

Town of Weldon

Zoning Ordinance



Adopted

January, 14, 2008

Town of Weldon

Board of Commissioners

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Technical Assistance Provided By:



North Carolina Department of Commerce
Division of Community Assistance
Central Regional Office

ARTICLE I - General Provisions	1
101. Authority and Enactment	1
102. Title.....	1
103. Purpose	1
104. Jurisdiction.....	1
105. Application of Regulations	1
106. Interpretation of Regulations	2
107. Vested Development Rights	2
108. Severability.....	4
109. Repeals and Enactment.....	4
ARTICLE II - DEFINITIONS	6
201 Generally	6
202 Interpretation of Commonly Used Terms and Words	6
203 Definition of Commonly Used Terms and Words.....	6
ARTICLE III - DISTRICT PROVISIONS	15
301 ESTABLISHMENT AND PURPOSE OF DISTRICTS.....	15
302 Establishment of Official Zoning Map	17
303 Interpretation of Use District Boundaries	17
304 Permitted Uses	19
305. Table of Dimensional and Special Requirements for Districts.....	26
306. Planned Unit Development District (PUD).....	30
307 Special Use Districts.....	35
308 Overlay Districts	35
309 Accessory Uses, Buildings and Structures.....	36
310 Supplementary Dimensional Requirements	39
Article IV Non-Conformities	42
401 Existing Substandard Structures	42
402 Existing Nonconforming Uses	42
403 Existing Vacant Substandard Lots.....	43
404 Conforming Uses and Structures	44
405 Effect of Amendment.....	44
Article V - Development Standards	45
501 Parking and Loading Requirements	45
502 Sign Standards.....	52
503 Landscaping Ordinance	60
503.1 Purpose and scope	60
503.2 Definitions.....	60
503.3 Applicability	61
503.4 Planting Yards.....	62
503.5 Landscaping and Design Standards for Street Yards	66
503.6 Standards for Landscaping within Parking Lots	66
503.7 Tree Preservation and Care during Construction.....	67
503.8 Landscape Plan Submittal Requirements	67
503.9 Landscape Standards and Specifications	68
503.10 Alternative Methods of Compliance	69
503.11 Plant Substitution.....	69
504 Development Standards for Individual Uses	71
ARTICLE VI - ADMINISTRATIVE PROVISIONS.....	89
601 Boards	89
602 Permits	93

603 Certificate of Occupancy/Compliance 96
604 Conformance with Plans..... 97
605 Right of Appeal..... 97
606 Special Uses and Conditional Uses 97
607 Application and Hearing PROCEDURES FOR Appeals, Variances, Conditional AND
SPECIAL Uses..... 98
608 Amendments 100
609 Enforcement..... 103

ARTICLE I - GENERAL PROVISIONS

101. AUTHORITY AND ENACTMENT

In pursuance of the authority granted by the General Statutes of North Carolina, Chapter 160A, Article 19, Part 3, Be IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF WELDON, as follows:

102. TITLE

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

103. PURPOSE

For the purpose of promoting the health, safety, morals, and general welfare, this ordinance is adopted by the governing body to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes.

The zoning regulations in this ordinance are in accordance with a comprehensive plan and are designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations have been made with reasonable consideration, among other things, as to the character of the jurisdiction and its areas and their peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdiction.

104. JURISDICTION

The provisions of this ordinance shall be applicable to all land within Weldon and its extraterritorial jurisdiction as shown on the official zoning map.

105. APPLICATION OF REGULATIONS

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

- 105.1 No structure or land shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, or structurally altered except in conformity with the regulations of this ordinance for the district in which it is located.
- 105.2 No structure shall hereafter be erected or altered so as to exceed the height limit or density regulations of this ordinance for the district in which it is located.
- 105.3 No lot, even though it may consist of one (1) or more adjacent lots of record in single ownership, shall be reduced in size so that the lot area per dwelling unit, lot width,

yard, and lot coverage requirements and other requirements of this ordinance are not maintained. This prohibition shall not be construed to prevent the purchase of condemnation of narrow strips of land for public utilities or street right-of-way purposes.

- 105.4 No part of a yard or other open space required about any structure or use for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space similarly required for another structure or use.
- 105.5 In any district, no more than one (1) principal use may be erected on a single lot of record. A principal use shall ordinarily consist of a single building or structure, such as a single-family dwelling. However, an apartment complex, office park, shopping center, or similar unified development shall be considered as a single principal use, provided such complex, park, or center meets all requirements of this ordinance. Individual buildings in such clusters or complexes shall meet the front, side, and rear yard and/or other applicable spacing requirements of this ordinance.

106. INTERPRETATION OF REGULATIONS

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

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

107. VESTED DEVELOPMENT RIGHTS

107.1 Generally

Any amendments, modifications, supplements, repeal or other changes in these regulations or the zoning maps shall not be applicable or enforceable without the consent of the owner with regard to buildings and uses:

- (A) For which a building permit has been issued prior to the effective date of the ordinance making the change so long as the permit remains valid and unexpired pursuant to G.S. 160A-418 and the building permit has not been revoked pursuant to G.S. 160A-422; or

- (B) For which a zoning permit has been issued prior to the effective date of the ordinance making the change so long as the permit remains valid and unexpired pursuant to this article; or
- (C) For which a vested right has been established and remains valid and unexpired pursuant to this section.

107.2 Additional procedures for establishing a vested right

A vested right to commence a planned development or use of property according to a site specific development plan shall be established upon approval of a special use permit, or a conditional use permit by the appropriate town board. The vested right thus established is subject to the terms and conditions of the site plan. Only those design elements shown on or made a part of the site plan or permit shall be vested.

107.3 Term of a vested right

A right, which has been vested by the Town of Weldon, shall remain vested for a period of three years from date of approval. Modifications or amendments to an approved plan do not extend the period of vesting unless specifically so provided by the town board when it approves the modification or amendment. A vested right obtained under this sub-section is not a personal right, but shall attach to and run with the subject property. A right which has been vested under the provisions of this sub-section shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit has been issued except that:

- (A) When a vested development plan has been at least fifty percent completed by the end of the vesting period, the project as a whole shall be given two more years to complete development in conformance with the approved plan not to exceed a total vested period of five years; and
- (B) Prior to the vested right terminating at the end of the three-year period, the owner of the property may petition the appropriate board for a one-time two-year extension of the vested right not to exceed a total vested period of five years. In its deliberations regarding the extension request, the board may consider, among other things:
 - (1) the percentage of the project completed;
 - (2) a demonstration by the petitioner of good faith efforts made towards project completion;
 - (3) the reasons for the delay of project build-out; and
 - (4) the compatibility of the planned development with current town plans and the surrounding landscape. The board may choose to extend the vested right for the entire project or only a portion of the project and may require one or more design features shown on the plan or incorporated in the permit to meet the current code.

107.4 Declaration of a vested right upon voluntary annexation

A petition for annexation filed with the town under G.S. 160A-31 or G.S. 160A-58.1 shall contain a signed statement declaring whether or not any zoning vested right with respect to the properties subject to the petition has been established. A statement that declares that no zoning vested right has been established under G.S. 160A-385.1 or G.S. 153A-344.1, or the failure to sign a statement declaring whether or not a zoning vested right has been established shall be binding on the landowner, and any such zoning vested right which may have existed shall be terminated.

108. SEVERABILITY

This ordinance and the various parts, sections, subsections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the ordinance shall not be affected thereby. If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional or invalid as applied to a particular property, buildings, or structures shall not be affected hereby. Whenever any condition or limitation is included in an order authorizing a special use permit, conditional use permit, variance, zoning compliance permit, certificate of occupancy or site plan approval, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this ordinance or the requirement of some provision hereof, and to protect the public health, safety and welfare, and that the officer or board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

109. REPEALS AND ENACTMENT

109.1 Repeal of Conflicting Ordinances

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

109.2 Statute of Limitations

In accordance with G.S. 160A-364.1, a cause of action as to the validity of this ordinance, or amendment thereto, shall accrue upon the adoption of this ordinance or amendment thereto, and shall be brought within nine months as provided in G.S. 1-54.1.

109.3 Effective Date

This ordinance shall take effect and be in force from and after Month ZZ, 200X.

109.4 Adoption

Duly adopted by the Board of Commissioners of the Town of Weldon, North Carolina,
this the fourteenth day of January, 2008

George W. Draper, Jr.
Mayor

Kay Tripp
Town Clerk

ARTICLE II - DEFINITIONS

201 GENERALLY

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

202 INTERPRETATION OF COMMONLY USED TERMS AND WORDS

- 202.1 Words used in the present tense include the future tense.
- 202.2 Words used in the singular number include the plural, and words used in the plural include the singular. Words used in the masculine gender include the feminine gender.
- 202.3 "Person" includes a firm, association, organization, partnership, corporation, trust, and company as well as an individual.
- 202.4 "Lot" includes the words "plot", "parcel", and "tract".
- 202.5 The word "structure" includes the word "building".
- 202.6 The word "shall" is always mandatory and not merely directory.
- 202.7 "Use", as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used"
- 202.8 "Map", "zoning map" or "Weldon Zoning Map" shall mean the official zoning map of the Town of Weldon, North Carolina.
- 202.9 The words "town board", "governing body", and "Weldon Board of Commissioners" shall refer to the Board of Commissioners of the Town of Weldon, North Carolina.
- 202.10 The words "planning board" shall refer to the Planning Board of the Town of Weldon, North Carolina
- 202.11 The words "board of adjustment" shall refer to the Board of Adjustment of the Town of Weldon, North Carolina, established by this ordinance.

203 DEFINITION OF COMMONLY USED TERMS AND WORDS.

- 203.10 ACCESSORY BUILDING, STRUCTURE, OR USE: A building, structure, or use on the same lot with, or of a nature customarily incidental or subordinate to, and of a character related to the principal use or structure.
- 203.15 ABUTTING: Means that the property either directly touches another piece of property or is separated only by a street or utility right-of-way.

- 203.20 ADULT ESTABLISHMENTS: Any principal or accessory structure or use of land, which meets the definition of adult establishment as set forth in NC General Statute 14-202.10, but excluding “Massage and Bodywork Therapy”.
- 203.25 APARTMENT COMPLEX: Two or more buildings, each consisting of two dwelling units or more, under common ownership and located on the same or directly abutting pieces of property.
- 203.30 ALLEY: means a strip of land, owned publicly or privately set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.
- 203.35 ANTIQUE MALL: A building that is partitioned to provide spaces for the sale of antiques by antique dealers, for items such as clocks, lamps, clothing, rugs, toys, furniture, and the like.
- 203.40 BED & BREAKFAST: A transient lodging establishment, generally in a single-family dwelling or detached guesthouses, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation.
- 203.45 BOARDING HOUSE: An owner-occupied dwelling, or part thereof, in which lodging is provided to more than two, but not more than six paying guests on a daily or longer basis and where the rooms rented do not constitute separate dwelling units.
- 203.50 BUILDING: Any structure having a roof supported by columns or by walls, and intended for shelter, housing, or enclosure of persons or animals.
- 203.55 BUILDING, HEIGHT OF: The vertical distance measured from the grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the height level between the eaves and ridge of a gable, hip, or gambrel roof.
- 203.60 CAMPGROUND - COMMERCIAL: An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents and recreational vehicles, and which is primarily used for recreational purposes and retains an open air or natural character.
- 203.65 CAMPGROUND – YOUTH OR ORGANIZED GROUPS: An establishment in an open air or natural setting either publicly or privately owned, complete with buildings, structures, and sanitary facilities and services designed for recreation and/or education for: (a) youth groups; or (b) organized secular or religious organizations for their members and not open to the general public.
- 203.70 CEMETERY: Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities. Mortuaries shall be included when operated within the boundary of such cemetery.
- 203.75 CONDOMINIUM: A project meeting the requirements of the North Carolina General Statutes, Chapter 47A. The type of structure and use rather than the condominium form of ownership shall be the determining factor in deciding whether a use is permitted in a district.

- 203.80 DAY CARE CENTER: Any facility, other than a private dwelling, operated for the purpose of providing care, protection and guidance to children or adults during only part of a 24-hour day. This term includes nursery schools, preschools, day care centers for individuals, and other similar uses, but excludes public and private educational facilities or any facility offering care to individuals for a full 24-hour period.
- 203.85 DAY CARE, HOME: An operation in which day care is provided for up to five preschool-age children, or up to eight other children and/or adults.
- 203.90 DWELLING, SINGLE-FAMILY, DETACHED: A detached building designed to be occupied by one family, but excluding manufactured homes.
- 203.95 DWELLING, TWO-FAMILY (DUPLEX): A building containing two dwelling units and designed to be occupied by two families, but excluding manufactured homes, and townhouses.
- 203.100 DWELLING, MULTIFAMILY: A building containing more than two (2) individual dwellings with separate cooking and toilet facilities for each dwelling. This definition includes apartments and condominiums.
- 203.105 DWELLING UNIT: Means a building or portion thereof designed, arranged and/or used for the living quarters for one or more persons living as a single family, with cooking facilities, excluding units in rooming, boarding, and tourist houses, family or group care homes, or hotels or motels or other buildings designed for transient residence.
- 203.110 ENTERTAINMENT, COMMERCIAL, INDOOR: An establishment offering entertainment or games of skill to the general public for a fee or charge where the activity takes place indoors. Typical uses include but are not limited to, game rooms/arcades, billiard parlors, roller skating rink, theater.
- 203.115 ENTERTAINMENT, COMMERCIAL OUTDOOR: An establishment offering entertainment or games of skill to the general public for a fee or charge wherein any portion off the activity takes place in the open, excluding golf courses and public parks. Typical uses include but are not limited to, batting cages, golf driving ranges and miniature golf courses, go-cart tracks.
- 203.120 EQUIPMENT REPAIR – HEAVY: Repair of construction equipment, commercial trucks, agricultural implements and similar heavy equipment, including automobiles, where major engine and transmission repairs are conducted. Typical uses include but are not limited to, automobile and truck repair garages, transmission shops, radiator shops, body and fender shops, equipment service centers, machine shops and other similar uses where major repair activities are conducted.
- 203.125 FAMILY: A) An individual; B) two (2) or more persons related by blood, marriage, or adoption living together in a dwelling unit, and (unless the dwelling contains an accessory dwelling unit) may also include not more than two (2) unrelated persons; or C) a group of not more than four (4) persons who need not be related by blood, marriage, or adoption living together in a dwelling unit. A family may include five (5) or fewer foster children placed in a family foster home licensed by the state but shall not

include fraternities, sororities, boarding or rooming houses, tourist homes, family care homes, dormitories, or group homes.

- 203.130 FAMILY CARE HOME: An adult care home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six (6) resident handicapped persons as regulated by NC General Statute 168-1.
- 203.135 FLEA MARKET (Indoor): A flea market, swap shop, or similar activity by whatever name, where the use involves the setting up of two or more booths, tables, platforms, racks, or similar display areas for the purpose of selling, buying, or trading merchandise, goods, materials, products, or other items offered for sale inside an enclosed building.
- 203.140 FLEA MARKET (outdoor): A flea market, swap meet, or similar activity by whatever name, where the use involves the setting up of two or more booths, tables, platforms, racks, or similar display areas for the purpose of selling, buying, or trading merchandise, goods, materials, products, or other items offered for sale outside an enclosed building. Flea markets shall not include any of the following activities which occur at the same location four or fewer days in any calendar year: garage sales, produce stands, or fundraising activities done by a nonprofit organization.
- 203.145 FLOOR AREA, GROSS: Gross floor area shall be defined as the number of square feet of total floor area bounded by the exterior faces of a structure, plus the number of square feet of unenclosed space devoted to the conduct of the use, excluding basements and unenclosed porches, balconies and terraces, unless used in conjunction with the use, such as for outdoor eating, merchandising storage, assembly, or similar uses, and excluding off-street parking and loading areas.
- 203.150 GENERAL RETAIL < 5,000 SQUARE FEET: Establishments not otherwise defined of 5,000 square feet or less of gross floor area which is engaged in the sale or rental of goods and services for consumer or household use.
- 203.155 GENERAL RETAIL > 5,000 SQUARE FEET: Establishments not otherwise defined of greater than 5,000 square feet of floor area engaged in the sale or rental of goods for consumer or household use.
- 203.160 GREENHOUSE, COMMERCIAL: A retail business whose principal activity is the selling of plants grown on the site and having outside storage, growing or display.
- 203.165 GROUP HOME: A facility with support and supervisory personnel that provides room and board, personal care, or habilitation services in a family environment for not more than thirty (30) people.
- 203.170 HOME OCCUPATION: The incidental use of a dwelling unit for gainful employment involving the manufacture, provision or sale of goods and/or services in conformance with Section 309.3.
- 203.175 KENNEL: An establishment for the keeping or breeding of dogs for profit.

203.180 LOT: A single lot of record, or more than one contiguous lot of record in the same ownership, which lot or lots of record are not divided by any street or public alley, and excluding any part of a lot or lots of record which, when severed from contiguous land in the same ownership, creates a nonconformity or a lot or parcel which does not meet the dimensional requirements of this ordinance.

LOT AREA: The computed area contained within the lot lines exclusive of any portion lying within a street or road right-of-way.

LOT, CORNER: A lot which occupies the interior angle at the intersection of two or more right-of-way lines. A lot abutting on the right-of-way of a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five degrees.

LOT COVERAGE, MAXIMUM IN PERCENT: means the maximum percent of the lot which may be covered with structures. All yard requirements must be met in addition to lot coverage requirements.

LOT DEPTH: The distance between the midpoints of straight lines connecting the foremost point of the side lot lines in front and the rearmost points of side lot lines in the rear.

LOT OF RECORD: Means a lot which is part of a subdivision recorded in the office of the register of deeds of Halifax County, or a lot described by metes and bounds, the description of which has been so recorded.

LOT WIDTH: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided however, that width between side lot lines at their foremost points (where they intersect the right-of-way line) shall not be less than eighty percent of the required lot width, except in the case of the turning circle of cul-de-sac where the eighty percent requirement shall not apply.

203.185 MANUFACTURED HOME: A dwelling unit, designed for use as a permanent residence, that is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed for installation or assembly on the building site.

203.190 MANUFACTURED HOME, CLASS "A": A dwelling unit that: (i) is not constructed in accordance with the requirements of the North Carolina Uniform Residential Building Code as amended, and (ii) is composed of two or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site, and (iii) meets or exceeds the construction standards of the US Department of Housing and Urban Development, and (iv) conforms to the development standards of Article V, Section 504.85.

203.195 MANUFACTURED HOME, CLASS "B": A manufactured home ten years old or less at the time of permitting that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the

time of construction, but that does not satisfy all of the criteria necessary to qualify as a Class A manufactured home, but meets the development standards of Article V, Section 504.90.

- 203.200 MANUFACTURED HOME, MODULAR: A dwelling unit that: (1) Is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the site on its own chassis; (2) Is constructed in accordance with the North Carolina Uniform Residential Building Code.
- 203.205 MANUFACTURED HOME PARK: A residential use in which more than 3 Class A or B manufactured homes are located on a single lot or tract. See Section 504.95 for specific provisions related to manufactured home parks.
- 203.210 MASSAGE THERAPY BUSINESS. A use of land that offers “massage and bodywork therapy”, as a principal or accessory use, which is legally defined as, “systems of activity applied to the soft tissues of the human body for therapeutic, educational or relaxation purposes” and who employ therapists licensed by the North Carolina Board of Massage and Body Work Therapy.
- 203.215 MIGRANT LABOR CAMP: A building, structure, barracks, or dormitory, and the land appertaining thereto, that is rented or reserved for occupancy by five or more migrant farm workers, except any housing owned or operated by a public housing authority, unless such housing is specifically provided for persons whose principal income is derived from agriculture.
- 203.220 NET ACREAGE, ACRES, LAND AREA, SQUARE FOOTAGE OF LAND AREA: Means land area with streets, right-of-ways, driveways which serve as access to more than two units or uses, and major transmission line easements not included in its measurement.
- 203.225 PERSONAL SERVICES: Establishments not of an adult nature, defined elsewhere in this section, or listed as a separate use, which provide non-medically related services to individuals. Such uses include, but are not limited to: barber shops, beauty salons and spas, clothing rental, coin-operated Laundromats, marriage counseling, massage therapy business (*see separate definition*), personal laundry and dry cleaning establishments, photographic studios and travel agencies. These uses may also include accessory retail sales of products related to the services provided.
- 203.230 PLANNED RESIDENTIAL DEVELOPMENT: *Defined in Section 306.*
- 203.235 PRINCIPAL BUILDING, USE, OR STRUCTURE: The main use of a lot or the building or structure in or on which the main use of the lot takes place.
- 203.240 RECREATION FACILITY, INDOOR: Establishments engaged in providing indoor recreation services. Such may include public or private health or exercise clubs, tennis or other racquet courts, swimming pools, YMCA’s, YWCA’s or similar uses which are enclosed in buildings and are operated on a fee or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. Indoor recreation structures may include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

- 203.245 RECREATION FACILITY, OUTDOOR: Establishments which are engaged in providing outdoor recreation services such as public or private golf courses, country clubs, swimming pools, tennis courts, ball fields and ball courts. Such uses are not enclosed in buildings, and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. Outdoor recreation may include any accessory uses, such as snack bars, pro shops, and clubhouses which are designed and intended primarily for the use of patrons of the principal recreational use.
- 203.250 REPAIR & MAINTENANCE SHOPS (OTHER): Establishments primarily engaged in the provision of repair services to individuals and businesses, but excluding automotive and heavy equipment repair use types. Typical uses include but are not limited to, appliance repair shops, shoe repair, watch or jewelry repair shops, or repair of musical instruments.
- 203.255 RESTAURANT: An establishment whose primary purpose is serving meals to patrons.
- 203.260 RESTAURANT, INDOOR: Any restaurant except a drive-in or take-out restaurant.
- 203.265 RESTAURANT, DRIVE-IN OR TAKE-OUT: Any restaurant, which makes provision for curbside service, outdoor service or a drive-in window, or any restaurant more than ten percent of whose average daily customers take their food or beverages out of the restaurant.
- 203.270 RIGHT-OF-WAY, STREET: A strip of land, owned publicly or privately which affords the principal means of access to abutting property.
- 203.275 ROOF LINE: The top edge of the roof or the top edge of the parapet, whichever forms the top line of the building silhouette, but not including penthouses or equipment structures.
- 203.277 SERVICE STATION, AUTOMOBILE GASOLINE: An establishment where gasoline and other petroleum products are sold as the principal use of the property. Light maintenance activities such as engine tune-ups, lubrication, and minor repairs may also be provided if incidental to such principal use. Service stations do not include premises where retail sales space exceeds 25 percent of the total building area or 500 square feet of gross floor area, whichever is less. Service stations do not include premises where heavy automobile maintenance activities, such as engine overhauls, automobile painting, and body work, are conducted.
- 203.280 SHOPPING CENTER: Any building or group of buildings on the same site containing more than two retail or wholesale trade establishments.
- 203.285 SIGN: any outdoor letter, symbol, number, trademark, or other form of publicity or combination of these as well as the surface on which they are painted or to which they are attached, and any background material, coloring, shapes or other trim shall be considered a sign, unless entirely enclosed by a fence or wall such that the above items and any structure or lighting attached to or accessory to them cannot be seen off the premises on which they are located. Works of fine art which in no way identify or advertise a product or business shall be excluded from this definition.

SIGNS – TYPES:

IDENTIFICATION SIGN: A sign which contains any or all of the following: the name of the occupant, owner, or establishment, the type of establishment, the name of the franchise, the hours of operation and house number when located on the site of the establishment.

ONSITE ADVERTISING SIGN: A sign which contains information about an establishment or the products or services that it offers, other than that contained in a identification sign, when located on the same site as the establishment to which it refers.

SIGN OFFSITE ADVERTISING (Billboard): A sign which contains information about an establishment, business, commodity, activity or service not conducted, sold, or offered upon the premises where such sign is located.

GROUND SIGN: A sign erected on a freestanding frame, mast and/or pole and not attached to any building, fence or wall.

WALL SIGN: A sign which is attached flat to the wall or façade of a building, or to a fence or wall.

PROJECTING SIGN: A sign which extends beyond and is attached to a building wall and may extend over a public right-of-way.

ROOF SIGN: A sign attached to and extending upward from a roof of a structure.

SNIPE SIGN: A temporary off-premises (non-real estate) commercial sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects.

203.290 SOCIAL FACILITY: A property having a residential zone classification where the existing structure is to be utilized as a gathering place for purposes including, but not limited to:

1. Community agency workshops and seminars.
2. Corporate meetings and retreats
3. Social uses (wedding receptions, private parties, catered luncheon or dinner parties).

203.295 STRUCTURE: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, manufactured homes, fences, signs and swimming pools.

203.300 TATTOO PARLOR / BODY PIERCING STUDIO: An establishment whose principal business activity is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; (2)

creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

203.305 TEA ROOM: A tearoom, for the purpose of this ordinance, is a restaurant that serves tea, coffee or other soft beverages and light meals for breakfast and lunch and which is open for business only during daytime hours.

203.310 TEMPORARY EVENT: A use permitted for a short duration of time on an irregular basis. Temporary events include such uses as carnivals or fairs, religious tent revivals, farm stands, sale of seasonal decorations, etc.

203.315 TEMPORARY USE: A use established for a fixed period of time for a purpose which may not normally be permitted in a zoning district, or which does not meet all zoning requirements, but which is necessary in special situations. Examples include but are not limited to temporary manufactured homes, construction office trailers, etc.

203.320 TOWNHOUSE: A single-family dwelling unit constructed in a series or group of attached units with property lines separating such units.

203.325 VARIANCE: A relaxation of the terms of this ordinance under specific conditions set forth in Section 601.3(D)(2).

203.330 YARD: An open space on the same lot with a principal structure or use unobstructed and unoccupied by any structure or portion thereof or parking or loading area, except as provided in this ordinance.

YARD, FRONT: A yard extending the full width of the lot and situated between the right-of-way line and the front line of the principal structure or use projected to the side lines of the lot. Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point in the case of rounded property corners at street intersections shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear yard lines shall be parallel.

YARD, REAR: A yard extending the full width of the lot and situated between the rear line of the lot and the principal structure or use projected to the side lines of the lot.

YARD, SIDE: A yard extending along either side of a lot measured from front yard line to rear yard line and lying between the side lot line and the principal structure or use on the lot.

203.335 ZONING ADMINISTRATOR: The official charged with the enforcement of this ordinance, who shall be appointed by the Weldon Board of Commissioners.

ARTICLE III - DISTRICT PROVISIONS

301 ESTABLISHMENT AND PURPOSE OF DISTRICTS

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

301.1 General Use Districts

R-40. *Rural Residential District.* The purpose of this district is to allow agricultural activities and residential development at low rural densities in areas where public service are not available.

R-20. *Suburban Residential District.* The purpose of this district is to provide for existing residential areas which have developed at this density, as well as the establishment of new areas for neighborhoods of a suburban character where public sewer is available or will be in the near future.

R-10 *Medium Density Residential District.* The purpose of this district is to provide for existing residential areas which have developed at this density, as well as for the establishment and maintenance of new residential neighborhoods where public services are provided.

R-8. *Higher Density Residential District.* The purpose of this district is to provide single-family neighborhoods which have developed at this density, as well as the establishment of new areas for where adequate public facilities can be provided. Neighborhoods incorporating high quality design and open space shall be encouraged.

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

R-MH. *Manufactured Home Residential District.* The purpose of this district is to provide for the development of manufactured homes on individual lots and of manufactured home parks in appropriate locations.

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

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

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

HB. *Highway Business District.* The purpose of this district is to provide areas near US route and interstate highways which serve the needs of the traveling public.

HC. *Heavy Commercial District.* The purpose of this district is to provide suitable locations for those businesses which may require extensive land areas, utilize outdoor sales and storage, and are oriented to single purpose trips. These businesses usually find shopping center

locations impractical, are incompatible with residential areas, and can increase traffic congestion if improperly controlled or allowed to locate in long, unbroken strips along major highways.

O&I. *Office and Institutional District.* The purpose of this district is to provide locations in the community for new office and institutional uses.

I-1. *Industrial District.* The purpose of this district is to provide locations for manufacturing, wholesaling, and warehousing uses which can be conducted without producing harmful effects on the citizens of Weldon.

301.2 Special Use Districts (SUD)

The purpose of these districts is to promote greater land use compatibility by allowing landowners to voluntarily place their property into classifications in which a special use permit is required as a prerequisite to any use or development. More specifically, the purpose of these districts is identical to that of the corresponding general use district as indicated below, except that a special use permit is required as a prerequisite to any use or development, as provided for in this ordinance.

SPECIAL USE DISTRICT	CORRESPONDING GENERAL USE DISTRICT
R-40-SUD	R-40
R-20 SUD	R-20
R-10 SUD	R-10
R-8 SUD	R-8
R-MF-SUD	R-MF
R-MH-SUD	R-MH
TR-SUD	TR
PUD	None
CB-SUD	CB
NB-SUD	NB
HB-SUD	HB
O&I-SUD	O&I
I-1-SUD	I-1

301.3 Planned Development Districts

PUD. *Planned Unit Development District.* The purpose of this district is to provide locations for a variety of types of development projects on land under unified control, planned as a whole, and developed either in a single phase, or in a definitely programmed series of units or stages of development, with appropriate design and site planning controls.

302 ESTABLISHMENT OF OFFICIAL ZONING MAP

302.1 Official Zoning Map

The boundaries of the use districts established by this ordinance are shown on the official zoning map which shall be maintained by the zoning administrator and kept at the town clerk's office in the municipal building, Weldon, North Carolina. The official zoning map and all amendments, certifications, citations, and other matters entered on the official zoning map are hereby made a part of this ordinance and have the same legal effect as if fully set out herein. The official zoning map shall be identified by the signature of the mayor attested to by the clerk of the governing body.

302.2 Amendments to the Official Zoning Map

Amendments to the official zoning map shall be adopted by ordinance as provided in Section 608. Promptly after the adoption of an amendment, the zoning administrator shall alter or cause to be altered the official zoning map to indicate the amendment. The town clerk shall enter in writing upon the face of the map a certification indicating the alteration and citing the date of adoption and the effective date of the amendment.

303 INTERPRETATION OF USE DISTRICT BOUNDARIES

303.1 Method of Interpretation

If uncertainty exists as to the boundaries of the use districts shown on the official zoning map, which is not resolved by the ordinance or ordinances establishing and amending such boundaries, the following rules shall apply:

- (A) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such center lines;
- (B) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- (C) Boundaries indicated as approximately following governmental incorporation or extraterritorial jurisdiction boundaries shall be construed as following such jurisdictional boundaries;
- (D) Boundaries indicated as approximately following the center of railroad lines shall be construed to be midway between the main track or tracks.
- (E) Boundaries indicated as approximately following the center lines of streams, rivers, lakes, or other bodies of water shall be construed as following such center lines;
- (F) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and if the shoreline is changed either naturally or as permitted by law, such a boundary shall be construed as moving with the actual shoreline;

- (G) Boundaries indicated as following the contours of certain elevations or soils of a particular type shall be construed as following the actual height or soil contour as determined by accepted surveying practices;
- (H) Boundaries indicated as parallel to or extensions of natural or man-made features indicated in subsection (A) through (G) above shall be so construed; and
- (I) Distance not specifically indicated shall be determined by the scale of the official zoning map.

Where uncertainties continue to exist after application of the above rules, appeal may be taken to the Board of Adjustment as provided in Article VI.

304 PERMITTED USES

Uses permitted in all districts shall be in accordance with Table 304.1 In Table 304.1 “P” is a use permitted by right; “D” is a permitted use, but subject to additional development standards as specified in Section 504; “C” is a conditional use, allowed only with approval of the Board of Adjustment and subject to the standards of Section 606, and “S” is a special use, allowed only with approval of the Weldon Board of Commissioners, and subject to the standards of Section 606.

304.1 Table of Permitted Uses

USE	DISTRICTS													Reference	
	R40	R20	R10	R8	RMF	RMH	TR	CB	NB	HC	HB	O&I	I-1	Def#	Dev. Stand.
<i>Agricultural</i>															
Farming	P									P	P		P		
Sale of farm product on property where produced	P									P	P		P		
Greenhouses, commercial	C												P	203.160	
Migrant Labor Camp	S														
Plant nurseries and related agricultural uses	P														
Cotton Gin													P		
<i>Residential</i>															
Bed & Breakfast	D	D	D	D	D		D	D	D		D	D		203.40	504.20
Boarding Houses	S	S	S	S	S		S	S				S		203.45	504.24
Dwellings, Single-family	P	P	P	P	P	P	P	P						203.90	
Dwellings, Two-family					C	P		C						203.95	
Dwellings, Multifamily					D			C				C		203.100	504.60
Dwellings, Townhomes					D							C		203.320	504.60
Manufactured Home, Class A	D					D								203.190	504.90
Manufactured Homes, Class B						D								203.195	504.95
Manufactured Home, Modular	P	P	P	P	P	P	P							203.200	
Manufactured Home Parks						S								203.205	504.100
<i>Education, Government & Institutional</i>															
Armories										P		P	P		
Cemeteries	C	C	C	C	C	C	C							203.70	504.35
Churches, temples, synagogues	D	D	D		D	D	D	D	D	D	D	D			504.40

USE	DISTRICTS													Reference	
	R40	R20	R10	R8	RMF	RMH	TR	CB	NB	HC	HB	O&I	I-1	Def#	Dev. Stand.
Civic and fraternal organizations	C	C	C	C	C	C	C	P	P	P	P	P			504.45
Colleges and universities	C							C	C	C	C	C	C		
Community centers	C	C	C	C	C	C	C	C	C		C	C			
Day care center	C	C	C	C	C	C	C	C	C		C	C		203.80	504.50
Day Care, Home	C	C	C	C	C	C	C							203.85	504.55
Family care homes	D	D	D	D	D	D	D							203.130	504.75
Group homes	S				S									203.165	
Government offices								P	P	P	P	P	P		
Hospitals								P	P	P	P	P	P		
Libraries	C	C	C	C	C	C		P	P		P				
Museums	C	C	C	C	C	C	P	P	P		P	p			
Nursing homes					C			P	P		P	p			
Public Safety Stations (police, fire and rescue squad)	C	C	C	C	C	C	C	C	C	C	C	C	C		
Schools, elementary & secondary	C	C	C	C	C	C		C	C		C	C			
Schools, vocational								C	C		C	C	C		
Recreational															
Auditoriums / Civic Centers								C		C	C	C			
Amusement parks											S		S		
Campground (commercial)	C										P			203.60	504.30
Campground (youth or organized groups)	C										P			203.65	
Nightclub								S			S				504.105
Entertainment, Indoor										S	S	S		203.110	504.65
Entertainment, Outdoor	C										C			203.115	504.70
Parks, Municipal	P	P	P	P	P	P	P	P	P	P	P	P			
Playgrounds, Municipal	P	P	P	P	P	P	P	P							
Recreation Facility, Indoor	C	C	C	C	C			C	C	C	C	C	C	203.240	
Recreation Facility, Outdoor	C	C	C	C	C	C	C			C	C	C		203.245	
Business Professional & Personal Service															
Ambulance Service (non-emergency)										C	C	C			
Automotive Rental or Leasing									P	P	P		P		

USE	DISTRICTS													Reference	
	R40	R20	R10	R8	RMF	RMH	TR	CB	NB	HC	HB	O&I	I-1	Def#	Dev. Stand.
Automotive Repair Services										P	D		P		504.15
Automotive Towing & Storage										P			P		
Banks, and other financial institutions including drive-in								P	P	P	P	P	P		
Car Washes									C	P	P		P		
Equipment Repair - Heavy													P	203.120	
Funeral Homes									C	P	P	P			
Hotel or Motel								D		P	P	P			
Kennels or Pet Grooming									P	P	P			203.175	
Laboratories for research and testing										C			C		
Offices – business, professional and public							D	P	P	P	P	P	P		504.135
Personal Services							D	P	P	P	P	P		203.225	504.135
Pest or Termite Control										P			P		
Photo-copying or Duplicating									P	P	P	P	P		
Photographic Studio							P	P	P	P	P	P	P		
Repair & Maintenance Shops (other)										P	P	P		203.250	
Septic Tank service													P		
Tattoo Parlor													P	203.300	
Taxidermy Shop										C			C		
Truck & Trailer Leasing													P		
Tire repair, recapping										P	C		P		
Upholstery shops										P	P	P		P	
<i>Retail or Wholesale Sales</i>															
ABC Store									P	P	P	P			
Air conditioning supplies and equipment										P	P		P		
Auto Accessories								P	P	P	P		P		
Bar								C				C			
Building materials and supplies										P			P		
Clay, stone, concrete, cement products										P			P		
Convenience Store w/Fuel Sales										P	P	P	P		
Convenience Store w/o Fuel								P	P	P	P		P		
Drug Stores with drive through										P	P				

USE	DISTRICTS													Reference	
	R40	R20	R10	R8	RMF	RMH	TR	CB	NB	HC	HB	O&I	I-1	Def#	Dev. Stand.
Drug Stores w/o drive through								P	P	P	P				
General Retail Uses <5,000 square feet							S	P	P	P	P			203.150	504.135
General Retail Uses >5,000 square feet										C	C			203.155	504.85
Electrical supplies and equipment								P		P			P		
Engineering supplies and equipment								P	P	P	P		P		
Farm equipment and supplies										P			P		
Farmers Market								P	P	P	P				
Flea Market, Indoor								P		P	P		P	203.135	
Flea Market, Outdoor										P	P		P	203.140	
Fuel Dealers										D	D		D		504.80
Furniture, Wholesale								P	P	P	P		P		
Hardware, Wholesale								P		P	P		P		
Heavy Equipment Sales										P			P		
Leather goods, Wholesale								P		P	P		P		
Medical supplies and equipment								P		P	P		P		
Manufactured Home Sales										S			P		
Motor Vehicle Sales, new and used										P	P		P		
Office equipment and supplies								P	P	P	P		P		
Paint and wallpaper, wholesale								P		P			P		
Pawn Shops									P		P				
Petroleum, Bulk Storage													S		504.80
Pets and pet supplies									P	P	P				
Recreational Vehicle Sales										P			P		
Restaurants (with drive-thru)									P	P	P			203.265	
Restaurants (without drive-thru)								P	P	P	P			203.260	
Service Station, Automobile Gasoline								C	P	P	P			203.277	504.107
Shopping centers								S	S	C	C			203.280	504.110
Social Facility							D	P	P		P	P		203.290	504.175
Tea Room							D	P	P		P			203.305	504.175
Truck Stops										C	C		C		
Manufacturing & Industrial Uses															
Asphalt Plant													S		
Auto accessories													P		

USE	DISTRICTS													Reference	
	R40	R20	R10	R8	RMF	RMH	TR	CB	NB	HC	HB	O&I	I-1	Def#	Dev. Stand.
Bottling Plants													P		
Clay, stone, concrete, cement													S		
Chemicals													S		
Cotton													P		
Dairies	C												P		
Electrical equipment and supplies													P		
Farm equipment													P		
Fertilizer													S		
Food and beverage excluding meat, poultry, vinegar, yeast										P			P		
Food and beverage													S		
Furniture													P		
Glass, glassware, china, pottery													P		
Hardware, machinery, appliance													P		
Ice													P		
Landfill, Demolition & Debris													S		
Landfill, Sanitary													S		
Leather and leather products													S		
Machine shops													P		
Medical supplies													P		
Metal and wood													P		
Manufactured home, manufacturing													P		
Musical instruments													P		
Office equipment													P		
Optical, scientific, jewelry and clocks													P		
Other Operations, outdoor													S		
Paint													S		
Pharmaceutical													S		
Plumbing and air conditioning equipment													P		
Printing Plants, newspaper and publishers										C			P		
Storage and Salvage Yard, outdoor													S		504.115
Textile and apparel													P		
Woodworking shops, provided all major operations are conducted										P			P		

USE	DISTRICTS													Reference	
	R40	R20	R10	R8	RMF	RMH	TR	CB	NB	HC	HB	O&I	I-1	Def#	Dev. Stand.
within a building															
Transportation, Warehousing & Utilities															
Bus Station										P	P		P		
Communication or broadcast facility								P	P	P	P	P	P		
Telecommunication towers	C												C		504.120
Utility lines and related structures	P	P	P	P	P	P	P	P	P	P	P	P	P		
Power Generation and Co-generation Plant													P		
Public Utility Installation	C	C	C	C	C	C	C	C	C	C	C	C	P		
Sewage Treatment Plant													P		
Taxi Stand								P	P	P	P	P	P		
Train Station								P			P				
Trucking Terminals													P		
Water Treatment Plant	C												P		
Warehousing – Self-storage										D			P		
Warehousing													P		
Accessory, Temporary, or Other Uses															
Accessory uses in accordance with Section 309	P	P	P	P	P	P	P	P	P	P	P	P	P	309	309
Adult Establishments													S	230.20	504.10
Cafeteria and snack bars to serve employees								P	P	P	P	P	P		
Dwelling, accessory to a commercial use								C	D	D	D	D	D	309	309
Electronic game machines and pinball machines within an establishment devoted to another purpose								D	D	D	D		D		504.63
Home occupations in accordance with Section 309	P	P	P	P	P	P	P							309	309

USE	DISTRICTS													Reference	
	R40	R20	R10	R8	RMF	RMH	TR	CB	NB	HC	HB	O&I	I-1	Def#	Dev. Stand.
Repair Services, Accessory to Retail															
Signs in accordance with Article V	P	P	P	P	P	P	P	P	P	P	P	P	P		
Temporary Events	D	D	D	D	D	D	D	D	D	D	D	D	D	203.310	504.125
Temporary Uses								C	C	C	C	C	C	203.315	504.130

305. TABLE OF DIMENSIONAL AND SPECIAL REQUIREMENTS FOR DISTRICTS

(All Halifax County Health Dept. Requirements must also be met)

305.1 Residential Districts

R 40 DISTRICT	Minimum Lot Area			Minimum Setbacks			MAXIMUM BLDG HEIGHT (FT)	Max Lot coverage in %
	Area	Width	Depth	Front	Side	Rear		
All residential	40,000	120	150	40	25	30	35	30

R 20 DISTRICT	Minimum Lot Area			Minimum Setbacks			MAXIMUM BLDG HEIGHT (FT)	Max Lot coverage in %
	Area	Width	Depth	Front	Side	Rear		
All residential	20,000	100	125	30	15	30	35	40

R 10 DISTRICT	Minimum Lot Area			Minimum Setbacks			MAXIMUM BLDG HEIGHT (FT)	Max Lot coverage in %
	Area	Width	Depth	Front	Side	Rear		
All residential	10,000	75	100	25	15	25	35	40
Other Principal Use	10,000	75	100	25	15	25	35	40

R 8 DISTRICT	Minimum Lot Area			Minimum Setbacks			MAXIMUM BLDG HEIGHT (FT)	Max Lot coverage in %
	Area	Width	Depth	Front	Side	Rear		
Single Family Res	8,000	60	100	25	10	15	35	40
Duplex-Multifamily	8,000	85	100	25	15	20	35	40
Other	8,000	85	100	25	15	20	35	40

Notes: When minimum lot width is multiplied by minimum lot depth, the resulting area is less than the minimum lot area. This allows flexibility in lot dimensions. The actual lot size must be equal to or greater than the lot area requirement. For example, if the required minimum lot area is 20,000 square feet and lot width is 100 square feet, lot depth must be at least 200 square feet.

305.1 Residential Districts (Cont.)

RMF DISTRICT	Minimum Lot Area			Minimum Setbacks			MAXIMUM BLDG HEIGHT (FT)	Max Lot coverage in %
	Area	Width	Depth	Front	Side	Rear		
Use								
SF Residential	10,000	75	125	25	15	25	35	40
Multi-Family	<i>For multi-family requirements see Section 504.Z</i>							
Other Principal Use	20,000	75	125	25	15	25	35	40

RMH DISTRICT	Minimum Lot Area			Minimum Setbacks			MAXIMUM BLDG HEIGHT (FT)	Max Lot coverage in %
	Area	Width	Depth	Front	Side	Rear		
Use								
Single Family Unit with Sewer	10,000	75	100	25	15	25	35	40
SF Dwelling w/Water & no Sewer	15,000	75	100	25	15	25	35	40
SF Dwelling with well & septic tank*	20,000	75	100	25	15	25	35	40

Notes: *Halifax County Health Department may require a greater area to approve a septic system. MH Parks must meet requirements of Section 504.XX

TR DISTRICT	Minimum Lot Area			Minimum Setbacks			MAXIMUM BLDG HEIGHT (FT)	Max Lot coverage in %
	Area	Width	Depth	Front	Side	Rear		
Use								
All Uses	8,000	60	100	25	10	10	35	40

Notes: Retail and services uses listed in Table 304.1 as C-Conditional, S-Special, or D-Development Standard, must meet the requirements of Section 504.ZZZ, TR District Development Standards

305.2 Commercial Districts

O&I DISTRICT	Minimum Lot Area			Minimum Setbacks			MAXIMUM BLDG HEIGHT (FT)	Max Lot coverage in %
	Area	Width	Depth	Front	Side	Rear		
Use								
Residential	8,000/du	75	100	25	15	25	35	40
All other uses	10,000	75	100	25	15	25	35	40

CB DISTRICT	Minimum Lot Area			Minimum Setbacks			MAXIMUM BLDG HEIGHT (FT)	Max Lot coverage in %
	Area	Width	Depth	Front	Side	Rear		
Use								
All Uses	None	20	None	None	10 ¹	None	50 ²	100
Duplex-Multifamily	8,000	85	100	25	15	20	35	40
Other	8,000	85	100	25	15	20	35	40

Notes:

1: Where side or rear yards or alleys are provided there shall be at least 6 ft. between buildings

2: Buildings exceeding 50 feet in height shall be set back from the front lot line one (1) additional foot for each two (2) foot rise above fifty (50) feet or fraction thereof, but in no case shall the setback exceed ten (10) feet

3: All new buildings in this district shall meet the fire zone requirements if they are in the fire zone.

NB DISTRICT	Minimum Lot Area			Minimum Setbacks			MAXIMUM BLDG HEIGHT (FT)	Max Lot coverage in %
	Area	Width	Depth	Front	Side	Rear		
Use								
All Principal Uses (includes shopping centers and highway oriented clusters)	20,000	150	125	30	15 ¹	15 ²	35	40

Notes:

1: Side setback is 30 feet if next to a residential zone

2: Rear Setback is 30 feet if next to a residential zone

305.2 Commercial Districts (continued)

HC DISTRICT	Minimum Lot Area			Minimum Setbacks			MAXIMUM BLDG HEIGHT (FT)	Max Lot coverage in %
	Area	Width	Depth	Front	Side	Rear		
All Principal Uses	40,000	200	200	50	30	30	35	40

HB DISTRICT	Minimum Lot Area			Minimum Setbacks			MAXIMUM BLDG HEIGHT (FT)	Max Lot coverage in %
	Area	Width	Depth	Front	Side	Rear		
All Principal Uses	11,250	75	150	30	15	15	35	40

I-1 DISTRICT	Minimum Lot Area			Minimum Setbacks			MAXIMUM BLDG HEIGHT (FT)	Max Lot coverage in %
	Area	Width	Depth	Front	Side	Rear		
All Principal Uses	40,000	200	200	50	30	30	35	40

306. PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

306.1 Purpose

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

306.2 District Description

The PUD District is a special use district that requires both a zoning amendment and special use permit application in accordance with Section 606.

306.3 Minimum Project Size

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

306.5 Uses Permitted

5 to 50 Acre projects: Residential Uses only. May contain any of the permitted, special, or conditional residential uses listed for the R-40, R-20, R-10, R-8 or R-MF districts.

Over 50 Acres: A planned unit development may contain any of the permitted, special, or conditional uses listed for the R-40, R-20, R-10, R-8, R-MF, O&I, NB or HB districts. Where an individual use is classified as conditional or special under conventional zoning, no separate conditional or special use permit is required

306.5 Accessory Uses

Accessory uses shall meet the requirements of section 309. One manufactured home or mobile office may be permitted as a site construction trailer. It shall be permitted as a temporary use and must be removed after development of the project is completed.

306.6 Required Common Area and Open Space

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

- (A) The association shall be established before the homes, buildings or uses are sold.

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

306.7 Dimensional Requirements

(A) Residential Requirements

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

- (1) Single-family dwelling (detached):

Table 306.7.1

	Single-family dwelling
Minimum Lot Area (sq. feet)	10,000
Minimum Lot Width (ft.)	75
Minimum Lot Depth (ft.)	120
Minimum Front Yard (ft.)	25
Minimum Side Yard (ft.)	15
Minimum Rear Yard (ft.)	25
Maximum Lot Coverage %	40
Maximum height (ft.)	35

- (2) Clustered, detached single-family dwellings:

Clustering of single-family lots may be permitted in situations where either site topography makes conventional development impractical or, special environmental features need to be protected. In a clustered subdivision, the minimum area for individual lots may be reduced, but shall not be less than 6,000 square feet. The difference between the lot area required by table 307.7.1 and the reduced lot dimensions shall be dedicated to a homeowners association as common open space in accordance with 307.6.

- (3) Multi-family dwellings:

- (a) Density. Maximum density for multi-family units shall be:

Apartments: Ten (10) dwelling units per acre.

Townhouses: Eight (8) dwelling units per acre. The maximum number of townhouse units attached to each other shall be eight (8).

- (b) Building Separation. The minimum horizontal distance between the vertical projections of any points on two (2) adjacent buildings shall be thirty (30) feet.
- (c) Accessory Uses. Accessory uses such as leasing offices, coin-operated laundry facilities, swimming pool snack bars and similar uses for residents of the multifamily dwelling may be allowed

provided that they are intended to serve residents of the dwelling or complex only, will not be visible from the exterior of the site and will not attract outside traffic to the site.

- (d) Access for emergency vehicles to all parts of the complex and to each dwelling unit shall be provided.
- (e) Perimeter Yard Required. A yard of at least fifty (50) feet shall be provided around the entire perimeter of the site, with the exception of driveways. Parking spaces and accessory buildings and structures shall not be allowed in the required yard.

(B) Non-Residential Requirements

Table 306.7.2

Minimum Lot Area (sq. feet)	20,000
Minimum Lot Width (ft.)	90
Minimum Lot Depth (ft.)	120
Minimum Front Yard (ft.)	30
Minimum Side Yard (ft.)	12
Minimum Rear Yard (ft.)	25
Maximum Lot Coverage %	40
Maximum height (ft.)	35

Dimensional requirements for non-residential uses in a planned unit development shall comply with the dimensions listed in Table 306.7.2 above.

Shopping centers are permitted in a planned unit development and shall be built in accordance with all the requirements of Section 504.ZZZ of this ordinance.

306.8 Application procedure

PUD district projects require rezoning to a Special Use District. The applicant for PUD zoning shall apply for a special use permit according to the procedures for special uses in Article VI. Large projects may be phased. All phase lines shall be clearly marked on the master development plan.

No phase or section of an approved planned unit development shall be revised, enlarged or amended without first resubmitting that phase or section to the Planning Board and the Board of Commissioners.

306.9 Phased Development

- (A) Phased development shall be allowed if the entire project receives approval.
- (B) All open space, including active recreation areas, for the entire project must be recorded and/or provided for in the homeowner's association with the development of the first phase.
- (C) Phased development is allowed only if the membership of the association includes the entire project.
- (D) No subsequent phases may be commenced until all physical improvements of the previous phase including streets, sidewalks, utilities, electrical service, recreation areas and the like have been installed or a performance bond or letter or credit is submitted for their installation.

307 SPECIAL USE DISTRICTS

307.1 SU Districts – Generally

A Special Use District corresponds to each of the other districts authorized in this ordinance. It is recognized that certain types of zoning districts would be inappropriate at particular locations in the absence of special conditions. Where the applicant desires property to be rezoned to such a district, the Special Use District (SUD) is a means by which special conditions can be imposed in the furtherance of the purposes of this ordinance. The Special Use District classification will be considered only in response to a petition by the owners of all of the property to be included. Specific conditions applicable to these districts may be proposed by the petitioner or the town or its agencies, but only those conditions mutually approved by the town and the petitioner may be incorporated into the special use permit requirements. If, for any reason, a condition imposed pursuant to these regulations is found to be illegal or invalid, or if the applicant should fail to accept any condition, it is the intent of this ordinance that the authorization of such Special Use Permit shall be null and void and of no effect and that proceedings be instituted to rezone the property to its previous zoning classification.

307.2 Uses Permitted

Within a Special Use District, only those uses authorized by this ordinance as “permitted”, “development standards”, “conditional”, or “special” within the zoning district with which the Special Use District corresponds shall be permitted. In addition, all other requirements of the corresponding district and other requirements of this ordinance shall be met.

If the proposed use is classified as either “conditional” or “special” in Table 304 for the corresponding district, all of the applicable development standards in Section 504 for the proposed use shall be met. In addition, within a Special Use District, no use shall be permitted except pursuant to a Special Use Permit authorized by the Town Board of Commissioners that shall specify the use or uses authorized. The Special Use Permit may further specify additional conditions found to be reasonable and appropriate based on specific issues surrounding the use(s) proposed.

307.3 Review Procedures

All requests for rezoning to a Special Use District shall be heard by the Weldon Board of Commissioners. Where the use proposed for a Special Use District would be classified as conditional in the corresponding general use district, all hearings shall be conducted by the Town Board of Commissioners instead of the Board of Adjustment.

308 OVERLAY DISTRICTS

308.1 Historic District Regulations

See: Town of Weldon Historic Preservation Commission Ordinance

309 ACCESSORY USES, BUILDINGS AND STRUCTURES

309.1 Accessory Uses - Generally

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

- (A) An accessory building, structure or use is a building, structure or use on the same lot or site with, of a nature customarily incidental or subordinate to, and of a character related to the principal use of structure.
- (B) Accessory uses to single, two-family dwellings, and multifamily dwellings may not include commercial uses, except as permitted as home occupations in Section 309.3 of this ordinance
- (C) Residences for watchmen and caretakers are permitted accessory uses to research and industrial uses.
- (D) No accessory building shall exceed thirty-five (35) feet in height, nor shall any accessory building exceed the principal building in height.
- (E) An accessory building sharing one or more common walls with the principal building shall be considered part of the principal building for purpose of this ordinance and must meet all yard requirements applied to the principal building.
- (F) No detached accessory building shall be located closer than ten (10) feet to any other building or manufactured home.
- (G) No accessory building or recreational structure or use may extend in front of the rear line of a single or two-family dwelling or manufactured home.
- (H) No accessory building or recreational structure or use may extend within five (5) feet of a lot line, nor within twenty (20) feet of a street right-of-way line.
- (I) Recreational uses and buildings accessory to apartment complexes shall be in accordance with Section 504.100 of this ordinance.
- (J) Satellite dishes less than thirty-six inches in diameter may be placed in the side or rear yard or attached to a structure. Satellite dishes are not permitted in the front yard unless it can be demonstrated to the zoning administrator that reception is not possible in approved locations as specified by this sub-section.
- (K) Dumpsters shall be completely screened from view by means of an enclosure on three sides with a gate in the front.

309.2 Fences and Walls

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

- (A) No residential fence more than (3) feet in height, nor retaining wall more than five (5) feet in height which is more than seventy-five (75) percent solid may be placed in any front yard including along the side lot line to the front of any principal building, unless approved by Weldon Board of Commissioners, as a buffer in accordance with Section 503 of this ordinance.
- (B) Rear and side fences greater than six (6) feet in height shall be of an open type similar to woven wire or wrought iron fencing except where a buffer with different specifications is required elsewhere in this ordinance.
- (C) Fences may not exceed ten (10) feet in height. The board of adjustment may approve commercial or industrial fences in excess of ten feet in exceptional cases when need is demonstrated.
- (D) No fence shall impede vision as regulated in Section 310.2 of this ordinance.
- (E) Materials Permitted. Fences in residential districts may be constructed of wood or materials designed to simulate wood, iron pickets or stone. The following materials are prohibited in residential districts: barb or razor wire, broken glass atop walls.

Chain link shall be permitted in side or rear yards only.
- (F) The preferred location for fences is on the property line. Where it is not feasible to place a fence on a property line it must be set back a minimum of five (5) feet to allow for maintenance.

309.3 Home Occupation Regulations

- (A) Where Permitted. Home occupations are permitted in all districts only as an incidental use and must comply with the following regulations:
 - (1) No more than two (2) persons other than a resident of the dwelling shall be engaged in such occupation.
 - (2) No more than three (3) customers, clients or patrons shall come to the dwelling at any one time nor more than ten (10) in any one day.
 - (3) No more than two (2) vehicles may be used in the conduct of the home occupation. Any such vehicle shall be parked off the street. The parking of any such vehicles on the property, other than an automobile, shall be in an enclosed building as described in subsection 4 below, or shall be a conditional use subject to approval by the Board of Adjustment.

- (4) No more than twenty-five (25) percent of the total actual floor area of the dwelling or five hundred (500) square feet, whichever is less, shall be used in the conduct of the home occupation. In addition, one (1) accessory building, not exceeding one thousand (1000) square feet, shall be a conditional use in connection with the home occupation, to house commercial vehicles and/or for storage of materials used in connection with the home occupation. All lot coverage, dimensional, and other requirements of this ordinance must be met by such accessory building. Such accessory building must resemble a residential garage. A sketch of the proposed building and list of the materials to be used on outside must be submitted with the application for a conditional use permit.
- (5) A home greenhouse shall be permitted provided that such greenhouse meets the requirements of Section 309.1 and that any sales in connection with such greenhouse meet the requirements of this section (309.3).
- (6) No outdoor sales or storage shall be permitted in connection with the home occupation.
- (7) The exterior appearance of the dwelling shall not be altered in such a manner nor shall the occupation in the residence be conducted in such a way as to cause the premises to differ from its residential character in exterior appearance.
- (8) The use may not emit noise beyond that which normally occurs in the applicable zoning district, nor shall it emit dust, vibration, odor, smoke, fumes, glare, electrical interference, interference to radio and television reception or other nuisance and shall not be volatile or present a fire hazard, nor may the occupation discharge into any waterway, stream, lake, or into the ground or a septic tank any waste which will be dangerous or a nuisance to persons or animals, or which will damage plants or crops.
- (9) No home occupation shall involve the use of electrical or mechanical equipment that would change the fire rating of the structure in which the home occupation is conducted.
- (10) There shall be no more than two (2) deliveries per day to the premises of materials to be used in conjunction with the home occupation and these shall take place between the hours of seven (7:00) a.m. and nine (9:00) p.m.
- (11) No customers, clients, patrons, or employees other than the residents' household may be on the premises in connection with the home occupation before seven (7:00) a.m. or after nine (9:00) p.m.
- (12) The following are strictly prohibited as home occupations: car washes, commercial automotive repair garages, truck terminals, slaughterhouses, paint, petroleum and chemical plants, any occupation which involves the storage of liquid petroleum, gasoline, kerosene or other flammable

liquids, funeral homes and mortuaries, adult uses, animal hospitals and kennels, bottled gas sales.

310 SUPPLEMENTARY DIMENSIONAL REQUIREMENTS

310.1 Exceptions and Modifications

- (A) Existing Front Yard Setbacks. The minimum front yard requirements of this ordinance for dwellings shall not apply on any lot where the average front yard depth of existing dwellings is less than the minimum required. In such situations, the subject dwelling is not required to meet the district minimum front yard, but must meet either: the adjacent dwelling with the greatest front yard depth, or the average front yard of existing dwellings located wholly or in part within one hundred (100) feet on each side, whichever is greater.

When averaging to determine yard depth, only dwellings within the same block, in the same zoning district, and on the same side of the street may be used.

- (B) Corner lot set backs. In any residential district, the side yard requirements for corner lots shall be increased by ten (10) feet along the side abutting a street(s). The front and side yards of the lot shall be designated at the time of permitting.
- (C) The Board of Adjustment shall review as a conditional use structures which exceed the height limitations of this ordinance such as: church spires, belfries, cupolas, domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flag poles, radio towers, masts, aerials, and similar structures,.
- (D) Uncovered stairs, landings, terraces, porches, balconies, and fire escapes may project into any required setback, but such projection may not exceed six (6) feet and may not be closer than then (10) feet to any lot line.
- (E) Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required setback, but such projection shall not exceed three (3) feet.
- (F) Mechanical equipment such as heat pumps and air conditioners may project into a required yard. All mechanical equipment except window air conditioners shall be placed in the rear yard unless approved by the code enforcement official due to site or building constraints.
- (G) The requirements of this ordinance do not apply to roads, water, sewer, gas, electric, telephone and similar utility lines except where specifically mentioned.
- (H) Minimum required width on lots which front on the turnaround circle of a cul-de-sac shall be measured at the front yard setback line.

310.2 Visibility at Intersections

On a corner lot, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 ½) and ten (10) feet in a triangular area formed by a diagonal line between two (2) points on the right-of-way lines, twenty (20) feet from where they intersect.

310.3 Street Access Required

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

- (A) A public street dedicated to and maintained by the Town of Weldon or the North Carolina Department of Transportation;
- (B) A street constructed to the standards in the Subdivision Regulations of the Town of Weldon, with a written agreement concerning maintenance of the street.
- (C) A private recorded access easement serving a lot at least two (2) acres in size for the exclusive use of a single residential unit established on such lot, and provided that the access is maintained in a condition passable for emergency service vehicles, and further provided that no such access may be established closer than one hundred fifty (150) feet to any other previously recorded access.

310.4 Complexes

Office centers, institutional, industrial and similar non-residential complexes may have more than one principal building on a single lot provided that the following requirements are met.

- (A) If the land area in the site is over two (2) gross acres, the use shall be considered a planned unit development, and must be developed according to the provisions of Section 306 of this ordinance.
- (B) Uses in complexes shall be limited to those permitted within the zoning district in which the project is located.
- (C) The overall intensity of land use shall be no higher, and the standard of open space no lower, than that permitted in the district in which the project is located.
- (D) The distance of every building from the nearest property line shall be in accordance with the front, side and rear yard requirements of the district in which the project is located. No building shall be closer to any other building in the complex than the minimum side yard required in the district in which the project is located.
- (E) The building height shall not exceed the height limits permitted in the district in which the project is located.

- (F) Shopping centers shall be allowed only in accordance with the requirements of Section 504.115 or as part of a planned unit development, or in buildings existing on the effective date of this ordinance.

ARTICLE IV NON-CONFORMITIES

A lawful pre-existing use, structure, or lot which does not meet the requirements of the current zoning ordinance is called a nonconformity. Special provisions apply to nonconformities and these are listed in Sections 401 to 405 of this ordinance. In lieu of the provisions in this section, nonconforming signs shall comply with the requirements in Article V and nonconforming manufactured home parks shall comply with the requirements of Section 504.

401 EXISTING SUBSTANDARD STRUCTURES

- 401.1 The conforming use of a structure as explained in Section 404 of this ordinance, existing at the time of the adoption of this ordinance, may be continued although the structure's size or location does not conform with the yard, dimensional, height, parking, loading, access, lot area and lot coverage provisions of this ordinance. Such structures are called substandard structures.
- 401.2 Substandard structures with conforming uses may be added to or enlarged provided that the enlargements comply with the yard, height, parking, loading, access and all other applicable requirements of this ordinance for the district in which such a structure is located.
- 401.3 Substandard structures which are damaged or destroyed by fire, explosion, flood, or other calamity, may be reconstructed and shall comply with the yard, height, parking, loading, access and all other applicable provisions of this ordinance for the district in which such structure is located unless the structure is situated on a substandard lot of record in which case the provisions concerning substandard lots of record shall apply.
- 401.4 A substandard structure may not be moved off the lot or lots on which it is located unless when relocated it complies with the regulations for the district in which it is located.

402 EXISTING NONCONFORMING USES

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

- 402.1 Only that portion of the land or water in actual use may be so continued and the nonconforming use may not be enlarged or extended. Additional structures may not be added which will be occupied by the nonconforming use, except that existing cemeteries can expand to the boundaries of the property which they owned at the time they became nonconforming.
- 402.2 Normal maintenance, repair, and incidental alteration of a building occupied by a nonconforming use is permitted provided it does not extend the nonconforming use. A structure occupied by a non-conforming use may be changed to make the structure more in character with the uses permitted in the district in which it is located.
- 402.3 If such nonconforming use is damaged by fire, explosion, flood or other calamity to the extent of more than seventy-five percent of its current equalized value, it shall not be restored except so as to comply with the use provisions of this ordinance.

- 402.4 If such nonconforming use is discontinued or terminated for a period of more than one-hundred-eighty (180) days, any future use of the structure, land or water shall comply with the provisions of this ordinance.
- 402.5 A nonconforming use may not be moved off the lot or lots on which it is located unless when relocated, it complies with the regulations for the district in which it is relocated.
- 402.6 The Board of Adjustment may permit as a conditional use a change in the nonconforming use provided that the requirements of sections 402.1 to 402.5 of this section are met and the Board of Adjustment finds that such new use would be more in character with the uses permitted in the district. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this ordinance.
- 402.7 Once a nonconforming use has been changed or altered so as to comply with the provisions of this ordinance, it shall not revert back to a nonconforming use. Once the Board of Adjustment has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board. If the structure occupied by a nonconforming use is changed so as to be more in character with the uses permitted in the district, it shall not subsequently be changed to be less in character.

403 EXISTING VACANT SUBSTANDARD LOTS

- 403.1 Where the owner of a lot at the time of adoption of this ordinance or his successor in title thereto does not own sufficient land to enable him to conform to the lot area or lot width requirements of this ordinance, such a lot may be used as a building site for a single family residence in a district in which residences are permitted, provided that the lot width and lot area are not more than twenty (20) percent below the minimum specified in this ordinance, and further provided that the Halifax County Health Department approves the reduction if onsite water or wastewater facilities are involved. In cases where the lot area and lot width are more than twenty (20) percent below the minimum specified in this ordinance or other dimensional requirements cannot be met, the Board of Adjustment is authorized to approve as a variance such dimensions as shall conform as closely as possible to the required dimensions. A letter of approval from the Halifax County Health Department is required if onsite water or wastewater facilities are involved. If the pre-existing substandard lot is not in a district where single-family residences are permitted, the Board of Adjustment may issue a variance to allow some reasonable use.
- 403.2 If two or more adjoining and vacant lots are in one ownership when this ordinance is adopted or at any time after the adoption of this ordinance, and such lots individually do not meet the minimum dimensional requirements of this ordinance for the district in which such lots are located, then such group of lots shall be considered as a single lot or several lots of minimum permitted width and areas for the district in which located, and therefore, the provisions of 403.1 do not apply.

404 CONFORMING USES AND STRUCTURES

- 404.1 Any use or structure existing prior to the effective date of this ordinance which conforms to the regulations of this ordinance for permitted uses and satisfies the dimensional requirements and any other applicable regulations of the district in which it is located may be continued, provided any changes shall comply with the provisions of this ordinance.
- 404.2 Any structure or use existing prior to the effective date of this ordinance which would be permitted by this ordinance as a special or conditional use in the district in which it is located may be continued as if a special or condition use permit had been applied for and issued, provided that any changes shall comply with the provisions of this ordinance.

405 EFFECT OF AMENDMENT

If subsequent amendments to this ordinance or the official zoning map result in the creation of additional nonconformities or conformities, such nonconformities and conformities shall be governed by the provisions of this section unless otherwise stated in the amendment.

ARTICLE V - DEVELOPMENT STANDARDS

501 PARKING AND LOADING REQUIREMENTS

501.1 General Requirements

When any building or structure is erected, modified, enlarged or increased in capacity, or any open use is established, modified or enlarged, the requirements of this Section shall be met.

The following regulations concerning required parking shall apply:

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

Parallel stall - 23' x 9.0'
 Angle stall --- 19' x 8.5'
 90° stall ----- 19' x 9.0'

- (E) Minimum aisle widths shall be:

<u>Parking Angle</u>	<u>Aisle Width in Feet</u>	
	<u>One Way Traffic</u>	<u>Two-Way Traffic</u>
0°	12	24 (0° only)
30°	11	N/A
45°	13	N/A
60°	18	N/A
90°	24	24

- (F) A safe means of ingress and egress shall be provided for all parking spaces and driveways for uses other than single and two-family residential shall be at least twenty-four (24) feet wide.
- (G) Design Standards for off-street parking.
- (1) *Surfacing:*
 - (a) Required parking spaces, access drives, and loading areas shall be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights.
 - (b) Access drives shall be paved and maintained from the curbline to a point at least ten feet beyond the public right-of-way line for all parking and loading facilities, whether paved or unpaved.
 - (c) Paving shall not be required for parking facilities used on an irregular basis for churches, private clubs or other similar nonprofit organizations; parking facilities for residential uses where six or fewer spaces are required; parking areas for agricultural uses in the R-40 district; Parking areas for tracked heavy construction equipment, skid-mounted equipment and similar equipment, provided they are constructed with an all-weather surface.
 - (2) *Markings:* Each parking stall shall be marked off and maintained so as to be distinguishable.
 - (3) *Lighting:* Any lighting shall be so arranged as to direct the light and glare away from streets and adjacent property.
 - (4) *Yards:* All parking lots shall observe the minimum planting yard requirements of Section 503, Landscaping Ordinance.
 - (5) *Curbs or Bumpers:* The required yards shall be set off from parking areas by either continuous curb or one non-contiguous stationary bumper for each parking space abutting on a yard, which curb or bumper shall not be less than five (5) inches or more than (2) feet high.
 - (6) *Drainage:* Parking lots shall not drain onto or across public sidewalks, or into adjacent property except into a natural watercourse or a drainage easement. In already developed areas where this condition would be impossible to meet, the zoning administrator may exempt the developer from this requirement, provided that adequate provision is made for drainage.
 - (7) *Separation of Bumper and Walkways:* In the event any parking stall abuts upon a walkway there shall be a space of three and one-half (3½) feet between the wheel bumper or curb and the edge of the walkway.

- (8) *Entrance and Exits:* On all corner lots, all vehicular openings shall be located at least twenty (20) feet from the point of intersection of the established street right-of-way lines. No entrance or exit, whether on a corner lot or not, shall exceed thirty (30) feet in width at the property line or forty (40) feet at the curb line. There shall be a minimum distance between driveways of twenty-five (25) feet measured along the curb line unless such driveways are less than five (5) feet apart.
 - (9) *Internal Circulation:* Sufficient area shall be provided within the property lines of the parking lot, exclusive of required yards, so that all vehicles may enter and leave the lot in a forward motion.
- (H) Exceptions:
- (1) The zoning administrator may withhold a permit or certificate of occupancy if a parking layout not specifically prohibited by this section would be likely to cause avoidable safety or traffic congestion problems until modification is made. The applicant may appeal the zoning administrator's decision to the Board of Adjustment under the normal procedure for an appeal.
 - (2) If a peculiar characteristic of an establishment makes the requirements in this section clearly unrealistic, the Board of Adjustment may grant the applicant a parking modification.
 - (3) *Central Business District Uses.* It is recognized that due to the special nature of the central business district and the desire to promote good design and preserve the character of Weldon's downtown, the off-street parking requirements of Table 501.1 may not be feasible or desirable. In the CB Central Business District, the zoning administrator may allow a new use to be established which is served by a combination of off-street parking, on-street parking or municipal lots. The applicant must provide sufficient information to allow the zoning administrator to determine if sufficient parking is available for the use, so that the spirit of the ordinance is met and no foreseeable traffic congestion problems will be created.
- (I) The minimum number of required off-street parking spaces shall be calculated as provided in Table 501.1. In the case of a building or use not expressly listed in Table 501.1, the number of off-street spaces shall be the same as for a similar use or inclusive category which is provided for. Where there is more than one use in a single structure, or on a single tract, or two or more instances of the same use, the minimum number of required off-street parking spaces shall be equal to the sum of the requirements of the various uses, except for shopping centers which are listed specifically.
- (J) The Table 501.1 shall be the minimum number of off-street parking spaces, which shall be provided:

TABLE 501.1 Off-Street Parking Standards

Use	Number of Required Off-Street Parking Spaces
Residential Uses	
Dwellings, single, and two-family	2 per dwelling unit
Dwellings, multi-family	2 spaces for each dwelling unit plus 1 visitor space for each 4 dwelling units
Townhouses	2 spaces for each dwelling unit plus 1 visitor space for each 4 dwelling units
Group housing, such as boarding houses, dormitories and similar establishments	1.2 for each bedroom
Class A manufactured homes on individual lots	2 per manufactured home
Manufactured home parks	2 spaces for each manufactured home plus 1 visitor parking space for each 4 manufactured homes
Office and Institutional Uses	
Financial institutions	1 for each 150 square feet of gross floor area or fraction thereof, plus safe facilities to accommodate passengers waiting in line for drive-in windows and banking machines, if any
Hospitals	1 space for each 150 square feet of gross floor area or fraction thereof
Libraries	1 space for each 200 square feet for use by the public or fraction thereof
Museums and Art galleries	1 Space for each 800 square feet of gross floor area or fraction thereof
Nursing homes, family care homes and similar institutions	0.4 times the maximum lawful number of occupants
Offices: -Doctor or Dentist	6 for each doctor or dentist plus 1 for each other employee
-Other	1 for each 300 square feet of gross floor area or fraction thereof

Use	Number of Required Off-Street Parking Spaces
Places of assembly, including clubs, lodges, churches, funeral parlors, auditoriums, gymnasiums, amusement parks and similar places	1 for each 3 seats, plus 1 for each 100 square feet of floor area used for assembly, but not containing fixed seats, or fraction thereof
Schools and Colleges:	
Day nurseries, kindergartens, elementary, junior high	2 for each 750 square feet of classroom floor area or fraction thereof, plus 1 for each administrative office, plus auditorium/gymnasium parking if applicable
Senior high, and college, trade, vocational with dormitories	10 for each 750 square feet of classroom floor area or fraction thereof, plus 1 for each administrative office, plus auditorium/gymnasium/dormitory parking requirement if applicable
College, trade, vocational without dormitories	10 for each 750 square feet of classroom floor area or fraction thereof, plus auditorium/gymnasium parking requirement if applicable
Commercial Uses	
Entertainment, Commercial (indoor)	1 per 200 square feet of activity area
Entertainment, Commercial (outdoor)	1 per 400 square feet of lot area accessible to the public
Campground:	
-Tent	1 for each campsite plus office parking requirement
-Recreational Vehicle	1 for each campsite plus office parking requirement
Car wash	5 per wash lane
Golf course (not including putting greens accessory to multifamily dwellings or hotels or motels)	4 per hole
Hotel or motel	1.2 for each guest room plus requirement for restaurant or other facilities if provided
Restaurant:	
-Drive-in or take out	Minimum of 15 spaces, plus one additional for each 50 square feet of gross floor area or fraction thereof

Use	Number of Required Off-Street Parking Spaces
-Other	1.2 for each 100 square feet of gross floor area or fraction thereof
Service station	2 for each gas pump, plus 3 for each grease rack or similar facility
Shopping centers (in lieu of individual store parking requirements)	5.5 per 1,000 square feet of gross floor area or fraction thereof
Low generator retail and service establishments such as furniture, appliance, household equipment, carpet and hardware stores, repair shops including shoe repair, contractors' showrooms, drapery, paint and wall paper, upholstery, interior decorator, motor vehicles sales, plant nurseries	1 for each 500 square feet of gross floor area or fraction thereof, including any outdoor sales area
High generator commercial uses such as retail store, wholesale outlet stores, department stores, discount stores, drug stores, coin-operated laundries, variety stores	1 for each 200 square feet of gross floor area or fraction thereof, including any outdoor sales area
Industrial Uses	
Industrial and research uses, warehousing and very low customer volume wholesaling operations	1 for each employee on the largest shift

501.2 Off-Street Loading Requirements

- (A) Every building or structure used for business, trade, industry, or office and institutional purposes, shall provide loading space as indicated in this section. Each loading space shall be no less than fifteen (15) feet in width, and thirty (30) feet in depth. Each space shall also be no less than fifteen (15) feet in height if such space is covered. It shall have access driveways to public streets or alleys which driveways shall be at least twenty-four (24) feet wide and with adequate turning radii for the delivery vehicles customarily associated with the particular use. If there is not more than one delivery and pickup during the hours when a retail trade, office, or institutional establishment is open to patrons such space may be combined with the existing parking space on the premises. Loading space shall be provided in accordance with the following schedule:
- (1) Retail Business - 1 space for each 40,000 square feet of gross floor area or fraction thereof.

- (2) Wholesale Trade and Industry - 1 space for each 10,000 square feet of gross floor or fraction thereof.
 - (3) Office and Institutional Uses including hotels and motels 1 space for each 50,000 square feet of gross floor area or fraction thereof.
 - (4) As well as meeting the requirements of 501.2(A)(3), elementary, junior high, or high schools, kindergartens, nurseries and day care centers shall also provide a safe place off the street for the loading and unloading of children from automobiles and buses.
- (B) Exceptions
- (1) If a peculiar characteristic of an establishment makes the requirements in this section clearly unrealistic, the Board of Adjustment may grant the applicant a modification of the loading requirements in regard to that particular establishment.
 - (2) In the central business district, the zoning administrator may allow a new use to be established in an existing building even if all loading requirements of this section cannot be met for the new use, provided that as much loading space as can reasonably be provided is provided by the use and traffic or safety hazards will not be created.

502 SIGN STANDARDS

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

502.1 General Sign Regulations

- (A) No sign or sign structure shall be erected or constructed to interfere with vision clearance as defined in Section 310.2.
- (B) No ground sign structure may be placed in the right-of-way.
- (C) Individual stores in a shopping center may not have separate ground sign structures. The shopping center as a whole may display signs in accordance with this section.
- (D) Signs and sign structures shall meet all requirements of the North Carolina State Building Code.
- (E) Signs and sign structures shall be maintained at all times in a state of proper repair, with all braces, bolts, clips, guys, anchors supporting frames and fastening free from deterioration, insect infestation, rot, rust or loosening. All signs shall be kept neatly finished, with lettering intact, and if of a type which requires painting, free from visible peeling, or chipping.
- (F) Obsolete signs and their supporting structures shall be removed within ninety (90) days after they have been made obsolete by reason of the activity, business, product, or usage which the sign identifies or advertises being abandoned at the location to which the sign refers. This provision does not refer to billboards, until the commercial use of the billboard for rent has ceased. An extension of the ninety (90) day time limit for removal may be granted by the zoning administrator for reasonable cause.
- (G) Illuminated signs shall be limited to those lighted from behind to silhouette letters and internally illuminated, and spotlighted signs. All illuminated and spotlighted signs shall be placed so as to prevent the light rays, illumination or glare from being cast directly on any building or on traffic.
- (H) Strings of light bulbs used in connection with commercial premises for commercial purposes shall be limited to white, yellow, or bug repellent bulbs and shall not cause glare on traffic or adjoining premises.
- (I) Sign Area Measurement
 - (1) Sign surface area measurement
 - (a) The surface area of a sign shall be measured by including the entire area within a single, continuous, rectangular perimeter.

(b) Enclose the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.

(c) Do not include any supporting framework or bracing that is clearly incidental to the display itself.

(2) Signs consisting of multiple elements

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

(3) Double faced signs

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

(b) A double-faced sign with an angle shall be regarded and calculated as two signs.

(J) Sign height computation: The vertical distance measured from the adjacent street grade or from the ground on which it rests, whichever allows the sign the greatest height, to the top of the sign.

502.2 Prohibited Signs

The following types of signs are expressly prohibited:

(A) Signs with moving, revolving or rotating parts, or any sign which moves or gives an illusion of movement, except for time and temperature units and traditional barber poles shall be prohibited in all districts.

(B) Signs with lights or illumination which flash, move, rotate scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsations, except for time and temperature units.

(C) Signs which obstruct the view of or could be confused with any authorized traffic sign, signal or device or make use of the words "stop", "look", "danger", or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.

(D) Signs which obstruct openings required to be left uncovered or unobstructed by building codes, the housing code or other laws relating to buildings.

(E) Snipe signs (*see definition section 203*)

502.3 Off-Site Advertising Signs (Billboards)

Off-site advertising signs (billboards) shall be permitted only as a special use in the HC, HB, I-1 districts. The general conditions for special uses in Section 606 of this ordinance are not applicable to off-site advertising signs, rather the conditions of this section shall be used by the Board of Commissioners in hearing applications for off-site advertising signs:

- (A) The property on which the sign is to be located must be adjacent to either Interstate Highway 95 or US Highway 158.
- (B) The sign must be located within six hundred sixty (660) feet of the edge of the right-of way of such highway.
- (C) The sign shall comply with all regulations of the North Carolina Department of Transportation, and with the North Carolina General Statutes.
- (D) No two (2) such structures shall be placed less than one thousand (1,000) feet apart.
- (E) Only one sign face per structure shall be permitted.
- (F) The sign will be compatible with the general neighborhood in which it is located and will not have a detrimental effect on adjoining properties.

502.4 Nonconforming signs

Nonconforming signs, when removed for other than normal maintenance may not be erected again, nor may any such sign be replaced with another nonconforming sign.

502.5 Permitted Signs

The following sign types Signs shall be permitted in accordance with Table 502.5.

- (A) Table 502.5

Sign Type	Dimensions		District Permitted	Permit Required	Special Requirements
	Maximum Area in Sq. ft.	Maximum Height in Ft.			
Advertising, off-site (billboards)	384	30	HC, HB, I-1	Special Use	See section 502.3
Agricultural, advertising products produced on premises	32	8	R-40, I-1	Yes	
Awning, silk-screened or sewn on front of awning	NA	NA	CB, HB, HC, NB, I-1	Yes	
Bulletin Board, church or public	20	8	All districts	Yes	

Sign Type	Dimensions		District Permitted	Permit Required	Special Requirements
	Maximum Area in Sq. ft.	Maximum Height in Ft.			
Canopy signs (may also be placed on non-raising marquees)	4		CB, HC, HB, I-1	Yes	502.5 (B)(1)
<i>Central Business District Signs</i>					
- Information Kiosk & Directory Sign			CB		502.5 (B)(2)
- Sandwich Board			CB		502.5 (B)(3)
<i>Directional signs containing no advertising matter:</i>					
-Traffic, safety, utility warning,	N/A	N/A	All districts	No	
- Pedestrian, public	N/A	N/A	All districts	No	
Directional (off-site) to churches, meeting halls, civic clubs	12	6	All districts	Yes	
Development Entrance Signs	32	8	All districts	Yes	502.5(B)(4)
No Trespassing	4	N/A	All districts	No	
Flags, Emblems, Insignia			All districts	No	502.5(B)(5)
Ground Signs	150	25	HC, HB, I-1, OI	Yes	502.5(B)(6)
	40	12	CB	Yes	502.5(B)(6)
Home Occupation <i>see Professional Announcement</i>					
House numbers	4	N/A	All districts	No	502.5(B)(7)
Identification signs (attached)		N/A	All districts	No	502.5(B)(8)
Professional announcement signs	4	N/A	All districts	No	502.5(B)(9)
Projecting signs	3	N/A	CB, HC, HB, I-1	Yes	502.5(B)(10)
Religious symbols at formal places of worship		N/A	All districts	No	
Roof signs – see <i>Wall signs</i>					
Temporary Signs					
-Construction site placard	32	12	I-1	Yes	502.5 (B)(11)
	4	6	CB, HC, HB, OI		
-Directional to garage sales and similar events in residential area	4	N/A	All districts	No	502.5(B)(12)
-Pennants, banners & streamers			CB, HC, HB, I-1, OI	Yes	502.5(B)(13)

Sign Type	Dimensions		District Permitted	Permit Required	Special Requirements
	Maximum Area in Sq. ft.	Maximum Height in Ft.			
-Political signs	4	N/A	All districts	No	502.5(B)(14)
-Portable signs	32	10	HC, HB, I-1	Yes	502.5(B)(15)
-Real estate signs	6	4	All districts	No	502.5(B)(16)
	32	8	R-MF, CB, HC, HB, OI, I-1	No	502.5(B)(16)
- Temporary signs relating to farm auctions, agricultural production sales, annual charitable civic or fraternal events, excluding portable commercial signs	20 off-site 32 on-site		All districts	No	502.5(B)(17)
Vending machine signs			Permitted use in all districts	No	502.5(B)(18)
Wall or roof signs	1.25 sq. ft. of sign area per running foot of building frontage		CB, HC, HB, OI, I-1	Yes	502.5(B)(19)
Window signs			CB, HC, HB, OI, I-1	No	

(B) Special Sign Requirements

(1) Canopy Signs

May be used for identification only. 1 allowed per establishment entranceway. Bottom of sign must be a minimum of 7 ft. above sidewalk level. Minimum height may be greater over a public right-of-way if required by Town regulations.

(2) Information Kiosk and Directory Signs (public)

Off-premise public sign kiosks or directory signs display a directory of businesses, uses, or attractions and may be placed within the public right-of-way provided that the sign kiosk or directory sign is erected and maintained by the town or state or an agent of such.

(a) The sign kiosk or directory sign shall serve to direct the public to a single development site or contiguous development sites.

(b) Maximum size shall be four (4) feet wide and eight (8) feet tall for free-standing kiosks. Wall mounted directory signs may not exceed four (4) feet wide by six (6) feet high.

- (c) The property on which the sign kiosk or directory sign is located does not contain another kiosk or directory sign.
- (d) The sign kiosk or directory sign does not obstruct the clear sight triangle or in any other way interfere with the safe passage of vehicles, pedestrians, and bicyclists on, off of, or along public streets, sidewalks, or bike paths.

(3) Sandwich Board Sign

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

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

(4) Development Entrance Signs

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

(5) Flags, Pennant, or Insignia

The flag, pennant or insignia of any nation or organization of nations, state, country, city, religious, civic, or fraternal organizational or educational institution, is allowed without a permit when not used in connection with a commercial promotion, or as an advertising device or as an integral part of another sign.

In R-40, R-20, R-10, R-8, RMF, R-MH and TR districts, wall and projecting insignia may not exceed 10 sq. ft. in area nor may they project more than 9 feet from wall at farthest point.

In business and industrial districts, insignia may be placed on signs permitted in those districts.

In any district, flags or pennants shall not exceed fifteen (15) square feet or, if on a pole, one-fourth height of pole, whichever gives the flag the greater permitted area.

- (6) Ground Signs
 - (a) No more than 1 per street frontage containing entrance to use.
 - (b) May be used only for identification or onsite advertising.
 - (c) Must be at least 30 feet from any other ground sign.
 - (d) Must meet vision clearance requirements of section 310.2.
 - (e) Properties abutting I-95 may have one additional ground sign oriented to I-95 up to a maximum of fifty (50) feet in height.
- (7) House Numbers
May contain no advertising matter.
- (8) Identification Signs (attached)
Includes memorial signs, tablets, name of building and date of construction. Sign must be cut into a masonry surface or cast of metal and affixed flat against a surface.
- (9) Professional Announcement
This category includes signs for home occupations. No more than one sign per establishment shall be allowed. Sign may not be illuminated and must be compatible with the neighborhood.
- (10) Projecting Signs
The sign may extend no more than 3 feet from the wall at the farthest point. 1 such sign is allowed per face on the street, or 2 per establishment, whichever is less. Such sign may be hung on corner of building but shall count against the maximum allowed above.
- (11) Construction Placards.
Must be removed when construction has been completed.
- (12) Temporary Event Directional Signs
Includes garage sales in residential districts. Sign(s) must be posted no more than 24 hours before sale and removed within 24 hours after sale. Portable commercial signs are prohibited for this use. Signs may not be attached to utility poles.
- (13) Pennants, Banners & Streamers with advertising matter or logos
Allowed as a temporary use only for the opening of a new business. May remain for no more than 4 weeks. Acceptable materials are vinyl or cloth only. Portable commercial signs are prohibited for this use.

- (14) Political Signs
Must be removed within 15 days after last election to which they pertain
- (15) Portable Signs (includes signs mounted on a vehicle or trailer, or a trailer type device)

A non-renewable permit from the Zoning Administrator is required. Signs shall be permitted for no more than ten days. No more than one sign per establishment per street frontage shall be allowed. The same establishment may not have a temporary sign(s) again for 90 days after removal of such sign(s). The sign(s) shall not have colored or flashing lights which cause glare on traffic or adjacent properties, and shall not be located on the public right-of-way nor obstruct vision clearance as indicated in 310.2.
- (16) Real Estate Signs. Signs must be removed ten (10) days after property is sold.
- (17) Temporary Signs (Auctions, Ag produce Sales, Charitable events)
Off-site: No more than 1 sign per lot. Sign may remain for no more than thirty (30) days total.
On-site: No more than 3 signs per lot. Sign may remain for no more than thirty (30) days total
- (18) Vending Machine Signs
Includes signs painted or mounted on a vending machine related to the products on the machine; bank machine; book depository signs which instruct customers or patrons; signs attached to gasoline fuel pumps, oil and tire racks.
- (19) Wall Signs
 - (a) Wall signs must be mounted on areas of wall free of windows, doors, or other major architectural detail. Only one wall, roof, or projecting sign per establishment per street frontage is permitted other than those specifically mentioned elsewhere in this table.
 - (b) Wall signs may be used only for identification or on-site advertising
 - (c) Signs shall not project over the roof line of the building to which they are attached.

503 LANDSCAPING ORDINANCE

503.1 Purpose and scope

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

503.2 Definitions

The following definitions shall apply to the regulation and control of landscaping within this article:

Caliper: A standard trunk diameter measurement for nursery grown trees taken six inches above the ground for up to and including four-inch caliper size, and twelve inches above the ground for larger sizes.

Critical Root Zone (CRZ): A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree's survival. The critical root zone is one foot of radial distance for every inch of tree DBH, with a minimum of eight feet.

DBH: Diameter-at-breast-height is the tree trunk diameter measured in inches at a height of 4.5 feet above the ground.

Deciduous: Those plants that annually lose their leaves.

Drip Line: A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

Evergreen: Those plants that retain foliage throughout the year.

Evergreen Screen: A plant growing to over 20 feet in height at maturity that retains foliage year round that is planted to provide a dense vegetative screen for purposes of visual mitigation between zoning districts.

Ground Cover: A prostrate plant growing less than 2 feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides.

Landscaping: The process or product of site development including grading, installation of plant materials, and seeding of turf or ground cover.

Parking Lot Plantings: Planting areas within and adjacent to parking areas designed to shade and improve the attractiveness of large areas of pavement.

Planting Area: The area prepared for the purpose of accommodating the planting of trees, shrubs, and groundcovers.

Planting Yard: The required installation of landscaping and screening materials between zoning districts and sometimes individual uses.

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

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

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

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

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

Shrub, Medium: A plant growing 5 feet to 10 feet in height at maturity that is planted for ornamental or screening purposes.

Shrub, Small: A plant growing to less than 5 feet in height at maturity that is planted for ornamental purposes.

Street Tree: A tree planted along the street behind the right-of-way.

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

Tree, Ornamental: A small to medium tree, growing 15 feet to 40 feet in height at maturity, that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage.

Tree, Shade: A large tree growing to over 40 feet in height at maturity, usually deciduous, that is planted to provide canopy cover shade.

503.3 Applicability

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

503.4 Planting Yards

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

LEVEL 1: RESIDENTIAL – SINGLE FAMILY

R40 Rural Residential District
R20 Suburban Residential District
R10 Medium Density Residential district
R8 Higher Density Residential District
TR Transition Residential District (Single-family Uses only)

LEVEL 2: RESIDENTIAL – DUPLEX & MULTI-FAMILY

RMF Residential Multi-family
RMH Residential Manufactured Home
OI Office Institutional (Bed & Breakfast Only)

LEVEL 3: BUSINESS

NB Neighborhood Business
HB Highway Business
OI Office and Institutional

LEVEL 4: MANUFACTURING/ INDUSTRIAL

I-1 Industrial District

In the case of a group development, the outer boundaries shall be landscaped according to the requirements of Table 503.2 and Table 503.3. The interior boundaries abutting out parcels within a group development must comply with the requirements of Table 503.2 and Table 503.3 at the time of their development.

TABLE 503.1 PLANTING YARD CHART

Table 503.1 shows how the four different levels of zoning classification relate to one another to determine the type of Planting yard that is required.

		Least Intensive	▶	▶	Most Intensive
		Adjacent Zoning District Level			
Least Intensive	Proposed Use Level	1	2	3	4
▼	1	*	*	*	*
▼	2	C	A**	A	A
▼	3	C	B	A**	A
Most Intensive	4	C	C	C	A**
* = No Planting Yard Requirement					
** = Where like zoning abuts one another, the planting yard requirement for the Type A Yard shall be a minimum average width of 8 feet, but at no time shall the width be less than four (4) feet.					

TABLE 503.2 PLANTING YARD DIMENSION AND RATE CHART

Tables 503.2 (A) shows the requirements of Yard Types A-D. Each Planting Yard has a specified width, type of plant material and quantity of plant material that is required. The width and density of the Planting Yard increases as the difference in zoning classifications increase. Table 503.2 (B) shows the number of points allowed for each type of plant material.

Table 503.2 (A)

PLANTING YARD LANDSCAPING					
Yard Type	Minimum Width (in feet)	Shade Trees	Ornamental Trees	Shrubs	Required Points per Linear Foot
A	8	optional	1/50'	optional	0.4
B	15	1/75'	1/100'	optional	0.7
C	20	1/50'	1/75'	optional	0.9
D	30	1/50'	1/50'	optional	1.0

503.2(B)

POINTS FOR PLANTING YARDS	
	POINTS
SHADE TREE	12
ORNAMENTAL TREE	6
LARGE SHRUB	3
MEDIUM SHRUB	2
SMALL SHRUB	1

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

TABLE 503.3

STREET YARD LANDSCAPING					
	Minimum Width	Trees			Shrubs
		Shade	or	Ornamental	
Requirements	8'	1/35'	or	1/25'	Optional

TABLE 503.4 Planting Yard Illustration

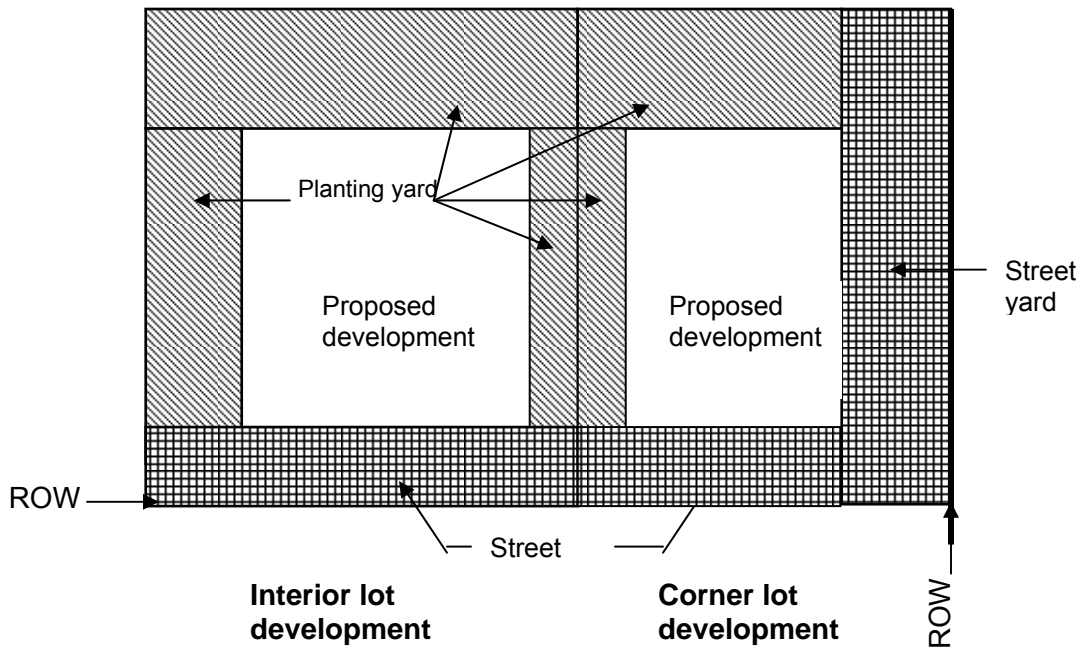
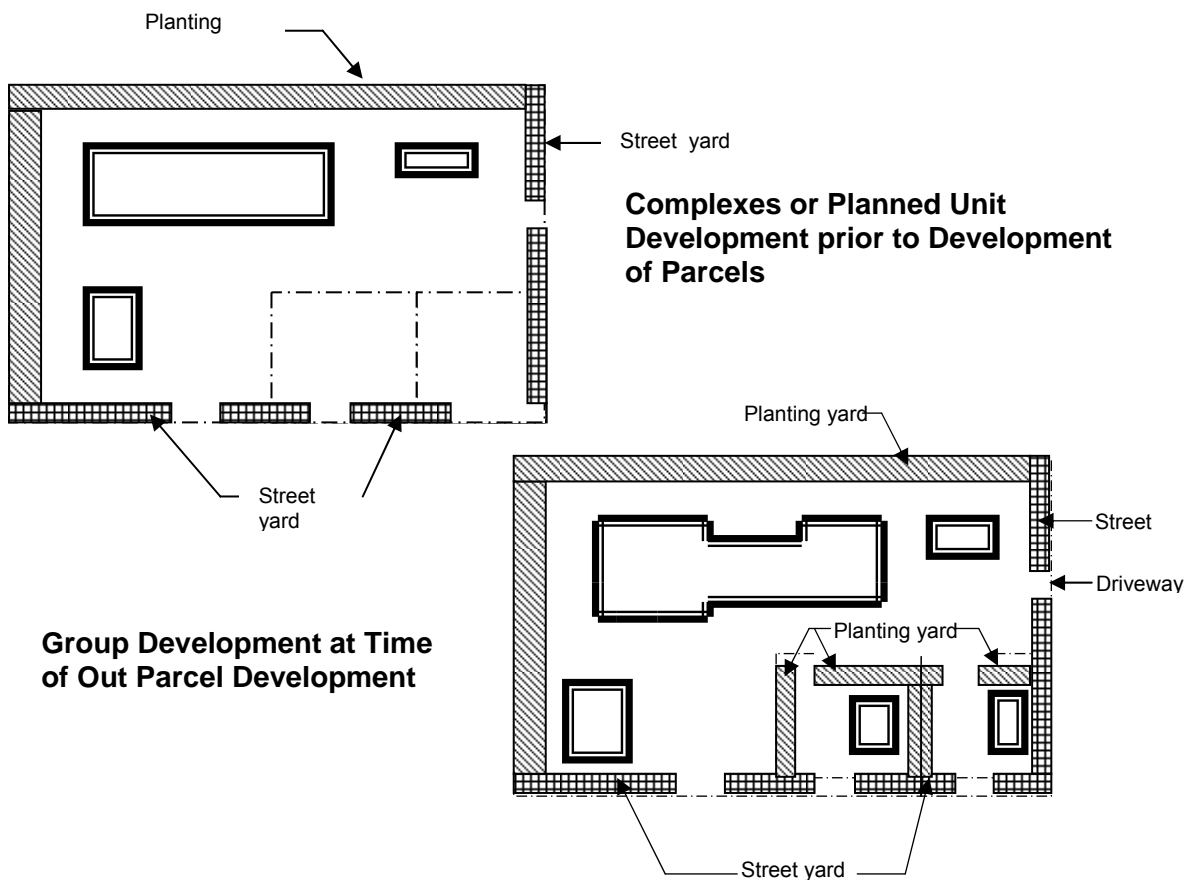


TABLE 503.5 Complexes or Planned Unit Developments



503.5 Landscaping and Design Standards for Street Yards

A Street Yard consists of a Planting Area parallel to a public street designed to provide continuity of vegetation along the right-of-way and to soften the impact of development by providing a pleasing view from the road.

- (A) Street Yards shall be a minimum of eight (8) feet wide
- (B) Street Yards shall contain one shade tree per thirty-five (35) linear feet, or one ornamental tree per twenty-five (25) linear feet, except in the case of a conflict with utility lines. These trees shall be generally equally distributed along the street frontage, but they are not required to be at absolute equal intervals. This will allow for some flexibility in design while discouraging long intervals without trees. Shrubbery may be planted in clusters where trees are not practical; however, the requirements of Table 3 shall be met.
- (C) Parking, merchandise display and off-street loading are prohibited in the street yard.
- (D) Any tree or shrub planted within a sight triangle shall comply with Section 304.2 Visibility at Intersections.

503.6 Standards for Landscaping within Parking Lots

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

503.7 Tree Preservation and Care during Construction

Existing trees shall be preserved whenever feasible. Credits for tree preservation are offered when a tree preservation plan is submitted to the Town's Zoning Administrator prior to grading the site. A tree preservation plan must show that there will be no disturbance in the critical root zone (CRZ). A disturbance is considered trenching, placing backfill in the CRZ, driving or parking equipment in the CRZ, and dumping of trash, oil, paint, or other materials detrimental to plant health in close proximity of the tree(s).

When selecting which trees to preserve, the following shall be considered: existing and proposed grading; age, condition, and type of tree; and location of site improvements and utility connections.

Credit for existing trees within parking lots and Planting Yards will be given at the rate of 18 points per 4 inches in diameter at breast height (DBH) of existing plant material preserved. Minimum size requirement to qualify for tree preservation in 4 inches (DBH).

Should any tree designated for preservation in the tree preservation plan die at anytime after approval of the plan or issuance of a Certificate of Occupancy, the owner shall replace sufficient landscaping equal to the tree preservation credit within 180 days. In the event of a restricted site, the owner may request review by the Zoning Administrator. The replacement tree shall be a minimum of 2" in caliper for a shade tree and a minimum of 6' in height for an ornamental tree (six feet from the top of root ball to top of tree) at the time of planting.

503.8 Landscape Plan Submittal Requirements

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

- (A) Site plan shall be drawn to scale and include a North arrow and necessary interpretive legends.
- (B) Property lines and zoning designation of adjacent properties
- (C) Location of proposed buildings, parking areas with spaces delineated, paving and sidewalks.
- (D) Existing plant materials and areas to be left in natural state
- (E) Methods and details for protecting existing plant materials during construction and the approved erosion control plan, if required.
- (F) Locations, size and names for all proposed plants
- (G) Location and description of other landscape improvements, such as earth berms, walls, fences, sculptures, fountains, and paved areas

- (H) Planting and installation details as necessary to ensure conformance with all required standards
- (I) Location of overhead and underground utilities
- (J) Landscape Compliance Summary Table. This Table shall list required Planting Yards by Type, length, points required and plants to meet the points requirement. This Table shall include length of Street Yard and Trees by type (shade of ornamental) to meet the tree planting standard. This Table shall include the number of new parking spaces provided and the trees required and the trees proposed to meet Parking Lot Landscape requirements.

503.9 Landscape Standards and Specifications

- (A) The developer shall furnish and install all plant materials listed on the plan schedule.
- (B) Plant materials shall conform to the requirements described in the latest edition of American Standard for Nursery Stock, which is published by the American Association of Nurserymen.
- (C) Plant materials must be from the Recommended Plant List or known to be hardy in USDA Plant Hardiness Zone 7. Plants included in the Plant Types to Discourage List may not be used to meet the requirements of this Ordinance.
- (D) Shade trees must be a minimum of 2 inches in caliper. Ornamental trees must be a minimum of 6 feet in height at the time of planting. (Six feet from top of root ball to top of tree.)
- (E) No tree may be planted in the sight triangle.
- (F) Do not use staking materials unless it is absolutely necessary. If staking is necessary, than the developer/property owner must remove the staking materials after one growing season.
- (G) Property owners ensure the survival and health of required tree in perpetuity.
- (H) A temporary Certificate of Occupancy may be issued when extremes in weather or soil conditions are not favorable for landscaping.
- (I) The developer shall ensure that all plant pits, vine pits, hedge trenches, and shrub beds are excavated as follows:
 - (1) All pits shall be generally circular in outline, with vertical sides. The tree pit shall be deep enough to allow one-eighth of the ball to be above existing grade. Soil within the Planting Areas shall be free of rock, debris, inorganic compositions and chemical residues detrimental to plant life. Soil shall be compatible with the composition of the existing sub-soil and sufficiently blended to ensure adequate exchange of air and water between the Planting Area and the adjacent soil strata. Plants shall rest

on well-compacted surface. The tree pit shall be a minimum of nine inches larger on every side than the ball of the tree.

- (2) If areas are designated as shrub beds or hedge trenches, they shall be cultivated to at least 18 inches in depth.
- (J) Each tree or shrub, shall be pruned in an appropriate manner, in accordance with accepted standard practice.
- (K) All trenches and shrub beds shall be cultivated to the lines shown on the drawings. The areas around isolated plants shall be cultivated to the full diameter of the pit.
- (L) Existing trees shall be preserved whenever possible (see Section 503.7).
- (M) All planting areas shall be mulched with a two-to-three inch layer of bark or other similar material to cover the Planting Area.

503.10 Alternative Methods of Compliance

- (A) Use of Alternate Plan, Material, or Methods: Alternate landscaping plans, plant materials, or planting methods may be used where unreasonable or impractical situations would result from application of landscaping requirements, or where necessary to protect existing vegetation. Such situations may result from streams, natural rock formations, topography, or other physical conditions; or front lot configuration, utility easements, unified development design, or unusual site conditions.
- (B) Approval of Alternate Plan: The Weldon Planning Board may approve an alternate plan which proposes different plant materials or methods provided that quality, effectiveness, durability, and performance are equivalent to that required by this ordinance. This determination shall take into account the land use classification of adjacent property, number of plantings, species, arrangement and coverage, location of plantings on the lots, and the level of screening, height, spread, and canopy of the planting at maturity.
- (C) Appeal: Decision of the Weldon Planning Board regarding alternate methods of compliance may be appealed to the Weldon Town Board of Commissioners.

503.11 Plant Substitution

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

- (A) There is no reduction in the quantity of plant material.
- (B) There is no significant change in size or location of plant materials

- (C) The new plants are of the same general category (i.e., shade tree, ornamental tree, or shrub) and have the same general design characteristics (mature height, crown spread) as the materials being replaced.

504 DEVELOPMENT STANDARDS FOR INDIVIDUAL USES

The following standards apply as applicable to uses designated as “S”, “C” or “D” in Table 304.1, Table of Permitted Uses. These standards shall be required in addition to all other provisions of this ordinance.

504.10 Adult Establishments

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

504.15 Automobile Repair Service

All repair work shall be done in an enclosed building.

504.20 Bed and Breakfast

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

504.25 Boarding Houses

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

504.30 Campground, Commercial

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

504.35 Cemeteries

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

504.40 Churches, Temples, Synagogues

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

504.45 Civic and Fraternal Organizations

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

504.50 Day Care Center

- (A) Outdoor play and/or recreation areas shall be located behind the front building line in the rear yard or side yard only. If located in the side yard, a minimum side yard setback of ten feet shall be observed. On corner or through lots, a minimum

twenty-foot setback as measured from the abutting street right-of-way line shall be required.

- (B) All outdoor play and recreation areas shall be surrounded by a fence or wall at least four feet in height.
- (C) At least one off-street passenger loading/unloading space separate from required parking shall be provided for each twenty people enrolled. Adequate on-site turnaround area shall be provided for all loading/unloading and parking spaces.

504.55 Day Care – Home

- (A) A home day care must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling, all building and lot standards for residential dwellings shall be maintained.
- (B) No outdoor play shall be permitted after dark and care shall not be provided on a twenty-four hour basis.
- (C) The facility shall be staffed by persons residing in the dwelling in which the day care is located except that up to one non-resident may report to work at a daycare home.

504.60 Dwellings, Multi-family and Townhouses (including patio homes)

- (A) Maximum density allowed. Maximum density shall be eight (8) dwelling units per gross acre for townhouses; ten (10) dwelling units per acre for apartments.
- (B) Building Separation. The minimum horizontal distance between the vertical projections of any points on two (2) adjacent buildings shall be determined according to the following table. The vertical projections for each building shall be drawn from that point on each building which is horizontally closest to the other building.

<u>Height of Taller Building</u>	<u>Minimum Horizontal Distance Between Vertical Projections</u>
20 feet or less	16 feet
between 20.1 and 25.0 feet	25 feet
between 25.1 and 30.0 feet	30 feet
between 30.1 and 35.0 feet	40 feet

Distance related to Windows: The minimum distance between the centers of facing windows of different dwelling units shall be 20 feet.

- (C) Perimeter Yard Required. A yard of at least fifty (50) feet shall be provided around the entire perimeter of the site, with the exception of driveways. Parking

spaces and accessory buildings and structures shall not be allowed in the required yard.

- (D) Access for emergency vehicles to all parts of the complex and to each dwelling unit shall be provided.
- (E) The maximum number of townhouse units attached to each other shall be eight (8).
- (F) Accessory Uses. Accessory uses such as leasing offices, coin-operated laundry facilities, swimming pool snack bars and similar uses for residents of the multifamily dwelling may be allowed provided that they are intended to serve residents of the dwelling or complex only, will not be visible from the exterior of the site and will not attract outside traffic to the site.
- (G) Recreation and Open Space
 - (1) Every person or corporation who establishes a multi-family project for residential purposes shall be required to dedicate a portion of such land for the purpose of park, recreation, and open space sites to serve the residents of the multi-family project. The recreation area shall be clearly designated on the site plan for the project.
 - (2) The minimum amount of land that shall be dedicated for recreation, parks, or open space in all townhouse and multi-family projects shall be one-half (1/2) acre, or five (5) percent of the gross acreage, whichever is greatest.
 - (3) Suitability of Land

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

- a) Unity. The dedicated land shall be a single parcel except where it is determined that two (2) or more parcels would be in the public interest. The Board of Commissioners may require that parcels be connected, and may require the dedication of a connecting path of up to sixty (60) feet, and in no case less than thirty (30) feet in width in addition to the land required in Section 504.100(G)(2) of this use.
- b) Location. The dedicated land shall be located so as to serve the recreation needs of the project.
- c) Accessibility. Public access to the dedicated land shall be provided either by an abutting street or public easement. Such easement may be required to be up to sixty (60) feet in width and shall in no case be less than thirty (30) feet in width.
- (4) Usability. The dedicated land shall be usable for active recreation (play areas, ball fields, tennis courts, or similar recreation uses). Lakes may not be included in computing amount of land to be dedicated unless acceptable to

the Board of Commissioners. If the Board of Commissioners determines that active recreation needs are being met by other dedicated parcels or existing recreation facilities, then land that is suitable for open space may be dedicated.

- (5) The Board of Commissioners may, in cases of unusual or exceptional nature, allow adjustments in the dedication requirements established in or required by this ordinance. Such adjustments shall be reviewed by the Planning Board and Recreation Committee before action by the Board of Commissioners.
 - (6) In the case of townhouse or condominium project, the land required by this Section shall be deeded to a homeowners' association.
 - (7) Nothing herein shall be construed to limit the amount of privately controlled open space which may be included in this agreement, over and above the recreation and park site obligation.
- (H) Home Owners Association Required. For townhouse or condominium projects, a homeowners association shall be established which shall have responsibility for the maintenance of all common areas. The association shall also be responsible for all open space and recreation areas that are not deeded to the Town of Weldon. The developer or owner shall file with the Zoning Administrator for review by the planning board, a declaration of covenants and restrictions as well as regulations and bylaws that will govern the maintenance of all common areas, recreation and open space. The approved document shall be recorded with the final townhouse or condominium project plat

Provisions shall include, but not be limited to, the following:

- (1) The association shall be established before the units are sold.
- (2) Membership shall be mandatory for each home buyer and all successive buyers, unless another arrangement is approved by the Board of Commissioners which adequately protects the interest of the Town and the owners.
- (3) The association shall be responsible for the liability insurance, local taxes, and maintenance of the recreation and other facilities.
- (4) Any sums levied by the association that remain unpaid shall become a lien on the individual homeowner's property which shall be subordinate only to tax and mortgagee liens unless another arrangement is approved by the Board of Commissioners which adequately protects the interests of the Town and the owners.
- (5) If all or any portion of the property held by the association is being disposed of, or if the association is dissolved, adequate open space shall be deeded to the Town of Weldon to satisfy the requirements for public recreation space under this Section of the ordinance.

(6) An owner of each dwelling unit or each homeowner shall have voting rights in the association.

(7) The following information shall also be provided.

- a) The name of the association.
- b) The manner in which directors of the association are to be selected.
- c) The post office address of the initial registered office.
- d) The name of the city and county in which the registered office is located.
- e) The number of directors constituting the initial board of directors.
- f) The names and addresses of the board of directors shall be submitted annually to the town.

(8) Property owners shall be furnished with a copy of the declaration of covenants and restrictions by the seller of the individual lot(s)

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

504.63 Electronic Game Machines as an accessory Use

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

504.65 Entertainment, Commercial, Indoor

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

504.70 Entertainment, Commercial, Outdoor

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

504.75 Family Care Homes

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

504.80 Fuel Dealers; Bulk Storage of Petroleum, Products

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

504.85 General Retail Uses >5,000 square feet

- (A) Accessory shipping containers used for the temporary storage of merchandise must be placed in the rear yard of the use and shall not be visible from the principal entrance.
- (B) Accessory Outdoor Sales Area: All merchandise for sale or rent shall be contained within the building envelope or under cover of attached canopies except:
 - (1) Sidewalk sales or other organized temporary promotional events not to exceed one (1) event per month.
 - (2) Lawn and Garden Centers, Home Improvement or Department Stores may permanently display plant materials, lawn and garden supplies, outdoor furniture or similar merchandise. All sales areas shall be contained within a designated area immediately adjacent to the primary retail building. Any permanent sales areas shall be designated on the required site plan. Sales areas shall not encroach upon required parking areas and must be designed so as not to impede the passage of vehicles within required parking areas. All tents or detached canopies must be securely tied down and maintained to prevent a hazardous condition.

504.90 Manufactured Homes on Individual Lots, Class A

- (A) Manufactured homes shall be allowed in R40 and R-MH zones when all lot dimensional requirements and the additional requirements as listed below are met.
 - (1) Have a length not exceeding three times its width.
 - (2) Minimum size of 1100 square feet
 - (3) Roof is finished with either asphalt or fiberglass type shingles that are commonly used in standard residential construction.
 - (4) Exterior siding consisting of vinyl or aluminum horizontal lap siding, wood or hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.

- (5) Continuous, permanent brick foundation or brick curtain wall, unpierced except for required ventilation and access
 - (6) Tongue, axles, transporting lights, and removable towing apparatus are removed subsequent to final placement.
 - (7) 6" overhang, which may include rain gutters.
 - (8) Roofs to have minimum 4/12 pitch.
 - (9) A permanent porch shall be placed on the front of each home which measures at least six feet in width and a minimum of twenty-four square feet in area.
 - (10) Be listed as real property (must own land as well as the home).
 - (11) Landscaping and shrubbery required.
- (B) A Zoning Compliance Certificate must be issued by the Zoning Administrator indicating that all Town of Weldon requirements are met prior to final inspection and approval by Town of Weldon Building Inspector to allow occupancy.

504.95 Manufactured Home, Class B

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

- (A) Skirting or a curtain wall, unpierced except for required ventilation and access, shall be installed under the manufactured home and may consist of brick, masonry, vinyl, or similar materials designed and manufactured for permanent outdoor installation. All skirting must be installed within thirty (30) days of the Town of Weldon's field inspection.
- (B) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home are installed or constructed in accordance with the standards set by the NC Department of Insurance and attached firmly to the primary structure and anchored securely to the ground.

504.100 Manufactured Home Parks

(A) General Requirements

- (1) Minimum Number of Manufactured Home Spaces: At least 3 spaces.
- (2) Manufactured homes shall not be sold within a manufactured home park, except that an individual manufactured home owner shall be allowed to sell the manufactured home in which he resides.

- (3) The transfer of a deed to a manufactured home space or spaces either by sale or by any other manner shall be prohibited within a manufactured home park as long as the manufactured home park is in operation.
- (4) Prefabricated structures specifically designed by the manufacturer for manufactured dwelling extensions and any other addition meeting the NC Building Code may be added to any manufactured dwelling provided that setback within the space can be met and a building permit is obtained from the Town of Weldon.
- (5) Within a manufactured home park, one manufactured home may be used as an administrative office.
- (6) Park Maintenance Area. An area may be designated as a park maintenance area. Such area shall be appropriately screened.
- (7) Convenience establishments of a commercial nature shall be limited to coin-operated laundries. These may be permitted in manufactured home parks subject to the following restrictions:
 - a) Such establishment shall present no visible evidence of their commercial character from any portion of any residential district outside the park.
 - b) Such establishment shall be designed to serve the trade and service needs of the park residents only.
- (8) The Halifax County Environmental Health Section, the Weldon Building Inspector, and/or the Weldon Zoning Administrator are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Section. It shall be the duty of the owners or occupants of manufactured home parks to give these agencies free access to such premises at reasonable times for inspection.
- (9) The park owner or operator shall notify park occupants of all applicable provisions of this Section and inform them of their duties and responsibilities under this Section.
- (10) Site plans for manufactured home parks shall comply with the requirements of Article 602.2.

(B) Manufactured Home Space Requirements

- (1) All manufactured homes shall be located on individual manufactured home spaces served by public utilities. The minimum size for each space shall be 7,000 square feet. Spaces shall not be less than 100 feet in width at the setback line.
- (2) Each manufactured home space shall be clearly defined by means of concrete or iron pipe markers placed at all corners and each space shall clearly display a street address as assigned by the town.

- (3) Each manufactured home space shall be located so as not to be susceptible to flooding and shall be graded so as to prevent any water from ponding or accumulating on the premises.
- (4) Each manufactured home shall be located at least 20 feet from any other manufactured home, at least 20 feet from any building within the manufactured home park, at least 50 feet from all external property lines, and at least 30 feet from the edge of the right-of-way of any private interior road. The setback from a public road right-of-way shall be the same as that required for the zoning district in which the manufactured home park is located.
- (5) Accessory Buildings

Accessory buildings may be constructed in the rear yard provided they are no larger than 10' x 12' and no closer than fifteen (15) feet from any adjoining lot line.

(C) Road and Access Requirements

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

(D) Utility Requirements

- (1) Water Supply: All manufactured homes must be connected to the municipal water supply. Placement of water improvements to manufactured home spaces shall comply with the NC Building Code for Plumbing.
- (2) Sewage Disposal:
 - a) All manufactured home spaces shall be connected to the municipal sanitary sewerage system. Placement of sewer improvements to manufactured home spaces shall comply with the NC Building Code for Plumbing.
 - b) Provision shall be made for plugging the sewer pipe when a manufactured home does not occupy a space. Surface drainage shall be diverted away from the rise. The rim of the riser pipe shall extend at least 4 inches above ground elevation.
- (3) Solid Waste Disposal and Sanitation Requirements:
 - a) The storage, collection, and disposal of solid waste in the manufacture home park shall be in accordance with the requirements of the Town of Weldon.
 - b) Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the County Health Director.
 - c) Parks shall be maintained from an accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.
 - d) Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe, and other building materials shall be stored at least 1 foot above the ground.
 - e) Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.
 - f) The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.
- (4) Street Lighting Requirements: All roads in the manufactured home park shall be adequately illuminated from sunset to sunrise. The minimum size

street light shall be a 175 watt mercury-vapor (approximately 7,000 lumen class), or its equivalent, spaced at intervals of not more than 300 feet.

- (5) Electrical Service Requirements: Minimum electrical service shall be provided to each manufactured home space in accordance with the National Electrical Code.

(E) Screening Requirements

Manufactured home parks shall provide landscaped buffer yards in accordance with Section 503.

(F) Recreational Space Requirements

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

504.105 Nightclub

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

504.107 Service Station, Automobile Gasoline

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

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

504.110 Shopping Center

- (A) Shopping centers shall contain only uses allowed as permitted, special or conditional uses in the CB, NB and HB districts. No shopping center building shall be less than fifty (50) feet from the street right-of-way line, or less than thirty (30) feet from another property line.
- (B) Accessory Outdoor Sales Area: All merchandise for sale or rent shall be contained within the building envelope or under cover of attached canopies except:

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

504.115 Storage & Salvage Yards (outdoor)

- (A) Minimum Area. The minimum area required to establish a storage and salvage yard shall be five (5) acres
- (B) Use Separation. The operations of salvage yards shall not be any closer than 300 feet to any residential property line. Neither should any such operations be closer than 300 feet to the property line of any school, hospital, nursing and convalescent home, or day care facility.
- (C) Screening. Salvage yards shall be enclosed by a sight obstructing screen of at least 8 feet in height adjacent to public roads and 8 feet in height adjacent to properties of a residential, educational or institutional nature. All such screens shall be maintained in a sound and stable manner for the life of the operation. Entrances and exits shall be secured when the salvage yard is closed. If state or federal requirements for screening are more stringent, such requirements shall be applicable.
- (D) Noise. Equipment-producing noise or sound in excess of 70 decibels measured at the source, shall be located no closer than 400 feet to the nearest residence. No noisy processing shall be carried on in connection with the business on Sundays, Christmas, Thanksgiving, or at any time between the hours of 6:00 p.m. and 7:00 a.m.
- (E) Vibration. No vibration shall be produced which is transmitted through the ground and which is discernable without the aid of instruments at or beyond the lot line.
- (F) Dust and Particulates. Emissions of dust and particulates shall be in accordance with the State of North Carolina rules and regulations governing air contamination and air pollution. Particulate matter emission from materials and products subject to becoming windborne will be kept to a minimum by paving, sodding, oiling, wetting, covering or other means such as to render the surface wind resistant. Points of ingress and egress shall be paved/hard-surfaced with either concrete or asphalt.

- (G) Smoke and Burning. Emissions of smoke and burning of non-vegetative matter shall not be permitted on the site of a salvage yard.
- (H) Trash and Garbage. Disposal of trash and garbage shall be in an approved container and be regularly maintained. Open dumping of trash or garbage shall be prohibited.
- (I) Disposal of Toxic/Hazardous Matter. Disposal of toxic/hazardous matter on any salvage yard site shall be expressly forbidden.
- (J) Storage of Fuels. Storage of fuels shall be contained in below ground tanks meeting the requirements of the State of North Carolina. No such fuel storage shall be within 1000 feet of any residential, educational, or institutional structure. Location of fuel storage tanks shall be so designed as to prevent leakage or spillage into any stream. Gasoline and oil shall be removed from scrap engines or vehicles on the premises and adequately stored for disposal.
- (K) Drainage. Salvage yard sites shall be adequately drained to assure that no standing water shall exist that might provide breeding habitation for insects.
- (L) Weeds and Vegetation. Weeds and vegetation on the premises, other than trees, shall be kept at a height of not more than 6 inches.
- (M) Storage. Salvage materials shall be stored in piles not exceeding 10 feet in height and shall be arranged as to permit easy access to all such salvage for fire fighting purposes.
- (N) Permit Requirements. The facility shall obtain all applicable state and federal permits.

504.120 Telecommunication Towers

- (A) Where Required
R-40 and I-1 except that communications towers on government facilities and structures are allowed by right in all zoning districts. Towers not located on existing structures shall be subject to the setback, sign, security, lighting, abandonment, site plan, and ownership requirements set forth in this section.
- (B) Co-location
 - (1) Co-location on a previously approved tower is permitted without an additional special use permit provided that all conditions of the previously approved permit are complied with.
 - (2) Co-location on a building or substantial structure, such as a water tower, shall not require the issuance of a special use permit, but all other applicable provisions shall be met and approved by the Zoning Administrator. The Zoning Administrator may require the issuance of a special use permit if there is doubt as to whether or not a given proposal is in compliance with the intent of the section.

- (3) Where a new tower is proposed, documentation shall be required to substantiate why the proposed antenna(s) and/or equipment cannot be accommodated on a previously approved tower due to one or more of the following reasons:
- (a) The planned equipment would exceed the structural capacity of the previously approved towers, considering their existing and planned use, and those towers cannot be reinforced to accommodate the planned or equivalent equipment at a reasonable cost; or
 - (b) The planned equipment would cause RF interference with other existing or planned equipment for these towers, and the interference cannot be prevented at a reasonable cost; or
 - (c) Previously approved towers do not have space on which the planned equipment can be placed so it can function effectively and reasonably in parity with the existing and/or planned equipment of the present user(s); or
 - (d) Other reasons make it impractical to place planned equipment on previously approved towers (the applicant must explain and document in detail such other reasons).
- (4) Where a new tower is proposed and sufficient reasons for a new tower exist, favorable consideration will be given to towers designed to accommodate future users. Documentation shall be required describing the capacity of the proposed tower in terms of today's technology (including the number and type of antennas that the tower will accommodate). Approval of such new tower will be conditioned on space being made available to such future users at a reasonable fee and any necessary costs of adapting the facilities to the proposed future use. A statement of intent on whether excess space will be leased is required.

(C) Setback

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

should winds of greater velocity occur, the design of the tower is such as to bend rather than fall.

- (2) The owners of easements and rights-of-way within the setback must provide a letter of acknowledgment of the proposed tower location.

- (D) Signs
No business signs, billboards, or other advertising shall be installed on the tower or security fencing.

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

- (F) Lighting
Towers shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or other federal or state authority and in no case shall exceed the required minimum. Prior to construction of the tower, the applicant shall be required to submit documentation from the FAA that the lighting is the minimum lighting required by the FAA.

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

- (H) Site Plan Requirements
In addition to the requirements of section 602.2, the following information shall be provided on the site plan: applicable setbacks, easements and rights-of-way, fencing, access, and an area map indicating the proposed tower and coverage, other towers and coverage areas, and any approved tower sites within a five mile radius.

- (I) Other Requirements
Proof of ownership of the proposed site or authorization to use it and copies of any easements impacting the site.

504.125 Temporary Events

- (A) Temporary Events shall apply for a Temporary Event Permit from the Town of Weldon on a form provided by the town. The applicant shall describe the nature of the event, provisions for applicable parking, sanitation, security and other information deemed necessary by the town. Any fees shall be in accordance with the town's adopted fee schedule.

- (B) Permits may be issued for no than a ten (10) day period. Permits may not be reissued for a similar event within a five (5) month period

504.130 Temporary Use

The Board may issue a temporary special use permit for uses which are not permitted in the zoning district or which do not meet all zoning requirements but which are necessary in special situations. A time limit shall be placed on the temporary special use permit and the permit shall not be renewed except upon a compelling showing of the need therefore, and the Board may attach any reasonable and appropriate conditions and safeguards it deems necessary.

504.135 TR Zoning District Development Standards

Retail, Service and Professional uses designated in Table 304.1, *Table of Permitted Uses* as either Special, Conditional or Development Standard shall comply with the following regulations in addition to requirements found elsewhere in this ordinance.

Non-residential uses are permitted in older residential dwellings in the TR district for the purposes of encouraging their maintenance and preservation. In hearing a special or conditional use permit request, the town board or planning board must find that the proposed use will serve this purpose.

- (A) Parking
Off-street parking shall be provided in the rear and shall be buffered from neighboring property used for residential purposes by a Type A planting yard as defined in Section 503 Landscaping ordinance. These uses are to be permitted in older dwellings in the TR District for the purpose of encouraging their maintenance and preservation and a Special Use Permit shall be issued only when it will serve such a purpose.
- (B) Lighting
Exterior lighting shall be kept to a minimum of what is necessary to assure safe access to the property. All exterior lighting shall be arranged so that it does not spill over onto adjacent properties.
- (C) Signage
All signs shall conform to the adopted Design Guidelines for the Weldon Historic District. Free standing signs shall be limited to pole or monument type. Free standing signs shall be limited to one per principal structure. All signs shall be externally lit from ground based fixtures. Poles Signs shall be limited to three (3) Square feet of signage space and up to six (6) feet in height.

Monument Signs shall be limited to 12 square feet of signage space, and four feet in height.

504.140 Truck Stops

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

ARTICLE VI - ADMINISTRATIVE PROVISIONS

601 BOARDS

601.1 Zoning Administrator

The Zoning Administrator shall be appointed by the Weldon Board of Commissioners. The Zoning Administrator or his/her designee is duly charged with the enforcement of the provisions of this ordinance. If the Zoning Administrator(s) finds that any of the provisions of this ordinance are being violated, he/she 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. He/she shall also take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions. The Zoning Administrator shall have the power to approve minor subdivisions in accordance with the subdivision regulations of the Town of Weldon.

601.2 Planning Board

- (A) *Powers and Duties of Planning Board.* As directed by the Board of Commissioners, the Planning Board shall have the following duties:
- (1) Make studies and recommend to the Board of Commissioners plans, goals and objectives relating to the growth, development and redevelopment of the town planning jurisdiction.
 - (2) Develop and recommend to the Board of Commissioners policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner.
 - (3) Make recommendations to the Board of Commissioners concerning proposed special use permits and proposed zoning text and map amendments, as provided by Sections 607 and 608.
 - (4) Review and approve major subdivisions in accordance with the subdivision regulations of the Town of Weldon.
 - (5) Perform any other duties assigned by the Board of Commissioners.
- (B) The Board shall adopt rules and bylaws in accordance with the provisions of this ordinance and of Article 19, Chapter 160A of the General Statutes of North Carolina
- (C) *Conflict of Interest.* Planning board members shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

601.3 Board of Adjustment

- (A) *Establishment.* A Board of Adjustment is hereby established. The Board of Adjustment shall consist of five (5) regular members and three (3) alternate members. Four (4) of the regular members and two (2) of the alternate members shall reside within the corporate limits of the Town of Weldon. They shall be appointed by the Board of Commissioners of the Town of Weldon for terms of three (3) years, except that for initial terms one (1) regular member shall be appointed for a three (3) year term, two (2) regular members shall be appointed for a two (2) year term, and one (1) regular member shall be appointed for a one (1) year term so that staggered terms may be instituted. Subsequent terms shall be for three (3) years. One (1) of the regular members and (1) of the alternate members shall reside outside of the corporate limits of the Town of Weldon but within its extraterritorial jurisdiction. The members from the town's extraterritorial jurisdiction shall be appointed by the Halifax County Board of Commissioners for three (3) year terms. The members appointed by the county shall have full authority with respect to any matter before the Board of Adjustment. An alternate member appointed from within the corporate limits of the town may serve on the board only in the absence of a regular member appointed from within the town's corporate limits. The alternate member from the extraterritorial jurisdiction of the town may serve on the board only in the absence of the regular member from that area.

If the Board of County Commissioners fails to appoint the extraterritorial members within ninety (90) days after receiving a resolution from the Weldon Board of Commissioners requesting that these appointments be made, the Weldon Board of Commissioners may make them.

- (B) *Proceedings of the Board of Adjustment.* The Board of Adjustment shall elect a chairman and vice-chairman from its regular members, who shall serve for one year or until re-elected or until their successors are elected. The Board shall adopt rules and bylaws in accordance with the provisions of this ordinance and of Article 19, Chapter 160A of the General Statutes of North Carolina. Meetings of the board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence, the vice-chairman, may administer oaths and compel the attendance of witnesses by subpoena. All meetings of the board shall be open to the public.

The concurring vote for four-fifths of the members of the Board of Adjustment is necessary to reverse any order, requirements, decision, or determination of any administrative official charged with the enforcement of this ordinance, or to decide in favor of the applicant any matter upon which it is required to pass under this ordinance, or to grant a variance from the provisions of this ordinance.

Hearings by the Board of Adjustment shall be conducted in accordance with section 607 of this ordinance.

- (C) *Decision and Appeal.* Every decision of the Board of Adjustment shall be filed in the office of the zoning administrator and a written copy thereof shall be delivered to the appellant by personal service or register mail. Every decision by the Board shall be subject to review by superior court by proceeding in the nature of

certiorari. Any appeal to the superior court shall be taken within thirty (30) days after the decision of the board is filed in the office of the zoning administrator, or after a written copy thereof is delivered to the appellant by personal service or registered mail, whichever is later.

(D) *Powers and Duties of the Board of Adjustment.* The Board of Adjustment shall have the following powers and duties:

(1) *Administrative Review.* To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this ordinance. An appeal may be taken by any person aggrieved or by an officer, department, board, or bureau of the town. Appeals shall be taken within times prescribed by the Board of Adjustment by general rule, by filing with the officer from whom the appeal is taken, and with the Board of Adjustment, a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after notice of appeal has been filed with him, that because of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property or that because the violation charged is transitory in nature, a stay would seriously interfere with enforcement of this ordinance. In that case, proceedings shall not be stayed except by a restraining order, which may be granted by the Board of Adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give due notice thereof to the parties, and decide it within a reasonable time. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and shall make any order, requirement, decision, or determination that, in its opinion, ought to be made in the premises. To this end, the Board shall have all the powers of the officer from whom the appeal is taken.

(2) *Variances.* When owing to special conditions, practical difficulties or unnecessary hardships would result from carrying out the strict letter of this ordinance, the Board of Adjustment shall have the power to vary or modify any of the regulations or provisions of this article relating to the use, construction or alteration of buildings or structures or the use of the land, so the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. The existence of a nonconforming use of neighboring land, building, or structure in the same district, or of permitted or nonconforming uses in other districts, shall not constitute a reason for the requested variance. A variance may be granted in such individual cases of unnecessary hardship upon a finding by the Board of Adjustment that the following conditions exist:

- (a) There are exceptional conditions pertaining to the particular piece of property in question because of its shape, size, or topography, that are not applicable to other lands or structures in the same district, or there is a peculiar characteristic of an establishment which makes the parking and/or loading requirements of this ordinance unrealistic.
- (b) Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.
- (c) A literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
- (d) The request variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.
- (e) The special circumstances are not the result of the actions of the applicant.
- (f) The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure
- (g) The variance is not a request to permit a use which is not a permitted or conditional use in the district involved.

Conditions imposed on variances: In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards to ensure that substantial justice has been done and that the public safety and welfare has been assured. Such conditions may be imposed by the Board regarding the location, character, and other features of the proposed building, structure, or use as may be deemed by the Board to protect property values and general welfare of the neighborhood. Nonconformance with such conditions and safeguards, when part of the terms under which the variance is granted, shall be deemed a violation of this ordinance.

Variances granted by the Board run with the land and not to the subject applicant. A variance granted by the board does not expire unless it has not been acted upon within a period of six (6) months from the date of issue. In such cases, the variance may be cancelled upon written notice to the owner of the subject property.

- (3) *Conditional Uses.* To hear and decide whether to allow specific conditional uses to be established in the districts indicated; to decide such questions as are involved in determining whether a conditional use should be granted; to grant conditional uses with such conditions and safeguards as are appropriate under this ordinance, or to deny conditional uses when not in harmony with the purpose and intent of this ordinance. Application for

conditional uses shall be decided in accordance with the provisions of Section 607 of this ordinance.

- (4) *Map Interpretation.* To interpret the official zoning map in accordance with Section 303 of this ordinance.

601.4 Historic Preservation Commission

See: Town of Weldon Historic Preservation Ordinance

602 PERMITS

602.1 Zoning Permit Required

No building or structure including signs and fences, or any part thereof shall be erected, extended, enlarged, or structurally altered or moved until a zoning permit has been issued by the zoning administrator or his authorized representative. A fee in accordance with the town's adopted fee schedule shall be charged for the issuance of each zoning permit. All applications shall be in a form prescribed by the zoning administrator and shall be accompanied by a site or plot plan in accordance with section 602.2 below.

602.2 Site Plan Required

- (A) Site or plot plans shall be required as part of the application process for any of the following:
 - (1) New structures
 - (2) Expansions to existing structures
 - (3) Any new use not contained within an existing building except:
 - a) Agricultural uses which do not involve the construction of buildings, containment pens for livestock, swine, or poultry, or the construction of sediment or animal waste lagoons;
 - b) Temporary or seasonal uses unless the zoning administrator cannot otherwise determine compliance with parking or screening requirements.
 - (4) Any significant change in required landscaping or buffer areas.
 - (5) An expansion to parking areas requiring a landscaping plan in accordance with Section 503.
- (B) *Plot Plan Requirements.* A plot plan shall be required for any single family or duplex residential use, and any other situation determined by the zoning administrator to require such a plan. A plot plan does not require the seal of a

professional engineer, architect, landscape architect, or surveyor, but shall be drawn to scale and signed by the preparer. It shall consist of the following elements, except that the zoning administrator has the authority to waive any application requirement where the proposed type or scale of use makes that information unnecessary or impractical.

- (1) The date the plan was drafted along with the name, signature, address and phone number of the preparer.
 - (2) The zoning classification of the subject property and all immediately adjacent properties.
 - (3) Property lines, lot dimensions, and total acreage.
 - (4) The location and extent of rights-of-way and easements.
 - (5) The location and type of natural water features (e.g., streams, ponds, rivers, wetlands, etc.)
 - (6) The location and dimensions of driveways
 - (7) The approximate location and dimension of structures including signs.
 - (8) The location and dimension of parking lots/areas and internal circulation drives.
 - (9) The location and dimension of private streets.
 - (10) The approximate location and dimensions of landscaping, buffering, screening, fences, and walls.
 - (11) Septic tank systems and wells (including dimensions of each).
 - (12) The approximate location of significant trees (those eight inches or greater in caliper when measured six inches above grade).
- (C) *Site Plan Requirements.* A site plan shall be required for all commercial, industrial and multi-family projects, and any other situations determined by the zoning administrator or planning board to require such a plan. A site plan shall require the seal of a professional engineer, architect, or landscape architect, except that surveyors may also seal plans for projects that do not include any engineering stormwater control structures. The plan should be drawn to a scale such that all features are clearly legible. A site plan shall consist of the following elements:
- (1) A location map that shows the project in relation to the larger planning area.
 - (2) The names, addresses, and telephone numbers of owners, mortgages, registered surveyors, land planners, architects, landscape architects, and professional engineers responsible for the development.

- (3) The name of the development.
- (4) Date of plan preparation.
- (5) A north arrow, legend and scale (including a bar scale)
- (6) Environmental Features. A site plans shall show existing and proposed features of the site, including (where applicable):
 - a) Natural cover (wood, pastureland, etc.).
 - b) Streams, ponds or rivers.
 - c) Historic sites.
 - d) Fragile environmental areas.
 - e) The approximate location of significant trees (those eight inches or greater in caliper when measured six inches above grade)
 - f) Contour lines shown as dotted lines at no more than two-foot intervals (this may be modified by zoning administrator depending upon topography).
 - g) The location, size, and dimensions of all recreational areas and areas intended to remain as permanent open space, clearly indicating whether such open space areas are intended to be offered for dedication to the public.
- (7) Dimensions and layouts of all parking and loading areas including properly designated handicapped spaces.
- (8) Public and private streets and alleys, including planned points of ingress and egress. Driveway approval procedures as required by the NC Department of Transportation shall be initiated.
- (9) Stormwater structures and conveyances
- (10) Utilities, including water, sewer, electric, power, and telephone.
- (11) The location and dimensions of all structures, including freestanding signs including:
 - a) The number of dwelling units the building is designed to accommodate, if applicable.
 - b) The height and number of stories of the structure.
- (12) Lighting plan.
- (13) All sidewalks, trails, and pedestrian paths.
- (14) Landscaping Plan. A landscaping plan in accordance with section 503.
- (15) Legal features including:

- a) The zoning of the property and adjacent properties, including zoning district lines.
- b) Property lines.
- c) Project phase lines.
- d) Street rights-of-way.
- e) Utility easements (including water, sewer, electric, power, stormwater, and telephone).
- f) Lot dimensions.

(16) Sign detail required. Whenever a new sign or change in existing sign would require the issuance of a permit, detailed designs showing all relevant information required to determine compliance with the sign regulations shall be required as part of a complete application.

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

- a) Location of all manufactured home spaces with dimensions
- b) All recreation and convenience areas including parks, laundry facilities, swimming pools etc.
- c) Location of park office
- d) Location of dumpsters and sanitation facilities.

(D) *Plan Exemption.* The Zoning Administrator may, in writing, exempt the applicant from meeting any plan requirement which is clearly inapplicable to the proposed use.

602.3 Cancellation of Permit

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

602.4 Record of Zoning Permits

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

603 **CERTIFICATE OF OCCUPANCY/COMPLIANCE**

No land shall be used or occupied, and no building or structure erected or altered shall be used or changed in use until a Certificate of Occupancy/ Compliance has been issued by the Zoning Administrator stating that the building and/or the proposed use complies with the provisions of this ordinance. A certificate of the same shall be

required for the purpose of changing any existing use; as well as for maintaining, reviewing, changing, or extending any nonconforming use. The aforementioned Certificate shall be applied for coincidentally with the application for a zoning permit and shall be issued within ten (10) working days after the erection or alterations of such building or part shall have been completed in conformity with the provisions of this ordinance. A record of all such certificates shall be kept on file and open to the public, subject to State law.

604 CONFORMANCE WITH PLANS

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

605 RIGHT OF APPEAL

If the zoning permit and/or Occupancy/Compliance Certificates are denied, the applicant may appeal the action of the Zoning Administrator to the Board of Adjustment.

606 SPECIAL USES AND CONDITIONAL USES

The provisions of this ordinance permits some uses to be established by right in the appropriate district while other uses are listed which require a permit from either the Board of Adjustment or town Board of Commissioners. Those which require a permit from the Board of Adjustment are termed conditional uses by this ordinance, while those which involve broader policy considerations and therefore require a permit from the Board of Commissioners, are termed special uses. Both types of uses, in some circumstances, may be compatible with and desirable in the districts in which they are designated as special or conditional uses, but they may also have characteristics which could have detrimental effects if not properly designed and controlled. All conditional and special use permit requests require a public hearing in accordance with Section 607 and must meet the conditions of section 606.1. Some uses due to their nature require design standards in addition to the general conditions listed below. Design standards for individual uses are found in Section 504.

If all requirements and conditions are mutually accepted by the applicant and the Board of Commissioners for special uses, or the Board of Adjustment for conditional uses, the appropriate board shall authorize the issuance of the Special or Conditional Use Permit; otherwise, the permit shall be denied. Any Special or Conditional Use Permit so authorized shall be perpetually binding upon the property included in such permit. Permits may be subsequently changed or amended only in response to a request of the property owner by the Town Board of Commissioners for special uses or Board of Adjustment for conditional uses after a public hearing by the procedures in this Section.

606.1 Conditions which must be met by Special and Conditional Uses

- (A) *General Conditions.* In order for any special or conditional use to be granted, the applicant, at the hearing, shall present sufficient evidence to enable the Board to find that the following conditions exist where applicable:
- (1) All applicable specific conditions pertaining to the proposed use have been or will be satisfied.
 - (2) Access roads or entrance and exit drives are or will be sufficient in size and properly located to ensure automotive and pedestrian safety and convenience, traffic flow, and control and access in case of fire or other emergency.
 - (3) Off-street parking, loading, refuse, and other service areas are located so as to be safe, convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts on adjoining properties and properties in the general neighborhood.
 - (4) Utilities, schools, fire, police, and other necessary public and private facilities and services will be adequate to handle the proposed use.
 - (5) The location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts.
 - (6) The type, size, and intensity of the proposed use, including such considerations as the hours of operation and number of people who are likely to utilize or be attracted to the use, will not have significant adverse impacts on adjoining properties or the neighborhood.
- (B) *Additional Conditions.* If the appropriate board approves a special or conditional use, it may, as part of the terms of such approval, impose any additional reasonable conditions and safeguards as may be necessary to insure that the criteria for the granting of such a permit will be complied with and to reduce or minimize any potentially injurious effect of the use on adjoining properties, the character of the neighborhood, or the health, safety, morals, or general welfare of the community.

Where appropriate, such conditions may include requirements that street and utility right-of-way be dedicated to the public and that provision be made of recreational space and facilities.

607 APPLICATION AND HEARING PROCEDURES FOR APPEALS, VARIANCES, CONDITIONAL AND SPECIAL USES

607.1 Applications

- (A) The applicant shall submit the appropriate appeal for administrative review, or for a variance, in accordance with section 601.3 (D) (1) & (2).
- (B) Applications for a special or conditional use permit shall be accompanied by a site plan prepared in accordance with Section 602.2(B). The applicant shall furnish the number of copies established by the zoning administrator along with any other information required for proper review of the application.

Requests for special use permits when they are part of a requested change to a special use district shall be processed and considered simultaneously with the zoning map change. The notification and hearing requirements for both the map amendment and the special use permit shall follow the procedures of section 607.2

607.2 Hearing Procedure

- (A) *Public Hearing Procedures.* The Board of Adjustment or Weldon Board of Commissioners for special uses shall hold a public hearing on the application and shall give due notice of the hearing to the parties involved. In the case of a Special Use Permit application, the Planning Board shall be given thirty (30) days to review the application, before the hearing. The hearing shall not take place until a Planning Board recommendation has been received or thirty (30) days have elapsed. The Planning Board shall give due notice to the applicant of any meetings at which the application will be considered.
- (B) *Public Notice.* Notice of the public hearing for special use requests shall be published in a newspaper of general circulation in the Weldon area at least once a week for two (2) successive calendar weeks prior to the hearing. The initial notice shall appear not more than twenty-five (25) nor less than ten (10) days prior to the hearing date. In computing such period, the day of publication is not to be included, but the day of the hearing shall be included.
- (C) *Quasi-Judicial Procedure.* All hearings by the Board of Adjustment for administrative appeals, variances, conditional use permits and by the Board of Commissioners for special use permits shall be conducted as quasi-judicial hearings in accordance with the general law and court decisions of the State. More specifically, any interested party must be given the opportunity to present evidence or testimony, to cross-examine witnesses, to inspect documents, and to offer evidence or testimony in explanation or rebuttal. Findings shall be based on substantial evidence or testimony which is competent, relevant, and material. Findings as to the existence or nonexistence of crucial facts shall be based on sworn evidence or testimony unless the party or parties before the Board stipulate the facts or waive this requirement.

Although a four-fifths (4/5) majority is necessary for the Board of Adjustment to grant a permit, the Weldon Board of Commissioners does not have to meet this requirement in issuing Special Use Permits. The Clerk of the Board shall keep minutes of the proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact.

- (D) *Conflict of Interest.* A member of any board exercising the functions of a board of adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex-parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

Vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered "members of the board" for calculations of the requisite supermajority if there are no qualified alternates available to take the place of such board members.

- (E) *Statement Required for Small Scale Rezoning.* A statement analyzing the reasonableness of the proposed rezoning shall be prepared in advance of the public hearing for each petition to a special use district. The statement may be prepared by either the Zoning Administrator or the Planning Board and shall be presented to the Board of Commissioners at the public hearing. The statement shall address how the proposed rezoning is compatible with the adopted comprehensive plan of the Town of Weldon.

607.3 Fees

A fee in accordance with the town's adopted fee schedule shall be paid to the town for each application for an administrative review, variance, or Special or Conditional Use Permit not initiated by an officer or agency of the town, to cover the costs of advertising and other administrative expenses involved. No application will be processed until the above fee has been paid.

608 **AMENDMENTS**

This zoning ordinance, including the zoning map, may be amended only by the Board of Commissioners of the Town of Weldon, according to the procedures of this Article. Proposed amendments may be initiated by the Board of Commissioners, Planning Board, or Board of Adjustment of the Town of Weldon. Proposed amendments to the text of this ordinance may also be initiated by any resident or property owner within the jurisdiction covered by this ordinance, and any property owner within the jurisdiction covered by this ordinance may initiate a request for a change in the zoning classification of his property.

608.1 Application

- (A) *Map Amendments.* Except for amendments initiated by the Town Board, Planning Board, or Board of Adjustment, no proposed amendment shall be considered by the Town Board nor a public hearing held until an application

made on a form provided by the town, and containing the following information is submitted by the applicant:

- (1) A statement of the present zoning regulations or district boundary
- (2) The name and signature of the applicant
- (3) The tax parcel number of the lot proposed to be rezoned,
- (4) The names and addresses of the owners of the lot in question,
- (5) A map of the proposed amendment showing tax parcel number of the subject property and adjacent properties shall be attached to the application. The map shall show ownership of adjacent lots along with the use of each adjacent property.

The applicant shall provide any additional information related to the proposed amendment requested in writing by the Planning Board or Board of Commissioners. The Zoning Administrator shall transmit the original application to the Town Board and the original application shall be filed in the office of the Town Clerk after consideration by the Town Board. A fee shall be paid to the Town for each application not initiated by an officer or agency of the Town to cover the costs of advertising and other administrative expenses involved. No amendment shall be advertised until such fee is paid.

- (B) *Text Amendments.* A petition for amendment to the text of this ordinance shall consist of:

- (1) A completed application form.
- (2) A written justification for the requested amendment including consistency of the proposal with town planning policies.
- (3) Any other information deemed necessary by the zoning administrator or review board.

A fee in accordance with the adopted fee schedule shall be paid to the Town for each application not initiated by an officer or agency of the Town to cover the costs of advertising and other administrative expenses involved. No amendment shall be advertised until such fee is paid.

608.2 Public Hearing

- (A) *Planning Board Review.* No amendment will be adopted by the Town of Weldon Board of Commissioners until they have held a public hearing on the amendment, and will have given the Planning Board at least thirty (30) days to make a recommendation concerning the amendment. The Planning Board may review and make a recommendation on the proposed amendment either before or after the public hearing. In the case of a rezoning to a Special Use District, the Planning Board shall be given thirty (30) days before the hearing to review and make a recommendation on both the rezoning and the Special Use Permit application, and the Town Board shall hold a public hearing on both the proposed rezoning and the Special Use permit request.
- (B) *Statement of Consistency with Adopted Plans.* In accordance with G.S. 160A-383, the planning board shall advise and comment on whether the proposed

amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval by the governing board.

- (C) *Notification.* Notice of the public hearing shall be published in a newspaper of general circulation in the Weldon area at least once a week for two (2) successive calendar weeks prior to the hearing. The initial notice shall appear not more than twenty-five (25) nor less than ten (10) days prior to the hearing date. In computing such period, the day of publication is not to be included, but the day of the hearing shall be included.

Whenever there is a zoning classification action involving a parcel of land, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of the proposed classification by first class mail at the last addresses listed for such owners on the county tax abstracts. The person or persons mailing such notices shall certify to the Weldon Board of Commissioners that fact, and such certificate shall be deemed conclusive in the absence of fraud.

If a zoning map amendment directly affects more than fifty (50) properties, owned by a total of at least fifty (50) different property owners, the town may, as an alternative method of notification, elect to publish notice of the hearing as required by G.S. 160A-364. Such notification shall not be less than one-half of a newspaper page in size. The advertisement shall be effective only for owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside the newspaper circulation area, according to the address listed on the most recent tax listing for the affected property, shall be notified according to the first class mail provisions listed above.

- (D) *Posting of Hearing Notices.* When a zoning map amendment is proposed the town shall post a notice of the public hearing on the site proposed for the rezoning or on an adjacent right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the town shall post sufficient notices to provide reasonable notice of interested persons.
- (E) *Governing Board Statement.* Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with the adopted comprehensive plan. Such statement shall explain why the board considers the action taken to be reasonable and in the public interest.

608.3 Protest Petitions

If a qualified protest as defined in General Statute 160A-385 is filed against a zoning map amendment, that amendment shall not become effective except by favorable vote of three-fourths of all the members of the town board of commissioners. For the purposes of this subsection, vacant positions on the council and members who are excused from voting shall not be considered 'members of the council' for calculation of the requisite supermajority.

(A) Protest Petition Qualification

To qualify as a protest under this section, the petition must be signed by the owners of either (i) twenty percent (20%) or more of the area included in the proposed change or (ii) five percent (5%) of a 100-foot-wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100-foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine the 'owners' of potentially qualifying areas.

(B) Withdrawal of Petition

No protest against any change in or amendment to a zoning ordinance or zoning map shall be valid or effective for the purposes of G.S. 160A-385 unless it be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment, and unless it shall have been received by the town clerk in sufficient time to allow the town at least two normal work days, excluding Saturdays, Sundays and legal holidays, before the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition. The town board of commissioners may by ordinance require that all protest petitions be on a form prescribed and furnished by the town, and such form may prescribe any reasonable information deemed necessary to permit the town to determine the sufficiency and accuracy of the petition. A person who has signed a protest petition may withdraw his or her name from the petition at any time prior to the vote on the proposed zoning amendment. Only those protest petitions that meet the qualifying standards set forth in G.S. 160A-385 at the time of the vote on the zoning amendment shall trigger the supermajority voting requirement.

609 **ENFORCEMENT**

609.1 General Enforcement

Violations of this ordinance shall constitute a misdemeanor and/or at the election of the town, shall subject the violator to civil penalties and/or where permitted by law, equitable remedies for said violation as hereinafter provided.

609.2 Injunction and Order of Abatement Remedies

- (A) Any provision of this ordinance that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement by the general court of justice. When a violation of such a provision occurs, the town may apply to the appropriate division of the general court of justice for a mandatory or prohibitory injunction and/or order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.
- (B) An order of abatement may direct that buildings or other structures on the property be closed, demolished or removed; that fixtures, furniture or other movable property be removed from buildings on the property; that abandoned or junked vehicles be removed; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this Ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the town may execute the order of abatement. The town shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved by the Judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the Judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

609.3 Civil Penalties

- (A) *Notice of Violation.* Upon determination of a violation of any section of this ordinance the penalty for which is a civil penalty, the town shall cause a notice of violation to be issued to the violator by the appropriate official of the town and served on the violator or his agent, either in person or by first class United States mail, postage prepaid and addressed to the last known address of the violator as contained in the records of the town or as obtained from the violator or his agent. The appropriate town official serving the notice of violation shall sign and have notarized an affidavit describing the type of service and the date of service. The violator shall be deemed to have been served upon the mailing or personal service of the notice of violation.

The notice of violation shall set out the nature of the violation, the Code section or ordinance violated, the date or dates of the violation, and shall contain an order to immediately cease the violation. The notice of violation shall specify that a second and subsequent citations will assess a civil penalty, together with costs, attorney fees, and such other relief as provided by law. The notice of violation shall also inform the violator of the violator's appeal rights. If the violation is in the nature of an offense for which an order of abatement would be appropriate in

a civil proceeding, a reasonable period of time must be stated within which the violation must be abated.

- (B) *Appeals.* The violator must file an appeal from a notice of violation within 10 days from the service date of the notice of violation as indicated on the affidavit of service. An appeal is deemed filed when it is received by the Town Clerk. Forms and instructions for filing an appeal shall be made available at the office of the Town Clerk. A violator who fails to file an appeal within the time period described above is deemed to have forfeited the appeal for the violation, the notice of violation, the civil citations, and the civil penalties assessed for the violation. Appeals shall be heard by the Board of Adjustment or other administrative process established by the Town. The decision of the Board of Adjustment is subject to review in the Superior Court of Halifax County in the nature of certiorari.
- (C) *Extensions Allowed.* Where the town determines that the period of time stated in the original notice of violation is not sufficient for abatement based upon the work required or based on a consent agreement, the town may amend the notice of violation to provide for additional time.
- (D) *Civil Citation.* Upon failure of the violator to comply with the notice of violation within 10 days of service, a civil citation in the amount of fifty dollars (\$50.00) shall be issued by the appropriate official of the town and served on the violator or his agent, either in person or by first class United States mail, postage prepaid and addressed to the last known address of the violator as contained in the records of the town or obtained from the violator or his agent.
- (E) *Citation Contents and Repeat Violations.* The civil citation shall direct the violator to immediately cease the violation, shall inform the violator of the penalty amount, and shall direct the violator to make payment at Town Hall within 10 days of the date of the civil citation, or alternatively to pay the citation by mail postmarked within 10 days of service of the civil citation. Once a notice of violation has been issued and the 10-day warning period has expired, civil citations in the amount of fifty dollars (\$50.00) may be issued for each day the same or similar violation continues until the prohibited activity is ceased or abated. If a violation is repeated within a two year period from the date of the initial violation, it shall be considered to be a continuation of the initial violation and shall be subject to additional penalties and remedies as set forth in this section. A repeat violation is one which is identical to or reasonably similar to a previous violation for which a notice of violation or civil citation has been issued by the town.
- (F) *Settlement of Civil Claim.* If the violator fails to respond to a civil citation within 10 days of its service, and pay the penalty prescribed therein, the town may institute a civil action in the nature of debt in the appropriate division of the North Carolina General Court of Court of Justice for the collection of the penalty, costs, attorney fees and such other relief as permitted by law.

609.4 Criminal Penalties

Any person violating any provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished for each offense by a fine not to exceed five hundred dollars (\$500) and/or imprisonment for a period not to exceed thirty (30) days. Each day a violation continues shall be deemed a separate offense provided that the violation of this article is not corrected within thirty days after notice of said violation is given.