

VILLAGE OF SIMPSON,
NORTH CAROLINA

ZONING ORDINANCE

ORIGINALLY ADOPTED MARCH 19, 1990

MAJOR REVISIONS ADOPTED FEBURARY 22, 2021

TABLE OF CONTENTS

ARTICLE	SECTION	PAGE
I	GENERAL PROVISIONS	
	Section 1.01 Short Title.....	1
	Section 1.02 Purpose and Authority.....	1
	Section 1.03 Effective Date.....	1
	Section 1.04 Jurisdiction.....	1
	Section 1.05 Conformance with Regulations.....	2
	Section 1.06 Fees.....	2
	Section 1.07 Interpretation and Application.....	2
II	GENERAL DEFINITIONS	
	Section 2.01 Word Interpretation.....	3
	Section 2.01 Word and Term Definitions.....	4
III	PROVISIONS FOR DISTRICT BOUNDARIES AND ZONING MAP	
	Section 3.01 District Boundaries.....	15
	Section 3.02 Zoning Map Changes.....	15
	Section 3.03 Replacement of Official Zoning Map.....	15
	Section 3.04 Responsibility for Maintenance of the Official Zoning Map.....	15
	Section 3.05 Rules for Interpretation of Zoning District Boundaries..	16
IV	APPLICATION OF REGULATIONS	
	Section 4.01 Territorial Application.....	17
	Section 4.02 Use, Occupancy and Construction.....	17
	Section 4.03 Height, Bulk Density, Lot Coverage, Yards And Open Spaces.....	17
	Section 4.04 Computation of Required Spaces.....	17
	Section 4.05 Reduction of Lots or Areas Below Minimum.....	17
	Section 4.06 Classification of Added Territory.....	18
	Section 4.07 One Principal Building on Any Lot.....	18
	Section 4.08 Lot Access Requirements.....	18
	Section 4.09 Vision Clearance at Intersections.....	18
	Section 4.10 Walls and Fences.....	18
	Section 4.11 Structures Excluded from Height Limitations.....	18
	Section 4.12 Reduction of Front Yard Setback Requirements.....	19
	Section 4.13 Required Buffers.....	19
	Section 4.14 Storage of Vehicles (Unlicensed and/or Uninspected)...	19

V NON-CONFORMITIES

Section 5.01 New Uses of Construction..... 20
Section 5.02 Conforming Uses..... 20
Section 5.03 Intent of Non-Conformities..... 20
Section 5.04 Continuation of Non-Conformities..... 20

VI ZONING DISTRICTS AND REGULATIONS

Section 6.01 A-R Agricultural-Residential District..... 22
Section 6.02 SFR Single-Family Residential District..... 23
Section 6.03 N-R Neighborhood-Residential District..... 24
Section 6.04 MFR Multi-Family Residential District..... 25
Section 6.05 O-I Office and Industrial District..... 26
Section 6.06 GB General Business District..... 28
Section 6.07 I Industrial District..... 29

VII APPLICATION AND SUPPLEMENTAL REGULATIONS

General Regulations..... 31
Section 7.01 Accessory Buildings..... 31
Section 7.02 Cemeteries..... 31
Section 7.03 Corner Lot Setback Requirements..... 31
Section 7.04 Farms..... 31
Section 7.05 Home Occupations..... 31
Section 7.06 Junkyards..... 32
Section 7.07 Lot Size..... 32
Section 7.08 Mobile Home Sales..... 33
Section 7.09 Public Utilities..... 29
Section 7.10 Mobile Home Regulations..... 33
Section 7.11 Off-Street Parking..... 41
Section 7.12 Regulations Governing Signs..... 44
Section 7.13 Group Development Projects..... 44

VIII ADMINISTRATIVE AUTHORITY AND PROCESS

Section 8.01 Administrative Officer..... 48
Section 8.02 Building Permit and Certification of Occupancy Required.. 48
Section 8.03 Special Uses..... 49
Section 8.04 Variances..... 50
Section 8.05 Application Procedures..... 50
Section 8.06 Development Approvals.....52
Section 8.07 Enforcement..... 52

Section 8.08	Appeals.....	54
Section 8.09	Staff Conflict of Interest.....	55

IX PLANNING BOARD

Section 9.01	Appointments and Terms of Planning Board Members.....	57
Section 9.02	Organization, Rules, Meetings and Records.....	58
Section 9.03	Powers and Duties of the Planning Board.....	59
Section 9.04	Quorum and Voting.....	62
Section 9.05	Finances.....	62

X BOARD OF ADJUSTMENT

Section 10.01	Appointment and Terms of Board of Adjustment Members.....	63
Section 10.02	Organization, Rules, Meetings and Records.....	64
Section 10.03	Powers and Duties of the Board of Adjustment.....	65
Section 10.04	Quasi-Judicial Decisions.....	65

XI AMENDMENTS

Section 11.01	Amendment Process.....	67
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ARTICLE I - GENERAL PROVISIONS

SECTION 1.01 SHORT TITLE

This chapter shall be known as the “Zoning Ordinance of the Village of Simpson” and may be cited as the “Zoning Ordinance.” The map, herein referred to which is identified by the title “Official Zoning Map of the Village of Simpson, North Carolina,” shall be known as the “Zoning Map.”

SECTION 1.02 PURPOSE AND AUTHORITY

The purpose of the zoning regulations and districts set forth in this Ordinance is to accomplish compatible development of the land within the Village's limits in a manner to promote the health, safety, and the general welfare of the people, as well as to provide for traffic; to secure safety from fire, panic, and other hazards; to provide for light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements; to promote desirable living conditions and the sustained stability of neighborhoods; to protect property against blight and depreciation and for other purposes in accordance with the Village of Simpson Land Development and Housing Plan (1980).

These regulations and districts have been developed with reasonable consideration as to the character of the district and its peculiar uses, and to encourage the most appropriate use of land throughout the community. The provisions of this Ordinance are adopted under authority granted by the General Assembly of the State of North Carolina, particularly General Statute 160D.

SECTION 1.03 EFFECTIVE DATE

The provisions of this Ordinance were originally adopted March 19, 1990 and shall be effective after March 31, 1990.

SECTION 1.04 JURISDICTION

The provisions of this Ordinance shall apply within the corporate limits of the Village of Simpson and its Extraterritorial Jurisdiction, as shown on the “Official Zoning Map of Simpson, North Carolina.

If there shall be an extension of the extraterritorial jurisdiction the Village of Simpson shall provide a mailed notice 30 days prior to the hearing and will hold one hearing regarding the extension and initial zoning extension if the Board so chooses as persistent with G.S. 160D-2020(d).

This ordinance shall in no way regulate, restrict, or prohibit any bona fide farm operation or its related uses whether within village zoning or within an extra territorial jurisdiction. However, any use of such property for non-farm purposes shall be subject to these regulations as set in G.S. 160D-903(c).

SECTION 1.05 CONFORMANCE WITH REGULATIONS

- (A) Subject to Article V, Section 1 of this Ordinance, no person may use, occupy, or sell any land or buildings or authorize or permit the use, occupancy or sale of land or buildings under his control except in accordance with all of the applicable provisions of this chapter.
- (B) For purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land.
- (C) No lot shall be occupied by more than one principal building. A residence shall always constitute a principal use.
- (D) No part of a yard provided around any building or structure for the purposes of complying with the provisions of this Ordinance shall be included as part of a yard required under these regulations for another building or structure.

SECTION 1.06 FEES

- (A) Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for zoning permits, special-use permits, subdivision plat approval, zoning amendments, variances and other administrative relief. The amount of the fees charged shall be as set forth in the Village's budget or as established by resolution of the Council filed in the Office of the Village Clerk.
- (B) Fees established in subsection A shall be paid upon submission of a signed application or notice of appeal.

SECTION 1.07 INTERPRETATION AND APPLICATION

In interpreting and applying the regulations set out in this Ordinance, the requirements contained herein are declared to be the minimum requirements necessary to carry out the purpose of this chapter.

Except as provided herein, these regulations shall not be deemed to interfere with, abrogate, annul or otherwise affect in any manner whatsoever any easements, covenants, deed restrictions or other agreements between parties in existence prior to the effective

date of this Ordinance upon the land which is the subject matter of such regulations contained as hereinbefore set forth in this sentence. Wherever the provisions of these regulations impose greater restrictions upon the use of the land or buildings than other provisions, ordinances, rules, regulations, permits and the like, the provisions of this Ordinance shall govern.

ARTICLE II - GENERAL DEFINITIONS

SECTION 2.01 WORD INTERPRETATION

For the purpose of this Ordinance, certain words shall be interpreted as follows:

- A. The present tense includes the future tense, and the future tense includes the present tense.
- B. The singular number includes the plural number, and the plural number includes the singular number.
- C. The word "may" is permissive; the word "shall" is mandatory.
- D. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- E. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
- F. The word "lot" includes the words "plot, parcel, site and premises."
- G. The word "map" shall mean the Official Zoning Map of the Village of Simpson, North Carolina.
- H. The word "building" includes the word "structure."
- I. The words "Ordinance," "Regulations," and "Chapter" shall mean the Official Zoning Ordinance for the Village of Simpson, North Carolina.
- J. The word "Village," "Town," or "City" shall mean the Village of Simpson, a municipal corporation of the State of North Carolina.
- K. The words "Planning Board" shall mean the "Village of Simpson Planning Commission."
- L. The words "Village Board" or "Council" shall mean the "Village Council of the Village of Simpson, North Carolina."
- M. Words importing the masculine gender include the feminine and neuter.

SECTION 2.02 WORD AND TERM DEFINITIONS

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases used in these regulations shall have the meaning herein indicated when applying this Ordinance.

Accessory Building or Use: A subordinate building or use incidental to the principal building or use on the same lot. This use does not allow for renting or operating for gain of any such building.

Administrative Decision: Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this Chapter or local government development regulations, these are sometimes referred to as ministerial decisions or administrative determinations.

Agriculture: This use definition includes such agricultural uses typical to a farm environment and excludes uses that have objectionable odors and noise such as poultry houses.

Agricultural Products Processing: The processing of agricultural products such as tobacco curing, excluding activities that have objectionable odors and noise.

Alley: A roadway easement which affords only a secondary means of access to abutting property and not intended for general traffic circulation

Alter: To make any structural changes in the supporting- of load-bearing members of a building such as walls, columns, beams, girders or floor joists.

Apartment: See Dwelling, Multi-Family.

Automobile Repair: Activities which involve work on mufflers, tires, tune-ups, greasing, brakes, radiators, electrical, etc., with all repair work conducted within an enclosed area.

Automobile Service Stations: Establishments engaged in selling gasoline and lubricating oils, and which may sell other merchandise or perform automobile repair as described above. Also included are convenience stores involved in the sale of fuels.

Boarding House: A rooming house or structure which contains four (4) or more rooms, each of which has no kitchen facilities and is designed or intended to be used for residential occupancy on a rental basis.

Bona Fide Farm: Any tract of land larger than ten (10) acres and otherwise eligible for tax deferral as authorized in NCGS 105-277.1 et. seq. shall be considered a bona fide farm. Any trade of land on which agricultural activities are clearly of an incidental nature may also be considered as a bona fide farm upon determination by the building inspection upon consideration of agricultural productivity and improvements, and any other necessary or available information. Under no circumstances will any parcel smaller than five (5) acres be considered either an agricultural tract or bona fide farm. Bona Fide farms do not include intensive livestock operations.

Buildable Area: The portion of a lot remaining after required yards have been provided.

Building: Any structure used or intended for supporting or sheltering any use or occupancy. See Structure.

Building, Detached: A building having no party or common wall with another building except an accessory building.

Building Height: The vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or the mean height level between eaves and ridges for gable, hip and gambrel roofs.

Building Line: See Setback Line.

Buffer Strip/Buffer Zone : A device of material, evergreen plantings, and/or other plantings (vegetative matter), and space used to provide sight and sound screening from adjoining properties. The required height and width of the buffer strip and the materials and/or other plantings (vegetative matter) used in its construction vary according to use. Where a buffer strip is required under the provisions of this ordinance, it shall meet the requirements of the Zoning Administrator.

Cemetery: Property used for the interring of the dead.

Certificate of Occupancy: A statement signed by the Building Inspector setting forth that the building, structure or use of land complies with the North Carolina State Building Code.

Church, Club or Private Lodge: An incorporated or unincorporated association for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities operated on a nonprofit basis for the primary benefit of its members.

Clinic Services, Medical & Dental: A health care facility providing primary health services and medical or surgical care to persons, primarily outpatients, and including, as an integral part of the facility, related medical offices and laboratories.

Clothing Manufacturing: Manufacturing of apparel and other finished products made from fabrics, leather and similar materials. This shall include the cutting, sewing and assembly of finished materials for the purpose of manufacturing clothing. This shall not include textile mill products manufacturing.

Convenience Store: Any retail facility less than 3,500 square feet offering for sale prepackaged food products, household items, newspapers, sandwiches, and other freshly prepared foods, for off-site consumption.

Day Care Center: Inclusive of kindergarten, a facility for the care and/or education of pre-school aged children.

Development Approval: An administrative or quasi-judicial approval made pursuant to G.S. 160D that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. This term also includes all other regulatory approvals required by regulations adopted pursuant to G.S. 160D, including plat approvals, permits issued, develop agreements entered into, and building permits issued.

Duplex: See Dwelling. Two-Family.

Dwelling: A building that contains one or two *dwelling units* used, intended, or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

Dwelling, Multi-Family: A residence designed for or occupied by three (3) or more families, with separate housekeeping and cooking facilities for each, including apartments and group housing projects.

Dwelling, Single-Family: A detached residence other than a mobile home or modular unit designed for or occupied by one (1) family.

Dwelling, Two-Family (Duplex): A residence designed for or occupied by two (2) families, with separate housekeeping and cooking facilities for each.

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement: Right in property acquired by either acquisition, purchase or donation, and is set aside for a specific purpose and often for a specific length of time.

Extraterritorial Jurisdiction: The area beyond the corporate limits within which the planning and zoning regulations of the village apply in accordance with state law. Such area is delineated on the official map for the Village of Simpson.

Family: One or more persons related by blood, adoption or marriage, or a group of not more than five (5) persons not related by blood, adoption or marriage living together as a single housekeeping group in a dwelling unit, as distinguished from a group occupying a boarding house, fraternity, or sorority house or hotel.

Family Care Home: A home meeting the North Carolina Residential Building Code with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for six (6) or less resident handicapped persons, pursuant to NCGS 16821.

Flea Market: An event, transaction, or occurrence at which an owner or sponsor makes space available to persons who sell new, consigned and/or used merchandise at retail or wholesale to the public on a daily, weekend, occasional, temporary or permanent basis.

Floodplain: Any land area susceptible to be inundated by water from the base flood, as described herein. As used in this Ordinance, the term refers to that area designated as subject to flooding from the base flood (100-year flood) on the "Flood Boundary and Floodway Map" prepared by the U.S. Department of Housing and Urban Development.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. As used in this Ordinance, the term refers to that area designated as a floodway on the "Flood Boundary and Floodway Map" prepared by the U.S. Department of Housing and Urban Development.

Frontage: The distance between the two side lot lines as measured along the front setback line.

Group Development Projects: Two or more principal buildings devoted to a common or similar use and constructed on a single lot.

Home Occupation: An occupation conducted entirely within a dwelling unit and customarily carried on by the occupants thereof which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no display, no stock-in-trade, nor commodity sold upon the premises that is not specifically in connection with the home occupation.

Junk: Pre-used or unusable metallic parts and other nonmetallic manufactured products that are worn, deteriorated or obsolete, making them unusable in their existing condition, but are subject to being dismantled and salvaged.

Junkyard: Use of property for indoor or outdoor storage, sale or resale of junk including scrap metal, rags, paper, or other scrap materials, used lumber, salvaged house wrecking, and structural steel, materials and equipment, or for the dismantling, demolition, or abandonment of automobiles and boats or other vehicles or machinery or parts thereof.

Kennel: A fenced in or enclosed structure or structures, facility or facilities in which actual or intended use is to domicile more than four dogs or other domesticated animals.

Lot:

- A. A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purpose of transfer of title.
- B. If a public body or any authority with the power of eminent domain condemns, purchases, or otherwise obtains fee simple title to or a lesser interest in a strip of land cutting across a parcel of land otherwise characterized as a lot by this definition, and the interest thus obtained or the road so created is such as effectively to prevent the use of this parcel as one lot, then the land on either side of this strip shall constitute a separate lot. This shall not apply in the event the easement does not interfere with the practical use of the property included in the easement and this is illustrated as being where there is underground water, sewer, electric cables, which are not obviously visible on the surface and also where there are overhead wires which do not interfere with the general use of the property, such as lawns under the wires.

Lot Area: The total area circumscribed by the boundaries of a lot, except that: (1) when the legal instrument creating the lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and thirty (30) feet from the center of the traveled portion of the street, and (2) in a residential district, when a private road that serves more than three (3) dwelling units is located along any lot boundary, then the lot boundary for purposes of computing the lot area shall be the inside boundary of the traveled portion of that road.

Lot, Corner: A lot which has at least two (2) adjacent sides abutting for their full lengths on a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. See Lot Line, Front.

Lot, Coverage: The total ground area covered by the principal building and all accessory buildings including any sheltered area.

Lot Depth: The mean horizontal distance between front and rear lot lines.

Lot, Double Frontage: A lot which fronts on two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

Lot Line: The line bounding a lot as defined in the definition of "lot" in this section.

Lot Line, Front: The line dividing a street right-of-way from a lot as defined in this section. In the case of corner lots, both lines shall be front lot lines for determining dimension requirements.

Lot Width: The distance between side lot lines measured along the minimum front setback line.

Manufactured Home: A dwelling unit that (1) is constructed in accordance with the standards set forth by the United States Department of Housing and Urban Development, and (2) 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 (3) exceeds forty (40) feet in length and eight (8) feet in width.

Manufactured Home, Class A: A manufactured home 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 (4) 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 one thousand (1,000) square feet of enclosed and heated 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 feet and 12 feet) and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- 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 white paint), wood, hardboard, brick, concrete block or any other facade which is permitted in other areas by the building code of the Village of Simpson.
- F. 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;
- G. The axles, moving hitches, wheels and transporting lights have been removed;
- H. 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.

Manufactured Home, Class B: A manufactured home 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 meet or exceed criteria F and G for Class A homes above.

Manufactured Home, Class C: Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home.

Manufactured Home, Classes A, B & C - "Set-up and Curtain.": All manufactured homes shall be set up in accordance with the standards set by the North Carolina Department of Insurance and shall have a continuous, permanent foundation or curtain walls, unpierced except for required ventilation and access, installed under the perimeter of the manufactured home.

Mini-Storage/Self Storage Facility: A structure containing separate, individual, and private storage spaces of varying sizes, leased or rented on individual leases for varying periods of time.

Mobile Home: Is the same as a manufactured home.

Mobile Home Park: Any place or tract of land maintained, offered or used for the parking of two (2) or more mobile homes used or intended to be used for living or sleeping purposes.

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 mobile 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 joined together on the site.

Nightclub, Beer Hall, Coffeehouse, Cocktail Lounge, Private Club and Other Similar Activities: A place of entertainment usually open during the late afternoon, evening, and/or early morning hours and:

- A. Servicing or allowing the consumption of distilled or intoxicating liquors, wines, fortified wines, mixed beverages, malt beverages, beer or other alcoholic beverages;
- B. Providing facilities for music, either live or recorded, and may provide space for a floor show and/or dancing; and
- C. Required to possess a valid permit(s) or license(s) issued by the North Carolina Alcoholic Beverage Control Board for the sale and on-premises consumption of distilled and/or malt beverages.

This definition shall be considered to be generic to each and all activities of this nature.

Non-Conforming Lot: A lot existing at the effective date of this Ordinance (and not created for the purposes of evading the restrictions of this Ordinance) that does not meet the minimum area requirements of the district on which the lot is located.

Non-Conforming Situation: A situation that occurs when, on the effective date of this Ordinance, any existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a non-conforming situation may arise because a lot does not meet minimum acreage requirements, structures exceed maximum height limitations because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this Ordinance, or land or buildings are used for purposes made unlawfully by this Ordinance.

Non-Conforming Use: A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use of regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with operating a retail clothing store in a residentially zoned area constitutes a nonconforming use.)

Nursing Home: A convalescent facility having over five (5) beds meeting all the requirements of the State of North Carolina for the boarding and care of persons who cannot care for themselves.

Parking Space: The storage space for one (1) automobile of not less than nine (9) feet by eighteen (18) feet, plus the necessary access space (unless specified for compact cars).

Principal Use: The principal use for which a lot or the main structure thereon is designed, arranged or intended, and for which it is or may be used, occupied or maintained.

Professional Service: The rendering of professional services such as legal, medical, dental, engineering or architectural.

Public Utility: A business that furnishes an everyday necessity to the public at large. Public utilities provide water, electricity, natural gas, telephone service, and other essentials. Utilities may be publicly or privately owned.

Public Utility Facility: Any building, structure, or fixture or part thereof which is owned by a public utility (not to include solar or wind farms).

Residential Accessory Use: Any subordinate building or use incidental to a residential dwelling that is used for storage, a garage, a satellite dish or any other residentially related use that is located on the same lot as the dwelling. This use does not allow for renting or occupying for gain of any such building. Residential accessory uses relating to a residential development may

include such things as indoor and outdoor recreational facilities such as swimming pools, saunas, game and craft rooms, exercise and dance studios, and community meeting rooms and lounges.

Retail: Sale of a commodity to the ultimate consumer and not customarily subject to sale again.

School: Public, primary, and secondary schools, and private schools having the same curriculum as ordinarily given in public schools.

Setback Line: The line on the front, rear and sides of a lot, set according to the zoning district regulations, which delineates the area upon which a structure may be built and maintained.

Sign: Any surface, fabric or device bearing lettered, pictorial, or sculpted matter designed to convey information visually and exposed to public view, or any structures, including billboard or poster panels, designed to carry visual information.

Sleeping Unit: A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a *dwelling unit* are not sleeping units.

Specialized Service: The rendering of professional services such as real estate, insurance, advertising, brokerage, stenographic and telephone answering.

Special Use: A use that would not be appropriate generally as a right without restriction throughout a zoning district, but which if controlled as to number, area, location or relation to the neighborhood would not harm the public health, safety, morals or the general welfare.

Special Use Permit: A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgement and discretion to be exercised as well as compliance with specific standards. The term includes permits previously referred to as conditional use permits or special exceptions.

Street: A public thoroughfare which affords access to abutting property and is recorded as such in the office of the Pitt County Registrar of Deeds.

Structure: Anything constructed or erected with a fixed location on or in the ground. Among other things, structures include buildings, mobile homes, walls, fences, signs, swimming pools and fallout shelters.

Subdivision: All divisions of a tract or parcel of land into two (2) or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development, and all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition:

- A. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards contained herein
- B. The division of land into parcels greater than ten (10) acres where no street right of-way dedication is involved
- C. The public acquisition by purchase of strips of land for the widening or openings of streets
- D. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved

Use by Right: A use which is listed as an unconditionally permitted activity in this ordinance.

Use, Non-Conforming: A use of building or land that does not conform with the regulations of the district in which the building or land is situated.

Use, Special: A use permitted in a zone only after specific findings by the Board of Adjustment or Village Council.

Variance: A variance is a relaxation of the terms of this Ordinance. A variance may be made where, because of conditions peculiar to the property not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Yard: A required open space unoccupied and unobstructed by any structure or portion of a structure from ground to sky, except as provided herein.

Yard, Front: A yard extending across the front of a lot from side lot line to side lot line and lying between the abutting street right-of-way line and the front building setback line.

Yard, Rear: A yard extending across the rear of the lot from side lot line to side lot line and lying between the rear property line and the rear building setback line.

Yard, Side: A yard extending along either side of a lot from front setback line to rear setback line and lying between the side lot line and the side setback line.

Zoning Administrator: That person(s) designated by the Village Council to be in charge of the administration and/or enforcement of the Zoning Ordinance (i.e., Village Clerk).

Zoning Certificate: A certification by the Village Council or its authorized agents that a course of action to use or occupy a tract of land or a building, or to erect, install or alter a structure, building or sign situation in the extraterritorial jurisdiction of the village, fully meets the requirements of this ordinance.

Zoning Enforcement Officer: That person designated by the Village Council to be in charge of the enforcement of the Zoning Ordinance.

ARTICLE III - PROVISIONS FOR DISTRICT BOUNDARIES AND ZONING MAP

SECTION 3.01 DISTRICT BOUNDARIES

The boundaries of the districts are as shown on the map made a part of this Ordinance entitled, "Official Zoning Map, Village of Simpson, North Carolina." The zoning map and all the notations, references, amendments thereto and other information thereon are hereby made a part of this Ordinance the same as if such information set forth on the map were all fully described and set out herein. The zoning map properly attested shall be posted at the Village Hall of Simpson and shall be available for public inspection. The prior zoning maps as well as any state or federal agency maps incorporated by reference into the zoning map shall also be available for public inspection at the Village Hall of Simpson. The before mentioned maps can be maintained in paper or digital format. The date of its adoption or approval by the Village Council shall be shown with other information shown on said map.

SECTION 3.02 ZONING MAP CHANGES

- A. If, in accordance with Article XI of this Ordinance, changes are made in the zoning district boundaries or other matter shown on the zoning map, such changes shall be made together with an entry denoting the date of revision and the Ordinance number of the rezoning action.
- B. The entry shall be initialed by the Mayor and attested by the Village Clerk. No amendment to this Ordinance which involves a matter portrayed on the map shall become effective until after such change and entry have been made on said map. The Village Council shall give official notice of the change to the Zoning Administrator within twenty-four (24) hours after passage of said change.

SECTION 3.03 REPLACEMENT OF OFFICIAL ZONING MAP

In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret, the Village Council may by ordinance adopt a new official zoning map which shall be the same in every detail as the map it supersedes. The new map shall bear the signatures of the Mayor and Village Clerk.

SECTION 3.04 RESPONSIBILITY FOR MAINTENANCE OF THE OFFICIAL ZONING MAP

The Zoning Administrator shall be responsible for the maintenance of and revision of the official zoning map. Upon notification by the Village Council that a zoning change has been made, the Zoning Administrator shall make the necessary changes on the official zoning map within three working days following notification.

SECTION 3.05 RULES FOR INTERPRETATION OF ZONING DISTRICT
BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the districts as shown on the "Official Zoning Map of Simpson, North Carolina," the following rules shall apply:

- A. Boundaries indicated as approximately following the centerline of streets, highways, alleys, or railroads shall be construed to follow such centerline;
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- C. Boundaries indicated as approximately following Village Limits shall be construed as following such Village Limits;
- D. Boundaries indicated as parallel to or extensions of features indicated in subsections A through C above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
- E. If a district boundary divides a lot, the requirements for the district in which the greater portion of the lot lies shall be extended to the balance of the lot provided that such extension shall not include any part of such lot which lies more than one hundred (100) feet beyond the district boundary; and further, that the remaining parcel shall not be less than the minimum required for the district in which it is located.

ARTICLE IV - APPLICATION OF REGULATIONS

SECTION 4.01 TERRITORIAL APPLICATION

The provisions of this ordinance shall apply to all lands and structures and uses within the jurisdiction of the Village and its Extraterritorial Jurisdiction, as shown on the "Official Zoning Map of Simpson, North Carolina."

SECTION 4.02 USE, OCCUPANCY AND CONSTRUCTION

After the effective date of this ordinance, its amendments and supplements, no building, structure, or land shall be used or occupied, and no structure or part of a structure shall be constructed except in conformity with all of the regulations specified for the district in which it is located, as set forth in this ordinance, and other applicable Village Ordinances, County Regulations, and State Statutes.

SECTION 4.03 HEIGHT, BULK DENSITY. LOT COVERAGE, YARDS AND OPEN SPACES

After the effective date of this ordinance, no building, improvement, or other structure shall be erected or altered to exceed the height or bulk requirements of this ordinance; nor to accommodate a greater number of families than allowed by this ordinance; nor to occupy a greater percentage of lot area than allowed by this ordinance; nor to have narrower or smaller front yards, side yards, rear yards, or other open spaces than required by this ordinance; nor shall any building structure or land be used in any, other manner contrary to the provisions of this ordinance.

SECTION 4.04 COMPUTATION OF REQUIRED SPACES

No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

SECTION 4.05 REDUCTION OF LOTS OR AREAS BELOW MINIMUM

No yard or lots existing at the effective date of this ordinance shall be reduced in dimension or area below the minimum requirements set forth in this ordinance.

Yards or lots created after the effective date of this ordinance shall meet at least the minimum established by this ordinance.

SECTION 4.06 CLASSIFICATION OF ADDED TERRITORY

All territory not included under the provisions of this ordinance which are later added to the zoning jurisdiction of the Village shall be considered to be in A-R Agricultural Residential classification until otherwise classified.

SECTION 4.07 ONE PRINCIPAL BUILDING ON ANY LOT

Only one (1) principal building and customary accessory building may be erected on any lot except as authorized in the ordinance for Group Development in Section 7.13, and properties in the A-R, SRF, N-R and MFR Zoning Districts. Properties located in the AR, SRF, N-R and MFR Zoning Districts are allowed no more than two customary accessory buildings and must not exceed the maximum allowable lot coverage for the specific district. Principal buildings erected after the passage of the ordinance must front on a publicly dedicated right-of-way.

SECTION 4.08 LOT ACCESS REQUIREMENTS

All lots created after the passage of this ordinance must front on a publicly dedicated right of-way. No structure requiring a building permit shall be erected on any lot which does not abut either a public right-of-way or a private street or easement at least twenty (20) feet in width which was recorded by the County Register of Deeds prior to the effective date of this ordinance.

SECTION 4.09 VISION CLEARANCE AT INTERSECTIONS

On a corner lot which abuts a state or village maintained right-of-way in any district no planting, structure, fence, wall, improvement, or other obstruction to vision more than three (3) feet in height shall be placed or maintained within the triangular area formed by the Intersecting street right-of-way lines and a straight line connecting points on those street lines each of which is twenty-five (25) feet distance from the point of intersection.

SECTION 4.10 WALLS AND FENCES

The setback requirements of these regulation shall not prohibit any necessary retaining wall or prohibit any wall or fence. However, within or abutting any Residential District, no wall or fence shall exceed six (6) feet in height within a front or side yard and in any Business or Industrial District no fence shall exceed eight (8) feet in height.

SECTION 4.11 STRUCTURE EXCLUDED FROM HEIGHT LIMITATIONS

The height limits of these regulations shall not apply to a church spire, belfry, cupola and dome or ornamental tower not intended for human occupancy, monument, water tower, elevator appurtenance/tower, observation tower, transmission tower, chimney, smokestack, conveyor, flagpole, radio or television tower, mast or aerial, parapet wall not exceeding more than four (4) feet above the roof line of the building, and necessary mechanical appurtenances.

SECTION 4.12 REDUCTION OF FRONT YARD SETBACK REQUIREMENTS

In any Residential District, where the average setback distance for existing building on all lots located wholly or partly within two-hundred (200) feet of any lot, and within the same zoning district and fronting on the same side of the same street as that lot, is less than the minimum setback required in the zoning district, the setback of that lot may be less than the required setback, but not less than the existing average setback distance for all lots within the two-hundred (200) feet and in no case shall the setback be less than fifteen (15) feet. When lots within two-hundred (200) feet are unimproved/vacant, those lots shall be considered as having the minimum required setback for the purpose of computing an average setback distance.

SECTION 4.13 REQUIRED BUFFERS

Village approved visual buffer of six (6) feet or more in height shall be provided and maintained to separate those uses which are deemed to have a negative effect on residential or other area. When new business or industrial construction will abut an existing residential district or use, a buffer strip with a visual buffer shall be provided and maintained by the business or industrial use. In the event that new residential construction will abut existing business or industrial uses, the buffer strip and visual buffer will be provided by the residential developer and maintained by the lot owner(s).

SECTION 4.14 STORAGE OF VEHICLES (UNLICENSED AND/OR UNINSPECTED)

From and after the effective date of this ordinance, the keeping of unlicensed and/or uninspected vehicles is subject to the following restrictions:

- A. In residential districts, the property owner shall have sixty (60) business days to obtain license and/or inspection on the vehicle or remove it from the property. After sixty (60) business days, action will be taken by the Village to bring the property into compliance.

- B. In commercial districts, the property owner shall have one hundred and twenty (120) business days to obtain license and/or inspection on the vehicle or remove it from the property. After one hundred twenty (120) business days, action will be taken by the Village.

Exceptions to this regulation are vehicles actively under repair or restoration, genuine antique vehicles, authorized new or used vehicle sales operations, and commercial junkyard/salvage yard operations where legally permitted.

ARTICLE V – NON-CONFORMITIES

Except as herein provided, the regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structures or land.

SECTION 5.01 NEW USES OF CONSTRUCTION

After the effective date of this Ordinance, all new construction shall conform to the use, area and bulk regulations for the district in which it is to be located.

SECTION 5.02 CONFORMING USES

After the effective date of this Ordinance, land or structures or the uses of land or structures which conform to the regulations for the district in which it is located may be continued, provided that any structural alteration or change in use shall conform with the regulations herein specified for the district in which it is located.

SECTION 5.03 INTENT OF NON-CONFORMITIES

Within the districts established by this Ordinance or amendments that may later be adopted there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival, except as set out in the section that follows below. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

SECTION 5.04 CONTINUATION OF NON-CONFORMITIES

A. Nonconforming lots

1. **Minimum Single Lot Requirements:** Where the owner of a lot already recorded in the Public Registry of Pitt County at the time of the adoption of this Ordinance, or his successors in title thereto, does not own sufficient land to enable him to conform to the dimensional requirements of this Ordinance, such lot may be used as a building site for a single-family residence in a district in which residences are permitted, provided that the lot width and lot area are not more than twenty (20) percent below the minimum specified in this Ordinance. In any case, where the lot area and lot width are more than twenty (20) percent below the minimum specified in this Ordinance or other dimensional requirements cannot be met without substantial alteration, the Planning Board may recommend to the

Board of Adjustment approval of an exception to the dimensions which shall conform as closely as practical to the required dimensions.

2. Minimum Multi-Lot Requirements: If two or more adjoining and vacant lots on record in the Public Registry of Pitt County at the time of adoption of this Ordinance are in single ownership at any time after the adoption of this Ordinance and one or more of the lots do not meet the dimensional requirements of this Ordinance, such lots shall be considered as a single lot or several lots which meet the minimum requirement of this Ordinance for the district in which such lots are located.

B. Nonconforming Uses

1. Extensions of Use: Nonconforming uses shall not hereafter be enlarged or extended in any way.
2. Change of Use: Any nonconforming use may be changed to any conforming use, or with the approval of the Board of Adjustment, to any use more in character with the uses permitted in the district. In permitting such change, the Board may require appropriate conditions and safeguards in accordance with the provisions of this Ordinance.
3. Cessation of Use: If active operations of a nonconforming use are discontinued for a continuous period of six (6) months or one hundred and eighty (180) calendar days, whichever is less, the building or area in which the nonconforming use took place shall thereafter be used only for a conforming use.
4. Repairs and Alterations: Normal maintenance, repair and incidental alteration in a building occupied by a nonconforming use are permitted provided that the cubical content of the building shall not be increased.
5. Damage or Destruction: If the use of a building is nonconforming or a nonconforming building is destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, such building may not be restored for any nonconforming use.

ARTICLE VI - ZONING DISTRICTS AND REGULATIONS

Within the zoning districts indicated on the Official Zoning Map for the Village of Simpson, no building or land shall be used, and no building shall be erected or altered which is intended or designed to be used in whole or in part for any other purpose than those listed as permitted for that district in this Article. Furthermore, each permitted use shall conform to the dimensional requirements for the district in which it is located.

Any development regulation authorized under Chapter 160D, not just concerning zoning, will follow applicable procedures for legislative decisions and will adopt any development regulation by ordinance, not by resolution as required by G.S. 160D-601.

Those uses classified as Special are allowed if they meet the criteria set forth in Article VII of this Ordinance and approval has been granted by the Village Council.

The Permitted and Special Use listings following the district designations should be read in close conjunction with the definitions of terms set forth in Article II.

SECTION 6.01 A-R AGRICULTURAL-RESIDENTIAL DISTRICT

A. The A-R Agricultural-Residential District is established as a district in which the principal use of land is for low-density residential and agricultural purposes. The regulations of this district are intended to protect the agricultural sections of the community from an influx of uses likely to render it undesirable for farms and future development, and to insure that residential development not having access to public water supplies and dependent upon septic tanks and outdoor privies for sewage disposal will occur at sufficiently low densities for a healthful environment.

B. District Requirements for A-R

- | | | |
|----|---------------------------------------|----------------|
| 1. | Lot Area - minimum required | 25,000 sq. ft. |
| 2. | Lot Width - minimum required | 100 ft. |
| 3. | Front Yard Setback - minimum required | 30 ft. |
| 4. | Side Yard Setback - minimum required | 15 ft. |
| 5. | Rear Yard Setback - minimum required | 25 ft. |
| 6. | Lot Coverage - maximum allowed | 40 percent |

C. Permitted Uses in A-R District

1. Agriculture - which includes farm animals other than those commercially raised such as chickens, hogs and other animals which have an objectionable odor. Animals maintained for agricultural and recreational use are permitted if no objectionable odor is present.
2. Single-Family Dwelling

3. Manufactured Home, Class A and B
4. Noncommercial Recreational Facility
5. Accessory Building or Use
6. Modular Home
7. Family Care Home

D. Special Uses in A-R District

1. Home Occupation
2. Plant Nursery and Greenhouse
4. Church
5. Cemetery
6. Public Utility Building or Use
7. Stable for animals maintained for agricultural or recreational use
8. Private club or lodge
9. Kennel

SECTION 6.02 SFR SINGLE-FAMILY RESIDENTIAL DISTRICT

A. The SFR Single-Family Residential District is established to maintain a minimum lot size of twenty thousand square feet, a single-family density of approximately two (2) families per acre, and to allow for principally single-family dwellings and such other uses allowed as special uses which would not substantially interfere with the quiet residential nature of the areas included within the district.

B. District Requirements for SFR

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|----|---------------------------------------|----------------|
| 1. | Lot Area - minimum required | 20,000 sq. ft. |
| 2. | Lot Width - minimum required | 90 ft. |
| 3. | Front Yard Setback - minimum required | 30 ft. |
| 4. | Side Yard Setback - minimum required | 12 ft. |
| 5. | Rear Yard Setback – minimum required | 20 ft. |
| 6. | Lot Coverage – maximum allowed | 40 percent |

C. Permitted Uses in SFR District

1. Single-Family Dwelling
2. Modular Home
3. Family Care Home
4. Accessory Building or Use
5. Noncommercial Recreational Facility
6. Agricultural – with same limitations as permitted in A-R District

D. Special Uses in SFR District

1. Home Occupation
2. Church

SECTION 6.03 N-R NEIGHBORHOOD-RESIDENTIAL DISTRICT

A. The N-R Neighborhood Residential District is established as a district in which the principal use of land is for single-family residences. The regulations of this district are intended to provide areas of the community to be used as low-to medium density, quiet residential neighborhoods.

B. District Requirements for N-R

1.	Lot Area - minimum required	12,000 sq. ft. each
	additional unit	5,000 sq. ft.
2.	Lot Width - minimum required	75 ft.
3.	Front Yard Setback - minimum required	25 ft.
4.	Side Yard Setback - minimum required	12 ft.
5.	Rear Yard Setback - minimum required	20 ft.
6.	Lot Coverage - maximum allowed	40 percent

C. Permitted Uses in N-R District

1. Agriculture - with same limitations as permitted uses in A-R District
2. Accessory Building or Use
3. Single-Family Dwelling
4. Noncommercial Recreational Facility
5. Municipal Government Building, Use of Facility
6. Modular Home
7. Family Care Home

D. Special Uses in N-R District

1. Home Occupation
2. Two-Family Dwelling
3. Church

- A. The MFR Multi-Family Residential District is established as a district in which the principal use of the land is for multi-family, two-family and single-family homes. The regulations of this district are intended to provide areas of the Village where medium-to-high density residential development is appropriate.
- B. District Requirements for MFR
1. Lot Area - minimum required

First unit	6,000 sq. ft.
Each additional unit	3,500 sq. ft.
 2. Lot Width - minimum required 60 ft.
 3. Front Yard Setback - minimum required 25 ft.
 4. Side Yard Setback - minimum required 10 ft.
 5. Rear Yard Setback - minimum required 15 ft.
 6. Lot Coverage - maximum allowed 40 percent
 7. Buffer Required - A buffer is required where a commercial use abuts a residential use. The owner/developer has a choice between a vegetated buffer or a fence. The vegetated buffer shall have a minimum width of five (5) feet that will reach a height of seven (7) feet within five (5) years. The owner must provide regular maintenance of the buffer, including replacement of diseased or dead plants and buffer trimming. If natural vegetation currently exists, that may be used, but the screening purposes must be met. If a fence is used, the fence must be an opaque fence that is seven (7) feet in height. This buffer is not required when the commercial use and residential use are separated by a public street.
 8. Drainage Requirements - Storm water run-off shall be retained on site to the maximum extent feasible. Suggested methods for accomplishing this are through the use of porous asphalt or paving block for the parking lots, similar to "Turf Stone" or its equivalent. If impermeable asphalt or concrete is used for the parking lot surface, medians, perimeter strips or islands within the parking area must be used as collectors and reservoirs for storm water run-off. No water shall drain onto or across public streets or sidewalks or into adjacent property except into a drainage easement. Vegetated buffer strips shall be created, or where practicable, retained in their natural state along the banks of all watercourses, water bodies, or wetlands. The width of the buffer shall be sufficient to prevent erosion, trap the sediment in overland run-off, provide access to the waterbody, and allow for periodic flooding without damage to structures. The proposed developer of the lot should consult with the Soil Conservation Service prior to submitting plans for review by the Planning Board to insure that adequate drainage measures are incorporated in the site design plan.

C. Permitted Uses in MFR District

1. Manufactured Home, Class A and B
2. Modular Home
3. Recreational Facility
4. Residential Accessory Use
5. Single-Family Dwelling
6. Two-Family Dwelling
7. Tourist Home
8. Family Care Home

D. Special Uses in MFR District

1. Home Occupation
2. Convenience Store
3. Daycare
4. Boarding House
5. Mobile Home Park
6. Nursing Home
7. Group Development (includes multi-family dwellings and two-family dwellings). See Article VII, Section 13, for Group Development Standards.

SECTION 6.05 O-I OFFICE AND INDUSTRIAL DISTRICT

A. The O-I Office and Institutional District is established as a district in which the principal use of land is for offices, institutions and public buildings. The regulations of this district are intended to designate areas of the community where office and institutional-type uses are compatible with their surroundings.

B. District Requirements for O-I

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|----|---|---------------|
| 1. | Lot Area - minimum required | 7,500 sq. ft. |
| 2. | Lot Width - minimum required | 50 ft. |
| 3. | Front Yard Setback - minimum required | 15 ft. |
| 4. | Side Yard Setback - minimum required | 8 ft. |
| 5. | Rear Yard Setback - minimum required | 10 ft. |
| 6. | Lot Coverage - maximum allowed | 50 percent |
| 7. | Buffer Requirements - A buffer is required where a commercial use abuts a residential use. The owner/developer has a choice between a vegetated buffer or a fence. The vegetated buffer shall have a minimum width of | |

five (5) feet that will reach a height of seven (7) feet within five (5) years. The owner must provide regular maintenance of the buffer, including replacement of diseased or dead plants and buffer trimming. If natural vegetation currently exists, that may be used, but the screening purposes must be met. If a fence is used, the fence must be an opaque fence that is seven (7) feet in height. This buffer is not required when the commercial use and residential use are separated by a public street.

8. Drainage Requirements – Storm water runoff shall be retained on site to the maximum extent feasible. Suggested methods for accomplishing this are through the use of porous asphalt or paving block for the parking lots, similar to "Turf Stone" or its equivalent. If impermeable asphalt or concrete is used for the parking lot surface, medians, perimeter strips or islands within the parking area must be used as collectors and reservoirs for storm water runoff. No water shall drain onto or across public streets or sidewalks or into adjacent property except into a drainage easement. Vegetative buffer strips shall be created, or where practicable, retained in their natural state along the banks of all watercourses, water bodies, or wetlands. The width of the buffer shall be sufficient to prevent erosion, trap the sediment in overland runoff, provide access to the water body, and allow for periodic flooding without damage to structures. The proposed developer of the lot should consult with the Soil Conservation Service prior to submitting plans for review by the Planning Board to insure that adequate drainage measures are incorporated in the site design plan.

C. Permitted Uses in O-I District

1. Church
2. Community Center
3. Library
4. Medical & Dental Clinic
5. Museum
6. Post Office
7. Public Office
8. Recreational Facility
9. School
10. Single-Family Dwelling
11. Two-Family Dwelling
12. Family Care Home
13. Modular Home
14. Retirement Home
15. Daycare, Nursery
16. Professional Services
17. Specialized Services
18. Nursing Home

19. Mini-Storage/Self Storage Facility

D. Special Uses in O-I District

1. Public Utility Building or Use
2. Group Developments regulations apply to two or more two-family dwellings. See Article VII, Section 13.

SECTION 6.06 GB GENERAL BUSINESS DISTRICT

A. The GB General Business District is established as a district in which the principal use of land is commercial. The regulations of this district are designed to accommodate a wide variety of uses.

B. District Requirements for GB

1. Lot Area - minimum required 6,000 sq. ft.
2. Lot Width - minimum required 60 ft.
3. Front Yard Setback - minimum required 15 ft.
4. Side Yard Setback - minimum required 10 ft.
5. Rear Yard Setback - minimum required 5 ft.
6. Lot Coverage - maximum allowed 50 percent
7. Buffer Requirements - A buffer is required where a commercial use abuts a residential use. The owner/developer has a choice between a vegetated buffer or a fence. The vegetated buffer shall have a minimum width of five (5) feet that will reach a height of seven (7) feet within five (5) years. The owner must provide regular maintenance of the buffer, including replacement of diseased or dead plants and buffer trimming. If natural vegetation currently exists, that may be used but the screening purposes must be met. If a fence is used, the fence must be an opaque fence that is seven (7) feet in height. This buffer is not required when the commercial use and residential use are separated by a public street.

C. Permitted Uses in GB District

1. Appliance Store
2. Automobile Service Station
3. Bank
4. Barber and Beauty Shop
5. Convenience Store
6. Craft/Antique Shop
7. General Store
8. Grocery Store
9. Hardware Store
10. Laundry/Dry Cleaning

11. Pharmacy
12. Professional Service Offices
13. Specialized Services
14. Restaurant
15. Retail Establishment
16. Specialized Service Agency
17. Car Wash
18. Day Care Center
19. Flea Market
20. Medical Offices
21. Dental Offices
22. Retail
23. Convenience Store

D. Special Uses in GB District

1. Automobile Repair
2. Auto and Parts Sales
3. Farm Equipment Sales
4. Mechanic's Shop
5. Mobile Home Sales
6. Church
7. Shopping Center - Group Development regulations in Article VII, Section 13 apply

SECTION 6.07 I INDUSTRIAL DISTRICT

A. The I Industrial District is established as a district in which the principal use of land is for industrial purposes. The regulations of this district are designed to accommodate industrial development in appropriate locations.

B. District Requirements for I

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|----|---|----------------|
| 1. | Lot Area - minimum required | 10,000 sq. ft. |
| 2. | Lot Width - minimum required | 100 ft. |
| 3. | Front Yard Setback - minimum required | 25 ft. |
| 4. | Side Yard Setback - minimum required | 10 ft. |
| 5. | Rear Yard Setback - minimum required | 10 ft. |
| 6. | Lot Coverage - maximum allowed | 50 percent |
| 7. | Buffer Requirements - A buffer is required where a commercial or industrial use abuts a residential use. The owner/developer has a choice between a vegetated buffer or fence. The vegetated buffer shall have a minimum width of five (5) feet that will reach a height of seven (7) feet within five (5) years. The owner must provide regular maintenance of the | |

buffer, including replacement of diseased or dead plants and buffer trimming. If natural vegetation currently exists, that may be used but the screening purposes must be met. If a fence is used, the fence must be an opaque fence that is seven (7) feet in height. This buffer is not required when the commercial or industrial use and the residential use are separated by a public street.

C. Permitted Uses in I District

1. Agricultural Products Processing excluding plants which have objectionable fumes, noises or odors
2. Automobile Repair
3. Clothing Manufacturing
4. Automobile Service Station
5. Manufacturing Plants which do not have objectionable fumes, noises or odors

D. Special Uses in I District

1. Junkyard
2. Inoffensive Industrial Uses deemed proper by Planning Board

ARTICLE VII - APPLICATION AND SUPPLEMENTAL REGULATIONS

General Regulations

In addition to the dimensional requirements imposed in Article VI of this Ordinance, the following regulations shall be complied with for all zoning districts, wherever applicable.

SECTION 7.01 ACCESSORY BUILDINGS

All accessory buildings shall not be located in front yards and must comply with the street right-of-way and side lot boundary setbacks set forth in Article VI but shall be required to observe only a five (5) foot setback from rear lot boundary lines.

SECTION 7.02 CEMETERIES

- A. All cemeteries shall, conform with standards established by the Pitt County Health Department and the regulatory provisions in the North Carolina General Statutes.
- B. All cemeteries shall have a minimum area of six thousand (6,000) square feet.
- C. Under no circumstances shall any grave be closer than twenty (20) feet from any property line or street right-of-way.

SECTION 7.03 CORNER LOT SETBACK REQUIREMENTS

Lots located on the corner of two (2) intersecting streets shall be considered to have (2) front yards and must meet the front yard setback requirements on both sides contiguous to the street.

SECTION 7.04 FARMS

Nothing in this Ordinance shall prevent any bona fide farm from operating a produce stand on the same farm that provided the produce.

SECTION 7.05 HOME OCCUPATIONS

Home occupations as defined in this Ordinance shall be governed by the following requirements:

- A. Customary home occupations such as dressmaking, cooking and baking, music instruction and the practice of such professions as licensed by the State of North Carolina and offices for traveling salespeople who do not offer merchandise for

retail sale shall be permitted as a special use within the dwelling unit. The Board of Adjustment shall decide whether other occupations not listed are within the spirit of this category of uses.

- B. Only one person other than those residing in the home shall be engaged in the occupation.
- C. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- D. There shall be no changes in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation except one non illuminated sign not to exceed four (4) square feet in area and three (3) feet in height.
- E. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
- F. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or which causes fluctuations in line voltage off the premises.

SECTION 7.06 JUNKYARDS

Junkyards as defined in this Ordinance shall be governed by the following requirements:

- A. The minimum front, side and rear yards shall be fifty (50) feet.
- B. The storage area shall be screened by a continuous visual buffer at least eight (8) feet in height.
- C. Salvage auto parts shall not be allowed to collected water which provides breeding ground for mosquitoes and other insects or which harbors breeding grounds for rats and other rodents.

SECTION 7.07 LOT SIZE

If there is no public sewerage system available, all lots must be large enough to support the use situated on it in conjunction with septic tank requirements and approval by the Pitt County Health Department, regardless of the District Requirements set forth in Article VI of this Ordinance.

SECTION 7.08 MOBILE HOME SALES

- A. A mobile home sales establishment shall have a minimum of one (1) acre.
- B. No such sales establishment shall engage in the manufacturing of a mobile home.

SECTION 7.09 PUBLIC UTILITIES

- A. Any public utility containing dangerous apparatus must be enclosed by a chain link fence.
- B. Whenever it can reasonably be anticipated that utility facilities in one development will be extended to serve other adjacent or nearby developments, such utility facilities (e.g., water, sewer, electricity, cable television, telephone, etc., lines) shall be located and constructed so that extensions can be made conveniently and without undue burden, expense or unnecessary duplication of service.
- C. All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

SECTION 7.10 MOBILE HOME REGULATIONS

- A. Individual Mobile Home
 - 1. A mobile home is a principal use and in no case shall a mobile home be allowed on a lot occupied by another mobile home, subject to the following: As a special use, if the setback requirements are met, a second mobile home may be placed upon a lot when it is to be occupied by one or more members of the same family who occupy the principal residence.
 - 2. All mobile homes located within the Village limits must be connected to a public water system.
 - 3. All mobile homes shall comply with the North Carolina State Building Code and related codes and shall be properly anchored to a foundation as specified in the mobile home section of the State Building Code.
 - 4. Manufactured skirting, brick, concrete block or similar material customarily used for such purpose shall be placed around the perimeter of the mobile home's foundation that is compatible with the exterior design and siding materials of the mobile home.
 - 5. Any extension or attachment to the mobile home which is not a part of the original factory manufactured mobile home and which is intended for use

either as a part of the dwelling unit or for storage purposes shall not occur unless indicated as part of the application and is part of the approval. This application shall include plans for review and approval to insure the extension or attachment proposed is compatible and of like design and character to the existing mobile home.

6. The foregoing regulations shall be applied in such manner as to be compatible with the regulations relating to manufactured homes of this Ordinance.

B. Mobile Home Parks

Mobile home parks must comply with all regulations governing individual mobile homes as stated in the previous section as well as meet the following standards:

1. Mobile Home Park

From and after the effective date of this article it shall be unlawful for any person to place or maintain any mobile home used for human habitation on any premises within a mobile home park except upon premises for which a permit has been granted pursuant to the requirements of this article. If three (3) or more mobile homes are located on the same undivided lot or tract of land, they must meet the requirements of this section.

2. Permit for Mobile Home Park Required

- a. It shall be unlawful for any person to construct, maintain or use any lot or other parcel of land within the corporate limits for a mobile home park until application has been made and a permit therefor has been issued by the Zoning Administrator or his designee as appointed by the Village of Simpson. The Zoning Administrator or his designee as appointed by the Village of Simpson shall, prior to issuing a permit, determine if all requirements of this article have been complied with. A mobile home park permit may be revoked by the Zoning Administrator or his designee as appointed by the Village of Simpson upon a finding of fact that a violation of the requirements of this article exists, provided, the owner, lessee, or other responsible person is notified in writing of such violation and after the expiration of five (5) days from the date of receipt of such written notice. It shall be unlawful for any person, firm, or corporation to continue to operate such mobile home park after the permit therefor, as

required herein, has been revoked by the Zoning Administrator or his designee as appointed by the Village of Simpson.

- b. Application for Park Permit. Application for a permit to develop, operate, alter or maintain a mobile home park shall be made to the Zoning Administrator or his designee as appointed by the Village of Simpson under the provision of this section. The application for a permit shall include the following:
 - (1) The area to be used for the park showing property lines and adjacent zoning and land use;
 - (2) Driveways, entrances, exits, roadways and walkways;
 - (3) Location of mobile home spaces and buildings;
 - (4) Location and quantity of proposed sanitary conveniences, including proposed toilets, washrooms, laundries, recreation and utility areas and utility rooms;
 - (5) Method and plan of sewage disposal;
 - (6) Location and quantity of refuse containers;
 - (7) Plan of water supply;
 - (8) Plan of electric lighting, including location and intensity of area lights;
 - (9) Surface water drainage plans;
 - (10) Sedimentation control plans, if the area to be disturbed is greater than one acre. Evidence must be presented that these plans have been approved by the North Carolina Department of Environment, Health and Natural Resources, Division of Land Quality;
 - (11) If the proposed park requires a permit under any federal, state, or local laws, evidence to show issuance of such permit must be presented.
- c. Further information may be required by the Zoning Administrator or the Pitt County Health Department to enable them to determine if the proposed park will comply with the regulations of this Ordinance and other applicable laws.
- d. Prior to the issuance of an occupancy permit, the Zoning Administrator shall review the plan and inspect the site for compliance with any changes which were proposed in the initial review process.
- e. Surface water drainage plans shall be reviewed and approved by the Soil Conservation Service. If the owner/developer requests the Soil Conservation Service to prepare the plan, then that shall be considered approval by the Soil Conservation Service.

3. Conflict with Health Department Regulations

In the event the State of North Carolina or the Pitt County Board of Health has adopted regulations governing mobile homes or mobile home parks, the requirements of this article or the requirements of the State or Pitt County Board of Health, whichever is more stringent, shall govern.

4. Sanitary Facilities, Water Supply, Sewerage. Refuse Disposal and Utilities
Required

In every park and related permanent building, all installation of plumbing and electrical wiring, and all gas and oil appliances shall comply with the provisions of the building, plumbing, electrical, heating, and gas ordinances and codes and any other applicable regulations of the Village of Simpson and Pitt County. In addition, the following requirements must be met:

- a. Water Supply: An adequate and safe supply of water shall be readily available at the mobile home park site. Every mobile home park shall connect to the Eastern Pines Water Corporation system. The water supply for each mobile home shall be obtained only from approved connections located on each mobile home space or inside each mobile home, certified by the Pitt County Health Department.
- b. Sanitary Sewer. Each mobile home park shall have an adequate and environmentally safe sanitary sewer system, either individual septic systems or a community system. The method of sewage disposal shall be approved by the Pitt County Health Department, or the N.C. Department of Environment, Health and Natural Resources, Division of Environmental Management, if appropriate. Prior to the presentation of a plan to the Village of Simpson, owners and developers are urged to contact the Pitt County Health Department or the Zoning Administrator to assure compliance with the appropriate regulations.

All sewage wastes from each park including wastes from toilets, and toilet rooms, showers, lavatories and wash basin and wastes from refrigerator drains, washing machines, sinks or faucets in mobile homes or on mobile home spaces shall be piped into the park sewage disposal system. All sewage wastes from every trailer

equipped with its own toilet facility shall be piped into the park sewage disposal system and under no circumstances shall such wastes be discharged on the ground or in streams.

- c. Refuse Disposal. All garbage and refuse in every park shall be stored in suitable receptacles in accordance with Pitt County Health Department requirements.
- d. Utilities. Each mobile home space shall be equipped with plumbing and electrical connections; the electrical connections shall meet the Pitt County Electrical Code. In addition, electrical connection shall be at least 200 AMP service. Each individual electrical service shall be within fifteen (15) feet of the point electricity enters the mobile home.

5. Registration

It shall be the duty of the operator of the park to keep an accurate register containing a record of all mobile homes or trailers, owners, and occupants of the park. The register shall contain the following information:

- a. Name and address of the owner and each occupant;
- b. License number and state of issue of each licensed vehicle;
- c. Space number in which the mobile home or trailer is parked;
- d. Date of entering the park;
- e. Date of leaving the park.

6. Site Requirements.

Mobile home parks shall comply with the area, location and other dimensional requirements of this section. Prior to granting a permit for a mobile home park, the Zoning Administrator shall require the owner or developer to submit a complete plan of the proposed park, as described in Section 3 above. Site requirements for all mobile home parks shall be as follows:

- a. The minimum size lot, tract or parcel of land to be used for a mobile home park shall not be less than 1 acre square feet, and such site shall have an average width of not less than one hundred (100) feet.
- b. The amount of land for each individual mobile home space shall be determined by the Zoning Administrator after an investigation

of soil conditions, the proposed method of sewage disposal, and proposed water system. However, in no case shall the size of a mobile home space be less than 8,000 square feet. Additional land space/acreage may be needed to meet setback requirements.

- c. Each mobile home lot shall be at least fifty (50) feet wide and clearly marked. No mobile home shall be placed within twenty (20) feet of its individual mobile home lot as established in "6.b" above or within forty (40) feet of any other mobile home side to side or within forty (40) feet of any other mobile home end to end. Setback requirements are measured from a point on the exterior of entrance stoops, porches, steps, decks, etc.
- d. No individual mobile home lot shall be located within forty (40) feet of the right-of-way of any exterior street or any exterior boundary line of the mobile home park site.
- e. All mobile home spaces shall abut upon an interior street of no less than twenty (20) feet in width, which shall have unobstructed access to a public street or highway. It is the intent of this section that each individual mobile home space shall not access directly onto a public street or highway except through an interior street.

If a park has five (5) or more mobile home spaces, the interior streets shall be paved. When a park size is increased beyond four (4) spaces, the entire park shall have paved streets. If two adjacent parks are connected, both parks, which are now one, shall have paved streets if total spaces exceed four (4).

Maintenance and repair of the streets shall be provided by the owner of the park. The streets shall be maintained so as to provide all-weather access to all mobile home spaces at all times. The Zoning Administrator shall make the determination as to whether a mobile home park is in compliance with this street maintenance. If a park has four (4) or less spaces, a number which does not require that the streets be paved, the streets shall be graded and maintained so that they are passable in all weather.

- f. Dead end streets shall not exceed six hundred (600) feet in length. Any interior street designed to be permanently closed shall have a turnaround of at least eighty (80) feet in diameter at the closed end.

- g. Interior streets shall intersect as nearly as possible at right angles, and no drive shall intersect at less than seventy-five (75) degrees. Where a drive intersects at a public street or highway, the design standards of the North Carolina Department of Transportation shall apply.
- h. Suitable vehicular access for fire-fighting and emergency equipment, delivery of fuel, removal of refuse, parking and removal of mobile homes and for other necessary services shall be provided.
- i. Each mobile home park with five (5) or more mobile home spaces shall have one (1) or more recreation areas with a minimum size of twenty-five hundred (2,500) square feet which shall be easily accessible to all park residents. Each addition of five (5) mobile home spaces shall require an additional twenty-five hundred (2,500) square feet of recreational space. Recreation areas shall be located free of traffic hazards and should, where topography permits, be centrally located.
- j. Parking space sufficient to accommodate at least two (2) automobiles shall be located on each mobile home space.
- k. No mobile home park shall be located on ground that is subject to flooding. The park shall be graded so as to prevent any water from ponding or accumulating on the premises. All ditch banks shall be sloped and seeded to prevent erosion, or vegetated buffer strips shall be maintained in their natural state to prevent erosion.
- l. The mobile home park shall have a fence buffer on three sides between the park and any adjacent residential uses other than mobile homes unless the park is adjacent to a vacant lot or the adjacent lot contains natural features, such as a stream, which would lend itself as a natural buffer. The fence shall be a seven foot (7) wooden fence constructed in a manner so as to make the fence opaque.
- m. The area of each individual mobile home space shall be improved to provide an adequate foundation for the placement of the mobile home as required by the N.C. Building Code.
- n. Each mobile home shall be securely anchored in accordance with the N.C. Building Code Standards.

7. General Sanitation

In each mobile home park, the permittee or duly authorized attendant or caretaker shall be in charge at all times to keep the mobile home park, its facilities, and equipment in a clean, orderly, safe, and sanitary condition.

8. Park Identification

Each mobile home park shall have its park name on a sign clearly visible at the park entrance.

- a. Mobile home park identification shall be limited to one (1) sign per park entrance. No sign shall exceed thirty-six (36) square feet in area.
- b. Each mobile home lot shall be numbered and clearly marked so as to be clearly visible for emergency response vehicles.

9. Commercial Convenience Establishments

Convenience establishments of a commercial nature such as food stores and coin-operated laundries may be permitted in mobile home parks, subject to the following restrictions:

- a. Such establishments shall be subordinate to the residential use and character of the park;
- b. Such establishments shall present no visible evidence of their commercial nature outside the park;
- c. Such establishments shall be designed to serve the trade needs of the park residents only.

10. Existing Mobile Home Parks

Mobile home parks existing at the time of the adoption of this Ordinance shall be allowed to continue, but shall not be allowed to expand or increase through (including but not limited to) acquisition of additional land or development of any mobile home site or placement of any mobile home in said mobile home park unless such expansion fully meets the requirements set forth in this Ordinance. If a mobile home park, existing before the adoption date of this Ordinance, should lose its operating permit, then it shall be subject to the regulations and requirements of this Ordinance in the reapplication for an operating license.

SECTION 7.11 OFF-STREET PARKING

Before erection or enlargement of any building, permanent off-street parking is required in the amount specified herein. Such parking may be provided in a parking garage or properly graded open space.

A. Handicapped Parking

The minimum number of assigned handicapped parking spaces is one (1) per fifty (50) required spaces. These spaces should be identified by signs or painted curbs and should be located as close as possible to the main entrance of a building.

B. The required parking space for any number of separate uses may be combined in one lot.

C. Parking Space Dimensions

1. Subject to Sections 2 and 3 below, each parking space shall contain a rectangular area at least nineteen (19) feet long and nine (9) feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this section.
2. In parking areas containing ten (10) or more parking spaces, up to twenty (20) percent of the parking spaces need contain a rectangular area of only seven and a half (7-1/2) feet in width by fifteen (15) in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.
3. Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall be not less than twenty-two (22) feet by nine (9) feet.

D. General Design Requirements for Parking Areas

1. Unless no other practicable alternative is available, vehicle accommodation areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve one or two dwelling units, although backing into streets is discouraged.
2. Vehicle accommodation areas of all developments shall be designed so that sanitation, emergency and other public service vehicles can serve

such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.

3. Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation or other obstruction.
4. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

E. Parking Required to be Located On-Site.

1. Off-street parking shall be located on-site or within four hundred (400) feet of the entrance to the lot.

F. Minimum Parking Requirements

1. The following off-street parking spaces shall be required:

RESIDENTIAL AND RELATED USES	REQUIRED PARKING
Single-Family Dwellings	Two (2) parking spaces on the same lot as the dwelling unit
Two-Family or Multi-Family Unit	One and one-half (1-1/2) spaces for each one bedroom and two (2) spaces for each unit with two (2) or more bedrooms
Boarding or Rooming House	One (1) space for each bedroom
Doctor's or Dentist's Office within Residence	Six (6) spaces in addition to residential requirements
Home Occupation (other than Doctor's or Dentist's office)	Two (2) spaces in addition to residential requirements

Family Care Home	Three (3) spaces for every five (5) beds except for uses exclusively serving children under sixteen, in which case one (1) space for every three (3) beds shall be required
PUBLIC AND RETAIL USES	REQUIRED PARKING
Clinic	Four (4) spaces for each doctor plus one (1) space for each employee
Care Home	One (1) space for each five (5) beds intended for patient use
Retirement Home	One (1) space per residential unit

Daycare, Kindergarten	One (1) space per employee, plus one (1) space per five hundred (500) square feet of building, plus four (4) spaces for loading and unloading children
Elementary School and Junior High School	Three (3) spaces for each classroom and administrative office and one (1) space for each thirty (30) square feet of space provided for seating in the largest assembly area, whichever is greater, excluding loading space
Senior High School	One (1) space for each ten (10) students for which the building was designed plus one (1) space for each classroom and administrative office
Auditorium	One (1) space for each four (4) seats in the auditorium
Public or Private Clubs	One (1) space for each one hundred (100) square feet of gross floor space
Public Office Buildings	One (1) space for each two hundred (200) square feet of gross floor space
Tourist Home	One (1) space for each room to be rented plus one (1) additional space for each two (2) employees
Drive-In Restaurant, Cafe	Ten (10) spaces for each establishment, or one (1) space for each one hundred (100) square feet of floor area, whichever is greater
General or Professional Office	One (1) parking space for each two hundred (200) square feet of gross floor space
Banks	One (1) parking space for each two hundred (200) square feet of gross floor space plus one (1) space for each two (2) employees
Funeral Homes	One (1) space for each four (4) seats in the chapel and/or parlor
Retail Service Uses not otherwise indicated	One (1) space for each one hundred (100) square feet of gross floor area
Automobile Service Stations	Five (5) spaces for each grease rack and five (5) spaces for each wash rack
Automobile Repair	One (1) space for each employee of the largest shift plus five (5) spaces for each service area or for each three hundred (300) square feet of repair or maintenance space, whichever is greater

Skating Rink, Bowling Alley. or Similar Indoor/Outdoor Recreation Uses	One and one-half (1-112) square feet of parking area for each two hundred (200) square feet of gross floor space
INDUSTRIAL AND WHOLESALE USES	REQUIRED PARKING
Wholesale Uses	One (1) space for each employee on the largest shift
Industrial Uses	One (1) space for each employee on the largest shift

SECTION 7.12 REGULATIONS GOVERNING SIGNS

Reference the Village of Simpson sign Ordinance adopted April 16, 2007.

SECTION 7.13 GROUP DEVELOPMENT PROJECTIONS

Group development projects are defined as two or more principal buildings devoted to a common or similar use and constructed on a single lot. They may be permitted as conditional uses in specified districts established by this ordinance, provided a mandatory pre-application conference is held between the Planning Board and the developer prior to filing the required application for review and approval of the project by the Village Council. Such review and approval shall be required for all group development projects. Adequate scaled site plans shall be submitted to allow for review of the size and location of all buildings, structures, streets, drives and parking spaces and their relationship to any open spaces and adjacent properties. Such group development plans shall also be accompanied by a computation or schedule expressed in acres, which indicates the area and percentage of the site devoted to:

1. Total Area
2. Parking Area
3. Building Coverage Area
4. Open Space

A. Design, Standards, General

1. Street Access

Any building established as a part of a group development project which cannot properly be served by emergency or service vehicles from an abutting street shall be made accessible to such vehicles by a paved driveway having a roadbed width of not less than twenty (20) feet, exclusive of parking spaces.

2. Off-Street Parking and Loading Facilities:

Off-street parking and loading facilities established in connection with a group development project shall be of such design, location, and arrangement as will not interfere with the efficient flow of traffic through the area and as will not interfere with the access of emergency and service vehicles.

3. Separation of Buildings

All buildings established as a part of a group development project shall be separated by not less than twenty (20) feet.

4. Setback Requirements

Unless otherwise provided by this Ordinance for a specific type of group development, every project shall comply with the front yard setbacks, and the side and rear yard requirements established for the district in which it is located.

5. Uses Prohibited:

In no case shall a use be permitted as a part of a group development project that is prohibited by this Ordinance in the district in which such project is to be located.

B. Design Standards - Group Housing Projects

In addition to the other standards set forth in this section, a group housing project shall comply with the following additional requirements:

1. Setbacks: All buildings established as a part of a group housing project shall be set back not less than twenty-five (25) feet from any side or rear property line.
2. Location: No dwelling structure established as a part of a housing project shall be located within twenty (20) feet of another dwelling structure within the development.
3. Lot Size: A group housing project shall be permitted only on a lot or plot of ground having an area of not less than forty thousand (40,000) square feet.

C. Common Areas

An area or architectural feature designated on the site plan of a Group Development as "common area" or as an area to be held in separate ownership for the use and benefit of residents occupying specified lots shown on such plan may be approved as part of the plan, provided that it meets the following requirements:

1. It shall be conveniently accessible to all residents of the development.
2. It shall be made available in its improved state as set forth on the site development plan in accordance with an approved time schedule.
3. It shall be maintained in accordance with an approved maintenance plan specifying what such maintenance shall consist of, whose responsibility it shall be, and assuring satisfactory execution of maintenance.
4. Provisions to insure its continuing availability shall be included in the deed to each parcel to be served by such common area.

D. Additional Information

Additional information may be required by the Planning Board or the Village Council to determine the impact of the proposed development on the Village.

E. Approval of Site Development Plans

No building permit shall be issued in such development unless and until the Planning Board and the Village Council shall have approved site development plans and reports for the development as a whole or stages or portions thereof deemed satisfactory in relation to total development. No structure or use other than as indicated in approved site development plans shall be permitted. If a site development plan is a site-specific vesting plan, the vesting shall be for two (2) to five (5) years except under the exceptions outlined in G.S. 160D-108(f).

If the development plan is a multi-phase development it shall be vested for the entire development with the zoning regulations, subdivision regulation, and unified development ordinances in place at the time a site plan approval is granted for the initial phase of the development. A multiphase development is defined as an development contain 100 acres or more that is submitted for site plan approval for construction to occur in more than one phase and is subject to a master development plan with committed elements, including, a requirement to offer land for public use as a condition of its master development plan approval. The vested right shall remain for a period of seven (7) years from the time a site plan approval is granted for the initial phase of the multiphase development.

F. Modification of Approved Plans

After review by the Planning Board, the Village Council may permit changes in an approved site development plan, but only on a finding that such changes are in accord with applicable current regulations.

ARTICLE VIII - ADMINISTRATIVE AUTHORITY AND PROCESS

SECTION 8.01 ADMINISTRATIVE OFFICER

This Ordinance shall be administered by the Zoning Administrator or his designated representative who shall be named by the Village Council and is hereby empowered:

- A. To issue a Zoning Compliance Certificate prior to issuance of a building permit by the Village's Building Inspector.
- B. To collect the designated fees for requests for amendment, special use permits, variances and appeals.
- C. To make and keep all records necessary and appropriate to the office including record of issuance and denial of all Zoning Compliance Certificates, Special Use Permits, Variances, and of receipt of complaints of violations of this Ordinance and action taken on the same.

SECTION 8.02 BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY REQUIRED

- A. No building, sign or other structure shall be erected, added to, relocated or structurally altered, nor shall any excavation or filling of any lot for the construction of any building be commenced until the Building Inspector or his designee issues a building permit in accordance with the requirements of this Zoning Ordinance.
- B. No building which has been erected, added to, relocated or structurally altered for which a building permit has been issued shall be used or occupied, nor the use of any building or land changed until a Certificate of Occupancy has been issued by the Building Inspector stating that the building or structure or part thereof complies with the provisions of this Ordinance. No previously unoccupied structure shall be occupied until the Certificate of Occupancy is issued.
- C. No temporary utilities shall be connected until a building permit is issued. No permanent utilities shall be connected until a Certificate of Occupancy is issued.
- D. If an application is made in accordance with the Village of Simpson and is submitted for approval and the development regulation changes between the time the application is submitted and a decision is made, the applicant may choose which version of the development regulation will apply to the application. If the development permit applicant chooses the version of the rule or ordinance applicable at the time of the permit application, the development permit applicant

shall not be required to await the outcome of the amendment to the rule, map, or ordinance prior to action of the development permit.

SECTION 8.03 SPECIAL USES

- A. Permission may be granted for the establishment of special uses as shown in the district regulations of Article IV if the use is approved by the Board of Adjustment. The following listed findings shall be made prior to the granting of the Special Use, to wit:
1. The proposed use does not affect adversely the general plans for physical development of the Village and will not be contrary to the purpose stated in these regulations;
 2. The proposed use will not adversely affect the health and safety of the Village residents and will not be detrimental to the use or development of adjacent properties or other neighborhood uses;
 3. The proposed use will not be affected adversely by existing uses and will be placed on a lot of sufficient size to satisfy the space requirements of said use;
 4. The proposed use will not constitute a nuisance or hazard because of the number of persons who will use such a facility, the vehicular movement or the noise or fume generation; and
 5. The proposed use shall be subject to the minimum dimensional requirements of the district in which it is to be located, and shall conform to the off-street parking regulations.
- B. In granting any Special Use Permit, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance but will not impose conditions in which the Village of Simpson does not otherwise have statutory authority to impose as laid out in G.S. 160D-705(c). For these prescribed conditions by the Board of Adjustment the landowner's or applicant's written consent must be given to ensure the enforceability of these conditions and safeguards. Violation of those conditions and safeguards, when a part of the terms under which the Special Use Permit is granted, shall be considered a violation of this Ordinance and punishable under Section 6 of this Article. The Board of Adjustment shall prescribe a time limit within which the action for which the Special Use Permit is required shall be begun or completed, or both. Failure to comply within the time limit set shall void the Special Use Permit. If any of the conditions of approval or any part of them should be held invalid or void, the permit shall be void immediately.

SECTION 8.04 VARIANCES

A. To authorize upon appeal, in specific cases such variance from the terms of this Ordinance which will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship, a variance from the terms of this Ordinance may be granted by the Board of Adjustment when the following findings have been made:

1. That special conditions and circumstances exist which are peculiar to the land, structure or buildings involved and which are not applicable to other lands, structures or buildings in the same district;
2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this Ordinance;
3. That the hardship is not the result of the applicant's own actions;
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district; and
5. That if the applicant complies with the provisions of this Ordinance, he can secure no reasonable return from, or make no reasonable use of, his property.

B. Conditions Imposed on Variances

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

SECTION 8.05 APPLICATION PROCEDURES

A. Zoning Compliance Certificate

Application for a zoning compliance certificate shall be filed with the Zoning Administrator of the Village of Simpson or his designee. This certificate must be obtained before any building or structure is erected, added to, relocated or

structurally altered and before any excavation or filling of any lot for construction purposes occurs.

B. Building Permit and Certificate of Occupancy

The Village of Simpson is responsible for the provision of inspection services within the corporate limits of Simpson and any land which subsequently is added to its jurisdiction. These inspection services shall be done during reasonable hours and upon presenting credentials. Before the inspection may begin the inspector must have the consent of the premises owner or an administrative search warrant to inspect areas not open to the public. Application for a building permit and certificates of occupancy shall be made to the Building Inspector. There shall also be submitted to him at the time of the application for the building permit evidence of the compliance with this Zoning Ordinance. If zoning approval has not been issued by the designated official of the Village of Simpson, the Building Inspector shall not issue a building permit. If a building permit is issued that permit shall be valid for six (6) months after issuance unless work under the permit has commenced. Building permits also expire if work is discontinued for a period of 12 months after work has commenced.

C. Special Use Permits and Variances

Applications for Special Use Permits and Variances shall be filed with the Zoning Administrator, who shall transmit all such records to the Board of Adjustment. The Board shall fix a reasonable time, not to exceed sixty (60) days, for the hearing of the request and publish notice of such hearing in a newspaper of general circulation within the Village of Simpson at least once a week for two (2) consecutive weeks prior to the hearing and/or post such notice at four (4) public places throughout the Village. The decision on the application for a Special Use Permit and Variances shall be processed as a legislative decision and will consider the Village of Simpson as a party within the finalized development agreement. If a water and sewer authority is entering the development agreement it may enter as a party but will not enter as independent parties as stated in G.S. 160D-947(e).

D. Revocation of Special Use Permits and Variances

Special Use Permits and Variances may be revoked by the Village of Simpson by notifying the holder in writing stating the reason for revocation. The same review and approval process required to issue a special use permit or variance, including any required notice or hearing, in the review and approval of any revocation of the approval. A special use permit or variance may be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable local development

regulation or any State law delegated to the Village of Simpson for enforcement purposes; or for false statements or misrepresentation made in securing the approvals. Any special use permit or variance mistakenly issued in violation of an applicable State or local law may also be revoked.

SECTION 8.06 DEVELOPMENT APPROVALS

No person shall commence or proceed with development without first securing any required development approval as defined in Section 2.02 of this ordinance from the Village of Simpson. Applications for development approvals may be made by the landowner, a lessee or person holding an option or contract to purchase or lease land, or authorized agent of the landowner. An easement hold may also apply for development approval for such development as it authorized by the easement.

All development approvals must be provided in writing. This approval may be in either print or electronic form but if electronic form is used the document must be protected from further editing after it is delivered. Unless provided otherwise by law, all rights, privileges, benefits, burdens, and obligations created by development approval made pursuant to G.S. 160D attach to and run with the land. Pursuant to G.S. 160D-403(c) all development approvals shall expire one (1) year after issuance unless work has substantially commenced.

If there is a call for a revocation of a development approval the process used for the approval shall be used to revoke it as required by G.S. 160D-403(f).

SECTION 8.07 ENFORCEMENT

A. Zoning Enforcement Order

This Ordinance shall be enforced by the Zoning Enforcement Officer or his designated representative who shall be named by the Village Council.

B. Remedies

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Ordinance, the Zoning Enforcement Officer or any appropriate authority of the Village, may institute injunction, mandamus or other appropriate action in proceeding to prevent the occupancy of such building, structure or land.

C. Abandonment of Intent to Repair

If the dwelling has been vacated and closed for a period of one (1) year or after a public officer issues an order or proceedings have commenced under the substandard housing regulation regarding a dwelling to be repaired or vacated and closed as provided in this subdivision, then the Board of Adjustment may find

that the owner has abandoned the intent and purpose to repair, alter, or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, and welfare of the local government in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract person intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling that might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State, then in such circumstances, the Board of Adjustment may, after the expiration of such one-year period, enact an ordinance and serve such ordinance on the owner, setting forth the following;

- 1) It is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within 90 days.
- 2) If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner to demolish and remove the dwelling within 90 days.

This ordinance shall be recorded in the office of the register of deeds in Pitt County and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the public officer shall effectuate the purpose of the ordinance.

D. Penalties

Any person violating any provisions of any section of this Ordinance, or who shall violate or fail to comply with any order made thereunder; or who shall continue to work upon any structure after having received written notice from the Zoning Enforcement Officer to cease work, shall be guilty of a misdemeanor as provided by North Carolina General Statutes, Section 14.4. All notices of violations shall be delivered to the permittee and landowner if different or may be delivered to occupant or person undertaking the activity of which the notice of violation is issued. Delivery of this notice shall be by hand, email, or first-class mail. The notice may also be posted onsite. Once the notice of violation has been issued the administrator will certify the notice to be filed. Each day such violation shall be permitted to exist shall constitute a separate offense. A fine of fifty dollars (\$50) per day may be imposed for such violations. Notice of violation shall be sufficient if directed to such owner, the agent of the owner or the

contractor, and delivered to a responsible person at his known residence or place of business.

SECTION 8.08 APPEALS

- A. Appeals from the enforcement and interpretation of this Ordinance shall be filed with the Zoning Administrator, who shall transmit all such records to the Board of Adjustment. A nonrefundable fee, according to a regularly adopted fee schedule of the Village, shall be paid to the Village for each appeal to defray some of the advertising and other administrative expenses involved.
- B. Any appeals to an administrative determination under any development regulation shall have a thirty (30) day period to file. This appeals shall go directly to the Board of Adjustment as stated in G.S. 160D-405. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the determination to file an appeal. It will be assumed by the Village of Simpson, unless evidence to the contrary is presented, that a notice given pursuant with G.S 160D-403(b) by first-class mail shall be deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.
- C. The Board of Adjustment shall fix a reasonable time, not to exceed sixty (60) days, for the hearing of the appeal and publish notice of such hearing in a newspaper of general circulation within the Village of Simpson at least once a week for two (2) consecutive weeks prior to the hearing and/or post such notice at four (4) public places throughout the Village.
- D. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certified to the Board after the notice of the appeal shall have been filed with him that:
 - 1. By reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property; or that,
 - 2. Because the violation charged is transitory in nature, a stay would seriously interfere with enforcement of this Ordinance. In such case, proceeding shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of record on application, on notice to the Zoning Administrator and due cause shown.
 - 3. In exercising the above-mentioned powers, the Board of Adjustment may, so long as the action is in conformity with the terms of this Ordinance,

reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination that in its opinion ought to be made.

4. Any appeal from a decision of the Board of Adjustment to Superior Court shall be taken within thirty (30) days after the decision is filed in the office of the Clerk of the Village of Simpson or after a copy of the decision is delivered to the appellant by registered mail, whichever is later. The Zoning Administrator shall file decisions of the Board of Adjustment in the office of the Village Clerk and shall send a copy by registered mail to the appellant on the next working day after a decision is rendered.

E. Appeals to Quasi-Judicial Decisions N.C.G.S. 160D-1402

Any appeals to a quasi-judicial decision will be in the nature of certiorari as deemed in G.S. 160D-1402. The processes of the appeals in the nature of certiorari are outlined in G.S. 160d-1402 (e) and also what persons have the standing to file a petition to challenge the decision of the appeal. The writ shall direct the Village of Simpson or Village Council if the petition is filed by the Village of Simpson pursuant to subdivision (4) of subsection (c) of G.S. 160D-1402, to prepare and certify to the court the record of proceedings. The writ also directs that the petitioner shall serve the petition and the writ upon each respondent named therein in the manner provided for service of a complaint under Rule 4(j) of the Rules of Civil Procedure, except that, if the respondent is a decision-making board, the petition and the writ shall be served upon the chair of that decision-making board.

Upon appeal, a party may request a stay of the approval or enforcement action that is being appealed. The court shall have the discretion to grant that stay and to require conditions to provide security for the adverse party.

F. Appeals Concerning Certificates of Appropriateness

For any appeals of certificates of appropriateness for historic landmarks and historic districts shall go directly to the court as is the default set by G.S. 160D-947. An appeal of this nature must be filed within thirty (30) days after the decision is effective or written notice is provided, as is the same for quasi-judicial decisions indicated in G.S. 160D-1405.

SECTION 8.09 STAFF CONFLICT OF INTEREST

No staff member shall make a final decision on an administrative decision required by G.S. 160D the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close

familial, business, or other associational relationship. If a staff member has a conflict of interest under G.S. 160D-109 (c), the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.

No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under G.S. 160D unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the Town of Simpson, as determined by the Town of Simpson.

ARTICLE XI - PLANNING BOARD

SECTION 9.01 APPOINTMENTS AND TERMS OF PLANNING BOARD MEMBERS

- A. There shall be a Planning Board consisting of five (5) members residing within the municipal boundaries of the Village of Simpson or within its extraterritorial jurisdiction. The extraterritorial jurisdiction population estimate shall be updated with every decennial census with representation on the Planning Board proportional as defined by G.S. 160D-307. The majority of the members shall be residents within the municipal boundaries of the Village.

- B. Planning Board members shall be appointed by the Village Council as follows and may continue to serve until their successors have been appointed: Initially, one (1) member shall be appointed for a term of one (1) year; two (2) members for two (2) years and two (2) members for three (3) years. After initial appointment, members shall serve for three (3) year terms.

- C. Before starting their duties on the Planning Board, a new member must take an oath of office as required by G.S. 160D-309
 “I, _____, do solemnly and sincerely swear that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability, so help me God.” G.S. 11-7

- D. Vacancies may be filled for the unexpired terms only.

- E. Members may be appointed to successive terms without limitation.

- F. Planning Board members may be removed by the Council at any time for failure to attend three (3) consecutive meetings or for failure to attend thirty (30) percent or more of the meetings within any twelve (12) month period or for any other good cause related to performance of duties. The Village Council shall file a written statement of reasons of such removal. Upon request of the member proposed for removal, the Council shall hold a hearing on the removal before it becomes effective.

- G. If a member moves outside the Village that shall constitute a resignation from the Planning Board effective upon the date a replacement is appointed by the Council.
- H. No member of the Planning Board shall use his/her position for his/her private gain. Members of appointed boards are expected to minimize conflicts of interest, disclose ethical, legal, financial, and other conflicts, and removed themselves from decision-making when appropriate. Conflicts of interest shall be disclosed as per NC General Statute 160D-109.

N.C.G.S. 160D-109 prohibits an appointed board member from voting on any advisory or legislative decision regarding a development regulation where the outcome could have a direct, substantial, and readily identifiable financial impact on a member and prohibits a board member from voting on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for text amendment is a person with whom the member has a close familial, business or other associational relationship. A “close familial relationship” means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationship. N.C.G.S. 160D-109(f).

A member of the Board shall give notice to the chairman forty-eight (48) hours prior to the hearing on matters involving any potential conflict of interest. If an objection is raised to a board member’s participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining member of the board shall by majority vote rule on the objection.

SECTION 9.02 ORGANIZATION, RULES, MEETINGS AND RECORDS

- A. Within thirty (30) days after appointment, the Planning Board shall meet and elect a chairman and create and fill such offices as it may determine. The term of the chair and other officers shall be one (1) year, with eligibility for reelection.
- B. The Board shall adopt rules for transaction of its business and shall keep a record of its members' attendance and of its resolutions, discussions, findings, recommendations and official actions, which record shall be a public record. A copy of these rules and adopted procedures shall be maintained by the Village of Simpson Clerk and shall be posted on the Web site of the Village of Simpson. The Board shall hold meetings as the need arises, and all of its meetings shall be open to the public.

SECTION 9.03 POWERS AND DUTIES OF THE PLANNING BOARD

The Planning Board may operate in an advisory capacity to the Village Council if so requested by the Council.

A. Planning Board Powers and Duties related to advisory function.

1. General Duties

- a. To acquire and maintain in current form such basic information and materials as are necessary to any understanding of past trends, present conditions and forces at work to cause changes in these conditions;
- b. To make studies and recommend to the Council plans, goals and objectives relating to the growth, development and redevelopment of the Village;
- c. To develop and recommend to the Council policies, ordinances, administrative procedures, and other means of carrying out plans in a coordinated and efficient manner;
- d. To prepare and recommend, from time to time, amendments and revisions to the comprehensive plan for the physical development of area within the Village's jurisdiction;
- e. To establish principles and policies for guiding action in the development of this area;
- f. To prepare and recommend to the Village Council ordinances promoting orderly development along the lines indicated in the comprehensive plan;
- g. To recommend to the Village Council whether or not specific proposed development conforms to the principles and requirements of the comprehensive plan for the growth and improvement of the area;
- h. To review and comment on any amendments to the Village zoning.
- i. To keep the Village Council informed and advised of its activities;
- j. To perform any other duties which may lawfully be assigned to it by the Village Council.

2. Basic Studies

- a. As background for its comprehensive plan and any other proposed ordinances it may prepare, the Planning Board may gather maps and aerial photography of manmade and natural physical features of the area, statistics on past trends and present conditions with respect to population, property values, the economic base of the community, land use and such other information as is important or likely to be important in determining the amount, direction and kind of development to be expected in the area and its various parts.
- b. In addition, the Planning Board may make, cause to be made or obtain special studies on the location and adequacy of specified facilities which may include, but not be limited to, studies of housing, commercial and industrial facilities, parks, playgrounds and recreational facilities, public and private utilities and traffic, transportation and parking facilities.
- c. All Village officials shall, upon request, furnish to the Planning Board such available records or information as it may require in its work. The Board or its agents may, in the performance of its duties, enter upon land and make examinations or surveys and maintain necessary monuments thereon.

3. Comprehensive Plan

The comprehensive plan, if such is prepared as herein set forth, shall be accompanied by maps, plats, charts and descriptive matter and shall show the Planning Board's recommendations for additional development which may include the general location, character and extent of streets, bridges, boulevards, pathways, playgrounds, squares, parks, aviation fields and other public ways, grounds and open spaces; the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power and other purposes; and the removal, relocation, widening, narrowing, vacating, abandonment, change of use, or extension of any of the foregoing ways, buildings, grounds, open spaces, property, utilities or terminals. This plan shall be updated or amended as a legislative decision and shall follow the procedures set in G.S. 160D-501(c).

The plan and any ordinances or other measures to effectuate it shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the Village and its environs which will, in accordance with present and future needs, best promote health, safety, morals and the general welfare, as well as other things, adequate provisions for traffic, the promotion of safety of the healthful and convenient distribution of population, expenditure of public funds and the adequate provision of public utilities, services and other public requirements. This plan will be reasonably maintained by the Village of Simpson as to ensure that the plan continues to align with the changing needs of the community and its citizens.

4. Zoning Ordinance

The Planning Board is hereby designated as the Zoning Commission for the Village of Simpson and its environs. The Planning Board may initiate, from time to time, proposals for amendments of the Zoning Ordinance, based on its studies and comprehensive plan. In addition, it shall review and make recommendations to the Village Council concerning all proposed amendments to the Zoning Ordinance and zoning districts.

5. Miscellaneous Powers and Duties

- a. The Planning Board may conduct such public hearing as may be required to gather information necessary for the drafting, establishment and maintenance of the comprehensive plan. Before adopting any such plan, it shall hold at least one public hearing thereon.
- b. Members or employees of the Planning Board, when duly authorized by the Planning Board, may attend planning conferences or meetings of planning institutes or hearings upon pending planning legislation, and the Planning Board may, by formal and affirmative vote, pay, within the Planning Board's budget, the reasonable traveling expenses incident to such attendance.

6. Special Committees

From time to time the Council may appoint one or more individuals to help the Planning Board carry out its planning responsibilities with respect to a particular subject area. By way of illustration, without limitation, the

Council may appoint advisory committees to consider thoroughfare plans, bikeway plans, housing plans, economic development plans, etc.

7. Advisory Committees

- a. Members of such advisory committees shall sit as nonvoting members of the Planning Board when such issues are being considered and lend their talents, energies and expertise to the Planning Board. However, all formal recommendations to the Council shall be made by the Planning Board.
- b. Nothing in this section shall prevent the Council from establishing independent advisory groups, committees or commissions to make recommendations on any issue directly to the Council.

SECTION 9.04 QUORUM AND VOTING

In matters relating to the advisory function of the Planning Board, the following rules shall apply:

- A. A quorum for the Planning Board shall consist of a majority of the Board membership (excluding vacant seats). A quorum is necessary for the Board to take official action.
- B. All actions of the Planning Board shall be taken by majority vote, a quorum being present.
- C. A roll-call vote shall be taken upon the request of any member.
- D. For a legislative decision for a development regulation may be adopted on first reading by a simple majority.

SECTION 9.05 FINANCES

The Planning Board shall not expend funds or incur expenses other than those provided for in the then current budget adopted by the Council of the Village of Simpson.

ARTICLE X - BOARD OF ADJUSTMENT

SECTION 10.01 APPOINTMENT AND TERMS OF BOARD OF ADJUSTMENT MEMBERS

- A. There may be a Board of Adjustment which shall be appointed by the Council of the Village of Simpson. The members shall reside either in the municipal boundaries of the Village of Simpson or within its extraterritorial jurisdiction. . The extraterritorial jurisdiction population estimate shall be updated with every decennial census with representation on the Board of Adjustment proportional as defined by G.S. 160D-307. The majority of the members shall be residents within the municipal boundaries of the Village.
- B. For their initial appointment, one (1) member shall be appointed for a term of one (1) year; two (2) members for two (2) years and two (2) members for three (3) years. After their initial appointment, members shall serve for three (3) year terms or until a successor has been appointed and taken the oath of office.
 - 1. The Council may, in its discretion, appoint alternate members to serve on the Board in the absence of any regular member. The alternate members shall be appointed for the same term, at the same time and in the same manner as regular members.
 - 2. Each alternate member, while attending any regular or special meeting of the Board and serving in the absence of a regular member, shall have and may exercise all the powers and duties of a regular member.
- C. Vacancies may be filled for the unexpired terms only.
- D. Members may be appointed to successive terms without limitation.
- E. Board of Adjustment members may be removed by the Council at any time for failure to attend three (3) consecutive meetings or for failure to attend thirty (30) percent or more of the meetings within any twelve (12) month period or for any other good cause related to performance of duties. The Village Council shall file a written statement of reasons of such removal. Upon request of the member proposed for removal, the Council shall hold a hearing on the removal before it becomes effective.
- F. If a member moves outside the Village or the extraterritorial jurisdiction of the Village, in the event the member is appointed from the extraterritorial jurisdiction, such move shall constitute a resignation from the Board of Adjustment as of the establishment of his domicile elsewhere.

- G. Before a member may start their duties on the Board of Adjustment the new member shall take an oath of office as required by G.S. 160D-309:

“I, _____, do solemnly and sincerely swear that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability, so help me God.” G.S. 11-7

- H. Conflict of Interest

No member of the Board of Adjustment shall use his/her position for his/her private gain. Members of appointed boards are expected to minimize conflicts of interest, disclose ethical, legal, financial, and other conflicts, and removed themselves from decision-making when appropriate. Conflicts of interest shall be disclosed as per NC General Statute 160D-109.

N.C.G.S. 160D-109 prohibits an appointed board member from voting on any advisory or legislative decision regarding a development regulation where the outcome could have a direct, substantial, and readily identifiable financial impact on a member and prohibits a board member from voting on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for text amendment is a person with whom the member has a close familial, business or other associational relationship. A “close familial relationship” means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationship. N.C.G.S. 160D-109(f).

A member of the Board shall give notice to the chairman forty-eight (48) hours prior to the hearing on matters involving any potential conflict of interest. If an objection is raised to a board member’s participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining member of the board shall by majority vote rule on the objection.

SECTION 10.02 ORGANIZATION, RULES, MEETINGS AND RECORDS

- A. Within thirty (30) days after appointment, the Board of Adjustment shall meet and elect a chairman and create and fill such offices as it may determine. The term of the chairman and other officers shall be one (1) year, with eligibility for reelection.

- B. The Board shall adopt rules for transaction of its business and shall keep a record of its members' attendance and of its resolutions, discussions, findings, recommendations and official actions, which record shall be a public record. A copy of these rules and adopted procedures shall be maintained by the Village of Simpson Clerk and shall be posted on the Website of the Village of Simpson. The Board shall hold meetings as the need arises, and all of its meetings shall be open to the public.

SECTION 10.03 POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT

- A. The Board of Adjustment shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with enforcement of any ordinance adopted pursuant to this Ordinance. The Board of Adjustment will also review appeals to any development regulation decision not limited to only zoning.

The Official who made the decision or the person currently occupying that position, if the decision maker is no longer employed by the Village of Simpson, shall be present at the evidentiary hearing as a witness. The appellant shall not be limited at the hearing to matters stated in a notice of appeal. If any party or the Village of Simpson would be unduly prejudiced by the presentation of matter not presented in the notice of appeal, the Board of Adjustment shall continue the hearing.

- B. The authority, duties and procedures as set forth in G.S. 160D 109 (d), G.S. 160-302, G.S. 160D- 403(b), G.S. 160D-406, G.S. 160D- 702, G.S. 160D-705, and G.S. 160D-1405 are incorporated in this Ordinance by reference.

SECTION 10.04 QUASI-JUDICIAL DECISIONS

As defined by the G.S. 160D-102 (28) the quasi-judicial decision process is involved in finding the facts regarding a specific application of a development regulation that requires the exercise of discretion when applying the standards of the regulation. These decisions apply, but are not limited to, variances, special use permits, certificates of appropriateness, and appeals to administrative determinations. The decision-making board will approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

An evidentiary hearing is held during a quasi-judicial process to gather competent, material, and substantial evidence to establish the facts of the case. Due to this, all testimony presented during the hearing on a quasi-judicial decision must be under oath and must establish written findings on fact and conclusions of law.

The procedure laid out in G.S. 160D-406 is what shall be followed when making quasi-judicial decisions. A concurring vote of four-fifths of the board shall be necessary to grant a variance and a majority of members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. Vacant positions on the board or members who are disqualified from voting on the matter under G.S. 160D-109(d) shall not be considered member of the board for calculations of the requisite majority if there are no qualified alternates available to take the place of such members.

The board will determine the decision of contested facts within reasonable time. The board shall have all the powers of the official who made the decision and the determination shall be based on competent, material, and substantial evidence in the record. Every decision shall be reduced to writing to reflect the board's determination of contested facts and their application to the applicable standards. This written decision will be approved by the board and signed by the chair or other duly authorized member of the board. The decision is effective upon filing the written decision with the clerk to the board. The notice of the decision shall be delivered within reasonable time by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and any person who has submitted a written request for a copy prior to the date the decision becomes effective. The individual required to provide the notice shall certify to the Village of Simpson that the proper notice has been made, and the certificate shall be deemed conclusive in the absence of fraud.

Every quasi-judicial decision shall be subject to review by the superior court by proceeding in the nature of certiorari pursuant to G.S. 160D-1402. Appeals shall be filed within the times specified in G.S. 160D-1405(d).

If any other board other than the Board of Adjustment is assigned the decision-making authority for any quasi-judicial matter, the board shall comply with all of the procedures and the process applicable to a board of adjustment in making quasi-judicial decisions as required by G.S. 160D-302 (b).

ARTICLE XI – AMENDMENTS

SECTION 11.01 AMENDMENT PROCESS

This Ordinance, including the zoning map, may be amended or repealed from time to time according to the following procedures:

A. Motion to Amend

The Village Council may, on its own motion, on motion of the Planning Board; or upon motion or petition by any person within the zoning jurisdiction of the Village, after public notice and hearing, amend, supplement, change, modify or repeal these regulations or the map which are a part of this Ordinance.

B. Petition for Amendment

1. Petitions to amend this Ordinance shall be directed to the Village Council for review and recommendation by the Planning Board at least ten (10) days prior to the next regularly scheduled meeting of the Planning Board.
2. Petitions for any change or amendment to the text of this Ordinance shall state the nature of the proposed amendment and shall contain a statement as to the present regulation and proposed change. Petitions for a map change shall contain a description of the property involved and a map of the area proposed to be changed or affected.
3. The applicant for a change in zoning classification of a parcel of land shall provide a list of names and addresses, as obtained from the county tax listings, of the owners of property within the area under consideration. This list shall be submitted at least fifteen (15) working days prior to the Planning Board meetings. The Zoning Administrator shall verify the list and mail notice of the public hearing to each person on the list at least ten (10) days prior to the scheduled public hearing and shall certify that fact to the Village Council.

C. Fee

A nonrefundable fee, according to a regularly adopted fee schedule of the Village, shall be paid to the Village for each application for amendment to defray some of the advertising and other administrative expenses involved.

D. Planning Board Review and Recommendation

1. Upon receipt of a petition for amendment, the Planning Board shall review the submittal to determine if all required information has been

supplied and is complete. The petition for amendment will be officially accepted by the Board only after it has been determined to be complete.

2. The Planning Board shall have thirty (30) days from the day of official acceptance of the petition to submit its recommendations on petitions for amendment to the Village Council. This recommendation shall consider any plan adopted by the Village of Simpson, such as the comprehensive plan, and make a comment on if the proposed amendment is consistent or inconsistent with those approved plans. A brief statement offered by the Planning Board shall be adopted in concurrence with the amendment to the zoning ordinance. Failure of the Board to submit its recommendations within this time period shall constitute a favorable recommendation.
3. Whether adopting or rejecting any petition for a zoning map amendment, the Planning Board will provide a statement of reasonableness. The statement of reasonableness may consider among other factors;
 - a The size, physical conditions, and other attributes of the area proposed to be rezoned.
 - b The benefits and detriments to the landowners, the neighbors, and the surrounding community.
 - c The relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment.
 - d Why the action taken is in public interest
 - e Any changed conditions warranting amendment.

E. Public Hearing by the Village Council

A public hearing shall be held by the Village Council before adoption of any proposed amendment to this Ordinance. A notice of such public hearing shall be given once a week for two (2) consecutive weeks in a newspaper of general circulation in Simpson. Said notice shall be published the first time not less than ten (10) days nor more than twenty-five (25) days prior to the date established for such public hearing.

The owners of affected parcels of land and the owners of all parcels of land abutting that parcel of land shall be mailed a notice of the hearing on a proposed zoning map amendment by first-class mail at the last address listed for such owners on the Pitt County tax abstracts. Abutting properties extends to properties separated by a street, railroad, or other transportation corridor from the affected parcels. The notice will be deposited in the mail at least ten (10) but not more than twenty-five (25) days prior to the date of the hearing.

F. Vote of the Village Council

A majority of the Village Council shall be required to amend this Ordinance. The Planning Board's recommendation should be carefully considered at the time of this vote.

G. Protests

1. In the case of a protest against any zoning change, modification or repeal signed by the owners of twenty percent (20%) or more of the area of the lots included in such proposed change, or of those immediately adjacent thereto, either in the rear or on the side thereof, extending one hundred (100) feet therefrom, or of those directly opposite thereto, extending one hundred (100) feet from the street frontage of such opposite lots, such amendment shall not become effective except by favorable vote of three fourths (3/4) of all members of the Village Council.
2. The provisions of this section shall not apply to any amendment which initially zones property added to the territorial jurisdiction of the Village as a result of annexation or otherwise. No protest shall be valid unless it is in the form of a written petition bearing the signatures of the required number of property owners and stating that the signers do protest the proposed change or amendment, and unless it shall have been received by the Village Clerk in sufficient time to allow at least two (2) normal work days, excluding Saturdays, Sundays and legal holidays, before the date established for a public hearing on the proposed change, to determine the validity of the petition.

H. Denial of the Petition

When a petition is denied by the Village Council, a period of twelve (12) months must elapse before another petition for the same change previously involved may be submitted.

I. Approval of the Zoning Map Amendment

When a zoning map amendment is approved by the Village Council and the action was deemed inconsistent with the adopted plan, the zoning map amendment shall have the effect of also amending any future land-use map in the approved plan with no additional request or application required.