

**AN ORDINANCE AMENDING
THE CODE OF ORDINANCES
OF THE TOWN OF WADESBORO**

BE IT ORDAINED by the Board of Commissioners of the Town of Wadesboro, North Carolina, that the Code of Ordinances of the Town of Wadesboro, is hereby amended by rewriting Chapter 152: Zoning Code in its entirety to read as follows:

"Chapter 152: Zoning Ordinance

DIVISION I - ADMINISTRATIVE PROVISIONS

ARTICLE I-1 Purpose, Authority and Title

I-1.1 Purpose

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan and for the purpose of (1) Promoting the public health, safety, morals, and general welfare; (2) Promoting the orderly growth and development of the Town of Wadesboro and the surrounding area; (3) Lessening congestion in the streets and roads; (4) Providing adequate light and air; (5) Securing safety from fires, panic, and other dangers; (6) Preventing the overcrowding of land; (7) Avoiding undue congestion of population; (8) Facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. They have been made with reasonable consideration, among other things to the character of each Zoning District and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Jurisdiction.

I-1.2 Authority

This Ordinance is enacted pursuant to the authority conferred by Article 19 of Chapter 160A of the General Statutes of North Carolina.

I-1.3 Title

This Ordinance shall be known as the Zoning Ordinance of the Town of Wadesboro, North Carolina and may be referred to as the 'Zoning Ordinance'. The map referred to herein is identified by the title 'Official Zoning Map, Town of Wadesboro, North Carolina' and may be known as the 'Zoning Map'.

Article I-2 Jurisdiction; Map

I-2.1 Territorial Jurisdiction

For the purpose of this Zoning Ordinance, the zoning jurisdiction of the Town of Wadesboro shall include the land within the corporate limits of the Town and that land located within the boundaries established in the municipal ordinance establishing extraterritorial jurisdiction boundaries, as now or hereafter fixed.

I-2.2 Incorporation of Zoning Map

The Official Zoning Map, Wadesboro, North Carolina and all notations, references and other information shown on the map are hereby incorporated and made a part of this Ordinance.

I-3. General Administrative Rules

I-3.1 Interpretation, Purpose, Conflict

In interpreting and applying the provisions of the Ordinance, the provision shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity and general welfare. This Ordinance is not intended to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, where this Ordinance imposes a greater restriction or imposes higher standards than those required by other ordinances, rules, regulations, or by easements, covenant or agreements, the provisions of this Ordinance shall govern so that, in all cases, the most restrictive limitation or requirement causing the highest standard of improvement, shall govern.

I-3.2 Repeal and Reenactment of Existing Zoning Ordinance

The rewriting of this Ordinance in part carries forth by reenactment some of the provisions of the existing Zoning Ordinance of the Town of Wadesboro and it is not intended to repeal but rather to reenact and continue in force such existing provisions so that all rights and liabilities that have been accrued are preserved and may be enforced. All provisions of the Zoning Ordinance, which are not reenacted herein, are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of the Zoning Ordinance in effect, which are now pending in any of the courts of this State or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance, but shall be prosecuted to their finality the same as if this Ordinance had not been adopted; and any and all violations of the existing Ordinance, prosecutions for which have not been instituted, may be filled and prosecuted; and nothing in this Ordinance shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending and/or which may have been instituted or prosecuted.

I-3.3 Effects Upon Outstanding Building Permits; Conditional/Special Use Permits; Zoning Permits; and Zoning Permits With Vested Rights.

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any building, structure, or part thereof for which a building permit has been granted by the Building Inspector prior to the time of passage of this Ordinance or any amendment thereto; provided, however, that where construction is not begun under the outstanding permit within a period of one hundred eighty (180) days subsequent to the passage of this Ordinance or any amendment thereto, or where it has not been prosecuted to completion within eighteen (18) months subsequent to passage of this Ordinance or any amendment thereto, any further construction or use shall be in conformity with the provisions of this Ordinance or any such amendment.

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any Zoning Permit which has been granted prior to the adoption of this Ordinance provided that a Building Permit has been obtained and construction begun within one hundred eighty (180) days of the date of the issuance of such permit and provided that such Building Permit is prosecuted to completion as provided for above.

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any Conditional or Special Use Permit which has been granted prior to the adoption of this Ordinance and which Conditional or Special Use is no longer carried forth on this Ordinance provided that a Building Permit has been obtained and construction begun within one hundred eighty (180) days of the date of the approval of such Permit and provided that such Building Permit is prosecuted to completion as provided for above. Such valid Conditional or Special Uses including those already existing for non-continued uses may be constructed, continued, and reconstructed the same as any permitted use subject to such use limitations and other conditions as provided for in the original issuance of the Conditional or Special Use Permit. Any such Conditional or Special use that is changed to any permitted use for any period of time shall not be permitted to resume the Conditional or Special Use.

Nothing herein contained shall require any change in any zoning vested right which has been established prior to the adoption of this ordinance during its vested rights period except to the extent permitted at the time of the approval of the site specific development plan and consistent with G. S. 160 A-385.1.

ARTICLE I-4 Nonconformities

I-4.1 Non-Conforming Situations

The purpose of this Article is to avoid undue hardship by permitting the continued use of any building, structure, or property that was lawful at the time of the enactment of this Ordinance or any applicable amendment thereof even though such use, structure or property does not conform with the provisions of this Ordinance. However, this Article is also established to require that non-conforming situations be terminated under certain circumstances.

I-4.2 Continuation of Non-conforming Situations

Non-conforming situations that were otherwise lawful on the effective date of this Ordinance may be continued, subject to the restrictions and qualifications set forth in Sections I-4.2 through I-4.11 of this Article.

I-4.3 Non-conforming Lots of Record

Where the owners of a legally existing lot of record at the time of the adoption of this Ordinance or his successor in title thereto does not own sufficient land to enable him to conform to the area or lot width requirements of this Ordinance, such lot may be used as a building site provided all other dimensional requirements are met and provided that the use to be made of the property is not one to which larger than minimum lot area requirements are called for in the list of Permitted and Conditional Uses and the Special Requirements.

I-4.4 Extension or Enlargement of Non-conforming Situations

1. Except as specifically provided in this Section, it shall be unlawful for any person to engage in any activity that causes an increase in the extent of non-conformity of a non-conforming situation.
2. Subject to Paragraph 4 of this Section, a non-conforming use may be extended through any portion of a completed building that, when

the use was made non-conforming by this Ordinance, was manifestly designed or arranged to accommodate such use. However, a non-conforming use may not be extended to additional buildings or to land outside the original building.

3. A non-conforming use may not be extended to cover more land than was occupied, or manifestly designed and arranged to be occupied, by that use when it became non-conforming.
4. The volume, intensity, or frequency of use of property where a non-conforming situation exists may be increased and the equipment or processes used at a location where a non-conforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and no violations of other paragraphs of this Section occur.
5. Physical alteration of non-conforming structures or structures containing a non-conforming use is unlawful if it results in:
 - a) An increase in the total amount of space devoted to a non-conforming use.
 - b) Greater non-conformity with respect to dimension restrictions such as yard requirements, height limitations, or density requirements.
 - c) The enclosure of previously unenclosed areas, even through those areas are or were used in connection with the non-conforming activity.
6. Minor repairs to and routine maintenance of property where non-conforming situations exist are permitted and encouraged. Major renovation - i.e., work estimated to cost more than ten percent (10%) but less than sixty percent (60%) of the taxed value of the structure to be renovated may be done provided that the work will not result in a violation of any other paragraphs of this Subsection particularly Paragraph 5. In no case however shall work costing more than sixty percent (60%) of the taxed value of the structure be done, singularly or cumulatively, within any five (5) year period.

Provided, nothing herein shall prevent the maintenance, repair and extension of a single-family dwelling that is non-conforming as to use, provided such is done in conformance with the dimensional requirements of the R-6 Residential District.

I-4.5 Reconstruction Prohibited

Any non-conforming building or structure or any building or structure containing a non-conforming use for which major repair or reconstruction is proposed in any amount equal to sixty percent (60%) or more of the taxed value of the building or structure or which has been damaged by any cause to an extent equal to sixty percent (60%) or more of its taxed value shall only be repaired and/or reconstructed and used as a conforming structure and a conforming use.

Provided, nothing herein shall prevent the reconstruction of a single-family dwelling that is non-conforming as to use provided such reconstruction conforms to the dimensional requirements of the R-6 Residential District.

I-4.6 Change in Kind of Non-conforming Use

1. A non-conforming use may be changed to a conforming use. Thereafter, the property may not revert to a non-conforming use.
2. A non-conforming use shall not be changed to another non-conforming use except upon a finding by the Board of Adjustment that the use is more in character with the uses permitted in the District than the previous use.
3. If a non-conforming use and a conforming use, or any combination of non-conforming uses exist on one lot, the use made of the property may be changed only to a conforming use.

I-4.7 Replacement of Non-conforming Mobile Homes

1. A non-conforming mobile home on an individual lot outside of a mobile home park may not be replaced except by a conforming

dwelling. A non-conforming mobile home may not be enlarged or altered externally in any way.

2. Existing mobile home parks shall not be permitted to enlarge or increase the number of spaces. However, mobile homes located in a pre-existing mobile home park may be replaced in the same location. Said mobile home replacement shall be with another mobile home that is at least fourteen (14) feet wide and shall have been constructed no more than ten (10) years prior to the date of the issuance of a Zoning Permit.

I-4.8 Non-Conforming Signs

Non-conforming signs shall be regulated by the provisions of Section II-2.8.12.

I-4.9 Discontinuance of Non-conforming Uses

When active operation or occupancy of a non-conforming use is discontinued regardless of the purpose or reason for a consecutive period of one hundred and eighty (180) days, the property involved may thereafter be used only for conforming uses.

I-4.10 Discontinuance of Non-conforming Adult Oriented Businesses

Notwithstanding the provisions of this Section above, Adult Oriented Businesses shall be governed by the following:

1. Any Adult Oriented Business that fails to comply with the use and locational requirements of this Ordinance but which was lawfully operating before the effective date of this Ordinance, shall not be deemed to be in violation of this Ordinance but shall be a non-conformity. Any such business which ceases active operation for a period of thirty (30) days regardless of the purpose or reason shall be subject to all the requirements of this Ordinance and the property may thereafter be used only for conforming uses.

2. Any Adult Oriented Business lawfully operating as of the effective date of this Ordinance but which subsequently fails to comply with the use and locational requirements of this Ordinance as the result of changes within the vicinity or amendment to this Ordinance, shall not be deemed to be in violation of this Ordinance but shall be a non-conformity. Any such business which ceases active operation for a period of thirty (30) days regardless of purpose or reason shall be subject to all the requirements of this Ordinance and the property may thereafter be used only for conforming uses.
3. Any Adult Oriented Business that is rendered a non-conforming use as a result of the conditions described in 1. and 2. above shall either cease to operate or meet all of the requirements of this Ordinance for the use no later than sixty (60) months from the date that the Adult Oriented Business becomes a non-conforming use.

I-4.11 Conformance or Discontinuance of Non-Conforming Auto Storage, Automobile Wrecking and Junk Yards, Scrap Processing and Recycling Operations

Any such non-conforming use as listed in the title of this section shall within thirty-six (36) months of notification by first class mail or personal service by the Zoning Administrator, bring such use into conformance with the provisions of SR 12a. or discontinue operations by removing all material related to the non-conformity.

ARTICLE I-5 Board Of Planning and Adjustment

I-5.1 Establishment of Board of Planning and Adjustment

A Board of Planning and Adjustment is hereby established. Said Board shall consist of ten (10) members. Five members, who shall be resident of the Town, shall be appointed by the Board of Commissioners of the Town to hold office as follows: two members for one year; two members for two years; and, one member for three years. Thereafter, such members shall be appointed for a term of three years. Five members, who shall be residents of the area of extraterritorial jurisdiction (ETJ), shall be appointed by the Anson County Board of Commissioners on recommendation by the Wadesboro Board of Commissioners. Such ETJ members shall initially be appointed for terms as follows: two members for one year; two members for two years; and, one member for three years. Thereafter, such members shall be appointed for three years. All members of the Board shall serve until replaced and all members are eligible for reappointment for any number of terms. All members shall serve as such without compensation and all members shall have equal powers and duties without regard to place of residence. Members may be removed for cause including inefficiency, neglect of duty or malfeasance in office by the appointing governing body. Vacancies shall be filled for the unexpired portions of the terms in the same manner as the initial appointment. The term for each appointed member shall begin on the effective date of the adoption of this ordinance.

The Board shall meet within thirty (30) days after appointment and elect a Chairman and Vice-Chairman and create and fill such offices as it may deem necessary. The term of the offices of Chairman and Vice-Chairman shall be one (1) year, with eligibility for re-election. The Board may adopt rules of procedure not in conflict with this and any other town ordinances or policies. The Board shall keep a record of its members attendance and of its actions, which record shall be a public record. Such records shall be submitted to the Town Manager and shall be on file at the Town offices for public inspection.

Regular attendance and interest shall be considered prerequisites of membership on the Board of Planning and Adjustment. Failure to attend

three (3) consecutive meetings or four (4) meetings in any twelve (12) month period shall be considered as a resignation from the Board unless the Board determines by majority vote that good and sufficient reason has been given for the member's absence.

The Board of Planning and Adjustment is created to carry out the powers and duties of the Planning Agency as provided for in NCGS 160A-361 and the Board of Adjustment as provided for in NCGS 160A - 388 and to carry out the powers and duties of the Planning Board and the Board of Adjustment as provided for in this Ordinance; Chapter 151, Subdivision Regulations; and any other Ordinances or policies of the Town. In carrying out its function as a Board of Adjustment, the Board of Planning and Adjustment shall be bound by its rules of procedure and Sections I-5.4 through I-5.8 of this Article. In carrying out its function as a Planning Board, the Board of Planning and Adjustment shall be bound by its rules of procedure and by Sections I-5.9 and I-5.10 of this Article.

I-5.2 Board of Adjustment - Composition

When acting as a Board of Adjustment the Board shall consist of six (6) regular members and four (4) alternate members. The Chairman and Vice-Chairman of the Board of Planning and Adjustment shall serve as regular members of the Board of Adjustment and serve as Chairman and Vice-Chairman respectively, of the Board of Adjustment. The Chairman shall appoint four (4) additional members from the remaining eight (8) members of the Board of Planning and Adjustment to serve as regular members and the remaining four (4) members shall serve as alternate members. Three (3) of the regular members of the Board of Adjustment and two (2) alternate members shall be members appointed by the Town Board of Commissioners and the same shall be for the ETJ members.

I-5.3 Rules of Conduct

Members of the Board may be removed by the appointing Board for cause, including violation of the rules stated below:

1. No Board member shall take part in the hearing, consideration or determination of any case in which he is personally or financially

interested. A board member shall have a “financial interest” in a case when a decision in the case will 1) cause him or his spouse to experience a direct financial benefit or loss, or 2) will cause a business in which he or his spouse owns any interest to experience a direct financial benefit or loss. A board member shall have “personal interest” in a case when it involves a member of his immediate family (i.e. parent, spouse or child).

2. No Board member shall discuss any case with any parties thereto prior to the public hearing on that case; provided however, that members may receive and/or seek information on that case from the Zoning Administrator or any other member of the board, its secretary or clerk prior to the hearing.
3. Members of the Board shall not express individual opinions on the proper judgement of any case prior to its determination on that case.
4. Members shall be bound by the rules of conduct contained in NCGS 160A-388.
5. Members of the Board shall give notice to the chairman forty-eight (48) hours prior to the hearing of any potential conflict on interest, which the member has in a particular case before the board.

I-5.4 Proceedings of the Board of Adjustment

The Board shall adopt rules and by-laws 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 Chairman of the Board of Adjustment, or in his absence the Vice-Chairman, may appoint alternates to sit for any regular members in case of

the absence or disqualification of any regular members. In such case the alternate members shall have the same powers and duties of the regular members they are replacing during such time. In no case, however, shall more than six (6) regular members or combination of regular members and the alternate members be empowered to make motions or to vote on any matter that comes before the Board involving the Zoning Ordinance.

The concurring vote of five (5) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official charged with enforcement of this Ordinance or to decide in favor of the applicant any matter upon which it is required to pass under the Zoning Ordinance or to affect any variation of such Ordinance. In other Board business, such as procedural and by-law matters, a simple majority of those present and voting shall be required to pass on any matter. A quorum of six (6) of the total ten (10) regular members or alternate members shall be required to act on general Board business whereas a quorum of five (5) of the six (6) regular members, or any combination of five (5) regular members or alternate members, sitting as regular members, shall be required to act on any matter involving the Zoning Ordinance.

Although alternate members who are not replacing a regular member on a particular Zoning Ordinance matter are not empowered to make motions and vote on such matters, such alternate members in attendance, and who are not otherwise disqualified, may fully participate in the discussion of such matters to the same extent as any other member sitting as one of the six (6) regular voting members.

I-5.5 Appeals, Hearings and Notice

An appeal from the decision of the Zoning Administrator may be taken by the aggrieved party to the Board of Adjustment. Such appeal shall be taken within thirty (30) days by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. The Board of Adjustment shall fix a reasonable time for hearing the appeal, give public notice thereof, as well as due notice to the parties in interest and decide the same within a reasonable

time. At the hearing, any party may appear in person or by agent or attorney.

On all appeals, applications and other matters brought before the Board of Adjustment, said Board shall inform in writing all the parties involved of its decisions and the reasons therefor.

I-5.6 Stay of Proceedings

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Adjustment after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than 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 Zoning Administrator, on due cause shown.

I-5.7 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 there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this Ordinance.

2. Development Permit with Vested Rights. To hear and decide Development Permits With Vested Rights in accordance with Article I-7.3 of this Ordinance.

3. Variances. To authorize upon appeal in specific cases such variances from the terms of the Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such

individual case of unnecessary hardship where the Board of Adjustment makes the following affirmative findings:

- a) There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance:
 - 1) If the property owner complies with the provisions of the Ordinance, the property owner can secure no reasonable return from or make no reasonable use of, his property;
 - 2) The hardship results from the application of the Ordinance;
 - 3) The hardship is suffered by the applicant's property;
 - 4) The hardship is not a result of the applicant's own actions; and,
 - 5) The hardship is peculiar to the applicant's property.
- b) The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.
- c) In granting the variance the public safety and welfare have been assured and substantial justice has been done.

4. Conditional Use Permits.

To hear and decide, in particular cases, and subject to appropriate conditions and safeguards, permits for conditional uses as authorized by Section II-2.4. In granting a conditional use permit the Board shall make the following affirmative findings:

- a) The Use requested is among those listed as an eligible Conditional Use in the District in which the subject property is located.
- b) That the Conditional Use will not materially endanger the public health or safety if located where proposed and developed according to the plan as proposed;

- c) That the Conditional Use meets all required conditions and specifications; and that satisfactory provision and arrangement has been made for at least the following, where applicable:
- (1) Satisfactory ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control.
 - (2) Provision of off-street parking and loading areas where required, with particular attention to the items in (1) above, and the economic, noise, glare and odor effects of the conditional use on adjoining properties in the area.
 - (3) Adequate and proper utilities, with reference to locations, availability and compatibility.
 - (4) Buffering, with reference to type, location and dimensions.
 - (5) Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district.
 - (6) Playgrounds, open spaces, yards, landscaping, access ways, pedestrian ways, with reference to location, size and suitability.
 - (7) Buildings and structures, with reference to location, size and use.
 - (8) Hours of operation, with particular reference to protecting and maintaining the character of the neighborhood.
- d) That the Conditional Use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and,
- e) That the location and character of the Conditional Use if developed according to the plan as proposed will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the Town and its environs.

In granting a Conditional Use Permit, the Board may impose such additional restrictions and requirements upon such Permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured and substantial justice done. If all requirements and conditions are accepted by the applicant, the Board shall authorize the issuance of the Conditional Use Permit, otherwise the Permit shall be denied. Any

Conditional Use Permit so authorized shall be perpetually binding upon the property included in such Permit unless subsequently changed or amended by the Board, as provided for in this Article.

The Board may change or amend any Conditional Use Permit, after a public hearing and subject to the same consideration as provided for in this Article for the original issuance of Conditional Use Permit.

No proposal to amend or change any Conditional Use Permit shall be considered within three (3) months of the date of the original authorization of such Permit or within three (3) months of hearing of any previous proposal to amend or change any such Permit.

5. Change of Kind of Non-Conforming Use

The Board may permit change in use from one non-conforming use to another as provided for in Section I-4.6.

I-5.8 Appeals from the Board of Adjustment

Any person or persons, jointly or severally, aggrieved by any decision of the Board, any taxpayer, or any officer, department, board or bureau of the jurisdiction of this Ordinance may, within thirty (30) days after the filing of the decision in the office of the Board, but not thereafter, present to a court of competent jurisdiction a petition duly verified setting forth that such decision is illegal, in whole or in part, specifying the ground of illegality, whereupon such decision of said Board shall be subject to review by certiorari as provided by law.

I-5.9 Planning Board – Composition

When acting as a Planning Board, six (6) of the ten (10) members of the Board of Planning and Adjustment shall constitute a quorum and a simple majority of those voting shall be required to act favorably on any matter that comes before the Planning Board.

I-5.10 Planning Board – Powers and Duties

In addition to its specific duties set forth in this and other Town Ordinances and policies, the Planning Board shall have the following powers and duties:

1. To make studies of the Town and surrounding areas;
2. To determine objectives to be sought in the development of the Town;
3. To propose and recommend plans for achieving these objectives;
4. To develop and recommend to the Board of Commissions policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner;
5. To advise the Board of Commissioners concerning the use and amendment of means for carrying out plans;
6. To exercise such functions in the administration and enforcement of various means for carrying out plans as may be assigned by this article or other ordinances of the Town; and
7. To perform other related duties as may be assigned by this article or other ordinances.

ARTICLE I-6 Amendment Procedures; Conditional Use Districts

I-6.1 General

The Board of Commissioners may amend, supplement or change the Zoning Ordinance text and zoning district lines and designations according to the following procedure. It is the intent of this Ordinance that the applicant for rezoning to any district other than a Conditional Use District shall be prohibited from offering any testimony or evidence concerning the specific manner in which he intends to use or develop the property. If the applicant believes that the development of his property in a specific manner will lessen adverse effects upon surrounding properties or otherwise make the rezoning more in accordance with the principles underlying the Town's comprehensive zoning plan, the applicant shall apply for rezoning to the appropriate Conditional Use District and simultaneously apply for a Conditional Use Permit specifying the nature of his proposed development. No permit shall be issued for any development within a Conditional Use District except in accordance with an approved Conditional Use Permit.

I-6.2 Amendment Initiation

Applications to change, supplement or amend this Ordinance may be initiated by:

1. Textual Amendment.
 - a. The Board of Commissioners;
 - b. The Planning Board;
 - c. Anyone who owns property or resides in the area of jurisdiction of this Ordinance or the authorized agent of such person.

2. Map Amendment.
 - a. The Board of Commissioners;
 - b. The Planning Board;
 - c. Anyone who owns property or resides in the area of jurisdiction of this Ordinance or the authorized agent of such person. Provided, however, map amendments involving Conditional Use

Districts may only be initiated by the owner or authorized agent of the owner.

I-6.3 Submittal

All applications for amendments to this Ordinance shall be in writing, signed and filed with the Zoning Administrator.

The Zoning Administrator, before scheduling any application for amendment for consideration by the Planning Board, shall ensure that it contains all the required information as specified in this Ordinance and on the application form. Applications which are not complete, or otherwise do not comply with the provisions of this Ordinance shall not be scheduled by the Zoning Administrator, but shall be returned to the applicant with a notation of the deficiencies in the application.

Completed applications shall be received a minimum of fourteen (14) days prior to the Planning Board meeting at which the proposed amendment is scheduled to be considered.

All applications for amendment shall contain, as a minimum, a description of the proposed change, and if it would require a change of the zoning maps, the application shall include a map drawn to a scale of not less than four hundred (400) feet to the inch and not more than twenty (20) feet to the inch showing the land covered by the proposed amendment, a legal description of the property and a list of names and addresses of all owners of property involved in the map change and all adjoining property owners as shown on County tax records. The applicant shall also submit a statement regarding the consistency of the request with surrounding development and adopted Town plans.

Any application requesting a change to a Conditional Use District shall be accompanied by a Conditional Use Permit application showing the use or uses proposed and any conditions being proposed by the applicant. Any conditions proposed shall always be more restrictive than the corresponding General Use District. The applicant shall also provide a statement supporting the personableness of the request. Changing a General Use District rezoning request to a Conditional Use District rezoning request during the rezoning

process shall be permitted as long as the change is to the corresponding Conditional Use District as shown in Article II-3.

I-6.4 Planning Board Action

The Zoning Administrator shall present any properly completed application for amendment to the Planning Board at its next regularly scheduled meeting occurring at least fourteen (14) days after filing of such application with the Zoning Administrator. Amendment proposals originated by Board of Commissioners are not required to be submitted to the Planning Board.

The Planning Board shall, within thirty (30) days of initial referral, either recommend in favor of an amendment or in opposition to an amendment in writing by simple majority vote of those present and voting. The Board may also propose conditions to their recommendation. A tie vote on a proposal shall be considered to be in opposition to such amendment. If the Planning Board should fail to act on any proposed amendment within thirty (30) days after it is referred to the Board, the request shall be considered to be forwarded to the Board of Commissioners without a recommendation

I-6.5 Board of Commissioners Action

The Zoning Administrator shall present any proposed amendments to the Board of Commissioners at its next regular scheduled meeting, following Planning Board action, at which it hears rezoning proposals. The Zoning Administrator shall transmit to the Board of Commissioners the Planning Board's record of action on the proposed amendments.

The Board of Commissioners shall take such lawful action on such proposals as it may deem advisable provided that no zoning amendment shall be adopted until after a public hearing shall have been held. Notice of public hearing shall be given as required by NC G.S. 160A, Article 19, Part 3 (Zoning) as follows:

- Notice shall be sent by first class mail to all adjacent property owners describing the proposed action at least 10 days prior to the public hearing.

- A notice shall be published in a newspaper having general circulation in the Town for two successive weeks with the first publication being at least 10 days but not more than 25 days prior to the public hearing.
- Adequate notice shall be posted prominently on the subject property on at least each public street that it fronts upon continuously for at least 10 days prior to the public hearing.

Prior to adopting or rejecting any zoning amendment, the Town Council shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the council considers the action taken to be reasonable and in the public interest.

I-6.6 Protest Petition

In case, however, of a qualified protest against such map amendment request, signed by the owners of twenty percent (20%) or more of the subject area, or owners of five percent (5%) of the surrounding property extending 100 feet from the subject area, an amendment shall not become effective except by favorable vote of three-fourths of all the members of the Board of Commissioners. Where the subject area abuts a street right-of-way, the 100 feet shall be measured starting from the opposite side of the street right-of-way unless the right-of-way is greater than 100 feet. The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the Ordinance as a result of annexation or otherwise.

No protest against any change in or amendment to the Zoning Mp shall be valid or effective for the purposes of this Article 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 Saturday, 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. All protest petitions shall 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. The protest petition must be valid at the time that the vote is taken and shall meet the requirements of North Carolina General Statutes 160A-385 & 386.

I-6.7 Special Provisions for Conditional Use Districts and Conditional Use Permits Associated with Conditional Use District Rezoning

Proposals for rezoning to any Conditional Use District shall always be accompanied by a request for a Conditional Use Permit. Such proposals and requests shall be processed and considered in the same procedure as conventional rezoning proposals, except as otherwise set forth herein, and the voting shall be the same as that required for zoning matters.

Any proposal for Conditional Use District rezoning and its accompanying request for a Conditional Use Permit shall be heard and considered simultaneously. Testimony and evidence related to the issuance of a Conditional Use Permit shall be subject to quasi-judicial procedures. If the Board of Commissioners should determine that the property involved in the proposal should be rezoned and the Conditional Use Permit issued, it shall adopt an Ordinance rezoning the property and authorizing the issuance of the Conditional Use Permit. Otherwise the proposal shall be denied.

In granting a Conditional Use Permit as part of a Conditional Use District rezoning, the Board of Commissioners shall make the following affirmative findings:

1. That the Use(s) requested is among those listed as an eligible Conditional Use in the Conditional Use District in which the subject property is located or is to be located.
2. That the Use Limitations and Conditions as proposed and/or imposed for the Conditional Use Permit meet or exceed and/or are at least as restrictive as the minimum standards for the corresponding General Use District.

3. That the use limitations and conditions as proposed and/or imposed for the requested Conditional Use Permit can reasonably be implemented and enforced for the subject property.
4. That when implemented the proposed and/or imposed use limitations and conditions will mitigate specific land development issues that would likely result if the subject property were zoned to accommodate all the uses and the minimum standards of the corresponding General Zoning District.
5. That the applicant has agreed to accept the use limitations and conditions as proposed and/or imposed for the requested Conditional Use Permit.

In granting a Conditional Use Permit, the Board of Commissioners may impose such additional restrictions and requirements upon such Permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured and substantial justice done. If all requirements and conditions are accepted by the applicant, the Board of Commissioners shall authorize the issuance of the Conditional Use Permit, otherwise the Permit shall be denied.

Any Conditional Use Permit so authorized shall be perpetually binding upon the property included in such Permit unless subsequently changed or amended by the Board of Commissioners, as provided for in this Article.

The Board of Commissioners may change or amend any Conditional Use Permit, after a public hearing upon recommendation by the Planning Board and subject to the same consideration as provided for in this section for the original issuance of a Conditional Use Permit.

No proposal to amend or change any Conditional Use Permit shall be considered within twelve (12) months of the date of the original authorization of such Permit or within twelve (12) months of hearing of any previous proposal to amend or change any such Permit.

I-6.8 Maximum Number of Applications

No application for the same zoning district applicable to the same property or any part thereof shall be filed until the expiration of twelve (12) months from:

1. The date of final determination by the Board of Commissioners; or
2. The date of the public hearing or scheduled public hearing if the application is withdrawn after it has been advertised for public hearing.
3. Changing a rezoning request from a General Use Zoning District to a Conditional Use Zoning District during the rezoning process shall not count as a second application.

Fees submitted for withdrawn cases shall not be refundable.

I-6.9 Textual Amendments

All applications for textual amendments to this Ordinance shall be in writing, signed and filed with the Zoning Administrator except those initiated by the Board of Commissioners or the Planning Board. Completed applications shall be transmitted by the Zoning Administrator to the Board of Commissioners at the next regular meeting of the Board of Commissioners at which is considered Zoning matters after action by the Planning Board as set forth in Section I-6.4.. The Board of Commissioners shall take such lawful action on such proposals as it may deem advisable provided that no textual amendment shall be adopted until after a public hearing shall have been held. Notice of public hearing shall be given by publishing a notice of such hearing of a proposed textual change once a week for two (2) consecutive weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than ten (10) days or more than twenty-five (25) days before the public hearing date.

ARTICLE I-7 **Administration, Enforcement and Penalties**

I-7.1 **Zoning Administrator**

This Ordinance shall be administered and enforced by the Zoning Administrator who shall be appointed by the Town Manager. The Zoning Administrator may appoint agents to act on his behalf. If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he shall notify the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or additions; alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violations of its provisions.

I-7.2 **Development Permit**

No land shall be used or occupied and no building hereafter structurally altered, erected, or moved, shall be used, or its use changed, until a Development Permit shall have been issued by the Zoning Administrator stating that the building and/or the proposed use thereof complies with the provisions of this Ordinance. No Building Permit shall be issued and no building shall be occupied until that Permit is issued. A record of all Permits shall be kept on file in the office of the Zoning Administrator and copies shall be furnished, on request, to any persons having a proprietary or tenancy interest in the use or building. The Zoning Administrator shall collect such fees for the issuance of Zoning Permits as are authorized by the fee schedule as adopted by the Board of Commissioners. The issuance of a valid Development Permit shall confer with it the right to undertake and complete the development and/or use of property under the terms and conditions of such Permit provided that such action as authorized by the Permit is commenced within one hundred eighty (180) days of issuance, unless a longer period is authorized by Section I-7.3, and provided that all other permits are obtained. Otherwise the Permit shall be void.

1. Application Procedures:

Each application for a Development Permit shall be accompanied by a plan in duplicate, drawn to scale, one (1) copy of which shall be returned to the Owner upon approval.

The plan shall show the following:

- a. The shape and dimensions of the lot on which the proposed building or use is to be erected or conducted;
- b. The location of the said lot with respect to adjacent rights-of-way;
- c. The shape, dimensions, and location of all buildings, existing and proposed, on the said lot;
- d. The nature of the proposed use of the building or land, including the extent and location of the use, on the said lot;
- e. The location and dimensions of off-street parking and the means of ingress and egress to such space; and
- f. Any other information which the Zoning Administrator may deem necessary for consideration in enforcing the provisions of this Ordinance.

2. Right of Appeal:

If the Development Permit is denied, the applicant may appeal the action of the Zoning Administrator to the Board of Adjustment as provided for herein. Such appeal shall be made within forty five (45) days of such permit denial.

I-7.3 Development Permit With Vested Rights

1. In any case where the applicant for a Development Permit desires to obtain a vested right, as authorized by NCGS 160A-385.1, the applicant shall observe the following procedures:

- a. The applicant shall submit to the Zoning Administrator seven (7) copies of a site specific development plan drawn to scale describing with reasonable certainty the type and intensity of use for the specific parcel or parcels of land. Such plan shall include:
 - 1) The boundaries of the site;

- 2) The dimensions, including height, of the proposed buildings and other structures;
- 3) Existing and proposed topographic contours at vertical intervals no greater than five feet;
- 4) The location, use, and outline of existing and proposed buildings, structures, and other improvements;
- 5) The location, name, pavement width, and right-of-way width of existing streets;
- 6) The location, pavement width, curb type, pavement type, sidewalk location, and curb cuts of all proposed parking facilities and site improvements;
- 7) The location of all existing and proposed water and sewer facilities;
- 8) The location of all existing and proposed drainage and erosion control facilities;
- 9) Proposed perimeter buffer and screening devices;
- 10) Property line survey and acreage data;
- 11) Existing water courses and flood hazard areas;
- 12) Existing land uses surrounding the site;
- 13) Written or graphic scale, north arrow, and proposed name of the development;
- 14) Stormwater plan and drainage calculations prepared by a licensed professional engineer; and
- 15) Name, address, and telephone number of the applicant and person preparing the plan.

It is recognized the each development is unique, and therefore, the Zoning Administrator may exercise flexible judgment in requiring more information and submittals while the Planning Board may waive certain requirements according to the needs of the particular case.

Approval of the Development Plan does not imply or satisfy approval requirements of other agencies nor does approval of this Development Plan satisfy or imply approval of detailed facility plans required to be approved by the State, County, or Town.

b. Public Hearing; Notice Thereof

Upon receipt of a properly prepared site specific development plan the Zoning Administrator shall arrange to bring such plan before the Board of Adjustment in the manner of a public hearing. Completed plans shall be received a minimum of fourteen (14) days prior to the public hearing at which the proposed vested rights plan is scheduled to be considered by the Board. Notice of the public hearing shall be given in the same manner as that required for a variance.

In considering an application for a Development Permit With Vested Rights the Board of Adjustment shall give due regard that the purpose and intent of this Ordinance shall be served, public safety and welfare secured and substantial justice done. If the Board should find, after public hearing, that the proposed Permit should not be granted, such proposed Permit shall be denied.

In granting such Permit, the Board of Adjustment shall make the following affirmative findings:

- 1) The use requested is among those listed as a Permitted or Conditional Use in the District in which the subject property is located or is to be located and complies with all the requirements of this Ordinance and other applicable ordinances.
- 2) The requested Permit is either essential or desirable for the public convenience or welfare.
- 3) The requested Permit will not impair the integrity or character of the surrounding or adjoining Districts, and will not be detrimental to the health, safety or welfare of the community.
- 4) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided.

In granting a Development Permit With Vested Rights, the Board of Adjustment may impose such additional restrictions and requirements upon such Permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured and substantial justice done. Approval of a site specific development plan

with the condition that a variance, Conditional Use Permit or modification be obtained shall not confer a vested right unless and until the necessary variance, Conditional Use Permit or modification is obtained. If all requirements and conditions are accepted by the applicant, the Board shall authorize the issuance of the Permit, otherwise the Permit shall be denied. Any Permit so authorized shall remain vested for a period of two years from the date of the action granting the Permit.

2. Violations

Any violation of a term or condition involved in the granting of a Zoning Permit With Vested Rights shall be treated the same as a violation of this Ordinance and shall be subject to the same remedies and penalties as any such violation. In addition, the Board of Adjustment may, after public hearing, revoke any such vested rights for failure to abide by any such term or condition.

3. Other Ordinances Apply

The establishment of a vested right shall not preclude the application of overlay zoning which imposes additional requirements but does not affect the allowable type or intensity or use, or ordinances or regulations which are general in nature and are applicable to all property subject to land-use regulation, including, but not limited to building, fire, mechanical, electrical and plumbing codes.

4. Changes or Amendments

No change or amendment to any Permit With Vested Rights shall be made except after public hearing and except as provided for in this Ordinance for the original issuance of such Permit. If, at the time of consideration of proposed change or amendment to an existing Permit, such Permit or proposed change or amendment could not be lawfully made under Ordinance conditions existing at that time, such proposed change or amendment shall be denied. In addition, in no case shall there be an extension of the two-year time period for which such development right is vested. Nothing herein shall exempt plans related to such Permit from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval,

provided that such reviews and approvals are not inconsistent with the original approvals.

5. Status at Expiration of Term

A right which has been vested shall terminate at the end of the two-year vesting period with respect to buildings and uses for which no valid Building Permit applications have been filed. Upon issuance of a Building Permit, the provisions of G.S. 160A-418 and G.S. 160A-422 shall apply except that a Building Permit shall not expire or be revoked because of the running of time while a vested right under this Section is outstanding. Any development constructed pursuant to a Development Permit With Vested Rights for which the vested term has expired and which is not in conformance with all the terms of this Ordinance because of changes made in the provisions of this Ordinance, including the Zoning Map, after the issuance of such Permit shall be subject to the provisions of this Ordinance relating to non-conformities the same as any other non-conformity.

6. Annexation Declaration

Any landowner who signs an annexation petition to the Town pursuant to G.S. 160A.31 or G.S. 160A-58.1 shall, as part of that petition, file a signed statement declaring whether or not vested rights with respect to the property subject to the petition have been established under G.S. 160A-385.1 or G.S. 153A- 344.1. If the statement declares that such rights have been established, the Town may require petitioners to provide proof of such rights. A statement which declares that no vested rights have been established by law shall be binding on the landowner and any such vested right shall be terminated.

I-7.4 Site Plan Approval Prerequisite to Development Permit

As a prerequisite to the issuance or authorization of a Development Permit, Site Plan Approval by the Planning Board shall be required for the following developments:

1. Non-residential developments of 5,000 square feet or more of gross area or impervious area, or the addition of five (5) or more parking spaces.

2. Multi-family developments of four (4) or more dwelling units.
3. Multi-family developments with more than one building on the lot.
4. Change of occupancy as a result of a zoning change or change of use category.

Site plans shall be submitted at least seven (7) days prior to the Planning Board meeting at which review is scheduled and shall be in form and number of copies of the site specific development plan required in Section I-7.3. Developments that have received approval for a Development Permit with Vested Rights shall not require approval under this section.

I-7.5 Duties of Zoning Administrator, Board of Adjustment, Courts and Board of Commissioners to Matters of Appeal

It is the intention of this Ordinance that all questions arising in connection with the enforcement of this Ordinance shall be presented first to the Zoning Administrator and that such questions shall be presented to the Board of Adjustment only on appeal from the Zoning Administrator; and that from the decision of the Board of Adjustment recourse shall be to courts as provided by law. It is further the intention of this Ordinance that the duties of the Board of Commissioners in connection with the Ordinance shall not include the hearing and passing upon disputed questions that may arise in connection with the enforcement thereof, but the procedure for determining such questions shall be as herein set out in the Ordinance, and that the duties of the Board of Commissioners in connection with this Ordinance shall be only the duty of considering and passing upon any proposed amendment or repeal of the Ordinance as provided by law.

I-7.6 Violations; Remedies

Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Article and by State law.

A. Development Without Permit

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

B. Development Inconsistent With Permit

To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form or authorization granted for such activity.

C. Violation by Act or Omission

To violate, by act or omission, any term, variance, modification, condition, or qualification placed by the Board of Commissioners or its agent boards upon any required permit, certificate, or other form of authorization for the use, development, or other activity upon land or improvements thereon.

D. Use in Violation

To erect, construct, reconstruct, alter, repair, convert, maintain, or use any building or structure or to use any land in violation or contravention of this Ordinance or any other regulation made under the authority conferred thereby.

E. Continue a Violation

Each day's continuation of any of the above violations is a separate and distinct offense.

I-7.7 Penalties for Violation

Violations of this Ordinance shall constitute either a misdemeanor , with a fine not exceeding fifty (50) Dollars or imprisonment not exceeding thirty (30) days, or, at the election of the Town, shall subject the offender to a civil penalty upon the issuance of a citation for said violation as hereinafter

provided. The civil penalty, if not paid to the Town within fifteen days of the issuance of a citation, may be recovered by the Town in a civil action in the nature of debt. Said civil penalties shall be in the amount of \$50.00 (fifty dollars) for each violation and each day any single violation continues shall be a separate violation.

In addition to the civil penalties set out above, any provision of this Ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the Town for equitable relief that there is an adequate remedy at law.

In addition to the civil penalties set out above, 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 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 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.

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.

The provision of this Ordinance may be enforced by one, all or a combination of the remedies authorized and prescribed by this section.

Upon determination of a violation of any section of this Ordinance, the penalty for which is a civil penalty, the Zoning Administrator shall cause a warning citation to be issued to the violator. Such citation shall set out the nature of the violation, the section violated, the date of the violation, and shall contain an order to immediately cease the violation. If the violation is in the nature of an infraction for which an order of abatement would be appropriate in a civil proceeding, a reasonable period of time must be stated in which the violation must be abated.

An appeal from a warning citation shall be taken within ten (10) days from the date of said warning citation and the Board of Adjustment, in considering such appeal, shall, notwithstanding other powers as may be granted, have power only in the manner of administrative review and interpretation where it is alleged that the Enforcement Officer has made an error in the application of the Ordinance, in the factual situation as it relates to the application of the Ordinance, or both.

Where the Zoning Administrator determines that the period of time stated in the original warning citation is not sufficient for abatement based upon the work required or Consent Agreement, the Zoning Administrator may amend the warning citation to provide for additional time. The warning citation shall specify that a second citation shall incur a civil penalty, together with costs, and attorney fees.

Upon failure of the violator to obey the warning citation a civil citation shall be issued by the Zoning Administrator and either served directly on the violator, his duly designated agent, or registered agent if a corporation, either in person or posted in the United States mail service by first class mail addressed to the last known address of the violator as contained in the records of the Town or obtained from the violator at the time of issuance of the

warning citation. The violator shall be deemed to have been served upon the mailing of said citation. The citation shall direct the violator to pay the civil assessment in person within fifteen days of the date of the citation, or alternatively to pay the citation by mail. The violation for which the citation is issued must have been corrected by the time the citation is paid, otherwise further citations shall be issued. Citations may be issued for each day the offense continues until the prohibited activity is ceased or abated.

If the violator fails to respond to a citation within fifteen days of its issuance, 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 Justice for the collection of the penalty, costs, attorney fees, and such other relief as permitted by law.