

# WELDON, NC

---

## Subdivision Ordinance

Adopted:

Last Amended:

# ACKNOWLEDGEMENTS

## BOARD OF COMMISSIONERS

---

Hugh C. Credle, Mayor  
Nancy H. Sandoval  
Jennifer B. Cox  
Doris W. Garner  
Stephanie B. Tillery  
Muzette Kiger

## PLANNING BOARD

---

Joseph Sandoval, Chair  
Ceasar Neville, Vice Chair  
Angela Boone  
Willie Boone  
Zenobia Cofield  
Adrian King  
J.W. Shearin  
David Tripp  
Debra Williams

## TOWN STAFF

---

Connor Winstead, Town Administrator

## CONSULTANT

---

CodeWright Planners  
[www.codewrightplanners.com](http://www.codewrightplanners.com)

Angela S. Manning, Inc.



© Town of Weldon, NC and CodeWright Planners, LLC

**SUMMARY OF AMENDMENTS TO THIS ORDINANCE**

<b>ORDINANCE NUMBER</b>	<b>EFFECTIVE DATE</b>	<b>DESCRIPTION</b>

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

**ARTICLE 154.1 General Provisions ..... 7**

- 1.1 Authority and Enactment ..... 7**
- 1.2 Title ..... 7**
- 1.3 Consistency with Adopted Policy Guidance ..... 7**
- 1.4 Purpose ..... 7**
- 1.5 Jurisdiction ..... 8**
- 1.6 Compliance with Zoning ..... 8**
- 1.7 Legal Provisions ..... 8**
  - 1.7.1. Separability ..... 8
  - 1.7.2. Abrogation..... 8
  - 1.7.3. Effective Date ..... 8

**ARTICLE 154.2 Interpretation of Terms and Definitions..... 9**

- 2.1 General Provisions..... 9**
- 2.2 Interpretation of Terms..... 9**
- 2.3 Definitions.....10**

**ARTICLE 154.3 Procedures For Review and Approval of Subdivisions ..... 17**

- 3.1 Applicability and Definition of Subdivision .....17**
- 3.2 Subdivision Application Submission .....17**
  - 3.2.2. Determination of Completeness ..... 18
- 3.3 Minor Subdivision Review Procedures.....19**
  - 3.3.1. Application ..... 19
  - 3.3.2. Review and Approval Procedures for Minor Subdivision Final Plats..... 19
- 3.4 Major Subdivision Review Procedures .....20**
  - 3.4.1. Application ..... 20
  - 3.4.2. Sketch Plan Submission ..... 20
  - 3.4.3. Review and Approval Procedures for Major Subdivision Preliminary Plats ..... 20
  - 3.4.4. Review and Approval Procedures for Major Subdivision Final Plats..... 22
- 3.5 Recordation of Final Plats .....23**
  - 3.5.1. Recording of Final Plat..... 23
  - 3.5.2. Dedication and Acceptance ..... 23
  - 3.5.3. Building Permits ..... 23
- 3.6 Owners’ Associations.....24**
  - 3.6.1. Establishment of Owner’s Associations ..... 24
  - 3.6.2. Submission of Owners’ Association Declaration ..... 24
  - 3.6.3. Nonresidential Condominiums ..... 25
- 3.7 Performance Guarantees .....26**
  - 3.7.1. Purpose ..... 26
  - 3.7.2. Eligible Features ..... 26
  - 3.7.3. Ineligible Features ..... 26
  - 3.7.4. Form ..... 26
  - 3.7.5. Review Criteria ..... 27
  - 3.7.6. Amount..... 27
  - 3.7.7. Maximum Term ..... 28

# TABLE OF CONTENTS

3.7.8.	Expiration .....	28
3.7.9.	Forfeiture.....	28
3.7.10.	Appeal .....	28

## ARTICLE 154.4 Design Standards ..... 29

<b>4.1</b>	<b>General Provisions.....</b>	<b>29</b>
4.1.1.	Design.....	29
4.1.2.	Development Name .....	29
4.1.3.	Reasonable Relationship .....	29
4.1.4.	Natural Features and Assets .....	29
<b>4.2</b>	<b>Lot Dimensions and Standards .....</b>	<b>29</b>
4.2.1.	Adequate Buildable Area Required .....	29
4.2.2.	Conformance with Zoning Ordinance.....	29
4.2.3.	Lot Remnants .....	29
4.2.4.	Corner Lots .....	29
4.2.5.	Double Frontage Lots .....	29
4.2.6.	Flag Lots.....	30
4.2.7.	Side Lot Lines.....	30
4.2.8.	Lot Lines and Drainage .....	30
4.2.9.	Access Requirements.....	30
4.2.10.	Water and Sewage Disposal .....	30
<b>4.3</b>	<b>Street Standards.....</b>	<b>30</b>
4.3.1.	Conformance with Plans.....	30
4.3.2.	Dedication of Future Right-of-Way.....	31
4.3.3.	Conformance with Adjoining Road Systems .....	31
4.3.4.	Frontage .....	31
4.3.5.	Access to Thoroughfares .....	31
4.3.6.	Access to Adjoining Property.....	31
4.3.7.	Public Streets.....	32
4.3.8.	Disclosure Statement .....	32
4.3.9.	Street Ineligible For Public Dedication.....	32
4.3.10.	Minimum Street Right-of-Way and Pavement Widths .....	32
4.3.11.	Street Intersections .....	33
4.3.12.	Temporary Turnarounds .....	34
4.3.13.	Cul-De-Sacs.....	34
4.3.14.	Alleys .....	34
4.3.15.	Street Names.....	34
4.3.16.	Street Name Signs .....	35
4.3.17.	Street Addresses.....	35
4.3.18.	Half Streets.....	35
4.3.19.	Grading.....	35
<b>4.4</b>	<b>Blocks .....</b>	<b>36</b>
<b>4.5</b>	<b>Buffer Strips.....</b>	<b>36</b>
<b>4.6</b>	<b>Road and Utility Improvements.....</b>	<b>36</b>
4.6.1.	Plans .....	36
4.6.2.	Construction Approval Required .....	36
4.6.3.	Permits for Connecting to State Roads.....	36
4.6.4.	Inspection.....	37
4.6.5.	Water and Sewer Connection.....	37
4.6.6.	Public Water and Sewer Construction Requirements.....	37
4.6.7.	Underground Utilities.....	37
4.6.8.	Utility Easements.....	37
4.6.9.	Stormwater Drainage .....	38
4.6.10.	Oversized Improvements.....	38
<b>4.7</b>	<b>Other Improvements .....</b>	<b>39</b>

# TABLE OF CONTENTS

4.7.1.	Curb and Gutter .....	39
4.7.2.	Sidewalks .....	39
4.7.3.	Crosswalks .....	39
4.7.4.	Street Trees .....	39
4.7.5.	Street Lighting .....	39
4.7.6.	Fire Hydrants .....	40
4.7.7.	Monuments and Markers .....	40
<b>4.8</b>	<b>Sites for Public Use .....</b>	<b>41</b>
4.8.1.	Reservation of School Sites .....	41
4.8.2.	Parks and Recreation Sites .....	41

## ARTICLE 154.5 Administration..... 45

<b>5.1</b>	<b>Staff, Boards, and Committees.....</b>	<b>45</b>
5.1.1.	Subdivision Administrator .....	45
5.1.2.	Planning Board .....	45
5.1.3.	Technical Review Committee (TRC) .....	45
<b>5.2</b>	<b>Effect of Plat Approval on Dedications.....</b>	<b>45</b>
<b>5.3</b>	<b>Filing of Plat.....</b>	<b>46</b>
<b>5.4</b>	<b>Variances .....</b>	<b>46</b>
<b>5.5</b>	<b>Amendments.....</b>	<b>46</b>
<b>5.6</b>	<b>Enforcement.....</b>	<b>46</b>
5.6.1.	Purpose .....	46
5.6.2.	Compliance Required .....	46
5.6.3.	Statue of Limitation .....	46
5.6.4.	Description of Violations .....	47
5.6.5.	Entity Responsible for Violation .....	47
5.6.6.	Enforcement Procedure .....	47
5.6.7.	Remedies.....	48
5.6.8.	Assessment of Civil Penalties .....	49

## ARTICLE 154.6 Appendix I ..... 51

<b>6.1</b>	<b>Plat and Plan Requirements.....</b>	<b>51</b>
<b>6.2</b>	<b>Table of Requirements.....</b>	<b>51</b>
<b>6.3</b>	<b>Information required to be submitted with final plat .....</b>	<b>53</b>

## ARTICLE 154.7 Appendix II ..... 55

<b>7.1</b>	<b>Plat Certificates and Notes .....</b>	<b>55</b>
7.1.1.	Certificates .....	55
7.1.2.	Required Plat Notes.....	57



# ARTICLE 154.1 GENERAL PROVISIONS

## 1.1 AUTHORITY AND ENACTMENT

This Subdivision Ordinance is adopted in accordance with the authority granted to the Town of Weldon, North Carolina, by Chapter 160D of the General Statutes of North Carolina as amended;

## 1.2 TITLE

These regulations shall be known, cited, and referred to as the Subdivision Ordinance of the Town of Weldon, North Carolina and may be referred as the “Subdivision Regulations” of “this Ordinance.”

## 1.3 CONSISTENCY WITH ADOPTED POLICY GUIDANCE

- 1.3.1.** It is hereby declared to be the policy of the Town of Weldon to consider the subdivision of land and the subsequent development of the subdivided plat as subject to control of the Town pursuant to the prevailing comprehensive plan in an effort to ensure that orderly, planned, and efficient growth is realized.
- 1.3.2.** Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until appropriate facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and improvements.
- 1.3.3.** The proposed public improvements to be provided by the developer shall conform to the recommendations of the prevailing comprehensive plan or other applicable studies which address said improvements.

## 1.4 PURPOSE

The Regulations are adopted for the following purposes:

- 1.4.1.** To establish procedures and standards of design for the development and subdivision of land within the territorial jurisdiction of the Town of Weldon.
- 1.4.2.** To protect and provide for the public health, safety, and general welfare of the citizens of Weldon and its extraterritorial jurisdiction.
- 1.4.3.** To provide for the orderly growth and development of the Weldon planning area in accordance with the prevailing comprehensive plan.
- 1.4.4.** To prevent the pollution of air, streams, and parks; to secure safety from fire, flood, and danger; to assure the adequacy of drainage facilities; to protect the water table; and to encourage the rational and efficient utilization and management of natural resources in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- 1.4.5.** To coordinate the use of land and buildings and the circulation of traffic, with particular regard for the avoidance of congestion in the streets and highways, and the creation of pedestrian facilities appropriate for the various uses of the land and buildings.
- 1.4.6.** To facilitate adequate provision of water, sewerage, schools, parks, playgrounds, recreation and other public requirements and facilities sufficient to accommodate the needs of the proposed subdivision.
- 1.4.7.** To provide for the dedication or reservation of recreation areas and open spaces serving residents of the immediate neighborhood within the subdivision and of rights-of-way or easements for street and utility purposes.



- 1.4.8.** To protect and conserve the value of land, the value of buildings or other improvements thereupon, and to minimize the conflicts among the uses of land and buildings.

## 1.5 JURISDICTION

- 1.5.1.** The subdivision regulations shall govern each and every subdivision of land lying within the Town of Weldon and its extraterritorial jurisdiction.
- 1.5.2.** No land shall be subdivided within the subdivision jurisdiction of the Town until said subdivision has received the approval of the Town of Weldon pursuant to the provisions of this Ordinance.
- 1.5.3.** No plat for the subdivision of land within the Town of Weldon shall be filed, accepted for recording, or recorded.
- 1.5.4.** No building permit, Certificate of Occupancy or any other permit required by other applicable laws or ordinances shall be issued for any parcel or plot of land which was created by subdivision after date of, and not in conformity with, the provisions of this Ordinance, and, no excavation of land or construction of any public or private improvements shall commence except in accordance with the provision as herein expressed.

## 1.6 COMPLIANCE WITH ZONING

Subdivisions of land must comply in all respects with the requirements of the Zoning Ordinance in effect in the area to be subdivided, and any other officially adopted plans.

## 1.7 LEGAL PROVISIONS

### 1.7.1. SEPARABILITY

Should any section or provision of these Regulations be for any reason held void or invalid by the courts, such decision shall not affect the validity of this Ordinance as a whole or any part other than the part so declared to be unconstitutional or invalid.

### 1.7.2. ABROGATION

- A.** It is not intended that this Ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law, provided such provisions remain lawful.
- B.** Wherever the provisions of any other lawfully adopted ordinance, regulation, rules, deed restrictions, or covenants impose higher standards than are required by the provisions of this Ordinance, the provisions of such law, ordinance, or regulations shall govern.

### 1.7.3. EFFECTIVE DATE

This Ordinance, adopted by the Board of Commissioners of Weldon, North Carolina, shall take effect and be in force from and after *(insert the effective date of this Ordinance)*.

# ARTICLE 154.2 INTERPRETATION OF TERMS AND DEFINITIONS

## 2.1 GENERAL PROVISIONS

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 TERMS

- 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 number include the singular. Words used in the masculine gender include the feminine gender.
- C.** The word "person" includes a firm, joint venture, association, organization, partnership, corporation, trust, and company, as well as an individual.
- D.** The word "lot" includes the words "plot," "parcel," or "tract."
- E.** The word "building" includes the word "structure."
- F.** The word "shall" is always mandatory and not merely directory.
- G.** The word "use," as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used."
- H.** The word "may" is conditional and should not be construed as mandatory.
- I.** The word "street" includes the words "road and highway."
- J.** The words "Town Board," "governing body," and "Weldon Board of Commissioners" shall refer the Board of Commissioners of the Town of Weldon, North Carolina.
- K.** The words "Planning Board" shall refer to the Planning Board of the Town of Weldon, North Carolina.

## 2.3 DEFINITIONS

**TABLE <>: DEFINITIONS**

TERM	DEFINITION
<b>A</b>	
<b>ACCESSORY BUILDING</b>	A detached subordinate structure operated and maintained under the same ownership and located on the same lot as the principal structure.
<b>ALLEY</b>	A minor right-of-way privately or publicly owned, primarily for service access to the rear or side of properties, which have principal frontage on some other street.
<b>B</b>	
<b>BLOCK</b>	A tract of land bordered by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines or water courses or boundary lines of municipalities.
<b>BOARD OF COMMISSIONERS</b>	The Board of Commissioners of the Town of Weldon, North Carolina.
<b>BOND</b>	Any form of performance guarantee including a cash deposit, surety bond, or instrument of credit in an amount and form satisfactory to the Town of Weldon as authorized by State law.
<b>BUILDING</b>	Any structure, either temporary or permanent, having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal, or property of any kind, including tents, awnings, or vehicles situated on private property and used for purposes of building.
<b>BUILDING SETBACK LINE</b>	A line located a minimum horizontal distance from the street right-of-way or parallel property line between which no parts of a building may be erected, altered, or maintained except as otherwise provided herein.
<b>BUILDING INSPECTOR</b>	The person designated by the Town of Weldon to enforce the building codes within its territorial jurisdiction.
<b>BUILDING PERMIT</b>	A permit which is issued before a building or structure is started, improved, enlarged, or altered as proof that such action is in compliance with the building code.
<b>BUFFER STRIP</b>	An area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing trees, shrubs, fences, and/or berms, designed to limit the view of and/or the sounds from the site to adjacent sites and properties.
<b>C</b>	
<b>CAPITAL IMPROVEMENTS</b>	Any building or infrastructure project that will be owned by a governmental unit and purchased or built with direct appropriations from the governmental unit, or with bonds backed by its full faith and credit, or in whole or in part, with federal or other public funds, or in any combination thereof.
<b>CENTRAL SEWER SYSTEM</b>	Any sewage disposal system whether operated publicly or privately other than a pit privy or a septic tank located on the lot and approved by the Halifax County Health Department or State of North Carolina, as appropriate.
<b>CENTRAL WATER SYSTEM</b>	A system operated publicly or privately, whereby the watercourse is not located on lot of the consumers and the number of connections must be at least ten (10) and approved by the Halifax County Health Department or the State of North Carolina, as appropriate.
<b>CERTIFICATE OF OCCUPANCY</b>	A statement signed by the Building Inspector setting forth that the building, structure, or use complies with this Ordinance, and any applicable construction codes, and that the same may be used for the purposes stated herein.

**TABLE <>: DEFINITIONS**

TERM	DEFINITION
<b>COMMON AREA</b>	Land within a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development. They may include complementary structures and improvements.
<b>CONDOMINIUM</b>	A development containing individually owned dwelling units and jointly owned and shared areas and facilities that is subject to the North Carolina Unit Ownership Act (North Carolina General Statutes Section Ch. 47A) and/or the North Carolina Condominium Act (North Carolina General Statutes Section Ch. 47C).
<b>CONSTRUCTION PLAN</b>	The maps of drawings accompanying a subdivision plat, depicting the specific location and design of infrastructure improvements to be installed therein.
<b>CROSSWALK</b>	A public right-of-way used primarily for pedestrian travel through or across any portion of a street.
<b>D</b>	
<b>DEDICATION</b>	An offer of real property, in fee simple by its owner(s) for public use.
<b>DEVELOPER</b>	The owner of land proposed to be subdivided or their representative.
<b>DWELLING</b>	Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses or appurtenances belonging thereto or usually enjoyed therewith, except that it does not include any manufactured home, mobile home, or recreational vehicle if used solely for a seasonal vacation purpose.
<b>E</b>	
<b>EASEMENT</b>	Authorization by a property owner for the use of a designated part of property by another for a specified purpose.
<b>EXTRATERRITORIAL JURISDICTION (ETJ)</b>	An area adjacent to and outside of the Town of Weldon corporate limits in which the town has authority to exercise planning, zoning, and subdivision regulations.
<b>F</b>	
<b>FEE IN-LIEU DEDICATION</b>	Means cash payments that may be required of an owner or developer as a substitute to provision of some other required site or development feature.
<b>FRONTAGE</b>	All property abutting on one (1) side of a street measured along the street line.
<b>G</b>	
<b>GRADE</b>	The slope of a road, street, or other public way specified in percentage (%) terms.
<b>GRADING</b>	The act of excavating, filling, or any combination thereof, or any leveling to smooth horizontal or sloping surface on a property.
<b>I</b>	
<b>IMPROVEMENTS</b>	See Lot Improvement.
<b>INDIVIDUAL SEWAGE DISPOSAL SYSTEM</b>	A septic tank, seepage tile sewage disposal system or any other approved sewage treatment device designed to serve one building and/or use.
<b>INDIVIDUAL WATER SYSTEM</b>	The provision of a potable water system by means of an on-site well designed to serve one building, use, or lot.
<b>L</b>	
<b>LOT</b>	A contiguous parcel of land in identified ownership throughout, bounded by other lots or streets, and used or set aside for use as the site of buildings or other definite purpose.

**TABLE <>: DEFINITIONS**

TERM	DEFINITION
LOT AREA	The parcel of land enclosed within the boundaries formed by the property lines plus one-half of any privately-owned alley abutting the lot between the boundaries of the lot, if extended.
LOT, CORNER	Any parcel of land having frontage on more than one street or road which abuts an intersection of those streets roads.
LOT DEPTH	The distance measured in the mean direction of the side lines of the lot from the midpoint of the front line to the midpoint of the opposite lot line.
LOT, DOUBLE FRONTAGE	A continuous lot of the same depth as the width of a block, accessible from both rights-of-way upon which it fronts.
LOT, FLAG	A tract or lot of land of uneven dimensions in which the portion fronting on a street is less than the required minimum width required for construction of a building or structure on that lot.
LOT IMPROVEMENT	Any building, structure, place, work of art, or other object, or improvement of the land in which said improvements is situated which contributes a physical betterment of real property or any part of such betterment.
LOT LINE	Any boundary of a parcel of land.
LOT LINE, FRONT	The boundary of a lot running along a street right-of-way used to assign the lot's street address.
LOT LINE, REAR	The property line(s) which is (are) opposite the front lot line. If no property line is deemed to be opposite the front lot line and no minimum building line exists on the final plat to establish a rear lot line, then there shall be no rear lot line; however, the rear yard setback shall be maintained from the point (apex) on the property's perimeter, which is the furthest removed from the midpoint of the front line. The rear yard setback line shall be a line perpendicular to a straight line connecting said apex and the midpoint of the front lot line.
LOT LINE, SIDE	A boundary line which is not defined as a front or rear lot line which intersects a front lot line.
LOT OF RECORD	A lot which has been 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 recorded in the aforementioned office.
LOT WIDTH	The horizontal distance between the side lot lines measured along the front building line as specified by the applicable front yard setback in this Ordinance.

**N**

NONRESIDENTIAL SUBDIVISION	A subdivision having intended use other than residential, such as commercial, industrial, or recreational.
----------------------------	--

**O**

OFFICIAL PLAN	Any plan officially adopted by the Board of Commissioners of the Town of Weldon as a guide for the development of the Town consisting of maps, charts, and/or texts.
OPEN SPACE	Land or water areas retained for use as active or passive recreation areas or for resource protection in an essentially undeveloped state.
ORDINANCE	Any legislative action, however denominated, of a local government, which has the force of law, including any amendment or repeal thereof.
OWNER	Any person, firm, partnership, association, estate, trust, or corporation or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

**P**

**TABLE <>: DEFINITIONS**

TERM	DEFINITION
<b>PLANNING BOARD</b>	For the purposes of this Ordinance the Weldon Planning Board.
<b>PLAT</b>	A map or plan of a parcel of land which is to be or has been subdivided.
<b>PLAT, FINAL</b>	The final map or plan of a subdivision and any accompanying material as described herein submitted to the Subdivision Administrator and in such a form as required by Halifax County Register of Deeds for the purpose of recording.
<b>PLAT, PRELIMINARY</b>	The preliminary map or plan and any accompanying material described herein, indicating the proposed manner or layout of the subdivision, to be submitted to the Subdivision Administrator, in the case of a minor subdivision, and Planning Board, in the case of a major subdivision, for approval.
<b>PRIVATE STREET</b>	A vehicular right-of-way not dedicated or offered for dedication as a public street, serving lots within a subdivision and reserved for the use of property owners abutting the street therein and permitted guests. Private road maintenance responsibilities are shared jointly by abutting property owners.
<b>PUBLIC IMPROVEMENT</b>	Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking areas, lot improvement, or other facility for which the local government may ultimately assume for the maintenance or operation thereof, or which may affect an improvement for which the local government responsibility is established.
<b>PUBLIC STREET</b>	A dedicated public right-of-way for vehicular traffic which has been accepted by NCDOT or the Town of Weldon for maintenance, or has not yet been accepted, but which is designed and constructed in accordance with public standards for vehicular traffic. Alleys are specifically excluded.

**R**

<b>RESERVE STRIP</b>	A narrow strip of land overlying or abutting a street for the purpose of controlling access to adjacent property.
<b>RE-SUBDIVISION</b>	A change in a map of an approved or recorded subdivision plat.
<b>RIGHT-OF-WAY</b>	A strip of land dedicated for use by a government, a public utility, a railroad, or a private entity for access. In addition to the roadway, it normally incorporates the curbs, crosswalks, lawn strips, sidewalks, roadway shoulders, lighting, and drainage facilities.
<b>RIGHT-OF-WAY WIDTH</b>	The distance between property lines measured at right angles to the center line of the street.
<b>ROAD</b>	See “street.”

**S**

<b>SAME OWNERSHIP</b>	Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.
<b>SETBACK</b>	The distance between the minimum building line and the street right-of-right of the adjacent parallel lot line.
<b>SIDEWALK</b>	An improved pedestrian surface that is typically located adjacent to a roadway.
<b>SITE</b>	A lot or group of lots with frontage on a street, devoted or intended for use or occupied by a building or group of buildings.
<b>SIGHT TRIANGLE</b>	A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

**TABLE <>: DEFINITIONS**

TERM	DEFINITION
<b>SKETCH PLAN</b>	A rough sketch of a proposed subdivision or site, showing roads, lots, and any other information if sufficient accuracy to be used for discussion of the road system and the proposed development pattern.
<b>STREET</b>	A paved or unpaved vehicular accessway intended for the movement of vehicles and bicycles that is maintained as a street by the Town of Weldon, NCDOT, or is indicated as a private street on a recorded final plat.
<b>STREET, COLLECTOR</b>	A street whose principal function is to carry traffic between local streets and streets of higher classification, but which may also provide direct access for abutting properties.
<b>STREET, CUL-DE-SAC</b>	A short local street having one end open to traffic and the other end permanently terminated by a vehicular turnaround.
<b>STREET, DEAD END</b>	A street generally less than 2,500 feet in length, open only at one end without special provision for turning around and have no collector street characteristics.
<b>STREET, RESIDENTIAL COLLECTOR</b>	A street whose principal function is to provide access to abutting properties, but which is also designed to be used or is used to connect local streets and streets of higher classification.
<b>STREET, LOCAL</b>	A street which has been designed primarily to afford access to abutting properties.
<b>STREET, MARGINAL ACCESS</b>	A street which is parallel to and adjacent to major highways; and which provides access to abutting properties and protection from through traffic.
<b>STREET, MAJOR THOROUGHFARE</b>	A thoroughfare consisting of interstate, other freeway, expressway, or parkway links, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.
<b>STREET, MINOR THOROUGHFARE</b>	A thoroughfare that collects traffic from collectors and local streets and carries it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating movement of moderate volumes of traffic within and through urban areas and may also serve abutting property.
<b>STUB STREET</b>	A nonpermanent dead-end street intended to be extended in conjunction with the subdivision and development of the adjacent land.
<b>SUBDIVIDER</b>	Any person, firm, partnership, association, estate, trust, or any other group or combination, acting as a unit, dividing, or proposing to divide land so as to constitute a subdivision, as defined herein, and including any agent of the subdivider.
<b>SUBDIVISION</b>	<p>All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose, whether immediate or future, of sale or building development, and all division of land involving the dedication of new streets or a change in existing streets; provided, however, that the following shall not be included within this definition:</p> <ul style="list-style-type: none"> <li>A. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards as contained herein.</li> <li>B. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.</li> <li>C. The public acquisition by purchase of strips of land for the widening or opening of streets.</li> <li>D. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards as prescribed herein.</li> <li>E. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the North Carolina General Statutes.</li> </ul>

<b>TABLE &lt;&gt;: DEFINITIONS</b>	
<b>TERM</b>	<b>DEFINITION</b>
	F. The division of land for use as gravesites.
<b>SUBDIVISION ADMINISTRATOR</b>	The person charged with the administration of this Ordinance and appointed by the Board of Commissioners.
<b>SUBDIVISION, EXEMPT</b>	A division of land that is exempted from review and approval by the Town in accordance with the North Carolina General Statutes.
<b>SUBDIVISION, EXPEDITED</b>	Any division of land that is not exempted under NCGS 160D-802(a)(20, that would not result in more than three (3) lots including the residual or parent lot, that the land area is at least five (5) acres in size; that no extension or streets, water, sewer, or other utility is proposed, all lots a provided a permanent means of ingress and egress, and all lots comply with applicable dimensional requirements for the zoning district where located.
<b>SUBDIVISION, MAJOR</b>	All subdivisions not classified as a minor subdivision including but not limited to subdivisions of five (5) or more lots, or any size subdivision requiring any new street or extension of local government infrastructure, or the creation of any public improvements.
<b>SUBDIVISION, MINOR</b>	Any subdivision containing not more than four (4) lots fronting on an existing street, not involving any new street or road, or the extension of municipal infrastructure, or the creation of any public improvements.
<b>V</b>	
<b>VESTED RIGHT</b>	A right pursuant to North Carolina General Statutes Section 160D-102 to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan.
<b>Z</b>	
<b>ZONING ORDINANCE</b>	The Zoning Ordinance adopted by the Board of Commissioners of the Town of Weldon, North Carolina.





# ARTICLE 154.3 PROCEDURES FOR REVIEW AND APPROVAL OF SUBDIVISIONS

## 3.1 APPLICABILITY AND DEFINITION OF SUBDIVISION

- 3.1.1.** The provisions of this Section apply to any "subdivision" as defined in Section 2.3, Definitions in this Ordinance. Pursuant to NCGS 160D-801, no final plat of a subdivision within the jurisdiction of the Town of Weldon shall be recorded by the Register of Deeds of Halifax County until it has been approved as provided by the requirements of this Ordinance. To secure such approval of a final plat, the subdivider shall follow the procedures established in this Article.
- 3.1.2.** Plats deemed an exemption to the provisions of this Ordinance as specified in the definition of subdivision in Section 2.3, Definitions or divisions of land not involving immediate or future building development or sale of lots, such as court ordered settlements, may be recorded provided the owner desiring to record such plats shall obtain a Certificate of Exemption, to be shown on the face of the plat, from the Subdivision Administrator or his designee, as provided for in Appendix 2.
- 3.1.3.** Plats qualifying as an expedited subdivision as specified in the definition of expedited subdivision in Section 2.3, Definitions, may be recorded after the Subdivision Administrator reviews the plat and determines that it plat qualifies for expedited review and that all lots meet or exceed all of the dimensional requirements for the zoning district in which the property is located.

## 3.2 SUBDIVISION APPLICATION SUBMISSION

The subdivision application shall be submitted to the Subdivision Administrator and shall include the following:

- A.** A complete application form provided by the Town.
- B.** A filing fee, paid by the subdivider, in accordance with the Town's fee schedule.
- C.** The required number of expedited subdivision plats, preliminary subdivision plats, or final subdivision plats.
- 1.** All plats shall be prepared by a Registered Land Surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The materials and drawing medium for the original shall be in accordance with the Standards of Practice for Land Surveying in North Carolina, where applicable, and shall be consistent with the mapping requirements set forth in G.S. 47-30, and the requirements of the Halifax County Register of Deeds.
  - 2.** All final plats shall be of a size suitable for recording with the Halifax County Register of Deeds and shall be at a scale of not less than one (1) inch equals one-hundred (100) feet. Maps may be placed on more than one (1) sheet with appropriate match lines.
  - 3.** All preliminary and final plats shall contain all relevant information as outlined in Appendix 1: Information to be Contained or Depicted on Preliminary and Final Plats.
  - 4.** All preliminary and final plats shall contain all certificates and declarations as required in Appendix 2: Certificates.
- D.** A copy of any existing or proposed deed restrictions, covenants, liens, and other encumbrances.
- E.** Evidence that all applicable local county, state, and federal regulatory approvals and permits have been obtained.

- F.** Any additional information the Subdivision Administrator or Planning Board finds necessary to determine compliance with this Ordinance, including but not limited to drainage system plans, stormwater management plans, and erosion and sedimentation control plans.
- G.** If the subdivision includes a new public road(s) or an extension of existing roads, four (4) complete sets of road construction plans in conformance with the most current road standards for the Town of Weldon and the North Carolina Department of Transportation must be submitted with the preliminary plat.

### **3.2.2. DETERMINATION OF COMPLETENESS**

- A.** The Subdivision Administrator shall determine if the application is complete prior to sketch, preliminary, and final plat review.
- B.** The application shall be complete on the date that it contains all of the submission requirements specified above.
- C.** If the application is incomplete, the Subdivision Administrator shall notify the applicant of the deficiencies in writing.
- D.** When the application is complete, the Subdivision Administrator shall distribute copies to the appropriate authorities for review and proceed with the review process.

## 3.3 MINOR SUBDIVISION REVIEW PROCEDURES

### 3.3.1. APPLICATION

- A.** A minor subdivision shall be as defined in Article 154.2, Definitions.
- B.** The applicant for minor subdivision plat approval is encouraged to confer with the Subdivision Administrator prior to submitting a minor subdivision plat for a determination of whether the approval process authorized by this section can and should be utilized. The Subdivision Administrator may require the applicant to submit information necessary to determine whether or not the proposed subdivision is eligible for approval under the minor subdivision approval process.

### 3.3.2. REVIEW AND APPROVAL PROCEDURES FOR MINOR SUBDIVISION FINAL PLATS

- A.** The procedural requirements for procuring minor final subdivision plat approval are as follows:
  - 1.** The subdivider shall submit to the Subdivision Administrator or his designated agent three (3) copies of the plat of the proposed minor subdivision, to the Subdivision Administrator.
  - 2.** The minor final plat shall be prepared by a registered land surveyor licensed to render said service in the State of North Carolina at a scale of no less than one (1) inch to one hundred (100) feet and shall contain all information outlined in Appendix 1: Information Required with Submission Applications, and all applicable certificates required in Appendix 2: Certificates.
- B.** The Subdivision Administrator or his designated agent shall review the final plat of the proposed minor subdivision and shall render the determination that said plat does constitute a minor subdivision and meets all requirements of this Ordinance.
- C.** The Subdivision Administrator shall approve or disapprove the proposed final minor subdivision plat. The Subdivision Administrator shall render a decision within ten (10) working days after receipt of the proposed minor subdivision.
- D.** If the subdivision is disapproved, the Subdivision Administrator shall promptly furnish the applicant with a written statement of the reasons for disapproval, specifying the provisions of this Ordinance with which the final plat does not comply.
- E.** If the final plat is approved by the Subdivision Administrator, written confirmation shall be made on all copies of the plat and the applicant shall be notified in writing.
- F.** The subdivider may appeal the decision of the Subdivision Administrator to the Board of Adjustment in accordance with the Town of Weldon Zoning Ordinance.

## 3.4 MAJOR SUBDIVISION REVIEW PROCEDURES

### 3.4.1. APPLICATION

**A.** The review of a major subdivision generally involves three steps:

1. Sketch plan review (required for all subdivisions of 25 or more lots);
2. Preliminary plat review and approval by the Technical Review Committee (TRC) and Planning Board; and
3. Final plat review and approval by the Planning Board.

**B.** In the event that a subdivision of 24 lots or less is to be developed in phases, a preliminary plat shall be submitted for the entire development. For subdivisions of 25 lots or more, the sketch plan shall be submitted for the entire development and preliminary plats can be submitted by phase.

**C.** A final plat may be submitted for any number of lots previously approved on a preliminary plat.

### 3.4.2. SKETCH PLAN SUBMISSION

#### A. PROCEDURAL REQUIREMENTS

1. Sketch plans shall be a requirement for any subdivision of twenty-five (25) lots or more. It is recommended that the applicant for subdivision approval submit a sketch plan for review by the Subdivision Administrator or a designee and a sub-committee of the Planning Board. This plan should, in simple sketch form, show the location of the development, size of the property, proposed layout of streets, lots and other features, and location of the property in relation to existing streets and surrounding areas.
2. The subdivider shall submit four (4) copies of the proposed sketch plan, prepared in accordance with Article 154.4, Design Standards, to the Subdivision Administrator or a designated agent. Within ten days (10) following the submission, the Subdivision Administrator will schedule a meeting with the subdivider to review and discuss the sketch plan proposal.
3. The Subdivision Administrator shall review the sketch plan for general compliance with the requirements of the Subdivision and Zoning Ordinances and shall advise the subdivider of the regulations applicable to the proposed subdivision and procedures to be followed in preparation and submission of the preliminary plat. This review shall in no way be construed as constituting an official action of subdivision approval. No review fee shall be required for pre-application conferences or sketch plan review.
4. The sketch plan shall include all information required in Appendix 1: Information Required with Subdivision Applications.
5. Following the sketch plan review, two (2) copies of the sketch plan shall be retained on file with the Town of Weldon, and the other two (2) copies returned to the subdivider.

### 3.4.3. REVIEW AND APPROVAL PROCEDURES FOR MAJOR SUBDIVISION PRELIMINARY PLATS

#### A. SUBMISSION REQUIREMENTS

1. The subdivider shall submit ten (10) prints of the plat of the proposed subdivision, prepared in accordance with the requirements of this Ordinance, to the Subdivision Administrator or a designated agent no less than twenty-five (25) working days prior to the regularly scheduled Planning Board meeting at which time the plat will be considered. The applicant shall also submit all required application forms and fee.
2. If the subdivision includes a new public street(s) or an extension of an existing public street, road construction plans in conformance with the most current road standards for the Town of Weldon and NC Department of Transportation shall be submitted with the preliminary plat.

## B. REVIEW AND RECOMMENDATION BY TECHNICAL REVIEW COMMITTEE

---

1. The preliminary plat shall conform substantially to the sketch plan, if applicable.
2. Upon receipt of the requisite copies of the preliminary plat, the Subdivision Administrator or a designated agent shall distribute copies of the preliminary plat of the proposed major subdivision to various agencies representing the Technical Review Committee (TRC) for review of street design, erosion and sedimentation control, sewage disposal systems, water and sanitary sewer systems, stormwater management, public safety, public services., and compliance with all applicable Town requirements.
3. The Subdivision Administrator shall consult with members of the Technical Review Committee (TRC) to review the preliminary plat. Following its review, the TRC shall provide its findings and recommendations in writing to the Subdivision Administrator.
4. The Subdivision Administrator shall forward the TRC findings and recommendations, along with the preliminary plat of the major subdivision, to the Planning Board for review and approval at least five (5) days prior to the Planning Board meeting. If the TRC determines that the preliminary plat is incomplete, the Subdivision Administrator shall notify the applicant of the deficiencies in writing. Preliminary plats shall not be forwarded to the Planning Board until all deficiencies have been corrected.

## C. PLANNING BOARD REVIEW AND APPROVAL

---

After considering any input and/or recommendations received in connection with the proposed subdivision, in addition to any comments the subdivider may have, the Planning Board shall approve, disapprove, or conditionally approve the proposed major subdivision preliminary plat in accordance with the following:

1. If the Planning Board grants the conditional approval of the preliminary plat, the conditions and reasons thereof shall be stated in writing.
2. If the Planning Board disapproves the preliminary plat, the reasons for disapproval shall be stated in writing and references shall be made to the specific section(s) of this Ordinance with which the plan does not comply. The subdivider may make the recommended changes and resubmit the revised preliminary plat.
3. If approval is granted, written confirmation shall be made on three (3) copies of the preliminary plat. One (1) copy of the approved preliminary plat shall be returned to the applicant and two (2) copies retained on file with the Town of Weldon.

- D.** Preliminary plat approval shall be valid for a period of twenty-four (24) months from the date of approval by the Planning Board. The Planning Board, at its discretion, may grant an extension for a period not to exceed two (2) years beyond the date of the original preliminary plat approval. Due consideration shall be given for the health, safety, and welfare of the public in granting extensions. Preliminary plats whose approval has lapsed shall be resubmitted in the same manner as a new project.
- E.** Following Planning Board approval of the preliminary plat, the developer is authorized to proceed with the installation or arrangement for the required infrastructure improvements provided that the subdivider as received an Erosion and Sedimentation Control Permit from the State of North Carolina, if applicable.
- F.** Prior to approval of the final major subdivision plat, the subdivider shall have installed the improvements specified on the plat or guaranteed their installation as provided for in Section 3.7, Performance Guarantees.

## G. APPEALS FROM DECISION OF PLANNING BOARD

---

If a preliminary plat is disapproved by the Planning Board, the applicant may appeal the decision by requesting that the preliminary plat be scheduled for review by the Board of Adjustment as set forth in the Right of Appeal section of the Weldon Zoning Ordinance

### 3.4.4. REVIEW AND APPROVAL PROCEDURES FOR MAJOR SUBDIVISION FINAL PLATS

#### A. SUBMISSION REQUIREMENTS

The subdivider shall submit five (5) copies of the final plat of the proposed subdivision, to the Subdivision Administrator or a designated agent. When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision.

#### B. CONFORMANCE WITH PRELIMINARY PLAT

The final plat shall conform substantially to the approved preliminary plat. If the submitted final plat deviates in its overall design from the approved preliminary plat, or if the applicant requests a variance from any of the standards of this Ordinance, the Subdivision Administrator shall consult with the Technical Review Committee and refer the findings and recommendations of the TRC to the Planning Board for decision. Such review shall follow the same review and approval procedures set forth in Section 3.4.4.C.

#### C. REVIEW AND APPROVAL BY PLANNING BOARD

1. The Subdivision Administrator shall transmit the major final plat for review by the Planning Board for compliance with the approved preliminary plat.
2. If the major final plat is in compliance with the Ordinance and consistent with the preliminary plat, or any approved amendments made from a conditionally approved preliminary plat, the Planning Board shall approve the final plat. If approval is granted, written confirmation shall be made on four (4) copies of the final plat. Two (2) copies of the plat shall be returned to the subdivider and two (2) copies shall be filed with the Town of Weldon.
3. If the final plat is disapproved by the Planning Board, the applicant shall be furnished with a written statement of the reasons for disapproval and reference shall be made to the specific section(s) of this Ordinance with which the plat does not comply.

#### D. REQUIRED IMPROVEMENTS

No major final plat shall be approved until all improvements are installed as specified in the approved preliminary plat and construction plans, or until the subdivider has issued performance guarantees as established in Section 3.7, Performance Guarantees, and the certificates as depicted thereon have been signed. The required improvements include:

1. Roads within the subdivision and improvements to existing roads required for safe and adequate access to the subdivision.
2. Public or community water supply and sewage disposal systems.
3. Drainage facilities and easements, and stormwater management devices.
4. Essential utilities.
5. Erosion and sedimentation control devices.
6. Any other improvement required as a condition for preliminary plat approval.

#### E. APPEALS FROM DECISION OF THE PLANNING BOARD

If a final plat is disapproved by the Planning Board, the applicant may appeal the decision by requesting that the final plat be scheduled for review by the Board of Adjustment as set forth in the Right of Appeal section of the Weldon Zoning Ordinance.

## 3.5 RECORDATION OF FINAL PLATS

### 3.5.1. RECORDING OF FINAL PLAT

Upon approval of the final plat by the Planning Board, the subdivider shall file the plat with the Halifax County Register of Deeds within 60 days or such action shall become null and void.

### 3.5.2. DEDICATION AND ACCEPTANCE

#### A. RIGHTS-OF-WAY

The approval and recordation of a final plat does constitute an offer to dedicate but does not constitute dedication to and acceptance for maintenance responsibility by the town or the public of any public road, alley, or utility or drainage easement shown on such plat. Improvements within such rights-of-way or easements, such as utility lines, road paving, drainage facilities, or sidewalks may, however, be accepted for maintenance by the North Carolina Department of Transportation or by the private utility provider upon compliance with applicable NCDOT and private utility provider guidelines and standards.

#### B. OPEN SPACE

1. Land designed as public open space on a final plat provided for in accordance with Section 4.8.2, Parks, Recreation and Open Space, shall be considered to be offered for dedication until such offer is officially accepted by the town. The offer may be accepted by the town through:
  - a. Express action by the Board of Commissioners;
  - b. Express action by an administrative officer designated by the Board of Commissioners; and
  - c. Conveyance of fee simple marketable title (unencumbered financially and environmentally) of the property to the town at the time of final plat recordation.
2. Until such dedication has been accepted, land so offered may be used for open space purposes by the owner or owners' association. Land so offered for dedication shall not be used for any purpose inconsistent with the proposed public use.

### 3.5.3. BUILDING PERMITS

A. Unless otherwise provided in this Ordinance, upon recordation of the final plat, the applicant shall be eligible to apply for building and any other permits required by this Ordinance, if the roads are determined by the Subdivision Administrator to be in a passable condition.



## 3.6 OWNERS' ASSOCIATIONS

### 3.6.1. ESTABLISHMENT OF OWNER'S ASSOCIATIONS

- A.** An owner's association shall be established in accordance with the requirements of the Weldon Zoning Ordinance to fulfill the requirement of the North Carolina Condominium Act or to accept conveyance and maintenance of all common areas and facilities within a development containing common areas.
- B.** Where developments have common areas for facilities servicing more than one dwelling unit, these areas shall be conveyed to the owners' association in which all owners of lots in the development shall be members. All areas other than public road rights-of-way, other areas dedicated to the Town, and lots shall be shown on required plans and plats and designated as common areas. The fee-simple title of the common area shall be conveyed by the subdivider or developer to the owners' association.
- C.** Common areas shall not be subsequently subdivided or conveyed by the Owners' Association unless a revised preliminary plat and a revised final plat showing such subdivision or conveyance have been submitted and approved.

### 3.6.2. SUBMISSION OF OWNERS' ASSOCIATION DECLARATION

Prior or concurrently with the submission of the final plat for review and approval, the applicant shall submit a copy of the proposed bylaws of the owners' association containing covenants and restraints governing the association, plats, and common areas. The submitted documents shall be reviewed by the Town Attorney and a recommendation made to the Planning Board as to their sufficiency. The restrictions shall include provisions for the following:

- A.** The owners' association declaration shall be organized and in legal existence prior to the conveyance, lease-option, or other long-term transfer of control of any unit or lot in the development.
- B.** Membership in the owners' association shall be mandatory for each original buyer and each successive buyer of a lot or unit. Provisions shall be made for the assimilation of owners in subsequent sections of the development.
- C.** The owners' association declaration shall state that the association is responsible for:
  - 1. The payment of premiums for liability insurance and local taxes;
  - 2. Maintenance of recreational and/or other facilities within common areas; and
  - 3. Payment of assessments for public and private improvements made to or for the benefit of the common areas.

### D. DEFAULT OF OWNERS' ASSOCIATION

Upon default by the owners' association in the payment to the Town any assessments for public improvements or ad valorem taxes levied against common areas, which default shall continue for a period of six (6) months, each owner of a lot in the development shall become personally obligated to pay to the town a portion of the taxes or assessments in an amount determined by dividing the total taxes and/or assessments due to the Town by the total number of lots in the development. If the sum is not paid by the owner within thirty (30) days following receipt of notice of the amount due, the sum shall become a continuing lien on the property of the owner, his heirs, devisees, personal representatives, and assigns. The town may either bring an action at law against the owner personally obligated to pay the same, or may elect to foreclose the lien against the property of the owner.

### E. POWER OF THE ASSOCIATION

The owners' association is empowered to levy assessments against the owners of lots or units within the development for the purpose of maintenance of commonly-held lands or infrastructure. Such assessments shall be for the payment of expenditures made by the owners' association for the items set forth in this Section, and any assessments not paid by the owner against whom such assessments are made shall constitute a lien on the lot of the owner.

## F. EASEMENTS

Easements over the common areas for access, ingress, and egress from and to public roads and walkways and easements for enjoyment of the common areas, and for parking, shall be granted to each lot owner.

### 3.6.3. NONRESIDENTIAL CONDOMINIUMS

If the condominium is a nonresidential condominium, the declaration shall also contain the following provisions in addition to those describe in Section 3.6.2:

- A.** Parking spaces shall be allocated among the individual lots or units in such a manner that each unit is entitled to a sufficient number of parking spaces to comply with this Ordinance for the use intended to be located therein.
- B.** The owners' association shall maintain a register listing the total number of parking spaces in the development and the number of parking spaces allocated to each lot or unit. A copy of this register shall be available to the Zoning Administrator upon his request.
- C.** The owners' association shall not reduce the number of parking spaces allocated to an individual lot or unit without the express written consent of the owner thereof, and in no case shall the number of parking spaces allocated to an individual unit be reduced to a number below that required by the Weldon Zoning Ordinance.

## 3.7 PERFORMANCE GUARANTEES

### 3.7.1. PURPOSE

- A.** These standards create the additional flexibility necessary for lots in a subdivision to be conveyed or for issuance of a Building Permit to commence with development prior to completion of all required infrastructure or site improvements, subject to the prior approval of the Town, and provided funds have been reserved for completion of these features.
- B.** These provisions ensure that funds are available for the Town's use to complete required public infrastructure or private site features in the event an applicant is unable to do so.

### 3.7.2. ELIGIBLE FEATURES

- A.** Performance Guarantees shall be configured and managed in accordance with the standards in this section. Acceptance of a Performance Guarantee is in the sole discretion of the Town, which is under no obligation to accept a request for or approve a Performance Guarantee for any feature or under any circumstance.
- B.** Requests for submittal of a Performance Guarantee instead of completion in advance of subdivision final plat approval may be filed with the Town for any of the following public infrastructure elements or private site features:
  - 1.** Sidewalks, trails, and greenways;
  - 2.** The final lift of asphalt on a public street;
  - 3.** Active and passive recreation features located within open space set-aside; and
  - 4.** Placement or replacement of required landscaping, except when required as part of erosion control measures.

### 3.7.3. INELIGIBLE FEATURES

The following forms of public infrastructure may not be subject to a Performance Guarantee, and shall be completed, dedicated to the Town, and inspected prior to final plat recordation:

- A.** Public potable water;
- B.** Public sanitary sewer;
- C.** Functional fire protection infrastructure;
- D.** The base and initial courses of asphalt on a street;
- E.** Drainage facilities associated with a street right-of-way;
- F.** Public stormwater control measures;
- G.** Curb and gutter; and
- H.** Street signs and traffic control signals.

### 3.7.4. FORM

- A.** The form of a Performance Guarantee shall take one of the following forms, at the sole discretion of the applicant:
  - 1.** A surety bond issued by a firm licensed to operate in the State of North Carolina;
  - 2.** A letter of credit issued by a financial institution licensed to operate in the State of North Carolina; or
  - 3.** Cash or certified check; or
  - 4.** Another form of guarantee that provides equivalent security to the forms listed above, as determined by the Town.

- B.** In cases where more than one facility or site feature is requested to be subject to a Performance Guarantee, the applicant may provide a single, consolidated Performance Guarantee for all facilities or site features. In no instance shall Performance Guarantees associated with private stormwater control mechanisms or sedimentation control be consolidated with any other Performance Guarantee.
- C.** If cash or other instrument is deposited in escrow with a financial institution, an agreement between the financial institution and the developer shall be filed with the Town guaranteeing the following:
1. That the escrow account shall be held in trust until released by the Town and may not be used or pledged by the developer for any other matter during the term of the escrow;
  2. That in case of a failure on the part of the developer to complete or repair the improvements, the financial institution shall, upon notification by the Town, immediately pay the funds deemed necessary by the Town to complete or repair the improvements up to the full balance of the escrow account, or deliver to the Town any other instruments fully endorsed or otherwise made payable in full to the Town; and
  3. The financial institution holding the cash or other instrument shall indicate to the Town its notification requirements for release or payment of funds.

### 3.7.5. REVIEW CRITERIA

- A.** An application for a Performance Guarantee shall include a map or plan showing the infrastructure and site improvements to be subject to a Performance Guarantee.
- B.** A Performance Guarantee application may be approved by the Planning Board if the application complies with the following:
1. The request is for an eligible facility or site feature;
  2. The request is in the form and the amount required; and,
  3. The term of the guarantee is for the minimum period of time necessary.
- C.** The Performance Guarantee shall be conditioned on the performance of all work necessary to complete the installation of the required improvements within the term of the guarantee.

### 3.7.6. AMOUNT

#### A. GENERALLY

1. The amount of the performance guarantee shall be 125% of the reasonably estimated cost of completion at the time the Performance Guarantee is issued.
2. The Town may determine the amount of the Performance Guarantee or use a cost estimate determined by the applicant.
3. The reasonably estimated cost of completion shall include 100% of the costs for labor and materials necessary for completion of the required improvements. Where applicable, the costs shall be based on unit pricing.
4. The additional 25% includes inflation and all costs of administration regardless of how such fees or charges are denominated.

#### B. ESTIMATED COSTS

Estimated costs of completing installation of required public infrastructure or private site features shall be itemized by improvement type and certified by the developer's licensed professional.

### C. EXTENSION

The amount of any extension of any Performance Guarantee shall be determined according to the procedures for determining the initial guarantee and shall not exceed 125% of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.

### D. RENEWAL

If a Performance Guarantee is renewed, the Subdivision Administrator may require the amount of the Performance Guarantee be updated to reflect changes in cost over time.

### 3.7.7. MAXIMUM TERM

Performance Guarantees shall have a maximum term of one year, unless the subdivider determines a longer term is necessary to complete the public infrastructure or private site features. Acceptance of a proposed guarantee remains at the discretion of the Town.

### 3.7.8. EXPIRATION

- A. The applicant shall demonstrate good faith towards the completion of public infrastructure or private site features subject to a Performance Guarantee. In the event the aspects subject to a guarantee are not completed prior to the expiration of the guarantee, the applicant shall request a renewal of the Performance Guarantee in accordance with these standards.
- B. In the event an application for renewal of a Performance Guarantee has been filed with the Town prior to expiration of an existing guarantee, the Town shall delay the provision of notice of failure to install or complete improvements in accordance with Section 3.7.9, Forfeiture.

### 3.7.9. FORFEITURE

#### A. NOTICE OF FAILURE TO INSTALL OR COMPLETE IMPROVEMENTS

If the owner or developer fails to complete installation of the guaranteed improvements within the term of the Performance Guarantee (as may be extended), the Town shall give the owner or developer 30 day's written notice of the scope and degree of the default, by certified mail.

#### B. TOWN COMPLETION OF IMPROVEMENTS

1. After the 30-day notice period expires, the Town may draw on the guarantee and use the funds to perform the work necessary to complete installation of the guaranteed improvements.
2. After completing such work, the Town shall provide a complete accounting of the expenditures to the owner or developer.
3. In the event of a default triggering the use of the performance guarantee, the Town shall return any of the unused deposited cash funds or other security.

### 3.7.10. APPEAL

A decision by the Planning Board may be appealed by the applicant to the Board of Adjustment as set forth in the Right of Appeal section of the Weldon Zoning Ordinance.

# ARTICLE 154.4 DESIGN STANDARDS

## 4.1 GENERAL PROVISIONS

### 4.1.1. DESIGN

All proposed subdivisions shall comply with this Article, shall be designed to promote beneficial development of the community, and shall bear a reasonable relationship to the approved plans of the Town.

### 4.1.2. DEVELOPMENT NAME

In no case shall the name of a proposed subdivision duplicate or be phonetically similar to an existing development name in the Town of Weldon or Halifax County, unless the proposed development lies adjacent to the existing development.

### 4.1.3. REASONABLE RELATIONSHIP

All required improvements, easements, and rights-of-way (other than required reservations) shall substantially benefit the development or bear a reasonable connection to the need for public facilities attributable to the new development.

### 4.1.4. NATURAL FEATURES AND ASSETS

In the subdividing of land, due regard shall be shown for all natural features, such as tree growth, watercourses, historic sites, or similar conditions which, if preserved, will add attractiveness to the proposed development and safety from hazards.

## 4.2 LOT DIMENSIONS AND STANDARDS

### 4.2.1. ADEQUATE BUILDABLE AREA REQUIRED

Lot sizes, shapes, and locations shall be made with due regard to topographic conditions, contemplated uses, and the surrounding area. Each lot shall contain an adequate building site outside the limits of any existing easements or required building setback lines.

### 4.2.2. CONFORMANCE WITH ZONING ORDINANCE

All lots shall conform to the minimum standards or dimensions noted herein and those contained in any applicable Zoning Ordinance, building codes, or other official regulations.

### 4.2.3. LOT REMNANTS

All remnants of lots left over after subdivision of a larger tract and smaller than the required minimum lot size that is required, must be added to adjacent lots, rather than allowed to remain as separate parcels. The Subdivision Administrator may permit a lot remnant for a specific purpose such as a stormwater pond or feature, open space or existing private cemetery, provided that access and design is appropriate, and the lot remnant is restricted to specific non-building uses. A note explaining the ownership shall be included on the plat.

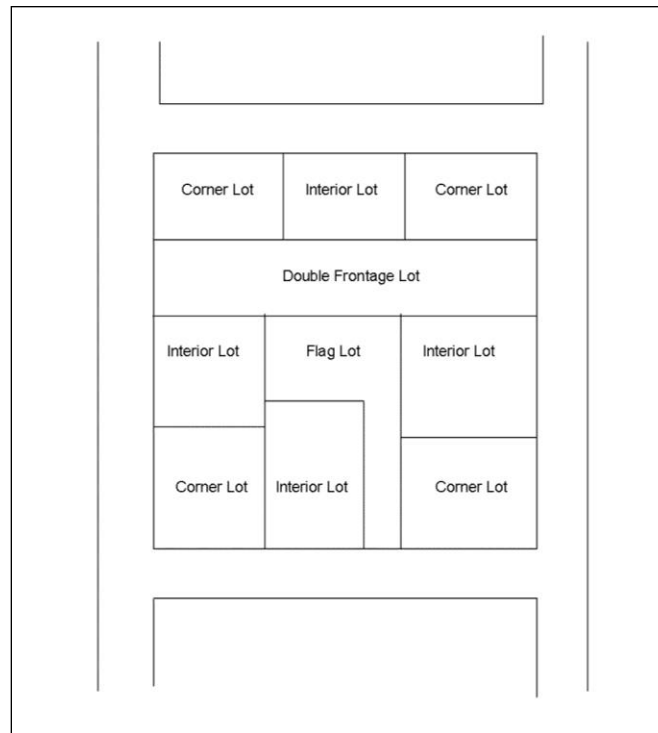
### 4.2.4. CORNER LOTS

Corner lots for residential use shall have an extra width of ten (10) feet from the side yard that adjoins the side street to allow for adequate building setback from side streets.

### 4.2.5. DOUBLE FRONTAGE LOTS

All efforts should be made to avoid double frontage lots, except where required to separate residential development from existing or proposed roadways, where a recorded alley provides rear access to lots, or to overcome specific disadvantages of topography or orientation. If double frontage lots must be included, private driveways shall be prevented from having direct access through the lot.

DIAGRAM 4.2: TYPE OF LOTS



#### 4.2.6. FLAG LOTS

No lot shall be approved which constitutes a flag lot except through a variance approval from the Board of Adjustment due to extreme topographic or natural circumstances (see Diagram 4.2).

#### 4.2.7. SIDE LOT LINES

Side lot lines shall be at or near right angles or radial to curved street lines. No intersection lot lines shall have an angle of less than 60 degrees.

#### 4.2.8. LOT LINES AND DRAINAGE

Lot boundaries shall coincide with natural and pre-existing man-made drainageways to the extent practicable to avoid lots that can be built upon only by altering such drainageways.

#### 4.2.9. ACCESS REQUIREMENTS

Every lot shall front or abut on a dedicated public street and have frontage meeting the requirements set forth in the Weldon Zoning Ordinance, except lots of record provided that there is recorded access and the use is limited to three single family dwellings.

#### 4.2.10. WATER AND SEWAGE DISPOSAL

Every subdivision lot intended for building purposes shall be served by a central water supply system and central sewage disposal system that: is adequate to accommodate the reasonable needs of the proposed use of the lot, and complies with all applicable health regulations. Where public water and sewer are not available, the subdivider must provide evidence that each lot can be served by wells and sewage disposal systems.

### 4.3 STREET STANDARDS

#### 4.3.1. CONFORMANCE WITH PLANS

In any new subdivision, the street layout shall conform to the arrangement, width and location included on any official plans for the Town of Weldon. In areas for which such plans have not been completed, the streets shall be designed and

located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, and to the proposed use of land to be served by such streets.

**4.3.2. DEDICATION OF FUTURE RIGHT-OF-WAY**

Whenever a tract to be subdivided abuts any part of a major thoroughfare, designated in the Official Plans for Halifax County or the Town of Weldon, such part of such proposed public way shall be platted and dedicated by the subdivider in the location and at the width specified.

**4.3.3. CONFORMANCE WITH ADJOINING ROAD SYSTEMS**

The proposed street layout shall be made according to good land planning practice for the type of development proposed, and shall be coordinated with the street system of the surrounding areas. Proposed streets shall connect to or intersect with adjacent existing streets where possible.

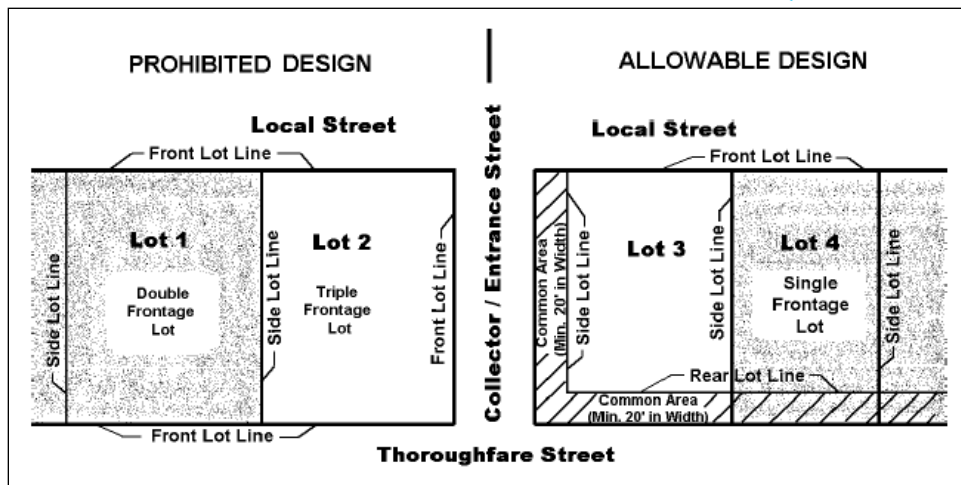
**4.3.4. FRONTAGE**

All lots in a major or minor subdivision shall have direct access from a public street improved to the Town of Weldon and the North Carolina Department of Transportation standards. Where the existing public street does not meet the standards, the subdivider shall upgrade the street to meet those standards.

**4.3.5. ACCESS TO THOROUGHFARES**

- A. Access to major thoroughfares from lots in the subdivision shall be managed to minimize vehicle conflict points.
- B. Where a tract of land to be subdivided adjoins a major thoroughfare, the subdivider may be required to provide a marginal access street parallel to the highway or reverse frontage on an interior street for the lots to be developed adjacent to the highway.
- C. The subdivider shall be required to provide an easement or common area at a minimum of twenty (20) feet in width on the rear and side of the property abutting the higher volume road, parallel and adjacent to the right-of-way of the road. Such easement or common area shall be restricted to the planting of trees or shrubs for screening purposes and shall be in addition to all other easements required by this Ordinance (see Figure 4.3.5)

**FIGURE 4.3.5: INTERIOR STREET ACCESS AND BUFFERING REQUIREMENTS**



**4.3.6. ACCESS TO ADJOINING PROPERTY**

All streets shall provide for the continuation or approximate extension of streets in surrounding areas and provide reasonable means of ingress and egress for surrounding acreage tracts.

- A. A proposed street shall be extended to an adjacent property, or a connecting street shall be provided to the adjacent property as a through road within the local road network. Such street shall be designed, constructed, and dedicated as public street to the adjacent property and located so as to best ensure the safe, convenient, and efficient movement of traffic within a local road network as well as the orderly development of adjacent properties.



- B.** Dead end streets shall be prohibited. Where an existing dead-end street abuts the property proposed for development, the proposed development shall connect to the existing dead-end street. This does not preclude use of stub streets as part of a phased development or in anticipation of future development.
- C.** All new subdivisions must connect to stub streets when they adjoin the property to be developed.
- D.** Reserve strips adjoining road rights-of-way for the purposes of preventing access to adjacent property shall not be permitted under any condition.

**4.3.7. PUBLIC STREETS**

All public streets shall be dedicated to the Town of Weldon or the State of North Carolina and shall be built to the standards of this Ordinance and all other applicable standards of the Town of Weldon and the North Carolina Department of Transportation. Right-of-way dedication and paving of streets in and adjacent to the subdivision shall be in conformance with the minimum street standards in Table 4.3.10, Minimum Street Standards, this Ordinance, and the most recently published North Carolina Department of Transportation (NCDOT), Subdivision Roads, Minimum Construction Standards.

**4.3.8. DISCLOSURE STATEMENT**

- A.** All streets shown on the final plat shall be designated in accordance with NCGS 136-102.6(F) and designated as a public street shall be conclusively presumed as an offer of dedication to the public.
- B.** Where streets are dedicated to the public but not accepted into a municipal or State system, a statement explaining the status of the street shall be included on the final plat.

**4.3.9. STREET INELIGIBLE FOR PUBLIC DEDICATION**

- A.** Public roads ineligible to be put on the NCDOT system because there are too few lots or residences shall, nevertheless, be dedicated to the public and shall be in accordance with NCDOT standards so as to be eligible to be put on the system at a later date.
- B.** A written agreement with provisions for private maintenance of the road until it is put on the public system shall be included with the final plat and recorded in the Office of the Register of Deeds.

**4.3.10. MINIMUM STREET RIGHT-OF-WAY AND PAVEMENT WIDTHS**

The minimum street standards for all new streets are included in Table 4.3.10.

<b>TABLE 4.3.10: MINIMUM STREET STANDARDS [1]</b>				
<b>CLASSIFICATION</b>	<b>TRAVEL LANES</b>	<b>PARKING LANES</b>	<b>ROW [2] (FT)</b>	<b>PAVEMENT WIDTH (FT) [2][3]</b>
<b>PRIMARY COLLECTOR</b>				
Primary Collector	2-4	0	65 ft	40 ft
<b>RESIDENTIAL COLLECTOR</b>				
Lot width 80-99 ft w/curb & gutter (two-side parking) [4]	2	2	60 ft	36 ft
Lot width 80-99 ft w/curb & gutter (one-side parking)	2	1	50 ft	28 ft
Lot width ≥100ft w/curb & gutter	2	0	50 ft	24 ft
Lot width ≥100 ft – no curb & gutter	2	0	50 ft	20 ft
<b>RESIDENTIAL STREET</b>				
Lot width 80-99 ft w/curb & gutter	2	1	50 ft	26 ft
Lot width ≥100 ft w/curb & gutter	2	0	45 ft	22 ft

**TABLE 4.3.10: MINIMUM STREET STANDARDS [1]**

CLASSIFICATION	TRAVEL LANES	PARKING LANES	ROW [2] (FT)	PAVEMENT WIDTH (FT) [2][3]
Lot width ≥100 ft – no curb & gutter	2	0	45 ft	18 ft
<b>ALLEY</b>				
Alley	1	0	20 ft	12 ft
<b>RESIDENTIAL CUL-DE-SAC RADIUS</b>				
Urban – w/curb& gutter			45 ft	37 ft
Rural – no curb & gutter			50 ft	35 ft

Notes:

[1] When the standards of NCDOT apply, the most restrictive standard shall be required.

[2] Additional width may be required under Section 4.3.1, Conformance with Plans.

[3] Pavement widths are measured back-to-back of curb.

[4] Parking on one side of the street should be sufficient to accommodate visitor parking in residential subdivisions, but the Planning Board may require parking lanes on both sides of the street depending on the type of subdivision.

**4.3.11. STREET INTERSECTIONS**

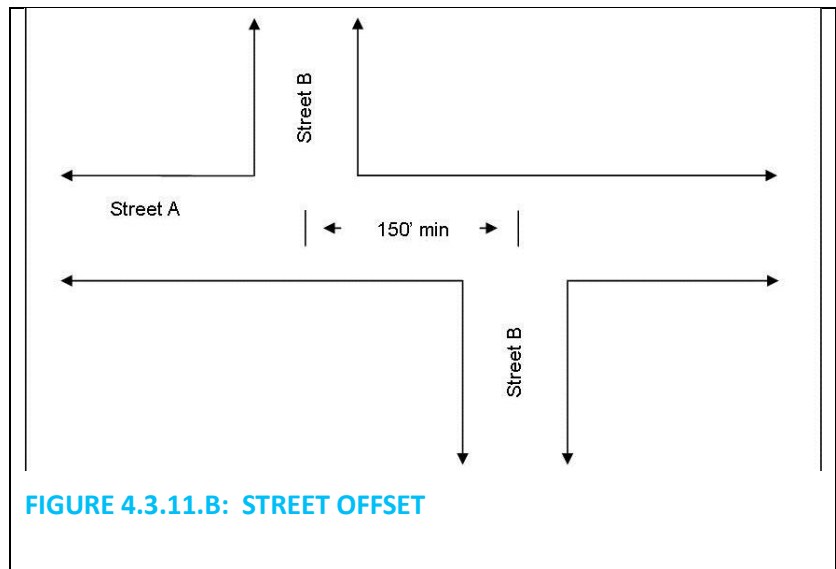
**A.** Streets shall be laid out so as to intersect as nearly as possible at right angles (90 degrees) and no street shall intersect any other street at less than seventy-five (75) degrees. All roads crossing natural areas, wetlands, or stream buffers must cross at or as near to ninety (90) degrees as possible within topographic limits. All street intersections must meet minimum sight distance standards as required by the North Carolina Department of Transportation.

**B.** Where there is an offset in the alignment of a street across an intersection, the offset of the center lines shall be no less than 150 feet (see Figure 4.3.11.B).

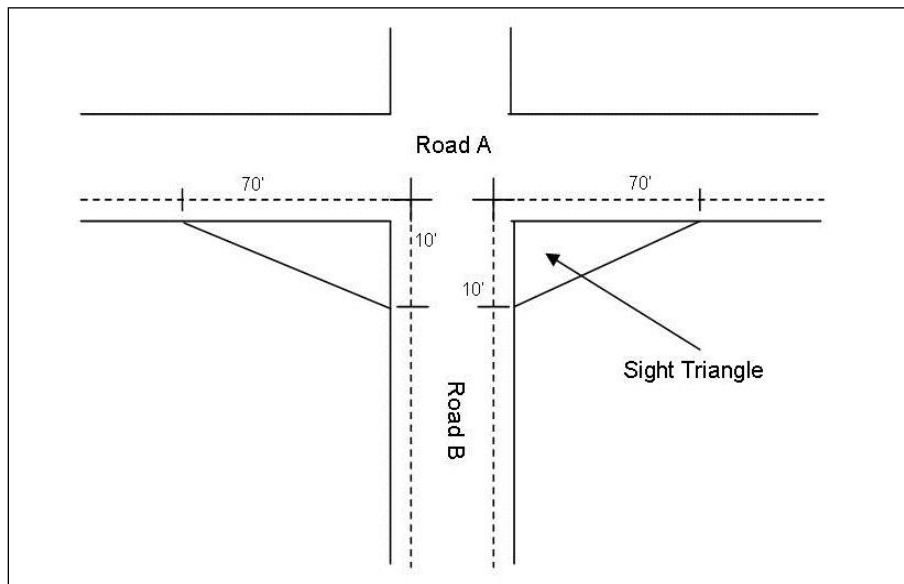
**C.** Intersections with a major street or highway shall be at least eight hundred (800) feet apart from corner property line to corner property line.

**D.** Property lines at street intersections shall be rounded with a minimum radius of fifteen (15) feet or of a greater radius when required by the Planning Board.

**E.** 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 (see Figure 4.3.11.E).



**FIGURE 4.3.11.E: SIGHT TRIANGLE**



F. A statement regarding the existence of sight triangles and the obstruction provisions shall be placed on the final plat, when applicable.

#### 4.3.12. TEMPORARY TURNAROUNDS

Roads stubbed to adjoining property or phase lines may be required to have a temporary turnaround at the end of the road which will be sufficient to permit service vehicles.

#### 4.3.13. CUL-DE-SACS

A. In general, cul-de-sacs should be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area indicate that a through street is not essential in the location of the proposed cul-de-sac, or where sensitive environmental features such as streams, floodplains, or wetlands would substantially be disturbed by making road connections.

B. Cul-de-sacs shall be no longer than five hundred (500) feet. The length of the cul-de-sac shall be measured from the center of the intersection at the beginning of the cul-de-sac running along the centerline to the center point of the turnaround.

C. The width of the turnaround shall meet the standards as set forth in Table 4.3.10: Minimum Street Standards.

#### 4.3.14. ALLEYS

##### A. COMMERCIAL OR INDUSTRIAL

The Planning Board may require the subdivision to construct alleys in commercial or industrial zoning districts to provide access for service and delivery vehicles.

##### B. RESIDENTIAL

1. Alleys may be appropriate in residential zoning districts, especially Planned Unit Developments, to provide rear garages, parking, or access for service vehicles.
2. All permanent dead-end alleys shall be provided with a turnaround.
3. No alley shall have access from a major street or highway but shall have its access points confined to minor streets.

#### 4.3.15. STREET NAMES

A. Streets which are obviously in alignment with existing streets shall bear the name of the existing street.

B. Street names for all subdivision plats shall be subject to the approval of the Planning Board.

- C.** New street names shall not duplicate or be similar to existing street names and existing street names shall be projected wherever possible.

#### **4.3.16. STREET NAME SIGNS**

- A.** The developer shall install street signs of a design approved by the Planning Board to be placed at each intersection.
- B.** Prior to plat approval, the applicant shall install street name signs at street intersections in accordance with NC DOT and town standards.

#### **4.3.17. STREET ADDRESSES**

- A.** Street address numbers shall be assigned by Halifax County Planning Department during preliminary review.
- B.** These addresses shall be noted on the final plat.
- C.** These numbers shall be the official address for use by the U.S. Postal Service until or unless changed by the Postal Service.

#### **4.3.18. HALF STREETS**

- A.** The dedication of half streets at the perimeter of a new subdivision is prohibited.
- B.** If circumstances render this impracticable, adequate provision for the concurrent dedication of the remaining half of the street must be furnished by the subdivider and adjacent property owner.
- C.** Where a half street exists in an adjoining subdivision, the remaining half street shall be provided by the proposed development.

#### **4.3.19. GRADING**

Unless necessitated by exceptional topography, and subject to the approval of the Planning Board, the grades shall be not more than ten percent (10%) or less than one-half of one percent (0.5%) on any street.

- A.** Grades approaching intersections shall not exceed five percent (5%) for a distance of not less than one hundred (100) feet from the center line of said intersection.
- B.** Street grades shall be established wherever practical in such a manner as to avoid excessive grading, the promiscuous removal of ground cover and tree growth and general leveling of the topography.
- C.** All changes in street grades shall be connected by vertical curves having a minimum length equivalent to fifteen (15) feet for each degree of difference between the grades of the streets.

## 4.4 BLOCKS

Blocks shall be laid out with due regard for the type of use to be established in the block, zoning requirements, needs for vehicular and pedestrian circulation, traffic control and safety, and environmental protection. The following minimum provisions apply:

- A.** Intersecting streets shall be laid out at such intervals that block lengths are not more than eight hundred (800) feet or less than 400 except where, in the opinion of the Planning Board, existing conditions justify a modification of this requirement.
- B.** Blocks shall have sufficient width to provide for two (2) rows of lots of appropriate depth, except where otherwise required to separate residential development from through traffic or nonresidential uses.
- C.** Block numbers shall conform to the Town of Weldon street numbering system, if applicable.

## 4.5 BUFFER STRIPS

- A.** A buffer strip at least 50 feet in depth, in addition to the normal lot depth required, shall be provided adjacent to all railroads and limited access highways in residential districts. This strip shall be a part of the platted lots or included in common area property but shall have the following restrictions lettered on the face of the plat: "This buffer strip is reserved for the planting of trees or shrubs by the owner; the building of structures hereon is prohibited."
- B.** Where a residential subdivision is adjacent to an office, institutional, commercial, or industrial uses, landscape buffers shall be provided as specified by the Town of Weldon Zoning Ordinance.

## 4.6 ROAD AND UTILITY IMPROVEMENTS

### 4.6.1. PLANS

- A.** Construction plans for all road facilities shall be submitted to the Town of Weldon or NCDOT as part of the preliminary plat approval process.
- B.** Construction plans for all water and sanitary sewer facilities shall be submitted to the appropriate utility provider as part of the preliminary plat approval process.
- C.** Evidence for plan approvals for road facilities, water facilities and sewer facilities must be provided prior to final plat approval.

### 4.6.2. CONSTRUCTION APPROVAL REQUIRED

- A.** Construction of infrastructure is not authorized until the preliminary plat is approved and then only when an Erosion and Sedimentation Control permit has been issued by the Town or State, if applicable.
- B.** No road improvements shall be constructed until the road construction plans have been reviewed and approved by the Town of Weldon or NCDOT.
- C.** No utility improvements shall be constructed until the utility construction plans have been reviewed and approved by the appropriate utility provider.

### 4.6.3. PERMITS FOR CONNECTING TO STATE ROADS

- A.** An approved permit is required to connect a subdivision street to an existing state road.
- B.** This permit is required prior construction of the new street and evidence of such shall be submitted with the application of a final plat.

#### 4.6.4. INSPECTION

Work performed pursuant to approved road and utility construction plans shall be inspected and approved in accordance with the inspection procedures of the Town of Weldon or the NC Department of Transportation in the case of state-maintained roads, and the appropriate utility provider.

#### 4.6.5. WATER AND SEWER CONNECTION

- A.** Connection of each lot to public water and sewer utilities shall be required, at the subdivider's expense, if the proposed subdivision is within the Town limits or within five hundred (500) feet of the nearest adequate lines of a public system, provided that capacity is available and that no geographic or topographic factors would make such connection infeasible.
- B.** Where public sewer is not available, lots shall be served by an approved private sewer systems.
- C.** Preliminary plats shall include details on the proposed water and systems.
- D.** The final plat shall show the Certificate of Approval from the utility provider and/or permitting authority as shown in Appendix 2.

#### 4.6.6. PUBLIC WATER AND SEWER CONSTRUCTION REQUIREMENTS

Water and sewer lines, connections, and equipment shall be constructed in accordance with State and local regulations and to the specifications of the utility provider at the subdivider's expense.

#### 4.6.7. UNDERGROUND UTILITIES

All electric, telephone, television, internet, and cable lines, both main and service connections, servicing new developments shall be provided by underground wiring within dedicated easements or dedicated public rights-of-way and be installed in accordance with the prevailing standards and practices of the utility or other companies providing such services at the subdivider's expense.

- A.** Where street trees are provided for within the public right-of-way (see Section 4.7.5, Street Trees), the placement of underground utilities shall be a minimum of five (5) feet from the tree planting area. Installation of underground utilities outside the right-of-way may be located along the rear lot line, in alleyways, or in a utility easement as approved by the utility provider.
- B.** Lots that abut existing easements or public rights-of-way where overhead utility lines and service connections have previously been installed may be supplied with service from those overhead lines, but the service connections for the utilities' overhead lines shall be installed underground. In the case of existing overhead utilities, should a road widening, or an extension of service, or other such condition occur as a result of the subdivision and necessitate the replacement or relocation of such utilities, such replacement or relocation shall be underground.
- C.** The Planning Board may make the determination that underground utility installation is not feasible on a particular site. Where overhead lines are permitted as the exception, the placement and alignment of poles shall be designed to lessen the visual impact of overhead lines. Alignments and pole locations shall be carefully routed to avoid locations along horizons and utility lines should be located at the rear of the lot lines or along rear alleys where feasible.

#### 4.6.8. UTILITY EASEMENTS

- A.** Easements centered on the front, rear, or side lot lines shall be provided for electrical, telephone, natural gas, television, cable, water, and sewer utilities, where necessary, and shall be at least ten (10) feet wide. The subdivider and the utility shall agree on the exact location and width of such easements.
- B.** Utility easements shall be kept free and clear of any buildings or other improvements that would interfere with the proper maintenance or replacement of utilities. The Town shall not be liable for damages to any improvement located within the utility easement area.
- C.** The subdivider shall transfer to the applicable utility provider the necessary ownership or easement rights to enable the utility provider to operate and maintain the utility facilities. In addition, the subdivider shall dedicate sufficient easement rights to accommodate the extension of utility service to adjacent or nearby properties whenever it can

reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments.

#### 4.6.9. STORMWATER DRAINAGE

The subdivider shall provide the subdivision with an adequate drainage system for the proper drainage of all stormwater. The system shall be designed to prevent storm and flood water damage to lots, structures, streets, and utilities, as well as to upstream and downstream areas. The system should also serve to protect water quality. The preferred method of stormwater management is open drainage systems that allow for natural drainage of streams and waterways. The design of the storm drainage system and plans, including calculations, shall clearly indicate the easements and dedicated areas required for the construction and maintenance of the drainage system.

- A.** No surface water shall be channeled or directed into a sanitary sewer.
- B.** Where feasible, the drainage system shall coordinate with and connect to existing drainage systems on surrounding roads and properties.
- C.** The storm drainage system shall follow existing topography as nearly as practical and discharge to natural drainage paths within a drainage basin. The drainage system shall incorporate stormwater Best Management Practices to minimize adverse water quality impacts.
- D.** Surface drainage courses shall have side slopes of at least three (3) feet of horizontal distance for each one (1) foot of vertical drop, and courses shall be of sufficient size to accommodate the drainage area without flooding.
- E.** The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one (1) foot in each three hundred (300) feet of horizontal distance.
- F.** Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose of drainage.
- G.** Lakes, ponds, creeks, and similar areas may be accepted by the Town of Weldon for maintenance only if sufficient land is dedicated as a public recreation area or park, or if such area constitutes a necessary part of the drainage control system. The acceptance of such dedicated areas must be approved by the Planning Board.

#### 4.6.10. OVERSIZED IMPROVEMENTS

- A.** The Town of Weldon Board of Commissioners may require certain oversized improvements be installed or extended to adjacent property when it is in the best interest of future development.
- B.** If the Town requires improvements to be installed in excess of the standards necessary to serve the subdivision, the town shall negotiate an agreement to reimburse the applicant based on the projected difference in cost between the minimum improvement required and the oversized improvement.

## 4.7 OTHER IMPROVEMENTS

### 4.7.1. CURB AND GUTTER

- A.** Curb and gutter are required in all subdivisions and on all thoroughfares, collectors, and streets with the exception of alleys. Standard (raised) curb and gutter is the preferred installation type, but concrete valley gutter is allowed as well, and shall be constructed in accordance with the design criteria of the North Carolina Department of Transportation.
- B.** The curb and gutter requirement may be waived by the Town of Weldon Planning Board and ditches, shoulders, and/or drainage swales used when it can be demonstrated that:
1. Soil and topography make the use of ditches, shoulders, and/or swales preferable.
  2. It is in the best interest of the community to maintain the rural character by using shoulders and/or drainage swales instead of curb and gutter.

### 4.7.2. SIDEWALKS

- A.** Sidewalks shall be required for all major subdivisions in accordance with the following:
1. R-40 District: Not Required.
  2. R-20 District: Required on one-side of street.
  3. R-10 District: Required on both sides of the street.
  4. R-8, R-MF, R-MH Districts: Required on both sides of the street.
  5. Non-residential subdivisions: Required on both sides of the street.
- B.** Sidewalks shall be a minimum of five (5) feet in width.
- C.** A four (4) foot vegetative strip with grass plantings shall separate the sidewalk from the curb.
- D.** The abutting property owner or a homeowners' association shall be responsible for mowing the vegetative strip.
- E.** All sidewalks shall comply with the American with Disabilities Act.

### 4.7.3. CROSSWALKS

Pedestrian ways or crosswalks, not less than fifteen (15) feet in width, shall be provided, where deemed essential in the opinion of the Planning Board, to provide adequate pedestrian circulation or access to schools, shopping areas, churches, parks, playgrounds, or other similar facilities.

### 4.7.4. STREET TREES

- A.** It shall be the responsibility of the subdivider to install street trees for all residential subdivisions of fifty (50) units or more and the homeowners' association shall assume maintenance responsibilities for the street trees.
- B.** Trees shall be planted in a seven (7) foot tree lawn area located between the street and the sidewalk and at intervals of forty (40) feet.
- C.** All street trees shall be on the approved list of street trees identified by the Town of Weldon Zoning Ordinance.

### 4.7.5. STREET LIGHTING

- A.** All public streets, sidewalks, or other common areas or facilities in subdivisions shall be sufficiently illuminated to ensure the public safety and security of property.
- B.** Street lighting shall be installed in new subdivisions pursuant to a street lighting plan which shall be submitted to the Planning Board for approval.
- C.** All street lights shall be compatible with any applicable standards of the electric utility provider.



- D. Streetlights shall be located at all intersections and mid-block locations with spacing of fixtures not to exceed four hundred (400) feet.
- E. Where feasible and practical, street light varieties and lamp bulb colors shall be the same throughout the subdivision or individual phases of the subdivision.
- F. The height of streetlights shall not exceed twenty-five (25) feet.
- G. All streetlights shall be placed at least two (2) feet inward from the street or sidewalk.
- H. All lighting shall use a cut-off fixture to limit glare and light spillage.
- I. All costs associated with the installation of street lighting are the responsibility of the subdivider.
- J. The Town will not accept streets for dedication until all street lighting has been installed.
- K. Upon acceptance of public streets by the Planning Board, the Town of Weldon will assume the responsibility for maintaining street lights.

#### 4.7.6. FIRE HYDRANTS

Fire hydrants of sufficient water pressure to provide adequate fire protection shall be provided in accordance with all applicable Town, County, and State standards.

#### 4.7.7. MONUMENTS AND MARKERS

The Standards of Practice for Land Surveying in North Carolina, as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors shall apply when installing monuments.

##### A. MONUMENTS

Permanent concrete monuments four (4) inches in diameter or square, three (3) feet long, shall be placed at not less than two (2) corners of the subdivision, provided that additional monuments shall be placed where necessary so that no point within the subdivision lies more than five hundred (500) feet from a monument. Two or more of the required monuments shall be designated as control corners. The top of each monument shall have an indented cross, metal pin, or metal plat to properly identify the location of the point. All monuments shall be shown on the final plat.

##### B. PROPERTY CORNER TIE

At least one (1) corner of the property surveyed shall be designated by course and distance (tie) from a readily discernible reference marker. If the corner is within two thousand (2,000) feet of a U.S. Coast and Geodetic Station or N.C. Grid Station coordinated monument, then this corner shall be accurately tied to this U.S. or N.C. Station or monument by computed Z and Y coordinates. A statement shall appear on the map indicating the identification of the U.S. or N.C. Station or Monument, the computed Z and Y coordinates of the property corner tie is at least 1:15,000. When such a monument or station is not available. The tie shall be made to some pertinent and permanent recognizable landmark or identifiable point, physical object, or structure.

##### C. MARKERS

All lot corners, all points where street lines intersect the exterior boundaries of the subdivision, all angle points and points of curve in each street shall be marked with iron pipe not less than three fourths (3/4) inches in diameter and thirty (30) inches long, driven so as to be two (2) inches above the finished grade.

## 4.8 SITES FOR PUBLIC USE

To ensure orderly development of the planning area in accordance with the general principles set forth in any applicable comprehensive plan, the subdivider shall give due consideration to the reservation of open spaces for parks, schools, fire stations, and/or playgrounds in accordance with the procedures in G.S. 160D-804.

### 4.8.1. RESERVATION OF SCHOOL SITES

If the Town of Weldon Board of Commissioners and the Weldon Board of Education have jointly determined the specific location and size of any school sites to be reserved and this information appears in the Weldon Comprehensive Plan, the Planning Board shall immediately notify the Weldon Board of Education when a plat for a subdivision is submitted which includes all or part of a school site to be reserved. The Board of Education shall promptly decide whether it still wishes the site to be reserved. If the Board of Education does not wish to reserve the site, it shall notify the Planning Board. If the Board of Education does wish to reserve the site, the subdivision shall not be approved without such reservation. The Board of Education shall have eighteen (18) months beginning on the date of final approval of the subdivision within which to acquire the site by purchase or by initiating condemnation proceedings. If the Board of Education has not purchase or begun proceedings to condemn the site within eighteen (18) months, the subdivider may treat the land as free from the reservation.

### 4.8.2. PARKS AND RECREATION SITES

#### A. GENERALLY

1. Every person or corporation who subdivides land for residential purposes shall at the time of final approval of the subdivision plan be required to dedicate a portion of such land, as set forth in this section, for the purpose of providing public park and recreation sites to service the future residents of the neighborhood in which the subdivision is located. This section shall apply to major subdivisions only.
2. As an alternative to dedication of such land by the subdivider, or where it is determined by the Town of Weldon Planning Board that a dedication of land is not feasible in a given plat or incompatible with the Town's plan, the subdivider may make provisions for an equitable amount of land in another location or pay the Town a fee in lieu of dedication as provided in this section.

#### B. COMPUTATION OF SIZE OF AREA REQUIRED FOR DEDICATION

The amount of land required to be dedicated by a subdivider shall be based on the following formula: area to be dedicated (in acres) equals  $1/35$  of an acre times the number of dwelling units or lots, whichever is greater, provided that for land so dedicated which a) lies within an area of the one hundred-year (100) floodplain; or b) has slopes greater than fifteen percent (15%); or c) is included within overhead utility easements, said land shall be dedicated at a rate of  $1/20$  of an acre.

#### C. SUITABILITY OF LAND

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

##### 1. UNITY

The dedicated land shall be a single parcel except where it is determined that two (2) parcels or more would be in the public interest. The Town of Weldon Planning Board may require that parcels be connected, and may require the dedication of a connecting path of up to thirty (30) feet in width.

##### 2. SHAPE

The dedication area shall be sufficiently round or square in order to be usable for recreational activities such as softball/baseball, tennis, basketball, and other related activities.

### 3. LOCATION

The dedicated land shall be located so as to serve the recreation needs of the immediate neighborhood within the subdivision and shall bear a reasonable relationship to the use of the area by the future inhabitants of the subdivision or residential development.

### 4. ACCESS

Public access to the dedicated land shall be provided either by an abutting street or public easement at least twenty (20) feet in width.

### 5. USABILITY

The dedicated land shall be usable for active recreation (play areas, ballfields, tennis courts, or similar recreation uses). Lakes may not be included in computing the amount of land to be dedicated. If the Town of Weldon Planning Board determines that active recreation needs are being met by other dedicated parcels or existing recreation facilities, they may require that land suitable for open space be dedicated.

### 6. TOPOGRAPHY

Generally, areas dedicated for recreation shall not exceed slopes of five percent (5%).

### 7. PLANS

Municipal and county plans shall be taken into consideration when evaluating land for dedication.

## D. PAYMENTS IN LIEU OF DEDICATION

### 1. COMPUTATION

Where a fee is paid in lieu of dedication, the fee should be the product of the number of dwelling units or lots, whichever is greater, and the standard per unit or per lot fee determined by the Board of Commissioners as part of the Town's fee schedule. The payment in lieu of dedication shall not exceed the fair market value of the land that would otherwise have been required to be dedicated by the subdivision.

2. Upon approval by the Planning Board, payment in lieu of dedication shall be made to the Town at the time of final subdivision plat approval.
3. All monies received by the Town of Weldon pursuant to these requirements shall be used only for the acquisition and/or development within the same recreation service area in accordance with applicable State and federal law.

## E. STANDARDS FOR SELECTION OF DEDICATION OR FEE

1. Whether the Planning Board accepts the land dedication or elects to require payment of a fee in lieu thereof shall be determined by consideration of the following:
  - a. The recreational element of the Town's comprehensive plan or other applicable plan;
  - b. Topography, geology, access, and location of land available for dedication in the subdivision; and
  - c. Size and shape of the subdivision.
2. The determination by the Planning Board as to whether land shall be dedicated or whether a fee should be exacted shall be final and conclusive.

## F. PROCEDURES

### 1. SUBDIVIDER

At the time of submitting a preliminary subdivision plat, the subdivider shall, as part of such submission, indicate whether dedication of the property for park and recreational purposes is proposed, or whether the subdivider

proposes to pay a fee in-lieu thereof. If the subdivider proposes to dedicate land for this purpose, the subdivider shall designate the area on the master subdivision plan as submitted.

## **2. TOWN ACTION**

At the time of preliminary subdivision review, the Planning Board shall require a dedication of land within the subdivision or payment of fee in-lieu thereof, pursuant to standard listed in Section 4.8.2, Parks and Recreation Sites.

## **3. APPROVAL OF FINAL PLAT**

- a. Where dedication is required, such dedication shall be shown on the final plat for the subdivision submitted for approval.
- b. Where fees are required, the same shall be deposited with the Town prior to the recording of the final plat for subdivision.
- c. Covenants for park or recreational facilities shall be submitted to the Town prior to approval of the final plat and shall be recorded with the final plat.

## **G. USE OF LAND BY TOWN**

### **1. GENERALLY**

The land received by the Town under this Article shall be used only for the purpose of providing neighborhood open space, park and recreational areas, but shall not be so restricted should the Town decide to sell the land.

2. Fee collected from in lieu of dedications and any proceeds from the sale of dedicated land shall be held in a special fund by the Town, and the funds shall be used by the Town for the purpose of acquiring and developing public recreation areas and for no other purpose. The depository for such funds may be the same as permitted for other funds of the Town and pending their expenditure in accordance with the terms of this section, such funds may be invested as other funds of the Town. The Town may, as its discretion, add additional monies to the fund for the purpose of purchasing public recreational land to be used for public recreational purposes. On all matters not specifically provided for in this section, the Local Government Budget and Fiscal Control Act shall be controlling.

## **H. PRIVATELY OWNED PARK AND RECREATIONAL AREAS**

Private parks and recreational facilities are encouraged; however, such facilities cannot be credited toward the requirement of dedication for public park and recreation purposes.

## **I. GREENWAYS**

Greenway land may be credited toward park dedication requirements, provided that such greenway is dedicated for public use.



# ARTICLE 154.5 ADMINISTRATION

## 5.1 STAFF, BOARDS, AND COMMITTEES

### 5.1.1. SUBDIVISION ADMINISTRATOR

The Subdivision Administrator shall be appointed by the Weldon Board of Commissioners and is duly charged with the enforcement of the provisions of this Ordinance. If the Subdivision Administrator 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. They shall also take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

### 5.1.2. PLANNING BOARD

As directed by the Board of Commissioners, the Planning Board shall have the following duties with respect to administration of the Subdivision Ordinance:

- A. Review and make recommendations to the Board of Commissioners on amendments to the Subdivision Ordinance.
- B. Review and approve major subdivisions in accordance with this Ordinance.
- C. Perform any other duties assigned by the Board of Commissioners.

### 5.1.3. TECHNICAL REVIEW COMMITTEE (TRC)

- A. There is hereby created a Technical Review Committee (TRC) consisting of the Subdivision Administrator, a subcommittee of Planning Board members, and representatives of the following agencies as designated by the Director of each agency: Weldon Public Works Department, Weldon Police and Fire Departments, Weldon Building Inspector.
- B. Additional agencies including but not limited to: the Halifax County Health Department, the North Carolina Department of Transportation Division of Highways, Halifax County Emergency Services, Halifax County Soil and Water Conservation Service and the Weldon School Board, may be asked for review as applicable to the specific subdivision.
- C. The Technical Review Committee (TRC) shall have the following duties:
  - 1. To review and comment on the technical aspects of all applications for approval of subdivision plats.
  - 2. To provide the Subdivision Administrator, for transmission to the Planning Board, with reports and recommendations regarding requests for approval before such bodies.
  - 3. To perform any other related duties that this Ordinance may authorize or that the Weldon Planning Board may direct.
- D. The Subdivision Administrator or a designated agent shall serve as the chairperson of the TRC.
- E. The Subdivision Administrator shall determine the most effective means of communicating with members of the TRC for review and recommendations regarding subdivision plats. Communication with TRC members can be in the form of in-person meetings, written correspondence, phone consultations, or other avenues of communication as deemed appropriate by the Subdivision Administrator.

## 5.2 EFFECT OF PLAT APPROVAL ON DEDICATIONS

- A. Pursuant to GS 160D-806, the approval of a plat shall not be deemed to constitute or effect automatic acceptance by any public or private entity of the dedication of any street or other ground, utility line, or other public land or facility shown on the plat.
- B. However, the Board of Commissioners may by resolution accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision regulation jurisdiction.

- C. Acceptance of dedication of lands or facilities located within the subdivision regulation jurisdiction but outside the corporate limits of the Town shall not place on the Town any duty to open, operate, repair, or maintain any street, utility line, or other land or facility, and the Town shall in no event be held to answer in any civil action or proceeding for failure to open, repair, or maintain any street located outside its corporate limits.

## 5.3 FILING OF PLAT

- A. Following adoption of this Ordinance by the Weldon Board of Commissioners, the Register of Deeds shall not thereafter file or record a plat of a subdivision location within the planning jurisdiction of the Town of Weldon without the approval of the subdivision by the Town as required in this Ordinance and the documentation of such approval with the required certification from Appendix 2.
- B. All approvals of final plats shall be recorded by the property owner/developer.
- C. The landowner shown on the subdivision plat submitted or recording or his authorized agent shall sign a statement on the plat stating whether or not any land shown thereon is within the platting jurisdiction of the Town of Weldon as defined in this Ordinance.
- D. The filing or recording of a plat of subdivision without the approval of the Town as required by this Ordinance shall be null and void.

## 5.4 VARIANCES

Where because of topographical or other conditions peculiar to the site, strict adherence to the provisions of the regulations of this Ordinance would cause an unnecessary hardship, the Board of Adjustment may authorize a variance, if such variance can be made without destroying the intent of this Ordinance. Any variance thus authorized is required to be entered in writing in the minutes of the Board of Adjustment and the reasoning on which the departure was justified shall be set forth.

## 5.5 AMENDMENTS

- A. This Ordinance may be amended from time to time by the Weldon Board of Commissioners, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation. The Planning Board shall have forty-five (45) days within which to submit its recommendation.
- B. A public hearing shall be held by the Weldon Board of Commissioners before adoption of any proposed amendment to this Ordinance. Notice of such public hearing shall be given once a week for two (2) consecutive calendar weeks in a newspaper of general circulation in the Town of Weldon. Said notice shall be published the first time not less than ten (10) days or more than twenty-five (25) days prior to the date established for such public hearing.

## 5.6 ENFORCEMENT

### 5.6.1. 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.

### 5.6.2. COMPLIANCE REQUIRED

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

### 5.6.3. STATUE 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.

### 5.6.4. DESCRIPTION OF VIOLATIONS

- A. Engaging in the subdivision of land by reference to, exhibition of, or any other use of a plat showing a subdivision of land before such plat has been approved under this Ordinance.
- B. Transferring of land by metes and bounds description or other document used in the process of selling or transferring land prior to approval under this Ordinance.

### 5.6.5. ENTITY RESPONSIBLE FOR VIOLATION

The owner of any land, or part thereof, and any engineer, builder, contractor, surveyor, 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.

### 5.6.6. ENFORCEMENT PROCEDURE

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

#### A. 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:

1. That the land, or activity is in violation of this Ordinance;
2. The nature of the violation, and citation of the section(s) of this Ordinance violated;
3. The measures necessary to remedy the violation;
4. The time period in which the violation must be corrected;
5. That penalties or remedies may be assessed; and
6. That the party cited has the right to appeal the notice in accordance with Section 6.4, Right of Appeal of the Town of Weldon Zoning Ordinance.

#### B. DELIVERY OF NOTICE

1. 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.
2. The notice of violation may be posted on the property.
3. 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.

#### C. 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.

#### D. FAILURE TO COMPLY

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.

#### E. 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.



## 5.6.7. 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 OF CERTIFICATE

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

### C. CONDITIONAL APPROVAL

The Subdivision 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.

### D. 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 Subdivision 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.

### E. 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, 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.

## F. 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 action to be taken as necessary to bring the property into compliance with this Ordinance.

## G. 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.

## H. 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.

## 5.6.8. 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 Subdivision 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 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.

# ARTICLE 154.6 APPENDIX I

## 6.1 PLAT AND PLAN REQUIREMENTS

- A. Submission of all applications filed under this Ordinance shall contain the following information, as appropriate.
- B. Failure to include more or more required elements may result in the application being considered incomplete.
- C. An “X” in the cell in the table below indicates that the noted information is required for that particular plan type.

## 6.2 TABLE OF REQUIREMENTS

**TABLE 6.2: PLAT AND PLAN REQUIREMENTS**

INFORMATION/PLAN TYPE	SKETCH PLAN	PRELIMINARY PLAT	FINAL PLAT
<b>GENERAL INFORMATION</b>			
Proposed name of subdivision, north arrow, and graphic scale	X	X	X
Vicinity map showing the location of the proposed subdivision in relation to neighboring tracts, subdivisions, streets, and waterways	X	X	X
Name(s) and mailing addresses for property owner(s), developer, surveyor, engineer and land planner	X	X	X
Names and existing owners of adjoining parcels or the names of adjoining subdivisions indicating lot numbers	X	X	X
Zoning classifications of the tract and adjoining properties, to include overlay districts, if applicable	X	X	X
Municipal limits and county boundaries, when applicable	X	X	X
Site data to include total acreage in tract(s), acreage in proposed parks or open space, average lot size, smallest lot size, total number of lots, zoning of tract, and linear feet of proposed streets	X	X	X
<b>EXISTING SITE FEATURES</b>			
The boundaries of the tract(s) to be subdivided with all bearings and distances shown highlighting the portion of the divided	X	X	
Location of existing property lines, tree lines, ponds, railroads, cemeteries, watercourses, utility easements, and access easements	X	X	X
Location of existing buildings, streets, septic systems, wells, bridges, culverts, transmission lines, sewers, drainpipes, and watermains	X	X	
Location of any regulated floodplain boundary and floodway, including community panel number and effective date of FIRM	X	X	X

**TABLE 6.2: PLAT AND PLAN REQUIREMENTS**

INFORMATION/PLAN TYPE	SKETCH PLAN	PRELIMINARY PLAT	FINAL PLAT
Location of wetlands including type and jurisdiction	X	X	X
Contour map at intervals of at least 2 feet		X	
<b>PROPOSED SITE FEATURES</b>			
General location of proposed lots, utility easements, drainage easements, access easements and rights-of-way	X	X	
Proposed lot lines with approximate distances	X	X	
Proposed lot lines with exact distances and square footage of each lot			X
Sufficient data to determine readily and reproduce on the ground, the location, bearings, lengths of every lot line, street rights-of-way, boundary lines, whether curved or straight to include radius, central angle, and tangent distances for curved streets and property lines			X
Accurate location and description of all monuments and markers			X
Lot numbers	X	X	X
Addresses for each lot			X
Location of reserved and dedicated rights-of-way for access and utilities for adjoining parcels		X	X
Proposed areas for parks, schools, or open spaces to include areas reserved for such uses	X	X	X
Location of proposed streets, rights-of-way, streets names and stub streets	X	X	X
Proposed street and sidewalks, with pavement widths, grades and typical cross-sections, and sight triangles		X	
Location of proposed transportation corridors as shown on adopted transportation plan	X	X	X
Location of common areas to include cluster mailboxes, bus stops, amenity centers, trails and sight triangle easements		X	X
Utility plans for and locations of sanitary sewers, storm sewers, drainage ways, water distribution lines, fire hydrants, natural gas lines, communication lines, and electric lines		X	
Utility easements for sanitary sewer, storm sewers and drainage ways, water distribution lines, natural gas, and electric lines		X	X

**TABLE 6.2: PLAT AND PLAN REQUIREMENTS**

INFORMATION/PLAN TYPE	SKETCH PLAN	PRELIMINARY PLAT	FINAL PLAT
Location of stormwater BMPs to include mining areas, if applicable		X	
Location and details for any landscape buffers		X	
Location of easements for proposed landscaped areas		X	X

### 6.3 INFORMATION REQUIRED TO BE SUBMITTED WITH FINAL PLAT

The following information shall be submitted to the Subdivision Administrator prior to final plat approval. The Subdivision Administrator will make the final determination as to which documents are required based on the specifics of the plat.

- A.** Cost estimates for all infrastructure improvements with an accounting of both completed and incomplete improvements.
- B.** Once the amount of the required performance guarantee is determined, the financial guarantee must be submitted.
- C.** Erosion Control and Stormwater Permits from the State of North Carolina.
- D.** Street design approval from NCDOT, when applicable.
- E.** Water and/or sewer line extension approvals from the State of North Carolina.
- F.** If proposed infrastructure improvements impacts 404 wetlands, a map and/or permit documentation from the USACE is required.
- G.** Proposed restrictive covenants and owner's association documents.



# ARTICLE 154.7 APPENDIX II

## 7.1 PLAT CERTIFICATES AND NOTES

### 7.1.1. CERTIFICATES

The following applicable certificates shall be affixed to plats prior to recordation with the Office of the Halifax County Register of Deeds. The Subdivision Administrator will make the final determination on which certificates are required based on the specifics of the plat. The exact wording of certificates may change from time to time as conditions warrant and/or agency policies change.

#### A. CERTIFICATE OF SURVEY AND ACCURACY

I, \_\_\_\_\_, certify that this plat was drawn under my supervision from an actual survey under my supervision (deed reference); that the boundaries not surveyed are clearly indicated as drawn from information found in (deed reference); that the ratio of precision or positional accuracy as calculated is \_\_\_\_; this this plat was prepared in accordance with NCGS 47-30 as amended. Witness my original signature, license number, and seal this day (DATE).

Seal or stamp

Professional Land Surveyor

License Number #\_\_\_\_

#### B. PROFESSIONAL LAND SURVEYOR'S CERTIFICATION

As donated by an "X" below, I, \_\_\_\_\_, certify as to the following:

- a. That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.
- b. That the survey is in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land.
- c. Any of the following:
  - i. That the survey is of an existing parcel or parcels of land or one or more existing easements and does not create a new street or change.
  - ii. That the survey is of an existing feature, such as a building or other structure, or natural feature, such as a watercourse.
  - iii. That the survey is a control survey.
  - iv. That the survey is of a proposed easement for public utility as defined in NCGS 62-3.
- d. That this plat is of a survey of another category, such as the recombination of existing parcels, a court-ordered survey or other exemption to the definition of subdivision.
- e. That the information available to this surveyor is such that I am unable to make a determination to the best of my professional ability as to provisions contained in (a) through (d) above.

#### C. CERTIFICATE OF OWNERSHIP AND DEDICATION

I, \_\_\_\_\_ (Printed name(s), hereby certify that I am (we are) the owner of the property(ies) shown and described hereon, which is located in the subdivision jurisdiction of the Town of Weldon, North Carolina, and that I hereby adopt this plan of subdivision with my free consent; and dedicate all streets, alleys, walks, parks, water lines, other sites, improvements, perpetually reserve, and easements to public or private use as designated and noted



hereon. I understand that I am responsible for maintenance of public property, including streets, shown hereon until such time as it is accepted by the appropriate public entity.

DATE

SIGNATURE OF OWNER(S)

#### **D. CERTIFICATE OF APPROVAL FOR RECORDATION**

---

##### **1. EXEMPT PLATS**

I hereby certify that this plat shown hereon is exempt from the Subdivision Ordinance of the town of Weldon, North Carolina per (CITE REFERENCE) and that this plat has been approved for recordation in the Office of the Register of Deeds of Halifax County.

DATE

SUBDIVISION ADMINISTRATOR

##### **2. SUBDIVISION PLATS**

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Ordinance of the town of Weldon, North Carolina and that this plat has been approved for recordation in the Office of the Register of Deeds of Halifax County.

DATE

SUBDIVISION ADMINISTRATOR

#### **E. CERTIFICATE OF APPROVAL BY PUBLIC UTILITY PROVIDER**

---

The Director of Public Works for the Town of Weldon, North Carolina hereby certifies that this plat meets all standards and requirements for public utilities required by the Town of Weldon. Upon recordation of this plat, the Town of Weldon accepts the owner's offer of dedication for public water and sewer easements and other areas shown on the plat as being dedicated for public utility purposes.

DATE

Director of Public Works

## F. STREET CERTIFICATE

---

### 1. TOWN OF WELDON

No certificate required when the streets are proposed to be taken over by the Town.

### 2. NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

Proposed Subdivision Road Construction Standards Certification

Approved:

DATE

DISTRICT ENGINEER

## G. REVIEW OFFICER'S CERTIFICATION

---

State of North Carolina

County of Halifax

I, \_\_\_\_\_, Review Office of Halifax County, certify that this plat to which this certification is affixed meets all statutory requirements for recording.

DATE

REVIEW OFFICER

## 7.1.2. REQUIRED PLAT NOTES

The following applicable notes shall be affixed to plats prior to recordation with the Office of the Halifax County Register of Deeds. The Subdivision Administrator will make the final determination on which notes are required based on the specifics of the plat. The exact wording of notes may change from time to time as conditions warrant and/or agency policies change.

### A. FLOOD STATEMENT

---

This tract is/is not located within a Special Flood Hazard Area. Provide panel number and effective date.

### B. EASEMENT MAINTENANCE

---

Maintenance of easements located outside of public rights-of-way is the responsibility of the property owner and/or property owner's association.

### C. UTILITY EASEMENT LIMITATIONS

---

No structure or vegetation (except grass) may be located within utility easements.

### D. SIGHT DISTANCE EASEMENTS

---

Sight Distance easements shown hereon shall remain free of all structures, trees, shrubbery, and signs except utility poles, fire hydrants and traffic control signs.

### E. STREET STATUS AND MAINTENANCE

---

The streets shown hereon have been dedicated to the public, or other entity, and the developer is responsible for the maintenance until such time as the streets are accepted by the Town of Weldon, NCDOT or other entity, as appropriate.

## F. STORMWATER DISCLOSURE

---

### 1. STORMWATER PERMIT

This subdivision is being developed in accordance with a Stormwater Permit issued by the State of North Carolina, Permit # and the lots shown hereon are subject to a maximum Impervious Surface as shown on the schedule below. (the maximum percentages are to be listed by lot number).

### 2. PROTECTED WATERSHED

This property is/is not subject to a protected watershed, NAME OF WATERSHED.

## G. WASTEWATER TREATMENT DISCLOSURE

---

1. When lots are to be served by a public or private wastewater treatment system, a note stating the name of the utility provider is required.
2. When lots are to be served by subsurface systems, a note specifying the type of systems and the permitting authority with specifics regarding lots served by off-site systems and/or repair areas, multi-user systems and/or engineered option systems should be included in the note.

## H. WETLANDS DISCLOSURE

---

One of the following is required.

1. The lots on this plat are not subject to 404 wetland regulations.
2. WETLANDS CAUTION: Prospective buyers are cautioned that portions of the lots shown on this plat are restricted in use by the presence of wetlands and waters jurisdiction of the US Army Corps of Engineers Section 404 regulations.

## I. BUFFER STRIPS

---

This buffer strip is reserved for the planting of trees or shrubs by the owner; the building of structures hereon is prohibited.