

ARTICLE 10. TABLE OF PERMITTED/ CONDITIONAL USE DISTRICTS

TABLE OF PERMITTED/ CONDITIONAL USE DISTRICTS (SEE NOTE 1)

PERMITTED USES	ICS*	R-6	R-8	R-10	R-20A	R-MH	PUD**	RHO***	O/I	B-1	B-2	B-3	ECOD***	LI****	HI****	AD	OS
ACCESSORY STRUCTURES/ BUILDINGS		P	P	P	P	P	P	P	P	P	P	P		P	P	P	
ACCESSORY USES Incidental to any permitted use (see Note 5)		P	P	P	P	P	P		P	P	P	P		P	P	P	
ADULT BUSINESSES (see Note 6)															C		
ADULT CARE HOME (see Note 7)					C												
AGRICULTURAL AND FORESTRY USES	11																P
ANIMAL HOSPITALS/ VETERINARIANS	541940										C	C					
ANTIQUe SHOPS	453310									P	P	P					
ANY USE WHICH EMPLOYS, AS INCIDENTAL OR SUBORDINATE TO THE PRIMARY USE OF THE PROPERTY, MORE THAN 5 COIN-OPERATED AMUSEMENT DEVICES									C	C	C	C					
ARMORIES									P								
ART GALLERIES	541430						P		P	P	P	P					
ASSISTED LIVING RESIDENCE					C												
AUTOMOBILE AND TRUCK DEALERS	441110										C	C					
AUTOMOBILE JUNKYARDS	493190								C						C		
AUTOMOBILE PARTS AND SUPPLY STORE	441310									P	P	P					
AUTOMOBILE RENTING AND LEASING	532111/ 532112										C	C					
AUTOMOBILE SALES	811111										C	C					
AUTOMOBILE SERVICE STATIONS (see Note 8)	447190						C				P	P			P		
BAKERY PRODUCTS, CANDY, CONFECTIONARY MANUFACTURING	311821											C		P	P		

*ICS- North American Industry Classification System. See Note 2.

**See Note 3.

***NOTE: For Overlay Districts, refer to Article 11.

****See Note 4.

ARTICLE 10. TABLE OF PERMITTED/CONDITIONAL USE DISTRICTS

PERMITTED USES	ICS*	R-6	R-8	R-10	R-20A	R-MH	PUD**	RHO***	O/I	B-1	B-2	B-3	ECOD***	LJ****	HJ****	AD	OS
BARBER OR BEAUTY SHOPS	812111/ 812112						P		P	P	P	P					
BED AND BREAKFAST	721199	C	C	C	C	C	C		C	C	C	C					
BILLIARD AND POOL HALLS									C	C	C	C					
BOAT RAMPS		C	C	C	C	C	C		C	C	C	C					C
BOAT SALES AND SERVICE	441222										C	C					
BOAT STORAGE											C	C					
BONA FIDE FARMS and their customary appurtenances					P												
BOWLING ALLEYS	713950								C	C	C	C					
BUILDING MATERIALS SALES AND STORAGE	444190										C	C			P		
BUILDINGS, GOVERNMENTAL							P		P	P	P	P		P	P		
BUS STATIONS	485113										P	P					
CAR WASHES	811192										P	P					
CARPET AND RUG DEALERS	442210									P	P	P					
CARPET AND UPHOLSTERY CLEANERS	561740													P			
CATERING ESTABLISHMENTS	722320									P	P	C		P			
CEMETERIES	812220				C				P								
CHURCHES, PLACES OF WORSHIP	813110	C	C	C	C	C	C		C								
CIVIC AND FRATERNAL MEETING HALLS	813110								C	C	C	C					
CLINICS									P								
CLOTHING AND FINISHED FABRIC PRODUCTS, MANUFACTURE OF	4481													P	P		
CLUBS, PUBLIC OR PRIVATE											C	C					
COMMERCIAL ANIMAL KENNELS' BOARDING FACILITIES including accessory grooming (indoor facilities only)	812910/ 112990				C						C	C					

*ICS - North American Industry Classification System. See Note 2.

**See Note 3.

***NOTE: For Overlay Districts, refer to Article 11.

****See Note 4.

ARTICLE 10. TABLE OF PERMITTED/CONDITIONAL USE DISTRICTS

PERMITTED USES	ICS ¹	R-6	R-8	R-10	R-20A	R-MH	PUD**	RHO***	O/I	B-1	B-2	B-3	ECOD***	LJ****	HJ****	AD	OS
COMMERCIAL CONDOMINIUMS											C	C					
COMMUNITY CENTERS									P								
COMMUNITY COLLEGE					C		C		C	C	C	C					
CONTRACTORS, BUILDING (with storage)	233210															P	
CONTRACTORS, EQUIPMENT																P	
CONTRACTORS, HEAVY CONSTRUCTION	234990															P	
CONTRACTORS, SPECIAL TRADES (no storage)										P	P	P		P	P		
CONVALESCENT, NURSING, AND REST HOMES	623110		C		C		C		C		C						
CONVENIENCE FOOD STORES	445120						P			P	P	P					
CONVENIENCE STORES WITH GAS PUMPS							C			C	C	C					
COUNTRY CLUBS	721310	C	C	C	C	C	C										
CREMATORY												P	P				
DAY CARE FACILITIES (ADULT)	624120						C			C	C	C		C	C		
DAY CARE FACILITIES (CHILD)	624410						C			C	C	C		C	C		
DAY CARE, HOME (CHILD)		C	C	C	C	C	C		C								
DINNER THEATRES									C	C	C	C					
DRUG STORES									C	P	P	P					
DWELLING IN PRINCIPAL BUSINESS AS AN ACCESSORY USE ¹									C	C	C	C					
DWELLING, MULTI-FAMILY/ TOWNHOUSES/ CONDOMINIUMS ¹	233220	C	C			C	P			C	C	C					
DWELLING, SINGLE-FAMILY ¹	233210	P	P	P	P	P	P	P	C	C	C	C					P
DWELLING, TWO FAMILY ¹		P	P			P	P			C	C	C					
ELECTRIC MOTOR REPAIR	811310															P	

¹Occupancy per dwelling unit shall not exceed 1.5 persons per room.

*ICS- North American Industry Classification System. See Note 2.

**See Note 3.

***NOTE: For Overlay Districts, refer to Article 11.

****See Note 4.

ARTICLE 10. TABLE OF PERMITTED/CONDITIONAL USE DISTRICTS

PERMITTED USES	ICS*	R-6	R-8	R-10	R-20A	R-MH	PUD**	RHO***	O/I	B-1	B-2	B-3	ECOD***	LJ****	HJ****	AD	OS
ELECTRICAL AND ELECTRICAL MACHINERY, EQUIPMENT AND SUPPLIES	4218									C	C				P		
ELECTRONIC DATA PROCESSING	514210								P	P	P	P		P	P		
ENGINEERING, ARCHITECTURAL, AND SURVEYING OFFICES	541330/ 541310/ 541370								P	P	P	P		P			
EXTERMINATING SERVICES	561710										C	C			P		
FAIRGROUNDS (see Note 9)					C												C
FAMILY CARE HOME (see Note 7)	621610	P	P	P	P	P	P		P								
FARMER S MARKET	445230									C	C	C					
FINANCIAL INSTITUTIONS	522120						P		P	P	P	P					
FLEA MARKET/S VENDOR MARKETS	453310										C	C					
FLORAL AND GIFT SHOPS	453110						P			P	P	P					
FOOD PROCESSING FACILITIES	233310														P		
FOOD STORES	445110						P			P	P	P					
FORTUNE TELLERS (to include Palm Readers, Crystal Ball Reading, Tarot Card Reading, and similar fortune telling techniques).												C					
FRUIT AND VEGETABLE MARKETS; WHOLESALE	445230										P	P					
FUEL AND ICE DEALERS	422710													C	C		
FUNERAL HOMES	812210								C		C	C		C			
FURNITURE AND FIXTURES	337215									P	P	P					
GAS COMPANIES WITH PROPANE/ BULK STORAGE	324110														C		
GAS PUMPING STATIONS (unmanned, credit cards only) (see Note 8)											P	P					
GLASS AND MIRROR REPAIR SALES	327212										P	P			P		

*ICS- North American Industry Classification System. See Note 2.

**See Note 3.

***NOTE: For Overlay Districts, refer to Article 11.

****See Note 4.

ARTICLE 10. TABLE OF PERMITTED/CONDITIONAL USE DISTRICTS

PERMITTED USES	ICS*	R-6	R-8	R-10	R-20A	R-MH	PUD**	RHO***	O/I	B-1	B-2	B-3	ECOD***	LJ****	HJ****	AD	OS
GOLF COURSES	713910	C	C	C	C	C											
GOVERNMENTAL USES							P		P	P	P	P					
GREENHOUSES AND PLANT NURSERIES	1114				P						C	C		P	P		
HARDWARE STORES	444130									C	C	C					
HEALTH CLUBS	713940						P			P	P	P					
HOME OCCUPATIONS (see Note 10)		P	P	P	P	P	P	P	P	P	P	P					
HOSPITALS	622110								P		P	P					
INDUSTRIAL RESEARCH OFFICES AND LABORATORIES	541710													P	P		
INDUSTRIAL USES NOT HAVING AN INJURIOUS EFFECT ON THE TOWN AND NOT OTHERWISE LISTED/ IDENTIFIED	Depends on Type														C		
KENNELS, PRIVATE					C												
LABOR UNIONS	813930								P	P	P	P					
LAUNDRY AND DRY CLEANING ESTABLISHMENTS with drive-in windows (see Note 11)	812320									C	C	C					
LAUNDRY AND DRY CLEANING ESTABLISHMENTS without drive-in windows (see Note 11)	812320									P	P	P		P			
LAWN AND GARDEN STORES	4442										P	P					
LEATHER PRODUCTS (no tanning or production)	448320									P	P	P					
LIBRARIES							C		P	P	P	P					
LIGHT MANUFACTURING USES INVOLVING FEWER THAN 35 EMPLOYEES AND NOT OTHERWISE LISTED/ IDENTIFIED											C	C		P			
LOCKSMITH, GUNSMITH	561622									P	P	P		P			
LOFT AND STUDIO APARTMENTS							C		C	C	C	C					
LUMBER AND WOOD PRODUCTS, SALES	421990											P			P		

*ICS - North American Industry Classification System. See Note 2.

**See Note 3.

***NOTE: For Overlay Districts, refer to Article 11.

****See Note 4.

ARTICLE 10. TABLE OF PERMITTED/CONDITIONAL USE DISTRICTS

PERMITTED USES	ICS*	R-6	R-8	R-10	R-20A	R-MH	PUD**	RHO***	O/I	B-1	B-2	B-3	ECOD***	LJ****	HJ****	AD	OS
MACHINERY (engines, construction tools)	333										C	C			P		
MAJOR SHOPPING CENTER							C				C	C					
MANUFACTURED AND MODULAR OFFICE UNITS (see Note 12)									P	C	C	C		P	P		
MANUFACTURED HOME, CLASS A on individual lot (see Note 13)					P	P											
MANUFACTURED HOME, CLASS B on individual lot (see Note 13)					C	P											
MANUFACTURED HOME PARK (see Note 14)	531190					C											
MANUFACTURING (textiles, clothing, scientific instruments, and small machine assembly)	31-33														P		
MANUFACTURING, PROCESSING, OR WAREHOUSING OR TRANSPORTATION USE OR PUBLIC USE OR UTILITY (see Note 15)															P	C	
MEASURING, ANALYZING, CONTROLLING, AND OPTICAL GOODS, WATCHES, CLOCKS										P	P	P		P			
MECHANICAL RIDES (ferris wheels, roller coasters, bumper cars, etc.)											C	C					
MINIATURE GOLF/ DRIVING RANGES	713990										C	C					
MINOR SHOPPING CENTER											P	P					
MIXED USE DEVELOPMENTS AND UNIFIED COMMERCIAL DEVELOPMENTS										C	C	C					
MOBILE FOOD VENDING CART (see Note 5)										P	P	P		P	P		
MOTELS/ HOTELS	721110								C	C	C	C					
MOTION PICTURE PRODUCTION AND DISTRIBUTION	512110													P	P		
MOTOR FREIGHT TERMINALS	484121														P		
MOTORCYCLE SALES AND SERVICES	441221										C	C					

*ICS- North American Industry Classification System. See Note 2.

**See Note 3.

***NOTE: For Overlay Districts, refer to Article 11.

****See Note 4.

ARTICLE 10. TABLE OF PERMITTED/CONDITIONAL USE DISTRICTS

PERMITTED USES	ICS*	R-6	R-8	R-10	R-20A	R-MH	PUD**	RHO***	O/I	B-1	B-2	B-3	ECOD***	LJ****	HJ****	AD	OS
MOVERS, VAN LINES, AND STORAGE	484210											C		P	P		
MOVIE THEATERS	512131									P	P	P					
MULTI-UNIT ASSISTED HOUSING WITH SERVICES					C		C		C								
MUSEUMS									P	P	P	P					
NATURE OBSERVATION POINTS		C	C	C	C	C			C	C	C	C					C
NEWSPAPER PRINTING AND PUBLISHING SERVICES	511130									C	C	C		P	P		
OFFICE, COMPUTING AND ACCOUNTING MACHINES (SALES)	421420								P	P	P	P					
OFFICE, PROFESSIONAL	621						P		P	P	P	P		C			
OFFICES (PRIMARY USES, NOT ACCESSORY)	621						P		P	P	P	P		P			
OPTICIANS AND OPTICAL GOODS									P	P	P	P					
OUTDOOR SALES, SERVICE, OR STORAGE AREAS										C	C	C		P	P		
OUTLET STORES FOR INDUSTRIAL MANUFACTURING ESTABLISHMENTS (see Note 16)														P	P		
PACKAGE DELIVERY SERVICES, COMMERCIAL	492210									C	C	C			P		
PAPERBOARD CONTAINERS AND BOXES	332130														P		
PARKING LOTS, COMMERCIAL	812930						C		C	C	C	C		P	P		
PARKING STRUCTURES AND UNDERGROUND PARKING GARAGES, COMMERCIAL									C	C	C	C		C	C		
PARKS AND RECREATION AREAS		C	C	C	C	C	P		P	P	P	P					
PAWNSHOP OR USED MERCHANDISE STORE	522298									P	P	P					
PHOTOGRAPHERS	541922						P		P	P	P	P					
PLANNED RESIDENTIAL DEVELOPMENT		C	C	C	C	C	C		C	C	C						
PLAYGROUNDS		C	C	C	C	C	C		P	P	P	P					
POTTERY AND RELATED PRODUCTS	327112									P	P	P			P		

*ICS - North American Industry Classification System. See Note 2.

**See Note 3.

***NOTE: For Overlay Districts, refer to Article 11.

****See Note 4.

ARTICLE 10. TABLE OF PERMITTED/CONDITIONAL USE DISTRICTS

PERMITTED USES	ICS*	R-6	R-8	R-10	R-20A	R-MH	PUD**	RHO***	O/I	B-1	B-2	B-3	ECOD***	LJ****	HJ****	AD	OS
PRINTING AND PUBLISHING	323110									P	P	P		P	P		
PUBLIC OR NEIGHBORHOOD SWIMMING POOLS		C	C	C	C	C	C		C								
PUBLIC OR NEIGHBORHOOD TENNIS COURTS	713910	C	C	C	C	C	C		C	P	P	P					
PUBLIC USES NOT OTHERWISE LISTED	712190	C	C	C	C	C	C		C	C	C	C		C	C	C	C
PUBLIC UTILITY STORAGE OR SERVICE YARDS												C		C	P		
PUBLIC UTILITY SUBSTATIONS/ SWITCHING STATIONS		C	C	C	C	C	C		C	C	C	C		C	C	C	C
PUMP STATIONS (MUNICIPALLY OWNED)		P	P	P	P	P	P		P	P	P	P		P	P	P	P
RADIO AND TELEVISION BROADCASTING STUDIOS	513112/ 513120								P	P	P	P		C	P		
RECREATION BUILDINGS AND FACILITIES FOR RESIDENTIAL DEVELOPMENTS		C	C	C	C	C	C					C					
RECREATIONAL VEHICLE PARKS	441210										C	C		P			
REFRIGERATION, HEATING, AND AIR CONDITIONING MACHINERY (PRODUCTION)	333415										C	C			P		
REPAIR SHOPS (radio, television, small appliances, shoes, etc.)	811211/ 811430									P	P	P					
RESEARCH LABORATORIES	541380								C	P	P			P			
RESIDENTIAL CLUSTER DEVELOPMENT (in accordance with Section 13-18)		C	C	C	C		C										
RESTAURANTS	722110						P			P	P	P					
RESTAURANTS AND CAFETERIAS primarily for employees, patients, or students located in same building as another use and having no outside advertising or drive-in facilities							C		P	P	P	P		P	P		
RETAIL BUSINESSES	Depends on Type						P			P	P	P					

*ICS - North American Industry Classification System. See Note 2.

**See Note 3.

***NOTE: For Overlay Districts, refer to Article 11.

****See Note 4.

ARTICLE 10. TABLE OF PERMITTED/CONDITIONAL USE DISTRICTS

PERMITTED USES	ICS*	R-6	R-8	R-10	R-20A	R-MH	PUD**	RHO***	O/I	B-1	B-2	B-3	ECOD***	LJ****	HJ****	AD	OS
RETAIL OR WHOLESALE BUSINESS, EDUCATIONAL, MEDICAL, DENTAL, OPTICAL ESTABLISHMENT, OR SERVICE ESTABLISHMENT (see Note 17)										P	P	P				P	
RETIREMENT/ ELDERLY FACILITIES							P		C		P	C					
SALVAGE YARDS															P		
SCHOOLS, PUBLIC AND PRIVATE	611110	C	C	C	C	C	C		P		P						
SCREW MACHINE PRODUCTS (bolts, nuts, screws)	332722														P		
SIGNS in accordance with Article 19		P	P	P	P	P			P	P	P	P		P	P		
SKATING RINKS	713940								C	C	C	C					
SMALL ENGINE REPAIR	811411										C	P			P		
STREET VENDORS (see Note 18)										P							
STUDIOS FOR ARTISTS, DESIGNERS, AND PHOTOGRAPHERS, AND STUDIOS FOR THE PERFORMING ARTS							C		P	C	C	C		C	C		
TANNING															C		
TATTOO AND BODY PIERCING ESTABLISHMENTS												C					
TAXI STANDS LIMITED TO 5 TAXIS	485310									C	C	C					
TELECOMMUNICATION FACILITIES	513340	C	C	C	C	C	C		C	C	C	C		C	C	C	C
TEMPORARY OFFICE UNITS (see Note 12)		P	P	P	P	P			P	P	P	P		C	C	C	C
TEMPORARY USES (see Note 19)		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
TEXTILES	313210														P		
TIRE DEALERS AND SERVICE	441320									C	C	C			P		
TOOL, CAR, TRUCK RENTAL										C	C	C			P		
TOWING SERVICES	448410											C			P		
UPHOLSTERY SHOPS	811420									C	P	P			P		

*ICS - North American Industry Classification System. See Note 2.

**See Note 3.

***NOTE: For Overlay Districts, refer to Article 11.

****See Note 4.

ARTICLE 10. TABLE OF PERMITTED/CONDITIONAL USE DISTRICTS

PERMITTED USES	ICS*	R-6	R-8	R-10	R-20A	R-MH	PUD**	RHO***	O/I	B-1	B-2	B-3	ECOD***	LJ****	HJ****	AD	OS
US POSTAL SERVICES	491110						C		C	C	P	P		P	P		
UTILITY STATIONS							C		C	C	C	C		P	P		
VEHICLE STORAGE IN CONJUNCTION WITH REPAIR											C	C					
VIDEO ARCADES	713120								C	C	C	C					
VIDEO RENTAL							P			P	P	P					
WAREHOUSING USES, INCLUDING MINI-STORAGE	493110										C	C			P	C	
WELDING REPAIR	811310										C				P		
WHOLESALE MERCHANTS	813910										P				P		
WHOLESALE STORAGE OF GASOLINE OR BULK TERMINAL PLANTS	486210														C		

*ICS - North American Industry Classification System. See Note 2.

**See Note 3.

***NOTE: For Overlay Districts, refer to Article 11.

****See Note 4.

ARTICLE 10. TABLE OF PERMITTED/CONDITIONAL USE DISTRICTS

Section 10-2: Notes to the Table of Permitted/Conditional Use Districts

Note 1. Conditional Use Districts (CUD's). It is recognized by the Town of Smithfield that certain types of zoning districts would be inappropriate at particular locations in the absence of clearly defined conditions, as specified by GS 160A-382(c).

A Conditional Use District is appropriate only in rezoning cases and must be applied for by the owner or owners of the property. Where the applicant for rezoning desires property to be rezoned to a CU district in such situations, the Conditional Use District is a means by which specific conditions can be imposed in the furtherance of the purpose of this chapter. Within a Conditional Use District, only those uses permitted in the general zoning district with which the CUD corresponds shall be permitted, and all other requirements of the corresponding district shall be met. In addition, within a CU District, no use shall be permitted except as authorized by the Town Council.

Each application for Conditional Use District shall include a development plan for the site. This plan should specify the location of the proposed use or uses on the property; the number and type of dwelling units; the location and extent of support facilities such as parking lots, driveways, and access streets; the location and extent of buffer areas and other special purpose areas; the timing of development; the location and extent of right-of-way and other areas to be dedicated for public use; and other such matters as the applicant may propose as conditions upon the request, but not to include architectural review or controls. In granting a Conditional Use District, the Town Council may impose such additional reasonable and appropriate safeguards upon such district as it may deem necessary in order that the purpose and intent of this Article is served, public welfare secured, and substantial justice done. Where such additional safeguards or conditions are imposed, the Town Council shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated shall be met. Any conditions imposed by the approval of a CUD shall be attached to the property(ies) or parcel(s) and may be changed only through special amendment to the approved conditional use zoning.

Any conditions or site specific standards imposed are limited to (1) those that address the conformance of the development and use of the site to town ordinances and officially adopted plans; and (2) those that address the impacts reasonably expected to be generated from the development or use of the site.

Districts shall be as follows:

- Conditional Residential/ Agricultural District (Cu-R20A)
- Conditional Residential District (Cu-R6)
- Conditional Residential District (Cu-R8)

ARTICLE 10. TABLE OF PERMITTED/CONDITIONAL USE DISTRICTS

Conditional Residential District (Cu-R10)
Conditional Manufactured Home Residential District (Cu-RMH)
Conditional Central Business District (Cu-B1)
Conditional General Business District (Cu-B2)
Conditional Highway Entranceway Business District Overlay (Cu-B3)
Conditional Office/ Institutional District (Cu-O/ I)
Conditional Light Industrial District (Cu-I1)
Conditional Heavy Industrial District (Cu-I2)
Conditional Airport District (Cu-AD)

If, for any reason, any condition imposed pursuant to these regulations is found to be illegal or invalid, or if the applicant should fail to accept any condition, it is the intent of this Article that the authorization of such a Conditional Use District shall be null and void and of no effect, and that proceedings be instituted to rezone the property to its previous classification.

Note 2. The Standard Industrial Classification Codes indicated in Article 10, Table of Permitted/ Conditional Uses are for reference purposes only, and do not mean that all uses under a specified code heading as provided in the Standard Industrial Classification Manual are permitted or special uses in the applicable zone.

Note 3. Land Use Within the Planned Unit Development. All uses listed in the Table of Permitted/ Conditional Uses as a use-by-right in the PUD district shall be specified to be developed on certain sites within the PUD district at the time of the approval of the preliminary plan. Commercial activities shall be permitted only as a planned building group.

Note 4. Site Development and Operations Standards within the LI and HI Industrial Districts.

- (A) Parking, access, and circulation lanes between the principal building and the street(s) shall be surfaced with blacktop, concrete or brick and shall be separated from required yards or open areas by continuous curbing or some other acceptable method (decorative fencing, hedge, planter, etc.) which will define and separate vehicular areas from required yards and pedestrian traffic.
- (B) Parking areas shall not be located in any required landscaping areas.
- (C) Outdoor storage, display, operations, or service areas, when proposed in conjunction with a special or conditional use permit request, shall not encroach into any required yard unless specifically authorized under the terms of the special or conditional use permit.

ARTICLE 10. TABLE OF PERMITTED/CONDITIONAL USE DISTRICTS

- (D) It is recommended that in these districts, as much of each tract as possible be left in a natural or enhanced state of vegetation. Removal of existing viable natural vegetation shall be discouraged.
- (E) Landscaping between the street and the principal building on the site shall be required to meet the landscaping requirements of Article 17 of this Ordinance.

Note 5. Accessory Uses or Structures. A use or a structure on the same lot with, but of a nature customarily incidental and subordinate to the principal use or structure and which contributes to the comfort, convenience, or necessity of occupants, business or industry in the principal building or use being served. No tent, mobile home, camper, travel trailer, nor any other temporary, portable, or removable trailer, container, vehicle, or structure of any kind may be considered an accessory use or accessory structure, whether or not the wheels, axles, and/or tongue have or has been removed and whether or not the container, structure, or vehicle as described herein has been placed on a foundation, except as hereinafter described. Provided, however, that structures such as storage sheds, garden sheds, and similar structures shall be considered accessory buildings, even though they may be capable of being lifted or disassembled and removed from the property. Further provided, that a trailer, tent, or similar container, structure, or vehicle may be placed on property on a temporary basis for promotional or other business or charitable related purposes, but such use shall not continue for more than six months.

No accessory building or use shall be erected in any required front or side yard or within six (6) feet of the rear lot line (unless the rear line abuts navigable waters), or within eight (8) feet of any side lot line, and no separate accessory building or use shall be erected within ten (10) feet of any other accessory building unless on same property. No accessory building or use may be erected or installed on any lot where a principal building does not exist. No lot shall have in excess of one accessory building. Accessory building numbers limitation on property are exempt if the property is identified as having farm tax identification number. The side and rear setbacks for farm property shall be the same as other accessory buildings.

(A) Satellite Dish Antennas.

(1) General Requirements.

- (a) A building permit is required when moving or substantially reconstructing an existing dish antenna over four feet in diameter.
- (b) A dish antenna must be installed in compliance with the manufacturers specifications at a minimum.

ARTICLE 10. TABLE OF PERMITTED/CONDITIONAL USE DISTRICTS

- (c) In all residential districts, dish antennas exceeding two (2) feet in diameter must be permanently installed on the ground and shall not exceed four (4) feet in diameter.
- (d) In business and industrial districts, dish antennas must be permanently installed on the ground and shall not exceed four (4) feet in diameter.
- (e) If a dish antenna is repainted, the only permissible colors are the original color used by the manufacturer, off-white, pastel beige, grey, or pastel grey-green. The paint must have a dull (nonglossy) finish and no patterns, lettering, or numerals shall be permitted on either side of the dish surface.
- (f) No dish antenna shall be installed in any public right-of-way or in any drainage or utility easement.

(2) Location in Yards.

- (a) A dish antenna shall be installed in the rear yard only, attached to the side or rear of the principal structure, or in an alternate location approved by the UDO Administrator, in all districts, except as provided for in subsection (1)(a) above and in subsection (b) below.
- (b) In business and industrial districts only, a dealer selling dish antennas may have a maximum of one such antenna installed in the front or side yard for display purposes providing all other requirements are met. If a dealer displays a dish antenna in front or side yard, his permissible sign area shall be reduced by one half.

(3) Setback Requirements.

- (a) Dish antennas shall not be allowed in any side yard.
- (b) The minimum required setback for dish antennas from the rear lot line shall be 12 feet but in no case shall any part of the antenna come closer than 10 feet to the property line.
- (c) In all cases no dish antenna shall be located within 15 feet of any street right-of-way.

ARTICLE 10. TABLE OF PERMITTED/CONDITIONAL USE DISTRICTS

(4) Maximum Height Requirements.

- (a) In all residential districts, the maximum height of dish antennas shall be 15 feet or the height of the principal building, whichever is less.
- (b) In business and industrial districts, the maximum height of dish antennas installed on the ground shall be 20 feet.

(5) Buffering Requirements. In business and industrial districts, dish antennas must be screened from view from abutting residential property and residential streets. Dish antennas in residential districts and abutting other residential property and residential streets shall be surrounded on all sides with any one or combinations of evergreen vegetation, landscaped earth berm, or architectural features such as fences so that the view of the lower half of the dish area is restricted. If evergreen vegetation is used, a species and size may be planted which can be expected to screen the required area within two years of normal growth. Any screening vegetation which dies must be replaced.

(B) Mobile Food Vending Cart. Permitted as a use by right in the B-1, B-2, B-3, LI, and HI districts when the following minimum standards are met:

- (1) Outdoor mobile food vending carts shall only be permitted as an accessory use and shall be located on the same lot as a principal building(s) with a minimum lot size of five (5) acres.
- (2) Outdoor mobile food vending carts permitted on individual lots shall comply with all of the following:
 - (a) The maximum number of outdoor mobile vending carts per lot shall be in accordance with the following:
 - 1. Three (3) outdoor mobile vending carts on lots of five (5) acres or greater but less than twenty (20) acres.
 - 2. Five (5) outdoor mobile vending carts on lots of twenty (20) acres or greater but less than thirty (30) acres.
 - (b) A maximum of one (1) outdoor mobile vending cart when tenant occupancy equates to less than 50% of the gross floor area of the principal building(s).

ARTICLE 10. TABLE OF PERMITTED/CONDITIONAL USE DISTRICTS

- (c) The amount of space occupied by retail sales – outdoor mobile vending carts shall not exceed one percent (1%) of the occupied gross floor area of the principal building(s).
- (d) The dimensions of any retail sales – outdoor mobile vending cart may not exceed any of the following: 50 square feet in area, a maximum length or width of 10 feet nor a maximum height of 8 feet. The maximum height of 8 feet shall include any protection provided for the vendor or customer from outdoor conditions in the form of an umbrella, or other protective covering which must be attached to the cart.
- (e) All signage must be attached to the cart and shall be limited to a maximum of 32 square feet.
- (f) That a zoning permit be obtained in the Planning Department following a review of the final site plan.
- (g) All required Johnston County and Town of Smithfield permits and licenses shall be clearly displayed on the vending cart.
- (h) The vending cart must be located within 25 feet of a principal building facade containing a primary pedestrian entrance, located no closer than 10 feet to any entrance or exit and may not be situated such that the free flow of pedestrian or vehicular traffic is restricted.
- (i) Hours of operation for any outdoor mobile vending cart shall be limited to the hours of operation of the associated principal use, but in no event be in operation between the hours of 11:00 p.m. and 8:00 a.m.
- (j) Sales of goods and merchandise shall be limited to food and beverages.
- (k) All outdoor food vending carts not meeting the dimensional requirements of this Ordinance shall be permitted by right when located at a flea market with approved outdoor sales.

Note 6. Adult Businesses.

- (A) No such business shall be located within 2,000 feet of any other sexually oriented business, as measured in a straight line from property line to property line.

ARTICLE 10. TABLE OF PERMITTED/CONDITIONAL USE DISTRICTS
--

- (B) No such business shall be located within 1,000 feet of a church, public or private elementary or secondary school, child day care or nursery, public park, residentially used or residentially zoned property, or any establishment with an on-premise ABC license, as measured on a straight line from property line to property line.
- (C) There shall be no more than one adult oriented business on the same property or in the same building, structure, or portion thereof.
- (D) No other principal or accessory use may occupy the same building, structure, property, or portion thereof of any adult oriented business.
- (E) Except for signs as permitted under Article 19 of this Ordinance, there shall be no other advertisements, displays, or other promotional materials visible to the public from pedestrian sidewalks, walkway, or vehicular use areas.
- (F) No person shall permit any building, premises, structure, or other facility that contains any adult establishment to contain any other kind of adult establishment. No person shall permit any building, premises, structure, or other facility in which sexually oriented devices are sold, distributed, exhibited, or contained to contain any adult establishment.
- (G) No person shall permit any viewing booth in an adult mini motion picture theatre to be occupied by more than one person at any time.

Note 7. Adult Care Homes/ Family Care Homes. As defined by G.S. 168-21 for handicapped persons as defined in GS 168, Article 3, provided that no such home may be located within a one-half (½) mile radius of an existing adult/ family care home.

Note 8. Automobile Service Stations and Gas Pumping Stations. Automobile service stations and gas pumping stations shall be a permitted use in B-2, B-3, and HI districts provided the following conditions are met:

- (A) The service station is limited in function to dispensing gasoline, oil, grease, antifreeze, tires, batteries, and automobile accessories directly related to motor vehicles; to washing, polishing and servicing motor vehicles, only to the extent of installation of the above-mentioned items; and to selling at retail the items customarily sold by service stations.
- (B) The service station shall not overhaul motors, provide upholstery work, auto glass work, painting, welding, bodywork, tire recapping, or auto dismantling.

ARTICLE 10. TABLE OF PERMITTED/CONDITIONAL USE DISTRICTS
--

- (C) The service station shall provide a screen planting and/ or fence along the property lines that abut residential properties. Lighting facilities shall be arranged and of such nature that nearby residential properties are not disturbed.
- (D) Service stations shall extinguish all floodlights at the close of daily operation or 11:00 p.m., whichever is earlier.

Automobile service stations located within the town's corporate limits shall have no gasoline or oil pump located within twelve (12) feet of any street right-of-way line. Outside the town, no such pump shall be located within fifteen (15) feet of any street right-of-way line.

Note 9. Fairgrounds. Fairgrounds including carnivals, circuses, amusements not permanently attached to the site, and any event not otherwise listed herein resulting in the assemblage on one (1) parcel of 25 or more people within any twelve (12) hour period of time excluding parades, picketing, and demonstrations.

Note 10. Home Occupations. Shall be permitted only as an incidental use and are limited to the following:

- (A) Art gallery or the office or studio of a physician, artist (not inclusive of a studio of a commercial photographer), general or trades contractor, musician, insurance agent, lawyer, real estate broker, instruction in music or dancing, tutoring of academic subjects, teacher or other like professional person residing on the premises.
- (B) Workshops not conducted for profit.
- (C) Customary home occupations such as millinery, dressmaking, laundering, or pressing and tailoring conducted by a person residing on the premises.
- (D) Single operator beauty shop or barber shop.
- (E) Pet grooming services without the boarding of animals or operation of kennels. The outside containment of animals is prohibited.
- (F) Any home occupation not complying with these regulations shall be prohibited.

And provided, furthermore, the home occupations listed above shall be permitted subject to the following limitations:

- (A) No exterior display of products.

ARTICLE 10. TABLE OF PERMITTED/CONDITIONAL USE DISTRICTS
--

- (B) No mechanical equipment shall be installed or used except such that is normally used for domestic or professional purposes and which does not cause noises or other interference in radio and television reception.
- (C) No accessory buildings or outside storage shall be used in connection with the home occupation.
- (D) Not over twenty-five (25) percent of the total floor area or five hundred (500) square feet, whichever is less, shall be used for a home occupation.
- (E) Only one employee may be employed by the home occupation who is not a resident of the dwelling.

Note 11. Laundry and Dry Cleaning Establishments. Such establishments shall be permitted when only oil, gas, or electricity is used for heat. Screening and filtering devices shall be used to prevent the emission of smoke, dust, fumes, odors, or steam into the atmosphere.

Note 12. Manufactured and Modular Office Units/ Temporary Office Units.

- (A) Temporary office units are permitted by right in any district on construction sites only, for a time period of six (6) months, which may be extended for an additional six (6) months by reapplication to the UDO Administrator, with no additional fee. Any additional extensions shall require a reapplication and an additional fee for each six (6) month extension. All usual permits are required for such use.
- (B) Permanent manufactured or modular office units must have originally been constructed for office use, shall not be a renovated manufactured home. The plans and specifications shall bear an NC Engineers seal. The unit shall have a permanent foundation. All transport apparatus such as wheels, hitch, and lights shall be removed, and there shall be landscaping around the base on all sides.

Note 13. Manufactured Home on Individual Lots.

- (A) Manufactured housing on individual lots shall be a permitted use where indicated in Article 10 of this Ordinance and shall meet the following minimum requirements as well as any others required under this Code:
 - (1) All requirements for the location of a single-family dwelling on an individual lot shall be met.

ARTICLE 10. TABLE OF PERMITTED/CONDITIONAL USE DISTRICTS

- (2) The manufactured home must be set up in accordance with the standards set by the state department of insurance and shall be properly anchored in accordance with the state building code. The set up and anchoring must be done by persons licensed by the state to perform such work.
- (3) All applicable Johnston County Health Department requirements shall be met.
- (4) Exterior finishes shall be in good repair and in no case shall the degree of reflectivity of the exterior siding, foundation skirting, and roofing, exceed that of gloss white paint.
- (5) For manufactured homes, Class A, as defined under Article 2 of this Ordinance, a continuous, permanent masonry foundation of brick or block which is unpierced except for required ventilation and access shall be installed under the perimeter of the home.
- (6) For manufactured homes, Class B, as defined under Article 2 of this Ordinance, a continuous, uniform foundation enclosure unpierced except for required ventilation and access, shall be installed. The enclosure may consist of brick or concrete block, or wood, vinyl, or metal fabricated for this purpose. Any wood framing for foundation skirting shall be constructed with treated lumber.
- (7) Manufactured homes, Class A shall be placed so that the longest side of the home is parallel to the front property line of the lot. The Board of Adjustment shall be authorized to consider, as a conditional use, a modification to this parallel orientation standard.
- (8) For Class A homes, the moving hitch, wheels, axles, and transporting lights shall be removed. For Class B homes, the running lights shall be removed and the hitch shall either be removed or screened with shrubbery.
- (9) At least two (2) off-street parking spaces shall be provided.
- (10) All areas not used for placement of the home and its appurtenances, parking, or accessory structures, shall be grassed or otherwise suitably landscaped to prevent erosion.
- (11) All standards must be met prior to issuance of a Certificate of Occupancy, and no manufactured home may be parked on a lot for more than 60 days with or without a Certificate of Occupancy unless all of the above requirements are met.

ARTICLE 10. TABLE OF PERMITTED/CONDITIONAL USE DISTRICTS

- (B) Existing manufactured homes, Class B, which are located within the R-6 district on the effective date of this Ordinance may be continued and maintained as a nonconforming use provided that any such existing home shall only be replaced by a manufactured home, Class A, which complies with all applicable requirements of this Ordinance. Other manufactured homes existing on the effective date of this Ordinance which are nonconforming uses within the zoning districts in which they are located, may be continued and maintained provided that upon their removal, they shall only be replaced with a use permitted within that district.
- (C) Existing manufactured homes, Class A and Class B, which are located within the R-6 district on the effective date of this Ordinance may be continued and maintained as a nonconforming use provided that any such existing home upon their removal, shall only be replaced with a use permitted within the R-6 district. Other manufactured homes existing on the effective date of this ordinance which are nonconforming uses within the zoning districts in which they are located, may be continued and maintained provided that upon their removal, they shall only be replaced with a use permitted within that district.
- (D) Existing manufactured homes, Class A and Class B, which are located within the R-6 district on the effective date of this Ordinance which are damaged or destroyed by fire or an act of God may be replaced and shall comply with the yard, height, parking, loading, access, lot width, lot area, and lot coverage provisions of this Ordinance for the district in which such structure is located unless the structure is situated on a substandard lot of record, in which case the provisions concerning substandard lots of record shall apply, or unless the incomplete nature of the damage would make it more feasible to rebuild in the previous location, in which case the Board of Adjustment is authorized to consider a variance to allow the reconstruction or replacement. In considering the variance, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of the Ordinance.

Note 14. Manufactured Home Park. A manufactured home park or any portion of a manufactured home park shall not be located within any area included on the Flood Boundary and Floodway Map (FBFM), refer to definition (q) on page 2-19.

Note 15. Manufacturing, Processing, or Warehousing or Transportation Use or Public Use or Utility. Includes offices associated with these uses, which is (are) enclosed in a building and does not and will not emit smoke, odor, dust, fumes, glare, noise, vibrations, nuclear waste, or radioactivity, from the building in which it is located, except acid manufacture, cement, lime, gypsum, or plaster of paris manufacture, distillation of bones, explosives manufacture or storage, fat rendering, fish or fertilizer plant, garbage, waste parts, dead animal reduction or dumping,

ARTICLE 10. TABLE OF PERMITTED/CONDITIONAL USE DISTRICTS
--

gas manufacture, glue manufacture, stockyards or slaughter of animals, tannery, or pulp manufacture. Any manufacturing, processing, warehousing, or transportation use or public use or utility including offices associated with these uses which involves outdoor storage, service, operations, emits or will emit smoke, odor, dust, fumes, glare, noise, vibrations, nuclear waste, or radioactivity, from the building in which it is located or involves bulk storage of combustible materials or is among the uses listed as exceptions in the list above shall be conditional uses.

Note 16. Outlet Stores for Industrial Manufacturing Establishments. In the LI and HI districts shall be considered as accessory uses, provided that such stores shall be limited to ten (10) percent of the gross floor area of the buildings containing the industrial establishment or 2,500 square feet, whichever is less.

Note 17. Exclusions and Conditional Use Permit Requirements - Retail or Wholesale Business, Educational, Medical, Dental, Optical Establishment, or Service Establishment.

- (A) Exclusions. Warehousing, or public use or utility, or place of worship or assembly, which is enclosed in a building and does not and will not emit smoke, odor, dust, fumes, glare, noise, radiation, or vibration from the building in which it is located, and does not and will not involve bulk storage of volatile materials or other fire hazards, and which does not have a drive-in window.
- (B) Conditional Use Permits. Commercial amusement uses are a conditional use even if they meet the conditions outlined above. Additionally, establishments of the types listed above which have outdoor sales, service, or storage areas, drive-in windows, or would emit smoke, odor, dust, fumes, glare, noise, radiation, or vibration from the building in which they are located or involve possible fire hazards, shall be conditional uses.

Note 18. Street Vendors.

- (A) Use of Sidewalks for Private Purposes; Permit Required; Insurance. No use of the surface of public sidewalks or public right-of-way for street vending shall be permitted or continued unless the person, partnership, firm, or corporation desiring to use or continue the use of a sidewalk or public right-of-way shall procure a permit from the UDO Administrator, after the approval of such use by the Town Council. Such permit shall be issued only upon condition that the user of the sidewalk or public right-of-way for private purpose shall first assume, in writing, responsibility for any injury or death of persons or damage sustained as a result of such use.

Users of the sidewalk or public right-of-way shall post indemnity with a surety or liability insurance in accordance with Town Council approval and minimum State of North Carolina

ARTICLE 10. TABLE OF PERMITTED/CONDITIONAL USE DISTRICTS

liability insurance requirements. The indemnity or insurance so provided shall be maintained throughout the period of such use and it shall be unlawful to continue such use without continuing such indemnity or insurance. Encroachments for transmission devices of any type shall pay a fee at the rate of four cents (\$0.04) per linear foot per month of use, except that Johnston County, the State of North Carolina, any educational institution of Johnston County or the State of North Carolina, and companies holding approved franchise agreements with the Town shall be exempt from this fee, said fee shall be collected prospectively on an annual basis. All users of the sidewalk or public right-of-way shall pay an administrative charge in accordance with Section 1-8 which will partially defray the Town's expense in keeping records and processing these requests.

Upon construction of the encroachment the user shall submit to the Town as-built drawings showing the precise location of the encroachment, and in the case of encroachments for transmission devices the drawing shall also show the location of other utilities in the public right-of-way or sidewalk. As-built plans shall not be required for underground lawn irrigation systems when used specifically for single-family or duplex dwelling units. Permission for the use of the public rights-of-way or sidewalks shall not relieve the petitioner from compliance with any other requirement of this Code. Permission for the use of the sidewalk or public rights-of-way for any use permitted herein shall be subject to revocation by the Council at will. Newsracks and public utility companies authorized to use the streets under the franchise from the Town shall be exempt from the provisions of this section. Handicapped ramps installed to serve government buildings shall be exempt from the provisions of this section.

Any person, partnership, firm, corporation, or any other entity who shall use a sidewalk or public right-of-way without first obtaining the approval of the Town Council shall be guilty of a misdemeanor and shall upon conviction be punished as in such cases provided by statute. In addition to this criminal remedy and any other authorized remedy, any person, partnership, firm, corporation, or any other entity who excavates or excavated in a sidewalk or public right-of-way without first obtaining the approval of the Town Council shall be subject in the sole discretion of the Council to a civil penalty in accordance with Section 7-4.

- (B) Peddlers' Time on Street Limited; Presence Restricted in Certain Area; Impeding Pedestrians Prohibited; Waste Receptacle Required on Stand, Cart, Etc. Except as permitted pursuant to a special events permit approved by the Smithfield Town Council, all vendors occupying space on a pedestrian mall shall remove their stands or carts by 9:00 p.m. each day and shall not place the stands or carts on the mall before 8:00 a.m. Except pursuant to a special events permit, it shall be unlawful to peddle in the streets of the Town items other than foodstuffs prepared in conformity with applicable Johnston

ARTICLE 10. TABLE OF PERMITTED/CONDITIONAL USE DISTRICTS

County health regulations, fresh cut flowers, and original artworks and handicrafts produced by the peddler. If a special event permit is granted, the peddler may also sell merchandise which is related to the event for which the permit has been granted. Provided further, it shall be unlawful for any person to erect, maintain or have any stand, cart, or vehicle upon any street which impedes, endangers, or interferes with the travel upon or use of the streets by the public. Each such stand, cart or vehicle shall be equipped with a waste receptacle and shall have rubber tires.

- (C) Sale of Merchandise on Sidewalks. It shall be unlawful, except pursuant to the provisions of this note, for any person to expose, sell or to offer for sale any merchandise, cooked provisions, poultry, fruits, vegetables, or other commodities upon any sidewalk in the Town; provided that this section shall not prevent the sale of merchandise if the proceeds of such sales are used exclusively for religious, charitable or educational purposes, or from sidewalk cafes which are permitted in a pedestrian business overlay district.

Note 19. Temporary Uses. The Board shall consider the effects of the use on adjacent properties and shall set a time limit on the temporary use. Temporary office units shall meet the requirements of Note 12.

- (A) Expansion or Replacement of Existing Facilities. Factory-fabricated, transportable buildings that are designed to arrive at the site ready for occupancy, except for minor unpacking and connection to utilities, and designed for removal to, and installation at other sites, may be placed on a property to serve as the following, subject to applicable ordinances:
- (1) Expansion space for existing churches, health care facilities, and government offices, under specific situations;
 - (2) Temporary classroom space to augment an existing school facility;
 - (3) Temporary office for construction and security personnel during the construction of a development;
 - (4) Temporary quarters for recreational facilities which are being provided in conjunction with a new residential development;
 - (5) Temporary quarters for a non-residential use when the permanent building has been destroyed by a fire or other physical catastrophe; and

ARTICLE 10. TABLE OF PERMITTED/CONDITIONAL USE DISTRICTS
--

- (6) One temporary office per site to include, but not be limited to, the following uses: hiring, membership solicitation, apartment office/ leasing, and other general office uses.

- (B) Real Estate Sales Offices and Model Sales Homes. One temporary real estate sales office or model sales home may be allowed as incidental to a new residential or non-residential development. Real estate sales trailers must be removed at the issuance of the first certificate of occupancy for the development.

- (C) Construction Sign and Model Sales Office. Construction signs shall be allowed provided that:
 - (1) For non-residential, institutional, or multi-family residential buildings, the sign is subject to be the same location, size, and other conditions applicable to a "principal ground sign," except that the limit on the number or color of pieces of information shall not apply to construction sign. Maximum size is 42" high and 32 square feet. Such sign shall be removed no later than the date of issuance of certificate of occupancy for the premises or any part thereof.

 - (2) For new single-family residences, a single sign of not more than 30" high and 5 square feet in area shall be permitted containing information about the construction or financing of the residence. Such sign shall be removed on issuance of a certificate of occupancy and must be located on construction lot.

 - (3) In single-family residential districts, including Planned Development Districts allowing single-family residences, a single construction ground sign shall be permitted as an accessory use to a subdivision real estate sales office, as long as such office is permitted in the UDO and actually used. Such sign shall not exceed 16 square feet in area and 42" high and must be located on subdivision real estate sales office lot.

- (D) Sale of Goods Other Than Agricultural Products. Merchants may display and/ or sell goods in the Town on a temporary basis without establishing a permanent place of business, subject to the requirements of this Ordinance. The outdoor display and/ or sale of goods consistent with the provisions of this Ordinance is considered an accessory use and does not require a temporary use permit. Additionally:
 - (1) The proposed display or sales of goods for commercial purposes may not occur within 200 feet of an occupied residential dwelling unit.

ARTICLE 10. TABLE OF PERMITTED/CONDITIONAL USE DISTRICTS
--

- (2) The proposed display or sales of goods for commercial, public, or institutional purposes shall take place on a developed site where the principal use is retail sales, or on an immediately adjacent developed outparcel of such a site. Upon approval of the Planning Director, temporary sales of goods for a public or institutional purpose may take place on public property.
 - (3) A temporary display or sale of products shall be limited in scope to similar or complimentary products to those offered by the existing principal use.
 - (4) Submittal requirements include written permission from the property owner, a sketch plan showing the location of any tent or temporary structure to be used, the location of pedestrian, vehicular, and emergency ingress and egress, the location and number of available off-street parking spaces, the location, size, color, and design of any temporary sign, and electrical power connection, if applicable.
 - (5) The hours of operation are limited to 7:30 am to 10 pm, or the same hours as the principal use, whichever is more restrictive.
 - (6) The temporary sale of non-agricultural products shall be allowed on an individual parcel or site for no more than 90 total days per calendar year, and no more often than three events per calendar year.
- (E) Sale of Agricultural Products Grown Off-Site. For purpose of this section, agricultural products are defined as products obtained primarily through farming or agricultural activities, including but not limited to: pumpkins; grains and seed crops; fruits of all kinds; vegetables; nursery, floral, ornamental, and greenhouse products; trees and forest products, including Christmas trees, firewood, and pine straw; bees and beekeeping products; seafood; dairy products, any USDA-recognized agricultural product. For purposes of this section, processed or prepared food products of any kind shall not be considered as agricultural products. Additionally:
- (1) As well as locations listed above, the temporary sale of agricultural products may occur from a vacant lot.
 - (2) The temporary sale of agricultural products is exempt from the requirement to be similar to the products of the principal use.
 - (3) The temporary sale of agricultural products may be accomplished from a vehicle, trailer, or shipping container.

ARTICLE 10. TABLE OF PERMITTED/CONDITIONAL USE DISTRICTS

- (4) The temporary sale of agricultural products shall be allowed on an individual parcel or site for no more than 180 total days per calendar year, and no more than three events per calendar year.
- (F) Agricultural Sign. Signs advertising agricultural products for sale shall be allowed provided that they meet the requirements of Article 19, Regulations for Signs, and the following:
- (1) On properties where agricultural products for sale are grown and sold, one ground sign is allowed facing each road on which the property has frontage;
- (2) On other private properties, with the permission of the property owner, provided that:
- (a) Only agricultural goods grown on property located within Smithfield or its extraterritorial jurisdiction may be sold.
- (b) No more than one such sign may be erected on any other single piece of property.
- (c) No person, entity, or family shall be entitled to permits for more than four off-premises agricultural signs for any sale location.
- (3) Such signs may be up only during the season while agricultural products are actually for sale at the location and shall in no case remain in place for more than 90 days.
- (4) Such off-site signs shall not exceed 42" in height and 4 square feet in area.
- (G) Sale of Fireworks. The temporary sale of fireworks may be allowed subject to issuance of a temporary use permit pursuant to this Ordinance. The sale of fireworks and other pyrotechnics shall meet all requirements for the temporary sale of non-agricultural goods, except are exempt from the similar product provisions.
- (H) Restrictions on Fireworks. Section 13-13(9) of the Smithfield Code of Ordinances allows an applicant to request the Town to prohibit the possession, discharge, and/ or other use of pyrotechnics other than those used for which a lawful permit has been issued. If the applicant checks "yes" on the application, all types of fireworks, including smoke bombs, sparklers, party poppers, etc., sold legally to the public would be banned at the event. If the applicant checks "no," fireworks sold legally to the general public would be allowed

ARTICLE 10. TABLE OF PERMITTED/CONDITIONAL USE DISTRICTS

while more dangerous fireworks (rockets, Roman candles, and other exploding fireworks) would still require special permits and approvals. If the applicant wishes to ban all fireworks public notification of such prohibition will be the responsibility of the applicant, both prior to and at the event itself.

Temporary use permits are NOT required for the following types of events, but may be subject to the maximum allowable time frames and temporary signage requirements:

- (1) Athletic events held at approved sports facilities;
 - (2) Temporary not-for-profit car washes held on developed sites;
 - (3) Block parties occurring entirely upon the grounds of a private residence or common area of a multi-family residential development;
 - (4) Other events with 99 people or fewer in attendance provided there is little likelihood of damage to public or private property, injury to persons, public disturbances or nuisances, unsafe impediments to pedestrian or vehicular travel, or other significant adverse effects upon the public health, safety, or welfare;
 - (5) Private events which are not open to members of the general public typically has a duration of less than 12 hours, and which is not expected to have significant negative impacts on surrounding properties, such as wedding ceremonies, funerals, and private parties, etc.; and
 - (6) Events which occur or take place entirely within the boundaries of a parcel or parcels which possess development plan approval for such activities, i.e., assembly halls, convention centers, amphitheaters, or event centers, etc.
- (I) Town-Recognized Events. These are defined as events which are in part, or wholly, sponsored by the Town, recognized by the Town, or proclaimed as a Town-recognized event by the Town Council. Such events shall include only those listed on the Town-recognized Event List as maintained by the Town Clerk. The Town-recognized Event List may be amended as needed by the Town Council. The event sponsors are required to complete temporary use permits and are subject to the maximum allowable time frames and temporary signage requirements.
- (J) Restrictions on Animals. Section 4-7 of the Smithfield Code of Ordinances allows that the applicant, for approval of an event, may request that animals not be permitted within the boundaries and confines of the event, with the exception of guide dogs and animals used

ARTICLE 10. TABLE OF PERMITTED/CONDITIONAL USE DISTRICTS

in the event itself. Upon approval of the request by the Town Manager, responsibility for giving proper notice to the public will rest with the applicant, both in pre-event advertising and through notices posted at the event itself.

(K) Temporary Use Sign Restrictions/ Requirements. Signs for temporary uses, special events or the opening of businesses, as expressly permitted under this Ordinance, provided that:

- (1) Such signs shall be located only on private property.
- (2) Such permits shall be limited to duration of 30 days or, for a temporary use, for the period of time stated on the temporary use permit.
- (3) No more than one temporary sign permit shall be issued within any 12-month period for the same business in the same location.
- (4) Sign permits for new businesses shall be issued only upon the initial opening of a business for a period that shall end not later than 60 days after issuance of the first business license for that business in that location.
- (5) Except as permitted by a temporary use permit, temporary signs shall be attached to and parallel with a wall of the building on which wall signs are permitted and shall not exceed 32 square feet in surface area.
- (6) Such signs may be made of cloth or canvas and are not subject to the construction and installation requirements otherwise applicable.
- (7) Where a temporary use permit specifically authorizes the use of temporary ground sign, such sign shall not exceed 42" in height and 16 square feet in area per side.
- (8) There shall be only one temporary ground sign, plus one additional ground sign for street frontage on a second public street; provided that the frontage on that street is at least 150 feet in length and that an actual entrance to the side is permitted on such street.