



TOWN OF FARMVILLE

CODE OF ORDINANCES

CHAPTER 27- ZONING

AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR FARMVILLE, NORTH CAROLINA, AND ITS EXTRATERRITORIAL AREA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT OF SAME

Section 1.0 AUTHORITY, PURPOSE, ENACTMENT

1.1 Authority

This ordinance is adopted pursuant to authority granted to North Carolina municipalities by Chapter 160A, Article 19, Part 3 (principal sections G.S. 160A-381 through 392), North Carolina General Statutes.

1.2 Purposes

It is the intent of this ordinance to encourage well-planned growth for the Town of Farmville, and its environs, to help insure wise, productive, and harmonious uses of land, to guide the use of land in a manner which gives appropriate consideration to the economic, social, cultural, aesthetic, and environmental values of citizen of the community, to preserve and enhance the quality of life for community residents, and to assist in implementing the elements of the town's comprehensive plan.

To these ends, this ordinance seeks to regulate land and structures in a manner that will secure safety from fire, flooding, panic, and other dangers, provide adequate light, air, and sanitation, prevent population and traffic congestion and the overcrowding of land, facilitate the adequate provision of public facilities and utilities, conserve the value of land, buildings, and natural resources, and preserve and protect the community's natural resources and its sensitive natural areas.

1.3 Enactment

For the purposes cited above and for the general purposes of promoting the health, safety, and general welfare of the citizens of Farmville, all in accordance with a comprehensive plan, the Board of Commissioners of the Town of Farmville hereby ordain, adopt, and enact this ordinance in its entirety, including text, map, and all regulations, all of which shall be known as the Farmville Zoning Ordinance. This ordinance shall apply to all land within the corporate and extraterritorial limits of the Town of Farmville, as shown on the Official Zoning Map or described by ordinance.

1.4 Conflicting Ordinances

All ordinances or parts of ordinances in conflict with this ordinance or inconsistent with its

provisions, specifically including previous zoning ordinances of the town of Farmville or amendments thereto, are hereby repealed or superseded to the extent necessary to give this ordinance full force and effect. The intent of the ordinance is not to affect any bonafide farms in the extraterritorial area, but any use of such property for non-farm purposes shall be subject to such regulations.

1.5 Separability

Should any provision of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect this ordinance as a whole or any part hereof except that specific provision which was the subject of the declaration.

Section 2.0 GENERAL PROVISIONS

2.1 Interpretations and Other Requirements

In interpreting and applying these regulations, they shall be held to be the minimum requirements necessary to carry out the purposes of the ordinance. Except as may be specifically stated, it is not the intent of this ordinance to interfere with, abrogate, annul, or otherwise affect any easements, covenants, or other agreements between parties; provided, however, that when the requirements of this ordinance impose a greater restriction upon the use of land or structures or requires greater yard or open spaces than imposed by other ordinances, rules, regulations, permits, easements, deed restrictions, covenants or agreements, the provisions of this ordinance shall govern.

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2.2 Land and Structures Affected

No land, building, or structure shall be used or occupied, and no building or structure or part thereof shall be erected, moved, or structurally altered except in conformity with these regulations.

2.3 One Principal Building Per Lot; Exceptions

There shall be no more than one principal building upon any residential lot, except as provided in Section 18A of this ordinance.

2.4 Changes in Lot Sizes and Yard Spaces

No lot shall be reduced in area or changed in dimensions so that lot sizes, frontages, yard spaces and setbacks, open spaces, or other requirements of this ordinance are not met, except through an accepted dedication of right-of-way to the Town or the State. Pre-existing lots in the R-5 and R-8 Districts may be subdivided, even if the lots created are nonconforming if they meet the following conditions:

1. Lots must have more than one principal building, and thus already be nonconforming by violating Section 2.3
2. Lots created shall be subdivided and shall provide the widest setbacks possible for both houses.
3. Building footprints must not be expanded into the nonconforming setbacks, even if the original house is demolished or moved. Buildings can be expanded into areas that are within conforming setbacks.

All lots and yard spaces established after the passage of this ordinance shall be in full conformity with these regulations. (Amended December 6, 2005)

2.5 Double Counting Not Permitted

No space which has been counted as part of a yard, lot area, parking area, or loading area required for one lot, use, or building shall be counted to satisfy or comply with such requirements for any other lot, use or building.

2.6 Structures to Have Access

Except as provided in Section 18A of this ordinance, every residential building hereafter erected or moved shall be on a lot having a minimum frontage of 20 feet on a public street. All structures shall be so located on lots to provide safe and convenient access from servicing, fire protection, and required off-street parking.

2.7 Yard Space Encroachments

No required yard space shall be encroached upon or reduced except in conformity with these regulations. Shrubbery, driveways, retaining walls, fences, curbs, or ornamental objects, and plantings shall not be considered encroachments. Eaves may project no more than 2 feet into a minimum required yard.

2.8 Corner Lot Setback

Buildings erected on lots having frontage on two or more streets shall be set back according to area and bulk regulations.

2.9 Intersection Visibility

On a corner lot in any residential district no planting, structure, fence, wall or obstruction to vision more than 2.5 feet in height shall be placed or maintained within the triangular area formed by the intersecting property lines and a straight line connecting the points on said street lines each of which is 15 feet from the point of intersection.

2.10 Lot Coverage

The maximum lot coverage by all structures on a lot shall not exceed 50%, except for the Central Business District (CBD) which shall have no limitations on lot coverage.

2.11 Residential Accessory Buildings

The minimum setbacks for accessory buildings from side and rear lot lines in residential districts shall be the minimum side yard requirement for that residential district.

2.12 Construction in Progress

No change in the plans, construction, size, or immediate designated use shall be required for any building, structure, or part thereof for which a building permit has been properly issued before passage of this ordinance; provided, however, that if construction is not begun within 6 months or prosecuted to completion within a reasonable time of the effective date of this ordinance, any further construction shall conform with this ordinance.

2.13 Height Regulation Exceptions

Height limitations contained do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, flagpoles, or other projections usually required to be placed above the roof level and not intended for human occupancy.

2.14 Illumination Facing Thoroughfares

No flood, screening, or other type of lighting shall be placed or oriented so as to direct light rays or glare onto streets or highways in a manner which might distract or interfere with the vision of motorists or of pedestrians in crosswalks. This provision shall not affect traffic signals and street lights.

2.15 Transit Shelters

Weather shelters at school bus or public transit stops, not exceeding 60 square feet in area, are permitted in all districts. Such shelters shall not impair intersection visibility.

2.16 Home Occupations

Home occupations must be clearly incidental and secondary to the use of the dwelling for

residence purposes and must not change the character thereof. Home occupations must be conducted by the family dwelling therein, must not employ more than one person who is not related family member, must not include sales rooms, display windows, or outside storage, must not include installation of mechanical equipment except such equipment normally used for domestic or professional purposes, must not use over 25 percent of the total floor space of the dwelling structure (including storage), and must not use accessory buildings in connection with the home occupation. No home occupation shall significantly increase the traffic, noise, electrical interference, glare, dust, smoke, or odor beyond levels normally existing in residential districts. Claims of home occupations shall not be used to circumvent or avoid the intent of this ordinance that trades and commercial operations shall take place in appropriately zoned commercial districts.

2.17 Buffer Areas

Buffer areas shall be continuously maintained in evergreen trees, initially planted at minimum heights of 4 feet and minimum density of one per 12 square feet or other such arrangement which successfully achieves the screening objective. Buffer areas shall include only plantings and any required fencing and shall not include buildings, signs, or vehicles.

2.18 Classification of New Jurisdiction

All territory which may hereafter be added to Farmville’s zoning jurisdiction by an ordinance or bill of annexation or by an ordinance extending the extraterritorial jurisdiction shall be classified RA-20 Residential-Agricultural unless and until specifically classified otherwise by ordinance.

2.19 Family Care Homes

Family care homes for handicapped people shall be allowed in all districts zoned residential in accordance with NCGS 168-22.

2.20 Stream Buffer Areas Required

- A. Stream Buffer: A minimum fifty (50) foot vegetative buffer is required along all perennial waters indicated on the most recent versions of USGS 1:24,000 (7.5 minute) scale topographical maps or as determined by local government studies. Desirable artificial stream bank or shoreline stabilization is permitted. (amended 09/07/04)
- B. Development in Buffers: No new development is allowed in the buffer, except water dependent structures and public projects such as road crossings and greenways may be allowed where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater best management practices (BMP’s) (amended 09/07/04)

Section 3.0 **DEFINITION OF TERMS**

For the purpose of interpreting this ordinance, certain words and terms shall be interpreted as indicated below. All other words used in this ordinance shall have their customary dictionary definitions.

3.1 **Tense and Number**

3.1.1 Words used in the present tense include the future tense, and words used in the future tense include the past tense.

3.1.2 Words used in the singular number include the plural, and words used in the plural number include the singular.

3.2 **Word Interpretation**

3.2.1 The word **person** includes firm, association, organization, partnership, corporation, trust, family, and company, as well as an individual.

3.2.2 The word **lot** includes the words plot and parcel.

3.2.3 The word **building** includes the word **structure**.

3.2.4 The word **shall** is always mandatory and not merely directory.

3.2.5 The word **may** is permissive and not mandatory.

3.2.6 The words **used** or **occupied** include "intended, arranged, or designated to be" used or occupied.

3.2.7 The word **Town** shall mean the Town of Farmville, a municipal corporation in the State of North Carolina.

3.2.8 The words **ordinance**, **regulations**, and **requirements** shall, unless otherwise explained, mean this official Zoning Ordinance of the Town of Farmville, North Carolina.

3.2.9 The words **map**, **zoning map**, and **official zoning map** shall mean the Official Zoning Map of the Town of Farmville, North Carolina, and its Extraterritorial Area, an element of this ordinance.

3.2.10 Reference to **Town Board**, **Planning Board**, **Board of Adjustment**, or similar official boards shall mean the corresponding public body of municipal government in the Town of Farmville, North Carolina.

3.3 Term Definitions

3.3.1 Accessory Building or Use: A non-attached building or use clearly incidental to a principal building or use, serving or contributing to the principal building or use, subordinate in area, extent and/or purpose to the principal building or use, and located on the same lot as the principal building or use. Accessory buildings or uses include garages, storage sheds, play houses, and swimming pools.

3.3.1.1 Accessory Building or Use on a Bona Fide Farm in the RA-20 District:
Manufactured homes subject to the following conditions being met:

- a. Water, sewer, and electric services, meeting current health and code requirements, must have previously been used and be currently available on the site for exclusive use by the manufactured home.
- b. Structures previously or currently using services cited in 3.3.1.1. a-above must be removed.
- c. A minimum area of 20,000 square feet must be designated for the manufactured home site.
- d. Residents of the manufactured home must be employed on the farm where the home is located.

3.3.2 Automobile

3.3.2.1 Automobile Service Station: a business providing motor vehicle fuel, oil, greases, tires, accessories, and related services.

3.3.2.2 Dealership: A business engaged in selling or renting new or used automobiles and trucks and their related services.

3.3.2.3 Bed and Breakfast Inn: A dwelling where, for compensation, lodging with meals for transient persons is provided. "Bed and Breakfast Inn" includes Tourist Homes.

3.3.3 Boarding House: A dwelling where, for compensation, lodging with or without meals for nontransient persons is provided.

3.3.3.1 Bona Fide Farm: A place from which \$1,000 or more of agricultural products are grown or raised and sold annually.

3.3.4 Building: Any structure having a roof supported by columns or by walls designed for shelter, housing, enclosure of persons, animals, property or business activity.

- 3.3.5 Building Height: The vertical distance from the highest point of the building, excluding spires, antennas, and any other specific exceptions in the "General Provisions" of this ordinance.
- 3.3.5.0 Cluster Development: The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project. This term includes nonresidential development as well as single-family residential subdivisions and multifamily developments.
- 3.3.5.1 Convenience Store: Any retail establishment offering for sale prepackaged food products, household items and/or other goods commonly associated with the same and have a floor area of less than 5,000 square feet, but not including auto service stations or vehicle repair shops. (Added 9/2/97)
- 3.3.6 District: A zoning district is an area within the town of Farmville or its extraterritorial areas within which the zoning regulations are uniform.
- 3.3.7 Duplex: A residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.
- 3.3.8 Dwelling Unit: An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family. (Amended 06/06/95)
- 3.3.9 Dwelling, Multi-Family: A dwelling containing three or more units, including apartment houses, townhouses, and condominiums.
- 3.3.10 Extraterritorial Area: Land under the jurisdiction of this ordinance and lying beyond the corporate limits within one mile of the town, as delineated on the Official Zoning Map.
- 3.3.11 Family: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.
- 3.3.12 Family Care Home: A home with support and supervisory personnel that provides room, personal care and habilitation services in a family environment for not more than six resident handicapped persons.
- 3.3.13 Farm: An activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber and customarily producing same in sufficient quantity to contribute significantly the operators' livelihood.

- 3.3.14 Fence: A hedge, structure or partition erected for the purpose of enclosing an area.
- 3.3.15 Fence, Wall, Hedge – Open: A fence that is fifty percent or more open on its vertical surface to permit the transmission of light, air, and vision through a horizontal plane.
- 3.3.16 Fence, Wall, Hedge – Solid: A fence that is less than fifty percent open on its vertical surface to permit the transmission of light, air, and vision through a horizontal plane.
- 3.3.17 Frontage: All property abutting one side of a street, measured along the street line.
- 3.3.18 Garages
- 3.3.18.1 Garages, Private: an accessory structure to a dwelling designed for the storage of family motor vehicles and in which no business occupation or service is conducted.
- 3.3.18.2 Garages, Service: a business providing motor vehicle mechanical and body repairs and related services.
- 3.3.19 Home Occupation: Work for compensation conducted within a dwelling by a person or family residing therein. Home occupations are extensions of traditional home-making activities and crafts or professions, which are generally only headquartered in the home and do not customarily have regular hours for the public. Customary home occupations include, but are not limited to, dressmaking, seamstressing, cooking and baking, quilting, hairdressing, music instructing, renting (but not more than one room to boarders), insurance salesman, accountants, bookkeepers, consultants, and manufacturers' sales representatives.
- 3.3.20 Hotel: A commercial structure and business in which sleeping accommodations are provided, including customary accessory use, if they are a physical and integrated part of the principal use. "Hotel" includes motels.
- 3.3.21 Junkyard: A place of business or establishment which is maintained, operated or used for storing, keeping, buying, or selling junk as defined by G.S. 136-143(3), including auto graveyard.
- 3.3.22 Lot: A parcel of land intended as a unit for transfer of ownership or for development or both.
- 3.3.23 Lot, Corner: A lot abutting a street on two intersecting sides of the lot.

- 3.3.24 Lot Depth: The average distance between front and rear lot lines.
- 3.3.25 Lot Frontage: The distance between the two side lot lines as measured along the street right-of-way.
- 3.3.26 Lot of Record: A lot which is part of a subdivision or plat which has been recorded in the office of the Register of Deeds of Pitt County, after any appropriate approvals under Town regulations, or a lot described by metes and bounds, the description of which has been so recorded.
- 3.3.27 Lot Width: The distance between side lot lines measured at the front building line.
- 3.3.28 Lower Façade: The first-story, outer, exposed front surface of a building, or the lower twelve feet of the building front above grade if there is not a clear distinction between grades.
- 3.3.29 Mobile Home: A factory assembled, movable dwelling designed and constructed to be towed on its own chassis, comprised of frame and wheels, to be used without a permanent foundation and distinguishable from the other types of dwellings in that the standards to which it is built include provisions for its mobility on that chassis as a vehicle.
- 3.3.30 Manufactured Home: A dwelling unit that (i) is not constructed in accordance with the standards set forth in the North Carolina State Building Code, and (ii) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and (iii) exceeds forty feet in length and eight feet in width. (Amended 06/06/95)
- 3.3.30.1 Manufactured Home, Class A. - A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:
- a. The manufactured home has a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis;
 - b. The manufactured home has a minimum of 1000 square feet of enclosed living area;
 - c. The pitch of the roof of the manufactured home has a minimum vertical rise of two and two tenths feet for each twelve feet of horizontal run (2.2' and 12') and the roof is finished with a type of shingle that is commonly used in standard residential construction; and
 - d. All roof structures shall provide an eave projection of no less than six inches, which may include a gutter;
 - e. The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding

(whose reflectivity does not exceed that of gloss white paint), wood, hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;

- f. The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home;
- g. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina Department of Insurance, attached firmly to the primary structure and anchored securely to the ground; and
- h. The moving hitch, wheels and axles, and transporting lights have been removed. It is the intent of these criteria to insure that a Class A manufactured home, when installed, shall have substantially the appearance of an on-site, conventionally built, single family dwelling.

(Section 30.3.30.1-Amended 06/06/95)

3.3.30.2 Manufactured Home, Class B. A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of Construction, and meet or exceed criteria (f), (g) and (h) for Class A homes above. (Amended 06/06/95)

3.3.30.3 Manufactured Home, Class C. Any manufactured home that does not meet the definition criteria of a Class A or Class B manufactured home. (Amended 06/06/95)

3.3.30.4 Modular Home: A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two or more sections transported to the site in a manner similar to a manufactured home (except that the modular home meets the North Carolina State Building Code), or a series of panels or room sections transported on a truck and erected or jointed together on the site. (Added 06/06/95)

3.3.30.5 Park Model Home: A dwelling unit that:

- 1. Is not constructed in accordance with the standards set forth in the North Carolina State Building Code, and,
- 2. Is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported on its own chassis, and
- 3. Does not exceed forty feet in length and eight feet in width.

(Added 06/06/95)

- 3.3.30.6 Travel Trailer: A structure that is:
1. intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and
 2. Is designed for temporary use as sleeping quarters, but does not satisfy one or more of the definitional criteria of a manufactured home.
(Added 06/06/95)
- 3.3.31 Nightclub : A cocktail lounge, tavern, beer hall, dance hall, coffee house, private club, or similar establishment offering primarily beverages and music, usually

open during the late afternoon, evening and/or early morning hours and typically, but not necessarily, offering alcoholic beverages for sale and consumption.
- 3.3.32 Nonconforming Lot: A lot which does not conform to the district regulations in which it is located.
- 3.3.33 Nonconforming Structure: A building, mobile home, wall, fence, sign or other structure which does not conform to the regulations of this ordinance.
- 3.3.34 Nonconforming Use: A use of land and/or structure which was a conforming use prior to Zoning Ordinance Enactment.
- 3.3.35 Permitted Use: A use permitted by right in a district, not subject to approval as a special exception nor prohibited in the district.
- 3.3.36 Principal Building or Use: The principal purpose for which the lot or the main structure thereon is designed, arranged, intended or used.
- 3.3.37 Restaurant, Drive-In: A food service establishment whereby food is dispensed directly over the counter and consumed in the vehicle or served directly to customers in vehicles.
- 3.3.38 Right-of-Way: An area dedicated to and/or maintained by the Town of Farmville, chartered public utilities, or the State of North Carolina for the placement of roads and/or utilities.
- 3.3.39 Setback; Front, Side, and Rear: The minimum required distance between the front, side and rear lot line and the building line.
- 3.3.40 Shopping Center: Two or more commercial establishments planned and constructed as a single unit with off street parking and loading facilities provided on the property.
- 3.3.41 Sign: Any device designed to inform, or attract the attention of persons not on the premises on which the sign is located.
- 3.3.42 Sign, Ground: Signs that extend upward out of the ground.
- 3.3.43 Sign, Marquee: Signs that appear on extended roofs, such as theatre signs.

- 3.3.44 Signs, Outdoor Advertising: Any sign which directs attention to a business, commodity, service, entertainment, or other activity conducted, sold, or offered elsewhere than on the premises on which said sign is located.
- 3.3.45 Sign, Principal Use: A sign which directs attention to a business or other activity conducted exclusively on the premises upon which said sign is located.
- 3.3.46 Sign, Projecting: Signs that extend outward from the building walls.
- 3.3.47 Sign Area: The total display surface of a sign.
- 3.3.48 Sign, Temporary: A sign permitted for a period not exceeding twelve (12) months.
- 3.3.49 Signs, Total Aggregate Area: The total surface of all signs on premises or in a specific area.
- 3.3.50 Special Exception: A proposed special use in which the Board of Adjustment must review to determine if that use is compatible with authorized uses.
- 3.3.50.1 Stream Buffer: An area of natural or planted perennial vegetation through which storm water runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams and rivers.
- 3.3.51 Street: A dedicated and accepted public right-of-way for vehicular traffic which provides the principal means of access to abutting properties.
- 3.3.52 Structure: Anything constructed or erected, the use of which requires more or less permanent location on the ground, or which is attached to something more or less permanently located on the ground. Among other things, structures include buildings, manufactured housing, walls, fences, and signs.
- 3.3.53 Upper Façade: The upper story, outer wall of a building, or where there is not a clear distinction between stories, the wall above 12 feet in height.
- 3.3.54 Variance: A device which grants a property owner relief from certain provisions of a zoning ordinance to relieve him from a particular hardship, in particular, relief from dimensional requirements.
- 3.3.55 Yard: A required open space on the same lot with a building or structure(s) unoccupied and unobstructed from the ground upward except by trees, shrubbery, landscaping features, or other exceptions specified in this ordinance.

- 3.3.56 Yard, Front: A yard from the front line of the principal building to the street right-of-way or front property line extending across the full width of the lot.
- 3.3.57 Yard, Rear: A yard from the rear line of the principal building to the rear lot line and extending across the full width of the lot.
- 3.3.58 Yard, Side: A yard from the side line of the principal building to side lot line(s) and extending from the front yard to the rear yard.

Section 4.0 DISTRICT REGULATIONS

4.1 Establishment of Districts

District regulations setting forth permissible uses and establishing area and bulk requirements for the use of land and buildings are hereby enacted. These regulations are adopted as requirements for the entire zoning jurisdiction of the Town, each part of which shall be classified according to one of the districts set forth below and regulated according to the uniform requirements of that district. These districts (classifications) shall be delineated on the official Zoning Map and be designated by their abbreviated name as well as their full titles.

4.2 Boundary Interpretation: When uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

- 4.2.1 Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or railroad right-of-way lines or such lines extended, such center lines, street lines, or railroad right-of-way lines shall be construed to be such boundaries.
- 4.2.2 Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
- 4.2.3 Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, highways or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated, and shall be determined by the use of the scale shown on said Zoning Map.
- 4.2.4 Where a district boundary line divides a lot in single ownership the district requirements for the least restricted portion of such lot shall be deemed to apply to the whole thereof, provided that such extensions shall not include any part of such a lot more than thirty-five (35) feet beyond the district boundary line.

Section 5.0 RA-20 RESIDENTIAL-AGRICULTURAL DISTRICT

5.1 Purpose. This district is designed for residential and agricultural purposes, in a rural or

near-rural setting, and is intended to insure that residential development with or without access to public water and/or sewers may take place in manner which provides a healthful environment. This district is designed to primarily govern land use in areas of the zoning jurisdiction least developed for urban purposes. This district also permits certain service and public uses which are common to a more rural setting, or have large land area requirements, or benefit from a low-density setting.

5.2 Permitted Uses

5.2.1 Single-Family dwellings.

5.2.2 Duplex

5.2.3 Agricultural and horticultural operations, including the sale of produce at roadside stands.

5.2.4 Churches and their customary accessory uses.

5.2.5 Public and private cemeteries.

5.2.6 Public and private parks, playgrounds, community centers, golf courses, swimming pools, and similar recreation uses.

5.2.7 Home occupations specifically listed in the definition thereof.

5.2.8 Accessory uses and structures.

5.2.9 Manufactured Home Overlay Areas

- a. Purpose. In accordance with the comprehensive plan and based on local housing needs, and as authorized by G.S. 160A-383.1(e), Manufactured Home, Class A overlay areas Manufactured Home, Class B overlay areas may be established. Such overlay areas may not consist of an individual lot or scattered lots, but shall consist of a defined area within which additional requirements or standards are placed upon manufactured homes. The intent of this approach is to allow manufactured homes in parts of a zoning jurisdiction where they would not otherwise be allowed, subject to appropriate conditions. The Town Commissioners will give close consideration to whether manufactured homes would be compatible with surrounding land uses.
- b. Designation. Manufactured Home Class A (MH Class A) and Manufactured Home Class B (MH Class B) overlay areas are authorized as areas which overlay or overlap existing zoning districts, the extent and boundaries of which are or may be indicated on the zoning map by adoption of a separate ordinance by the Town Commissioners, usually upon later request.

These provisions create the mechanism, which may from time to time be used by the Town Commissioners in designating such areas.

In addition to other permitted uses, Class A Manufactured homes shall be permitted in the MH Class A overlay area. Class A and Class B manufactured homes shall be permitted in the MH Class B overlay area. All other applicable requirements, including but not limited to setback and accessory structure requirements, also shall apply to manufactured homes allowed in overlay areas.

- c. Zoning Compliance Documents. After Town Commissioners approval of a designated overlay zone, a zoning compliance permit must be secured from the Code Enforcement Officer before a Class A or Class B Manufactured home may be placed on a lot. A building permit must also be secured. The building permit shall state all applicable conditions and requirements and state that any violations will be subject to appropriate enforcement action. Once installation and construction is complete and necessary inspections have been performed, and before occupancy and use, a certificate of occupancy must be secured. The certificate shall state that the property owner is responsible for assuring that all applicable conditions and requirements continue to be satisfied, and that appropriate enforcement actions will be taken if violations occur.

These permits shall be in addition to all other necessary permits.

- 5.2.10 Animal Hospitals, provided subsections 1-5 are met. (Added 2/2/99)
 - 5.2.10.1 Indoor Runs (Inside animal storage) (Added 2/2/99)
 - 5.2.10.2 Minimum Lot Size of 65,340 square feet (Added 2/2/99)
 - 5.2.10.3 A six foot high planted buffer shall be provided along the perimeter of the rear and side of the site. (Added 2/2/99)
 - 5.2.10.4 Setbacks shall not be less than fifty (50) feet on side yard and rear yards. Front yard setbacks shall not be less than that of the zoning classification of the property. (Added 2/2/99)
 - 5.2.10.5 A solid fence shall surround all areas used for outdoor walk areas. (Added 2/2/99)
- 5.2.11 Town owned well sites, above ground water storage tanks, lift stations, pump Stations, and electrical substations. (amended 10/02/2007)
(added 7/11/2000)
- 5.2.12 Demolition Landfill Overlay Area (RA-20 LF) (section added 7/11/2000)
 - 5.2.12.1 Purpose: In accordance with the comprehensive plan and local needs, Demolition Landfill Overlay may be established. Demolition Debris landfills shall be used only for the purpose of storing demolition debris (i.e., wood, brick, block, sheet rock, plaster, and shingles).

5.2.12.2 Shall be buffered on all sides not less than 200 feet from adjacent properties, and not less than 500 feet from residential property.

5.2.12.3 Shall not be located within the 100-year flood zone.

5.2.13 Dog Kennels

5.3 Special Exceptions

5.3.1 Mobile home parks, upon findings that (1) their placement and use will not have a substantial adverse effect upon the value or enjoyment of adjoining residential area, and (2) this form of housing appears necessary to adequately meet the demand for sound housing in the community. Permission for this use shall be conditional upon continuing compliance with the Town of Farmville Mobile Home Park Ordinance or Town Code provisions relating thereto.

5.3.2 Day care centers, upon a finding that the activities at the location will not have adverse effect upon the enjoyment of adjoining properties, and upon the condition that the play and fenced area comply with state day care center requirements.

5.3.3 Schools, upon a finding that adequate thoroughfare access exists to prevent undue traffic congestion and upon the condition that site plans be submitted.

5.3.4 Airports, upon findings that they will not create substantial noise or other significant adverse environmental conditions affecting nearby residents, schools, and businesses.

5.3.5 Governmental and public utilities buildings and uses, such as sewage lift stations, pump stations, electrical substations, water wells, fire stations, maintenance or operations center, and community centers upon a finding that they will not create excessive noise, odor, smoke, dust, or other adverse impacts which might prove detrimental to surrounding developed property and uses, and including plans for buffering adjacent properties.

5.3.6 Backyard workshops, for craftsmen and skilled technicians or repairmen, upon finding that the business will not adversely affect enjoyment and use of nearby properties by creating excessive traffic, noise, or other noxious impacts, and upon the condition that there be no outside storage of materials, and including plans for buffering adjacent properties.

- 5.3.7 Hospitals, homes for the elderly, convalescent homes, orphanages upon findings that low density setting is necessary to the purpose or operation of the facility and that adequate thoroughfare access exists to prevent undue traffic congestion. Permission for these uses shall be conditional upon submission of site plans. Lot sizes shall be no less than two acres and structures shall be conditional: observance of yard space requirements at least 25 feet greater than required for single family residences within the district, or as required by statute.
- 5.3.8 Assembly buildings and lodges of civic clubs, fraternal organizations, professional associations, service organizations, and private membership clubs, upon findings that the use will not detrimentally affect the use and enjoyment of nearby properties and that a low density setting significantly enhances the purpose of the facility. Examples of such uses, are: Ruritan Clubs, scout huts, wildlife clubs, country clubs, and veterans' clubs.
- 5.3.9 Class B Manufactured Homes during construction of a new single family residence under the following conditions: (section added 2/5/2002)
 - 5.3.9.1 Permissible only after issuance of building permit for a period not to exceed 360 days (no extensions permitted)
 - 5.3.9.2 Manufactured Home can only be setup after permit for new construction is obtained, footings inspected and poured.
 - 5.3.9.3 Property owner must provide a financial assurance in an amount sufficient to cover the removal costs of the manufactured home in one of the following methods: 1) Irrevocable Letter of Credit from a FDIC insured Lending Institution; 2) Performance Bond; 3) Setup a joint escrow account with the town; 4) Town be listed as the 1st lien holder on the home.
 - 5.3.9.4 That no certificate of occupancy will be issued for the new home until removal of the manufactured home.
 - 5.3.9.5 Property owner must sign agreement detailing the aforementioned requirements.

5.4 Existing Manufactured Homes

Existing manufactured homes in the RA-20 Zoning District as of June 6, 1995 that are not included in the MH Class A Overlay district shall remain conforming uses until such time as they remain vacant for a period of 180 days. These existing manufactured homes can be replaced if damaged, destroyed, or become obsolete, but must be replaced with a manufactured home of the same designated class (A or B) and class C shall be replaced with Class A or B.

(Section 5.0 - Amended 06/06/95)

5.5 Tattoo Parlors

- Tattoo Parlors, upon a finding that the activities at the location will not have an adverse effect upon the enjoyment of adjoining properties.
- Tattoo Parlors must not be located closer than two thousand (2000) feet from another such business.
- No exterior sign larger than two (2) square feet and not more than one such sign shall be located on the property.

(Section 5.5 - Added 07/03/07)

Section 6.0 R-15 RESIDENTIAL DISTRICT

6.1 Purpose: R-15 Residential District is intended to be a quiet low density neighborhood of single-family residences along with limited private and public community uses. This district is designed for areas with access to public water or sewer.

6.2 Permitted Uses

6.2.1 Single-Family Dwellings

6.2.2 Churches and Related Uses

6.2.3 Accessory use and structures

6.2.4 Town owned well sites, above ground water storage tanks, lift stations, pump stations and electrical substations.

(amended 10/02/2007) (Added 7/11/2000)

6.3 Special Exceptions:

6.3.1 Schools, upon a finding that adequate thoroughfare access exists to prevent undue traffic congestion and upon the condition that site plans be submitted

6.3.2 Bingo Fundraising

(ORD:532 / 06/06/06)

Section 7.0 R-12 RESIDENTIAL DISTRICT

7.1 Purpose: This district is designed to create and maintain a medium density residential neighborhood composed primarily of single-family dwellings and some public and community uses which will not detract from the character of the district as healthful, quiet, and aesthetically pleasing residential area. This district is designed for areas with access to public water or sewer.

7.2 Permitted Uses

- 7.2.1 Single-family dwellings
- 7.2.2 Churches and customary related uses.
- 7.2.3 Public and private parks, playgrounds, community centers, and outdoor recreation uses, except athletic fields and courts larger than 15,000 square feet.
- 7.2.4 Home occupations.
- 7.2.5 Accessory use and structures.
- 7.2.6 Town owned well sites, above ground water storage tanks, lift stations, pump stations and electrical substations.

(amended 10/02/2007) (Added 7/11/2000)

7.2.7 Planned Unit Development Overlay Area (section added 6/4/2002)

7.2.7.1 Propose: In accordance with the comprehensive plan and based on local housing needs, a Planned Unit Development overlay area may be established. Such overlay areas may not consist of an individual lot or scattered lots, but shall consist of a defined area within which additional standards are placed upon planned unit developments. The intent of this approach is to allow planned unit developments in parts of a zoning district where they would not otherwise be allowed, subject to appropriate conditions. The Town Planning Board and Board of Commissioners will give close consideration to whether a planned unit development (PUD) would be compatible with surrounding land uses.

7.2.7.2 Designation: PUD overlay areas are authorized as areas which overlay or overlap existing zoning districts, the extent and boundaries of which are or may be indicated on the zoning map by adoption of a separate ordinance by the Town Commissioners, usually upon later request.

These provisions create the mechanism that may from time to time be used by the Town Commissioners in designating such areas.

Zoning Compliance Documents: After Town Commissioners approval of a designated overlay zone, a zoning compliance permit must be secured from the Code Enforcement Officer before a Planned Unite Development may be developed. A building permit must also be secured. The certificate shall state that the property owner is responsible for assuring that all applicable conditions and requirements continue to be satisfied, and that appropriate enforcement actions will be taken if violations occur. These permits shall be in addition to all other necessary permits.

7.2.7.3 Additional Requirements/Specifications:

7.2.7.3.1 Must fully meet the requirements of the Town’s Landscaping Requirements.

- 7.2.7.3.2 The Planned Unit Development must be screened from all points of public view, and that of adjoining property owners by either an approved densely planted buffer or fence.
- 7.2.7.3.3 Provide two means of egress to the Planned Unit Development onto publicly dedicated rights of ways.
- 7.2.7.3.4 Provide for parking of vehicles within the development off of public right of ways. Parking should be calculated at two spaces for each unit, and if provided, one for each full time staff person should the property be managed on site. Parking spaces provided for units must be within 50' from each unit. Not more than six consecutive parking spaces will be permitted without being separated by islands or other approved buffers.
- 7.2.7.3.5 All units within the Planned Unit Development shall be sold as individually owned unites with fee simple deeds.
- 7.2.7.3.6 The developer shall provide a performance bond to cover the cost of the permitting installation, and inspection of all public utilities proposed to be deeded to the Town.
- 7.2.7.3.7 Density of said units Is not to exceed 10 units per acre.
- 7.2.7.3.8 Developer must provide a storm water retention plan to handle urn off should the Planned Unit Development not meet the impervious surface limits. This retention plan should handle the run off created in excess of the limits imposed by the impervious surface limits.
- 7.2.7.3.9 Fire hydrants shall be installed to ensure that a hydrant is not located more than 500 foot from any unit or structure contained within the Planned Unit Development.
- 7.2.7.3.10 Planned unit developments shall not be permitted on any parcel of land less than 2.0 acres in size.
- 7.2.7.3.11 Setback requirements shall be in total compliance with the regulations established in Section 18A of the Subdivision Ordinance.

7.3 Special Exceptions

- 7.3.1 Day Care centers, upon a finding that the activities at the location will not have adverse effect upon the enjoyment of adjoining properties, and upon the condition that the play and fences area comply with state day care center requirements.
- 7.3.2 Schools, upon a finding that adequate thoroughfare access exists to prevent undue traffic congestion and upon the condition that site plans be submitted.

7.3.3 Governmental and public utilities buildings and uses, such as sewage lift stations, pump stations, electrical substations, water wells, fire stations, maintenance or operations centers, and community centers, upon a finding that they will not create excessive noise, odor, smoke, dust, or other adverse impacts which might prove detrimental to surrounding developed property and uses, and including plans for buffering of adjacent properties.

7.3.4 Public and private cemeteries, upon approval of site plans and a finding that thoroughfare access and off-street parking are adequate to prevent traffic congestion.

7.3.5 Athletic fields and courts occupying more than 15,000 square feet upon a finding that noise, illumination, and/or other traffic are not likely to result to an extent which would materially affect quiet enjoyment of residential properties.

7.3.6 Bed and Breakfast (ORD:531-06/06/06)

Section 8.0 RESIDENTIAL DISTRICT (R-8)

8.1 Purpose: This district is designed for medium to high-density single-family and multi-family development.

8.2 Permitted Uses

8.2.1 Single-family

8.2.2 Churches and Related Uses

8.2.3 Parks, playgrounds, and community centers operated on a non-commercial or non-profit basis for recreational purposes only.

8.2.4 Greenhouses and truck gardens which are incidental to the residential use and conducted on a non-commercial basis only.

8.2.5 Accessory uses and structures

8.2.6 Home Occupations

8.2.7 Town owned well sites, above ground water storage tanks, lift stations, pump stations and electrical substations.

(amended 10/02/2007) (Added 7/11/2000)

8.3 Special Exceptions

8.3.1 Public works and public utilities facilities such as distribution lines, transformer stations, transmission lines and towers, electric substations, water tanks and towers, and telephone stations, provided such facilities are essential for the service of the immediate area and further provided that no vehicles or other non-essential equipment are located on the premises and that no offices shall be permitted. The entire lot so used shall be properly landscaped and furnished with a densely planted buffer of at least six (6) feet in height.

8.3.1.1 Day care centers, upon a finding that the activities at the location will not have adverse effect upon the enjoyment of adjoining properties and upon the condition that the play and fenced areas comply with State day care center requirements.

8.3.2 Fire stations and related emergency facilities.

8.3.3 Schools, upon a finding that adequate thoroughfare access exists to prevent undue traffic congestion and upon the condition that site plans be submitted.

8.3.4 Multi-family Dwellings

Multi-family residences may be allowed by a special-use permit by the Planning Board subject to the following regulations. For Planning Board review, the owner must provide a site plan of the property showing the location and dimensions of the residences, accessory buildings, buffers, parking areas and proposed signs.

1. Multi-family structures will only be allowed on properties that meet Section 18.2 of the Area and Bulk Regulations.
2. Off-street parking required: Off-street automobile parking or storage space shall be provided for every dwelling. Parking spaces may be provided in a parking garage or in a properly graded and improved open space. Remote parking lots are not permitted in residential districts. Each automobile parking space shall not be less than 200 square feet (10' wide and 20' deep) in an area exclusive of adequate access drives and maneuvering space. Required parking areas must have vehicular access to a street or alley; such access shall not be thereafter encroached upon or altered.
3. When a multi-family residence is next to a single family residence, a densely planted buffer strip at least 8' in height shall be planted and maintained along the shared property line. A fence of at least 6 feet in height may be allowed upon Planning Board approval.
4. There shall be no exterior display, no exterior sign larger than two (2) square feet and not more than one such sign.
5. No exterior storage of materials, and no other exterior indication or variation from the residential character of the neighborhood.
6. Prior to leasing dwellings, the owner shall obtain an appropriate Certificate of Occupancy from the Code Official. To apply for such certificate, the owner shall provide a floor plan of the residence showing the location and dimensions of the residences and also showing the location of fire exits, fire alarms, fire extinguishers and any other safety features as required by state or local code.
7. The multifamily structure shall meet all applicable local and state inspections, licensing and permit requirements.

(ORD:542-07/11/06)

Section 9.0 RESIDENTIAL DISTRICT R-5

9.1 Purpose: This district is designed for high-density residential purpose, including small lot single-family dwellings and multi-family dwellings.

9.2 Permitted Uses

9.2.1 Single-family dwellings

- 9.2.2 Duplex
- 9.2.3 Churches and customary related uses
- 9.2.4 Parks, playgrounds, community centers, swimming pools, and similar recreational uses, except athletic fields and courts larger than 15,000 square feet.
- 9.2.5 Libraries
- 9.2.6 Home occupations
- 9.2.7 Accessory uses and structures
- 9.2.8 Town owned well sites, above ground water storage tanks, lift stations, pump stations and electrical substations.

(amended 10/02/2007) (Added 7/11/2000)

9.3 Special Exceptions

- 9.3.1 Day care center, upon a finding that the activities at the location will not have adverse effect upon the enjoyment of adjoining properties and upon the conditions that the play and fenced area comply with state day care center requirements.
- 9.3.2 Schools, upon a finding that adequate thoroughfare access exists to prevent undue traffic congestion and upon the condition that site plans be submitted.
- 9.3.3 Governmental and public utilities buildings and uses, such as sewage lift stations, pump stations, electrical substations, water wells, fire stations, maintenance or operations centers, and community centers, upon a finding that they will not create excessive noise, odor, smoke, dust, or other adverse impacts which might prove detrimental to surrounding developed property and uses, and including plans for buffering of adjacent properties.
- 9.3.4 Public and private cemeteries, upon approval of site plans and a finding that thoroughfare access and off-street parking are adequate to prevent traffic congestion.
- 9.3.5 Athletic fields and courts occupying more than 15,000 square feet, upon a finding that noise, illumination, and/or traffic are not likely to result to an extent which would materially affect quiet enjoyment of residential properties.
- 9.3.6 Schools of art, dance, drama, and music, upon a finding that noise and other factors will not adversely affect enjoyment of residential properties; and, adequate off-street parking and passenger loading space has been provided to prevent congestion of the streets.

9.3.7 Rooming and Boarding Houses

9.3.8 Bed and Breakfast Inn, Tourist Homes

9.3.9 Multi-family Dwellings

Multi-family residences may be allowed by a special-use permit by the Planning Board subject to the following regulations. For Planning Board review, the owner must provide a site plan of the property showing the location and dimensions of the residences, accessory buildings, buffers, parking areas and proposed signs.

1. Multi-family structures will only be allowed on properties that meet Section 18.2 of the Area and Bulk Regulations.
2. Off-street parking required: Off-street automobile parking or storage space shall be provided for every dwelling. Parking spaces may be provided in a parking garage or in a properly graded and improved open space. Remote parking lots are not permitted in residential districts. Each automobile parking space shall not be less than 200 square feet (10’ wide and 20’ deep) in an area exclusive of adequate access drives and maneuvering space. Required parking areas must have vehicular access to a street or alley; such access shall not be thereafter encroached upon or altered.
3. When a multi-family residence is next to a single family residence, a densely planted buffer strip at least 8’ in height shall be planted and maintained along the shared property line. A fence of at least 6 feet in height may be allowed upon Planning Board approval.
4. There shall be no exterior display, no exterior sign larger than two (2) square feet and not more than one such sign.
5. No exterior storage of materials, and no other exterior indication or variation from the residential character of the neighborhood.
6. Prior to leasing dwellings, the owner shall obtain an appropriate Certificate of Occupancy from the Code Official. To apply for such certificate, the owner shall provide a floor plan of the residence showing the location and dimensions of the residences and also showing the location of fire exits, fire alarms, fire extinguishers and any other safety features as required by state or local code.
7. The multifamily structure shall meet all applicable local and state inspections, licensing and permit requirements.

(ORD:542-07/11/06)

9.3.10 Funeral Homes

(added 06/02/09)

Section 9.4 RESIDENTIAL MANUFACTURED HOUSING DISTRICT (R-M.H.)

9.5 Purpose: This district is designed for high-density residential purposes for

manufactured housing located on individual lots and in manufactured home parks, and such other uses which would not be detrimental to the residential nature of the district.

9.6 Permitted Uses

- 9.6.1 Single-family manufactured housing on individual lots
- 9.6.2 Single-family manufactured housing in manufactured home parks developed in accordance with Chapter 15 of the Town Code.
- 9.6.3 Churches and customary related uses
- 9.6.4 Home Occupation
- 9.6.5 Parks, playgrounds, community centers, swimming pools, and similar recreation uses, except athletic fields and courts larger than 15,000 square feet.
- 9.6.6 Accessory uses and structures
- 9.6.7 Town owned well sites, above ground water storage tanks, lift stations, pump stations and electrical substations.

(amended 10/02/2007) (Added 7/11/2000)

9.7 Special Uses

- 9.7.1 Day care centers, upon a finding that the activities at the location will not have adverse affect upon the enjoyment of adjoining properties, and upon the condition that the play and fenced area comply with state day care center requirements.
- 9.7.2 Convenience commercial uses located within manufactured home parks in accordance with Chapter 15 of the Town Code.
- 9.7.3 Athletic fields and courts occupying more than 15,000 square feet, upon a finding that noise, illumination, and/or traffic would not materially affect quiet enjoyment of residential properties.
- 9.7.4 Governmental and public utilities buildings and uses such as sewage lift stations, pump stations, electrical substations, pump stations, electrical substations, water wells, fire stations, maintenance or operations centers, and community centers upon a finding that they will not create excessive noise, odor, smoke, dust, or other adverse impacts which might prove detrimental to surrounding developed property and uses, and including plans for buffering adjacent properties.
- 9.7.5 Schools, upon a finding that adequate thoroughfare access exists to prevent undue traffic congestion and upon the condition that site plans be submitted.

Section 9.8 RESIDENTIAL MULTI-FAMILY DISTRICT (R-MF)

9.9 Purpose: This district is designed for high density, multi-family residential uses and such other uses which would not be detrimental to the residential nature of the district.

9.10 Permitted Uses

9.10.1 Multi-family units

9.10.2 Churches and customary related uses

9.10.3 Home Occupation

9.10.4 Parks, playgrounds, community centers, swimming pools, and similar recreation uses, except athletic fields and courts larger than 15,000 square feet.

9.10.5 Accessory uses and structures

9.10.6 Town owned well sites, above ground water storage tanks, lift stations, pump stations and electrical substations.

(amended 10/02/2007) (Added 7/11/2000)

9.11 Special Uses

9.11.1 Day care centers, upon a finding that the activities at the location will not have adverse affect upon the enjoyment of adjoining properties, and upon the condition that the play and fences area comply with state day care center requirements.

9.11.2 Athletic fields and courts occupying more than 1500 square feet, upon a finding that noise, illumination, and/or traffic would not materially affect quiet enjoyment of residential properties.

9.11.3 Governmental and public utilities buildings and uses, such as sewage lift stations, pump stations, electrical substations, water wells, fire stations, maintenance or operations centers, and community centers, upon a finding that they will not create excessive noise, odor, smoke, dust, or other adverse impacts which might prove detrimental to surrounding developed property and uses, and including plans for buffering adjacent properties.

9.11.4 Schools, upon a finding that adequate thoroughfare access exists to prevent undue traffic congestion and upon the condition that site plans be submitted.

Section 10.0 RURAL BUSINESS DISTRICT (RB)

10.1 Purpose: This district is designed for low density wholesale and retail purposes outside the city limits located on secondary and/or minor thoroughfares.

10.2 Permitted Uses

- 10.2.1 Automobile service stations with or without grocery.
- 10.2.2 Garages, Implement Repairs, and Dealerships
- 10.2.3 Boat and trailer works and sales.
- 10.2.4 Cabinet, woodworking and upholstery shops.
- 10.2.5 Dairy products processing and distributing facilities.
- 10.2.6 Industrial supplies and equipment, sales and service.
- 10.2.7 Machine and welding shops.
- 10.2.8 Monument works and sales.
- 10.2.9 Plumbing and heating supply houses.
- 10.2.10 Antique Sales or Flea Marts
- 10.2.11 Town owned well sites, above ground water storage tanks, lift stations, pump stations and electrical substations.

(amended 10/02/2007) (Added 7/11/2000)

10.3 Special Exceptions

- 10.3.1 Governmental and public utility buildings and uses, such as sewage lift station, pump stations, electrical substations, water wells, maintenance or operation centers, upon a finding that they will not create excessive noise, odor, smoke, dust, or other adverse impacts which might prove detrimental to surrounding developed property and uses, and including plans for buffering of adjacent properties.
- 10.3.2 Wholesale bulk storage of gasoline and oil, provided such uses are properly buffered, located at least 300 feet from residential and related structural uses, and at least 1000 feet from other bulk storage facilities.

Section 11.0 NEIGHBORHOOD BUSINESS DISTRICT (NB)

- 11.1 Intent: This district is designed to provide basic goods and personal services for a residential neighborhood. The purpose of the district allows convenient, compatible, low-intensity commercial services for residents of immediately adjacent areas without adversely affecting enjoyment of residential districts.

Neighborhood Business areas should ordinarily be relative in area, consist of a cluster of several uses, be carefully located to avoid conflict with nearby areas, be limited to one quadrant of a street intersection, and not be permitted in mid-block areas. (Amended 9/2/97)

11.2 Permitted Uses

- 11.2.1 Banks (without drive-in windows)
- 11.2.2 Bakeries
- 11.2.3 Barber and beauty shops
- 11.2.4 Coin laundries
- 11.2.5 Craft and novelty shops
- 11.2.6 Dairy bars
- 11.2.7 Single family dwellings, separately or in combination with other permitted uses.
- 11.2.8 Florists
- 11.2.9 Deleted 9/2/97
- 11.2.10 Hardware and garden supply stores of less than 2000 square feet of selling area
- 11.2.11 Libraries
- 11.2.12 Photographic studios
- 11.2.13 Physical fitness and health services businesses
- 11.2.14 Professional offices
- 11.2.15 Repair and service of household equipment (indoor)
- 11.2.16 Restaurants (except drive-in)
- 11.2.17 Schools of art, dance, and music
- 11.2.18 Shoe repair
- 11.2.19 Tailors and seamstresses

11.2.20 Theaters (indoor)

11.2.21 Convenience Stores (Added 9/2/97)

11.2.22 Town owned well sites, above ground water storage tanks, lift stations, pump stations and electrical substations.

(amended 10/02/2007) (Added 7/11/2000)

11.3 Special Exceptions

11.3.1 Kindergartens and child day care centers, upon a finding that the activities at the location will not have adverse effect upon the enjoyment of adjoining properties and upon the conditions that the play area and fenced area comply with state day care center requirements.

11.3.2 Automobile service stations, upon a finding that there is no other station within 1500 feet.

11.3.3 Dry cleaning pick-up stores, upon a finding that there is no similar store within 1000 feet.

11.3.4 Government and public utilities buildings and uses, such as sewage lift stations, pump stations, electrical substations, water wells, fire stations, maintenance or operations centers, and community centers, upon finding that they will not create excessive noise, odor, smoke, dust or other adverse impacts which might prove detrimental to surrounding developed property and uses, and including plans for buffering of adjacent properties.

11.3.5 Multi-family dwellings

11.4 Indoor Operation. All uses permitted by right or special exception shall take place entirely within the building, except for necessary parking and loading areas, plant displays, kindergarten and day care playgrounds, service station movement and parking areas, and government and public utilities uses.

11.5 Buffer Strips. A densely planted buffer strip at least 8 feet in height shall be planted and maintained along the rear and side yards of any residential district, but shall not extend beyond the front building line of adjacent residential lots.

Section 12.0 CENTRAL BUSINESS DISTRICT (CBD)

12.1 Intent. This district is designed to provide for a central, pedestrian-oriented concentration of retailing, personal services, public uses, and office uses. The district provides for compact development of a wide variety of medium intensity, public-oriented uses to create a convenient and varied shopping area for citizens and a focal point of activity for the community. The regulations of the district are also designed to protect the historic character of the central business area and protect its historic value. There shall be no non-commercial operations located in this zoning district if the buildings are connected by a common wall. (amended April 1, 2008)

12.2 Permitted Uses

- 12.2.1 Alcoholic beverage (ABC) stores
- 12.2.2 Amusement arcades and game rooms
- 12.2.3 Antique shops
- 12.2.4 Appliance sales and repairs
- 12.2.5 Art and school supply stores
- 12.2.6 Art galleries and studios
- 12.2.7 Auto parts and accessories sales
- 12.2.8 Bakeries
- 12.2.9 Banks and other financial institutions
- 12.2.10 Barber and beauty shops
- 12.2.11 Bicycle sales and repairs
- 12.2.12 Book and stationery stores
- 12.2.13 Camera and photography supplies stores
- 12.2.14 Candy and ice cream shops
- 12.2.15 Carpet, rug and linoleum stores
- 12.2.16 Catalog sales stores
- 12.2.17 Churches and customary related uses

- 12.2.18 Craft and novelty stores
- 12.2.19 Delicatessens
- 12.2.20 Department stores
- 12.2.21 Fish and meat markets
- 12.2.22 Florists
- 12.2.23 Funeral homes
- 12.2.24 Furniture stores
- 12.2.25 Garden supplies stores
- 12.2.26 Gift shops
- 12.2.27 Government offices, assembly halls, services, and amenities
- 12.2.28 Grocery Stores
- 12.2.29 Gunsmiths
- 12.2.30 Hardware stores
- 12.2.31 Hobby shops
- 12.2.32 Hotels
- 12.2.33 Jewelry Stores
- 12.2.34 Libraries
- 12.2.35 Locksmiths
- 12.2.36 Lodges and offices of fraternal, civic, professional, service organizations
- 12.2.37 Medical and dental offices
- 12.2.38 Music and musical instrument shops
- 12.2.39 Newspaper publishing

- 12.2.40 Newsstands
- 12.2.41 Nightclubs
- 12.2.42 Offices-business, financial, government, professional
- 12.2.43 Office equipment and supplies sales
- 12.2.44 Opticians and optometrists
- 12.2.45 Paint and wallpaper stores
- 12.2.46 Parking lots and garages
- 12.2.47 Pawnshops
- 12.2.48 Pet shops (indoor only)
- 12.2.49 Pharmacies
- 12.2.50 Photographic studios
- 12.2.51 Physical fitness and health services establishments
- 12.2.52 Picture framing shops
- 12.2.53 Printers
- 12.2.54 Private clubs
- 12.2.55 Radio and television broadcasting
- 12.2.56 Restaurants
- 12.2.57 Retail and service businesses similar to other permitted uses and enclosed in a building.
- 12.2.58 Second hand stores and swap shops
- 12.2.59 Schools of art, dance, and music
- 12.2.60 Seed and feed stores
- 12.2.61 Sewing machine stores

- 12.2.62 Shoe sales and repair shops
- 12.2.63 Sporting goods stores
- 12.2.64 Tailors and seamstresses
- 12.2.65 Taxi stands
- 12.2.66 Theaters (indoor)
- 12.2.67 Ticket agencies and travel bureaus
- 12.2.68 Tobacco groups
- 12.2.69 Toy stores
- 12.2.70 Trade schools
- 12.2.71 Variety stores
- 12.2.72 Wearing apparel shops
- 12.2.73 Customary accessory uses
- 12.2.74 Multi and single family dwellings subject to the following requirements:
 - a. minimum non-ground level building floor area of one-thousand (1,000) square feet per residential unit;
 - b. all residential usage shall be on second floor or higher levels of buildings;
 - c. all ground floor space shall be developed for commercial, non-residential uses, as permitted in the Central Business District;
 - d. if a building permit is obtained for exterior renovation, no such renovation shall proceed until any plastic, aluminum or other metal system covering the original exterior of the building is removed;
 - e. the building exterior shall be restored to its original appearance as closely as reasonably possible;
 - f. existing door or window openings shall not be closed, nor shall unique architectural features (as defined by the Secretary of the Interior's Standards for Rehabilitating Historic Buildings) such as cornices, mid-cornices and window surroundings be removed, except to be replaced with elements of like design;
 - g. if metal canopies are retained, at least the visible edges must be covered with canvas; new canopies or awnings shall be made of canvas or plans for projects which qualify for and have been certified eligible for an Investment Tax Credit as defined by Section 251 of the Tax Reform Act of 1986 (IRC Sections 46 and 48) (Section 12.2.74 added 10/4/94)

12.2.75 Convenience Stores with Gasoline Sales(Added 9/2/97)

12.2.76 Town owned well sites, above ground water storage tanks, lift stations, pump stations and electrical substations.

(amended 10/02/2007) (Added 7/11/2000)

12.3 Special Exceptions

12.3.1 Dwellings, upon findings by the Board of Adjustment that:

1. residential use of the property will not adversely affect the district by occupying commercial land needed for the district's economic vitality, and
2. residential use of the property will either assist the economic health of the district by providing consumer support or will help maintain a significant historical or architectural resource.

12.3.2 Automobile service stations and tire services, upon findings that this use of the land will not adversely dilute the concentration of shopping opportunities, and that adequate safeguards and space will be provided for safe ingress, egress, and temporary storage of vehicles. All repairs must be performed within a building.

12.3.3 Drive-in banks, upon a finding that adequate off-street movement and standing space will be provided for vehicles being served and waiting to be served.

12.3.4 Governmental and public utilities buildings and uses, such as sewage lift stations, pump stations, electrical substations, water wells, maintenance or operations centers, and community centers, upon a finding that they will not create excessive noise, odor, smoke, dust, or other adverse impacts which might prove detrimental to surrounding developed property and uses, and including plans for buffering of adjacent properties.

12.3.5 Shopping centers, upon a finding that the center will complement and contribute to the economic vitality of the district.

12.4 Buffer Strips: A densely planted buffer strip at least 8 feet in height shall be planted and maintained along the rear and side yards of any residential district, but shall not extend beyond the front building line of adjacent residential lots.

12.5 Service Areas: All uses shall provide adequate areas for bulk storage of solid waste and for placement of heating, cooling, and similar facilities on the premises.

Section 13.0 GENERAL BUSINESS DISTRICT (GB)

13.1 **Purpose:** This district provides an area for conduct of a wide range of commercial activities, most which are normally enclosed within a building but some of which are more intense than central business uses and involve some outdoor sales or storage. The General Business district shall normally be used for shopping areas and shopping centers subordinate to the Central Business district or incorporating a more vehicle-oriented range of services. There shall be no non-commercial operations located in this zoning district if the buildings are connected by a common wall. (amended April 1, 2008)

13.2 **Permitted Uses**

- 13.2.1 All uses permitted by right in the Central Business district.
- 13.2.2 Assembly halls, coliseums, gymnasiums, and similar facilities
- 13.2.3 Auction sales (not livestock)
- 13.2.4 Automobile service stations
- 13.2.5 Garages
- 13.2.6 Automobile and truck rentals
- 13.2.7 Automobile washing facilities
- 13.2.8 Bowling alleys
- 13.2.9 Drive-in banks
- 13.2.10 Dry cleaning stores and plants
- 13.2.11 Garden supplies sales, including outdoor
- 13.2.12 Motels
- 13.2.13 Shopping centers, upon approval of the site plan by the Planning Board
- 13.2.14 Skating rinks
- 13.2.15 Tire recapping and retreading
- 13.2.16 Transit terminals for passengers and light freight
- 13.2.17 Vocational trade schools
- 13.2.18 Glass shops

- 13.2.19 Other retail business or service facilities conducted primarily within a building
- 13.2.20 Customary accessory uses
- 13.2.21 Dealerships
- 13.2.22 Convenience Stores with Gasoline Sales (Added 9/2/97)
- 13.2.23 Town owned well sites, above ground water storage tanks, lift stations, pump stations and electrical substations.

(amended 10/02/2007) (Added 7/11/2000)

13.3 Special Exceptions

13.3.1 Governmental and public utilities buildings and uses, such as sewage lift stations, pump stations, electrical substations, water wells, fire stations, maintenance or operations centers, and community centers, upon a finding that they will not create excessive noise, odor, smoke, dust, or other adverse impacts which might prove detrimental to surrounding developed property and uses, and including plans for buffering of adjacent properties.

13.3.2 Residential Uses (Added 1/7/2003)

13.4 Buffer Strips: A densely planted buffer strip at least 8 feet in height shall be planted and maintained along the rear and side yards of any residential district, but shall not extend beyond the front building line of adjacent residential lots.

13.5 Service Areas: All uses shall provide adequate areas for bulk storage of solid waste and for placement of heating, cooling, and similar facilities on the premises.

13.6 Residential Uses

Section 14.0 HB HIGHWAY BUSINESS DISTRICT (HB)

14.1 Intent. This district is intended to provide for commercial areas to be located on highways and major thoroughfares in the community. The uses allowed in this district are primarily retail trade or service establishments dependent on the traffic volume or transportation access characteristics of highways and major thoroughfares or high intensity commercial uses located on high traffic routes to avoid conflict with less intense land uses. Although this district is expressly designed for location along major thoroughfares it is intended that these uses should be clustered in nodes as much as possible to limit the number of highway access points and prevent undesirable strip development

14.2 Permitted Uses

- 14.2.1 Alcoholic beverage (ABC) stores
- 14.2.2 Animal hospitals and kennels
- 14.2.3 Antique sales
- 14.2.4 Appliance stores
- 14.2.5 Assembly halls, coliseums, gymnasiums, and similar facilities
- 14.2.6 Athletic facilities such as stadiums and ballparks
- 14.2.7 Dealerships
- 14.2.8 Automobile service stations and garages
- 14.2.9 Auto parts and accessories sales
- 14.2.10 Auto upholstery shop
- 14.2.11 Automobile washing facilities
- 14.2.12 Bakeries and food products, wholesale
- 14.2.13 Bicycle and motorcycle sales and repair
- 14.2.14 Boat sales and repair
- 14.2.15 Building supply and home improvement stores
- 14.2.16 Cabinetmaking, woodworking, and upholstery shops
- 14.2.17 Circuses, carnivals, and revivals
- 14.2.18 Commercial amusements
- 14.2.19 Contractors' offices & storage yards, provided requirements of Section 14.8 are met.
- 14.2.20 Customary accessory uses
- 14.2.21 Dairy bars and pastry shops

- 14.2.22 Drive-in Theaters
- 14.2.23 Electrical supplies and equipment sales and repairs, provided requirements of Sections 14.8 are met.
- 14.2.24 Farm and garden supplies stores
- 14.2.25 Farm implement and equipment sales and repair
- 14.2.26 Farmers markets and produce stands
- 14.2.27 Freezer storage lockers
- 14.2.28 Funeral homes
- 14.2.29 Industrial supplies and equipment sales
- 14.2.30 Machine and welding shops
- 14.2.31 Mobile home sales lots
- 14.2.32 Monument works and sales
- 14.2.33 Motels
- 14.2.34 Plant nurseries and greenhouses
- 14.2.35 Plumbing and heating supplies and equipment sales, provided requirements of Section 14.8 are met
- 14.2.36 Radio and television stations
- 14.2.37 Real estate sales and rentals
- 14.2.38 Restaurants, including drive-in and fast food
- 14.2.39 Second hand stores and flea markets
- 14.2.40 Sheet metal shop
- 14.2.41 Sign painters
- 14.2.42 Tire service, recapping, retreading

- 14.2.43 Transportation terminals
- 14.2.44 Wholesale and warehousing facilities provided requirements of Section 14.8 are met
- 14.2.45 Nursing homes, adult day care facilities, rest homes and similar uses
- 14.2.46 Shopping centers
- 14.2.47 Churches and customary related uses
- 14.2.48 Barber and Beauty Shops
- 14.2.49 Convenience Stores with Gasoline Sales (Added 9/2/97)
- 14.2.50 Town owned well sites, above ground water storage tanks, lift stations, pump stations and electrical substations. (amended 10/02/2007) (Added 7/11/2000)
- 14.3 Special Exceptions
- 14.3.1 Governmental and public utilities buildings and uses, such as sewage lift stations, pump stations, electrical substations, water wells, fire stations, maintenance or operations centers, and community centers, upon a finding that they will not create excessive noise, odor, smoke, dust, or other adverse impacts which might prove detrimental to surrounding developed property and uses, and including plans for buffering of adjacent properties.
- 14.3.2 Existing Single Family dwellings may be approved to be re-occupied as single family housing once the property has been conforming or vacant for more than 180 days provided:
 - a. housing stock in Farmville is not meeting demand;
 - b. no major renovations have been done to land or structure due to commercial use.
- 14.3.3 Mobile Recycling Businesses (Added 5/7/96)
- 14.3.4 Daycare Centers (Added 6/22/1999)
- 14.3.5 Pool Halls and Bars (Added 02/03/2009)
- 14.4 Buffer Strips: A densely planted buffer strip at lease 8 feet in height shall be planted and maintained along the rear and side yards of any residential district, but shall not extend beyond the front building line of adjacent residential lots.
- 14.5 Service Area: All uses shall provide adequate areas for bulk storage of solid waste.

- 14.6 Animal Storage: No outdoor animal storage shall be allowed within 150 feet of any residential lot or within 50 feet of any adjoining property line.
- 14.7 Storage Areas: Outdoor storage yards shall be screened on the front side by a solid fence, wall, or hedge at least 4 feet high, and the rest of the area is fenced by a solid fence not less than six (6) feet in height.

Section 15.0 INDUSTRIAL DISTRICT

15.1 Intent: This district is designed to provide areas primarily for manufacturing and processing industries and their accessory uses, for supporting or related storage, transportation and distribution activities, for commercial activities with high intensity characteristics, and for certain supporting service activities for the convenience of the concentrated employee population. These areas shall normally be located on planned sites with good access to major transportation arteries and to appropriate utilities capacities. The regulations of this district are intended to minimize conflicts with proximate land uses by controlling noise, odor, glare, smoke, dust, wastes, and other adverse environmental effects. Industrial classifications shall normally apply to large tracts of land located in a manner that the uses permitted in the district will not detract from the appropriate development or enjoyment of nearby properties. Residential uses, and most retail trade activities are prohibited in this district.

15.2 Permitted Uses

- 15.2.1 Manufacturing and fabrication of:
 - 15.2.1.1 Air conditioning and heating equipment
 - 15.2.1.2 Apparel and clothing
 - 15.2.1.3 Auto parts and accessories
 - 15.2.1.4 Bakery and food products
 - 15.2.1.5 Bedding and carpets
 - 15.2.1.6 Beverages, including bottling
 - 15.2.1.7 Boats
 - 15.2.1.8 Books
 - 15.2.1.9 Business Machines

- 15.2.1.10 Candy and Confections
- 15.2.1.11 Carbon and battery products
- 15.2.1.12 Dairy products
- 15.2.1.13 Drugs, medicines, cosmetics
- 15.2.1.14 Electrical Appliances and electronic equipment
- 15.2.1.15 Felt and sandpaper
- 15.2.1.16 Furniture
- 15.2.1.17 Glass, ceramics, and tile
- 15.2.1.18 Hardware and housewares
- 15.2.1.19 Ice
- 15.2.1.20 Industrial supplies and equipment
- 15.2.1.21 Insulation and wall board
- 15.2.1.22 Leather products
- 15.2.1.23 Machine tools
- 15.2.1.24 Musical Instruments
- 15.2.1.25 Oilcloth and linoleum
- 15.2.1.26 Optical goods
- 15.2.1.27 Paper products
- 15.2.1.28 Plastic products
- 15.2.1.29 Pottery, porcelain
- 15.2.1.30 Precision instruments and jewelry
- 15.2.1.31 Recreation and sporting goods

- 15.2.1.32 Signs
- 15.2.1.33 Soap, detergents, washing compound
- 15.2.1.34 Textiles and cordage
- 15.2.1.35 Tobacco products
- 15.2.1.36 Truck trailers and mobile homes
- 15.2.1.37 Watches and clocks
- 15.2.1.38 Wood products
- 15.2.1.39 Customary accessory uses
- 15.2.1.40 Freezer lockers
- 15.2.1.41 Fiberglass Manufacturing Operations (Added 6/4/2000)
 - 15.2.2 Meat packaging (not slaughter or stockyard operations)
 - 15.2.3 Monument works
 - 15.2.4 Processing Activities:
 - 15.2.4.1 Automobile and junk salvage provided the requirements of the junkyard Ordinances are met.
 - 15.2.4.2 Coffee, tea, spices
 - 15.2.4.3 Dry cleaning and laundry plants
 - 15.2.4.4 Grain and seed plants
 - 15.2.4.5 Printing, engraving, publishing
 - 15.2.4.6 Tobacco Processing
 - 15.2.5 Supporting, intensive or large-area commercial activities:
 - 15.2.5.1 Auction Sales, Antique Sales, or Flea Marts
 - 15.2.5.2 Building materials, storage and sales

- 15.2.6 Communications towers and antennas, radio and T.V. Stations
- 15.2.7 Town owned well sites, above ground water storage tanks, lift stations, pump stations and electrical substations.
(amended 10/02/2007) (Added 7/11/2000)
- 15.2.8 Contractors offices and storage yards
- 15.2.9 Machine and welding shops
- 15.2.10 Plumbing, heating, and electrical suppliers and repairs
- 15.2.11 Public works, public safety, governmental, and public utilities
- 15.2.12 Industrial equipment and machinery repair and servicing
- 15.2.13 Auto and Truck Sales
- 15.2.14 Industry Accessory Uses:
 - 15.2.14.1 Research Laboratories
 - 15.2.14.2 Vocational Trade Schools
 - 15.2.14.3 Offices and parking lots
 - 15.2.14.4 Transportation, storage, distribution activities:
 - 15.2.14.4.1 Airports
 - 15.2.14.4.2 Grain Elevators
 - 15.2.14.4.3 Motor freight terminals
 - 15.2.14.4.4 Railroad facilities
 - 15.2.14.4.5 Wholesale and warehousing businesses
- 15.2.15 Indoor Recreational Sports Centers (Added 8/7/2001)
- 15.3 Special Exceptions
 - 15.3.1 Automobile Service Stations or Garages
 - 15.3.2 Banks

- 15.3.2.1 Concrete mixing plant
- 15.3.3 Restaurants
- 15.3.4 Truck stops
- 15.3.5 Bulk Storage of Petroleum Products: Provided such uses are properly buffered, located at least 300 feet from residential and related structural uses, and at least 1,000 feet from other bulk storage facilities.
- 15.3.6 Rubber products manufacturing
- 15.3.7 Convenience Stores (Added 9/2/97)
- 15.3.8 Convenience Stores with Gasoline Sales (Added 9/2/97)
- 15.3.9 Religious Uses located outside of a designated Industrial Park (Added 5/7/2002)
- 15.4 Fences, Walls, Hedges
 - 15.4.1 Solid and open fences are permitted to any structurally sound height, excluding corner site distance.
- 15.5 Operational Standards

All industrial uses shall meet State and Federal EPA regulations.
- 15.6 Buffer Strips: A densely planted buffer strip at least 8 feet in height shall be planted and maintained along the rear and sideyards of any residential district, but shall not extend beyond the front building line of adjacent residential lots.
 - 15.6.1 Screening: Open storage yards of any use permitted in this district shall be screened from adjoining streets and highways by a solid fence, wall, or hedge at least 4 feet high (6 feet if storage is stacked to or above 6 feet high) unless said storage is set back from the right-of-way at least 400 feet.
- 15.7 Service Areas: All uses in the district shall provide adequate, accessible areas for bulk storage of solid waste.

Section 16.0 O & I - OFFICE AND INSTITUTIONAL DISTRICT

16.1 Intent: The purpose of this district is to create and protect areas in which residential, business, and professional uses may be and are compatibly mixed, achieving a healthful living environment for the residents of the district and at the same time preventing the development of blight and slum conditions. The district is limited to those sections of the community in which the mixing of such uses is necessary and desirable for the buffering between

16.2 Permitted Uses

16.2.1 Multi-family dwellings

16.2.2 Accessory uses and structures

16.2.3 Art studio

16.2.4 Bank and savings and loan institutions, with or without drive-in facilities

16.2.5 Bed and Breakfast Inn, Tourist Homes

16.2.6 Book store

16.2.7 Church

16.2.8 Dance studio

16.2.9 Flower shop

16.2.10 Funeral home

16.2.11 Gift shop

16.2.12 Law offices

16.2.13 Medical, dental or similar clinic

16.2.14 Municipal Government building or use

16.2.15 Museum

16.2.16 Music studio

16.2.17 Offices - business, financial, professional

16.2.18 Off-street parking facility

- 16.2.19 Pharmacy
- 16.2.20 Photographic studio
- 16.2.21 Principal use sign
- 16.2.22 Schools - public or private
- 16.2.23 Home occupations
- 16.2.24 Town owned well sites, above ground water storage tanks, lift stations, pump stations and electrical substations.

(amended 10/02/2007) (Added 7/11/2000)

16.3 Special Uses

- 16.3.1 Day care centers, upon a finding that the activities at the location will not have adverse effect upon the enjoyment of adjoining properties and upon the condition that the play and fenced areas comply with State day care center requirements.
- 16.3.2 Public utilities facilities such as distribution lines, sewage lift stations, transformer stations, transmission lines and towers, electric substations, water tanks and towers, and telephone stations, provided such facilities are essential for the service of the immediate area and further provided that no vehicles or other non-essential equipment are located on the premises and that no offices shall be permitted. The entire lot so used shall be properly landscaped and furnished with a densely planted buffer or fence of at least six (6) feet in height.

16.4 Screening

- 16.4.1 A 6 foot solid fence or planted buffer shall be provided along the perimeter of the rear and sides of the site where the perimeter is adjacent to a single-family district or single-family use.

- 16.5 FP Floodplain Protection District: Reserved for development of regulations when detailed flood hazard study is complete.

Section 17.0 ADDED REQUIREMENTS

- 17.1 Off-Street Parking Required: Off-street automobile parking or storage space shall be provided for every establishment and every dwelling on every lot except in the Central Business District. If parking space cannot reasonably be provided on the same lot, such space shall be provided on a lot within 400 feet of the principal use which is owned, leased, or otherwise controlled or reserved by the principal use.

- 17.2 Combined Lots: The required parking space for any number of separate establishments may be combined in one lot but the required spaces for one establishment may not be assigned to another establishment at any time, except that one-half of the parking spaces required for establishments whose peak attendance will be at night or on Sundays (such as churches and theaters) may be shared by an establishment which is closed at similar times.
- 17.3 Lot Requirements: Parking spaces may be provided in a parking garage or in a properly graded and improved open space. Remote parking lots are not permitted in residential districts. Each automobile parking space shall not be less than 200 square feet (10' wide by 20' deep) in area exclusive of adequate access drives and maneuvering space. Required parking areas must have vehicular access to a street or alley; such access shall not be thereafter encroached upon or altered.
- 17.4 Plans and Permits: Each application for a zoning permit or certificate of compliance submitted to the zoning administrator shall include information as to the location, dimensions, and arrangement of off-street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail, including a plat plan if requested, to allow the zoning administrator to determine whether the requirements of this section are being met. No certificate of compliance will be issued unless and until all off-street parking and loading space requirements shown upon the plans or made a part of the zoning permit are in place and ready for use.
- 17.5 Exceptions: Any structure or use in existence on the effective date of this ordinance is not affected by these requirements until the gross floor area is increased ten percent or more.

Section 18.0 MINIMUM PARKING REQUIREMENTS

- 18.1 Each use must provide off-street parking and/or loading space equal to or greater than the minimum requirement of that use as set forth below. For any use or class of uses not specifically mentioned, the requirements for off-street parking facilities for the most similar use or class of uses shall apply. Number of employees shall be computed as the largest number of persons employed on the largest shift.

	<u>USE</u>	<u>MINIMUM REQUIRED PARKING</u>
18.1.1	Apartments and Multifamily Dwellings	1.5 spaces per dwelling unit
18.1.2	Auditoriums and theaters	1 space for each 4 seats in largest assembly area
18.1.3	Automobile sales and repair	1 space for each 2 employees, plus 2 spaces for each 300 square feet of maintenance space

18.1.4	Automobile wash	1 space for each 2 employees, plus movement lane space equal to 5 times the capacity of the wash bays
18.1.5	Bowling alleys	3 spaces per alley plus requirements for any associated uses (restaurant, etc.)
18.1.6	Churches	1 space for each 5 seats in main auditorium
18.1.7	Clubs or lodges, fraternal and nonresidential	1 space for each 200 square feet used for assembly or dancing.
18.1.8	Day care centers	1 space per employee plus 1 loading space per six children
18.1.9	Financial institutions (banks, savings and loans, loan companies)	1 space per 200 square feet of primary business area (excluding storage areas, corridors, stairwells, etc.)
18.1.10	Funeral Homes, mortuaries	1 space for each 3 seats in the chapel plus 1 space for each funeral vehicle and each employee
18.1.11	Furniture stores	1 space for each 200 square feet below 5,000 square feet and 1 space for each 400 square feet above 5,000
18.1.12	Hospitals	1 space for each 2 beds, 1 space for each staff doctor, 1 space for each 3 employees
18.1.13	Hotels, motels	1 space for each unit, plus 1 space for each 2 employees, plus space for any associated uses
18.1.14	Industrial, manufacturing or warehouse firm	1.5 space for each 2 employees, 1 space for managerial, personnel and business vehicles, 1 visitor space for each 10 managerial personnel
18.1.15	Kindergartens, nurseries, elementary and junior high schools	1 space for each employee and 4 child loading spaces

18.1.16	Medical offices clinics	4 spaces per doctor plus 1 space for each employee
18.1.17	Offices (such as real estate, lawyers insurance, government)	1 space for each 200 square feet of floor area and 1 for each employee
18.1.18	Outdoor recreation facilities (stadiums, amusement parks, driving ranges, & miniature golf)	1 space for each 3 persons of maximum capacity
18.1.19	Rest homes, nursing homes, care homes, sanitariums	1 space for each 2 beds and 1 space for each employee
18.1.20	Restaurants and nightclubs	1 space for each 3 seats plus 1 space per employee
18.1.21	Restaurants, drive-ins	1 space for each 3 seats, plus 10 spaces for take-out customers, plus 1 space per employee
18.1.22	Retail business not otherwise listed	1 space per 200 square feet of floor area and 1 space for each employee
18.1.23	Rooming and Boarding houses	1 space for each guest room, plus 4 spaces for owners and visitors
18.1.24	Senior high schools, trade and vocational schools, business schools, colleges, and universities	5 spaces for each classroom, 1 space for each administrative employee, and 1 space for each 10 seats in largest auditorium
18.1.25	Service stations	4 spaces for each grease or wash rack
18.1.26	Shopping Center	1 space for each 200 square feet gross floor area
18.1.27	Single Family dwellings and mobile homes	2 spaces for each dwelling unit
18.1.28	Wholesale businesses	1 space per each 2 employees, plus 1 space per 500 square feet of sales area.

18.2 AREA & BULK REGULATIONS

DISTRICT	MINIMUM LOT REQUIREMENTS		SETBACK REQUIREMENTS				Impervious Surface Limits	Maximum Height In Feet
	Lot Area In Square Feet	Lot Width In Feet	Front Yard	Side Yard	Corner Yard	Rear Yard		
RA-20 Residential-Agricultural	20,000	100	30	12	22	20% lot width	35 G, N	
R-15 Residential District	15,000 J	90	30	12	22	25	35 G, N	
R-12 Residential District	12,000 J	80	30	10	20	25	35 G, N	
R-12 PUD Residential Overlay	87,120	Max. of 10 units per acre	Q	Q	Q	Q	65% 35 G, N	
R-8 (Single Family) Residential District	8,000 J	75	25	8	18	25	65% 35 N	
R-8 (Multi-Family) Residential District	O	O	O	O	O	O	65% 35 N	
R-5 Residential District-Single Family	5,000 J	60	25	8	18	20	75% 35 N	
R-5 Residential District-Two Family	7,500 J	70	25	8	18	20	75% 35 N	
R-5 Residential District-Multi-Family	P	P	25	Q	Q	Q	75% 35 N	
RMF Residential Multi-Family	Max. of (12) One Bedroom units or (17) Two Bedroom units per acre		25	Q	Q	Q	75% 35 N	
RMH A or B Residential Manufactured Housing	5,000 J	60	25	8	18	20	75% 35 N	
CBD Central Business District	2,500 J	20	0	B, C	B, C	C		
GBD General Business District	2,500 J	20	0	B, C	B, C	C		
HBD Highway Business District	7,500 J	75	50	15 Q	15 Q	15 Q	75% N	
NBD Neighborhood Business District	R	R	R	R	R	R	60% R	
RBD Rural Business District	7,500 J	75	50	15	15	15	75% 35 N	
ID Industrial District	43,560	200	50	15	15	20	75% 50 E, N	
LID Light Industrial District	43,560	200	50	15	15	20	75% 50 E, N	
O & I Office & Institutional	6,000	60	25	8 M	8 M	20 M	75% 35 N	

Section 18.2 AREA AND BULK REGULATIONS: Attachment

- a. Deleted
- b. None required but if provided each side yard shall be at least four feet in width.
- c. Where a lot abuts any residential district, there shall be a side or rear yard clearance of at least ten feet on the side and/or rear yard abutting the residential district.
- d. Upon any side or rear lot line which abuts a residential district, there shall be a densely planted buffer strip at least eight feet in height along the rear and/or side lot line abutting the residential properties. No such buffer shall, however, extend nearer to a street right-of-way line than the established building line of the adjoining residential lots.
- e. No building shall exceed fifty feet in height unless the depth of the front yard and total width of the side yards herein shall be increased by one foot for each two feet, or fraction thereof, or building height in excess of fifty feet.
- f. Deleted
- g. No building over thirty-five feet in height unless the depth of the front and total width of the side yards required herein shall be increased by one foot for each two feet, or fraction thereof, of building height in excess of thirty-five feet.
- h. Maximum permissible lot coverage by the principal building and all accessory buildings shall not exceed fifty percent of the total lot area, except for the Central Business District (CBD) which shall have no limitation on lot coverage.
- i. Accessory Buildings:
 - a. Accessory buildings shall not be erected in any required front or corner yard setbacks.
 - b. When building storage buildings, the Side & Rear yard setback requirements may be reduced to 75% of the side yard setback.
 - c. When building residential detached storage buildings less than 200 square feet in size, the Side & Rear yard setback requirements may be reduced five (5) feet. (amended 12/2003)
- j. Fence, wall, and hedge placement, setback and height.

Fences, walls, and hedges are permitted in yards subject to the following requirements:

 - 1. No fence, wall, or hedge may be placed:
 - a. upon the right-of-way of any street or highway, or
 - b. closer than twenty-two feet from the center line of any street or highway, or
 - c. closer than seven feet from the back of a curb or ten feet from the edge of pavement (where there is no curb) of any street or highway, whichever distance in (a), (b), or (c) is greater from the street or highway right-of-way.
 - 2. Fences, walls, and hedges shall be limited in height as follows:

- a. 2.5 foot maximum height within the sight distance at street intersections as defined in Section 2.9.
- b. Beginning at the setback established in (J), (I) above, the front yard setback shall have a 4 foot maximum height. Additional side and rear yards shall have a 6 foot maximum height for solid fences, walls, and hedges and a 8 foot maximum height for open fences, walls and hedges.
- 3. All swimming pools shall be enclosed by a fence of at least 4 feet in height.
- k. Lot width shall be measured at front setback line.
- l. Where lot lines are within the right-of-way of any public street, public highway, or railroad, lot dimensions and setback requirements shall be measured from the right-of-way line which the lot line transverses.
- m. A 6 foot solid fence or planted buffer shall be provided along the perimeter of the rear and sides of the site where the perimeter is adjacent to a single-family district or single-family use.
- n. Unoccupied portions of Churches and Religious Buildings are exempt from height limitations.
- o. Maximum of eight (8) units per acre.
- p. Maximum of twelve (12) units per acre.
- q. See Section 18A.
- r. Requirements coincides with the requirements of the adjoining residential district.
- s. Increase setback to 25 feet if abuts a residential district.
- t. Increase setback to 50 feet if abuts a residential district.
- u. When subdividing existing residential lots in Town, the minimum required square footage for lots may be reduced by not more than 500 square feet, from that of the required square footage for the zoning district in which the property is located, to facilitate the redevelopment of existing properties under the following conditions: (Section Added 7/03/2001)
 - 1. Provisions are made for adequate off street parking, as required under Section 18.0 of this ordinance.
 - 2. No reduction is required in side, rear, or corner yard setback requirements to allow for the construction of the home, accessory buildings, or any other structures on the lot.
 - 3. The front yard setback may be reduced to equal that of immediately adjoining properties to maintain a similar appearance and character of surrounding properties.
 - 4. The lot width may be reduced by 10 feet.
 - 5. The lot(s) was/were created prior to November 1972.
(Amended 6/22/99)
- v. When renovating a contributing principal structure within the listed and recognized historic district, setback requirements may be reduced to that of the original structure provided that the renovations would return the structure to its original appearance. This provision is only applicable upon the Board

of Adjustments finding that sufficient and substantial evidence exists that would prove that the original structure actually existing in a manner consistent with the proposed renovation. The Board must also ensure that the granting of this variance will not limit sight distances or otherwise adversely affect the surrounding properties. (Added 9/3/2002)

Section 18a. GROUP HOUSING DEVELOPMENT STANDARDS

In the case where two or more principal residential buildings or three or more units in a single building are to be constructed on a plot of land which is not subdivided, or which is subdivided but not in accordance with provisions contained in Chapter 23.1.3 (Subdivision Regulation Ordinance) of the Code of Ordinances, the building development shall be exempt from the minimum yard requirements for the buildings as stated in the area and bulk regulations of this chapter. The purpose of this exemption is to provide relief from certain dimensional requirements for building setbacks, lot sizes, or yards where the spirit of the zoning ordinance can be met by alternate methods of development, but equal to the provisions of said ordinance.

1. Density - In no case shall the density of residential units exceed that of the controlling zoning district.
2. Setback and peripheral yard requirements
 1. No building shall be located within twenty feet of any exterior boundary except where that boundary is a public right-of-way.
 2. The front yard setback requirement of the controlling zoning district shall be observed along all public rights-of-way.
 3. Each building located along a private drive shall have a minimum setback requirement of ten feet.
 4. A zero side or rear yard setback where the side or rear building line is on the side or rear lot line, may be permitted, subject to the following provisions:
 - a. Original building must conform to the zoning ordinance and subdivision regulations;
 - b. Any wall, constructed on the side or rear lot line shall be a solid, doorless and windowless wall. Such wall shall contain no electrical, mechanical, heating, air conditioning or other fixtures that project beyond such wall. Roof eaves may encroach two (2) feet into the adjoining lot;
 - c. No two (2) units or structures shall be considered attached unless such units or structures share a common party wall constructed in accordance with the North Carolina State Building Code, and other applicable requirements.

(Section 18A (2)-Amended 06/06/95)

3. Interior yards - For yards exclusive of those on the peripheral yard and the front yard setback from the right-of-way, each facade on all sides of every building shall have a yard space in the shape of an isosceles triangle whose base shall be a line connecting the extreme ends of the facade, and whose altitude shall be the length of the baseline multiplied by a factor of (0.4) for single story buildings and (0.5) for two story buildings.
 1. The yard space thus established for each wall or façade may not overlap the yard space or any other wall or facade of the same or any other building except that triangles may overlap into street rights-of-way and the peripheral yard.
 2. In no case shall the triangle altitude be less than fifteen feet.
 3. The maximum required altitude of the triangle for the front facade of the building shall be fifty feet.
 4. The maximum required altitude of the triangle for the rear facade of the building shall be twenty-five feet.
 5. The minimum distance of any building to any portion of another building shall be sixteen feet.
 6. A dwelling shall be considered as separate and detached from any other dwelling unless it shares a common party wall at least five feet long.
 7. No continuous unit or series of units shall exceed a combined length of three hundred feet long.
 8. Where a rear wall or facade of a building is facing a public right-of-way, a buffer shall be planted or fence erected to prevent direct view from said right-of-way.
 9. Where official town plans show future streets or thoroughfares, or where access to landlocked property is required the development will be designed as to provide rights-of-way for such future streets or thoroughfares and to give access to properties by means of a public street dedication.
4. Parking - Parking shall be provided in accordance with the provisions of Section 18 of the Zoning Ordinance.
 1. No parking shall be closer than fifteen feet to any dwelling unit.
 2. Off street parking may be permitted within the required front yard setback but shall be no closer than ten feet to any right-of-way of a public street.
 3. There shall be no on-street parking. All parking spaces shall be provided in parking lots or bays.
 4. Parking spaces, lots, and bays shall be surfaced with concrete, bituminous asphalt, brick pavers or an approved equal which will not erode or pose a possible maintenance problem for storm drainage or storm drainage systems.

5. No more than six (6) consecutive parking stalls are permitted, and must be separated from additional stalls by a separation island which shall be landscaped with trees or shrubs. The separation island shall have a minimum width of four (4) feet and a minimum depth of 18 feet.

5. Recreational Requirements
 1. The recreation requirement for group housing developments with two acres or less shall not apply.
 2. The recreation requirement for group housing developments shall not apply if the project is located within one half mile radius of a public recreation facility.
 3. Recreation areas shall be provided at a ratio of one hundred square feet per dwelling unit.

6. Site Coverage and Landscaping
 1. The maximum percentage of the site that may be covered by roofs, parking areas, walkways, dumpster pads, or other impervious materials is as follows for Zoning Districts:
 - a. R-5 Residential District - 60%
 - b. R-8 Residential District - 60%
 - c. Residential Multi-Family - 70%
 2. All non-impervious areas shall be grassed or covered with tree bark, pine straw or similar landscaping material.

7. Screening

A 6 foot solid fence or planted buffer shall be provided along the perimeter of the rear and sides of the site where the perimeter is adjacent to a single-family district or single-family use.

Section 18B Cluster Development

Cluster development shall be permitted in the R-20 District under the following conditions:

- A Minimum lot sizes may be reduced for a single family cluster development project; however, if the lot sizes are reduced, an area equal to the reduction shall be provided in a vegetation or natural space as described in section C below, and the total number of lots shall not exceed the number of lots allowed for the RA-20 District.
- B All built-upon areas shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow.

- C The remainder of the tract shall remain in a vegetated or natural state. Where the development has an incorporated property owners association, title of the open space shall be conveyed to the association for management. Where a property owner's association is not incorporated, a maintenance agreement shall be filed with the property deeds.

Section 19.0 SITE PLANS

- 19.1 General: Site plans are required for multi-uses on the same parcel and/or tract of land, such as shopping center and multi-family complexes. No permits will be issued until approval of plans has been made by the Planning Board, or Board of Adjustment while approving a special use permit. The Planning Board may consider only those items listed in Section 19.2 in approving or disapproving the site plan.
- 19.2 Plan Content: The site plan shall be prepared by an architect land surveyor, engineer, or land planner, licensed to practice in North Carolina and shall show the following features with proposed dimensions, drawn to a scale not smaller than 1"=50':
 - 19.2.1 Dimension of parcel to be developed, location of easements, zoning of property to be developed and adjacent properties;
 - 19.2.2 Proposed use, location, dimensions, setbacks of primary and accessory structures;
 - 19.2.3 Location and dimensions of existing and proposed streets, vehicular entrances, exists, and drives, pedestrian walks, and pathways;
 - 19.2.4 Location of parking spaces, aisles and bays, angle of parking, truck loading spaces and dock, and fire lanes;
 - 19.2.5 Drainage system
 - 19.2.6 Location of existing and proposed walls and fences and list type of material, and location of existing and proposed signs;
 - 19.2.7 Topography, ground cover, topographic features, banks, slopes, ditches, etc.;
 - 19.2.8 Any additional information requested by Zoning Administrator to adequately review the proposed development.
 - 19.2.9 Setback for Shopping Centers shall be as follows:
 - Front Setback-----75 feet
 - Side Setback-----15 feet, 25 feet if adjacent to Residential District
 - Rear Setback-----15 feet, 25 feet if adjacent to Residential District

19.2.10 Location and size of all utilities.

19.3 Review Procedure

- 19.3.1 Five (5) completed copies of the proposed site development plans are to be submitted to the Zoning Administrator at least 10 working days prior to the Planning Board meeting at which it will be considered. Administrative officials shall review the plan and submit comments to the Planning Board.
- 19.3.2 Plans shall be reviewed by the Planning Board and shall be approved with modifications or disapproved within thirty five (35) days of the first review.
- 19.3.3 The applicant shall be notified of the Board's finding within three (3) days. Modifications are to be listed and the reason(s) for disapproval shall also be listed.
- 19.3.4 Disapproval of the plans can be appealed to the Board of Commissioners by submitting a written request to the Town Clerk and the Zoning Administrator within ten (10) days of the date of notice of a disapproval. The requested appeal shall be placed on the agenda of the next regular meeting of the Board of Commissioners.
- 19.3.5 Plans approved with modification may receive final approval from the Zoning Administrator when the modifications have been completed.

Section 20.0 SIGNS

- 20.1 Purposes: The purposes of these regulations are to preserve the legibility and usefulness of necessary signs, to minimize the detrimental effects of signs on adjacent properties, to prevent commercial signs from conflicting with, or obscuring signs related to the public safety or convenience, to insure that signs do not become a public hazard or nuisance by reason of their size, placement, number, or condition, to preserve the character of each district and any special qualities of a district (such as historic significance), and to protect and enhance the overall appearance of the community.
- 20.2 Applicability: These regulations apply to signs intended to be clearly legible from a public right-of-way for vehicles or pedestrians. These requirements apply to all such signs within the zoning jurisdiction of the Town of Farmville.
- 20.3 General Requirements
 - 20.3.1 Signs for Active Uses. All non-governmental signs must be for an active business, on the premises, except outdoor advertising signs (where permitted). Signs for discontinued businesses must be removed within 30 days.

20.3.2 Sign Condition. All signs shall be maintained in a legible and safe condition. Any sign in a deteriorated, rusting, or unsafe condition shall be in violation of this ordinance, and the zoning administrator shall order that such sign be repaired or removed. The backs of ground signs shall be a neutral color to blend with their surroundings.

20.3.3 Illumination. Signs may be illuminated by interior bulbs, neon lighting, silhouette lighting, or flood lighting. Flood lights shall not be directed toward streets or public pedestrian walks.

20.3.4 Rights-of-way. Non-governmental signs shall not be erected upon or encroach upon public rights-of-way.

20.3.5 Improper Attachments. Non-governmental signs shall not be attached to nor painted on power poles, light poles, telephone poles, traffic signs, or other objects not intended to support a sign. Signs shall not be located on rocks, trees, or other natural objects.

20.3.6 Design, Construction, and Maintenance

1. All signs shall comply with applicable provisions of the North Carolina Building Code and the National Electric Code. Signs shall be constructed of permanent materials and permanently affixed to the ground or building except for the following signs:
 - a. Temporary signs meeting the requirements elsewhere in this section.
 - b. Signs advertising premises for sale, lease or rent.
 - c. Signs providing information on construction taking place on the premises.
 - d. Window signs.
 - e. Yard sale signs, political signs, and election signs.
2. Support wires, guy wires, and other exterior supportive elements are not permitted. (Section 20.3.9 Amended 5/4/99)

20.3.7 Changeable Copy on Signs

Changeable copy is allowed on signs in nonresidential districts and for nonresidential uses in the PDR District, and for places of worship and institutional uses in any district subject to the following:

1. a. No more than 50% of the area of a sign shall be devoted to changeable copy except for signs for theaters and churches, which may devote up to 80% of a sign to changeable copy.
(Section Added 5/4/99)

20.4 Prohibited Signs

- 20.4.1 Any sign that obscures a sign displayed by public authority for the purpose of giving traffic instructions, direction, or other public information.
- 20.4.2 Any sign that uses the word "stop" or "danger" or otherwise represents or implies that the need or requirement of stopping or caution or the existing of danger, or which is a copy or imitation of, or for any reason is likely to be confused with any sign displayed by public authority.
- 20.4.3 Any sign that obstructs any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress or egress for any building, as required by law.
- 20.4.4 Any sign that violates any provision of any law of the State relative to outdoor advertising.
- 20.4.5 Signs which obstruct sight distances at intersections or along public rights-of-way
- 20.4.6 Signs which contain, employ, or utilize lights or lighting which rotates, flashes, moves, or alternates, except otherwise approved time and temperature signs.
- 20.5 Signs Allowed in All Districts:
Signs allowed where regulations do not apply:
 - 20.5.1 Signs not exceeding 2 square feet in area and bearing only property numbers, post office box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
 - 20.5.2 Flags and insignia of any government except where displayed in connection with commercial promotion.
 - 20.5.3 Legal notices, identification, information, or directional signs erected or required by government bodies.
 - 20.5.4 Integral decorative or architectural features of buildings, except letters, trademarks, moving lights, or moving parts.
 - 20.5.5 Signs directing and guiding traffic on private property, but bearing no advertisement matter, and street name markers and historic markers.
- 20.6 Nonconforming, Obsolete, and Unpermitted Signs
 - 1. Signs which were lawful at the time of their construction but are not in conformance with current requirements shall be permitted to be maintained as nonconforming signs. Nonconforming signs shall possess a permit from the Inspections Department.

2. Signs which received a permit within a timely manner as required under the Town’s sign ordinance effective June 1, 1999 and met all existing sign ordinance requirements when constructed, shall be allowed a period of nonconformity before compliance with this ordinance is required. Qualifying signs may continue to exist until June 1, 2001. The messages on these signs may be changed if the messages comply with the ordinance and are contained within the existing sign structure size and cabinet. No enlargement of the signs or modifications of this sign structure, including additional lighting is permitted. Conformance with the regulations of this ordinance is required if repairs or damage to a sign or its support structure exceed 25% of the lesser of the declared value when the permit was originally obtained or the replacement value; or when the sign use or type is changed.
3. Nonconforming signs which do not fall under the above paragraph shall be removed or shall be made conforming. This includes, but is not limited to, signs which did not receive a permit within 6 months under the ordinances referenced above. A sign structure on which the sign message on the sign surface changes from a permitted sign to an unpermitted sign shall be considered a violation of this Section and the sign and sign structure may be required to be removed from the site.
4. Obsolete signs must be removed. Both the owner of the property on which the signs are located and the owner of the sign, if different, are separately responsible for the removal.
5. All administrative interpretations of this Section and other provisions of the sign regulations may be appealed to the Planning & Zoning Board. Where necessary, the Board may consider not only the current or intended use of the sign but also the past use. It shall be the obligation of the sign owner to furnish records concerning the past use, if requested by the Board.
(Section Added 5/4/99)

20.7 Key to Abbreviations

'	Feet
“	Inches
Aggr./aggreg.	Aggregate
Aprt.	Apart
Fr.	Front
Intersec.	Intersection
Lin.	Linear
Max.	Maximum
Pr.	Projection
Setbk	Setback
Sq.	Square
St.	Street
Vis.	Visibility

(Section added 5/4/99)

20.8 TABLE: Permitted Uses by Zoning District												
Sign/District	ID	O&I	HBD	GBD	NBD	CBD	R-5	RMF	RMH	R-12	R-15	RA-20
Outdoor Advertising	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Marquees	Not Permitted	Not Permitted	6' max height	6' max height	Not Permitted	6' max height	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
I.D. Plaques	5 sq. ' Maximum	5 sq. ' Maximum	5 sq. ' Maximum	5 sq. ' Maximum	Not Permitted	5 sq. ' Maximum	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Home Occupation	Not Permitted	2 sq. ' Maximum	Not Permitted	Not Permitted	Not Permitted	Not Permitted	2 sq. ' Maximum	2 sq. ' Maximum	2 sq. ' Maximum	2 sq. ' Maximum	Not Permitted	2 sq. ' Maximum
Ground Signs	100 sq.' max 400 aggr. 2 per st. 1000' vis 25' high	24 sq.' max 10' max height above ground	100 sq.' max 400 aggr. 2 per st. 1000' vis 25' high	64 sq.' max 25' above ground 1 per st.	32 sq.' max 20' above ground 1 per st.	32 sq.' max 20' above ground 1 per st.	24 sq.' max 6' above ground	24 sq.' max 6' above ground	24 sq.' max 6' above ground	24 sq.' max 6' above ground	24 sq.' max 6' above ground	24 sq.' max 6' above ground
Cornerstone Building Erect.	5 sq. ' max	5 sq. ' max	5 sq. ' max	5 sq. ' max	5 sq. ' max	5 sq. ' max	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Construction Project	32 sq. ' maximum	32 sq. ' maximum	32 sq. ' maximum	32 sq. ' maximum	32 sq. ' maximum	16 sq. ' maximum	32 sq. ' maximum	32 sq. ' maximum	32 sq. ' maximum	32 sq. ' maximum	32 sq. ' maximum	32 sq. ' maximum
Window Signs	50% window area max.	25% window area max.	50% window area max.	50% window area max.	50% window area max.	50% window area max.	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Wall Signs Upper Façade	3 sq' per lin.' wall space 300 sq ' max 18" max pr.	1 sq' per lin.' wall space 100 sq ' max 12" max pr.	3 sq' per lin.' wall space 300 sq ' max 18" max pr.	2 sq' per lin.' wall space 200 sq ' max 18" max pr.	2 sq' per lin.' wall space 150 sq ' max 12" max pr.	2 sq' per lin.' wall space 150 sq ' max 12" max pr.	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Wall Signs Lower Façade	1/2 sq' per lin' of wall front each wall	1/2 sq' per lin' of wall front each wall	1/2 sq' per lin' of wall front each wall	1/2 sq' per lin' of wall front each wall	1/2 sq' per lin' of wall front each wall	1/2 sq' per lin' of wall front each wall	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Traffic Control & Parking Lot	4 sq' max max 4' high	4 sq' max max 4' high	4 sq' max max 4' high	4 sq' max max 4' high	2.5 sq' max max 4' high 2.5' high int.	2.5 sq' max max 4' high 2.5' high int.	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Time & Temperature	Not Permitted	32 sq' max 20' max high	32 sq' max 25' max high	32 sq' max 25' max high	Not Permitted	32 sq' max 25' max high	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Temporary Yard Sale	Not Permitted	4 sq' max	Not Permitted	Not Permitted	Not Permitted	Not Permitted	4 sq' max	4 sq' max	4 sq' max	4 sq' max	4 sq' max	4 sq' max

Section 21.0 NONCONFORMITIES

21.1 Intent: The intent of this ordinance is to allow nonconformities to continue, subject to limitations, but not to assist or encourage their survival. Pre-existing lots or structures, or uses of lots or structures which are prohibited under these regulations for the district in which located, shall be considered nonconforming. Nonconforming lots, structures or uses may be continued, provided they conform to the following provisions.

21.2 Nonconforming Lots of Record

21.2.1 Any single lot lawfully recorded before the adoption of the Zoning Ordinance of April 29, 1971, may be built on providing the following setback requirements are met:

Lot of Record Width	Minimum Side Yards
Less than 40 feet	5 feet
40-49 feet	5 feet
50-59 feet	6 feet
60-74 feet	8 feet

21.2.2 When two or more lots with continuous frontage are in one ownership at any time after the adoption of this ordinance and such lots are individually less than the minimum area or width required in a district, such lots shall be combined to the extent necessary to achieve a lot or lots of the area and width required for the district.

21.2.3 The front yard setback requirements of this ordinance for dwellings shall not apply to any lot where the average setback of existing buildings located wholly or partially within one hundred (100) feet on either side of the proposed dwelling and on the same side of the same block and use district and fronting on the same street as such lots, is less than the minimum required front yard depth. In such case the setback on such lots may be less than the required setback, but not less than the average of the existing setback on the aforementioned lots, or within ten (10) feet of the street right-of-way line, whichever is greater.

21.3 Nonconforming structures: A structure which legally existed at the time of adoption or amendment of this ordinance, but does not comply with this ordinance by reason of regulations on area, lot coverage, height, yard setback or other restrictions related to the structure, may be continued subject to the following conditions.

- 21.3.1 No non-conforming structures shall be enlarged or altered in any way to increase their nonconformity. They may be altered to decrease their nonconformity.
- 21.3.2 Maintenance and repairs necessary to keep a nonconforming structure in sound condition shall be permitted.
- 21.3.3 No non-conforming structure shall be changed to another type of use without the structure first being brought into conformity with this ordinance.
- 21.4 Nonconforming Uses: A use of land or a structure which legally existed at the time of the adoption or amendment of this ordinance but does not comply with this ordinance by reason of its use, may be continued subject to the following conditions:
 - 21.4.1 When a nonconforming use of land or of a structure has been changed to a conforming use, it shall not thereafter be used for a nonconforming use.
 - 21.4.2 A nonconforming use of land or of a structure may not be changed to another nonconforming use.
- 21.5 Cessation or Destruction of Nonconforming Uses or Structure(s)
 - 21.5.1 If use of a parcel of land or a structure are nonconforming, or if the structure(s) is nonconforming, or if both use and structure(s) are nonconforming, and active use of that parcel of land or structure(s) is discontinued for a continuous period of one hundred and eighty (180) days, the land and or structure(s) shall thereafter be used only for a conforming use and the structure(s) shall be brought into conformity with this ordinance prior to such use.
 - 21.5.2 If a business or industrial structure(s) or a part thereof is occupied by a nonconforming use and is damaged, destroyed or becomes deteriorated to an extent greater than fifty percent (50%) of its replacement cost at the time of damage or discovery of deterioration, the structure(s) may not be repaired for nonconforming use.
- 21.6 Nonconforming Signs

- 21.6.1 Nonconforming signs and sign structures, which may be nonconforming either by reason of dimension, placement, or uses inconsistent with this ordinance, shall be eliminated within a reasonable period of time in order to promote the public safety and welfare. All nonconforming signs that are allowed to become unsafe shall not be permitted to be repaired, instead they shall be eliminated. Nonconforming signs that are heavily damaged by fire, storm, etc. shall not be repaired, instead they shall be eliminated.
- 21.6.2 All permanent and portable signs installed, and flashing and moving signs, shall be removed within six (6) months after receiving notice of violation, except for permitted time and temperature signs.

Section 22.0 BOARD OF ADJUSTMENT (Section Amended 3/6/2001)

- 22.1 The Planning and Zoning Board shall serve as the Board of Adjustments. The Planning and Zoning Board which consists of nine members must have a minimum of two and not more than three members residing in the extraterritorial jurisdiction. Each member shall be appointed by the Mayor with the approval of the Board of Commissioners. The members shall be appointed for staggered three year terms. Each member shall hold office until his/her successor has been appointed and qualified. Any vacancy in membership shall be filled for the unexpired term. Vacancies for the unexpired terms shall be promptly filled. The governing body may remove any trustee for incapacity, unfitness, misconduct, or neglect of duty. Members shall serve without compensation but may be reimbursed for any expenses incurred while representing the Board.

The Planning and Zoning Board shall serve as quasi-judicial panel to decide questions of ordinance interpretation, applications for special exceptions, and requests for variances. In performing these duties, the Planning and Zoning Board shall act to preserve and protect the content and intent of the ordinance and to authorize deviations from the uniform regulations of the ordinance only under explicit authority or extra-ordinary hardship.

22.2 Board Procedures – General

- 22.2.1 Officers. The Board shall elect a chairman and vice-chairman from among its members, who shall serve two-year terms or until their successors are elected. The Board shall appoint a secretary, who may be a municipal employee.

- 22.2.2 Meetings. Meetings shall be held at the call of the chairman or 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. The Board shall adopt rules of procedure consistent with this ordinance and State law.
- 22.2.3 Decisions. The concurring vote of five members of the Planning and Zoning Board shall be necessary to reserve any order, requirement, or determination of the zoning administrator, to grant special exceptions, to effect variances of this ordinance, or to decide in favor of the applicant upon any other matter which the Board is required to determine. All principal parties shall be informed in writing of any Board decision and the reasons therefore.
- 22.2.4 Records. The Board shall keep minutes of its proceedings, recording attendance of members, votes of members on each question, facts entered in evidence, findings made, official actions, and recommendations. A copy of these minutes shall be filed with the Town Clerk for public inspection.
- 22.3 Powers and Duties: The Planning and Zoning Board shall have the powers and duties specified below, and applications shall be handled in the manner specified.
- 22.3.1 Administrative Review. The Board shall hear and decide appeals when it is alleged that there is error in any interpretation, order, requirement, decision, or determination made by the Zoning Administrator in the enforcement and administration of this ordinance.
- 22.4 Administration Review Procedures
- 22.4.1 A written application for review of the administrative action shall be submitted to the secretary of the Planning and Zoning Board and Zoning Administrator indicating the ordinance provision and administrative action in question, asking a specific question or questions to be answered by the Board, stating the applicant's reasons for alleging that an error has been made by the Zoning Administrator in administering the ordinance, and providing other relevant data requested by the Board Secretary or Board members. Appeals of action by the Zoning Administrator shall be filed within 45 days of the interpretation, order, or other administrative action taken, and may be taken by an aggrieved person or by any municipal official or body affected by action of the Zoning Administrator.

- 22.4.2 A timely appeal application shall stay proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Adjustment that a stay would cause imminent peril to life or property. If the Zoning Administrator certifies that a stay would cause such imminent peril, administrative proceedings shall not be stayed except by an order of the Board or a court of competent jurisdiction.
- 22.4.3 Upon receipt of an appeal of an administrative action, the Board Secretary shall notify the Zoning Administrator, who shall promptly transmit to the Board all relevant papers constituting the record of the action being appealed. The Board shall set a reasonable time for hearing of the appeal, shall give timely notice to the parties in interest, and shall give public notice of the hearing.
- 22.4.4 The hearing shall be held and the applicant (appellant) shall present information and evidence relevant to the appeal. The Zoning Administrator shall present information relevant to his reasons for the administrative action being appealed, and the Town may introduce other relevant information concerning the administration of the ordinance. Any person may appeal in person or by agent or attorney. All testimony shall normally be received under oath.
- 22.4.5 The Board shall render a decision within a reasonable period of time, but need not issue a decision at the time of the initial hearing. The Board shall render its decision by answering the specific questions(s) asked by the applicant, shall determine whether the Zoning Administrator correctly administered the ordinance, and shall direct that the appropriate action be taken by the applicant and/or Zoning Administrator.
- 22.5 Special Exceptions/Special Use Permits
The Board shall consider requests for such special use exceptions as may be conditionally permitted in various districts, shall determine whether the information submitted supports making the specific finding(s) required by the ordinance to permit the use, shall issue special use permits (granting the special exception) if the required findings are made or deny issuance of a special use permit if all required findings cannot be made, and may attach reasonable conditions to the granting of a special exception to insure the use's compatibility with other uses permitted in the district.
- 22.6 Special Exception Procedures

- 22.6.1 A written application for a special exception shall be submitted to the Board Secretary and Zoning Administrator specifying the special exception sought, indicating the applicable ordinance provision, providing information supporting the existence of the required findings, and providing such plans or other relevant data as may be required by the Town. The administrative and planning staff shall review the application and file a written report with the Chairman and Secretary of the Board of Adjustment before they review the application.
- 22.6.2 The Planning and Zoning Board shall set a reasonable time for a public hearing and consideration of the application. At least ten days notice of the hearing shall be published in a newspaper of general circulation in the town and the same advance notice shall be given to the applicant and Town Manager in writing. Notice of the hearing shall also be posted on the affected property in a prominent location.
- 22.6.3 The hearing shall be conducted and the Board shall hear relevant presentations regarding whether the required findings exist and whether the special exception should be granted. The Board shall hear relevant information from the applicant, Town administrative and planning officials, and any interested or affected members of the public. Parties may appear in person or by agent or attorney to present information relevant to the requirements of the ordinance.
- 22.6.4 The Board shall render a decision within a reasonable period of time, but need not issue a decision at the time of the initial hearing and may call for additional information if needed. In order to grant a special exception, the Board must make the following written findings:
- A. The use will not materially endanger the public health or safety or constitute a public nuisance if located where proposed and developed according to the plans and information submitted and approved.
 - B. The use will not substantially injure the value of adjoining property; or, that the use is a public necessity.
 - C. That the location and character of the use, if developed according to the plans and information approved, will be in harmony with proximate land uses, consistent with the purposes of the district, and in conformity with the Town's land use plan.

- 22.6.5 If the Board makes the above required findings, a special exception shall be granted and a special use permit shall be issued to permit the requested use. The special exception and use permit shall be subject to conditions stipulated by the ordinance or determined by the Planning and Zoning Board to be necessary to insure that the use remains compatible with other uses permitted in the district and with adjoining properties. No special use permit shall grant variances from the requirements of this ordinance. If any conditions required or imposed as part of a special use permit are not maintained or carried out or cease to exist, the Zoning Administrator shall revoke the special use permit and the use shall become an ordinance violation.
- 22.6.6 If the Board cannot make all of the required findings, no special exception shall be granted nor special use permit issued. If circumstances change sufficiently that the necessary findings might be met in the future, the Board may re-hear a similar application, but the Board may deny re-hearing to any identical application filed within two years of a previous hearing if it makes a preliminary, informal determination that significant changes warranting re-hearing have not occurred.

22.7 Variance Procedures

- 22.7.1 A written application for a variance shall be submitted to the Board Secretary and Zoning Administrator specifying the nature of the variance sought, citing applicable ordinance provisions, providing information supporting the existence of the required findings, and providing any maps, plans, or other relevant data required by the Town.
- 22.7.2 A public hearing will be held by the Planning and Zoning Board within a reasonable time to determine if required findings support granting of the variance. Testimony may be given by any person with relevant information, whether by agent, attorney, or in person. It is the responsibility of the applicant to demonstrate that required findings exist. At least 10 days notice shall be published in a newspaper of general local circulation and the same notice shall be submitted to the applicant, Zoning Administrator and Town Manager in writing.
- 22.7.3 The Planning and Zoning Board shall render a decision, either at the hearing or within a reasonable period thereafter. In order to grant a variance the Board must find:

- A. Practical difficulties or unnecessary hardships would result from enforcing the strict letter of the ordinance. Such a determination shall be made only if the Board finds that the applicant has demonstrated that:
 - 1. Strict compliance with the ordinance will deprive the applicant of any reasonable return from or use of his property;
 - 2. The hardship results from the application of the ordinance and not other factors;
 - 3. The hardship is actually suffered by the land in question (not the general public or other properties);
 - 4. The hardship is not the result of the applicant's own actions or negligence;
 - 5. The hardship is peculiar to the applicant's property, the result of unusual size, shape, or topographic conditions not shared or experienced by other land or structures in the district.
- B. The proposed variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit. Requests to extend nonconforming uses or permit uses not allowed in the district are not consistent with this finding.
- C. If the variance is granted, the public safety and welfare will remain secure.
- D. If the variance is granted, substantial justice will be done. In making this determination, the Board shall examine whether literal administration of the ordinance would deprive the applicant of rights commonly enjoyed by other property owners or occupants in the district and, on the other hand, whether granting the variance would confer on the applicant any special privilege denied by the ordinance to other property in the district.
- E. If the Board grants a variance, its action shall be accompanied by its reasons for making the required findings and by its certification that the variance is the minimum variance which will make possible the reasonable use of land, buildings, or structures.

22.8 Administrative Powers

In exercising its powers, the Board may, in accordance with this ordinance, reverse, affirm, or modify in whole or part the order, requirement, decision, interpretation, or determination appealed from and may issue such orders, requirements, decisions, interpretations, or determinations as may be necessary. In these actions, the Board shall have all the powers of the official from whom the appeal was taken.

22.9 Amendment Recommendations

The Planning and Zoning Board has both the authority and responsibility to recommend to the Board of Commissioners that amendments to this ordinance be considered in order to insure its equitable and comprehensive application, clarify gaps or ambiguities, or otherwise improve its administration and effectiveness.

22.10 Appeals from Planning and Zoning Board

Any person, public body, or organization aggrieved by a decision of the Board may, within 30 days of the Board's decision, seek review by superior court by proceedings in the nature of certiorari.

Section 23.0 ADMINISTRATION AND ENFORCEMENT

23.1 Zoning Administrator

A Zoning Administrator appointed by the Town Manager is authorized and directed to enforce and administer the provisions of this ordinance. The Zoning Administrator may hold other offices or positions concurrently. Appeals from any order, decision, or requirement of the Zoning Administrator shall be made to the Planning & Zoning Board.

23.2 Zoning Permits

- 23.2.1 **Permits Required.** No building shall be erected, moved, extended, enlarged, structurally altered, or changed in use; nor shall any land be excavated or filled for construction or changed in use until the Zoning Administrator has issued a zoning permit certifying that the proposed structure and/or use complies with this ordinance. No building permit or certificate of occupancy shall be issued until a zoning permit has been issued.
- 23.2.2 **Application.** Applications for zoning permits shall be submitted on forms provided by the Zoning Administrator and shall contain information essential to a determination of ordinance compliance, such as: plot plans with lot and/or building dimensions, the locations of buildings and structures, number of dwelling units (if any), and setback lines.
- 23.2.3 **Permit Term.** Zoning permits shall become invalid if the work, occupancy, or use authorized is not commenced within 6 months of permit issuance or if work is suspended or abandoned for one year, or if use or occupancy is suspended for 6 months.

- 23.2.4 Permit Effect. Zoning permits and certificates of compliance issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, or construction as shown therein. Use, arrangement, or construction at variance with that authorized is a violation of this ordinance.

23.3 Certificate of Compliance

- 23.3.1 Certificate Required. A certificate of compliance issued by the Zoning Administrator and certifying that the building and/or premises is ready for occupancy in conformity with this ordinance, is required in advance of occupancy or use of a building hereafter erected, altered, or moved, or a change of use of any building or land.
- 23.3.2 Application. A certificate of compliance for a whole or part of a building or premises shall be applied for within 10 days after the completion of any erection, alteration, or other preparation for occupancy or use. A certificate of compliance shall not be issued unless the proposed use of land and/or building complies with this ordinance. If the certificate is denied, the Zoning Certificates shall be kept on file in the office of the Zoning Administrator and copies shall be furnished upon request to any person.

23.4 Powers-Zoning Administrator

- 23.4.1 Primary Administrator. All questions of interpretation and enforcement shall be initially presented to and determined by the Zoning Administrator. Subsequent recourse shall be, in order, to the Board of Adjustment and the courts.
- 23.4.2 Enforcement Means. The Zoning Administrator shall enforce this ordinance by withholding zoning permits and compliance certificates, by seeking an injunction, mandamus, or other judicial action to prevent, correct, or abate unlawful construction, conversion, alteration, occupancy, or use, and by seeking warrants for prosecution of ordinance violators.

23.5 Violation Remedies

- 23.5.1 Complaints. Any person alleging a violation of this ordinance may file a written complaint with the Zoning Administrator. Upon receipt of a written complaint, the Zoning Administrator shall investigate the matter within 10 days, and take appropriate action to abate any verified violation. A complete record shall be kept of all written complaints received and the actions taken pursuant thereto.

- 23.5.2 Remedies. When any building is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building or land is used in violation of this ordinance, the Zoning Administrator, or any other appropriate town authority, or any person who would be damaged may institute action for injunction, or mandamus, or other appropriate action or proceeding to prevent or halt the violation.
- 23.6 Penalties: Any person, firm, or corporation who violates any provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished for each offense by a fine not exceeding fifty dollars or by imprisonment to exceed 30 days. Each day the violation continues shall be considered a separate offense. Work carried on in violation of the cancellation of any permit issued under this ordinance shall also be deemed a violation punishable in the same manner.

Section 24.0 AMENDMENTS

24.1 Principles

Amendments of the text and zoning map of this ordinance may be undertaken from time to time in order to carry out the purposes stated in Section 1.0 and to improve this ordinance's ability to effectively carry out these purposes. Proposed amendments to the ordinance shall be considered significant potential changes in the ordinance's ability to assist the implementation of the community's land use plan and comprehensive plan. Proposed amendments should be considered with significant attention to the issues of whether they promote health, safety, and the general welfare, encourage the most appropriate use of land, and carry out the community's comprehensive plan.

Because the zoning ordinance is based on a comprehensive plan, amendments (particularly proposed map changes) should be carefully examined to determine if they are justified by an error in the original provision or classification or whether circumstances have changed sufficiently to make the existing provision or district inappropriate. Absent such justifications, an amendment may be unneeded. In applying district classifications in particular, the community's need for various types and amounts of uses, as well as the suitability of the land for such uses, should be principal determining factors.

24.2 Limitations

Zoning classifications shall not be established nor the official zoning map amended in the following manners:

Conditional Zoning. Zoning classifications shall not be based on conditions of time and/or development which will result in an automatic classification change at a future date.

Contract Zoning. Zoning classifications shall not be based on assurances by an applicant, or conditions imposed by the Town Board that rezoned property will be developed in a particular, limited fashion.

"Spot" Zoning. Zoning classifications shall not be adopted in a manner which confers special benefit or places special restriction upon a particular parcel of land nor adopted in a manner which classifies a relatively small area differently from surrounding property of similar nature and logical use, without sound basis in the purposes of zoning as set forth in this ordinance and state law.

24.3 Amendment Procedures

- 24.3.1 Standing. A petition for a zoning ordinance amendment may be initiated by the Town Board of Commissioners, Planning Board, any department or official of the Town, or any citizen residing or owning property within the zoning jurisdiction of the Town.
- 24.3.2 Application. Applications to amend the zoning ordinance shall be filed with the Secretary to the Planning Board at least 10 days prior to the Planning Board meeting at which it is to be considered. The application shall be submitted in the number of copies specified by the Town and shall include information necessary to review the application, including the applicant's full name, address, and interest in any affected property, a description of the property (if applicable), and the nature of the amendment requested, and a statement of what changed conditions make the amendment necessary to the purposes of zoning and the implementation of the Town comprehensive plan. If the requested change is a zoning map amendment, an accurate map or diagram of the property proposed for re-classification should be submitted, including property lines with dimensions, north arrow, adjoining streets and their widths, the location of all structures, the existing uses of land at the site, and the current zoning classification of the property and adjoining properties. A reasonable application fee set by the Town Manager, subject to Town Board review, may be charged to offset advertising and administrative expenses in processing the application.
- 24.3.3 Staff Review. Copies of the application shall be immediately forwarded to the Town Manager, Zoning Administrator, and the chief municipal planner for review and comment.

- 24.3.4 Planning Board Review. The application and any staff comments shall be considered by the Planning Board at its first regular meeting at least 10 days following submission of the complete application. The Planning Board shall submit its recommendations and/or comments to the Town Board in writing within 35 days following its initial consideration. If the Planning Board fails to submit a written report within 35 days, it shall be considered to have no objection or substantive comment to offer and the Town Board may proceed to consideration of the petition. The Planning Board may, if it wishes, conduct a preliminary public hearing on the proposed change and/or may sit concurrently with a public hearing conducted by the Board Commissioners. In making its recommendation on any zoning district change, the Planning Board shall consider such factors affecting the use of land as its natural features, community facilities, economic needs, environmental quality, official plans, transportation, legal factors, and public services impact.
- 24.3.5 Town Board Review. Following receipt of the Planning Board's recommendation or expiration of the 35 days, the Board of Commissioners may proceed to consideration of the proposed amendment. Prior to adoption of any amendment, the town Board shall conduct a public hearing, which shall be advertised for two successive weeks in the newspaper of general circulation in the town, the first time at least 15 and not more than 25 days prior to the hearing date. At its option or by agreement with the Planning Board, the Town Board may conduct the hearing prior to issuance of a Planning Board recommendation. The Town Board may also elect not to conduct a hearing if it feels that an application lacks sufficient merit to receive further consideration.

In review of the application, the Town Board shall consider staff and Planning Board recommendations, the relationship of the proposed amendment to the land use plan and other elements of the comprehensive plan, information given by the applicant and the public, and principals of good land use planning. If, after a public hearing, the town Board determines that the amendment is consistent with the purposes of zoning and the Town's comprehensive plan, it may adopt an ordinance amending this Zoning Ordinance.

- 24.3.6 **Petition Withdrawal.** Any petition for amendment of this ordinance may be withdrawn at any time prior to an actual amendment by the person(s) initiating the request, upon written notice to the secretary of the board considering the petition at that time. Withdrawal of a petition by an applicant shall not prohibit further consideration of possible amendments by the appropriate officials and public bodies if they determine that the petition raised significant questions of need for review of the ordinance.
- 24.3.7 **Reconsideration.** When the Town Board has denied or tabled an application for a zoning classification change, no application for the same change affecting the same property or a portion thereof shall be accepted for at least one year from the Board's action. This limitation may be waived if reconsideration is voted by four-fifths of the Board membership. Petitions withdrawn prior to Board of Commissioner's action may be re-filed after 6 months.

24.4 **Formal Protests**

The owners of property included in or adjoining a proposed zoning amendment, supplement, change, modification, or repeal may formally protest such changes by petition. Submission of a valid protest petition requires that a vote of the Town Board to amend the ordinance be adopted by a three-fourths vote. In order to qualify as a valid protest petition, the petition must:

- A. The hardship results from the application of the ordinance and not other factors;
- B. Be submitted in a written format prescribed by the Town Manager and state that the signers do protest the proposed change.
- C. Be received by the Town Clerk in sufficient time to allow the Town at least two normal work days before the public hearing to determine the sufficiency and accuracy of the petition;
- D. Be signed by the owners of at least 20 percent of either the area of lots included in the proposed change or the area extending for 100 feet therefrom on the rear or on either side, or directly opposite. (Reference G.S. 160A-385, 386.)

24.5 **Changes in Official Zoning Map**

Changes in district boundaries or the extraterritorial jurisdiction shall be entered on the Official Zoning Map promptly after such changes have been approved by the Board of Commissioners. No change in the Official Zoning Map shall be valid unless all previous changes have been properly entered on the Official Zoning Map.

24.6 Posting of Property

- 24.6.1 The Code Enforcement Officer or Town Planner shall also post notices on property that has a pending zoning request. This sign shall be posted within 14 days of the initial request and shall remain on the property until after such time that the public hearing has been conducted. The Code Enforcement Officer or Town Planner may take any other action deemed necessary to give adequate notice of the hearing on any proposed amendment or change in zoning.
(Added 2/3/98)

Section 25.0 SCREENING

25.1 Purpose

To minimize the impacts of commercial, industrial, or manufacture home parks on adjacent residential land uses a visual screen is required. Screening:

- a. lessens the transmission form one lot to another of noise, dust and glare;
- b. minimizes the visual pollution between incompatible uses of various intensity;
- c. creates a sense of privacy from visual or physical intrusion

25.2 Options

The screening options shall consist of berms, plantings or fences. Existing vegetation can be used to fulfill part or all of the screening requirements.

25.3 Existing vegetation

Existing vegetation is encouraged to be retained and used to fulfill the purposes of this section. The zoning administrator shall evaluate any existing vegetation on site and determine what additional screening is needed to comply with the] requirements of this section .

25.4 Location

Screening shall be located along the rear and side yards of the commercial, and industrial property, where it is adjacent to any residential district. Any installation of screening in a drainage maintenance or utility easements shall be approved by the Town Planner.

25.5 Screening Area Specifications and Design

Specifications for the screening options are listed below. A combination of the options may be used to comply with the requirements of this section if approved by the planning board during the planning review process.

- a. Berms:
 - 1. Minimum Height: 5 ft.
 - 2. Minimum Crown Width: 3 ft.
 - 3. Side slope: 3: 1 slope
- b. Plantings:
 - 1. Minimum Screening Area Width: 5 feet
 - 2. Number of Plants per 100 linear feet:
 - a. Shrub: 25
 - b. Understory tree: 5
 - c. Canopy Tree: 3

25.6 Plant Specifications

- a. Shrubs: All shrubs must be evergreens and shall reach a minimum height of seventy-two (72) inches and a minimum spread of thirty (30) inches within three (3) years.
- b. Understory Tree: Understory trees shall be a minimum of four (4) feet high and one (1) inch in caliper, measured six (6) inches above grade, when planted. When mature, an understory tree should be between fifteen (15) and forty (40) feet high.
- c. Canopy Tree: Canopy trees shall be a minimum of eight (8) feet high and two (2) inches in caliper, measured six (6) inches above grade, when planted. When mature, a canopy tree should be at least forty (40) feet high and have a minimum crown of thirty (30) feet.

Examples of approved vegetation to satisfy screening requirements. Any combination of the following species will meet the screening requirements. Alternate species are acceptable if approved by the Town Planner.

Shrubs:

Scientific Name	Common Name
Ligustrum japonicum	Curlyleaf Ligustrum
Cleyera japonica	Cleyera
Camelia sinensis	Tea Plant
Ilex cornuta	Chinese Holly
Ilex cornuta ‘Burfordii’	Burford Holly
Ilex crenata	Japanese Holly
Ilex latifolia	Lusterleaf Holly
Ilex pedunculosa	Longstalk Holly
Laurus nobilis	Laurel
Leucothoe populifolia	Florida Leucothoe
Ligustrum japonicum	Japanese Privet
Ligustrum lucidum	Tall Glossy Privet

Loropetalum chinense	Loropetalum
Myrica cerifera	Wax-Myrtle
Myrica communis	Myrtle
Osmanthus x fortunei	Fortune Tea Olive
Osmanthus heterophyllus	Holly Osmanthus
Photinia x fraseri	Frasier Photinia
Photinia glabra	Red Phontinia
Podocarpus Macrophyllus maki	Podocarpus
Prunus Laurocerasus	English Laurel
Pyracantha koidzumii	Formosa Firethorn
Thuja Orientalis	Oriental Arborvitae
Viburnum Japonicum	Japanese Viburnum
Viburnum tinus	Laurestinus Viburnum
Ligustrum japonicum	Curlyleaf Ligustrum

Understory Trees:

Scientific Name	Common Name
Cercis Canadensis	Redbud
Cornus Florida	Flowering Dogwood
Acer palmatum	Japanese Maple
Magnolia virginiana	Sweetbay Magnolia
Magnolia stellata	Star Magnolia
Magnolia soulangiana	Star Magnolia
Cornus kousa	Chinese Dogwood
Ilex vomitoria	Yaupon
Amelanchier x. grandiflora	Apple Serviceberry

Canopy Trees:

Scientific Name	Common Name
Acer rubrum	Red Maple
Betula nigra	River Birch
Liquidambar styraciflua	Fruitless Sweetgum
Quercus alba	White Oak
Quercus nuttallii	Nuttall Oak
Quercus phellos	Willow Oak
Quercus rubra	Northern Red Oak
Taxodium distichum	Bald Cypress
Ulmus parviflora	Chinese Elm
Zelkova serrata	Zelkova

25.7 Grouping

Shrubs and trees may be grouped or clustered, however , no more than fifty (50) % of each required plant material may be grouped or clustered. The remainder of the material shall be evenly distributed throughout the screening area.

25.8 Fences

1. Minimum Height: 5 feet
2. Maximum Height: 8 feet
3. Fence materials: masonry or stone walls, wood or similar opaque materials.

25.9 Flexibility in Enforcement of Standards

Because of the wide variety of development and the relationship between them, it is neither possible or prudent to establish inflexible screening requirements, the zoning enforcement officer or the planning board during the site plan may require either more or less intensive screening whenever it finds such deviation are more likely to satisfy the intent of this section without imposing unnecessary costs to the developer.

25.10 Maintenance

The owner is responsible for maintaining planting, fences or berms. Plantings shall be kept in good health and appearance. Any dead, unhealthy, or missing plants shall be replaced within ninety (90) days with vegetation which meets the approval of the zoning enforcement officer. Fences damaged, improperly constructed, or incorrectly placed shall be repaired or replaced with appropriate materials approved by the zoning enforcement officer. (Amended 6/22/99)

Section 26.0 LIGHT INDUSTRIAL DISTRICT (LID)

- 26.1 Intent: This district is designed to provide areas primarily for light manufacturing and processing industries and their accessory uses, for supporting or related storage, transportation and distribution activities, for commercial activities with high intensity characteristics, and for certain supporting service activities for the convenience of the concentrated employee population. These areas shall normally be located on planned sites with good access to major transportation arteries and to appropriate utilities capacities. The regulations of this district are intended to minimize conflicts with proximate land uses by controlling noise, odor, glare, smoke, dust, wastes, and other adverse environmental effects. Light Industrial classifications shall normally apply to

large tracts of land located in a manner that the uses permitted in the district will not detract from the appropriate development or enjoyment of nearby properties. Residential uses, and most retail trade activities are prohibited in this district.

26.2 Permitted Uses

26.2.1 Manufacturing and fabrication of:

26.2.1.1 Air conditioning and heating equipment

26.2.1.2 Apparel and clothing

26.2.1.3 Auto parts and accessories

26.2.1.4 Bakery and food products

26.2.1.5 Bedding and carpets

26.2.1.6 Beverages, including bottling

26.2.1.7 Books

26.2.1.8 Business Machines

26.2.1.9 Candy and Confections

26.2.1.10 Dairy products

26.2.1.11 Drugs, medicines, cosmetics

26.2.1.12 Electrical Appliances and electronic equipment

26.2.1.13 Furniture

26.2.1.14 Ice

26.2.1.15 Industrial supplies and equipment

26.2.1.16 Machine tools

26.2.1.17 Musical Instruments

26.2.1.18 Optical goods

26.2.1.19 Precision instruments and jewelry

26.2.1.20 Recreation and sporting goods

26.2.1.21 Signs

26.2.1.22 Soap, detergents, washing compound

26.2.1.23 Watches and clocks

26.2.1.24 Customary accessory uses

26.3 Processing Activities:

26.3.1 Coffee, tea, spices

26.3.2 Printing, engraving, publishing

26.3.3 Building materials, storage and sales

26.3.4 Contractors offices and storage yards

26.3.5 Plumbing, heating, and electrical suppliers and repairs

26.3.6 Tobacco Processing

26.3.7 Public works, public safety, governmental, and public utilities

26.3.8 Auto and Truck Sales

26.4 Industry Accessory Uses:

26.4.1 Research Laboratories

26.4.2 Vocational Trade Schools

26.4.3 Offices and parking lots

26.4.4 Transportation, storage, distribution activities:

26.4.5 Wholesale and warehousing businesses

26.5 Fences, Walls, Hedges

26.5.1 Solid and open fences are permitted to any structurally sound height, excluding corner site distance.

26.6 Operational Standards

All industrial uses shall meet State and Federal EPA regulations.

26.7 Buffer Strips: A densely planted buffer strip at least 8 feet in height shall be planted and maintained along the rear and sideyards of any residential district, but shall not extend beyond the front building line of adjacent residential lots.

26.8 Screening: Open storage yards of any use permitted in this district shall be screened from adjoining streets and highways by a solid fence, wall, or hedge at least 4 feet high (6 feet if storage is stacked to or above 6 feet high) unless said storage is set back from the right-of-way at least 400 feet.

26.9 Service Areas: All uses in the district shall provide adequate, accessible areas for bulk storage of solid waste.

26.10 Special Exceptions

26.10.1 Automobile Service Stations or Garages

26.10.2 Banks

26.10.3 Restaurants

26.10.4 Truck stops

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 April 1, 2008
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