall meet the requirements of Section, 3.5, Dimensional and Special Requirements.
2. One manufactured home or mobile office may be permitted as a site construction trailer. It shall be permitted as a temporary use and must be removed after development of the project is completed.

F. REQUIRED COMMON OPEN SPACE

A minimum of twenty (20) percent of the gross acreage shall be reserved for private, common open space. A minimum of ten (10) percent of the required open space in a planned unit development shall be developed for active recreational purposes. This area shall have free and easy access via streets, walkways, dedicated easements, or rights-of-way. The common areas and open space required by this section shall be deeded to an owners' association and the developer or owner shall file with the Zoning Administrator and record in the Halifax County Register of Deeds office a declaration of covenants and restrictions as well as regulations and bylaws that will govern the open space. Provisions shall include but not be limited to the following:

1. The association shall be established before any of the homes, buildings, or uses are sold.

2. Membership shall be mandatory for each buyer and all successive buyers, unless another arrangement is approved by the Weldon Board of Commissioners which adequately protects the interests of the Town and the owners.
3. The association shall be responsible for the liability insurance, local taxes, maintenance of recreation, and other facilities.
4. Any sums levied by the association that remain unpaid shall become a lien on the individual owner's property which shall be subordinate only to tax and mortgagee liens unless another arrangement is approved by the Town Board which adequately protects the interests of the Town and the owners.
5. The owner of each dwelling unit or each homeowner or other building owner shall have voting rights in the association.
6. Uses of common property including parks and recreation facilities shall be appropriately limited to persons residing in the development.
7. The following information shall also be provided:
 - a. The name of the association.
 - b. The manner in which directors of the association are to be selected.
 - c. The post office address of the initial registered office.
 - d. The name of the city and county in which the registered office is located.
 - e. The number of directors constituting the initial board of directors.
 - f. A contact list including the name, address, and phone number of all directors and officers of the association shall be submitted to the Town annually.

G. RESIDENTIAL REQUIREMENTS

The PUD district allows for multiple types of development. Permitted density by type of development is listed in the sections below.

1. SINGLE-FAMILY DWELLING (DETACHED)

TABLE 3.1.3.G: DIMENSIONAL REQUIREMENTS FOR SINGLE-FAMILY DETACHED DWELLINGS	
STANDARD	
Minimum Lot Area (sq. feet)	10,000
Minimum Lot Width (ft.) [1]	75
Minimum Lot Depth (ft.)	120
Minimum Front Yard (ft.)	25
Minimum Side Yard (ft.)	15
Minimum Rear Yard (ft.)	25

TABLE 3.1.3.G: DIMENSIONAL REQUIREMENTS FOR SINGLE-FAMILY DETACHED DWELLINGS

STANDARD	
Maximum Lot Coverage %	40
Maximum Height (ft.)	35

NOTES:

[1] The minimum required width on lots which front on the turnaround circle of a cul-de-sac shall be measured at the front yard setback line.

2. CLUSTERED, DETACHED SINGLE-FAMILY DWELLINGS

Clustering of single-family lots may be permitted in situations where either site topography makes conventional development impractical or special environmental features need to be protected. In a clustered subdivision, the minimum area for individual lots may be reduced, but shall not be less than 6,000 square feet. The difference between the lot area required by Table 3.1.3.G and the reduced lot dimensions shall be dedicated to a homeowners' association as private common open space.

3. MULTI-FAMILY DWELLINGS

a. DENSITY

Maximum density for multi-family units shall be:

i. APARTMENTS

Ten (10) dwelling units per acre.

ii. TOWNHOUSES

Eight (8) dwelling units per acre. The maximum number of townhouse units attached to each other in a single building shall be eight (8).

b. BUILDING SEPARATION

The minimum horizontal distance between the vertical projections of any points on two (2) adjacent buildings shall be thirty (30) feet.

c. ACCESSORY USES

i. Accessory uses such as leasing offices, coin-operated laundry facilities, swimming pool snack bars, and similar uses for residents of the multi-family dwelling may be allowed provided that they are intended to serve residents of the dwelling or complex only, will not be visible from the exterior of the site and will not attract outside traffic to the site.

ii. Access for emergency vehicles to all parts of the complex and to each dwelling unit shall be provided.

d. PERIMETER YARD REQUIRED

A yard of at least fifty (50) feet shall be provided around the entire perimeter of the site, with the exception of driveways. Parking spaces and accessory buildings and structures shall not be allowed in this required yard.

H. NON-RESIDENTIAL AREA AND DIMENSIONAL REQUIREMENTS

1. Dimensional requirements for non-residential uses in a planned unit development shall comply with the dimensions listed in Table 3.1.3.H below.

TABLE 3.1.3.H: DIMENSIONAL REQUIREMENTS FOR NON-RESIDENTIAL USES	
NON-RESIDENTIAL USES	
Minimum Lot Area (sq. feet)	20,000
Minimum Lot Width (ft.)	90
Minimum Lot Depth (ft.)	120
Minimum Front Yard (ft.)	30
Minimum Side Yard (ft.)	12
Minimum Rear Yard (ft.)	25
Maximum Lot Coverage %	40
Maximum Height (ft.)	35

2. Shopping centers are permitted in a planned unit development and shall be built in accordance with all the requirements of Section 5.4.23, Shopping Centers of this Ordinance.

I. APPLICATION PROCEDURES

1. PUD district projects require a zoning map amendment.
2. Large projects may be phased.
3. All phase lines shall be clearly marked on the master development plan.
4. No phase or section of an approved planned unit development shall be revised, enlarged or amended without first resubmitting that phase or section to the Planning Board and the Board of Commissioners.

J. PHASED DEVELOPMENT

1. Phased development shall be allowed if the entire project receives approval and provided the individual phases are identified.
2. All open space, including active recreation areas, for the entire project must be recorded and/or provided for in the homeowner's association with the development of the first phase.
3. Phased development is allowed only if the membership of the association includes the entire project.
4. No subsequent phases may be commenced until all physical improvements of the previous phase including streets, sidewalks, utilities, electrical service, recreation areas

and the like have been installed or a performance guarantee is submitted for their installation in accordance with the Town of Weldon Subdivision Ordinance.

3.1.4 TR ZONING DISTRICT

A. GENERALLY

1. Retail, Service and Professional uses designated in Table 3.4.2, Table of Permitted Uses as either Special or Development Standard shall comply with the following regulations in addition to requirements found elsewhere in this Ordinance.
2. Non-residential uses are permitted in older residential dwellings in the TR district for the purposes of encouraging their maintenance and preservation.

B. PARKING

1. Off-street parking shall be provided in the rear and shall be buffered from neighboring property used for residential purposes by a Type A planting yard as defined in Section 5.3, Landscaping Standards.
2. These uses are to be permitted in older dwellings in the TR District for the purpose of encouraging their maintenance and preservation and a special use permit shall be issued only when it serves such a purpose.

C. LIGHTING

1. Exterior lighting shall be kept to a minimum of what is necessary to assure safe access to the property.
2. All exterior lighting shall be arranged so that it does not spill over onto adjacent properties.

D. SIGNAGE

1. All signs shall conform to the adopted Design Guidelines for the Weldon Historic District.
2. Free standing signs shall be limited to monument type. Free standing signs shall be limited to one per principal structure.
3. All signs shall be externally lit from ground-based fixtures.
4. Monument signs shall be limited to 12 square feet of signage space, and four feet in height.

3.1.5 HISTORIC DISTRICT REGULATIONS

See Town of Weldon Historic Preservation Commissioner Ordinance.

3.2 ESTABLISHMENT OF OFFICIAL ZONING MAP

3.2.1 INCORPORATED BY REFERENCE

The Official Zoning Map, as amended, is hereby incorporated by reference herein and made part of this Ordinance.

3.2.2 OFFICIAL ZONING MAP

The boundaries of the use districts established by this Ordinance are shown on the Official Zoning Map which shall be maintained by the Zoning Administrator and kept at the Town Clerk's office in the municipal building, Weldon, North Carolina.

3.2.3 AMENDMENTS TO THE OFFICIAL ZONING MAP

Amendments to the Official Zoning Map shall be adopted by ordinance as provided in Sections 6.6, Conditional Rezoning and 6.7, Conventional Rezoning. Promptly after the adoption of an amendment, the Zoning Administrator shall alter or cause to be altered the Official Zoning Map to indicate the amendment. The Town Clerk shall enter in writing upon the face of the map a certification indicating the alteration and citing the date of adoption and the effective date of the amendment.

3.2.4 GENERALLY

- A. The digital Official Zoning Map maintained in the offices of the Planning Department shall be the final authority as to the status of the current zoning district classification of land in the Town's planning jurisdiction and shall only be amended in accordance with Section 6.6, Conditional Rezoning, or Section 6.7, Conventional Rezoning.
- B. The Official Zoning Map designates the location and boundaries of the conventional, conditional, and overlay zoning districts established in this Ordinance.
- C. Zoning Map shall be maintained in a digital format and paper copies shall be kept on file in the Planning Department and are available for public inspection during normal business hours. Interpretation of Zoning District Boundaries

3.2.5 METHOD OF INTERPRETATION

- A. If uncertainty exists as to the boundaries of the zoning districts shown on the Official Zoning Map, which is not resolved by the ordinance or ordinances establishing and amending such boundaries, the following rules shall apply:
 - 1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such center lines;
 - 2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
 - 3. Boundaries indicated as approximately following governmental incorporation or extraterritorial jurisdiction boundaries shall be construed as following such jurisdictional boundaries;
 - 4. Boundaries indicated as approximately following the center of railroad lines shall be construed to be midway between the main track or tracks;
 - 5. Boundaries indicated as approximately following the center lines of streams, rivers, lakes, or other bodies of water shall be construed as following such center lines;
 - 6. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and if the shoreline is changed either naturally or as permitted by law, such a boundary shall be construed as moving with the actual shoreline;
 - 7. Boundaries indicated as following the contours of certain elevations or soils of a particular type shall be construed as following the actual height or soil contour as determined by accepted surveying practices;
 - 8. Boundaries indicated as parallel to or extensions of natural or man-made features indicated in subsection (1) through (7) above shall be so construed; and

- 9. Distance not specifically indicated shall be determined by the scale of the Official Zoning Map.
- B. Where uncertainties continue to exist after application of the above rules, the appeal of the Zoning Administrator's determination may be taken to the Board of Adjustment as provided in Section 6.3, Right of Appeal.

3.3 PERMITTED USES

3.3.1 LAND USES DISTINGUISHED

- A. Principal uses are the primary, permanent use types proposed on a lot (like a single-family home).
- B. Accessory uses are incidental or subordinate uses found on the same lot as a principal use (like a detached garage structure serving a single-family home) and may be a structure or an activity (like a home occupation).
- C. Temporary uses are structures or activities permitted for a limited duration of time on a lot (like a portable storage container used for the purposes of storing or moving a household's belongings).

3.3.2 TABLE OF PERMITTED USES

The locations where particular (or use types) are permitted in all districts shall be in accordance with Table 3.4.2, Table of Permitted Uses. "P" indicates a use permitted by right; "D" is a permitted use, but subject to additional development standards as specified in Section 5.4; Development Standards for Individual Uses and "S" is a special use, allowed only with approval of the Weldon Board of Adjustment, and subject to the standards of Section 6.5, Special Use Permits.

TABLE 3.4.2: TABLE OF PERMITTED USES

P = Permitted by Right
 D = Permitted subject to development standards
 S = Special Use Permit required

PRINCIPAL USE TYPE	R-40	R-20	R-10	R-8	R-MF	R-MH	TR	CB	NB	HC	HB	O&I	I-1	USE STD.
AGRICULTURAL														
Farming	P									P	P		P	
Sale of Farm Product on Property where Produced	P									P	P		P	
Greenhouses, Commercial	S												P	
Migrant Labor Camp	S												P	
Plant Nurseries and Related Agricultural Uses	P													
Cotton Gin													P	

TABLE 3.4.2: TABLE OF PERMITTED USES

P = Permitted by Right
 D = Permitted subject to development standards
 S = Special Use Permit required

PRINCIPAL USE TYPE	R-40	R-20	R-10	R-8	R-MF	R-MH	TR	CB	NB	HC	HB	O&I	I-1	USE STD.
RESIDENTIAL														
Bed & Breakfast	D	D	D	D	D		D	D	D		D	D		5.4.3
Boarding Houses	S	S	S	S	S		S					S		5.4.4
Dwellings, Single-family	P	P	P	P	P	P	P	S						
Dwellings, Two-family					S	P		S						
Dwellings, Multifamily					D			S				S		5.4.12
Dwellings, Townhomes					D			S						5.4.12
Manufactured Homes, Class A	D					D								5.4.19
Manufactured Homes, Class B						D								5.4.20
Manufactured Homes, Modular	P	P	P	P	P	P	P	S						
Manufactured Home Parks						S								5.4.21
EDUCATION, GOVERNMENT & INSTITUTIONAL														
Armories										P		P	P	
Cemeteries	S	S	S	S	S	S	S							5.4.7
Churches, Temples, Synagogues	D	D	D		D	D	D		D	D	D	D		5.4.8
Civic and fraternal organizations	S	S	S	S	S	S	S	P	P	P	P	P		5.4.9
Colleges and Universities	S							S	S	S	S	S	S	

TABLE 3.4.2: TABLE OF PERMITTED USES

P = Permitted by Right
 D = Permitted subject to development standards
 S = Special Use Permit required

PRINCIPAL USE TYPE	R-40	R-20	R-10	R-8	R-MF	R-MH	TR	CB	NB	HC	HB	O&I	I-1	USE STD.
Community Centers	S	S	S	S	S	S	S	S	S		S	S		
Day Care Center	S	S	S	S	S	S	S							5.4.10
Day Care, Home	S	S	S	S	S	S	S							5.4.11
Family Care Homes	D	D	D	D	D	D	D	D						5.4.16
Group Homes	S				S									
Government Offices								P	P	P	P	P	P	
Hospitals									P	P	P	P	P	
Libraries	S	S	S	S	S	S		P	P		P			
Museums	S	S	S	S	S	S	P	P	P		P			
Nursing Homes					S				P		P	P		
Public Safety Stations (police, fire, and rescue squad)	S	S	S	S	S	S	S	S	S	S	S	S	S	
Schools, Elementary & Secondary	S	S	S	S	S	S		S	S		S	S		
Schools, Vocational								S	S		S	S	S	
RECREATIONAL														
Auditoriums/Civic Centers								S		S	S	S		
Amusement Parks											S		S	
Campground (Commercial)	S										P			5.4.6
Campground, (Youth or Organized Groups)	S										P			

TABLE 3.4.2: TABLE OF PERMITTED USES

P = Permitted by Right
 D = Permitted subject to development standards
 S = Special Use Permit required

PRINCIPAL USE TYPE	R-40	R-20	R-10	R-8	R-MF	R-MH	TR	CB	NB	HC	HB	O&I	I-1	USE STD.
Nightclubs								S			S			5.4.22
Entertainment, Indoor								D		S	S	S		5.4.14
Entertainment, Outdoor	S							S			S			5.4.15
Parks, Municipal	P	P	P	P	P	P	P	P	P	P	P	P		
Playgrounds, Municipal	P	P	P	P	P	P	P	P						
Recreation Facility, Indoor	S	S	S	S	S			S	S	S	S	S	S	
Recreation Facility, Outdoor	S	S	S	S	S	S	S			S	S	S		
BUSINESS PROFESSIONAL & PERSONAL SERVICE														
Ambulance Service (non-emergency)										S	S	S		
Automotive Rental or Leasing									P	P	P		P	
Automotive Repair Services								S		P	D		P	5.4.2
Automotive Towing & Storage										P			P	
Banks, and Other Financial Institutions including drive-in								P	P	P	P	P	P	
Car Washes									S	P	P		P	
Contractor Services										P	S		P	
Equipment Repair, Heavy													P	
Funeral Homes									S	P	P	P		
Hotel or Motel								D		P	P	P		

TABLE 3.4.2: TABLE OF PERMITTED USES

P = Permitted by Right
 D = Permitted subject to development standards
 S = Special Use Permit required

PRINCIPAL USE TYPE	R-40	R-20	R-10	R-8	R-MF	R-MH	TR	CB	NB	HC	HB	O&I	I-1	USE STD.
Kennels or Pet Grooming									P	P	P			
Laboratories for research or testing										S			S	
Offices, Business, Professional, and Public							D	P	P	P	P	P	P	
Personal Services							D	P	P	P	P	P		
Pest or Termite Control										P			P	
Photocopying or Duplicating								P	P	P	P	P	P	
Photographic Studio							P	P	P	P	P	P	P	
Repair & Maintenance Shops (Other)									P	P	P		P	
Septic Tank Service													P	
Tattoo Parlor, Body Piercing Studio													P	
Taxidermy Shop										S			S	
Truck & Trailer Leasing													P	
Tire Repair, Recapping										P	S		P	
Upholstery Shops									P	P	P		P	
RETAIL OR WHOLESALE SALES														
ABC Store								P	P	P	P			
Adult Establishments													S	5.4.1
Air Conditioning Supplies and Equipment Sales										P	P		P	

TABLE 3.4.2: TABLE OF PERMITTED USES

P = Permitted by Right
 D = Permitted subject to development standards
 S = Special Use Permit required

PRINCIPAL USE TYPE	R-40	R-20	R-10	R-8	R-MF	R-MH	TR	CB	NB	HC	HB	O&I	I-1	USE STD.
Auto Accessories								P	P	P	P		P	
Bar								S			S			
Building Materials and Supplies										P			P	
Clay, Stone, Concrete, Cement Products Sales										P			P	
Convenience Store w/Fuel Sales									P	P	P		P	
Drug Stores with Drive-Through										P	P			
Drug Stores w/o Drive-Through								P	P	P	P			
Electrical Supplies and Equipment								P		P			P	
Engineering Supplies and Equipment								P	P	P	P		P	
Farm Equipment and Supplies										P			P	
Farmers Market								P	P	P	P			
Flea Market, Indoor								P		P	P		P	
Flea Market, Outdoor										P	P		P	
Fuel Dealers										D	D		D	5.4.17
Furniture, Wholesale								P	P	P	P		P	
General Retail Uses <5,000 Square Feet							S	P	P	P	P			

TABLE 3.4.2: TABLE OF PERMITTED USES

P = Permitted by Right
 D = Permitted subject to development standards
 S = Special Use Permit required

PRINCIPAL USE TYPE	R-40	R-20	R-10	R-8	R-MF	R-MH	TR	CB	NB	HC	HB	O&I	I-1	USE STD.
General Retail Uses ≥5,000 Square Feet								S	S	S				5.4.18
Hardware, Wholesale								P		P	P		P	
Heavy Equipment Sales										S			P	
Leather Goods, Wholesale								P		P			P	
Manufactured Home Sales										S			P	
Medical Supplies and Equipment								P		P	P		P	
Motor Vehicle Sales, New and Used										P	P		P	
Office Equipment and Supplies								P	P	P	P		P	
Paint and Wallpaper, Wholesale								P		P			P	
Pawn Shops									P		P			
Petroleum, Bulk Storage													S	5.4.17
Pets and Pet Supplies									P	P	P			
Recreational Vehicle Sales										P				
Restaurants (with drive-thru)									P	P	P			
Restaurants (without drive-thru)								P	P	P	P			
Service Station, Automotive Gasoline									P	P	P			5.4.23
Shopping Centers								S	S	S	S			5.4.24

TABLE 3.4.2: TABLE OF PERMITTED USES

P = Permitted by Right
 D = Permitted subject to development standards
 S = Special Use Permit required

PRINCIPAL USE TYPE	R-40	R-20	R-10	R-8	R-MF	R-MH	TR	CB	NB	HC	HB	O&I	I-1	USE STD.
Social Facility							D	P	P		P	P		
Tea Room or Coffee Shop							S	P	P		P			
Truck Stops										S	S		S	
MANUFACTURING & INDUSTRIAL USES														
Asphalt Plant													S	
Auto Accessories													P	
Bottling Plants													P	
Clay, Stone, Concrete, Cement Manufacturing													S	
Dairies	S												P	
Electrical Equipment and Supplies													P	
Farm Equipment													P	
Fertilizer													S	
Food and Beverage excluding meat, poultry, vinegar, yeast								S		P			P	
Food and Beverage								S					S	
Furniture													P	
Glass, Glassware, China, Pottery								D					P	
Hardware, Machinery, Appliance													P	

TABLE 3.4.2: TABLE OF PERMITTED USES

P = Permitted by Right
 D = Permitted subject to development standards
 S = Special Use Permit required

PRINCIPAL USE TYPE	R-40	R-20	R-10	R-8	R-MF	R-MH	TR	CB	NB	HC	HB	O&I	I-1	USE STD.
Landfill, Construction and Demolition, (C&D)is													S	
Landfill, Land Clearing and Inert Debris (LCID)													S	
Landfill, Sanitary													S	
Leather and Leather Products													S	
Machine Shops													P	
Medical Supplies													P	
Manufactured Home Manufacturing													P	
Musical Instrument Manufacturing								D					P	
Office Equipment Manufacturing													P	
Optical, Scientific, Jewelry and Clock Manufacturing													P	
Paint Manufacturing													S	
Pharmaceutical Manufacturing													S	
Plumbing and Air Conditioning Equipment Manufacturing													P	
Printing Plants, Newspaper and Publishers										S			P	

TABLE 3.4.2: TABLE OF PERMITTED USES

P = Permitted by Right
 D = Permitted subject to development standards
 S = Special Use Permit required

PRINCIPAL USE TYPE	R-40	R-20	R-10	R-8	R-MF	R-MH	TR	CB	NB	HC	HB	O&I	I-1	USE STD.
Storage and Salvage Yard, Outdoor													S	5.4.25
Textile and Apparel Manufacturing								D					P	
Woodworking Shops,										P			P	
TRANSPORTATION, WAREHOUSING & UTILITIES														
Bus Station								S		P	P		P	
Communication or Broadcast Facility								P	P	P	P	P	P	
Telecommunication Towers	S												S	5.4.26
Utility Lines and Related Structures	P	P	P	P	P	P	P	P	P	P	P	P	P	
Power Generation and Co-Generation Plants													P	
Public Utility Installation	S		S	S	S	S	S	S	S	S	S	S	P	
Sewage Treatment Plant													P	
Taxi Stand								P	P	P	P	P	P	
Train Station								P			P			
Trucking Terminals													P	
Water Treatment Plant	S												P	
Warehousing, Self-Storage										D			P	
Warehousing													P	
Waste Transfer Stations													P	

TABLE 3.4.2: TABLE OF PERMITTED USES

P = Permitted by Right
 D = Permitted subject to development standards
 S = Special Use Permit required

PRINCIPAL USE TYPE	R-40	R-20	R-10	R-8	R-MF	R-MH	TR	CB	NB	HC	HB	O&I	I-1	USE STD.
ACCESSORY AND TEMPORARY USES														
Accessory Uses in Accordance with Section 3.7	P	P	P	P	P	P	P	P	P	P	P	P	P	3.7
Cafeteria and Snack Bars to Serve Employees								P	P	P	P	P	P	
Dwelling, accessory to a commercial use								S	D	D	D	D	D	3.7
Electronic Game Machines and Pinball Machines within an establishment devoted to another purpose								D	D	D	D		D	5.4.13
Home Occupations	P	P	P	P	P	P	P	P						3.7
Temporary Events	D	D	D	D	D	D	D	D	D	D	D	D	D	5.4.27
Temporary Uses								D	D	D	D	D	D	3.8

3.4 DIMENSIONAL AND SPECIAL REQUIREMENTS

3.4.1 RESIDENTIAL DISTRICTS

TABLE 3.5.1: DIMENSIONAL REQUIREMENTS FOR RESIDENTIAL DISTRICTS

DISTRICT AND USE	MINIMUM LOT AREA AND DIMENSIONS			MINIMUM SETBACKS			MAXIMUM BLDG. HEIGHT (FT)	MAX. LOT COVER (%)
	AREA [1]	WIDTH [2]	DEPTH	FRONT	SIDE	REAR		
R-40 District								
All Residential	40,000	120	150	40	25	30	35	30
R-20 District								
All Residential	20,000	100	125	30	15	30	35	40
R-10 District								
All Residential	10,000	75	100	25	15	25	35	40
Other Principal Use	10,000	75	100	25	15	25	35	40
R-8 District								
Single-Family Res	8,000	60	100	25	10	15	35	40
Duplex/Multifamily	8,000	85	100	25	15	20	35	40
Other Principal Use	8,000	85	100	25	15	20	35	40
R-MF District								
Single-Family Res	10,000	75	125	25	15	25	35	40
Multi-Family	See Section 5.4.11 for standards							
Other Principal Use	20,000	75	125	25	15	25	35	40
R-MH District								
Single Family Res with Sewer	10,000	75	100	25	15	25	35	40
Single-Family Res w/Water & No Sewer	15,000	75	100	25	15	25	35	40
Single-Family Res with Well & Septic Tank*	20,000	75	125	25	15	25	35	40
Manufactured Homes Parks	See Section 5.4.20 for standards							
TR District [3]								
All Uses	8,000	60	100	25	10	10	35	40
Notes:								
[1] All Halifax County Health Department requirements must also be met.								
[2] Corner lot widths shall be increased by 10 feet.								
[3] Retail and services uses permitted as a Special Use or permitted subject to development standards shall meet the requirements of Section 3.1.4, TR Zoning District.								

3.4.2 COMMERCIAL DISTRICTS

TABLE 3.5.2: DIMENSIONAL REQUIREMENTS FOR COMMERCIAL DISTRICTS

DISTRICT AND USE	MINIMUM LOT AREA AND DIMENSIONS			MINIMUM SETBACKS			MAXIMUM BLDG. HEIGHT (FT)	MAX LOT COVERAGE IN %
	AREA	WIDTH	DEPTH	FRONT	SIDE	REAR		
O&I District								
Residential	8,000/du	75	100	25	15	25	35	40
Other Principal Use	10,000	75	100	25	15	25	35	40
CB District								
All Uses	None	20	None	None	10 [1]	None [1]	50 [2]	100
Duplex-Multifamily	8,000	85	100	25	15	20	35	40
NB District								
All Principal Uses (includes shopping centers and highway-oriented clusters)	20,000	150	125	30	15[3]	15[4]	35	40
HC District								
All Principal Uses	40,000	200	200	50	30	30	35	40
HB District								
All Principal Uses	11,250	75	150	30	15	15	35	40
I-1 District								
All Principal Uses	40,000	200	200	50	30	30	35	40
Notes: [1] Where side or rear yards are provided there shall be at least 6 feet between buildings. [2] Buildings exceeding 50 feet in height shall be set back from the front lot line one (1) additional foot for each two (2) foot of building height above fifty (50) feet or fraction thereof, but in no case shall the setback exceed ten (10) feet. [3] Side setback is 30 feet if next to a residential zone. [4] Rear setback is 30 feet if next to a residential zone.								

3.5 SUPPLEMENTARY DIMENSIONAL REQUIREMENTS

3.5.1 EXEMPTIONS AND MODIFICATIONS

A. EXISTING FRONT YARD SETBACKS

1. The minimum front yard requirements of this Ordinance for dwellings shall not apply on any lot where the average front yard depth of existing dwellings within 100 feet is less than the minimum required. In such situations, the subject dwelling is not required to meet the district minimum front yard but must meet either: the adjacent dwelling with the greatest front yard depth, or the average front yard of existing dwellings located wholly or in part within one hundred (100) feet on each side, whichever is greater.
2. When averaging to determine yard depth, only dwellings within the same block, in the same zoning district, and on the same side of the street may be used.

B. CORNER LOT SETBACKS

In any residential district, the side yard requirements for corner lots shall be increased by ten (10) feet along the side abutting a street(s). The front and side yards of the lot shall be designated by the applicant at the time of permitting.

C. ENCROACHMENTS

1. Portions of structures which exceed the height limitations of this Ordinance such as: church spires, belfries, cupolas, domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flag poles, radio towers, masts, aerials, and similar structures are permitted by right.
2. Uncovered stairs, landings, terraces, porches, balconies, and fire escapes may project into any required setback, but such projection may not exceed six (6) feet and may not be closer than (10) feet to a property line.
3. Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required setback up to three (3) feet.
4. Mechanical equipment such as heat pumps and air conditioners may project into a required yard but shall be no closer than 3 feet from a property line.
5. The requirements of this Ordinance do not apply to roads, water, sewer, gas, electric, telephone and similar utility lines except where specifically mentioned.

3.5.2 VISIBILITY AT INTERSECTIONS

Proper sight distances shall be maintained at all intersections of streets and at driveway intersection with streets. Any intersection with a major street or highway shall have drawn on the plat a sight triangle easement with dimensions of ten (10) feet along the lower order street and seventy feet (70) along the higher order street or of another size if required by NCDOT. No building or obstruction that impedes vision beyond the extent noted above shall be permitted in this area.

3.5.3 STREET ACCESS REQUIRED

No principal building, structure, or use may be erected or established on any lot which does not abut at least twenty (20) feet on one of the following:

- A. A public street dedicated to and maintained by the Town of Weldon or the North Carolina Department of Transportation;
- B. A private street constructed to the standards in the Subdivision Regulations of the Town of Weldon, with a written agreement concerning maintenance of the street.
- C. A private recorded access easement for the exclusive use of up to four residential units, and provided that the access is maintained in a condition passable for emergency service vehicles, and further provided that no such access may be established closer than one hundred fifty (150) feet to any other previously recorded access.

3.6 ACCESSORY USES, BUILDINGS AND STRUCTURES

3.6.1 ACCESSORY USES – GENERALLY

Accessory uses are permitted in any zoning district in accordance with the following regulations:

- A. An accessory building, structure, or use is a building, structure, or use on the same lot or site with a principal use or structure and is incidental or subordinate to, and of a character related to the principal use of structure.
- B. Accessory uses to single-family, two-family, and multi-family dwellings shall not include commercial uses, except as permitted as home occupations in Section 3.7.4, Home Occupations of this Ordinance.
- C. Residences for watchmen and caretakers are permitted accessory uses to research and industrial uses.
- D. No accessory building shall exceed thirty-five (35) feet in height, nor shall any accessory building exceed the height of the principal building.
- E. An accessory building sharing one or more common walls with the principal building shall be considered part of the principal building for purpose of this Ordinance and must meet all yard requirements applied to the principal building.
- F. No detached accessory building shall be located closer than ten (10) feet to any other building or manufactured home.
- G. No accessory building or use may extend beyond the front of the rear line of a single-family or two-family dwelling or manufactured home.
- H. No accessory building or use may extend within five (5) feet of a lot line, nor within twenty (20) feet of a street right-of-way line.
- I. Recreational uses and buildings accessory to apartment complexes shall be in accordance with Section 5.4.11, Dwellings, Multi-Family and Townhouses of this Ordinance.
- J. Satellite dishes less than thirty-six inches in diameter may be placed in the side or rear yard or attached to a structure. Satellite dishes are not permitted in the front yard unless it can be demonstrated to the Zoning Administrator that reception is not possible in approved locations as specified by this sub-section.
- K. Dumpsters shall be completely screened from view by means of an enclosure on three sides with a gate on the front of the enclosure.

3.6.2 ACCESSORY DWELLING UNITS

In addition to the general standards for accessory uses, accessory dwelling units shall be subject to the following standards:

- A. No more than one accessory dwelling unit shall be permitted on a lot with a single-family dwelling.
- B. The heated area of a detached shall not exceed 50 percent of the total heated square footage of the principal structure.
- C. The square footage of an internal accessory structure shall not exceed 35 percent of the total heated area of the principal structure.
- D. Unless otherwise permitted in this Ordinance, no manufactured home or recreational vehicle shall be utilized as an accessory dwelling unit.
- E. The accessory dwelling unit shall comply with the NC Building Code.

3.6.3 FENCES AND WALLS

A. GENERALLY

Fences and walls are permitted as accessory uses provided that they comply with the following:

1. No residential fence more than (3) feet in height, nor retaining wall more than five (5) feet in height which is more than seventy-five (75) percent solid may be placed in any front yard including along the side lot line to the front of any principal building, unless approved by Weldon Board of Commissioners, as a buffer in accordance with Section 5.3 , Landscaping Standards of this Ordinance.
2. Rear and side fences greater than six (6) feet in height shall be of an open type similar to woven wire or wrought iron fencing except where a buffer with different specifications is required elsewhere in this Ordinance.
3. Fences may not exceed ten (10) feet in height. The Board of Adjustment may approve fences in excess of ten feet in exceptional cases when a hardship is demonstrated.
4. No fence shall impede vision as regulated in Section 3.6.2, Visibility at Intersections of this Ordinance.

B. MATERIALS PERMITTED

1. Fences in residential districts may be constructed of wood or materials designed to simulate wood, iron pickets, or stone.
2. Chain link shall be permitted inside or rear yards only.

C. MATERIALS PROHIBITED

Barb wire, razor wire, and broken glass atop walls are prohibited as fence materials in residential zoning districts.

D. LOCATION

The preferred location for fences is on the property line. Where it is not feasible to place a fence on a property line it shall be set back a minimum of five (5) feet from the lot line to allow for maintenance.

3.6.4 HOME OCCUPATION REGULATIONS

A. WHERE PERMITTED

Home occupations are permitted in all districts only as an accessory use and shall comply with the following regulations:

1. No more than two (2) persons other than a resident of the dwelling shall be engaged in such occupation.
2. No more than three (3) customers, clients, or patrons shall come to the dwelling at any one time nor more than ten (10) in any one day.
3. No more than two (2) vehicles may be used in the conduct of the home occupation. Any such vehicle shall be parked off the street. The parking of any such vehicles on the property, other than an automobile, shall be in an enclosed building as described in subsection 4 below, or shall obtain a special use permit from the Town Board.
4. No more than twenty-five (25) percent of the total actual floor area of the dwelling or five hundred (500) square feet, whichever is less, shall be used in the conduct of the home occupation.
5. Up to one (1) accessory building, not exceeding one thousand (1,000) square feet, may be allowed as a Special Use in connection with the home occupation, to house commercial vehicles and/or for storage of materials used in connection with the home occupation. All lot coverage, dimensional, and other requirements of this Ordinance must be met by such accessory building. Such accessory building must resemble a residential garage. A sketch of the proposed building and a list of the materials to be used on the outside must be submitted with the application for a special use permit.
6. A home greenhouse shall be permitted provided that such greenhouse meets the requirements of Section 3.7.1, Accessory Uses Generally.
7. No outdoor sales or storage shall be permitted in connection with the home occupation.
8. The exterior appearance of the dwelling shall not be altered in such a manner nor shall the occupation in the residence be conducted in such a way as to cause the premises to differ from its residential character in exterior appearance.
9. The use may not emit noise beyond that which normally occurs in the applicable zoning district, nor shall it emit dust, vibration, odor, smoke, fumes, glare, electrical interference, interference to radio and television reception or other nuisance and shall not be volatile or present a fire hazard, nor may the occupation discharge into any waterway, stream, lake, or into the ground or a septic tank any waste which will be dangerous or a nuisance to persons or animals, or which will damage plants or crops.
10. No home occupation shall involve the use of electrical or mechanical equipment that would change the fire rating of the structure in which the home occupation is conducted.
11. There shall be no more than two (2) deliveries per day to the premises of materials to be used in conjunction with the home occupation and these shall take place between the hours of seven (7:00) a.m. and nine (9:00) p.m.

12. No customers, clients, patrons, or employees other than the residents' household may be on the premises in connection with the home occupation before seven (7:00) a.m. or after nine (9:00) p.m.
13. The following are strictly prohibited as home occupations: car washes, commercial automotive repair garages, truck terminals, slaughterhouses, paint, petroleum and chemical plants, any occupation which involves the storage of liquid petroleum, gasoline, kerosene or other flammable liquids, funeral homes and mortuaries, adult uses, animal hospitals and kennels, bottled gas sales.

3.7 TEMPORARY USES

3.7.1 APPLICABILITY

- A. The standards in this section apply to non-permanent uses and structures, including temporary signage, which take place on a temporary basis whether on the same site or in different locations in the Town's planning jurisdiction.
- B. Temporary uses occurring within the public right-of-way require approval by the Town Board of Commissioners or NCDOT, as appropriate.

3.7.2 EXEMPTIONS

Temporary uses or structures operated by the Town or the County for public safety or as part of a sanctioned governmental event shall be exempted from these requirements.

3.7.3 REVIEW CRITERIA

The Zoning Administrator shall decide applications for a Temporary Permit in accordance with the following:

- A. The applicant has written permission from the landowner, or is otherwise authorized to make use of the land;
- B. The applicant has obtained the appropriate permits and approvals from the Town and other agencies;
- C. The temporary use meets public utility and Town requirements for proper connection to water, sewer, electrical, and other utility service connections, as applicable;
- D. Inclusion of any lighting or electrical service shall be subject to an approved electrical permit;
- E. Any habitable structures shall require approval of a Building Permit;
- F. The temporary use does not violate the applicable conditions of approval that apply to a site or use on the site;
- G. The proposed site contains sufficient land area for the temporary use and for the parking and traffic movement associated with the temporary use, without impacting the site's ability to comply with other applicable requirements of this Ordinance;
- H. The temporary use provides adequate on-site restroom facilities, if necessary;
- I. Adequate provisions for crowd control shall be provided, if necessary, in the sole opinion of the Zoning Administrator;
- J. Any signage associated with a Temporary Permit shall comply with the applicable standards in Section 5.2, Sign Standards; and
- K. The site of the temporary use shall be cleared of all debris within 48 hours of the end of the temporary use and all temporary structures shall be cleared from the site within 5 days after the use is terminated.

3.7.4 AMENDMENT

Amendment of a Temporary Permit may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

3.7.5 EXPIRATION

- A. If the work authorized by a Temporary Permit is not substantially commenced within six months from the date of issuance, the Temporary Permit shall become null and void.
- B. An approval of a Temporary Permit is only valid for the term included in the approval. In cases where the activity associated with a Temporary Permit approval cannot be undertaken within the allowable duration, the applicant may withdraw the application and reapply.
- C. Failure to achieve substantial commencement or complete the temporary use or activity within the permitted duration shall render the Temporary Permit approval null and void.

3.7.6 APPEAL

In accordance with NCGS§160D-405, and Section 6.3, Right of Appeal.

ARTICLE 155.4 NONCONFORMITIES

4.1 PURPOSE

There are existing structures, uses of land, signs, and lots of record that were lawfully established before the effective date of this Ordinance or a subsequent amendment thereto, that now do not conform to standards and requirements of this Ordinance. Such uses, structures, signs, and lots are collectively referred to as “nonconformities” that are subject to the standards in this Article. The purpose of this Article is to establish the rules under which nonconformities may continue and how their continued existence may be affected by changing conditions. More specifically, these standards are intended to:

- A. Allow lawfully-established nonconformities to continue;
- B. Encourage routine maintenance and activities necessary to preserve or improve public safety associated with a lawful nonconformity;
- C. Foster compliance with development and design standards as part of redevelopment or expansion of a nonconforming site;
- D. Clarify how certain nonconformities may be continued or re-established following casualty damage;
- E. Limit the re-establishment of a nonconformity following its discontinuance; and
- F. Require removal of nonconforming signage following cessation of the use being advertised.

4.2 DETERMINATION OF NONCONFORMING STATUS

In all cases, the burden of establishing that a nonconformity lawfully exists shall be the responsibility of the owner of the land on which the nonconformity is located.

4.3 MAINTENANCE, MINOR REPAIRS, AND CONTINUATION ALLOWED

4.3.1 CONTINUATION

Nonconformities are allowed to continue in accordance with the requirements of this Article.

4.3.2 COMPLETION

- A. Nonconforming projects incomplete as of (*insert the effective date of this Ordinance*), shall only be completed in accordance with this Article.
- B. Nothing in these standards shall require a change in approved plans or uses for development upon which construction was lawfully commenced prior to (*insert the effective date of this Ordinance*), even though the development is nonconforming.

4.3.3 MAINTENANCE ALLOWED

Incidental or minor repairs and routine maintenance necessary to keep a nonconformity in safe and sound condition are permitted and encouraged. Activities that amount to an expansion of a nonconformity may only be permitted in accordance with the provisions of this Ordinance.

4.3.4 STRENGTHENING ALLOWED

Nothing in this Ordinance shall prevent the strengthening or restoration to a safe or lawful condition of any part of any building or structure declared unsafe or unlawful by a duly authorized Town official.

4.4 TENANCY AND OWNERSHIP CHANGES

Nonconforming status shall run with the land and is not affected by a change in tenancy, ownership, or management.

4.5 NONCONFORMING STRUCTURES

- A. The conforming use of a structure as explained in Section 4.1, Purpose of this Ordinance, existing at the time of the adoption of this Ordinance, may be continued although the structure's size or location does not conform with the yard, dimensional, height, parking, loading, access, lot area and lot coverage provisions of this Ordinance.
- B. Nonconforming structures with conforming uses may be added to or enlarged provided that the enlargements comply with the yard, height, parking, loading, access and all other applicable requirements of this Ordinance for the district in which such a structure is located.
- C. Nonconforming structures which are damaged or destroyed by fire, explosion, flood, or other calamity, may be reconstructed and shall comply with the yard, height, parking, loading, access and all other applicable provisions of this Ordinance for the district in which such structure is located unless the structure is situated on a substandard lot of record in which case the provisions concerning nonconforming lots of record shall apply.
- D. Nonconforming structures with nonconforming uses may not be enlarged or added to.
- E. A nonconforming structure may not be moved off the lot or lots on which it is located unless when relocated it complies with the regulations for the district in which it is located.

4.6 NONCONFORMING USES

The lawful nonconforming use of a structure, land, or water existing at the time of the adoption of this Ordinance may be continued except that:

- A. Only that portion of the land or water in actual use may be so continued and the nonconforming use may not be enlarged or extended. Additional structures may not be added which will be occupied by the nonconforming use, except that existing cemeteries can expand to the boundaries of the property which they owned at the time they became nonconforming.
- B. Normal maintenance, repair, and incidental alteration of a building occupied by a nonconforming use is permitted provided it does not extend the nonconforming use.
- C. If such nonconforming use is damaged by fire, explosion, flood or other calamity to the extent of more than seventy-five (75) percent of its current assessed value, it shall not be restored except so as to comply with the use provisions of this Ordinance.
- D. If such nonconforming use is discontinued or terminated for a period of more than one-hundred-eighty (180) days, any future use of the structure, land or water shall comply with the provisions of this Ordinance.
- E. A nonconforming use may not be moved off the lot or lots on which it is located unless when relocated, it complies with the regulations for the district in which it is relocated.
- F. The Town Board may permit as a special use a change in the nonconforming use provided that the requirements A through E of this section are met, and the Town Board finds that such new use would be more in character with the uses permitted in the district. In

permitting such a change, the Town Board may require appropriate conditions and safeguards in accordance with the provisions of this Ordinance.

- G. Once a nonconforming use has been changed or altered so as to comply with the provisions of this Ordinance, it shall not revert back to a nonconforming use. Once the Town Board has permitted the substitution of a different nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board.
- H. If a use was a lawfully established permitted use before (*insert the effective date of this Ordinance*), and is subsequently made a special use, the use shall be considered by the Town as a lawfully established nonconforming use. Any modifications to the use or site after (*insert the effective date of this Ordinance*), shall require approval of a special use permit.

4.7 NONCONFORMING LOTS

4.7.1 GENERALLY

- A. Where the owner of a vacant nonconforming lot at the time of adoption of this Ordinance or his successor in title thereto does not own sufficient land to enable it to conform to the lot area or lot width requirements of this Ordinance, such a lot may be used as a building site for a single family residence in a district in which residences are permitted, provided that the lot width and lot area are not more than twenty (20) percent below the minimum specified in this Ordinance, and further provided that the Halifax County Health Department approves the reduction if onsite water or wastewater facilities are involved.
- B. In cases where the lot area and lot width are more than twenty (20) percent below the minimum specified in this Ordinance or other dimensional requirements cannot be met, the Board of Adjustment may consider a variance to such dimensions provided they conform as closely as possible to the required dimensions. A letter of approval from the Halifax County Health Department is required if onsite water or wastewater facilities are involved.

4.7.2 RECOMBINATION

If two or more adjoining and vacant lots are in one ownership when this Ordinance is adopted or at any time after the adoption of this Ordinance, and such lots individually do not meet the minimum dimensional requirements of this Ordinance for the district in which such lots are located, the lots shall be considered as a single lot after a plat of recombination is recorded with the Halifax County Register of Deeds.

4.8 EFFECT OF AMENDMENT

If subsequent amendments to this Ordinance or the Official Zoning Map result in the creation of additional nonconformities, such nonconformities shall be governed by the provisions of this section unless otherwise stated in the amendment.

4.9 PRE-EXISTING USES

- A. If a use was a lawfully established permitted use before (*insert the effective date of this Ordinance*), and is subsequently made a special use in Table 3.4.2, Table of Permitted Uses, the use shall be considered by the Town as a lawfully established nonconforming use.
- B. Any modifications to the use or the site after (*insert the effective date of this Ordinance*), shall require approval of a special use permit in accordance with Section 6.5, Special Use Permits.

ARTICLE 155.5 DEVELOPMENT STANDARDS

5.1 PARKING AND LOADING REQUIREMENTS

5.1.1 GENERAL REQUIREMENTS

When any building or structure is erected, modified, enlarged, or increased in capacity, or any open use is established, modified or enlarged, the requirements of this Section shall be met. The following regulations concerning required parking shall apply:

- A. Each zoning permit application filed with the Zoning Administrator shall include information as to the location and dimensions of the required off-street parking space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Zoning Administrator to determine whether or not the requirements of this section are met. No Certificate of Occupancy shall be issued until the parking requirements and regulations are fully met.
- B. The required parking space for any number of separate uses may be combined in one lot but the required space assigned to one use may not be assigned to another use, except that fifty (50) percent of the parking spaces required for churches, theaters, assembly halls, or similar uses whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays. The applicant must demonstrate that a parking agreement is in place between uses.
- C. If the off-street parking space required by this Ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the main entrance to such principal use. The applicant must demonstrate that a parking agreement is in place between property owners.
- D. Parking space sizes shall be governed by the following dimensions:

TABLE 5.1.1D: SIZE OF PARKING SPACES	
TYPE OF STALL	MINIMUM SIZE
Parallel stall	23' x 9.0'
Angle stall	19' x 8.5'
90° stall	19' x 9.0'

- E. Minimum aisle widths shall be in accordance with the following table:

TABLE 5.1.1.E: SIZE OF AISLE WIDTHS

PARKING ANGLE	AISLE WIDTH IN FEET	
	One-Way Traffic	Two-Way Traffic
0°	12'	24' (0° only)
30°	11'	n/a
45°	13'	n/a
60°	18'	n/a
90°	24'	24'

F. A safe means of ingress and egress shall be provided for all parking spaces and driveways for uses other than single and two-family residential and shall be at least twenty-four (24) feet wide.

5.1.2 DESIGN STANDARDS FOR OFF-STREET PARKING

A. SURFACING

1. Required parking spaces, access drives, and loading areas shall be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights.
2. Access drives shall be paved and maintained from the curblineline to a point at least ten feet beyond the public right-of-way line for all parking and loading facilities, whether paved or unpaved.
3. Paving shall not be required for the following:
 - a. parking facilities used on an irregular basis such as churches, private clubs or other similar nonprofit organizations;
 - b. parking facilities for residential uses where six or fewer spaces are required;
 - c. parking areas for agricultural uses in the R-40 district;
 - d. parking areas for heavy construction equipment, skid-mounted equipment and similar equipment, provided they are constructed with an all-weather surface.

B. MARKINGS

Each parking stall shall be marked off and maintained so as to be distinguishable.

C. LIGHTING

Any lighting shall be so arranged as to direct the light and glare away from streets and adjacent property.

D. YARDS

All parking lots shall observe the minimum planting yard requirements of Section 5.3, Landscaping Standards.

E. CURBS OR BUMPERS

The required yards and landscaped areas shall be set off from parking areas by either continuous curb or one non-contiguous stationary bumper for each parking space abutting on a yard, which curb or bumper shall not be less than five (5) inches or more than (2) feet high.

F. DRAINAGE

Parking lots shall not drain onto or across public sidewalks, or into adjacent property except into a natural watercourse or a drainage easement. In already developed areas where this condition would be impossible to meet, the Zoning Administrator may authorize an alternative configuration, provided that adequate provision is made for drainage.

G. SEPARATION OF BUMPER AND WALKWAYS

In the event any parking stall abuts a walkway, there shall be a space of three and one-half (3½) feet between the wheel bumper or curb and the edge of the walkway.

H. ENTRANCE AND EXITS

On all corner lots, all vehicular openings shall be located at least twenty (20) feet from the point of intersection of the established street right-of-way lines. No entrance or exit, whether on a corner lot or not, shall exceed thirty (30) feet in width at the property line or forty (40) feet at the curb line unless required by NCDOT. There shall be a minimum distance between driveways of twenty-five (25) feet measured along the curb line unless such driveways are less than five (5) feet apart.

I. INTERNAL CIRCULATION

Sufficient area shall be provided within the edges of a parking lot, exclusive of required yards, so that all vehicles may enter and leave the lot in a forward motion.

J. EXCEPTIONS

1. GENERAL

The Zoning Administrator may withhold a zoning permit or Certificate of Occupancy if a parking layout not specifically prohibited by this section would be likely to cause avoidable safety or traffic congestion problems until modification is made. The applicant may appeal the Zoning Administrator's decision to the Board of Adjustment under the normal procedure for an appeal.

2. CENTRAL BUSINESS DISTRICT USES

- a. It is recognized that due to the special nature of the central business district and the desire to promote good design and preserve the character of Weldon's downtown, the off-street parking requirements of Table 5.1.3 may not be feasible or desirable.
- b. In the CB Central Business District, the Zoning Administrator may allow a new use to be established which is served by a combination of off-street parking, on-street parking, or municipal lots.
- c. The applicant must provide sufficient information to allow the Zoning Administrator to determine if sufficient parking is available for the use, so that the spirit of the Ordinance is met and no foreseeable traffic congestion problems will be created.

5.1.3 OFF-STREET PARKING SPACE REQUIREMENTS

- A. The minimum number of required off-street parking spaces shall be calculated as provided in Table 5.1.3. In the case of a building or use not expressly listed in Table 5.1.3, the number of off-street spaces shall be the same as for a similar use or inclusive category which is provided for. Where there is more than one use in a single structure, or on a single tract, or two or more instances of the same use, the minimum number of required off-street parking spaces shall be equal to the sum of the requirements of the various uses.
- B. Table 5.1.3 includes the minimum number of off-street parking spaces, which shall be provided by use:

TABLE 5.1.3: OFF-STREET PARKING STANDARDS

USE	NUMBER OF REQUIRED OFF-STREET PARKING SPACES
Residential Uses	
Dwellings, single, and two-family	2 per dwelling unit
Dwellings, multi-family	2 spaces for each dwelling unit plus 1 visitor space for each 4 dwelling units
Townhouses	2 spaces for each dwelling plus 1 visitor space for each 4 dwelling units
Group housing, such as boarding houses, dormitories and similar establishments	1.2 for each bedroom
Class A manufactured homes on individual lot	2 per manufactured home
Manufactured home parks	2 spaces for each manufactured home plus 1 visitor parking space for each 4 manufactured homes
Office and Institutional Uses	
Banks and Financial institutions	1 for each 150 square feet of gross floor area or fraction thereof, plus safe facilities to accommodate passengers waiting in line for drive-in windows and banking machines, if any
Hospitals	1 space for each 150 square feet of gross floor area or fraction thereof
Libraries	1 space for each 200 square feet for use by the public or fraction thereof
Museums and art galleries	1 space per each 800 square feet of gross floor area or fraction thereof
Nursing homes, family care homes and similar institutions	0.4 times the maximum lawful number of occupants
Offices, Doctor, or Dentist	6 per each doctor or dentist plus 1 for each other employee
Offices, other	1 per each 300 square feet of gross floor area or fraction thereof
Places of assembly, including clubs, lodges, churches, funeral parlors,	1 for each 3 seats, plus 1 for each 100 square feet of floor area used for assembly, but not containing

TABLE 5.1.3: OFF-STREET PARKING STANDARDS

USE	NUMBER OF REQUIRED OFF-STREET PARKING SPACES
auditoriums, gymnasiums, amusement parks and similar places	fixed seats, or fraction thereof
Schools and Colleges	
Day nurseries, kindergartens, elementary, junior high	2 for each 750 square feet of classroom floor area or fraction thereof, plus 1 for each administrative office, plus auditorium/gymnasium parking if applicable
Senior high, and college, trade, vocational with dormitories	10 for each 750 square feet of classroom floor area or fraction thereof, plus 1 for each administrative office, plus auditorium/gymnasium/dormitory parking requirement if applicable
College, trade, vocational without dormitories	10 for each 750 square feet of classroom floor area or fraction thereof, plus auditorium/gymnasium parking requirement if applicable
Commercial Uses	
Entertainment, commercial (indoor)	1 per 200 square feet of activity area
Entertainment, commercial (outdoor)	1 per 400 square feet of lot area accessible to the public
Campgrounds, Tent	1 for each campsite plus office parking requirement
Campgrounds, Recreation vehicles	1 for each campsite plus office parking requirement
Car wash	5 per wash lane
Golf course (not including putting greens accessory to multi-family dwellings or hotels or motels)	4 per hole
Hotel or motel	1.2 for each guest room plus requirement for restaurant or other facilities if provided
Restaurants, Drive-in or take out	Minimum of 15 spaces, plus one additional for each 50 square feet of gross floor area or fraction thereof
Restaurants, Other	1.2 for each 100 square feet of gross floor area or fraction thereof
Service station	2 for each gas pump, plus 3 for each service bay or similar facility
Shopping centers (in lieu of individual store parking requirements)	5.5 per 1,000 square feet of gross floor area or fraction thereof
Low generator retail and service establishments such as furniture, appliance, household equipment, carpet and hardware stores, repair shops including shoe repair, contractors' showrooms, drapery, paint and wall	1 for each 500 square feet of gross floor area or fraction thereof, including any outdoor sales area

TABLE 5.1.3: OFF-STREET PARKING STANDARDS

USE	NUMBER OF REQUIRED OFF-STREET PARKING SPACES
paper, upholstery, interior decorator, motor vehicles sales, plant nurseries	
High generator commercial uses such as retail store, wholesale outlet stores, department stores, discount stores, drug stores, coin-operated laundries, variety stores	1 for each 200 square feet of gross floor area or fraction thereof, including any outdoor sales area
Industrial Uses	
Industrial and research uses, warehousing and wholesaling operations	1 for each employee on the largest shift

5.1.4 OFF-STREET LOADING REQUIREMENTS

A. GENERALLY

Every building or structure used for business, trade, industry, or office and institutional purposes, shall provide loading space as indicated in this section. Each loading space shall be no less than fifteen (15) feet in width, and thirty (30) feet in depth. Each space shall also be no less than fifteen (15) feet in height if such space is covered. It shall have access driveways to public streets or alleys which driveways shall be at least twenty-four (24) feet wide and with adequate turning radii for the delivery vehicles customarily associated with the particular use. If there is not more than one delivery and pickup during the hours when a retail trade, office, or institutional establishment is open to patrons such space may be combined with the existing parking space on the premises. Loading spaces shall be provided in accordance with the following schedule:

1. RETAIL BUSINESS

One space for each 40,000 square feet of gross floor area or fraction thereof.

2. WHOLESALE TRADE AND INDUSTRY

One space for each 10,000 square feet of gross floor or fraction thereof.

3. OFFICE AND INSTITUTIONAL USES INCLUDING HOTELS AND MOTELS

One space for each 50,000 square feet of gross floor area or fraction thereof.

4. SCHOOLS, NURSERIES AND DAY CARE

Elementary, junior high, or high schools, kindergartens, nurseries, and day care centers shall provide a safe place off the street for the loading and unloading of children from automobiles and buses.

B. EXCEPTION

In the Central Business District, the Zoning Administrator may allow a new use to be established in an existing building even if all loading requirements of this section cannot be met for the new use, provided that as much loading space as can reasonably be provided is provided by the use and traffic or safety hazards will not be created.

5.2 SIGN STANDARDS

No sign or sign structure may be erected, posted, hung, painted, re-hung, repainted, repaired, replaced, changed, or maintained in any district except in compliance with this section.

5.2.1 GENERAL SIGN REGULATIONS

- A. No sign or sign structure shall be erected or constructed to interfere with vision clearance as defined in Section 3.6.22, Visibility at Intersections.
- B. No ground sign structure may be placed in the right-of-way.
- C. Individual stores in a shopping center may not have separate ground sign structures. The shopping center as a whole may display signs in accordance with this section.
- D. Signs and sign structures shall meet all requirements of the North Carolina State Building Code.
- E. Signs and sign structures shall be maintained at all times in a state of proper repair, with all braces, bolts, clips, guys, anchors supporting frames and fastening free from deterioration, insect infestation, rot, rust, or loosening. All signs shall be kept neatly finished, with lettering intact, and if of a type which requires painting, free from visible peeling, or chipping.
- F. Illuminated signs shall be limited to those lighted from behind to silhouette letters and internally illuminated, and spotlighted signs. All illuminated and spotlighted signs shall be placed so as to prevent the light rays, illumination, or glare from being cast directly on any building or on traffic.
- G. Strings of light bulbs used in connection with commercial premises for commercial purposes shall be limited to white, yellow, or bug repellant bulbs and shall not cause glare on traffic or adjoining premises.

5.2.2 SIGN AREA MEASUREMENT

A. SIGN SURFACE AREA MEASUREMENT

1. The surface area of a sign shall be measured by including the entire area within a single, continuous perimeter.
2. Measurement shall enclose the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.
3. Measurement does not include any supporting framework or bracing that is clearly incidental to the display itself.
4. When the sign is on a window, the sign may take up no more than 25% of the window's surface area.

B. SIGNS CONSISTING OF MULTIPLE ELEMENTS

If the sign consists of multiple elements, all of the area, including areas between elements shall be included in the computation of the sign area.

C. DOUBLE FACED SIGNS

1. The sign surface area of a double-faced back-to-back sign with identical words on both sides shall be regarded and calculated as one sign.

2. A double-faced sign with 12 inches or more of space between sign backs shall be regarded and calculated as two signs.

5.2.3 SIGN HEIGHT COMPUTATION

Sign height is the vertical distance measured from the adjacent street grade or from the ground on which it rests, whichever allows the sign the greatest height, to the top of the sign.

5.2.4 PROHIBITED SIGNS

The following types of signs are expressly prohibited:

- A. Signs with moving, revolving, or rotating parts, or any sign which moves or gives an illusion of movement in all districts.
- B. Signs with lights or illumination which flash, move, rotate scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsations.
- C. Signs which obstruct the view of or could be confused with any authorized traffic sign, signal or device or make use of the words "stop", "look", "danger", or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead or confuse traffic.
- D. Signs which obstruct openings are required to be left uncovered or unobstructed by building codes, the housing code or other laws relating to buildings.
- E. Snipe signs as defined in this Ordinance.
- F. Signage that rests on a pylon.
- G. Off-site advertising signs (billboards).

5.2.5 EXEMPT SIGNS

- A. The following forms of signage shall not be subject to these signage standards, but may be subject to other applicable standards in this Ordinance, such as the requirement to obtain a Building Permit.
- B. Applicants shall be responsible for securing all required permits prior to erecting or modifying any of the following forms of excluded signage:
 1. Fence-wrap signs affixed to fences surrounding a construction site in accordance with the standards in NCGS§ 160D-908;
 2. Legal notices required by governmental bodies, public utilities, or civic associations;
 3. Signage owned or maintained by any unit of government or public agency that includes, but is not limited to, flags, street signs, traffic warning signs, and other signage provided solely by governmental agencies for public health and safety;
 4. Building cornerstones, historical plaques, or grave markers;
 5. Signage associated with public transit stops;
 6. Holiday displays on lots within all zoning districts
 7. Signage affixed to a motor vehicle or trailer, provided the motor vehicle or trailer is parked or stored on the same lot or site where the business being advertised is located;
 8. Signage that is not visible from any off-site areas (e.g., entirely enclosed by opaque walls that prevent the visibility of signage from any off-site areas); and

9. Signage associated with off-street parking spaces or the prohibition of parking in certain locations like fire lanes, bus lanes, or loading zones.

5.2.6 OBSOLETE SIGNS

Obsolete signs and their supporting structures shall be removed within ninety (90) days after they have been made obsolete by reason of the activity, business, product, or usage which the sign identifies or advertises being abandoned at the location to which the sign refers. This provision does not refer to billboards, until the commercial use of the billboard for rent has ceased. An extension of the ninety (90) day time limit for removal may be granted by the Zoning Administrator for a reasonable cause.

5.2.7 OFF-SITE ADVERTISING SIGNS (BILLBOARDS)

Off-site advertising signs (billboards) shall not be permitted.

5.2.8 NONCONFORMING SIGNS

Nonconforming signs, when removed for other than normal maintenance may not be erected again, nor may any such sign be replaced with another nonconforming sign. Nonconforming signs for a business that is no longer in operation shall be removed. Nonconforming signs may be permitted to remain if the sign is deemed a historic landmark by the Town of Weldon Historic Preservation Commission.

5.2.9 PERMITTED SIGNS

Permitted signs shall comply with the following requirements in Table 5.2.5.

A. TABLE OF PERMITTED SIGNS

TABLE 5.2.5: PERMITTED SIGNS					
SIGN TYPE	DIMENSIONS		DISTRICT PERMITTED	PERMIT REQUIRED	SPECIAL REQUIREMENTS
	IN SQ. FT.	MAXIMUM HEIGHT IN FT.			
Agricultural, advertising products produced on premises	32	8	R-40, I-1	Yes	
Awning, silk-screened or sewn on front of awning	N/A	N/A	CB, HB, HC, NB, I-1	Yes	
Bulletin board	20	8	All districts	Yes	
Canopy signs (may also be placed on non-raising marquees)	4		CB, HC, HB, I-1	Yes	5.2.7.B.1
Central Business District Signs					
Information kiosk & directory sign			CB	Yes	5.2.7.B.2

TABLE 5.2.5: PERMITTED SIGNS

SIGN TYPE	DIMENSIONS		DISTRICT PERMITTED	PERMIT REQUIRED	SPECIAL REQUIREMENTS
	MAXIMUM AREA IN SQ. FT.	MAXIMUM HEIGHT IN FT.			
Sandwich board			CB	Yes	5.2.7.B.3
Directional Signs					
Traffic, safety, utility warning	N/A	N/A	All districts	No	
Pedestrian, public	N/A	N/A	All districts	No	
Directional (off-site)	12	6	All districts	Yes	
Development Entrance Signs	32	8	All districts	Yes	5.2.7.B.4
No Trespassing	4	N/A	All districts	No	
Flags, Emblems, Insignia			All districts	No	5.2.7.B.5
Ground Signs	150	25	HC, HB, I-1, OI	Yes	5.2.7.B.6
	40	12	CB		
Home Occupation	3	N/A	All districts	No	5.2.7.B.7
Projecting signs	3	N/A	CB, HC, HB, I-1	Yes	5.2.7.B.8
Temporary Signs					
Construction site placard	32	12	I-1	Yes	5.2.7.B.9
	4	6	CB, HC, HB, OI		
Directional to garage sales and similar events in residential area	4	N/A	All districts	No	5.2.7.B.10
Pennants, banners & streamers			CB, HC, HB, I-1, OI	Yes	5.2.7.B.5
Political signs	4	N/A	All districts	No	5.2.7.B.11
Portable signs	32	10	HC, HB, I-1	Yes	5.2.7.B.12
Real estate signs	6	4	All districts	No	
	32	8	R-MF, CB, HC, HB, OI, I-1		
Temporary signs relating to farm auctions, agricultural production sales, annual charitable civic or fraternal events, excluding portable commercial signs	20 off-site 32 on-site		All districts	No	5.2.7.B.13

TABLE 5.2.5: PERMITTED SIGNS

SIGN TYPE	DIMENSIONS		DISTRICT PERMITTED	PERMIT REQUIRED	SPECIAL REQUIREMENTS
	MAXIMUM AREA IN SQ. FT.	MAXIMUM HEIGHT IN FT.			
Wall signs	1.25 sq. ft. of sign area per running foot of building frontage		CB, HC, HB, OI, I-1	Yes	5.2.7.B.14
Window signs			CB, HC, HB, OI, I-1	No	

Notes:

[1] – Requires Special Use Permit.

B. SPECIAL SIGN REQUIREMENTS

1. CANOPY SIGNS

- a. May be used for identification only, and limited to a maximum of one (1) allowed per establishment entranceway.
- b. The bottom of the sign must be a minimum of seven (7) feet above sidewalk level.
- c. Minimum height may be greater over a public right-of-way if required by Town regulations.

2. INFORMATION KIOSK AND DIRECTORY SIGNS

Off-premise public sign kiosks or directory signs and may be placed within the public right-of-way provided that the sign kiosk or directory sign is erected and maintained by the Town or State or an agent of such.

- a. The sign kiosk or directory sign shall serve to direct the public to a single development site or contiguous development sites.
- b. The maximum size shall be four (4) feet wide and eight (8) feet tall for free-standing kiosks. Wall mounted directory signs may not exceed four (4) feet wide by six (6) feet high.
- c. The property on which the sign kiosk or directory sign is located does not contain another kiosk or directory sign.
- d. The sign kiosk or directory sign does not obstruct the clear sight triangle or in any other way interfere with the safe passage of vehicles, pedestrians, and bicyclists on, off of, or along public streets, sidewalks, or bike paths.

3. SANDWICH BOARD SIGN

A sign consisting of two panels joined together at the top and configured in the shape of an inverted “V” so that the bottom of the sign rests upon or near the ground and meets the conditions below:

- a. A total of one sign shall be allowed per downtown business.
- b. The sign shall be located within four (4) feet of the main building entrance to the business and its location shall not interfere with pedestrian or vehicular circulation.
- c. The sign must be constructed of materials that present a finished appearance. Rough cut plywood is not acceptable. The signs lettering should be professionally painted or applied; a “yard sales” or “graffiti” look with hand painted, or paint stenciled letters is not acceptable, however, chalkboard signs shall be permitted. The design of the sign shall be approved by the Zoning Administrator.
- d. Sign shall be kept in good repair and presentable at all times.
- e. The maximum size shall be limited to twenty-four inches wide (24) by thirty-six (36) inches high.

4. DEVELOPMENT ENTRANCE SIGNS

Includes entrance or monument type signs to subdivisions, neighborhoods, public, commercial, industrial, institutional establishments, and manufactured home parks. No more than 2 per entrance allowed. Minimum height requirement includes sign and any support pillars.

5. FLAGS, PENNANT, OR INSIGNIA

- a. In R-40, R-20, R-10, R-8, RMF, R-MH and TR districts, wall and projecting insignia may not exceed 10 sq. ft. in area, nor may they project more than 9 feet from wall at farthest point.
- b. In business and industrial districts, insignia may be placed on signs permitted in those districts.
- c. In any district, flags or pennants shall not exceed fifteen (15) square feet or, if on a pole, one-fourth height of pole, whichever gives the flag the greater permitted area.
- d. Pennants, banners, and streamers are permitted as a temporary use only for the opening of a new business and may remain for no more than four (4) weeks.

6. GROUND SIGNS

Ground signs shall comply with the following:

- a. No more than one (1) per street frontage containing an entrance to the use.
- b. May be used only for identification or onsite advertising.
- c. Must be at least 30 feet from any other ground sign.
- d. Must meet vision clearance requirements of Section 3.6.2, Visibility at Intersections.
- e. Properties abutting I-95 may have one additional ground sign oriented to I-95 up to a maximum of fifty (50) feet in height.

7. PROFESSIONAL ANNOUNCEMENT

- a. This category includes signs for home occupations.
- b. No more than one sign per establishment shall be allowed.
- c. Sign may not be illuminated and must be compatible with the neighborhood.

8. PROJECTING SIGNS

- a. The sign may extend no more than three (3) feet from the wall at the farthest point.
- b. One such sign is allowed per face on the street, or two (2) per establishment, whichever is less.
- c. Such sign may be hung on corner of building but shall count against the maximum allowed above.

9. CONSTRUCTION PLACARDS

Construction placards shall be removed when construction has been completed.

10. TEMPORARY EVENT DIRECTIONAL SIGNS

- a. Sign(s) must be posted no more than 24 hours before sale and removed within 24 hours after sale.
- b. Portable commercial signs are prohibited for this use.
- c. Signs shall not be attached to utility poles.

11. POLITICAL SIGNS

Political signs shall be removed within 15 days after the last election to which they pertain.

12. PORTABLE SIGNS (INCLUDES SIGNS MOUNTED ON A VEHICLE OR TRAILER, OR A TRAILER TYPE DEVICE)

- a. Portable signs shall require the issuance of a non-renewable permit from the Zoning Administrator.
- b. Signs shall be permitted for no more than ten days.
- c. No more than one sign per establishment per street frontage shall be allowed.
- d. The same establishment may not have a temporary sign(s) again for 90 days after removal of such sign(s).
- e. The sign(s) shall not have colored or flashing lights which cause glare on traffic or adjacent properties, and shall not be located on the public right-of-way nor obstruct vision clearance as indicated in Section 3.6.2, Visibility at Intersections.

13. TEMPORARY SIGNS

a. OFF-SITE

No more than one (1) sign per lot. The off-site sign may remain for no more than 30 days total.

b. ON-SITE

No more than three (3) signs per lot. The on-site sign may remain for no more than 30 days total.

14. WALL SIGNS

- a. Wall signs must be mounted on areas of wall free of windows, doors, or other major architectural detail. Only one wall or projecting sign per establishment per street frontage is permitted other than those specifically mentioned elsewhere in this Section.
- b. Wall signs may be used only for identification or on-site advertising.
- c. Signs shall not project over the roof line of the building to which they are attached.

5.3 LANDSCAPING STANDARDS

5.3.1 PURPOSE

This section is intended to establish minimum standards for the design of landscapes for uses other than single family and two-family residential so as to improve the community aesthetically, economically, and environmentally.

5.3.2 APPLICABILITY

The provisions of this Ordinance shall apply to all uses other than single family and two-family residential.

5.3.3 PLANTING YARDS

Planting Yards are intended to separate different land uses and zoning districts from each other and are intended to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs and unsightly buildings or parking areas. The planting yard types are determined by four different levels based on zoning districts.

A. TYPES OF PLANTING YARDS

This Ordinance establishes four different types of planting yards, each with differing widths and performance expectations. The four different kinds of planting yards are listed below:

1. PLANTING YARD A

A planting strip having minimum width of 8 feet which is intended to separate uses, provide vegetation in densely developed areas, and enhance the appearance of individual properties.

2. PLANTING YARD B

A medium density screen having a minimum width of 15 feet which is intended to partially block visual contact between zoning classifications and create spatial separation.

3. PLANTING YARD C

A medium density screen having a minimum width of 20 feet which is intended to substantially block visual contact between zoning classifications and create spatial separation. A Type C Planting Yard reduces lighting and noise that would otherwise intrude upon adjacent zoning classifications.

4. PLANTING YARD D

A very high-density screen having a minimum width of 30 feet which is intended to substantially block visual contact between zoning classifications and create spatial separation. A Type D Planting Yard reduces lighting and noise that would otherwise intrude upon adjacent zoning classification.

B. DETERMINATION OF PLANTING YARD REQUIREMENTS

- Planting yards are required between different developments along the edges of zoning district boundaries. The type of planting yard to be provided is based upon the different adjacent zoning district classifications. For the sake of simplicity, zoning districts are organized into one of four different groups or levels. The table below describes which zoning districts are located within each level. The higher the lever number, the higher the intensity of the zoning districts within the level.

TABLE 5.3.3.B.1, PLANTING YARD LEVELS	
LEVEL	CORRESPONDING ZONING DISTRICTS
Level 1: Residential Single-Family	R-40 Rural Residential District
	R-20 Suburban Residential District
	R-10 Medium Density Residential District
	R-8 Higher Density Residential District
	TR –Transition Residential District (Single-family Uses Only)
Level 2: Residential / Duplex & Multi-Family	R-MF Residential Multi-family
	R-MH Residential Manufactured Home
	O&I Office and Institutional (Bed & Breakfast Only)
Level 3: Business	NB – Neighborhood Business
	HB – Highway Business
	HC – Heavy Commercial
	O&I – Office and Institutional (other than a Bed and Breakfast)
Level 4: Manufacturing / Industrial	I-1 - Industrial

- The following chart yard chart establishes the type of planting yard required along the different zoning district level boundaries:

TABLE 5.3.3.B.2: PLANTING YARD CHART

The required form of planting yard is based on the use level of the proposed development and the use level of existing development on abutting lots.

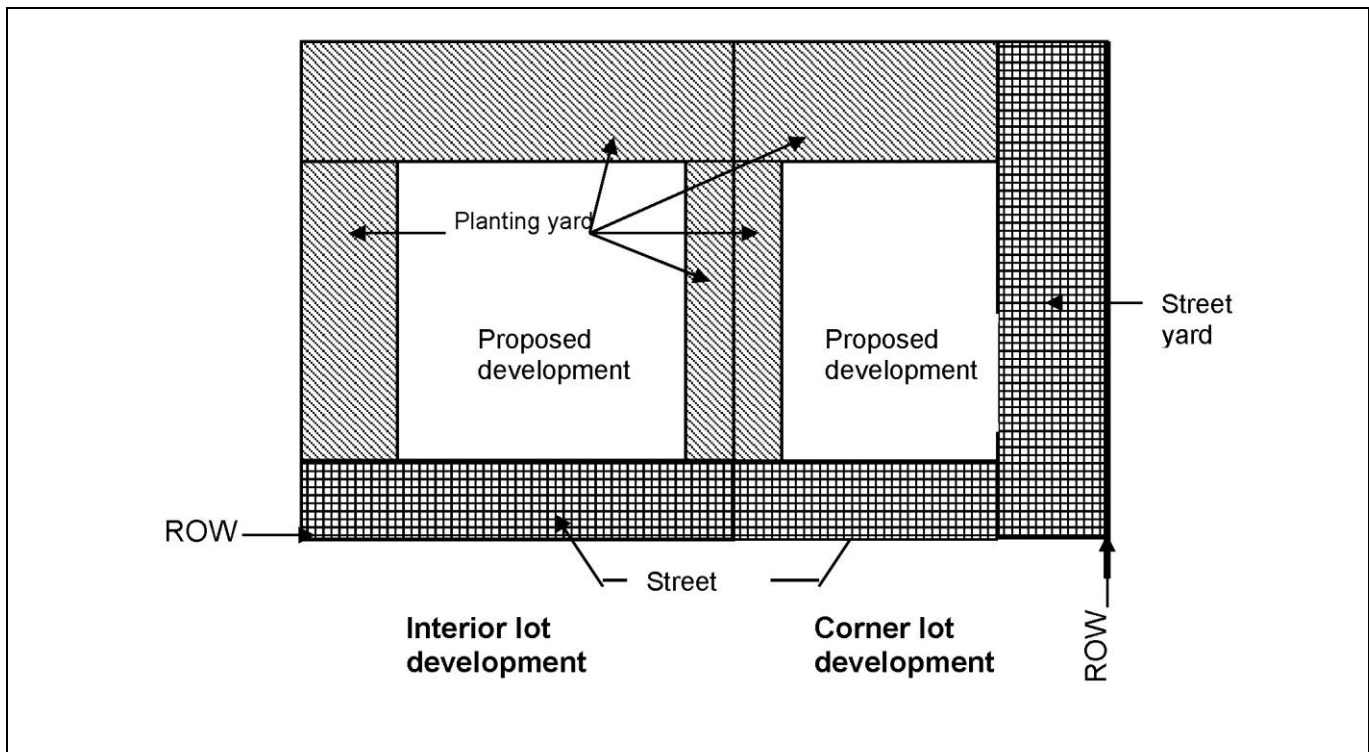
USE LEVEL OF PROPOSED DEVELOPMENT	EXITING USE LEVEL OF DEVELOPMENT ON ABUTTING LOTS			
	1	2	3	4
1	[1]	[1]	[1]	[1]
2	C	A[2]	A	A
3	C	B	A[2]	A
4	C	C	C	A[2]

Notes:

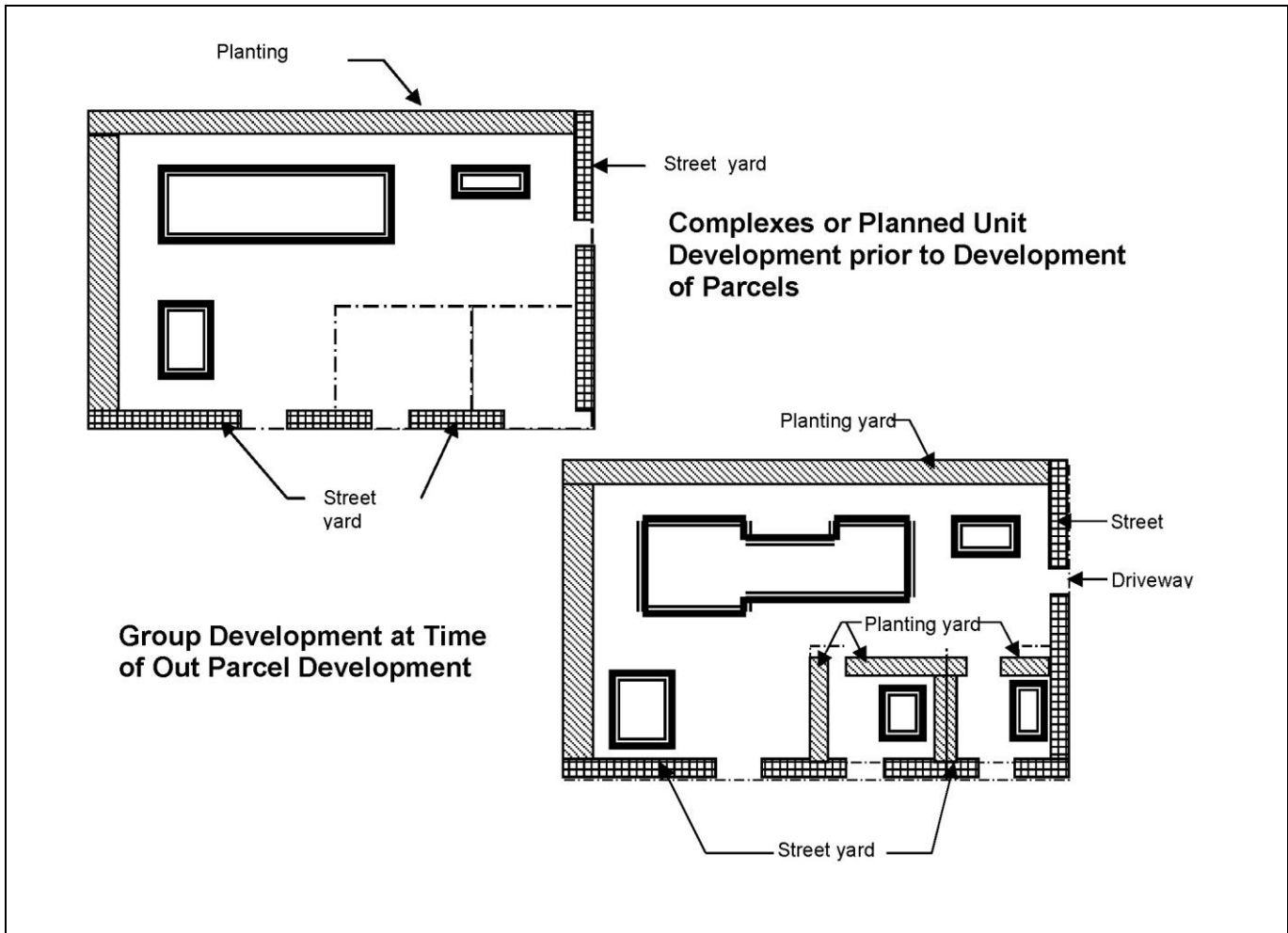
[1] No Planting Yard Required.

[2] Where like zoning abuts one another, the planting yard requirement for the Type A Yard shall be a minimum average width of 8 feet, but at no time shall the width be less than four (4) feet.

3. The following illustration provides an example of the location of planting yards.



4. In the case of a group development, the outer boundaries shall be landscaped according to the requirements of Table 5.3.3.B.2 and Table 5.3.3.C.1. The interior boundaries abutting out parcels within a group development must comply with the requirements of Table 5.3.3.B.2 and Table 5.3.3.C.1 at the time of their development (see the image below).



C. PLANTING YARD STANDARDS

- Planting yard standards differ by the type of yard required. Each type of planting yard has unique requirements for width, the number of trees and shrubs, and a minimum of number of required landscaping points are based on the linear footage of the planting yard's length. The table below describes the planting yard standards for each type of planting yard.

TABLE 5.3.3.C.1: PLANTING YARD LANDSCAPING

YARD TYPE	MINIMUM WIDTH (IN FEET)	SHADE TREES	ORNAMENTAL TREES	SHRUBS	REQUIRED POINTS PER LINEAR FOOT
A	8	Optional	1/50'	Optional	0.4
B	15	1/75'	1/100'	Optional	0.7

TABLE 5.3.3.C.1: PLANTING YARD LANDSCAPING

YARD TYPE	MINIMUM WIDTH (IN FEET)	SHADE TREES	ORNAMENTAL TREES	SHRUBS	REQUIRED POINTS PER LINEAR FOOT
C	20	1/50'	1/75'	Optional	0.9
D	30	1/50'	1/50'	Optional	1.0

- Each planting yard has a minimum point score value that it must maintain. The point score is derived by multiplying the point value in Table 5.3.3.C, above by the linear distance (in feet) of the planting yard. In order to provide flexibility in how planting yards are configured, an applicant may meet the mandatory point score by providing plants at a rate and type in accordance with the table below.

TABLE 5.3.3.C.2: POINTS FOR PLANTING YARDS

TREE TYPE	POINTS
SHADE TREE	12
ORNAMENTAL TREE	6
LARGE SHRUB	3
MEDIUM SHRUB	2
SMALL SHRUB	1

- A wall or fence, a minimum of six (6) feet in height (constructed of masonry or pressure treated lumber) or densely planted vegetation a minimum of six (6) feet in height that would provide a complete visual separation within three (3) years of planting, may be used to reduce both the minimum width of the Planting Yards and the corresponding number of points per linear foot by 20%.
- In Type B Planting Yards, ornamental trees may be substituted for shade trees at the rate of two (2) ornamental trees for each required shade tree.
- All trees in Street Yards shall be planted no closer than four (4) feet from any public right-of-way.
- For the purpose of this section, building setbacks (as listed in Section 3.5, Dimensional and Special Requirements) shall supersede Planting Yard landscaping requirements.

5.3.4 STREET YARDS

Street yards consist of a planting area parallel to a public street designed to provide continuity of vegetation along the right-of-way and to soften the impact of development by providing a view of landscaping from the road.

- A. Street yards shall be a minimum of eight (8) feet wide.
- B. Street yards shall contain one shade tree per every thirty-five (35) linear feet, or one ornamental tree per twenty-five (25) linear feet, except in the case of a conflict with utility lines. These trees shall be equally distributed along the street frontage, but they are not required to be at absolute uniform intervals. This allows for some flexibility in design while discouraging long intervals without trees. Shrubs may be planted in clusters where trees are not practical; however, the requirements of Table 5.3.4, Street Yard Landscaping shall be met.
- C. Parking, merchandise display, and off-street loading are prohibited in a street yard.
- D. Any tree or shrub planted within a sight triangle shall comply with Section 304.2 Visibility at Intersections.

TABLE 5.3.4: STREET YARD LANDSCAPING			
MINIMUM WIDTH	TREES		SHRUBS
	SHADE	ORNAMENTAL	
8 feet	1 per every 35 linear feet	1 per every 25 linear feet	Optional

5.3.5 PARKING LOT LANDSCAPING

- A. All new parking lots with 12 or more spaces shall comply with the requirements of this section.
- B. If an existing parking lot (paved or unpaved) is expanded or improved to add 12 or more spaces, it shall comply with the parking lot requirements of this Ordinance within the expanded or improved portion.
- C. If a parking lot is expanded or developed, then street yard, planting yard, and parking lot requirements shall be applicable.
- D. In parking lots with 12 or more spaces, trees shall be planted at a rate of one shade tree or two ornamental trees for every 12 spaces or fraction thereof.
- E. Required trees shall be located within or adjacent to parking lots as tree islands, medians, at the end of parking bays, traffic delineators, or between rows of parking spaces in a manner such that no parking space is located more than 60 feet from a parking lot tree.
- F. Trees required within the planting yards or street yards cannot be credited toward the parking lot requirements.
- G. Planting areas within the parking lots shall provide a minimum of 81 square feet with a minimum inside dimension of nine (9) feet and a minimum prepared depth of 18 inches.

5.3.6 TREE PRESERVATION AND CARE DURING CONSTRUCTION

- A. Existing trees shall be preserved whenever feasible. Credits for tree preservation are offered when a tree preservation plan is submitted to the Town's Zoning Administrator prior to grading the site. A tree preservation plan must show that there will be no disturbance in the critical root zone (CRZ).
- B. A disturbance is considered trenching, placing backfill in the CRZ, driving or parking equipment in the CRZ, and dumping of trash, oil, paint, or other materials detrimental to plant health in close proximity of the tree(s).
- C. When selecting which trees to preserve, the following shall be considered: existing and proposed grading; age, condition, and type of tree; and location of site improvements and utility connections.
- D. Credit for existing trees within parking lots and planting yards will be given at the rate of 18 points per 4 inches in diameter at breast height (DBH) of existing plant material preserved. Minimum size requirement to qualify for tree preservation in 4 inches (DBH).
- E. Should any tree designated for preservation in the tree preservation plan die at anytime after approval of the plan or issuance of a Certificate of Occupancy, the owner shall replace sufficient landscaping equal to the tree preservation credit within 180 days. In the event of a restricted site, the owner may request review by the Zoning Administrator.
- F. The replacement tree shall be a minimum of 2" in caliper for a shade tree and a minimum of 6' in height for an ornamental tree (six feet from the top of root ball to top of tree) at the time of planting.

5.3.7 LANDSCAPE PLAN SUBMITTAL REQUIREMENTS

In order for a plan to be reviewed, a site plan containing the following information must be submitted to the Zoning Administrator:

- A. Site plan shall be drawn to scale and include a north arrow and necessary interpretive legends.
- B. Property lines and zoning designation of adjacent properties.
- C. Location of proposed buildings, parking areas with spaces delineated, paving and sidewalks.
- D. Existing plant materials and areas to be left in natural state.
- E. Methods and details for protecting existing plant materials during construction and the approved erosion control plan, if required.
- F. Locations, size, and names for all proposed plants.
- G. Location and description of other landscape improvements, such as earth berms, walls, fences, sculptures, fountains, and paved areas.
- H. Planting and installation details as necessary to ensure conformance with all required standards.
- I. Location of overhead and underground utilities.
- J. A Landscape Compliance Summary Table that lists the required planting yards by type, length, points required and plants to meet the points requirement. This table shall include

length of street yard and trees by type (shade of ornamental) to meet the tree planting standard. The table shall include the number of new parking spaces provided and the trees required, and the trees proposed to meet parking lot landscape requirements.

5.3.8 LANDSCAPE STANDARDS AND SPECIFICATIONS

A. GENERAL REQUIREMENTS

1. The developer shall furnish and install all plant materials listed on the plan schedule.
2. Plant materials shall conform to the requirements described in the latest edition of American Standard for Nursery Stock, which is published by the American Association of Nurserymen.
3. Plant materials must be from the Recommended Plant List or known to be hardy in USDA Plant Hardiness Zone 7. Plants included in the Plant Types to Discourage List shall not be used to meet the requirements of this Ordinance.

B. TREE SIZES

1. SHADE TREE

A large tree growing to over 40 feet in height at maturity, usually deciduous, that is planted to provide canopy cover shade. Shade trees must be a minimum of two (2) inches in caliper.

2. ORNAMENTAL TREE

A small to medium tree, growing 15 feet to 40 feet in height at maturity, which is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage. Ornamental trees must be a minimum of 6 feet in height at the time of planting. (Six feet from top of root ball to top of tree.)

C. SHRUB SIZES

1. LARGE SHRUB

An upright plant growing 10 feet to 20 feet in height at maturity that is planted for ornamental or screening purposes.

2. MEDIUM SHRUB

A plant growing five (5) feet to 10 feet in height at maturity that is planted for ornamental or screening purposes.

3. SMALL SHRUB

A plant growing to less than five (5) feet in height at maturity that is planted for ornamental purposes.

D. GENERAL PROVISIONS

1. No tree may be planted in the sight triangle.
2. Do not use staking materials unless it is absolutely necessary. If staking is necessary, than the developer/property owner must remove the staking materials after one growing season.
3. Property owners ensure the survival and health of required tree in perpetuity.

4. A temporary Certificate of Occupancy may be issued when extremes in weather or soil conditions are not favorable for landscaping.

E. PLANTING REQUIREMENTS

The developer shall ensure that all plant pits, vine pits, hedge trenches, and shrub beds are excavated as follows:

1. All pits shall be generally circular in outline, with vertical sides. The tree pit shall be deep enough to allow one-eighth of the ball to be above existing grade.
2. Soil within the Planting Areas shall be free of rock, debris, inorganic compositions and chemical residues detrimental to plant life.
3. Soil shall be compatible with the composition of the existing sub-soil and sufficiently blended to ensure adequate exchange of air and water between the Planting Area and the adjacent soil strata.
4. Plants shall rest on well-compacted surface.
5. The tree pit shall be a minimum of nine inches larger on every side than the ball of the tree.
6. If areas are designated as shrub beds or hedge trenches, they shall be cultivated to at least 18 inches in depth.

F. ADDITIONAL STANDARDS

1. Each tree or shrub shall be pruned in an appropriate manner, in accordance with accepted standard practice.
2. All trenches and shrub beds shall be cultivated to the lines shown on the drawings. The areas around isolated plants shall be cultivated to the full diameter of the pit.
3. All planting areas shall be mulched with a two-to-three-inch layer of bark or other similar material to cover the planting area.

5.3.9 ALTERNATIVE METHODS OF COMPLIANCE

A. USE OF ALTERNATE PLAN, MATERIAL, OR METHODS

Alternate landscaping plans, plant materials, or planting methods may be used where unreasonable or impractical situations would result from application of landscaping requirements, or where necessary to protect existing vegetation. Such situations may result from streams, natural rock formations, topography, or other physical conditions; or front lot configuration, utility easements, unified development design, or unusual site conditions.

B. APPROVAL OF ALTERNATE PLAN

The Weldon Planning Board may approve an alternate plan which proposes different plant materials or methods provided that quality, effectiveness, durability, and performance are equivalent to that required by this Ordinance. This determination shall take into account the land use classification of adjacent property, number of plantings, species, arrangement and coverage, location of plantings on the lots, and the level of screening, height, spread, and canopy of the planting at maturity.

C. APPEAL

The decision of the Weldon Planning Board regarding alternate methods of compliance may be appealed to the Weldon Town Board of Adjustment.

5.3.10 PLANT SUBSTITUTION

Due to seasonal planting problems and a lack of plant availability, approved landscape plans may require minor revisions. Minor revisions to planting may be approved by the Zoning Administrator or his/her designee if the following are true.

- A. There is no reduction in the quantity of plant material.
- B. There is no significant change in the size or location of plant materials.
- C. The new plants are of the same general category (i.e., shade tree, ornamental tree, or shrub) and have the same general design characteristics (mature height, crown spread) as the materials being replaced.

5.4 DEVELOPMENT STANDARDS FOR INDIVIDUAL USES

The standards in this section apply to uses so designated as “S”, or “D” in Table 3.4.2, Table of Permitted Uses. These standards shall be required in addition to all other provisions of this Ordinance.

5.4.1 ADULT ESTABLISHMENTS

- A. No adult establishment shall be located within one thousand feet (determined by a straight line and not street distance) of the closest boundary line of any residential zoning district, or of any point on the closest property line of any church, school, day care, public park, residence or playground as measured by a horizontal, straight-line distance from the closest point on the closest boundary line of the property occupied by the adult establishment.
- B. No adult establishment shall be located within one thousand feet (determined by a straight line and not street distance) of any other adult establishment as measured by a horizontal, straight-line distance from the closest point on the closest boundary line of the property occupied by each.
- C. No more than one adult establishment may be located within the same structure.

5.4.2 AUTOMOBILE REPAIR SERVICE

All repair work shall be done in an enclosed building.

5.4.3 BED AND BREAKFAST

- A. The establishment shall not serve food and drink to non-guests for pay.
- B. The establishment shall serve only breakfast to registered guests of the establishment.
- C. The establishment shall be the permanent residence of the owner of the establishment.
- D. In any residential zoning district, no more than two off-street parking spaces shall be provided in the front yard on a designated driveway.
- E. Off-street parking in the side and rear yards shall be screened in accordance with parking lot landscaping and screening requirements. Parking shall be placed so as to have the least physical impact on adjoining residential areas.
- F. Employment shall not exceed two full-time employees in addition to the owner.

5.4.4 BOARDING HOUSES

- A. The house shall be the permanent residence of the owner of the establishment.
- B. In any residential zoning district, parking shall only be permitted in the front yard on a designated driveway.
- C. Off-street parking in the side and rear yards shall be screened in accordance with parking lot landscaping and screening requirements. Parking shall be placed on the lot in a manner designed to have the least impact on adjoining residential uses.

5.4.5 BOUTIQUE ESTABLISHMENTS

- A. Manufacturing uses limited to the manufacture of:
 - 1. Glass, glassware, china, and pottery
 - 2. Musical instruments

3. Textile and apparel

Shall be permissible in the CB district, provided that the establishment is less than 5,000 square feet and offers on-site sales of manufactured goods produced at the establishment.

5.4.6 CAMPGROUND, COMMERCIAL

- A. Campgrounds and RV parks are intended for seasonal occupancy of up to one month and shall not be used as a permanent residence.
- B. The use shall meet any applicable Halifax County Health Department requirements.

5.4.7 CEMETERIES

Cemeteries shall be subject to the Weldon Town Code and all applicable Halifax County Health Department regulations and State laws.

5.4.8 CHURCHES, TEMPLES, SYNAGOGUES

Institutions with a seating capacity in excess of 600 persons shall be located with direct access to a major or minor collector street as identified on the most recent functional classification map published by the North Carolina Department of Transportation.

5.4.9 CIVIC AND FRATERNAL ORGANIZATIONS

- A. The use shall be located where there shall be no disturbance to residences and shall be adequately designed for its size and purpose.
- B. Noise from a public address system shall not be heard beyond the property where the use is located.
- C. The use shall have access only on a major or minor collector street as identified on the most recent functional classification map published by the North Carolina Department of Transportation.

5.4.10 DAY CARE CENTER

- A. Outdoor play and/or recreation areas shall be located behind the front building line in the rear yard or side yard only. If located in the side yard, a minimum side yard setback of ten feet shall be observed.
- B. On corner or through lots, a minimum twenty-foot setback as measured from the abutting street right-of-way line shall be required.
- C. All outdoor play and recreation areas shall be surrounded by a fence or wall at least four feet in height.
- D. At least one off-street passenger loading/unloading space separate from required parking shall be provided for each twenty people enrolled. An adequate on-site turnaround area shall be provided for all loading/unloading and parking spaces.

5.4.11 DAY CARE – (HOME OCCUPATION)

- A. A home day care must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling, all building and lot standards for residential dwellings shall be maintained.
- B. No outdoor play shall be permitted after dark, and care shall not be provided on a twenty-four-hour basis.

C. The facility shall be staffed by persons residing in the dwelling in which the day care is located except that up to one non-resident may report to work at a daycare home.

5.4.12 DWELLINGS, MULTI-FAMILY AND TOWNHOUSES (INCLUDING PATIO HOMES)

A. MAXIMUM DENSITY ALLOWED

The maximum density shall be eight (8) dwelling units per gross acre for townhouses and ten (10) dwelling units per acre for apartments. The maximum allowable density may be lower based on the dimensional standards in the zoning district where located.

B. BUILDING SEPARATION

The minimum horizontal distance between the vertical projections of any points on two (2) adjacent multi-family or townhouse buildings shall be determined according to the following table. The vertical projections for each building shall be drawn from that point on each building which is horizontally closest to the other building.

TABLE 5.4.11: BUILDING SEPARATION	
HEIGHT OF TALLER BUILDING	MINIMUM HORIZONTAL DISTANCE BETWEEN VERTICAL PROJECTIONS
20 feet or less	16 feet
Between 20.1 and 25.0 feet	25 feet
Between 25.1 and 30.0 feet	30 feet
Between 30.1 and 35.0 feet	40 feet

Note:

If the building code requires a greater distance, that distance shall apply.

C. PERIMETER YARD REQUIRED

A yard of at least fifty (50) feet shall be provided around the entire perimeter of the site, with the exception of driveways. Parking spaces and accessory buildings and structures shall not be allowed in the required yard.

D. ACCESS

Access for emergency vehicles to all parts of the complex and to each dwelling unit shall be provided.

E. MAXIMUM NUMBER OF UNITS

The maximum number of townhouse units attached to each other shall be no more than eight (8) total units.

F. ACCESSORY USES

Accessory uses such as leasing offices, coin-operated laundry facilities, swimming pool snack bars and similar uses for residents of the multi-family dwelling may be allowed provided that they are intended to serve residents of the dwelling or complex only, will not be visible from the exterior of the site and will not attract outside traffic to the site.

G. RECREATION AND OPEN SPACE

1. DEDICATION REQUIRED

- a. Every person or corporation who establishes a multi-family project for residential purposes shall be required to dedicate a portion of such land for the purpose of park, recreation, and open space sites to serve the residents of the multi-family project. The recreation area shall be clearly designated on the site plan for the project.
- b. The minimum amount of land that shall be dedicated for recreation, parks, or open space in all townhouse and multi-family projects shall be one-half (1/2) acre, or five (5) percent of the gross acreage, whichever is greatest.

2. SUITABILITY OF LAND

Criteria for evaluating the suitability of the proposed recreation, parks, and open space areas shall include, but not be limited to, the following, as determined by the Town.

a. UNITY

The dedicated land shall be a single parcel except where it is determined that two (2) or more parcels would be in the public interest. The Town may require that parcels be connected, and may require the dedication of a connecting path of up to sixty (60) feet, and in no case less than thirty (30) feet.

b. LOCATION

The dedicated land shall be located so as to serve the recreation needs of the project.

c. ACCESSIBILITY

Public access to the dedicated land shall be provided either by an abutting street or public easement. Such easement may be required to be up to sixty (60) feet in width and shall in no case be less than thirty (30) feet in width.

3. USABILITY

The dedicated land shall be usable for active recreation (play areas, ball fields, tennis courts, or similar recreation uses). Lakes may not be included in computing the amount of land to be dedicated unless acceptable to the Town. If the Town determines that active recreation needs are being met by other dedicated parcels or existing recreation facilities, then land that is suitable for open space may be dedicated.

4. TOWNHOUSES OR CONDOMINIUMS

In the case of a townhouse or condominium project, the land required by this Section shall be deeded to a homeowners' association.

5. NO LIMITS APPLIED

Nothing herein shall be construed to limit the amount of privately controlled open space which may be included in this agreement, over and above the recreation and park site obligation.

H. HOMEOWNERS' ASSOCIATION REQUIRED

For townhouse or condominium projects, a homeowners association shall be established which shall have responsibility for the maintenance of all common areas. The association shall also be responsible for all open space and recreation areas that are not deeded to the

Town of Weldon. The developer or owner shall file with the Zoning Administrator for review by the Planning Board, a declaration of covenants and restrictions as well as regulations and bylaws that will govern the maintenance of all common areas, recreation, and open space. The approved document shall be recorded with the final townhouse or condominium project plat. Provisions shall include, but not be limited to, the following:

1. The association shall be established before the units are sold.
2. Membership shall be mandatory for each home buyer and all successive buyers, unless another arrangement is approved by the Town which adequately protects the interest of the Town and the owners.
3. The association shall be responsible for the liability insurance, local taxes, and maintenance of the recreation and other facilities.
4. Any sums levied by the association that remain unpaid shall become a lien on the individual homeowner's property which shall be subordinate only to tax and mortgagee liens unless another arrangement is approved by the Town which adequately protects the interests of the Town and the owners.
5. If all or any portion of the property held by the association is being disposed of, or if the association is dissolved, adequate open space shall be deeded to the Town of Weldon to satisfy the requirements for public recreation space under this Section of the Ordinance.
6. An owner of each dwelling unit or each homeowner shall have voting rights in the association.
7. The following information shall also be provided:
 - a. The name of the association.
 - b. The manner in which directors of the association are to be selected.
 - c. The post office address of the initial registered office.
 - d. The name of the city and county in which the registered office is located.
 - e. The number of directors constituting the initial board of directors.
 - f. The names and addresses of the board of directors shall be submitted annually to the town.
8. Property owners shall be furnished with a copy of the declaration of covenants and restrictions by the seller of the individual lot(s).

I. RESIDENTIAL USES IN THE CB DISTRICT

Residential dwellings shall not be located on the first floor of multi-story buildings in the Central Business District (CB).

5.4.13 ELECTRONIC GAME MACHINES AS AN ACCESSORY USE

Electronic game machines and pinball machines within an establishment devoted to another purpose may be allowed as an accessory use provided that there shall be no more than two (2) machines.

5.4.14 ENTERTAINMENT, COMMERCIAL, INDOOR

Operating hours shall be less than or equal to 10:00 a.m. to 12:00 midnight Monday through Saturday, and 1:00 p.m. to midnight on Sunday.

5.4.15 ENTERTAINMENT, COMMERCIAL, OUTDOOR

- A. Lights from the use shall be designed so that they will not produce glare which will shine on any adjacent residential structures.
- B. Noise emanating from the use shall not exceed ambient noise levels in the surrounding area at a distance of more than one hundred feet from any point of the property containing the use.

5.4.16 FAMILY CARE HOMES

- A. Family care homes must meet the requirements of G.S.168-21.
- B. No home may be located within a ½ mile radius of an existing family care home.

5.4.17 FUEL DEALERS; BULK STORAGE OF PETROLEUM, PRODUCTS

- A. All storage tanks and loading facilities will be located at least one hundred feet from any exterior property line.
- B. Vehicle access to the use shall be provided by way of a major or minor thoroughfare, or a commercial street directly intersecting a thoroughfare.
- C. The Fire Chief, and where applicable, the Halifax County Health Department shall have an opportunity to review the application. The applicant shall provide all needed information to enable the appropriate officials to determine the safety of the storage measures.

5.4.18 GENERAL RETAIL USES >5,000 SQUARE FEET

A. SHIPPING CONTAINERS

Accessory shipping containers used for the temporary storage of merchandise must be placed in the rear yard of the use and shall not be visible from the principal entrance.

B. ACCESSORY OUTDOOR SALES AREA

All merchandise for sale or rent shall be contained within the building envelope or under cover of attached canopies except:

1. Sidewalk sales or other organized temporary promotional events not to exceed one (1) event per month.
2. Lawn and garden centers, home improvement or department stores may permanently display plant materials, lawn and garden supplies, outdoor furniture, or similar merchandise within a designated area immediately adjacent to the primary retail building. Any permanent sales areas shall be designated on the required site plan.
3. Sales areas shall not encroach upon required parking areas and must be designed so as not to impede the passage of vehicles within required parking areas.
4. All tents or detached canopies must be securely tied down and maintained to prevent a hazardous condition.

5.4.19 MANUFACTURED HOMES ON INDIVIDUAL LOTS, CLASS A

A. Manufactured homes shall comply with the requirements listed below:

1. The home shall not have a length exceeding three times its width.
2. The home must have a minimum size of 1100 square feet.
3. The home shall have exterior siding consisting of vinyl or aluminum horizontal lap siding, wood or hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
4. The home shall have continuous, permanent brick foundation or brick curtain wall, unpierced except for required ventilation and access.
5. The tongue, axles, transporting lights, and removable towing apparatus shall be removed subsequent to final placement.
6. A six-inch overhang, which may include rain gutters, must be maintained.
7. Roofs shall maintain a minimum 4/12 pitch.
8. A permanent porch shall be placed on the front of each home which measures at least six feet in width and a minimum of twenty-four square feet in area.
9. Landscaping and shrubbery shall be installed prior to final inspection.

B. A Zoning Compliance Certificate must be issued by the Zoning Administrator indicating that all Town of Weldon requirements are met prior to final inspection and approval by the Town of Weldon Building Inspector to allow occupancy.

5.4.20 MANUFACTURED HOME, CLASS B

Class B manufactured homes shall be located only within an approved manufactured home park in the RMH district, and shall meet the following standards:

A. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home are installed or constructed in accordance with the standards set by the NC Department of Insurance and attached firmly to the primary structure and anchored securely to the ground.

5.4.21 MANUFACTURED HOME PARKS

A. GENERAL REQUIREMENTS

1. The minimum number of manufactured home spaces in a manufactured home park shall be three (3) spaces.
2. Manufactured homes shall not be sold within a manufactured home park, except that an individual manufactured homeowner shall be allowed to sell the manufactured home in which he resides.
3. The transfer of a deed to a manufactured home space or spaces either by sale or by any other manner shall be prohibited within a manufactured home park.
4. Prefabricated structures specifically designed by the manufacturer for manufactured dwelling extensions and any other addition meeting the NC Building Code may be added to any manufactured dwelling provided that setback within the space can be met and a building permit is obtained from the Town of Weldon.

5. Within a manufactured home park, one manufactured home may be used as an administrative office.
6. An area may be designated as a park maintenance area. Such an area shall be appropriately screened.
7. Convenience establishments of a commercial nature shall be limited to coin-operated laundries. These may be permitted in manufactured home parks subject to the following restrictions:
8. Such establishment shall present no visible evidence of their commercial character from any portion of any residential district outside the park.
9. Such an establishment shall be designed to serve the trade and service needs of the park residents only.
10. The Halifax County Environmental Health Section, the Weldon Building Inspector, and/or the Weldon Zoning Administrator are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Section. It shall be the duty of the owners or occupants of manufactured home parks to give these agencies free access to such premises at reasonable times for inspection.
11. The park owner or operator shall notify park occupants of all applicable provisions of this Section and inform them of their duties and responsibilities under this Section.
12. Site plans for manufactured home parks shall comply with the requirements of Section 6.2.5, Site Plan Requirements.

B. MANUFACTURED HOME SPACE REQUIREMENTS

1. All manufactured homes shall be located on individual manufactured home spaces served by public utilities.
2. The minimum size for each space shall be 7,000 square feet.
3. Spaces shall not be less than 100 feet in width at the setback line.
4. Each manufactured home space shall be clearly defined by means of concrete or iron pipe markers placed at all corners and each space shall clearly display a street address as assigned by the town.
5. Each manufactured home space shall be located so as not to be susceptible to flooding and shall be graded so as to prevent any water from ponding or accumulating on the premises.
6. Each manufactured home shall be located at least 20 feet from any other manufactured home, at least 20 feet from any building within the manufactured home park, at least 50 feet from all external property lines, and at least 30 feet from the edge of the right-of-way of any private interior road. The setback from a public road right-of-way shall be the same as that required for the zoning district in which the manufactured home park is located.
7. Accessory buildings may be constructed in the rear yard provided they are no larger than 10' x 12' and no closer than fifteen (15) feet from any adjoining lot line.

C. ROAD AND ACCESS REQUIREMENTS

1. Convenient access to each manufactured home space shall be provided by roads with a minimum right-of-way of 50 feet for a residential collector road and 45 feet for a local residential road as defined by the North Carolina Department of Transportation - Subdivision Roads Minimum Construction Standards Manual.
2. The required traveled way width is 20 feet for a 50-foot right-of-way and 18 feet for a 45-foot right-of-way.
3. Private roads within manufactured home parks shall conform to these construction standards and shall be paved with asphalt or concrete.
4. Proper sight lines shall be maintained at all road intersections in accordance with the current NCDOT requirements for sight clearances.
5. New road names shall not duplicate or be similar to existing road names and shall be subject to approval by the Town.
6. Two automobile parking spaces shall be provided adjacent to each manufactured home space, but shall not be located within any public right-of-way or within any road in the park.
7. No manufactured home space shall have direct vehicular access to a public road.
8. All manufactured home spaces shall directly abut a private road contained within the park.
9. The manufactured home park owner shall be responsible for the continued maintenance of the roads within the manufactured home park.

D. UTILITY REQUIREMENTS

1. WATER SUPPLY

- a. All manufactured homes must be connected to the municipal water supply.
- b. Placement of water improvements to manufactured home spaces shall comply with the NC Building Code for Plumbing.

2. SEWAGE DISPOSAL

- a. All manufactured home spaces shall be connected to the municipal sanitary sewerage system.
- b. Placement of sewer improvements to manufactured home spaces shall comply with the NC Building Code for Plumbing.
- c. Provisions shall be made for plugging the sewer pipe when a manufactured home does not occupy a space.
- d. Surface drainage shall be diverted away from the rise. The rim of the riser pipe shall extend at least four (4) inches above ground elevation.

3. SOLID WASTE DISPOSAL AND SANITATION REQUIREMENTS

- a. The storage, collection, and disposal of solid waste in the manufactured home park shall be in accordance with the requirements of the Town of Weldon.

- b. Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the County Health Director.
- c. Parks shall be maintained from an accumulation of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.
- d. Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe, and other building materials shall be stored at least one (1) foot above the ground.
- e. Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.
- f. The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects. Parks shall be maintained so as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

4. STREET LIGHTING REQUIREMENTS

All roads in the manufactured home park shall be adequately illuminated from sunset to sunrise. The minimum size street light shall be a 175-watt mercury-vapor (approximately 7,000 lumen class), or its equivalent, spaced at intervals of not more than 300 feet.

5. ELECTRICAL SERVICE REQUIREMENTS

Minimum electrical service shall be provided to each manufactured home space in accordance with the National Electrical Code.

E. SCREENING REQUIREMENTS

Manufactured home parks shall provide landscaped buffer yards in accordance with Section 5.3.3, Planting Yards.

F. RECREATIONAL SPACE REQUIREMENTS

Each manufactured home park shall provide 400 square feet of recreational area for each manufactured home space that is less than 10,000 square feet in area. However, no recreational area required by this subsection shall be less than 2,500 square feet.

5.4.22 NIGHTCLUB

- A. Private clubs shall be open to members of the club and their guests only.
- B. The hours of operation shall be no later than 1:00 a.m.
- C. Outdoor entertainment areas shall not be permitted.
- D. Music, loud speakers, and similar noise devices shall not be permitted outdoors. Noise emanating from the club shall not exceed ambient noise levels in the surrounding area at a distance of more than one hundred feet from any point of the property containing the club.

5.4.23 SERVICE STATION, AUTOMOBILE GASOLINE

- A. The following uses are permitted: automobile gasoline sales, light maintenance including engine tune-ups, lubrication and battery replacement.

- B. All hydraulic hoists, pits, lubrication, washing, repair, and service not of an emergency nature shall be conducted entirely within a building.
- C. All used motor oils and similar products shall be stored only in underground or inside areas in accordance with applicable State regulations.

5.4.24 SHOPPING CENTER

A. GENERALLY

- 1. Shopping centers shall contain only uses allowed as permitted or special uses in the CB, NB, and HB districts.
- 2. No shopping center building shall be less than fifty (50) feet from the street right-of-way line, or less than thirty (30) feet from another property line.

B. ACCESSORY OUTDOOR SALES AREA

All merchandise for sale or rent shall be contained within the building envelope or under cover of attached canopies except:

- 1. Sidewalk sales or other organized temporary promotional events not to exceed one (1) event per month.
- 2. Lawn and garden centers, home improvement or department stores may permanently display plant materials, lawn and garden supplies, outdoor furniture or similar merchandise in designated area immediately adjacent to the primary retail building.
- 3. Any permanent sales areas shall be designated on the required site plan.
- 4. Sales areas shall not encroach upon required parking areas and must be designed so as not to impede the passage of vehicles within required parking areas.
- 5. All tents or detached canopies must be securely tied down and maintained to prevent a hazardous condition.

5.4.25 STORAGE & SALVAGE YARDS (OUTDOOR)

A. MINIMUM AREA

The minimum area required to establish a storage and salvage yard shall be five (5) acres.

B. USE SEPARATION

The operations of salvage yards shall not be any closer than 300 feet to any residential property line. Neither should any such operations be closer than 300 feet to the property line of any school, hospital, nursing and convalescent home, or day care facility.

C. SCREENING

- 1. Salvage yards shall be enclosed by a sight obstructing screen of at least 8 feet in height adjacent to public roads and 8 feet in height adjacent to properties of a residential, educational, or institutional nature.
- 2. All such screens shall be maintained in a sound and stable manner for the life of the operation.
- 3. Entrances and exits shall be secured when the salvage yard is closed.
- 4. If state or federal requirements for screening are more stringent, such requirements shall be applicable.

D. NOISE

1. Equipment-producing noise or sound in excess of 70 decibels measured at the source, shall be located no closer than 400 feet to the nearest residence.
2. No noisy processing shall be carried on in connection with the business on Sundays, Christmas, Thanksgiving, or at any time between the hours of 6:00 p.m. and 7:00 a.m.

E. VIBRATION

No vibration shall be produced which is transmitted through the ground and which is discernable without the aid of instruments at or beyond the lot line.

F. DUST AND PARTICULATES

1. Emissions of dust and particulates shall be in accordance with the State of North Carolina rules and regulations governing air contamination and air pollution.
2. Particulate matter emission from materials and products subject to becoming windborne will be kept to a minimum by paving, sodding, oiling, wetting, covering or other means such as to render the surface wind resistant.
3. Points of ingress and egress shall be paved/hard-surfaced with either concrete or asphalt.

G. SMOKE AND BURNING

Emissions of smoke and burning of non-vegetative matter shall not be permitted on the site of a salvage yard.

H. TRASH AND GARBAGE

Disposal of trash and garbage shall be in an approved container and be regularly maintained. Open dumping of trash or garbage shall be prohibited.

I. DISPOSAL OF TOXIC/HAZARDOUS MATTER

Disposal of toxic/hazardous matter on any salvage yard site shall be expressly forbidden.

J. STORAGE OF FUELS

1. Storage of fuels shall be contained in below ground tanks meeting the requirements of the State of North Carolina.
2. No such fuel storage shall be within 1000 feet of any residential, educational, or institutional structure.
3. Location of fuel storage tanks shall be so designed as to prevent leakage or spillage into any stream.
4. Gasoline and oil shall be removed from scrap engines or vehicles on the premises and adequately stored for disposal.

K. DRAINAGE

Salvage yard sites shall be adequately drained to assure that no standing water shall exist that might provide breeding habitation for insects.

L. WEEDS AND VEGETATION

Weeds and vegetation on the premises, other than trees, shall be kept at a height of not more than 6 inches.

M. STORAGE

Salvage materials shall be stored in piles not exceeding 10 feet in height and shall be arranged as to permit easy access to all such salvage for firefighting purposes.

N. PERMIT REQUIREMENTS

The facility shall obtain all applicable state and federal permits.

5.4.26 TELECOMMUNICATION TOWERS

A. WHERE PERMITTED

Telecommunication towers are permitted in the R-40 and I-1 zoning districts. Communications towers on government facilities and structures are allowed by right in all zoning districts. Towers not located on existing structures shall be subject to the setback, sign, security, lighting, abandonment, site plan, and ownership requirements set forth in this section.

B. CO-LOCATION

1. Co-location on a previously approved tower is permitted without an additional Special Use Permit provided that all conditions of the previously approved permit are complied with.
2. Co-location on a building or substantial structure, such as a water tower, shall not require the issuance of a Special Use Permit, but all other applicable provisions shall be met and approved by the Zoning Administrator.
3. Where a new tower is proposed, documentation shall be required to substantiate why the proposed antenna(s) and/or equipment cannot be accommodated on a previously approved tower due to one or more of the following reasons:
 - a. The planned equipment would exceed the structural capacity of the previously approved towers, considering their existing and planned use, and those towers cannot be reinforced to accommodate the planned or equivalent equipment at a reasonable cost; or
 - b. The planned equipment would cause RF interference with other existing or planned equipment for these towers, and the interference cannot be prevented at a reasonable cost; or
 - c. Previously approved towers do not have space on which the planned equipment can be placed so it can function effectively and reasonably in parity with the existing and/or planned equipment of the present user(s); or
 - d. Other reasons make it impractical to place planned equipment on previously approved towers (the applicant must explain and document in detail such other reasons).
4. Where a new tower is proposed and sufficient reasons for a new tower exist, favorable consideration will be given to towers designed to accommodate future users. Documentation shall be required describing the capacity of the proposed tower in terms of today's technology (including the number and type of antennas that the tower will accommodate). Approval of such a new tower will be conditioned on space being made available to such future users at a reasonable fee and any necessary costs of

adapting the facilities to the proposed future use. A statement of intent on whether excess space will be leased is required.

C. SETBACK

1. The minimum tower setback from any property line shall be:
 - a. Equal to the height of the tower; or
 - b. Equal to the maximum fall distance for a professional engineer-certified installation; published engineering data for a particular model of tower will be acceptable to substantiate a setback less than the height of the tower if the building inspector can easily determine that the tower has been installed in accordance with such data, otherwise a professional engineer must certify that the tower is installed as required; or
 - c. For a steel monopole tower with a base diameter greater than or equal to one foot, equal to one-half of the height of the tower, provided that a professional engineer certifies that the tower has sufficient strength to withstand hurricane-force winds of a velocity that have occurred, or can be expected to occur in the area, and that should winds of greater velocity occur, the design of the tower is such as to bend rather than fall.
2. The owners of easements and rights-of-way within the setback must provide a letter of acknowledgment of the proposed tower location.

D. COMPLIANCE WITH FEDERAL AND STATE REGULATIONS

All wireless telecommunication facilities shall comply with or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the federal government that regulates telecommunications facilities. In addition to federal requirements, all wireless telecommunication facilities shall comply with or exceed current standards and regulations of the State of North Carolina pertaining to wireless telecommunications facilities in §§ 160D-930 through 160D-934 of the North Carolina General Statutes.

E. SIGNS

No business signs, billboards, or other advertising shall be installed on the tower or security fencing.

F. SECURITY

Security fencing at least six feet in height shall be installed around the base of the tower or the tower shall be equipped with a professional engineer certified anti-climb device. Published data or documentation for an anti-climb device must be provided to support such device and must be of such nature to enable the building inspector to easily determine that the anti-climb device has been installed in accordance with such data, otherwise a professional engineer must certify that the anti-climb device has been properly installed.

G. LIGHTING

Lighting of a wireless telecommunications facility shall be limited to that required for compliance with FAA minimum standards. Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA. Nighttime strobing or flashing lights are prohibited, unless required by the FAA.

H. ABANDONMENT

Any tower that ceases to be used for communications broadcasting and/or broadcast receiving as permitted by this Ordinance for a period of more than nine months shall be removed by the tower owner at his/her expense. The removal shall occur within ninety days of the end of this nine-month period.

I. SITE PLAN REQUIREMENTS

In addition to the requirements of Section 6.2.5, Site Plan Requirements, the following information shall be provided on the site plan: applicable setbacks, easements and rights-of-way, fencing, access, and an area map indicating the proposed tower and coverage, other towers and coverage areas, and any approved tower sites within a five-mile radius.

J. OTHER REQUIREMENTS

Proof of ownership of the proposed site or authorization to use it and copies of any easements impacting the site.

5.4.27 TEMPORARY EVENTS

- A. Temporary events shall apply for a Temporary Event Permit from the Town of Weldon on a form provided by the Town.
- B. The applicant shall describe the nature of the event, provisions for applicable parking, sanitation, security, and other information deemed necessary by the town.
- C. Any fees shall be in accordance with the town's adopted fee schedule.
- D. Permits may be issued for no more than a 60-day period.
- E. Permits may not be reissued for a similar event within a five- (5) month period.

5.4.28 TRUCK STOPS

- A. A minimum twelve (12) foot high opaque fence shall be provided next to adjacent residentially zoned property.
- B. The maximum height of any outdoor lighting source shall be thirty feet.

ARTICLE 155.6 ADMINISTRATIVE PROVISIONS

6.1 REVIEW AUTHORITIES

6.1.1 GENERAL REQUIREMENTS OF ALL REVIEW AUTHORITIES

A review authority is any board, council, committee, or staff member identified in this Ordinance that review applications for development approval under this Ordinance. An application may be reviewed by more than one review authority.

A. OATH OF OFFICE REQUIRED

1. All members appointed to boards shall, before entering their duties, qualify by taking an oath of office administered by the Mayor or the Mayor Pro Tem.
2. Oaths shall be signed and filed with the Town Clerk.

B. OPEN MEETINGS

Except as provided by N.C. Statute, each official meeting of the public bodies described in this Article shall be open to the public, and any person is entitled to attend such a meeting. Remote meetings conducted in accordance with § 166A-19.24 of the North Carolina General Statutes shall comply with this subsection even if all members of the public body are participating remotely.

C. MINUTES AND RULES OF PROCEDURE

1. Each board shall draw up rules of procedure under which it will operate. The Town Board of Commissioners will adopt rules of procedure and any amendments that are consistent with the provisions of this Ordinance. In the absence of action by the Town Board of Commissioners, each board created under this Ordinance is authorized to adopt its own rules of procedure that are consistent with the provisions of this Ordinance. A copy of any adopted rules of procedure shall be maintained by the Town Clerk and posted on the Town's official web site.
2. Each board shall keep minutes of its proceedings. Minutes shall show the vote of each member upon each question, the absence or failure of any member to vote, and a copy of the minutes shall be maintained on file for public record in the office of the Town Clerk.

D. CONFLICT OF INTEREST

1. LEGISLATIVE DECISIONS

A Town Board of Commissioners or Planning Board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A Town Board of Commissioners or Planning Board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

2. QUASI-JUDICIAL DECISIONS

A member of the Board of Adjustment or Town Board of Commissioners shall not participate in or vote on any quasi-judicial matter in a manner that would violate an affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. Quasi-judicial decisions include appeals, variances, and special use permits.

3. TOWN STAFF

- a. No Town staff member shall make a final decision on an administrative decision required by this Ordinance if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person, or such other staff person as may be designated by the Ordinance.
- b. No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Ordinance unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the Town, as determined by the Town.

6.1.2 ZONING ADMINISTRATOR

- A. The Zoning Administrator shall be appointed by the Weldon Board of Commissioners.
- B. The Zoning Administrator or their designee is duly charged with the enforcement of the provisions of this Ordinance.
- C. If the Zoning Administrator(s) finds that any of the provisions of this Ordinance are being violated, they shall notify in writing the person(s) responsible for such violations, indicating the nature of the violation and ordering the action(s) necessary to correct it.
- D. They shall also take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.
- E. The Zoning Administrator shall have the power to approve minor subdivisions in accordance with the subdivision regulations of the Town of Weldon.

6.1.3 PLANNING BOARD

As directed by the Board of Commissioners, the Planning Board shall have the following duties:

- A. Make studies and recommend to the Board of Commissioners plans, goals and objectives relating to the growth, development and redevelopment of the town planning jurisdiction.
- B. Develop and recommend to the Board of Commissioners policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner.

- C. Make recommendations to the Board of Commissioners concerning proposed zoning text and map amendments, as provided by Sections 6.6, Conditional Rezoning, 6.7, Conventional Rezoning, and 6.8, Text Amendments.
- D. Review and approve major subdivisions in accordance with the subdivision regulations of the Town of Weldon.
- E. Perform any other duties assigned by the Board of Commissioners.

6.1.4 TOWN BOARD OF COMMISSIONERS

- A. The Town Board of Commissioners is the elected body of the Town of Weldon, North Carolina, and shall have the power to initiate, review, and decide applications for zoning amendments.
- B. The Town Council shall also have all the powers and duties ascribed to it by State law, the Town's Charter and any special legislation.

6.1.5 BOARD OF ADJUSTMENT

A. ESTABLISHMENT

1. The Board of Adjustment shall consist of five (5) regular members and three (3) alternate members.
 - a. Four (4) of the regular members and two (2) of the alternate members shall reside within the corporate limits of the Town of Weldon. They shall be appointed by the Board of Commissioners of the Town of Weldon for terms of three (3) years, except that for initial terms one (1) regular member shall be appointed for a three (3) year term, two (2) regular members shall be appointed for a two (2) year term, and one (1) regular member shall be appointed for a one (1) year term so that staggered terms may be instituted. Subsequent terms shall be for three (3) years.
 - b. One (1) of the regular members and (1) of the alternate members shall reside outside of the corporate limits of the Town of Weldon but within its extraterritorial jurisdiction. The members from the Town's extraterritorial jurisdiction shall be appointed by the Halifax County Board of Commissioners for three (3) year terms. The members appointed by the county shall have full authority with respect to any matter before the Board of Adjustment.
 - c. An alternate member appointed from within the corporate limits of the Town may serve on the board only in the absence of a regular member appointed from within the Town's corporate limits. The alternate member from the extraterritorial jurisdiction of the Town may serve on the board only in the absence of the regular member from that area.
2. If the Board of County Commissioners fails to appoint the extraterritorial members within ninety (90) days after receiving a resolution from the Weldon Board of Commissioners requesting that these appointments be made, the Weldon Board of Commissioners shall make them.

B. PROCEEDINGS OF THE BOARD OF ADJUSTMENT

1. The Board of Adjustment shall elect a chairman and vice-chairman from its regular members, who shall serve for one year or until re-elected or until their successors are

elected. The chairman, or in his absence, the vice-chairman, may administer oaths and compel the attendance of witnesses by subpoena.

2. The concurring vote for a majority of the members of the Board of Adjustment is necessary to reverse any order, requirements, decision, or determination of any administrative official charged with the enforcement of this Ordinance, or to decide in favor of the applicant any matter upon which it is required to pass under this Ordinance.
3. The concerning vote on approval of a variance application shall require a 4/5 supermajority of the members of the Board of Adjustment seated for the case.
4. Hearings by the Board of Adjustment shall be conducted in accordance with Section 6.9.5 of this Ordinance.

C. POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT

The Board of Adjustment shall have the following powers and duties:

1. APPEALS

To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance.

2. SPECIAL USE PERMIT

To hear and decide applications for a Special Use Permit in accordance with Section 6.5, Special Use Permits.

3. VARIANCES

When owing to special conditions, practical difficulties or unnecessary hardships would result from carrying out the strict letter of this Ordinance, the Board of Adjustment shall have the power to vary or modify any of the regulations or provisions of this Article relating to the construction or alteration of buildings or structures or the use of the land, so the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done.

4. MAP INTERPRETATION

To interpret the Official Zoning Map in accordance with Section 3.3, Interpretation of Zoning District Boundaries.

D. DECISIONS

1. Every decision of the Board of Adjustment shall be filed in the office of the Zoning Administrator and a written copy thereof shall be delivered to the appellant by personal service or register mail.

E. APPEALS OF DECISION OF THE BOARD OF ADJUSTMENT

1. A decision by the Board of Adjustment shall be subject to review by the Superior Court of Halifax County by proceedings in the nature of certiorari and in accordance with Section 160D-1402 of the North Carolina General Statutes.
2. The landowner or applicant shall file a petition for review with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant,

landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

3. Any other person with standing to appeal shall file a petition for review with the Clerk of Court within 30 days from receipt, by any source, actual or constructive notice of the decision being appealed.
4. Receipt of written notice provided via first class mail in accordance with Section 160D-403(b) of the North Carolina General Statutes shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.

6.2 ZONING PERMIT

6.2.1 PURPOSE

The purpose of a zoning permit is to ensure no development occurs until there is assurance the development complies with the requirements of this Ordinance and all other applicable requirements.

6.2.2 APPLICABILITY

- A. No building or structure including signs and fences, or any part thereof shall be erected, extended, enlarged, structurally altered, moved, or occupied until a zoning permit has been issued by the Zoning Administrator or his authorized representative.
- B. A zoning permit shall be required for the establishment of a use not requiring a building or structure and also for the change of use of a property, land, or building.
- C. A fee in accordance with the town's adopted fee schedule shall be charged for the issuance of each zoning permit.
- D. All applications shall be in a form prescribed by the Zoning Administrator and shall be accompanied by a site or plot plan, as applicable.

6.2.3 PLAN TYPE REQUIRED

A. SITE PLAN

Site plans shall be required as part of the application process for any of the following:

- 1. New structures, including signs;
- 2. Expansions to existing structures;
- 3. Any new use not contained within an existing building except:
 - a. Agricultural uses which do not involve the construction of buildings, containment pens for livestock, swine, or poultry, or the construction of sediment or animal waste lagoons;
 - b. Temporary or seasonal uses unless the Zoning Administrator cannot otherwise determine compliance with parking or screening requirements;
- 4. Any significant change in required landscaping or buffer areas; and
- 5. An expansion to parking areas requiring a landscaping plan in accordance with Section 5.3, Landscaping Standards.

B. PLOT PLAN

A plot plan shall be required for any single family or duplex residential use, and any other situation determined by the Zoning Administrator to require such a plan.

6.2.4 PLOT PLAN REQUIREMENTS

- A. A plot plan does not require the seal of a professional engineer, architect, landscape architect, or surveyor, but shall be drawn to scale and signed by the preparer.
- B. It shall consist of the following elements, except that the Zoning Administrator has the authority to waive any application requirement where the proposed type or scale of use makes that information unnecessary or impractical.

1. The date the plan was drafted along with the name, signature, address and phone number of the preparer.
2. The zoning classification of the subject property and all immediately adjacent properties.
3. Property lines, lot dimensions, and total acreage.
4. The location and extent of rights-of-way and easements.
5. The location and type of natural water features (e.g., streams, ponds, rivers, wetlands, etc.)
6. The location and dimensions of driveways.
7. The approximate location and dimension of existing and proposed structures including signs.
8. The location and dimension of parking lots/areas and internal circulation drives.
9. The location and dimension of private streets.
10. The approximate location and dimensions of landscaping, buffering, screening, fences, and walls.
11. Septic tank systems and wells (including dimensions of each).
12. The approximate location of significant trees (those eight inches or greater in caliper when measured six inches above grade).

6.2.5 SITE PLAN REQUIREMENTS

A. GENERALLY

1. A site plan shall be required for all commercial, industrial, and multi-family projects, and any other situations determined by the Zoning Administrator or Planning Board to require such a plan.
2. A site plan shall require the seal of a professional engineer, architect, or landscape architect, except that surveyors may also seal plans for projects that do not include any engineering stormwater control structures. The plan should be drawn to a scale such that all features are clearly legible.

B. SITE PLAN ELEMENTS

A site plan shall consist of the following elements:

1. A vicinity map that shows the project in relation to the larger planning area.
2. The names, addresses, and telephone numbers of owners, mortgages, registered surveyors, land planners, architects, landscape architects, and professional engineers responsible for the development.
3. The name of the development.
4. Date of plan preparation.
5. A north arrow, legend, and scale (including a bar scale).

C. ENVIRONMENTAL FEATURES

1. A site plan shall show existing and proposed features of the site, including (where applicable):
 - a. Natural cover (wood, pastureland, etc.).
 - b. Streams, ponds or rivers.
 - c. Historic sites.
 - d. Fragile environmental areas.
 - e. The approximate location of significant trees (those eight inches or greater in caliper when measured six inches above grade).
 - f. Contour lines shown as dotted lines at no more than two-foot intervals (this may be modified by Zoning Administrator depending upon topography).
 - g. The location, size, and dimensions of all recreational areas and areas intended to remain as permanent open space, clearly indicating whether such open space areas are intended to be offered for dedication to the public.
2. Dimensions and layouts of all parking and loading areas including properly designated handicapped spaces.
3. Public and private streets and alleys, including planned points of ingress and egress. Driveway approval procedures as required by the NC Department of Transportation shall be initiated.
4. Stormwater structures and conveyances.
5. Utilities, including water, sewer, electric, power, and telephone.
6. The location and dimensions of all structures, including freestanding signs including:
7. The number of dwelling units the building is designed to accommodate, if applicable.
8. The height and number of stories of the structure.
9. Lighting plan.
10. All sidewalks, trails, and pedestrian paths.
11. A landscaping plan in accordance with Section 5.3, Landscaping Standards.
12. Legal features including:
 - a. The zoning of the property and adjacent properties, including zoning district lines.
 - b. Property lines.
 - c. Project phase lines.
 - d. Street rights-of-way.
 - e. Utility easements (including water, sewer, electric, power, stormwater, and telephone).
 - f. Lot dimensions.

D. SIGN DETAIL

Whenever a new sign or change in an existing sign requires the issuance of a permit, detailed designs showing all relevant information required to determine compliance with the sign regulations shall be required as part of a complete application.

E. MANUFACTURED HOME PARKS

In addition to the information required above, manufactured home parks shall provide the following information on the site plan:

1. Location of all manufactured home spaces with dimensions
2. All recreation and convenience areas including parks, laundry facilities, swimming pools etc.
3. Location of park office
4. Location of dumpsters and sanitation facilities.

6.2.6 ZONING PERMIT REVIEW CRITERIA AND DECISION

The Zoning Administrator shall make a decision on an application for a zoning permit based on the following criteria:

- A. All standards and conditions of any prior applicable permits and development approvals;
- B. Any applicable requirements of the Halifax County Health Department; and
- C. All applicable requirements of this Ordinance and the Town Code of Ordinances.

6.2.7 EFFECT

Permits or certificates issued on the basis of plans and applications shall authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement, or construction.

6.2.8 AMENDMENT

Amendment of a permit may only be reviewed and considered in accordance with the procedures and standards established for its original

6.2.9 EXPIRATION

- A. Any permit issued shall become invalid unless the work authorized by it commences within six (6) months of its date of issue, or if the work authorized by it is suspended or abandoned for a period in excess of one (1) year.
- B. Prior to the expiration of a zoning permit, the applicant may request a six (6) month extension either to begin a project or to continue an inactive project.
- C. If the applicant can demonstrate just cause why the extension is needed, the Zoning Administrator may grant the extension.

6.2.10 RECORD OF ZONING PERMITS

A record of all zoning permits shall be kept on file in the office of the town clerk and open to the public, subject to State law.

6.3 RIGHT OF APPEAL

6.3.1 PURPOSE

This appeal procedure is proposed to establish a clear and predictable procedure for persons with standing to appeal a decision or determination by a review authority.

6.3.2 APPLICABILITY

A. DECISIONS BY STAFF OR PLANNING BOARD

Certain appeals of decisions or determinations by a Town official or the Planning Board made pursuant to this Ordinance shall be reviewed and decided by the Board of Adjustment.

B. DECISIONS BY TOWN BOARD OF COMMISSIONERS OR BOARD OF ADJUSTMENT NOT SUBJECT TO THESE STANDARDS

1. Appeals of quasi-judicial decisions made by the Board of Commissioners or the Board of Adjustment shall be taken to the Superior Court for Halifax County, in accordance with Sections 160D-1401 or 160D-1402 of the North Carolina General Statutes, as appropriate.
2. Challenges to legislative decisions made by the Board of Commissioners are made through requests for declaratory judgement by the Superior Court for Halifax County, in accordance with Section 160D-1401 of the North Carolina General Statutes.

C. ORIGINAL CIVIL ACTIONS NOT SUBJECT TO THESE STANDARDS

1. Persons with standing, as defined in Section 160D1403.1 of the North Carolina General Statutes may bring an original civil action in Superior Court without first being heard by the Board of Adjustment for some administrative decisions, determinations of vested rights, and notices of violation in cases where the applicant claims the decision or a provision in this Ordinance is:
 - a. Unconstitutional;
 - b. Beyond statutory authority;
 - c. Pre-empted by State law; or
 - d. A taking of all property value.
2. Direct appeals of determinations of the text in this Ordinance or the Official Zoning Map by a County official to Superior Court are not permitted and must first be heard by the Board of Adjustment, in accordance with this section.

6.3.3 APPLICATION

- A. A property owner or other person with standing shall initiate an appeal by filing a written notice of appeal with the Zoning Administrator within 30 days of the date they receive the written notice of determination or decision being appealed.
- B. Receipt of written notice provided via first class mail in accordance with Section 160D-403(b) of the North Carolina General Statutes shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.
- C. A fee in accordance with the town's adopted fee schedule shall be paid to the town for each application for appeal to cover the costs of advertising and other administrative expenses involved.

6.3.4 DECISION

- A. The Board of Adjustment, at the conclusion of a quasi-judicial public hearing, shall decide the application for the appeal.
- B. The decision shall be based on the competent, material, and substantial evidence in the record of the appeal, as supplemented by arguments presented at the quasi-judicial hearing, and the standards in Section 6.3.5, Review Criteria.
- C. The decision shall be one of the following:
 - 1. Affirmation of the decision or determination (in whole or in part);
 - 2. Modification of the decision or determination (in whole or in part); or
 - 3. Reversal of the decision or determination (in whole or in part).
- D. A vote to reverse or modify a decision or determination shall require approval of a majority of the members present and voting.
- E. Each decision shall be made in writing and reflect the Board of Adjustment's determination of contested facts and their application to the standards in this Ordinance.
- F. The written decision shall be signed by the Chair or other duly authorized member of the Board of Adjustment.
- G. The decision of the Board of Adjustment shall be effective upon the filing of the written decision in the office of the Planning Department.

6.3.5 REVIEW CRITERIA

- A. The Board of Adjustment is limited to the following decisions in considering the appeal:
 - 1. Whether the review authority erred in the determination of this Ordinance; or
 - 2. Whether the review authority erred in determining whether a standard of this Ordinance was met.
- B. The BOA shall not hear any evidence or make any decision based on hardships or special conditions, except as part of an application for a variance.

6.3.6 EFFECT

- A. The filing of an appeal shall stay all of the following:
 - 1. Any further proceedings or actions conducted by the applicant except in such cases where such stoppage would cause imminent peril to life or property as determined by the Zoning Administrator;
 - 2. The application of any further remedies for violation of this Ordinance by the Town; and
 - 3. The accumulation of any further fees or fines associated with violation of this Ordinance.
- B. In the event enforcement proceedings are not stayed by an appeal, the appellant may file a request for an expedited hearing of the appeal in accordance with Section 160D-405(f) of the North Carolina General Statutes, and the Board of Adjustment shall conduct a meeting to hear the appeal within 15 days of the date the request for an expedited hearing is filed.

C. Nothing shall prevent the Board of Adjustment from staying the issuance of any final approval of development applications, including building permits, affected by the issue being appealed in accordance with Section 160D-405(f) of the North Carolina General Statutes.

6.3.7 EXPIRATION

A decision on an appeal shall not expire.

6.3.8 APPEAL

In accordance with Section 6.1.5.E, Appeal of Board of Adjustment Decision.

6.4 VARIANCE

6.4.1 PURPOSE

The purpose of this Variance procedure is to allow deviations from certain standards of this Ordinance when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control (such as topographical conditions, narrowness, shallowness, or shape of a specific parcel of land), a literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest.

6.4.2 APPLICABILITY

A. VARIANCES

1. Development that would otherwise be subject to undue and unique hardship from the applications of the standards in this Ordinance may seek relief from the standards in accordance with this section.
2. No Variance may be sought for uses not allowed in a zoning district.
3. No Variance may be sought that increases development density (e.g., units per acre) beyond that allowed in the zoning district where located.

B. REASONABLE ACCOMMODATIONS

1. In cases where the strict application of the standards of this Ordinance would deprive an eligible person of their right to equal opportunity to use a dwelling under the federal Fair Housing Act, the person may apply for a Reasonable Accommodation in accordance with this section.
2. For the purposes of this section, an "eligible person" is a person who meets the definition of a disabled or handicapped person under federal law.
3. A person recovering from substance abuse is considered a person with a disability or handicap provided they are not currently engaging in the illegal use of controlled substances.

6.4.3 APPLICATION

A. Applications for Zoning Variances and Reasonable Accommodations shall be processed by the Zoning Administrator or a designee.

B. An application for Reasonable Accommodation may be made by a person with a disability or handicap, or their legal representative, or by a provider of housing for persons with

disabilities or handicaps. An application for Reasonable Accommodation shall also include the following:

1. The basis for the claim that the applicant or persons receiving services from the applicant is considered disabled or handicapped under federal law;
 2. The Ordinance provision from which the Reasonable Accommodation is being requested; and
 3. An explanation of why the Reasonable Accommodation is necessary to make specific land or development available for the applicant.
- C. A fee in accordance with the town's adopted fee schedule shall be paid to the town for each application for variance to cover the costs of advertising and other administrative expenses involved.

6.4.4 DECISION

- A. The decision shall be based on the competent, material, and substantial evidence in the record, as supplemented by arguments presented at the evidentiary hearing, and the standards in Section 6.1.5, Board of Adjustment.
- B. The decision shall be one of the following:
1. Approval of the Variance or Reasonable Accommodation as proposed;
 2. Approval of the Variance or Reasonable Accommodation with revisions; or
 3. Denial of the Variance or Reasonable Accommodation as proposed.
- C. A vote to approve a variance or reasonable accommodation shall require approval of a majority of the members present and voting.
- D. Each decision shall be made in writing and reflect the Board of Adjustment's determination of facts and their application to the standards in this Ordinance.
- E. The written decision shall be signed by the Chair or other duly authorized member of the Board of Adjustment.
- F. The decision of the Board of Adjustment shall be effective upon the filing of the written decision in the office of the Planning Department.

6.4.5 REVIEW CRITERIA

A. ZONING OR SUBDIVISION VARIANCE

1. REQUIRED FINDINGS

A Zoning or Subdivision Variance application shall be approved subject to a finding the applicant demonstrates all of the following:

- a. Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property.
- b. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a Variance.

- c. The hardship did not result from actions taken by the applicant or the landowner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of the Variance shall not be regarded as a self-created hardship.
- d. The requested Variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured, and substantial justice is achieved.
- e. The Variance approval is the minimum necessary to make possible the reasonable use of the land, building, or structure.

2. NOT AVAILABLE AS A BASIS FOR VARIANCE

None of the following may be used as the basis for approving a Zoning or Subdivision Variance:

- a. Hardships resulting from factors other than application of the relevant standards of the Ordinance;
- b. Personal circumstances;
- c. A request for a particular use that is expressly, or by inference, prohibited in the zoning district;
- d. The citing of other conforming or nonconforming uses of land or structures in the same or other zoning districts;
- e. The fact that land or a structure may be utilized more profitably or be more marketable with a Variance; or
- f. Financial hardship.

B. REASONABLE ACCOMMODATION

- 1. A Reasonable Accommodation application shall be approved on a finding the proposed accommodation:
 - a. Will be used by an individual or individuals with a disability or handicap protected under federal law;
 - b. Is the minimum needed to provide accommodation; and
 - c. Is reasonable and necessary.
- 2. For the purposes of this section, an accommodation is reasonable if it would not undermine the legitimate purposes of this Ordinance, it does not constitute a substantial alteration of this Ordinance or other Town standard, and it will not impose significant financial and administrative burden upon the Town.
- 3. For the purposes of this section, an accommodation is necessary if it would provide direct or meaningful improvement of the effects of the particular disability or handicap, and would afford handicapped or disabled persons equal opportunity to use housing in the Town's planning jurisdiction.

6.4.6 CONDITIONS

In granting a Variance, the Board of Adjustment may prescribe conditions of approval to assure that the use of the land to which the Variance applies will be compatible with surrounding lands

and will not alter the essential character of the neighborhood. Conditions of approval shall be in accordance with Section 2.4.10, Conditions of Approval, and the following:

- A. Conditions of approval must be reasonably related to the application.
- B. An application approval granted subject to a condition of approval shall be permitted as long as there is compliance with the condition.
- C. Violation of a condition of approval shall be deemed a violation of this Ordinance.
- D. If a violation or invalidation of a condition of approval occurs, the Zoning Administrator may revoke the authorization for the development subject to the approval.

6.4.7 SEQUENCE

A Variance application may be filed with any other application except an appeal or rezoning, but the Variance approval shall always be required prior to any other associated application.

6.4.8 EFFECT

A. GENERALLY

Approval of a Variance authorizes only the particular regulatory relief approved by the Board of Adjustment. It does not exempt the applicant from the responsibility to obtain all other permits or development approvals required by this Ordinance or any other applicable laws, and does not indicate that the development for which the Variance is granted should receive other permits or development approvals unless and until the relevant and applicable portions of this Ordinance are met.

B. REASONABLE ACCOMMODATIONS

A Reasonable Accommodation shall not affect an applicant's obligation to comply with other applicable standards in this Ordinance that are not the subject of the reasonable accommodation application.

6.4.9 AMENDMENT

Not applicable.

6.4.10 EXPIRATION

Not applicable.

6.4.11 APPEAL

In accordance with Section 6.1.5.E, Appeal of Board of Adjustment Decision.

6.5 SPECIAL USE PERMITS

6.5.1 PURPOSE

This Special Use Permit procedure defines the process for consideration of a proposed use type that may be allowable in a zoning district, but because of its nature or potential deleterious effects, it requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings.

6.5.2 APPLICABILITY

- A. Uses identified as requiring a Special Use Permit in Table 3.4.2, Table of Permitted Uses shall be approved in accordance with the procedures and standards of this section.
- B. In cases where a single use type located within a larger multi-building or multi-use development requires a Special Use Permit, only that particular use type and the lot it is located upon shall be subject to the Special Use Permit, not the entire development.

6.5.3 APPLICATIONS

- A. An application for a Special Use Permit shall include a Site Plan depicting the proposed use and site configuration.
- B. A fee in accordance with the town's adopted fee schedule shall be paid to the town for each application for special use permit to cover the costs of advertising and other administrative expenses involved.

6.5.4 DECISION

- A. The Board of Adjustment shall serve as the review authority for Special Use Permits.
- B. A decision by the review authority on a Special Use Permit shall be based on the competent, material, and substantial evidence in the record, as supplemented by arguments presented at the evidentiary hearing.
- C. The decision shall be one of the following:
 - 1. Approval of the Special Use Permit, as submitted;
 - 2. Approval of the Special Use Permit with revisions; or
 - 3. Denial of the Special Use Permit.
- D. In making its decision on a Special Use Permit, the Board of Adjustment shall not waive or reduce any applicable standard of this Ordinance. It is permissible for the Board of Adjustment to apply conditions of approval that exceed the standards in this Ordinance, as necessary, to mitigate any potentially negative impacts of the use on its surroundings.

6.5.5 REVIEW CRITERIA

A Special Use Permit shall be approved upon a finding of fact by the Board of Adjustment that the proposed special use:

- 1. Is subject to a Concept Plan that accurately depicts the proposed use's configuration and addresses public infrastructure if changes to or extension of public infrastructure are required as part of the application;
- 2. Complies with all required standards, conditions, and specifications of this Ordinance, including all zoning district dimensional requirements and use-specific standards;

3. Will not materially endanger the public health or safety;
4. Will not substantially injure the value of the abutting land, or the special use is a public necessity;
5. Will not include or result in such additional traffic volume so as to strain the flow of traffic on the streets and roads of the Town; and
6. Will be in harmony with the intensity, scale, and character of existing or planned development in the area in which it is to be located.

6.5.6 CONDITIONS

- A. The Board of Adjustment may apply conditions of approval that are reasonable and appropriate in accordance with NCGS§160D-705(c).
- B. Conditions may be proposed to:
 1. Assure that the use will be harmonious with the intensity, scale, and character of the area where proposed;
 2. Ensure the use is consistent with the purpose and intent of this Ordinance;
 3. Limit the permit to a specified duration;
 4. Place limits on the availability for occupancy of proposed residential dwelling units to coincide with the provision or maintenance of adequate public facilities; or
 5. Address other considerations necessary, in the sole discretion of the Board of Commissioners.
- C. All conditions shall be identified in the approval, the notice of decision, and on any associated Site Plans.
- D. The notice of decision shall not be prepared until the applicant has consented to all applicable conditions of approval in writing.

6.5.7 SEQUENCE

- A. Special Use Permit applications may include an application for Zoning Permit, and Building Permit, but the Special Use Permit shall be decided first.
- B. Special Use Permit applications may be filed with a rezoning application, but the rezoning application shall be decided first.

6.5.8 EFFECT

- A. A Special Use Permit approval is perpetually binding and shall run with the land, unless amended or limited in duration by the Board of Adjustment.
- B. An action invalidating a special use condition of approval (such as an intensity or hours of operation limitation) shall render the Special Use Permit and associated Site Plan null and void.
- C. Special uses shall meet all applicable State and federal requirements for location and operation. Failure to maintain compliance with those requirements may result in the revocation of the Special Use Permit and associated Site Plan.

6.5.9 AMENDMENT

Site Plans shall only be amended in accordance with the standards in this section. Amendments to a Site Plan approval shall be considered as minor modifications or major modifications, and must be considered in accordance with the following:

A. MINOR MODIFICATIONS

1. Minor modifications are limited to changes that have no material effect on the character of the development or changes that address technical considerations that could not reasonably be anticipated at the time of the application approval.
2. Minor modifications shall be reviewed and decided by the Zoning Administrator, in consultation with other appropriate Town staff.
3. Minor modifications may include any changes not identified as a major modification in Section 6.5.9.B, Major Modifications

B. MAJOR MODIFICATIONS

1. Changes that materially affect the basic configuration of the development, a condition of approval, or that require additional evidentiary support beyond that presented at the public hearing shall be considered major modifications.
2. Major modifications include, but are not limited to:
 - a. A change in the boundaries of a site;
 - b. A change in the approved use type;
 - c. An increase in the amount of floor area by five percent or more beyond that approved under the initial Special Use Permit;
 - d. An increase in the total number of provided off-street parking spaces by ten percent or more beyond that approved under the initial Special Use Permit;
 - e. A change in the location of a principal or accessory structure by more than 10 feet in any direction;
 - f. Structural alterations increasing the structure height;
 - g. Alterations affecting the form, ornamentation, or appearance of a principal or accessory structure as shown in the Site Plan;
 - h. Increases in density or intensity;
 - i. Decreases in open space;
 - j. Substantial changes in the location of streets (particularly if streets are to be deleted or access points to the development moved so traffic flows both inside and outside the development are affected) or pedestrian access or circulation;
 - k. A decrease in the amount or location of proposed landscaping or required screening;
or
 - l. Changes to site features that require the application of professional judgment or discretion of a licensed landscape architect, architect, or professional engineer.

3. Major modifications must be reviewed and considered only in accordance with the procedures and standards established for the original application approval.

6.5.10 EXPIRATION

A. REPLACEMENT

If a special use is replaced by a use type permitted by right in the zoning district, the Special Use Permit approval is deemed abandoned and the Special Use Permit approval is null and void.

B. FAILURE TO START OR COMPLETE CONSTRUCTION

Unless otherwise stated in the Special Use Permit approval, a Special Use Permit shall expire and become null and void two years after the date of issuance if:

1. An application for a subdivision plat has not been filed;
2. Substantial commencement of construction has not taken place; or
3. Construction activities have started, but the owner has voluntarily stopped construction and substantial progress has not been maintained.

C. MULTIPLE BUILDING PERMITS

Where more than one principal building is included with an approved Special Use Permit, the applicant may submit a series of Building Permit applications. The first application shall be submitted within one year of the date the Special Use Permit is approved. Each subsequent Building Permit application shall be submitted within 180 days from the date of issuance of a Certificate of Occupancy or other final approval for the previous building.

6.5.11 REVOCATION

- A. In the event of failure to comply with the plans or any other conditions imposed upon the Special Use Permit approval, the Zoning Administrator shall give the permit holder 10 days written notice of intent to revoke the permit and request the permit holder to contact staff to set a reasonable time for the violation to be corrected.
- B. A Special Use Permit may only be revoked in accordance with the procedure used to grant its approval.
- C. If the permit is revoked and the special use has not ceased, the use is considered a violation of this Ordinance and subject to enforcement and penalties in Section 6.10 Enforcement.

6.5.12 VESTING

- A. See Section 1.9.4.D, Site-Specific Vesting Plan.
- B. Applicants seeking a longer vesting term may file an application in accordance with Section 1.9.4.D.3, Extension.

6.5.13 APPEAL

In accordance with Section 6.1.5.E, Appeal of Board of Adjustment Decision.

6.6 CONDITIONAL REZONING

6.6.1 PURPOSE

The purpose of this section is to provide a uniform means for amending the Official Zoning Map to establish a conditional zoning district in cases where the standards of a conventional zoning district are inadequate to appropriately address the anticipated impacts generated by development. The conditional zoning district, if approved, establishes a unique zoning district that is tailored to the specific proposal and subject to unique conditions of approval. It is the intent of these standards to provide a process where an applicant may voluntarily place additional limitations on the development potential of their land. It is also intended to allow an applicant to request greater flexibility in the application of some development requirements in pursuit of a higher quality of development.

6.6.2 APPLICABILITY

- A. This procedure is solely for the establishment of a conditional zoning district designation on land within the Town's planning jurisdiction.
- B. In no instance shall a Conventional Rezoning application be converted to a Conditional Rezoning application, nor shall a Conditional Rezoning application be converted to a Conventional Rezoning application.
- C. In no instance shall any lot or tract that is the subject of a Conditional Rezoning application also be the subject of any other rezoning application at the same time.

6.6.3 APPLICATION

- A. All Conditional Rezoning applications shall:
 - 1. Be initiated and signed by all the landowner(s) of the land subject to the application;
 - 2. Include all applicant-proposed conditions of approval;
 - 3. Include a detailed written description of the range of potential principal and accessory use types, which shall be treated as a condition;
 - 4. Include a site plan;
 - 5. Identify requests for reductions from applicable standards in this Ordinance when requested and why such requests are necessary; and
 - 6. Provide evidence indicating the ways in which a Conditional Rezoning seeking a reduction from standards in this Ordinance will result in development that is in closer alignment with Section 1.4, Purpose of Ordinance, and the Town's adopted policy guidance.
- B. A fee in accordance with the town's adopted fee schedule shall be paid to the town for each application for a conditional rezoning to cover the costs of advertising and other administrative expenses involved.

6.6.4 RECOMMENDATION

- A. After conclusion of a public meeting, the Planning Board shall make a recommendation on the application based on its consistency with the Comprehensive Plan.
- B. In making its recommendation, the Planning Board shall prepare a written statement regarding the application's consistency with the Town's adopted policy guidance.

C. During its review, the Planning Board may suggest revisions to the application. Only those revisions agreed to in writing by the applicant shall be incorporated into the application.

6.6.5 DECISION

A. After the conclusion of a legislative public hearing, the Town Board of Commissioners shall decide the application in accordance with its standard review procedures and State law.

B. The decision shall be one of the following:

1. Approval of the application;
2. Denial of the application;
3. Approval of a revised application; or
4. Remand of the application to the Planning Board or the Technical Review Committee for further consideration.

6.6.6 APPLICATION REVISION

The applicant may make changes to a Conditional Rezoning application, including changes recommended by the Planning Board or the Town Board of Commissioners at any time prior to the Board's decision. The applicant may only propose changes provided that:

- A. Changes shall be made in writing to the Zoning Administrator; and
- B. Changes shall be signed by all landowners or their agents.

6.6.7 REVIEW CRITERIA

The advisability of approving a Conditional Rezoning application is a matter committed to the legislative discretion of the Town Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny a proposed Conditional Rezoning, the Town Board of Commissioners may weigh the relevance of and consider the following:

- A. If the application is consistent with the applicable standards in Section 3.1.2, Conditional Zoning Districts;
- B. Whether the proposed Conditional Rezoning advances the public health, safety, or welfare;
- C. Whether and the extent to which the proposed Conditional Rezoning is appropriate for its proposed location, and is consistent with the purposes, goals, objectives, and policies of the Town's adopted policy guidance;
- D. Whether an approval of the Conditional Rezoning is reasonable and in the public interest;
- E. Whether and the extent to which the Site Plan associated with the Conditional Rezoning is consistent with this Ordinance; and
- F. Any other factors the Town Board of Commissioners may determine to be relevant.

6.6.8 CONDITIONS

- A. Only conditions mutually agreed to by the applicant and the Town Board of Commissioners may be approved as part of a Conditional Rezoning.
- B. Conditions shall be limited to those that address conformance of development and use on the site with Town regulations and adopted policy guidance and that address the impacts reasonably expected to be generated by the development or use of the site.

C. Conditions shall be in writing and may be supplemented with text, plans, or maps as permitted by this Ordinance.

6.6.9 DESIGNATION ON OFFICIAL MAPS

A. The Zoning Administrator shall cause changes to be made to the Official Zoning Map promptly after approval of a Conditional Rezoning application by the Town Board of Commissioners.

B. In cases when a Conditional Rezoning application is deemed inconsistent with adopted policy guidance, but is approved by the Town Board of Commissioners, the future land map shall be amended with a note referencing the application approval.

6.6.10 SEQUENCE

A. Applications for Subdivisions, Site Plans, and Zoning Permits may be submitted with a Conditional Rezoning application, but the Conditional Rezoning application establishing the conditional zoning district shall be decided first.

B. A Site Plan shall not substitute for a required Subdivision Plat, and all applications for required plans or Subdivision Plats shall be reviewed separately from the Conditional Rezoning application.

6.6.11 EFFECT

A. In cases where the Town Board of Commissioners approves a Conditional Rezoning application deemed to be inconsistent with the Town's adopted policy guidance, the Conditional Rezoning approval shall also have the effect of amending any applicable future land use map included in the Town's adopted policy guidance, and no additional request or application for a comprehensive plan amendment shall be required.

B. Lands subject to an approved Conditional Rezoning shall be subject to all the standards, conditions, and plans approved as part of that application. These standards, plans, and approved conditions are perpetually binding on the land as an amendment to this Ordinance and the Official Zoning Map. In cases where a Concept Plan is approved as part of a Conditional Rezoning application, the vesting term of the Site Plan shall be in accordance with the applicable standards in Section 1.8, Vested Rights.

C. Development located outside the Weldon corporate limits shall comply with Town policies and standards related to annexation and the extension of utilities.

D. Regardless of the type of Conditional Rezoning application, the development shall be subject to subsequent review and approvals, as required under this Ordinance and other Town Codes.

6.6.12 AMENDMENTS

Site Plans shall only be amended in accordance with the standards in this section. Amendments to a Site Plan approval shall be considered as minor modifications or major modifications, and must be considered in accordance with the following:

A. MINOR MODIFICATIONS

1. Subsequent plans and permits for development may include minor modifications provided the development continues to meet the minimum requirements of this section. Minor modifications are limited to changes that have no material effect on the

character of the development or changes that address technical considerations that could not reasonably be anticipated at the time of the application approval.

2. Minor modifications shall be reviewed and decided by the Zoning Administrator, in consultation with other appropriate Town staff.
3. Minor modifications shall be limited to the following:
 - a. Changes in phase boundaries provided the perimeter location of the development is unaffected;
 - b. Revisions to phase boundaries provided each phase is adequately served by necessary infrastructure, stormwater control measures, and open space;
 - c. Realignment of internal transportation infrastructure provided overall connectivity and safety is not reduced;
 - d. Changes to the location of entrances or driveways by 100 feet or less;
 - e. Changes to the configuration of parking areas, but not the number of parking spaces and provided the parking area continues to meet Ordinance requirements for access and circulation;
 - f. Changes to the configuration of landscape yards, including types of landscaping or screening materials, provided minimum width and planting requirements continue to be met;
 - g. Changes to the proposed building elevation or facade, including materials, provided that the change retains the same general architectural character, remains consistent with the design parameters established in the original approval, and provided the overall height of the building is not increased; and
 - h. Changes to the arrangement or location of buildings provided there is no increase in the number of buildings, size, or amount of impervious surface.
4. In no instance shall a minor modification include any changes to:
 - a. The range of permitted uses;
 - b. The overall density of the development; or
 - c. Site features that require the application of professional judgment or discretion by a licensed landscape architect, architect, or professional engineer.

B. MAJOR MODIFICATIONS

1. Changes that materially affect the basic configuration of the development, a condition of approval, or that exceed the scope of a minor change modification are considered major modifications.
2. Major modifications include, but are not limited to:
 - a. Increases in building height;
 - b. Changes in uses;
 - c. Changes in density or intensity;
 - d. Decreases in open space;

- e. Substantial changes in the location of streets (particularly if streets are to be deleted or access points to the development moved so traffic flows both inside and outside the development are affected);
 - f. Changes to the location of entrances or driveways by more than 100 feet;
 - g. Change in the location of any public easement; and
 - h. Changes to site features that require the application of professional judgment or discretion by a licensed landscape architect, architect, or professional engineer.
3. Major modifications must be reviewed and considered only in accordance with the procedures and standards established for the original application approval.

6.6.13 EXPIRATION

- A. There is no expiration date for a Conditional Zoning designation.
- B. In the event the development contemplated in a Conditional Rezoning application is not substantially commenced within three years from the date of the approval, the Town Board of Commissioners may initiate a rezoning application to return the land to its prior or to some other appropriate zoning district designation.

6.6.14 VESTING

- A. See Section 1.9.4.D, Site-Specific Vesting Plan.
- B. Applicants seeking a longer vesting term may file an application in accordance with Section 1.9.4.D.3, Extension.

6.6.15 APPEAL

In accordance with Section 6.3, Right of Appeal.

6.7 CONVENTIONAL REZONING

6.7.1 PURPOSE

This section provides a uniform means for reviewing and deciding proposed amendments to the Official Zoning Map to establish or revise a conventional zoning district or overlay zoning district boundary whenever the public necessity, general welfare, the Town's adopted policy guidance, or appropriate land use practices justify or require doing so.

6.7.2 APPLICABILITY

This procedure is solely for the establishment of a conventional zoning district or overlay zoning district designation on land within the Town's planning jurisdiction.

6.7.3 APPLICATION

- A. Applications may be initiated by the Town Board of Commissioners, the Planning Board, the Zoning Administrator, a landowner(s), or a contract purchaser(s) of the land in the proposed application.
- B. In no instance shall the Town accept third-party rezoning applications submitted by persons who are not owners or agents authorized to act on behalf of landowners.
- C. Applications for a Conventional Rezoning shall not include a Concept Plan or any applicant-sponsored conditions.
- D. In cases where a Conventional Rezoning application seeks to rezone only a portion of a lot or tract, the remainder of the lot or tract shall be of a size and location that make it possible to subdivide or develop that portion of the property in accordance with the requirements in this Ordinance.
- E. A fee in accordance with the town's adopted fee schedule shall be paid to the town for each application for a conditional rezoning to cover the costs of advertising and other administrative expenses involved.

6.7.4 RECOMMENDATION

- A. After conclusion of a public meeting, the Planning Board shall make a recommendation on the application based on its consistency with the Town's Comprehensive Plan.
- B. In making its recommendation, the Planning Board shall prepare a written statement regarding the application's consistency with the Town's adopted policy guidance.

6.7.5 DECISION

- A. After the conclusion of a legislative public hearing, the Town Board of Commissioners shall decide the application in accordance with the standards its standard review procedures and State law.
- B. The decision shall be one of the following:
 - 1. Approval of the application;
 - 2. Denial of the application;
 - 3. Approval of a revised application; or
 - 4. Remand of the application to Town staff for further consideration.

- C. The decision shall be based on the legislative discretion of the Town Board of Commissioners, taking into consideration the recommendation of the Planning Board, citizen comments, if provided, and the Board's adopted rules of procedure for public hearings.

6.7.6 APPLICATION REVISION

- A. In no instance shall a Conventional Rezoning application be converted into a Conditional Rezoning application.
- B. Nothing shall limit the Town Board of Commissioners from approving a more restrictive or less intense zoning district than requested by the applicant. In cases where the Town Board of Commissioners decides to approve a more restricted or less intense zoning district than requested, the application shall not require remand back to the Planning Board or any additional public notification.

6.7.7 REVIEW CRITERIA

The advisability of approval of a Conventional Rezoning application is a matter committed to the legislative discretion of the Town Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny a rezoning application, the Town Board of Commissioners may weigh the relevance of and consider the following:

- A. Whether the proposed rezoning advances the public health, safety, or welfare;
- B. Whether and the extent to which the proposed rezoning is appropriate for its proposed location, and is consistent with the purposes, goals, objectives, and policies of the Town's adopted policy guidance;
- C. Whether an approval of the rezoning is reasonable and in the public interest; and
- D. Other factors, as the Town Board of Commissioners may determine to be relevant.

6.7.8 DESIGNATION ON OFFICIAL MAPS

- A. The Zoning Administrator shall make changes to the Official Zoning Map promptly after approval of a Conventional Rezoning application by the Town Board of Commissioners.
- B. In cases when a rezoning application is deemed inconsistent with adopted policy guidance, but is approved by the Town Board of Commissioners, the future land use map shall be amended with a note referencing the rezoning application approval.

6.7.9 SEQUENCE

A Conventional Rezoning application may be filed with an Annexation petition in accordance with NCGS §§ 160A-31 or 160A-58.1, but no other application types shall be submitted with a rezoning application.

6.7.10 EFFECT

- A. Lands subject to an approved Conventional Rezoning application shall be subject to all the applicable standards in this Ordinance, which shall be binding and shall run with the land.
- B. Development located outside the Town's corporate limits shall comply with all Town policies related to annexation and the extension of utilities.
- C. In cases where the Town Board of Commissioners approves a Conventional Rezoning application, they deem to be inconsistent with the Town's adopted policy guidance, the rezoning approval shall also have the effect of amending any applicable future land use

map included in the Town's adopted policy guidance, and no additional request or application for a comprehensive plan amendment shall be required.

6.7.11 AMENDMENT

Not applicable.

6.7.12 EXPIRATION

Not applicable.

6.7.13 VESTING

Not applicable.

6.7.14 APPEAL

In accordance with Section 6.1.4.C, Decision and Appeal.

6.8 TEXT AMENDMENTS

6.8.1 PURPOSE

This section provides a uniform means for amending the text of this Ordinance whenever the public necessity, changed conditions, convenience, general welfare, or appropriate land use practices justify or require doing so.

6.8.2 APPLICABILITY

The standards and requirements of this section shall apply to applications to revise the text of this Ordinance.

6.8.3 APPLICATION

- A. Applications to amend the text of this Ordinance may be initiated only by the Town Board of Commissioners, the Planning Board, or Town staff.
- B. Owners of land within the Town's planning jurisdiction, and residents of the Town of Clayton or its extraterritorial jurisdiction, may request that the Town consider a text amendment, but the decision to pursue a text amendment shall be within the sole discretion of the Town Staff, Planning Board, or Town Board of Commissioners, as appropriate.

6.8.4 RECOMMENDATION

- A. After conclusion of a public meeting, the Planning Board shall make a recommendation on the application in accordance with the Board's adopted rules of procedure for public meetings.
- B. In making its recommendation, the Planning Board shall prepare a written statement regarding the application's consistency with the Town's Adopted Policy Guidance.

6.8.5 DECISION

- A. The decision shall be based on the legislative discretion of the Town Board of Commissioners, taking into consideration any recommendation received from the Zoning Administrator, prepared in consultation with other Town staff, the recommendation of the Planning Board, citizen comments, and the Board's adopted rules of procedure for public meetings.
- B. In making its decision, the Town Board of Commissioners shall adopt a written statement of reasonableness and consistency with the Town's Adopted Policy Guidance in accordance with NCGS§160D-605.

6.8.6 REVIEW CRITERIA

The advisability of amending the text of this Ordinance is a matter committed to the legislative discretion of the Town Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the Town Board of Commissioners may, but is not required to, consider whether and the extent to which the proposed text amendment:

- A. Enhances the public's health, safety, and welfare;
- B. Is consistent with the Town's Adopted Policy Guidance;
- C. Is required by changed conditions;
- D. Addresses a demonstrated community need;

- E. Addresses an unforeseen matter not present when the Ordinance was adopted;
- F. Addresses other factors determined to be relevant by the Town Board of Commissioners; and
- G. Would not result in significantly adverse impacts on the natural environment, including water, air, noise, stormwater management, wildlife, vegetation, and the natural functioning of the environment.

6.8.7 SEQUENCE

A text amendment application shall not be submitted with another application.

6.8.8 EFFECT

The Zoning Administrator shall make changes to the text of this Ordinance promptly after approval of the text amendment application by the Town Board of Commissioners.

6.8.9 AMENDMENT

Not applicable.

6.8.10 EXPIRATION

Not applicable.

6.8.11 VESTING

Not applicable.

6.8.12 APPEAL

In accordance with Section 6.1.4.C, Decision and Appeal.

6.9 PUBLIC HEARING PROCEDURES

6.9.1 PUBLIC MEETINGS DISTINGUISHED FROM PUBLIC HEARINGS

- A. Public meetings are not public hearings, and do not require the provision of individual public notice to adjacent landowners about a pending application in accordance with this section but must provide general notification about the meeting in accordance with NCGS§143-318.12 (the “open meetings” law).
- B. Applications subject to public hearings by the North Carolina General Statutes are required to provide public notice about the pending application to adjacent landowners in accordance with this section.
- C. Public hearings identified in this Ordinance shall be either legislative or evidentiary (quasi-judicial) in nature.

6.9.2 SCHEDULING

When a development application is subject to a public hearing, the Zoning Administrator, or a designee, shall ensure that the public hearing is scheduled for a regular meeting, or a meeting specially called for that purpose by the review authority.

6.9.3 NOTICE REQUIREMENTS

A. PUBLISHED NOTICE REQUIREMENTS

1. Published notice is required for Conditional Rezoning, Conventional Rezoning and Text Amendments.
2. When the North Carolina General Statutes require that public notice be published, the Town staff member responsible shall publish a notice in a newspaper that is regularly published and that has general circulation in the Town.
3. Notice shall be published once a week for two successive calendar weeks with the first notice published no more than 25 days nor less than 10 days before the date of the public hearing.

B. MAILED NOTICE REQUIREMENTS

1. Mailed notice is required for Appeals, Conditional Rezoning, Conventional Rezoning, Special Use Permits, and Variance applications. Mailed notice for appeals shall only be required in cases where the appeal pertains to a particular property.
2. Mailed notice shall be provided in accordance with the following:
 - a. The Town shall prepare the required mailed notice.
 - b. Mailed notice shall be provided to the last known address (as listed in County tax records) for each of the following:
 - i. The landowner;
 - ii. The applicant, if different from the landowner;
 - iii. Landowners of properties adjacent to the land that is the subject of the application, but also located across a street, railroad, or other transportation corridor; and
 - iv. Any others who are entitled to receive mailed notice in accordance with NCGS§160D602.
 - c. Notice shall be deemed mailed by its deposit in the United States first class mail, properly addressed, postage paid.

- d. Notices shall be mailed no more than 25 days nor less than 10 days before the date of the public hearing.
- e. The Town may, on a case-by-case basis, and in the sole discretion of the Town, provide additional mailed notice above and beyond the minimum statutory requirements. The Town is under no obligation to provide any additional notice beyond that specified by the General Statutes, and failure of the Town to provide mailed notice beyond that required by State law shall not impair the notice provided or invalidate the proceedings.
- f. A copy of the mailed notice, the list of landowners receiving notice, and a certification of mailing by the Town staff member responsible shall be maintained in the offices of the
- g. Planning Department for public inspection during normal business hours.
- h. Mailed notice shall not be required when a rezoning includes more than 50 lots or tracts owned by at least 50 different landowners, provided the Town publishes a map (occupying at least ½ of a newspaper page) showing the boundaries of the affected area in a newspaper of general circulation once a week for two successive calendar weeks between 10 days and 25 days before the public hearing. Affected landowners residing outside the newspaper circulation area shall be notified via first class mail.

C. POSTED NOTICE REQUIREMENTS

- 1. Posted notice shall be required for Conditional Rezonings, Conventional Rezonings, Special Use Permits, Variances, and Appeals when the appeal pertains to a particular property.
- 2. When the North Carolina General Statutes require that public notice be posted, the Zoning Administrator or a designee shall provide the required posted public notice in accordance with the following:
 - a. A sign (or signs) shall be placed on the subject property in a conspicuous location so as to be clearly visible to the traveled portion(s) of the respective street(s).
 - b. Where the land subject to the notice does not have frontage on a public street, the sign shall be erected on the nearest street right-of-way.

D. NOTICE CONTENT

Unless expressly indicated otherwise by the North Carolina General Statutes, all notices by mail and posting shall:

- 1. Identify the date, time, and place of the public hearing;
- 2. Describe the land involved by parcel identification number (PIN), street address, or by its relationship to a fronting street and the nearest cross street (if applicable);
- 3. Describe the nature and scope of the proposed development or action; and
- 4. Identify the means to contact a Town official for further information.

E. CONSTRUCTIVE NOTICE

- 1. Minor defects in any notice shall not impair the notice or invalidate proceedings if a bona fide attempt is made to comply with applicable notice requirements. Minor defects in notice may include, but are not limited to:

- a. Errors such as landowner name, title, or address existing in the County tax listing; or
 - b. Typographical or grammatical errors that do not impede communication of the notice to affected parties.
2. Failure of a party to receive written notice shall not invalidate subsequent action.
 3. A posted notice that becomes no longer visible due to weather, theft, or other unintended circumstances shall not invalidate proceedings if a bona fide attempt is made to comply with applicable posted notice requirements.
 4. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a public hearing and the location of the subject property shall be strictly adhered to.

6.9.4 LEGISLATIVE PUBLIC HEARINGS

Conditional Rezoning, Conventional Rezoning, and Text Amendments all require legislative public hearings in accordance with NCGS 160D and the following.

A. PROCEDURE

1. Legislative public hearings shall not be conducted until after provision of required public notice.
2. The legislative public hearing shall be open to the public and shall be conducted in accordance with the review authority's adopted rules of procedure for public hearings.
3. Attendees shall be afforded the opportunity to comment during a public hearing, as authorized in the adopted rules of procedure.

B. VOTING

1. The review authority shall consider the application, relevant support materials, staff report, any recommendations, and public comments. After the conclusion of the public hearing, it shall make one of the decisions authorized for the particular type of application.
2. A review authority member shall not vote on an application if there is a conflict of interest in accordance with Section 6.1.1.D, Conflict of Interest.
3. A decision of the review authority on an application considered during a legislative public hearing shall be decided by a simple majority of the review authority members, excluding any members who are recused from voting due to a conflict of interest.

C. APPLICATION REVISION

1. Except in cases where an applicant has compelled the Town staff to process an incomplete application, an applicant may revise an application during a legislative public hearing in response to recommendations or suggestions of the public, the Town staff, or a review authority.
2. In cases where a substantial change to an application is proposed following review by a prior review authority, the review authority deciding the application shall determine if the prior review authority needs to re-review the application before a decision can be made.

3. The Town may provide additional public notice related to revision of an application on a case-by-case basis but is under no legal requirement to provide additional notice in cases where applications are revised in accordance with this section.
4. The review authority deciding the application may approve an application modified during a legislative public hearing provided that all changes are properly identified in the motion of approval and that any conditions of approval are consented to, in writing, by the applicant.
5. In cases where an application has been modified during a legislative public hearing, the applicant shall submit any necessary plans or other documents depicting the modification to the appropriate Town staff before notice of decision is provided.

D. REMAND

A review authority may remand the application to a prior review authority or Town staff for further consideration of new information or specified issues or concerns, if appropriate.

E. RECORD

1. A recording may be made of all public hearings and if made, the recordings shall be maintained in accordance with Town policy.
2. Accurate minutes shall be kept of all proceedings, but a transcript need not be made.

6.9.5 EVIDENTIARY PUBLIC HEARINGS

Appeal, Special Use Permit, and Variance applications are decided following an evidentiary public hearing, which shall be conducted in accordance with State law, the review authority's rules of procedure, and the following requirements:

A. NOTICE REQUIRED

Evidentiary public hearings shall not be conducted until after the provision of required public notice.

B. OPPORTUNITY TO PRESENT TESTIMONY AND EVIDENCE

1. The applicant, the Town, and any party with standing shall be afforded a reasonable opportunity to present testimony and evidence in support of or in opposition to the application, and to ask questions of or cross examine the applicant, the applicant's representatives, anyone providing testimony during the hearing, Town staff, and the Town staff's representatives.
2. Determinations of standing shall be in accordance with NCGS §§ 160D-406(d) and 160D-1402(c).

C. LIMITATION ON EVIDENCE

1. The Chair or other presiding officer may limit or exclude incompetent evidence, immaterial evidence, repetitive evidence, and personal attacks.
2. Decisions shall not be based upon hearsay evidence though such evidence may be entered into the record.
3. Only evidence presented during the public hearing may be relied upon in deciding the application.

D. EX PARTE COMMUNICATION

Ex parte communications between an applicant or an affected party and a member of the review authority are prohibited. If it occurs, it shall be disclosed during the evidentiary public hearing.

E. VOTING

1. GENERALLY

The review authority shall consider the application, relevant support materials, staff report, any recommendations, and public comments. After the conclusion of the public hearing, it shall make one of the decisions authorized for the particular type of application based on the review standards applicable to the application type.

2. CLEARLY STATE FACTORS FOR DECISION

Unless stated otherwise in this Ordinance, the decision shall reflect the review authority's determination of any contested facts and their application to the applicable standards.

3. CONFLICTS OF INTEREST

A review authority member shall not vote on an application if there is a conflict of interest in accordance with Section 6.1.1.D, Conflict of Interest.

F. APPLICATION REVISION

1. An applicant may revise an application during an evidentiary public hearing in response to recommendations or suggestions of the review authority, Town staff, or the public.
2. The review authority may approve an application modified during an evidentiary public hearing provided all changes are properly identified in the motion of approval by the review authority and that any conditions of approval are consented to, in writing, by the applicant.
3. In cases where an application has been modified during an evidentiary public hearing, the applicant shall submit any necessary plans or other documents depicting the modification to the appropriate Town staff before notice of decision is provided.

G. DELAY OF DECISION

The review authority may delay a decision on the application if additional information is requested of the applicant.

H. RECORD

1. A recording may be made of all public hearings and if made, the recordings shall be maintained in accordance with Town policy.
2. Accurate minutes shall be kept of all proceedings, but a transcript need not be made.

6.10 ENFORCEMENT

6.10.1 GENERALLY

A. PURPOSE

This section establishes procedures to ensure compliance with the provisions of this Ordinance and obtain corrections for ordinance violations. It also sets forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this section are intended to encourage the voluntary correction of violations, where possible.

B. COMPLIANCE REQUIRED

Compliance with all the procedures, standards, and other provisions of this Ordinance is required by all persons owning, developing, managing, using, or occupying land or structures in the Town.

C. STATUTE OF LIMITATION

Enforcement of violations of this Ordinance shall be in accordance with §§1-49(3) and 1-51(5) of the North Carolina General Statutes.

6.10.2 DESCRIPTION OF VIOLATIONS

Any violation of this Ordinance shall be subject to the remedies and penalties provided by this Ordinance and by State law. Violations of this Ordinance shall include, but not be limited to, any of the following:

A. DEVELOPMENT WITHOUT AUTHORIZATION

Engaging in any development, use, construction, land disturbance, or other activity of any nature upon land or improvements thereon subject to the jurisdiction of this Ordinance without all required plans, permits, certificates, or other forms of authorization as set forth in this Ordinance.

B. DEVELOPMENT INCONSISTENT WITH AUTHORIZATION

Engaging in any development, use, construction, land disturbance, or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form of authorization granted for such activity;

C. USE IN VIOLATION

Erecting, constructing, altering, repairing, maintaining, or using any building or structure, or use of any land in violation of this Ordinance or any regulation made under the authority conferred thereby;

D. CONTINUE OPERATION FOLLOWING PERMIT REVOCATION

Continuing with construction or operation of a use, building, structure, or activity following permit revocation conducted in accordance with the standards of this section.

6.10.3 ENTITY RESPONSIBLE FOR VIOLATION

A. RESPONSIBLE PERSONS

1. The owner, tenant, or occupant of any land or structure, or part thereof, and any architect, engineer, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any such situation that is contrary to the requirements of this Ordinance, may be held responsible for the violation and be subject to the penalties and remedies provided in Section 6.10.5, Remedies.

2. Failure of a Town official charged with enforcement responsibility to observe or recognize conditions which violate the intent and purpose of this section of the Ordinance, or to deny the issuance of a development permit, shall not relieve the landowner from responsibility for the condition or damages that may result and shall not result in the Town, its officers, or agents being responsible for conditions or damages.

B. ENFORCEMENT RESPONSIBILITIES

1. INVESTIGATIONS

The Zoning Administrator, or other Town official, has the power to conduct such investigation as may be deemed necessary to carry out their duties as prescribed in this Ordinance.

2. INSPECTIONS

- a. As appropriate, any of the reviewing authorities listed in this section have the right, upon receipt of permission from a responsible person, to enter on any premises within the jurisdiction at any reasonable hour for the purpose of inspecting locations subject to any complaints or alleged violations, or determination of compliance or other enforcement action of this Ordinance or other Town Ordinance.
- b. If any person charged with enforcing this Ordinance cannot obtain permission to enter from a responsible person, the Town shall obtain an administrative search warrant prior to entering the property.

3. SUPPORTING DOCUMENTATION

As appropriate, any of the review authorities listed in this section have the power to compel a person responsible for an alleged violation to provide written statements, certificates, certifications, or reports relating to complaints or alleged violations of this UDO or other Town ordinance.

6.10.4 ENFORCEMENT PROCEDURE

A. COMPLAINTS

1. Whenever the Zoning Administrator receives a written and signed complaint alleging a violation of this Ordinance, the Zoning Administrator, or other Town official or agent shall investigate the violation allegation in accordance with the standards in this section.
2. The Zoning Administrator, or other Town official or agent as appropriate, shall inform the complainant as to whether or not a violation of this Ordinance was discovered upon investigation, and if a violation is found to exist, the actions that will be taken by the Town to address the violation.
3. Nothing shall limit the Zoning Administrator, or other Town official or agent from investigating possible violations of this Ordinance without receipt of a written complaint.

B. VIOLATION DISCOVERED

When the Zoning Administrator, or other Town official or agent finds a violation of this Ordinance, they shall take following actions:

1. WRITTEN NOTICE OF VIOLATION

A written notice of violation shall be prepared, in writing, and delivered to the person(s) responsible for the violation. The notice shall include all of following:

- a. That the land, building, structure, sign, use, or activity is in violation of this Ordinance;
- b. The nature of the violation, and citation of the section(s) of this Ordinance violated;
- c. The measures necessary to remedy the violation;
- d. The time period in which the violation must be corrected;
- e. That penalties or remedies may be assessed; and
- f. That the party cited has the right to appeal the notice in accordance with Section 6.3, Right of Appeal.

2. DELIVERY OF WRITTEN NOTICE

- a. The notice of violation shall be delivered to the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval, by personal delivery, electronic delivery, or first-class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity.
- b. The notice of violation may be posted on the property.
- c. The Town official providing the notice of violation shall certify that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud.

3. REMEDY UPON NOTICE

Upon delivery of a written notice of a violation, the landowner or any other responsible person shall remedy the violation within the allowable time period.

4. FAILURE TO COMPLY WITH ORDER

If the landowner, occupant, or any other responsible person fails to comply with a notice of violation from which no appeal has been taken, or a final decision by the Board of Adjustment following an appeal, the landowner, occupant, or other responsible party shall be subject to such remedies and penalties as may be provided for by State law or Section 6.10.5, Remedies.

5. EACH DAY A SEPARATE VIOLATION

Each day a violation continues following notice or failure to comply is considered a separate and distinct violation of this Ordinance.

6.10.5 REMEDIES

Any of the following remedies may be applied by the Town, whether individually or in combination, in response to a violation of this Ordinance:

A. CIVIL PENALTIES

Any responsible person who violates any provision of this Ordinance shall be subject to the assessment of a civil penalty under the procedures provided in Section 6.8.6, Assessment of Civil Penalties.

B. DENIAL OF PERMIT OR CERTIFICATE

The Zoning Administrator may withhold or deny a permit, certificate, or other authorization for the same land, subdivision, building, structure, sign, use, or development activity in which there is an uncorrected violation of this Ordinance.

C. CONDITIONAL APPROVAL

1. The Zoning Administrator or other Town staff or agent, as appropriate, may condition a permit, certificate, or other authorization for land, subdivision, building, structure, sign, use, or development activity with a violation in order to compel:
 - a. Correction of the violation;
 - b. Payment of civil penalties; and
 - c. Posting of a compliance security, as approved by the appropriate governmental authority.
2. In no instance shall a permit, certificate, or approval for one property be conditioned in order to address a violation on a different property.

D. STOP WORK ORDERS

1. Whenever the Zoning Administrator, or other Town Staff or agent, as appropriate, determines that a person is engaged in doing work that constitutes, creates, or results in a violation of this Ordinance and that irreparable injury will occur if the violation is not terminated immediately, the Zoning Administrator, other Town staff or agent, as appropriate, may order the specific part of the work that constitutes, creates, or results in a violation of this Ordinance to be immediately stopped.
2. The stop work order shall be in writing and directed to the landowner, and the occupant or person doing the work. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed.
3. The official providing the notice shall certify that the notice was provided by personal delivery, electronic delivery, or first-class mail and the certificate shall be deemed conclusive in the absence of fraud.
4. Any person aggrieved by the issuance of a stop work order may appeal the issuance of the order to the Board of Adjustment in accordance with Section 6.3, Right of Appeal. An appeal shall stay the stop work order unless the Zoning Administrator submits an affidavit to the Board of Adjustment as provided in Section 6.3, Right of Appeal.
5. Neither the responsible person nor a landowner upon whom a stop work order is served shall continue with work in violation of the stop work order while it remains in effect unless the order is stayed in accordance with sub-section.

E. REVOCATION OF PERMITS

1. The Town may, in its sole discretion, initiate a process to revoke a prior development approval or permit in response to a violation of this Ordinance.
2. The Zoning Administrator may initiate the revocation process by notifying the permit holder in writing, at least ten days prior to the commencement of revocation proceedings, stating the reason for the proposed revocation.
3. Permits or certificates may be revoked, in accordance with NCGS160D-403(f) for any of the following:
 - a. Any substantial departure from the approved application, plans, or specifications;
 - b. Refusal or failure to comply with the requirements of State or local laws; or

- c. For making false statements or misrepresentations in securing the permit, certificate, or approval.
- d. Any permit or certificate mistakenly issued in violation of an applicable State or County law may also be revoked by the appropriate authority.
- e. Revocation of a permit or approval shall be processed in the same manner as the permit or approval was granted.

F. INJUNCTIVE RELIEF

1. ACTION BY TOWN BOARD OF COMMISSIONERS

Whenever the Town Board of Commissioners has reasonable cause to believe that any person is violating or threatening to violate this Ordinance, or any rule or order adopted or issued pursuant to this Ordinance, or any term, condition, or provision of an approved development plan, it may, either before or after the institution of any other action or proceeding authorized by this Ordinance, institute a civil action in the name of the Town, for injunctive relief to restrain, correct, abate, mandate, or enjoin the violation or threatened violation.

2. SUPERIOR COURT

The action shall be brought in the Halifax County Superior Court. Upon determination by the court that an alleged violation is occurring or is threatened, it shall enter such orders or judgments as are necessary to abate the violation or to prevent the threatened violation.

G. ORDER OF ABATEMENT

- 1. In addition to an injunction, the Town may apply for and the court may enter an order of abatement as part of the judgment in the case.
- 2. An order of abatement may direct any of the following actions:
 - a. That buildings or other structures on the property be closed, demolished, or removed;
 - b. That fixtures, furniture, or other moveable property be moved or removed entirely;
 - c. That improvements, alterations, modifications, or repairs be made; or
 - d. That any other action be taken as necessary to bring the property into compliance with this Ordinance.

H. EQUITABLE REMEDY

The Town may apply to a court of law for any appropriate equitable remedy to enforce the provisions of this Ordinance. The fact that other remedies are provided under general law or this Ordinance shall not be used by a violator as a defense to the Town's application for equitable relief.

I. STATE AND COMMON LAW REMEDIES

In addition to other enforcement provisions contained in this section, the Town Board of Commissioners may exercise any and all enforcement powers granted to it by State or common law.

6.10.6 ASSESSMENT OF CIVIL PENALTIES

A. AMOUNT OF CIVIL PENALTIES

The minimum civil penalties for violation of this Ordinance shall be as follows:

1. First offense: \$150.00;
2. Second offense: \$200.00;
3. All subsequent offenses: \$300.00; and
4. In addition to any civil remedies set out in this section the Town, in its sole discretion, may seek, as an alternative and/or additional relief the recovery of its actual investigative cost where those administrative costs are determined to be greater than \$500.00.

B. GENERAL PROCEDURE

1. Civil penalties may not be assessed until the responsible person in violation has been notified. Nothing shall prevent the notice of violation from serving as the written notice of penalty assessment of civil penalties.
2. Notice of the civil penalty assessment shall be served in the same manner as a notice of violation.
3. The assessment notice shall state the nature of the violation, the civil penalty to be imposed upon the violator, and shall direct the violator to pay the civil penalty within 10 days of the date of the notice of penalty assessment.
4. Civil penalties may be assessed until compliance is achieved.

C. CONTINUING VIOLATION

For each day the violation is not corrected, the violator will be guilty of an additional and separate offense and subject to additional civil penalty.

D. DEMAND FOR PAYMENT

1. If compliance is not achieved, then the Zoning Administrator or other Town staff or agent, as appropriate, shall make written demand for payment of penalties that have accrued while the property has been in violation.
2. The demand for payment shall be sent to the responsible person in violation and must include a description of the violation for which the civil penalties have been imposed.

E. NONPAYMENT

If payment is not received or an equitable settlement reached within 10 days after final notice to demand for payment is made, the Town may recover any unpaid civil penalty by filing a civil action in the nature of debt or by placing a lien on the property.