



**HERTFORD  
COUNTY  
ZONING  
ORDINANCE**

COUNTY OF HERTFORD, NORTH CAROLINA  
Effective: July 1, 2015

Prepared For  
County of Hertford, North Carolina

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Effective: July 1, 2015

Price: \$7.00

RESOLVED, that the Hertford County Planning Board, established pursuant to N.C.G.S. A-321, be increased to a seven member board from its present size of five members.

That the Hertford County Planning Board be designated to perform the duties of the Hertford County Zoning Board of Adjustment, pursuant to N.C.G.S. A-345, with five members being designated as regular members of the Hertford County Zoning Board of Adjustment, and two members being designated as alternate members of the Hertford County Zoning Board of Adjustment, with the initial appointments of the members of the Hertford County Planning Board to have staggered terms such that three members are appointed for a 3-year term, two members are appointed for a 2-year term, and two members are appointed for a 1-year term positions, shall be designated as alternate members of the Hertford County Zoning Board of Adjustment, with the remaining five positions being designated as regular members of the Hertford County Zoning Board of Adjustment.

That the Hertford County Planning Board and the Hertford County Zoning Board of Adjustment adopt new rules of procedure for the transaction of business that comes before the Boards, said rules of procedure to be approved by the Hertford County Board of Commissioners.

This the 15th day of December, 1986

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ZONING ORDINANCE  
OF THE  
COUNTY OF HERTFORD, NORTH CAROLINA

**ENACTMENT:**

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE COUNTY OF HERTFORD, NORTH CAROLINA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF NORTH CAROLINA GENERAL STATUTES ARTICLE 18, CHAPTER 153A, AND PART 3 OF ARTICLE 19 OF G.S. CHAPTER 160A INCLUSIVE, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH.

**PREAMBLE:**

**WHEREAS**, the General Statutes of North Carolina empowers the County of Hertford to enact a zoning ordinance and to provide for its administration, enforcement, and amendment, and

**WHEREAS**, the County Commissioners deem it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the County to enact such an ordinance, and

**WHEREAS**, the County Commissioners have appointed a Zoning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein, and

**WHEREAS**, the Zoning Commission has divided the County into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion throughout the county; to secure safety from fire, panic, and other dangers; to promote health and the general welfare, to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements, and

**WHEREAS**, the Zoning Commission has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the county, and

**WHEREAS**, the Zoning Commission has submitted its final report to the County Commissioners, and

**WHEREAS**, the County Commissioners have given due public notice of hearings relating to zoning districts, regulations, and restrictions, and have held such public hearings, and

**WHEREAS**, all requirements of the General Statutes of North Carolina, with regard to the preparation of the report of the Zoning Commission and subsequent action of the County Commissioners have been met;

**NOW THEREFORE BE IT ORDAINED** by the County of Hertford, North Carolina as follows:

## **ARTICLE I. IN GENERAL**

### **Section 1.01 Authority**

The provisions of this ordinance are adopted under authority granted by the General Assembly of North Carolina (General Statutes Article 18, Chapter 153A, and Part 3 of Article 19 of G. S. Chapter 160A).

### **Section 1.02 Jurisdiction**

The regulations set forth in this ordinance shall be applicable within the limits of the County of Hertford. These regulations do not affect BONA FIDE farms as defined by NCGS 153A-340 (See Article 11, Definitions), but ANY USE OF FARM PROPERTY FOR NON-FARM PURPOSES IS subject to these regulations.

### **Section 1.03 Title**

This ordinance shall be known and may be cited as The Zoning Ordinance of the County of Hertford, North Carolina and may be cited as the Zoning Ordinance.

## **ARTICLE II. DEFINITIONS**

### **Section 2.01 General**

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

### **Section 2.02 Tense and Number**

The present tense includes the future and the future tense includes the present tense.

The singular number includes the plural number and the plural number includes the singular number.

### **Section 2.03 Word Interpretations**

The word "may" is permissive.

The words "shall" and "will" are mandatory.

The word "county" shall mean the County of Hertford, North Carolina.

The words "Zoning Board" or "Zoning Commission" shall mean the County of Hertford Planning & Zoning Commission.

The words "County Commissioners" shall mean County Commissioners of Hertford County, North Carolina.

The word "person" includes a firm, association, organization, partnership, trust company, or corporation as well as an individual.

The words "used" or "occupied" include the words intended, designed, or arranged to be used or occupied.

The word "lot" includes the words plat or parcel.

**Section 2.04 DEFINITIONS**

Abutting - Having property lines in common. Lots are also considered to be abutting if they are directly opposite each other and separated by a street or alley.

Access Easement - An easement which grants the right to cross property.

Accessory Use or Structure - A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure.

Adjacent - Having a common border such as a lot line or street right-of-way.

Appeal - A request for a review by the Board of Adjustment of the Zoning Administrator's and/or Code Enforcement Officer's interpretation of any provision of this Ordinance.

Applicant - Any person or entity that requests any administrative action or approval as allowed under this Ordinance. Also referred to as "petitioner".

Area of Environmental Concern - An area which represents geographic segments of coastal zone that have been identified by the Coastal Resources Commission in GS 113A-113 as critical resource management areas of greater than local concern. These defined areas, which are located within the jurisdiction of Hertford County, include: Coastal Wetlands; Estuarine Waters; Estuarine Shorelines, and Public Trust /Areas. If an AEC is involved in any permitted activity covered by this Ordinance, then additional permits may be required by the State of North Carolina.

Bed and Breakfast Inn - A lodging facility in which the operator resides and which is established for the purpose of providing temporary overnight accommodations for tourists, vacationers and other similar transients. The facility may have a dining room but only for the provision of food for the registered guests of the facility.

Billboard - An outdoor structure or display, pictorial or otherwise, which advertises or directs attention to a business commodity, service, or other activity conducted or offered elsewhere than on the premises on which said sign is located.

Block - The land lying within an area bounded on all sides by roads.

Bona Fide Farm - All land of ten acres or more or less than ten acres when combined with another adjacent tract under the same ownership on which agricultural or silvicultural operations are conducted, to include woodland and timberland, cultivation of crops, and the husbandry of livestock, plus the owner's residence and any dwelling units or accessory buildings being used in the farm operation.

Building - Any structure having a roof supported by columns or by walls and intended for shelter, housing, or enclosure of persons, animals, or personal property. The connection of two buildings by means of an open porch, breezeway, passageway, carport, or other such open structure, with or without a roof, shall not be deemed to make them one building.

Buildable Lot - One or more lots of record in one undivided ownership with sufficient total area, exclusive of easements, flood hazards, water bodies, well and septic tank fields; sufficient total dimensions; and sufficient access to permit construction thereon of a principal building together with its required parking and buffer yards.

Building Height - The vertical distance from grade to the highest finished roof surface in the case of flat roofs or to a point at the average height of the highest roof having a pitch - Height of a building in stories does not include basements, except as specifically provided for in this Ordinance.

Certificate of Zoning Compliance/Zoning Permit - A statement, signed by the Zoning Administrator, setting forth either that a building or structure complies with the provisions of this Ordinance, or that building, structure, or parcel of land may lawfully be employed for specified uses, or both.

Clubs and Lodges - An incorporated or unincorporated association for civic, social, cultural, fraternal, literary, political, and recreational or like activities, operated on a non-profit basis for the benefit of its members.

Community or Public Water Supply - A public or private water supply approved by the Hertford County Health Department that serves a community that is not an incorporated municipality. This includes unincorporated communities, subdivisions, and/or mobile home parks having ten or more connections. Any water supply furnishing potable water to ten or more residences or businesses or combination of businesses or residences.

Conditional Use - A use that would not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use and would not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood. Such uses may be permitted in a zoning

district as "Conditional Uses" if specific provision for such "Conditional Uses" is made in the zoning ordinance. "Conditional Uses" and their accessory uses may be permitted in specified districts after review, public hearing, and approval by the Board of Adjustment in accordance with procedures and standards established in Article XII of this Ordinance.

Condominium - Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. Condominium developments are subject to the North Carolina Unit Ownership Act (NCGS Chapter 47A) or the North Carolina Act (NCGS Chapter 47C).

Day Care Facility - Any day care center or child care arrangement that provides day care for more than five children unrelated to the operator and for which a payment, fee, or grant is received, excluding foster homes, public or private schools.

Drainage Easement - An easement that grants the right of water drainage to pass in open channels or enclosed structures.

Dwelling – Manufactured Housing – (formerly known as mobile home)

A structure transportable in one or more sections which, in the traveling mode is 8 feet or more in width and 40 feet or more in length; or when erected on site is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities; the structure containing plumbing, heating, air conditioning, or electrical systems therein. See Hertford County Mobile Home Ordinance for additional requirements.

Dwelling Unit - One or more rooms designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided therein. Units in dormitories, hotels, motels, shelters for the homeless, or other structures designed for transient residents are not dwelling units.

Dwelling, Single Family - A detached residential dwelling unit designed for and occupied by one family only.

Dwelling, Two Family – A building or portion thereof used or designed as a residence for two families living independently of each other and doing their own cooking therein.

Dwelling, Multi-Family – Three or more single living units under the same roof structure and connected by one or more common walls. This includes but is not

## DEFINITIONS

limited to apartments, duplexes, condominiums, triplexes, quadruplexes, or other similar buildings, which are for sale or rent and intended for human habitation.

Easement - A grant of one or more of the property rights, by the property owner, to, or for use by, the public, a corporation, or other entities.

Estuarine Shoreline - The area adjacent to estuarine waters extending landward seventy-five (75) feet from mean high water or normal high water.

Evergreen Vegetative Buffer - The evergreen vegetative buffer shall be composed of evergreen trees or shrubs or a type which at planting shall be a minimum of four (4) feet in height and which shall be a minimum of six (6) feet in height five years after planting. At maturity, each tree or shrub shall be maintained at a height of not less than six (6) feet. The evergreen trees or shrubs shall be spaced no more than ten feet apart (from the base of tree or shrub to the base of tree or shrub).

Extraterritorial Jurisdiction (ETJ) - That portion of a municipal planning jurisdiction that lies outside of the corporate limits of the municipality within which municipal land use regulations apply.

Family - One or more persons related by blood, marriage, or adoption occupying a single dwelling unit. However, any group of people not meeting the requirements of the previous sentence shall not contain over five (5) persons. Domestic servants employed on the premises may be housed on the premises without being counted as family or families.

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 or less resident handicapped persons, pursuant to NCGS 168-21.

Fence or Wall - A physical barrier or enclosure consisting of wood, stone, brick, block, wire, metal or similar material, used as a boundary or means of protection or confinement, but not including a hedge or other vegetation.

Firearm - A weapon, including pistols, rifles, and shotguns, capable of firing a projectile using an explosive charge as a propellant.

Flag Lot - A lot that has less than the required amount of frontage on a road and relies on a panhandle-shaped corridor for access to the bulk of the lot.

Flashing Sign - A type of animated sign which contains an intermittent, blinking, scintillating, or flashing light source, or which includes the illusion of intermittent

or flashing light, or an externally mounted intermittent light source. An electronically controlled message sign is not a flashing sign.

Floodplain or Flood Prone Area - Any land area susceptible to being inundated by water from any source.

Freestanding Sign - Any sign which is supported by structures or supports which are placed on, or anchored in the ground, and which structures or supports are independent from any building or other structure.

Group Care Facility - A facility licensed by the State of North Carolina (by whatever name it is called, other than Family Care Home as defined by this Ordinance), with support and supervisory personnel that provides room and board, personal care or habilitation services in a family environment for not more than thirty people.

Handicapped Person - A person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in NCGS 122C-3(11) b.

Hazardous Material - Any substance listed as such in SARA section 302, Extremely Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).

Home Occupation – An occupation conducted in a dwelling unit provided that:

- (1) Only one person other than members of the family residing on the premises shall be engaged in such occupation;
- (2) 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 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- (3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated, and mounted flat against the wall of the principal building;
- (4) No home occupation shall be conducted in any accessory building unless granted a conditional use permit by the board of adjustment;
- (5) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street/road right-of-way and shall be limited to the side and rear yard.
- (6) If equipment or processes shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference

## DEFINITIONS

detectable to the normal senses off the lot and would be considered offensive to adjoining land owners; the board of adjustment may place conditions on their approval that would increase the distance from the home occupation and the adjoining property and/or require that a suitable buffer barrier be placed between the home occupation and the adjoining properties. The applicant of said home occupation would be required to provide these conditions.

Junk Yard - The use of more than two hundred (200) square feet of any lot for storage and/or sale of scrap metal, waste paper, rags, or other scrap materials or used building materials, motor vehicles that do not have a valid inspection sticker, or other junk and dismantling of such vehicles or machinery. An establishment or place of business which stores or keeps for a period of fifteen (15) days or more materials within the meaning of "junk" as defined above.

Lot - 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 purposes of transfer of title. The word 'lot' includes plot, parcel, or tract.

Lot Frontage - the front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under YARDS in this section.

### Lot Measurements -

- a. The depth of a lot is the distance measured in the mean direction of the sidelines of the lot from the midpoint of the front lot line to the midpoint of the rear lot line.
- b. The width of a lot is the greatest mean width measured at right angles to its depth.

Lot of Record - A lot which is part of a subdivision recorded in the office of the Register of Deeds, Hertford County, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

### Lot Types -

- a. Corner Lot - a lot located at the intersection of two or more streets
- b. Interior Lot - a lot other than a corner lot with only one frontage on a street
- c. Through Lot - a lot other than a lot with frontage on more than one street  
Through lots abutting two streets may be referred to as a double frontage lot

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Major Thoroughfare Road - Major thoroughfares consist of interstate, other freeway, expressway, or parkway links, and major roads that provide for the expeditious movement of high volumes of traffic within and through urban areas.

Manufactured Home - Any single-family dwelling fabricated in an off-site and manufacturing facility or installing or assembling on the building site bearing a seal certifying that it was built in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

Mining - The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter; any activity or process constituting all or part of a process for the extraction or removal of mineral, ores, soils, and other solid matter from its original location; and/or the preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use.

Mobile Home Park - any site or tract of land upon which are located more than five (5) mobile homes or mobile homes spaces, which are to be occupied for dwelling or sleeping purposes, regardless of whether or not a charge is made for such service.

Mobile Sign - a sign attached to a trailer or other towing apparatus having capacity of being transported from one site to another.

Modular Home - Any building or closed construction which is made or assembled in manufacturing facilities on or off the building site for installation or assembly and installation on the building site other than mobile homes or recreational vehicles. Modular buildings shall comply with all codes applicable to residential construction.

Motor Home - a vehicular, portable structure designed to be used as a dwelling. The structure is motorized and can be driven from location to location.

Nonconforming - A lot, structure, sign, or use of land, which is now prohibited under the terms of this Ordinance, but was lawful at the date of this Ordinance's enactment, or any amendment or revision thereto.

Non-Conforming Sign - any sign not in compliance with the provision of Article IX as of the effective date of its adoption or any sign erected after the effective date of this section which does not comply with all of its provisions.

Non-Conforming Situations - The use of a building or land, which was lawful when the use was established, but by adoption of subsequent zoning

requirements, does not currently conform to the use of dimensional regulations of this ordinance for the district in which it is located.

Nursing Home - An establishment, which provides full-time convalescent or chronic care, or both, to persons who are not related by blood or marriage to the operator, or who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Open Space - An area of land and/or water that is generally unimproved and is reserved for recreation, resource protection, amenity, or buffer purposes.

Parking Space, Off-Street - for the purposes of this ordinance, an off-street parking space shall consist of a space adequate for parking an automobile. See Article VIII for parking requirements.

Plat - A surveyed map or plan of a parcel of land that is to be or has been subdivided.

Principal Structure - is a structure(s) in which is conducted the principal use(s) of the lot on which it is located.

Private Road - A vehicular travelway not dedicated or offered for dedication as a public road, but resembling a cul-de-sac or a local road by carrying traffic from a series of driveways to the public road system.

Public Hearing - A legally required, advertised meeting at which an appointed or elected board accepts public comment about matters relating to this Ordinance.

Public Road - A road right-of-way dedicated for public use and maintained or intended to be maintained by the North Carolina Department of Transportation.

Public Sewer System - is a system that provides for the collection and treatment of sanitary sewage from more than one property, and is owned and operated by a government organization or sanitary district.

Public Water Supply System - A water supply system intended for the provision of potable water to the public as approved by the NC State Board of Health and/or the Hertford County Health Director.

Recreational Vehicle - A vehicle, which is built on a single chassis with a body width not exceeding eight feet, designed to be self-propelled or permanently towable by a light-duty vehicle, and designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

## DEFINITIONS

Rezoning - The procedure whereby the zoning designation of a certain parcel or portion thereof is changed following the provisions set forth in this Ordinance.

Salvage Yard, Auto Parts - Any establishment listed in the Standard Industrial Classification Manual under Industry Number 5015. Also, any zone lot which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts; or any zone lot upon which three or more, unlicensed, used motor vehicles which cannot be operated under their own power are kept or stored for a period of 15 days or more.

Salvage Yard, Scrap Processing - Any establishment listed in the Standard Industrial Classification Manual under Industry Number 5093. Also, any land or area used, in whole or part, for the storage, keeping, accumulation of scrap or waste materials, including scrap metals, waste paper, rags, building materials, machinery, or other scrap materials.

Security Fence - A fence designed to keep out unauthorized persons and kept locked when the area or facility is not in use or under observation.

Shooting Range - An area designed and improved to encompass shooting stations or firing lines, target areas, berms and baffles, and other related components.

Shooting Range Facility - A public or private facility, including individual shooting ranges, safety fans or shotfall zones, structures, parking areas, and other associated improvements, designed for the purpose of providing a place for the discharge of various types of firearms or the practice of archery. Does not include incidental target practice areas on private property, turkey shoots, government facilities, or occasional 'sighting-in' of firearms.

Shopping Center - Two (2) or more commercial establishments planned, constructed, owned or managed as a single unit with off-street parking and loading facilities provided on the property and related in location, size, and types of shops to the trade area which the unit services.

Sign - Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product.

- (a) Outdoor Advertising - an attached or freestanding structure conveying some information, knowledge, or idea to the public. (Same as billboard.)
- (b) Principal Use Sign - is any sign, which advertises an establishment, service, commodity, or activity conducted upon the premises where such sign is located.

Sign area - The entire face of a sign and all wall work including illuminating tubing incidental to its decoration shall be included for measurement of sign areas excluding architectural trim and structural embellishments. In the case of an open sign made up of individual letters, figures, or designs, the spaces between such letters, figures, or designs shall be included as part of the sign area. In computing sign area, only one side of a double face sign structure shall be considered.

Sign - On Premises - A sign that publicizes and directs attention to a profession, commodity, activity, product, service or entertainment conducted, sold, or offered upon the premises where such sign is located. On-premises signs include pole and ground mounted signs.

Solar Collector, Accessory Use - A device or structure for which the primary purpose is to convert solar radiant energy into another source for direct power consumption. The device may be roof-mounted or ground mounted as an accessory use.

Solar Collector, Solar Farm - A device or structure for which the primary purpose is to convert solar energy into electrical power for interconnection with a utility power grid for off-site energy consumption.

Solar Farm Facility - A facility used to convert solar energy into electrical power for interconnection with a utility power grid for off-site energy consumption and may also be referred to as a solar farm, solar energy generation facility, solar power plant, or solar photovoltaic farm. The use of solar collectors for personal or business consumption that occurs on-site is not considered a solar farm.

Street-

- (a) Any permanently dedicated public right-of-way, which has been accepted for maintenance by the North Carolina Department of Transportation.
- (b) Any other open area providing the principal means of access for vehicles or pedestrians from a public right-of-way to a building or use of land and which:
  1. is at least 25 feet in width, and
  2. is covenanted by its owner(s) to remain open and unobstructed throughout the life of any building or use which depends thereon to satisfy any requirement of this ordinance.

Structure - anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster panels.

## DEFINITIONS

Subdivision Ordinance - Laws regulating the process of converting raw land into building sites. The ordinances involve plat approval from the planning board before the subdivision can be bought, sold, divided, or built. Refer to Hertford County Subdivision Ordinances.

Townhouse Dwelling - A building consisting of single-family residences attached to one another in which each unit is located on an individually owned parcel, generally within a development containing drives, walks and open space in common area.

Townhouse Lot - A parcel of land intended as a unit for transfer of ownership, and lying underneath, or underneath and around, a townhouse, patio home, or unit in a nonresidential group development.

Travel trailer - A vehicular portable structure designed as a temporary dwelling for travel, recreation, or vacation uses.

Variance - A variance is a relaxation of the terms of the zoning ordinance by the Board of Adjustment to a person from the requirements of this Ordinance where unusual or unique circumstances peculiar to the property exist and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

Violation - Failure on the part of any person to comply with the provisions of this Ordinance.

Wall signs - a sign placed against the exterior walls of buildings shall not extend more than six inches beyond a building's wall surface, not more than 25 percent of solid wall space and shall not exceed 500 square feet in area for any one premises, and shall not extend beyond the top of the building on which it is located.

Wetlands - Transitional lands between terrestrial and aquatic systems where the land supports predominantly hydrophytes; where the substrate is predominantly undrained hydric soil; or where the substrate is nonsoil and is saturated with water or covered by shallow water for a specified period of time during the growing season of each year.

Working Days - Days exclusive of Saturday and Sunday during which weather conditions or soil conditions permit land-disturbing activity to be undertaken.

## DEFINITIONS

Yard - A space on the same lot with a principal building that is open, unoccupied, and unobstructed by buildings or structures from the ground to the sky except where encroachments and accessory buildings are expressly permitted however that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in a yard subject to height limitations and requirements limiting obstruction of visibility. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required yard.

Yard Front - An open unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street and the front line of the building, projected to the sidelines of the lot. **(Exclusive of steps)**

Yard Side - An open, unoccupied space on the same lot with a principal building, situated between the building and the side lot line and extending from the rear line of the required front yard to the front line of the required rear yard. **(Exclusive of steps)**

Yard Rear - An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the sidelines of the lot. No accessory building shall be located within five (5) feet of the rear lot line. **(Exclusive of steps)**

Zoning District - An area defined by this Ordinance and delineated on the Official Zoning Map, in which the requirements for the use of land and in which building and development standards are prescribed.

**ARTICLE III ESTABLISHMENT OF DISTRICTS**

**Section 3.01 Provision for Official Zoning Map**

- A. Official Zoning Map – The County of Hertford is hereby divided into zones, or districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance. The Official Zoning Map is the most recent copy of the digitalized Zoning Map as produced and maintained by Hertford County Land Records. It is the duty of the Zoning Administrator to maintain said map and have any changes made as they occur. The Zoning Administrator shall be the authority as to the current zoning of property within the county’s planning and zoning jurisdiction.
- B. Map Changes – If changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map. Amendments to the Official Zoning Map shall be made utilizing the same procedures that apply to text amendments, as set forth in Article XI. Specific public hearing notice requirements are; however, delineated in Section 11.02 for zoning map amendments.
- C. Replacement of the Official Zoning Map – In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the County Commissioners may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map.

Unless the prior Official Zoning Map has been lost, or has been totally destroyed the prior map or any significant remaining parts thereof, shall be preserved, together with all available records pertaining to its adoption or amendment.

**Section 3.02 Rules for Interpretation of District Boundaries**

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

Boundaries indicated, as approximately following the centerlines of streets or highways, shall be construed to follow such centerlines;

Boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines.

Boundaries indicated as approximately following city limit lines shall be construed to follow such city limit lines.

Boundaries indicated as following railroad lines shall be construed to be midway between the main track or tracks.

Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.

Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

The Board of Adjustment shall resolve disputes of staff interpretation of district boundaries.

### **Section 3.03 Application of District Regulation**

The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

No building, structure, or land shall hereafter be erected or altered or used in such a way as:

- a. to exceed the height or bulk;
- b. to accommodate or house a greater number of families
- c. to occupy a greater percentage of lot area;
- d. to have narrower or smaller yards, front yards, side yards, or other open spaces than herein required, or in any manner be contrary to the provisions of this ordinance;
- e. to present a non-conformity of any kind;

No part of a yard, or other open 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, or open space similarly required for any other building.

No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum established by this ordinance.

**ARTICLE IV. NONCONFORMING USES****Section 4.01 General**

After the effective date of this ordinance, land or structure, or the uses of land or structures which would be prohibited under the regulations for the district in which it is located and which were lawfully established prior to the effective date of this ordinance shall be considered as nonconforming. A nonconforming situation occurs when an 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. Unless otherwise specifically provided for in this Ordinance and subject to the restrictions and qualifications set forth in the remaining sections of this Article, nonconforming situations that were otherwise lawful on the effective date of this Ordinance may be continued.

**Section 4.02 Nonconforming Lots****A. Minimum Lot Requirement**

- (1) Single Lot of Record with Lot Area and/or Lot Width Nonconformity- When an undeveloped lot has an area or width which does not conform to the dimensional requirements of the district where located, but such lot was approved and of record at the time of adoption of this Ordinance or any subsequent amendment which renders such lot nonconforming, then such lot may be used for a use permitted in the district where located, provided that the setback dimensions and other requirements, except area or width, are complied with. Nothing contained herein exempts a lot from meeting the applicable provisions of the Hertford County Board of Health Regulations.
- (2) Minimum Single Lot Requirements – Where the owner 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/or lot area are not more than twenty (20) percent below the minimum specified in the dimensional requirements of this ordinance.
- (3) Minimum Multi-Lot Requirements – It two or more adjoining and vacant lots on record are in a single ownership at any time after the adoption of this ordinance, such lots shall be considered as a single lot or several lots which meet the minimum requirements of this

ordinance for this district in which such lots are located. Nothing contained herein exempts the contiguous lots considered as a single buildable lot or lots from meeting the applicable provisions of the Hertford County Board of Health regulations.

### **Section 4.03 Nonconforming Use of Land**

#### A. Continuance of Nonconforming Use of Land

Any nonconforming use legally existing at the time of adoption or amendment of this Ordinance may be continued so long as it remains otherwise lawful subject to conditions provided in this Section.

#### B. Conditions for Continuance

Such nonconforming use of land shall be subject to the following conditions:

- (1) No nonconforming use shall be changed to another nonconforming use unless such use is determined to be of equal or less intensity. In determining whether a nonconforming use is of equal or less intensity, the Board of Adjustment shall consider.
  - a. Probable traffic of each use;
  - b. Parking requirements of each use;
  - c. Probable number of persons on the premises of each use at a time of peak demand;
  - d. Off-site impacts of each use; such as noise, glare, dust, vibration or smoke and other impacts on surrounding properties or the public health or safety.
- (2) The number of dwelling units in a nonconforming residential use shall not be increased.
- (3) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
- (4) If any nonconforming use of land ceases for any reason for a continuous period of more than 180 days, any subsequent use of such land shall be a permitted use in the district in which such land is located. Re-continuance of any nonconforming use must be with the clear intent of being continuous and permanent.
- (5) The resumption of a nonconforming use of land shall not be permitted if such nonconforming use is superseded by a permitted use for any period of time.

- (6) No additional structure(s) not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

C. Extension, Enlargement or Replacement of a Nonconforming Use

- (1) No nonconforming use shall be extended, enlarged, or replaced.
- (2) Any single-family residential nonconforming use (which may be a manufactured home) may be enlarged or replaced with a similar single-family residential structure of the same size or of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to setback requirements.
- (3) A nonconforming use may not be extended to additional buildings or to land outside the original building unless specifically authorized in accordance with subsection 6.
- (4) The volume, intensity, or frequency of use of property where a nonconforming use exists may be increased.
- (5) Any other nonconforming use may be extended, enlarged, or replaced only upon the issuance of a special exception if the Board of Adjustment finds that, in completing the extension, enlargement, or replacement work;
  - (a) There is no increase in the total amount of lot area devoted to the nonconforming use;
  - (b) There is no greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations, or density requirements or other requirements such as parking, loading and landscaping requirements; and
  - (c) There is no significant adverse impact on surrounding properties or the public health or safety.

D. Nonconforming Structures

- (1) Continuation of Nonconforming Structure  
Any nonconforming structure legally existing at the time of adoption or amendment of this Ordinance may be continued so long as it remains otherwise lawful.
- (2) Conditions for Continuation

## NONCONFORMING USES

- (a) No nonconforming structure may be enlarged or altered in any way, which increases its dimensional deficiencies; however, any nonconforming structure or portion thereof may be altered to decrease its dimensional deficiencies. Any enlargement of the structure shall conform to the current dimensional requirements.
- (b) In the event of damage by fire or other causes to the extent exceeding eighty percent of its tax value prior to such damage as established by the Building Inspector, reconstruction of a nonconforming structure shall be permitted only in compliance with the dimensional provisions of this Ordinance.
- (c) In the event of damage by fire or other causes to the extent causing less than eighty percent of its tax value prior to such damage as established by the Building Inspector, reconstruction of a nonconforming structure shall be permitted provided it is constructed:
  - 1. In the same manner in which it originally existed subject to compliance with the requirements of the NC State Building Code; or
  - 2. In compliance with the dimensional requirements
  - 3. No nonconforming structure shall be moved or relocated unless it is made to comply with the dimensional and use requirements of the district in which it is relocated and with the requirements of the NC State Building Code.

### E. Preservation of Safe or Lawful Conditions

Nothing in this Ordinance shall prevent the strengthening or restoration to a safe or lawful condition any part of any building declared unsafe or unlawful by the County Building Inspector or other duly authorized official.

**Section 4.04 Nonconforming Lots and Structures**

- A. Located in the Canal Cove Area of the Tunis Community as Designated on the attached map
  - (1) Lots of Record as of the date of adoption of this Ordinance shall be considered as Grandfathered
  - (2) No existing Lot of Record may be subdivided unless it meets the current requirements as established in this Ordinance
  - (3) In the event that a structure is destroyed or being replaced it may be replaced subject to the following setbacks:

<b>Front Yard:</b> Minimum required depth of front yard	15 feet
<b>Side Yard:</b> Minimum required depth of side yard	8 feet
<b>Rear Yard:</b> Minimum required depth of rear yard	8 feet
<b>Minimum Distance between Dwellings:</b>	16 feet

- (4) In the event that a structure is destroyed or being replaced it may be replaced provided it is connected to Public Water and Wastewater
- (5) For lands abutting an Estuarine Shoreline, the required CAMA setbacks or exemptions shall control



**ARTICLE V. DISTRICT REGULATIONS**

**Section 5.01 Zoning Districts**

For the purpose of this ordinance, the County of Hertford is hereby divided into zoning districts, which are hereby given the following designations:

- RA-30 Residential Agriculture District
- RR&C Riverside Residential and Camping District
- RB Riverside Business District
- IH Heavy Industrial District
- FP Flood Plain District
- IL Light Industrial District
- CH Commercial Highway District
- AP Airport District
- AEC Areas of Environmental Concern

**Section 5.02 RA-30 Residential Agriculture District**

A. Purpose

The purpose of this district shall be to maintain a compatible mixture of single-family residential, two-family residential, and agricultural uses and a density in accordance with the North Carolina State Board of Health's recommendations for residential areas without public water and sewer, and to prevent the development of blight and slum conditions.

B. Permitted Uses:

1. Accessory buildings to residential uses provided that no accessory building shall be rented or occupied for gain. Accessory building shall only be placed within the rear yard as defined herein.
2. Agricultural Production (crops)
3. Agricultural Production (livestock), except Swine Farms
4. Cemeteries
5. Churches
6. Family Care Home
  - (a) In accordance with the provisions of NCGS 168-22,(a) no family home may be located within a one-half mile radius of an existing family care home.
7. Forestry
8. Grounds and facilities for recreational and community center building, parks, and similar facilities operated on a non-profit basis.
9. Home Occupation, as restricted in Article VII.
10. Hospitals, rest homes, nursing homes, sanitariums, and funeral homes provided no building so used shall be within seventy-five (75) feet of any lot line.
11. Manufactured housing is permitted in RA District provided that:
  - (a) The unit is treated as (1) dwelling unit;
  - (b) Only one (1) manufactured housing unit shall be allowed per lot, and only as a conditional use shall manufactured housing be allowed on a lot occupied by any other principal building, and
  - (c) Manufactured housing shall be connected to water, sewage, and electrical utilities.

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12. Mobile Home Parks, as regulated in the Hertford County Mobile Home Park and Travel Trailer Ordinance.
13. Outdoor Skeet Shooting Facilities, including archery that meet the standards of the National Skeet Shooting Association, and National Rifle Association (NSSA and NRA)
14. Outdoor Recreation Uses, including
  - (a) Privately owned facilities such as golf or country clubs, swim clubs, tennis clubs not constructed in association with residential developments.
  - (b) Publicly owned and operated facilities such as athletic fields, public golf course, tennis courts, swimming pools which are not part of school facilities.
  - (c) Golf driving ranges not otherwise part of a public or private golf course Par 3 golf, Miniature golf, Skateboard parks, water slides, and similar activities.
  - (d) Horseback riding facilities or stables not associated with bona fide farms.
  - (e) Automobile or motorcycle racing tracks.  
Provided that the following restrictions are met:
    - a) Minimum distance from any residential use: 500 ft.
    - b) Adequate space for entering and exiting the facility.
    - c) Adequate parking, in accordance with Article VIII of this ordinance.
    - d) Accessory uses such as snack shops other than vending machines, pro shops, tack shops, gift shops, etc. must be reviewed and approved by the Board of Adjustment and in some cases, Hertford County Public Health Authority.
    - e) Noise must not create a substantial nuisance for residents with a distance one-mile.
15. Parking (Off-Street) must meet the requirements set forth in Article VIII.
16. Public Buildings – town, county, state, federal or regional authority.
17. Public Schools, private schools and colleges
18. Public Utilities to include, but not limited to distribution lines, substations, transmission lines; water tanks; and telecommunication exchanges.
19. Sand Mining for commercial purposes.
20. Signs (All) must meet the requirements set forth in Article IX.

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21. Single Family, two family and multi-family dwellings to include Condominiums/ Townhouses.
22. Solar Collector – Small scale, Accessory Use Solar Collector’s shall be permitted to generate electrical energy for the primary purpose of on-site consumption in accordance with minimum setbacks as required for all other accessory buildings and structures within said district, as evidenced on a standard site plan.

Solar Farm Facilities must meet the following requirements:

- (a) Solar Collectors, equipment, and structures (excluding electric transmission lines and utility poles) shall not exceed twenty-five (25) feet in height when ground mounted. Roof-mounted systems are excluded.
- (b) All equipment and structures shall be a minimum of fifty (50) feet from all property lines, and one hundred (100) feet from any residence.
- (c) All solar farms shall have security fencing of a minimum of six (6) feet in height along the entire perimeter of the facility.
- (d) When adjoining a residence, an evergreen vegetative buffer is required. Front yard adjoining public rights-of-way shall be landscaped with trees and/or shrubs and shall be maintained at all times; this is not intended to be a requirement for an evergreen vegetative buffer.
- (e) Electric solar system components must have a UL listing or equivalent.
- (f) All active solar systems shall meet all requirements of the North Carolina State Building Code as well as all State and Local environmental codes and shall be inspected by a county building and electrical inspector.
- (g) All photovoltaic systems shall comply with the National Electrical Code, current edition.
- (h) Utility notification. No grid tied photovoltaic system shall be installed until evidence has been given to the Planning and Development Department that the owner has been approved by the utility company to install the system. Off-grid systems shall be exempt from this requirement.
- (i) Abandonment. A Solar Farm Facility that ceases to produced energy on a continuous basis for twelve (12) months will be considered abandoned unless the current responsible party with ownership interests in the Solar Farm Facility provides substantial evidence (updated every six (6) months after twelve (12) months of no energy production) to the Zoning Administrator of the intent to maintain and reinstate the operation of the facility. It is the responsibility of the system owner to remove all obsolete or unused systems within six (6) months of cessation of operation. If the system owner fails to remove within this time period, the property owner is responsible for removal within an additional six

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(6) month period. All components are to be recycled whenever feasible.

23. Towers are permitted provided that all towers shall be set a minimum of two hundred (200) feet from all exterior property lines. Towers shall be fenced and have all necessary permits prior to construction.
- C. Conditional Uses – the following uses shall be permitted on un-occupied conforming lots and conforming lots occupied by a principal structure subject to a finding by the Board of Adjustment that the conditions listed herein and any additional conditions listed by the Board of Adjustment at the time of review will be met.
1. Ambulance Service – provided that the following conditions are met:
    - (a) The structure shall be set back fifty (50) feet from any road right-of-way. Side and rear yard setback shall be determined by the Board of Adjustment.
    - (b) Signs shall be no larger than twelve (12) square feet.
    - (c) There shall be only one sign.
    - (d) Signs shall not be illuminated.
    - (e) Signs shall be attached to and mounted flat against the face of the structure.
    - (f) All items for sale or display shall at all times be stored inside the structure
    - (g) All Parking shall be off-street parking
  2. Antique, Hobby and Novelty Shops – provided that the following conditions are met:
    - (a) Same as those required in Section 5.02.C.1.
  3. Auction Sales – provided that the following conditions are met:
    - (a) Same as those required in Section 5.02.C.1.
  4. Auto Garage/Engine Mechanic – provided that the following conditions are met:
    - (a) The garage structure shall be set back a minimum of fifty (50) feet from any road right-of-way.
    - (b) Side and rear yard setback shall be determined by the Board of Adjustment
    - (c) Where a garage lot is adjacent to a residential zone, a buffer shall be required as follows:
      - (1) A solid fence or wall, or a planted strip at least five (5) feet in width composed of deciduous and or evergreen trees spaced not more than (10) feet apart and not less than one (1) row of dense shrubs spaced not more than five (5) feet apart, which shall be established and maintained.

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- (d) There shall be only one sign no larger than twenty (20) square feet.
  - (e) Signs shall not be illuminated.
  - (f) Signs shall be attached to and mounted flat against the face of the garage buildings.
  - (g) All vehicles requiring maintenance shall be stored inside the building whenever the business is not open.
  - (h) All equipment shall be stored inside the structure at all times
  - (i) All work shall be performed within the structure
  - (j) Service shall be limited to minor repair of automobiles such as tune-ups, brake adjustment, and tire changes excluding body working, overhauling, and painting.
  - (k) All customers parking shall be off-street parking.
5. Auto Parts and Accessory Sales – provided that the following conditions are met:
- (a) Same as those required in Section 5.02.C.1.
6. Auto Washing establishments – provided that the following conditions are met:
- (a) Same as those required in Section 5.02.C.1.
7. Beauty Shop – provided that the following conditions are met:
- (a) Same as those required in Section 5.02C.1.
8. Bed and Breakfast Inn
- (a) The use must be owned and operated by a resident owner.
  - (b) The use shall be located in structure that was originally constructed as a dwelling.
  - (c) Meals served on the premises shall be only for guest of the facility.
9. Boats and accessories, retail sales and service
- (a) Same as those required in Section 5.02C.1.
10. Commercial Storage and Commercial Storage Buildings – provided that the following conditions be met:
- (a) The applicant must own the land upon which the building is to be situated and the building must be on land adjacent to the principle dwelling of the applicant.
  - (b) The size of the Commercial Storage Building shall not exceed the ground area of the principle dwelling on the property.
  - (c) The Commercial Storage Building shall not exceed one story in height.
  - (d) No signs or advertisement shall be permitted on the building.
  - (e) The Commercial Storage Buildings shall not be rented to others.
11. Day Care Centers

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- (a) Security Fencing  
Outdoor activity area (s) for children shall be enclosed by a security fence at least 6 feet in height and shall be located outside of the road setback.
  - (b) Location  
Day Care Centers on a site greater than three (3) acres shall have access to collector or thoroughfare road.
  - (c) Hours of Operation  
In residential districts, the use shall not be operated between the hours of 7:00 PM and 7:00 AM.
12. Fabric Shop and Dressmaking – provided that the following conditions are met:
- (a) Same as those required in Section 5.02.C.1.
13. Group Care Facility
- (a) Property Separation
  - (b) No such facility shall be located within one-half mile of an existing group facility.
  - (c) Operation – The facility shall be limited to not more than 30 persons including resident managers
  - (d) Screening – All parking lots shall be screened from all adjoining residential uses or residentially-zone lots by a buffer yard.
  - (e) Parking – Parking spaces shall be located on-site and located in the rear or to the side of the principal structure behind the building line.
  - (f) Location – The use shall be located and sited so as to mitigate adverse impacts on adjoining residential properties.
14. Mobile home (Manufactured Housing) – on same lot as principal building provided that the following conditions are met:
- (a) A mobile home located on the same lot as the principal structure shall be allowed only as a hardship case.
  - (b) A hardship shall be any case where the occupant of the mobile home is an invalid who is related to the occupants of the principal structure and dependent upon someone else for physical mobility. A physician diagnosis shall be proof that the occupant is an invalid.
  - (c) When the hardship has ceased to exist, the mobile home shall be removed within sixty (60) days after notice to do so from the Planning & Zoning Administrator.
  - (d) Mobile homes shall be located on lots occupied by single-family dwellings only.
  - (e) Mobile homes shall be placed no closer than twenty (20) feet to rear of principal structure.
  - (f) Mobile homes shall be a maximum of fourteen (14) feet in width.

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- (g) Health Department approval must be obtained by applicant before approving a Conditional Use Permit.
  - (h) Mobile homes shall be placed no closer than fifteen (15) feet to any side lot line nor closer than twenty (20) feet to any rear lot line.
15. Motor Home – provided that the following conditions are met:
- (a) That only one (1) motor home shall be allowed per lot.
  - (b) Motor homes will be connected to electrical utilities.
  - (c) The motor home shall comply with any of the conditions imposed by the Board of Adjustment.
16. Office and Institutional Uses – provided that the following conditions are met:
- (a) Parking and service areas shall be landscaped to provide a buffer zone from adjoining residential uses. Specifications for buffer zones shall be noted in the minutes of the Board of Adjustment.
  - (b) There shall be only one sign on the property. Freestanding signs located on the property shall be less than twenty (20) square feet. Signs flat mounted on the primary structure shall measure less than three hundred (300) feet.
  - (c) Illumination shall not directly cast light off the side except in a vertical direction. Specifications for lighting shall be noted in the minutes of the Board of Adjustment.
  - (d) Side yard setbacks (combined) shall minimally equal at least the width of the primary structure excluding parking; and shall be determined by the Board of Adjustment and noted in the minutes.
  - (e) Parking shall be off-street and to the rear of the front building line of the primary structure.
  - (f) Accessory buildings shall be located to the rear of the front building line of the primary structure.
17. Principal and Outdoor Advertising Signs – provided that the following conditions are met:
- (a) No flashing signs shall be allowed as a conditional use.
  - (b) The backs of all principal and outdoor advertising signs (except double facing signs, where allowed) shall be painted in a neutral color to blend with the surrounding area and to prevent the reflection of car lights and sunlight.
18. Radio and T.V. Repair – provided that the following conditions are met:
- (a) Same as those required in Section 5.02.C.1
  - (b) No antenna or other receiving/sending apparatus shall extend above the highest point of the roof more than fifty (50) feet.

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19. Retail sales ancillary to permitted construction activities in the district, provided that the following conditions are met:
  - (a) Sales shall be conducted only with the written permission of the landowner of the property on which the sales take place, which may be evidence by the landowner filing the application for a Conditional Use Permit.
  - (b) Sales shall be conducted only upon property on which a structure is located or being constructed.
  - (c) Sales are allowed only during the construction phase of a project for the purpose of selling to persons engaged in the construction phase of a project. At no time will the seller cater or advertise to the general public.
  - (d) Only one sign shall be permitted.
  - (e) No signs shall be illuminated.
  - (f) Signs shall be no larger than five (5) square feet.
  - (g) Signs shall only list items sold and price of items.
  - (h) Signs shall be attached to and mounted flat against the face of the structure.
  - (i) Sales activities shall cease and signs shall be removed within thirty (30) days after issuance of Certificate of Occupancy.
  - (j) Any other conditions listed by the Board of Adjustment at the time of review.
  
20. Temporary Construction Building – provided that the following conditions are met:
  - (a) Only one (1) sign, no larger than ten (10) square feet, shall be allowed to describe project and developer.
  - (b) Once project has been completed as determined by the Building Inspector, such temporary construction building and sign shall be removed within thirty (30) days of the Building Inspector’s Notice.
  
21. Upholstery Shop – provided that the following conditions are met:
  - (a) Same as those required in Section 5.02.C.1
  
22. Used car lots – provided that the following conditions are met:
  - (a) No cars shall be placed any closer than fifty (50) feet to any road right-of-way.
  - (b) Side and rear yard setbacks shall be determined by the Board of Adjustment.
  - (c) Where a used car lot is adjacent to a residential zone, a buffer shall be required as follows: (1) a solid fence or wall, or a planted strip at least five (5) feet in width composed of deciduous and/or evergreen trees spaced not more than ten (10) feet apart and no less than one (1) row of dense shrub spaced not more than five (5) feet apart, which shall be established and maintained.

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- (d) There shall be only one freestanding sign to be located only on the property of the used car lot, which shall not exceed twelve (12) square feet.
  - (e) Signs and lots shall not be illuminated
  - (f) All parking shall be off-street parking.
  - (g) There shall be no more than one accessory building erected in connection with the sale of said vehicles.
23. Any Additional Conditions that may be required by the Board of Adjustment in order to enhance the integration of a conditional use into the community and/or decrease any adverse effects upon the neighborhood.

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**D. Dimensional Requirements**

**1 Lot Area:**

Minimum required lot area for any permitted use except two family Or multi-family dwellings: 30,000 square feet

Minimum additional lot area for each additional dwelling unit: 10,000 square feet

When a structure upon a lot is connected to a Public Wastewater System, the minimum required lot Area is: 15,000 square feet

\*Unless otherwise specified by Hertford County Public Health Authority

Minimum lot area requirements for individual condominium units and townhouse lots are waived when the units/lots are served by Public water and wastewater. The above Lot Area requirements apply to individual condominium units and townhouse lots that **are not** served by public wastewater.

**2 Lot Width: Minimum required lot width** 125 feet

Minimum additional required lot width for the second dwelling Unit in the principal structure: 50 feet

When a structure is upon a lot that is connected to a Public Wastewater System and the Wastewater System and the Minimum lot requirement is 15,000 sq. ft. 75 feet

Minimum lot width requirement for individual condominium units and townhouse lots are waived when the units/lots are served by Public water and wastewater. The above Lot Width requirements apply to individual condominium units and townhouse lots that **are not** served by Public Wastewater.

**3 Front Yard:** Minimum required dept of front yard 35 feet

**4 Side Yard:** Minimum required depth of side yard: 15 feet

**5 Rear Yard:** Minimum required depth of rear yard: 25 feet

**6 Building Height:** No building shall exceed 35 feet or two (2) stories in height.

**7 Lot Coverage:**

The total ground area covered by the principal building and all accessory buildings including any roofed area shall not exceed thirty (30) percent of the total lot area.

Maximum Lot Coverage requirements for individual condominium units and townhouse lots shall have a maximum density of ten units per gross acre. The above Lot Coverage requirements apply to individual condominium units and townhouse lots that **are not** served by Public wastewater.

**Section 5.03 Riverside Residential and Camping District**

A. Purpose

The purpose of this district shall be to regulate development in close proximity to the navigable water bodies in Hertford County, so as to appropriately allow for development and recreation along these natural resource areas.

B. Permitted Uses:

1. Accessory buildings and uses normally associated with the above uses, provided that no accessory building shall be rented or occupied for gain, and provided further that no accessory building shall be constructed upon a lot until the construction of the main building commenced. Accessory buildings shall only be placed within the rear yard area as defined herein.
2. Camps providing sites for tents and camping trailers meeting the following requirements:
  - (a) Minimum size of camp providing sites for tents and camping trailers shall be ten (10) acres of land.
  - (b) A minimum of three thousand (3,000) square feet of area shall be provided for each tent or trailer space.
  - (c) All buildings, tent spaces, and trailer spaces shall be set back a minimum distance of two hundred (200) feet from any property line to be maintained as a natural buffer from all surrounding lots and uses.
  - (d) A sanitary source of drinking water shall not be more than two hundred (200) feet, toilet facilities not more than four hundred (400) feet, and washhouses not more than one thousand five hundred (1,500) feet from any tent or trailer space. This provision shall not apply where community water and sewer connections are provided to trailers having self-contained kitchens and bathroom facilities.
  - (e) A preliminary plan drawn to a scale not smaller than two hundred (200) feet to the inch and not larger than fifty (50) feet to the inch shall be submitted to the Hertford County Planning Commission with each camp application providing sites shall include among other things the requirements set forth in the above and other information that may be required by the Planning Commission. The Planning Commission may require a final plat incorporating any changes set forth before final approval of the campsite is granted.
3. Grounds and facilities for recreation and community center buildings, lakes, parks, and similar facilities.

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4. Group Camp Facilities, (such as Boy Scout, Girl Scout, or church camps,) operated on a profit or nonprofit basis meeting the following requirements:
  - (a) No camp shall have a design capacity of more than one hundred and fifty (150) campers.
  - (b) Each group camp shall provide a minimum of one-half (1/2) acre per camper.
  - (c) All building and areas for organized recreation use shall be set back a minimum distance of two hundred (200) feet from any property line to be maintained as a natural buffer from adjacent lots and uses.
  - (d) Cabins in the camp shall be a minimum distance of fifty (50) feet from one another and a minimum distance of seventy-five (75) feet from any toilet facility. No cabin shall be more than one hundred and fifty (150) feet from toilet facilities.
  - (e) A preliminary plat drawn to a scale not smaller than two hundred (200) feet to the inch nor larger than fifty (50) feet to the inch shall be submitted to the Hertford County Planning commission which each Group Camp Facility application. The sketch shall include among other things the requirement set forth in the above and other information that may be required by the Planning Commission. The Planning Commission may require a final plat incorporating any changes set forth before final approval of the Group Camp Facility is granted.
5. Manufactured Housing provided that:
  - (a) The unit is treated as one (1) dwelling that meets the dimensional requirements of the RA District (5.02.D);
  - (b) Only one (1) unit shall be allowed per lot, and only as a conditional use shall manufactured housing be allowed on a lot occupied by any other principal building unless it is located in a mobile home park; and
  - (c) Manufactured housing shall be connected to water, sewerage, and electrical utilities.
6. Mobile Home Parks and Travel Trailer Parks, as regulated in the Hertford County Mobile Home Park and Travel Trailer Ordinance.
7. Public Utilities to include, but not limited to distribution lines, substations, transmission lines; water tanks; and telecommunication exchanges.
8. Solar Collector – Small scale, Accessory Use Solar Collector’s shall be permitted to generate electrical energy for the primary purpose of on-site consumption in accordance with minimum setbacks as required for all other accessory buildings and structures within said district, as evidenced on a standard site plan.

Solar Farm Facilities must meet the following requirements:

- a. Solar Collectors, equipment, and structures (excluding electric transmission lines and utility poles) shall not exceed twenty-five

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- (25) feet in height when ground mounted. Roof-mounted systems are excluded.
- b. All equipment and structures shall be a minimum of fifty (50) feet from all property lines, and one hundred (100) feet from any residence.
  - c. All solar farms shall have security fencing of a minimum of six (6) feet in height along the entire perimeter of the facility.
  - d. When adjoining a residence, an evergreen vegetative buffer is required. Front yard adjoining public rights-of-way shall be landscaped with trees and/or shrubs and shall be maintained at all times; this is not intended to be a requirement for an evergreen vegetative buffer.
  - e. Electric solar system components must have a UL listing or equivalent.
  - f. All active solar systems shall meet all requirements of the North Carolina State Building Code as well as all State and Local environmental codes and shall be inspected by a county building and electrical inspector.
  - g. All photovoltaic systems shall comply with the National Electrical Code, current edition.
  - h. Utility notification. No grid tied photovoltaic system shall be installed until evidence has been given to the Planning and Development Department that the owner has been approved by the utility company to install the system. Off-grid systems shall be exempt from this requirement.
  - i. Abandonment. A Solar Farm Facility that ceases to produce energy on a continuous basis for twelve (12) months will be considered abandoned unless the current responsible party with ownership interests in the Solar Farm Facility provides substantial evidence (updated every six (6) months after twelve (12) months of no energy production) to the Zoning Administrator of the intent to maintain and reinstate the operation of the facility. It is the responsibility of the system owner to remove all obsolete or unused systems within six (6) months of cessation of operation. If the system owner fails to remove within this time period, the property owner is responsible for removal within an additional six (6) month period. All components are to be recycled whenever feasible.
9. Towers are permitted provided that all towers shall be set a minimum of two hundred (200) feet from all exterior property lines. Towers shall be fenced and have all necessary permits prior to construction.
10. All signs must meet the requirements set forth in Article IX.
11. Off-street parking and loading must meet the requirements set forth in Article VIII.

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- C. Conditional Uses – The following uses shall be permitted on unoccupied conforming lots and conforming lots occupied by a principal structure subject to a finding by the Board of Adjustment that the conditions listed herein and any additional conditions listed by the Board of Adjustment at the time of review will be met.
1. Antique, Hobby, and Novelty Shops – provided that the following conditions are met:
    - (a) Same as those required in Section 5.02.C.1.
  2. Commercial plant nursery – other than bona fide farm operations, provided that the following conditions are met:
    - (a) No plant nursery shall be located within fifty (50) feet of any front property line, and side and rear yard setbacks shall be determined by the Board of Adjustment.
    - (b) There shall be only one (1) freestanding sign, which shall not exceed twelve (12) square feet.
    - (c) No sign shall be illuminated
    - (d) All parking shall be off-street parking.
  3. Manufactured Housing – on same lot as principal building provided that the following conditions are met:
    - (a) Same as those required in Section 5.02C.14.
  4. Motor Home – provided that the following conditions are met:
    - (a) Same as those required in Section 5.02.C.15
  5. Retail sales ancillary to permitted construction activities in the district, provided that the following conditions are met:
    - (a) Sales shall be conducted only with the written permission of the landowner of the property on which the sales take place, which may be evidenced by the landowner filing the application for a Conditional Use Permit.
    - (b) Sales shall be conducted only upon property on which a structure is located or being constructed.
    - (c) Sales are allowed only during the construction phase of a project for the purpose of selling to persons engaged in the construction phase of a project. At no time will the seller cater or advertise to the general public.
    - (d) Only one sign shall be permitted.
    - (e) No signs shall be illuminated.
    - (f) Signs shall be no larger than five (5) square feet.
    - (g) Signs shall only list items sold and price of items.
    - (h) Signs shall be attached to and mounted flat against the face of the structure.

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- (i) Sales activities shall cease and sign shall be removed within thirty (30) days after issuance of Certificate of Occupancy.
- (j) Any other conditions listed by the Board of Adjustment at the time of review.

D. Dimensional Requirements

- 1. Same as those specified in Section 5.02.D. unless otherwise approved by the county health department.

**Section 5.04 RB Riverside Business District**

A. Purpose

The purpose of this district shall be to provide for commercial opportunities along the county's riverfronts. Such development will be consistent with CAMA AEC Guidelines and other county, state, or federal regulations governing development in this area.

B. Permitted Uses:

1. Accessory buildings and uses normally associated with the above uses, provided that no accessory building shall be rented or occupied for gain, and provided further that no accessory building shall be constructed upon a lot until the construction of the main building has commenced. Accessory buildings shall only be placed within the rear yard area as defined herein.
2. Amusement parks, including outdoor rides, bowling alleys, trampoline centers, miniature golf or par three golf courses, soft drink stands, swimming pools and bath houses, and dance halls.
3. Commercial marinas for the launching, storage, rental, sale, and repair of boats.
4. Fish Market
5. Fishing and Hunting Lodges
6. Motels
7. Public Utilities to include, but not limited to distribution lines, substations, transmission lines; water tanks; and telecommunications exchanges.
8. Restaurants
9. Sale of souvenirs, fishing equipment, soft drinks, sporting goods, convenient shopping goods, gasoline, and oil.
10. Solar Collector - Small scale, Accessory Use Solar Collector's shall be permitted to generate electrical energy for the primary purpose of on-site consumption in accordance with minimum setbacks as required for all

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other accessory buildings and structures within said district, as evidenced on a standard site plan.

Solar Farm Facilities must meet the following requirements:

- (a) Solar Collectors, equipment, and structures (excluding electric transmission lines and utility poles) shall not exceed twenty-five (25) feet in height when ground mounted. Roof-mounted systems are excluded.
  - (b) All equipment and structures shall be a minimum of fifty (50) feet from all property lines, and one hundred (100) feet from any residence.
  - (c) All solar farms shall have security fencing of a minimum of six (6) feet in height along the entire perimeter of the facility.
  - (d) When adjoining a residence or business, an evergreen vegetative buffer is required. Front yard adjoining public rights-of-way shall be landscaped with trees and/or shrubs and shall be maintained at all times; this is not intended to be a requirement for an evergreen vegetative buffer.
  - (e) Electric solar system components must have a UL listing or equivalent.
  - (f) All active solar systems shall meet all requirements of the North Carolina State Building Code as well as all State and Local environmental codes and shall be inspected by a county building and electrical inspector.
  - (g) All photovoltaic systems shall comply with the National Electrical Code, current edition.
  - (h) Utility notification. No grid tied photovoltaic system shall be installed until evidence has been given to the Planning and Development Department that the owner has been approved by the utility company to install the system. Off-grid systems shall be exempt from this requirement.
  - (i) Abandonment. A Solar Farm Facility that ceases to produce energy on a continuous basis for twelve (12) months will be considered abandoned unless the current responsible party with ownership interests in the Solar Farm Facility provides substantial evidence (updated every six (6) months after twelve (12) months of no energy production) to the Zoning Administrator of the intent to maintain and reinstate the operation of the facility. It is the responsibility of the system owner to remove all obsolete or unused systems within six (6) months of cessation of operation. If the system owner fails to remove within this time period, the property owner is responsible for removal within an additional six (6) month period. All components are to be recycled whenever feasible.
11. Towers are permitted provided that all towers shall be set a minimum of fifty (50) feet from all exterior property lines. When the property abuts Residential/Agricultural (RA) or Riverside Residential and Camping (RR&C) Districts, the minimum setback from that District shall be a minimum of two hundred (200) feet. Towers shall be fenced and have all necessary permits prior to construction.

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12. All signs must meet the requirements set forth in Article IX.
13. Off-street parking and loading must meet the requirements set forth in Article VIII.

C. Conditional Uses

1. Retail sales ancillary to permitted construction activities in the district, provided that the following conditions are met:
  - (a) Sales shall be conducted only with the written permission of the landowner of the property on which the sales take place, which may be evidenced by the landowner filing the application for a Conditional Use Permit.
  - (b) Sales shall be conducted only upon property on which a structure is located or being constructed.
  - (c) Sales are allowed only during the construction phase of a project for the purpose of selling to persons engaged in the construction phase of a project. At no time will the seller cater or advertise to the general public.
  - (d) Only one sign shall be permitted.
  - (e) No sign shall be illuminated.
  - (f) Signs shall be no larger than five (5) square feet.
  - (g) Signs shall only list items sold and price of items.
  - (h) Signs shall be attached to and mounted flat against the face of the structure.
  - (i) Sales activities shall cease and signs shall be removed within thirty (30) days after issuance of Certificate of Occupancy.
  - (j) Any other conditions listed by the Board of Adjustment at the time of review.

D. Dimensional Requirements

1. Each Riverside Business use shall have a minimum frontage along a State maintained road of at least fifty (50) feet. All buildings shall be set back a minimum of twenty-five (25) feet from any property line. Also, the minimum side yards required is twenty-five (25) feet. All Riverside Business must also meet estuarine shoreline set back requirements if applicable.

**Section 5.05 IH – Heavy Industrial District**

A. Purpose

The purpose of this district shall be to provide and protect areas for those uses, which would produce excessive noise, odor, smoke, dust, or airborne debris of any other objectionable characteristics, which might be detrimental to the health, safety, and welfare or surrounding neighborhoods and the county.

B. Permitted Uses:

1. All uses permitted in Light Industrial (IL) District
2. Bulk Petroleum plant and storage
3. Concrete products manufacturing and storage
4. Lime and fertilizer manufacturing and storage
5. Livestock sales pavilion
6. Manufacturing Facilities
7. Planing and saw mill
8. Port Facilities, docks, wharves, piers, loading and unloading facilities, cranes and other structures related to commercial or industrial facilities.
9. Public Utilities to include, but not limited to distribution lines, substations, transmission lines; water tanks; and telecommunication exchanges.
10. Quarrying and mining, including sand mining for commercial purposes
11. Radio and television towers and substations
12. Railroad and freight classification
13. Sanitary Landfill, subject to minimum regulations imposed by the State Board Health, Division of Sanitary Engineering.
14. Service Station

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15. Solar Collector – Small scale, Accessory Use Solar Collector’s shall be permitted to generate electrical energy for the primary purpose of on-site consumption in accordance with minimum setbacks as required for all other accessory buildings and structures within said district, as evidenced on a standard site plan.

Solar Farm Facilities must meet the following requirements:

- (a) Solar Farms are not permitted on sites that have immediate or reasonable access to three or more for the following forms of industrial infrastructure: (1) public water; (2) public wastewater; (3) natural gas lines; and (4) rail or barge access.
- (b) Solar Collectors, equipment, and structures (excluding electric transmission lines and utility poles) shall not exceed twenty-five (25) feet in height when ground mounted. Roof-mounted systems are excluded.
- (c) All equipment and structures shall be a minimum of fifty (50) feet from all property lines, and one hundred (100) feet from any residence.
- (d) All solar farms shall have security fencing of a minimum of six (6) feet in height along the entire perimeter of the facility.
- (e) When adjoining a residence or business, an evergreen vegetative buffer is required. Front yard adjoining public rights-of-way shall be landscaped with trees and/or shrubs and shall be maintained at all times; this is not intended to be a requirement for and evergreen vegetative buffer.
- (f) Electric solar system components must have a UL listing or equivalent.
- (g) All active solar systems shall meet all requirements of the North Carolina State Building Code as well as all State and Local environmental codes and shall be inspected by a county building and electrical inspector.
- (h) All photovoltaic systems shall comply with the National Electrical Code, current edition.
- (i) Utility notification. No grid tied photovoltaic system shall be installed until evidence has been given to the Planning and Development Department that the owner has been approved by the utility company to install the system. Off-grid systems shall be exempt from this requirement.
- (j) Abandonment. A Solar Farm Facility that ceases to produce energy on a continuous basis for twelve (12) months will be considered abandoned unless the current responsible party with ownership interests in the Solar Farm Facility provides substantial evidence (updated every six (6) months after twelve (12) months of no energy production) to the Zoning Administrator of the intent to maintain and reinstate the operation of the facility. It is the responsibility of the system owner to remove all obsolete or unused systems within six (6) months of cessation of operation. If the system owner fails to remove within this time period, the property owner is responsible for removal

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within an additional six (6) month period. All components are to be recycled whenever feasible

16. Steel mills, steel or other solid waste recycling facilities, and related loading, unloading, or transportation facilities.
  17. Stockyard
  18. Stone and gravel works
  19. Towers are permitted provided that all towers shall be set a minimum of fifty (50) feet from all exterior property lines. When the property abuts a Residential & Agriculture (RA) District or Riverside Residential and Camping (RR&C) District the minimum setback from that District shall be a minimum of two hundred (200) feet. Towers shall be fenced and have all necessary permits prior to construction.
  20. Truck Stop
  21. All signs must meet the requirements set forth in Article IX
  22. Off-street parking and loading must meet the requirements set forth in Article VIII.
- C. Conditional Uses – The following uses shall be permitted on unoccupied conforming lots and conforming lots occupied by a principal structure subject to a finding by the Board of Adjustment that the Conditions listed herein and any additional conditions listed by the Board of Adjustment at the time of review will be met.
1. Acid manufacturing and storage
  2. Junkyards, Auto Graveyards, and Salvage Yards used for the collection, storage, crushing, baling or sorting of materials – provided the following conditions are met:
    - (a) The site shall not be located within one-quarter (1/4) mile of any hospital, nursing/rest home, school, rural volunteer fire department, rescue department, or Church.
    - (b) Front yard setback requirements shall be one hundred (100) feet from front property line. Side yard and Rear yard setback requirements shall be fifty (50) feet from side and rear property lines, except that when abutting a residential district the minimum set back shall be two hundred (200) feet from side and rear property lines.
    - (c) A Site-Specific Development Plan is required. This Plan shall include: a sketch of the site; proposed set back lines; any proposed structure; any known drainage areas; proposed construction materials to include materials used to construct any visual barrier; and proposed

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vegetation for buffer area. The applicant shall also include transportation and shipping/receiving plans such that traffic issues are addressed. The Zoning Board of Adjustment may request any additional information it determines necessary in considering the application.

- (d) The area to be used shall be fenced and screened completely at the setback lines to a height of eight (8) feet and with materials approved by the Zoning Board of Adjustment. The Buffer Area shall be landscaped and maintained with appropriate vegetation.
  - (e) No materials shall be stored within the Buffer Area, which is the area between the property lines and setback lines.
  - (f) No materials shall be stacked higher than eight (8) feet.
  - (g) No collection can begin at the site until setback, buffers, and visual barriers are established and in place and will require approval by the Planning and Zoning Department.
  - (h) Shall comply with any applicable State and Federal requirements
3. Public Wastewater Facilities – provided that the following conditions are met:
- (a) That evidence be presented showing the applicant has obtained all the required state or federal permits necessary to construct a facility.
  - (b) That a scale plat plan be presented showing:
    - (1) Proposed disposal site contours (20 ft. contour interval is maximum)
    - (2) Location of pump(s), force main(s), junction(s), valve(s), etc.
    - (3) Spray nozzle location(s) (or other methods of application).
    - (4) Buffer zone
    - (5) Areas subject to flooding
    - (6) Areas with excessive slopes (those greater than 8%)
    - (7) Location of Fencing, warning signs, (or other methods for controlling access to the disposal site.)
    - (8) Distance and direction to nearest groundwater supply
    - (9) Distance and direction to nearest occupied dwelling

Should any of the above items not apply to a specific proposal, a statement or statements should be made indication the irrelevance.

4. Retail sales ancillary to permitted construction activities in the district, provided that the following conditions are met:
- (a) Sales shall be conducted only with the written permission of the landowner of the property on which the sales take place, which may be evidenced by the landowner filing the application for a Conditional Use Permit.
  - (b) Sales shall be conducted only upon property on which a structure is located or being constructed.

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- (c) Sales are allowed only during the construction phase of a project for the purpose of selling to persons engaged in the construction phase of a project. At no time will the seller cater or advertise to the general public.
- (d) Only one sign shall be permitted
- (e) No sign shall be illuminated
- (f) Signs shall be no larger than five (5) square feet
- (g) Signs shall only list items sold and price of items
- (h) Signs shall be attached to and mounted flat against the face of the structure
- (i) Sales activities shall cease and signs shall be removed within thirty (30) days after issuance of Certificate of Occupancy.
- (j) Any other conditions listed by the Board of Adjustment at the time of review.

5. Schools

6. Temporary Construction Building – provided the following conditions are met:

- (a) Same as those required in Section 5.02C.20.
- (b) Temporary construction building may be occupied for security purpose

7. Temporary Restaurants – provided the following conditions are met:

- (a) Temporary restaurants shall be located only upon property on which principal structure is located.
- (b) Temporary restaurants are allowed only during the construction phase of the principal structure for the purpose of catering to persons engaged in the construction phase of principal building. At no time will the temporary restaurant cater or advertise to the general public.
- (c) Only one sign shall be permitted.
- (d) No signs shall be illuminated.
- (e) Signs shall be no larger than five (5) square feet.
- (f) Signs shall only list items sold and price of items.
- (g) Signs shall be attached to and mounted flat against the face of the structure.
- (h) Temporary restaurants and signs shall be removed within thirty (30) days after issuance of Certificate of Occupancy.

D. Dimensional Requirements

1. Front Yard

Minimum required depth of front yard fifty (50) feet

2. Side Yard and Rear Yard

When abutting a residential district a permitted use must provide a minimum setback of two hundred (200) feet.

**Section 5.06 FP Flood Plain District**

A. Purpose

The purpose of this district shall be to encourage the utilization of the flood plains by uses, which would not be damaged or destroyed by high waters.

B. Permitted Uses:

1. Camps – providing that sites for tents and camping trailers meet the following requirements:
  - (a) Camps shall have a minimum of ten (10) acres of land.
  - (b) A minimum of three thousand (3,000) square feet of area shall be provided for each tent or trailer space.
  - (c) All buildings, tent spaces, and trailer spaces shall be set back a minimum of two hundred (200) feet from any property line to maintain as a natural buffer from all surrounding lots and uses.
  - (d) A sanitary source of drinking water shall not be more than two hundred (200) feet, toilet facilities not more than one thousand five hundred (1,500) feet from any tent or trailer space. This provision shall not apply where community water and sewer connections are provided to trailers having self-contained kitchens and bathroom facilities.
  - (e) A preliminary plat drawn to a scale of not less than two hundred (200) feet to the inch nor more than fifty (50) feet to the inch shall be submitted to the Hertford County Planning Commission with each camp application providing sites for tents and camping trailers. The sketch shall include among other things the requirements set forth in the above and other information that may be required by the Planning commission. The Planning Commission may require a final plat incorporating any changes set forth before final approval of the campsite is granted.
2. Grounds and facilities for recreational and community center buildings, lakes, parks, and similar facilities.
3. Public Utilities to include, but not limited to distribution lines, substations, transmission lines; water tanks; and telecommunication exchanges.
4. Solar Collector – Small scale, Accessory Use Solar Collector's shall be permitted to generate electrical energy for the primary purpose of on-site consumption in accordance with minimum setbacks as required for all other accessory buildings and structures within said district, as evidenced on a standard site plan.

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Solar Farm Facilities must meet the following requirements:

- (a) Solar Collectors, equipment, and structures (excluding electric transmission lines and utility poles) shall not exceed twenty-five (25) feet in height when ground mounted. Roof-mounted systems are excluded.
- (b) All equipment and structures shall be a minimum of fifty (50) feet from all property lines, and one hundred (100) feet from any residence.
- (c) All solar farms shall have security fencing of a minimum of six (6) feet in height along the entire perimeter of the facility.
- (d) When adjoining a residence, an evergreen vegetative buffer is required. Front yard adjoining public rights-of-way shall be landscaped with trees and/or shrubs and shall be maintained at all times; this is not intended to be a requirement for an evergreen vegetative buffer.
- (e) Electric solar system components must have a UL listing or equivalent.
- (f) All active solar systems shall meet all requirements of the North Carolina State Building Code as well as all State and Local environmental codes and shall be inspected by a county building and electrical inspector.
- (g) All photovoltaic systems shall comply with the National Electrical Code, current edition.
- (h) Utility notification. No grid tied photovoltaic system shall be installed until evidence has been given to the Planning and Development Department that the owner has been approved by the utility company to install the system. Off-grid systems shall be exempt from this requirement.
- (i) Abandonment. A Solar Farm Facility that ceases to produced energy on a continuous basis for twelve (12) months will be considered abandoned unless the current responsible party with ownership interests in the Solar Farm Facility provides substantial evidence (updated every six (6) months after twelve (12) months of no energy production) to the Zoning Administrator of the intent to maintain and reinstate the operation of the facility. It is the responsibility of the system owner to remove all obsolete or unused systems within six (6) months of cessation of operation. If the system owner fails to remove within this time period, the property owner is responsible for removal within an additional six (6) month period. All components are to be recycled whenever feasible.

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(FP FLOOD PLAIN DISTRICT)

5. Towers are permitted provided that all towers shall be set a minimum of fifty (50) feet from all exterior property lines. When the property abuts a Residential & Agriculture (RA) District or Riverside Residential and Camping (RR&C) District the minimum setback from that District shall be a minimum of two hundred (200) feet. Towers shall be fenced and have all necessary permits prior to construction.
6. All signs must meet the requirements set forth in Article IX.
7. Off-street parking must meet the requirements set forth in Article VIII.

C. Conditional Uses

1. Retail sales ancillary to permitted construction activities in the district, provided that the following conditions are met:
  - (a) Sales shall be conducted only with the written permission of the landowner of the property on which the sales take place, which may be evidenced by the landowner filing the application for a Conditional Use Permit.
  - (b) Sales shall be conducted only upon property on which a structure is located or being constructed.
  - (c) Sales are allowed only during the construction phase of a project for the purpose of selling to persons engaged in the construction phase of a project. At no time will the seller cater or advertise to the general public.
  - (d) Only one sign shall be permitted.
  - (e) No sign shall be illuminated.
  - (f) Signs shall be no larger than five (5) square feet.
  - (g) Signs shall only list items sold and price of items.
  - (h) Signs shall be attached to and mounted flat against the face of the structure.
  - (i) Sales activities shall cease and signs shall be removed within thirty (30) days after issuance of Certificate of Occupancy.
  - (j) Any other conditions listed by the Board of Adjustment at the time of review.

D. Dimensional Requirements

1. Minimum lot size is five (5) acres.

**Section 5.07 IL Light Industrial District**

A. Purpose

The Light Industrial District is established as a district in which the principal use of land is for industries which can be operated in a relatively clean and quiet manner and which would not be obnoxious to adjacent residential or other districts and for wholesale and jobbing establishments, which require relatively large sites and have limited contact with the general public.

B. Permitted Uses:

1. Assembly of farm products such as granaries and storage bins, but not fertilizer or tallow plants.
2. Automobile/Truck Repair Garage with outside storage of wrecked or inoperable automobiles permitted only for autos actually in process of repair and such vehicles shall be concealed from a public street by a fences, wall, or evergreen plants at least five (5) feet high.
3. Bag manufacturer
4. Boat manufacturer
5. Bottling works
6. Cabinet making
7. Cold storage plant
8. Contractor and Cleaning shops
9. Dry cleaning and laundry plants
10. Electrical and industrial and farm equipment repair, but not railroad equipment.
11. Fertilizer storage and sales
12. Food processing in wholesale quantity, except meat, fish, poultry, vinegar, and yeast.
13. Grain elevators
14. Garment manufacture

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15. Household appliance manufacturer
16. Industrial research and educational facilities
17. Laboratories for research and testing
18. Leather goods manufacturer
19. Lumber and building materials storage and sales.
20. Optical and scientific instruments, jewelry and clocks, musical instrument manufacturer.
21. Pharmaceutical products manufacturer
22. Printing, publishing and reproduction establishments
23. Public utilities to include, but not limited to distribution lines, substations, transmission lines; water tanks; and telecommunications exchanges.
24. Repair and servicing of office and household equipment
25. Sheet metal shops
26. Sign manufacturer, painting and maintenance
27. Solar Collector – Small scale, Accessory Use Solar Collector’s shall be permitted to generate electrical energy for the primary purpose of on-site consumption in accordance with minimum setbacks as required for all other accessory buildings and structures within said district, as evidenced on a standard site plan.

Solar Farm Facilities must meet the following requirements:

- (a) Solar Farms are not permitted on sites that have immediate or reasonable access to three or more for the following forms of industrial infrastructure: (1) public water; (2) public wastewater; (3) natural gas lines; and (4) rail or barge access.
- (b) Solar Collectors, equipment, and structures (excluding electric transmission lines and utility poles) shall not exceed twenty-five (25) feet in height when ground mounted. Roof-mounted systems are excluded.
- (c) All equipment and structures shall be a minimum of fifty (50) feet from all property lines, and one hundred (100) feet from any residence.
- (d) All solar farms shall have security fencing of a minimum of six (6) feet in height along the entire perimeter of the facility.

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- (e) When adjoining a residence or business, an evergreen vegetative buffer is required. Front yard adjoining public rights-of-way shall be landscaped with trees and/or shrubs and shall be maintained at all times; this is not intended to be a requirement for an evergreen vegetative buffer.
- (f) Electric solar system components must have a UL listing or equivalent.
- (g) All active solar systems shall meet all requirements of the North Carolina State Building Code as well as all State and Local environmental codes and shall be inspected by a county building and electrical inspector.
- (h) All photovoltaic systems shall comply with the National Electrical Code, current edition.
- (i) Utility notification. No grid tied photovoltaic system shall be installed until evidence has been given to the Planning and Development Department that the owner has been approved by the utility company to install the system. Off-grid systems shall be exempt from this requirement.
- (j) Abandonment. A Solar Farm Facility that ceases to produce energy on a continuous basis for twelve (12) months will be considered abandoned unless the current responsible party with ownership interests in the Solar Farm Facility provides substantial evidence (updated every six (6) months after twelve (12) months of no energy production) to the Zoning Administrator of the intent to maintain and reinstate the operation of the facility. It is the responsibility of the system owner to remove all obsolete or unused systems within six (6) months of cessation of operation. If the system owner fails to remove within this time period, the property owner is responsible for removal within an additional six (6) month period. All components are to be recycled whenever feasible.

28. Storage warehouses and yards

29. Textile manufacturing

30. Tinsmith shops

31. Towers are permitted provided that all towers shall be set a minimum of fifty (50) feet from all exterior property lines. When the property abuts a Residential & Agriculture (RA) District or Riverside Residential and Camping (RR&C) District the minimum setback from that District shall be a minimum of two hundred (200) feet. Towers shall be fenced and have all necessary permits prior to construction.

32. Venetian blind manufacturer

33. Warehouses

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- 34. Welding shops
- 35. Wholesale and jobbing establishments, including incidental retail outlets for only such merchandise as is handled for wholesale.
- 36. All signs must meet the requirements set forth in Article IX.
- 37. Off-street parking and loading must meet the requirements set forth in Article VIII.

C. Conditional Uses:

The following uses shall be permitted on unoccupied conforming lots and conforming lots occupied by a principal structure subject to a finding by the Board of Adjustment that the conditions listed by the Board of Adjustment at the time of review will be met.

- 1. Retail sales ancillary to permitted construction activities in the district, provided that the following conditions are met:
  - (a) Sales shall be conducted only with the written permission of the landowner of the property on which the sales take place, which may be evidenced by the landowner filing the application for a Conditional Use Permit.
  - (b) Sales shall be conducted only upon property on which a structure is located or being constructed.
  - (c) Sales are allowed only during the construction phase of a project for the purpose of selling to persons engaged in the construction phase of a project. At no time will the seller cater or advertise to the general public.
  - (d) Only one sign shall be permitted.
  - (e) No sign shall be illuminated.
  - (f) Signs shall be no larger than five (5) square feet.
  - (g) Signs shall only list items sold and price of items.
  - (h) Signs shall be attached to and mounted flat against the face of the structure.
  - (i) Sales activities shall cease and signs shall be removed within thirty (30) days after issuance of Certificate of Occupancy.
  - (j) Any other conditions listed by the Board of Adjustment at the time of review.
- 2. Temporary Restaurants – provided the following conditions are met:
  - (a) Same as those required in Section 5.05.C.1.

E. Dimensional Requirements

- 1. Front yard – Minimum required depth of front yard in fifty (50) feet.
- 2. Side Yard and Rear Yard – When abutting a residential district a permitted use must provide a minimum setback of one hundred (100) feet.

**Section 5.08 CH Commercial Highway District**

A. Purpose

Highway Commercial Districts are generally located on major highways, roads, or street, near population centers and provide offices, personal services, amusement and retailing of durable and convenience goods. Such uses are dependent upon vehicular traffic and are subject to the public view, thus, requiring that provisions be made for appearance, ample parking, and loading and controlled traffic movement to protect the health, safety, and welfare of the citizens.

B. Permitted Uses:

1. Accessory buildings and uses normally associated with the above uses, provided that no accessory building shall be rented or occupied for gain and provided further that no accessory building shall be constructed upon a lot until the construction of the main building has commenced. Accessory buildings shall only be placed within the rear yard area as defined herein.
2. Mini Storage Facilities
3. Public Utilities to include, but not limited to distribution lines, substations, transmission lines; water tanks; and telecommunications exchanges.
4. Repair and storage of automobile, trucks, and agricultural implements shall be permitted provided all repairs are performed inside a building off the public right-of-way and at least fifteen (15) feet to the rear of the front property line. This does not include auto salvage or junkyards.
5. Retail Stores  
Stores retailing: groceries, drugs, notions, fish, meat, antiques, hardware, upholstery, paints, furniture, appliances, radio and television, automobiles, bicycles, motorcycles, farm equipment and supplies, paint and wall paper, electrical and plumbing fixtures, nursery stock and supplies, mobile homes.
6. Sales and storage of fertilizer, peanuts, beans, and grain shall be permitted subject to the following conditions: all storage shall be enclosed buildings or structure. No processing, shelling or refining shall be allowed.
7. Services  
Motels, banks, barber and beauty shops, shoe repair, laundry and dry cleaning, restaurants, service stations, radio and television repair, funeral

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homes, drive-ins dispensing foods, radio and television broadcasting stations, offices, signs, billboards.

8. Shopping centers shall be permitted subject to the following conditions:
  - (a) That the developer presents to the planning board evidence that the developer has obtained a driveway or any other permit necessary to construct such an establishment.
  - (b) That a scale plat plan be presented showing:
    - 1) Site location
    - 2) Site description (including drainage, vegetation, etc.)
    - 3) Acreage of tract
    - 4) Proposed size of shopping center initially and in final form.
    - 5) The proposed building complex floor area (each establishment individually)
    - 6) Starting and completion date
    - 7) Utility service available
    - 8) Traffic plan: Information as the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space.
    - 9) Landscaping and lighting
9. Solar Collector - Small scale, Accessory Use Solar Collector's shall be permitted to generate electrical energy for the primary purpose of on-site consumption in accordance with minimum setbacks as required for all other accessory buildings and structures within said district, as evidenced on a standard site plan

Solar Farm Facilities must meet the following requirements:

- (a) Solar Collectors, equipment, and structures (excluding electric transmission lines and utility poles) shall not exceed twenty-five (25) feet in height when ground mounted. Roof-mounted systems are excluded.
- (b) All equipment and structures shall be a minimum of fifty (50) feet from all property lines, and one hundred (100) feet from any residence.
- (c) All solar farms shall have security fencing of a minimum of six (6) feet in height along the entire perimeter of the facility.
- (d) When adjoining a residence or business, an evergreen vegetative buffer is required. Front yard adjoining public rights-of-way shall be landscaped with trees and/or shrubs and shall be maintained at all times; this is not intended to be a requirement for and evergreen vegetative buffer.
- (e) Electric solar system components must have a UL listing or equivalent.
- (f) All active solar systems shall meet all requirements of the North Carolina State Building Code as well as all State and Local environmental codes and shall be inspected by a county building and electrical inspector.

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- (g) All photovoltaic systems shall comply with the National Electrical Code, current edition.
- (h) Utility notification. No grid tied photovoltaic system shall be installed until evidence has been given to the Planning and Development Department that the owner has been approved by the utility company to install the system. Off-grid systems shall be exempt from this requirement.
- (i) Abandonment. A Solar Farm Facility that ceases to produce energy on a continuous basis for twelve (12) months will be considered abandoned unless the current responsible party with ownership interests in the Solar Farm Facility provides substantial evidence (updated every six (6) months after twelve (12) months of no energy production) to the Zoning Administrator of the intent to maintain and reinstate the operation of the facility. It is the responsibility of the system owner to remove all obsolete or unused systems within six (6) months of cessation of operation. If the system owner fails to remove within an additional six (6) month period. All components are to be recycled whenever feasible.

10. Theaters, drive-ins, are subject to the following conditions:

No part of any theater screen, projection booth, or other building shall be located closer than three hundred (300) feet to any residential district or closer than fifty (50) feet to any property line or public right-of-way. The theater screen shall not face a major street or highway.

- 11. Towers are permitted provided that all towers shall be set a minimum of fifty (50) feet from all exterior property lines. When the property abutting a Residential & Agriculture (RA) District or Riverside Residential and Camping (RR&C) District the minimum setback from that District shall be a minimum two hundred (200) feet. Towers shall be fenced and have all necessary permits prior to construction.
- 12. All signs must meet the requirements set forth in Article IX.
- 13. Off-street parking and loading must meet the requirements set forth in Article VIII.

C. Conditional Uses

- A. Retail sales ancillary to permitted construction activities in the district, provided that the following conditions are met:
  - (a) Sales shall be conducted only with the written permission of the landowner of the property on which the sales take place, which may be

DISTRICT REGULATIONS  
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evidenced by the landowner filing the application for a Conditional Use Permit.

- (b) Sales shall be conducted only upon property on which a structure is located or being constructed.
- (c) Sales are allowed only during the construction phase of a project for the purpose of selling to persons engaged in the construction phase of a project. At no time will the seller cater or advertise to the general public.
- (d) Only one sign shall be permitted.
- (e) No sign shall be illuminated.
- (f) Signs shall be no larger than five (5) square feet.
- (g) Signs shall only list items sold and price of items.
- (h) Signs shall be attached to and mounted flat against the face of the structure.
- (i) Sales activities shall cease and signs shall be removed within thirty (30) days after issuance of Certificate of Occupancy.
- (j) Any other conditions listed by the Board of Adjustment at the time of review.

D. Dimensional Requirements

1. Each highway commercial use shall have a minimum frontage along a state maintained road of at least one hundred (100) feet.
2. Minimum required depth of front yard is fifty (50) feet.
3. When abutting a Residential District a permitted uses meets the identical requirements of the abutting yard in that district.

**Section 5.09 AP Airport District**

A. Purpose

This district is created to reduce the possibility of an accident as the result of falling aircraft; and to otherwise reduce the danger to the public (both in the air and on the ground) in those area adjacent to the Tri-County Airport. The land in this district will remain free of manmade structures or activities and natural growth that may impede the approach and/or departure of aircraft from the runway of the airport.

B. Permitted Uses:

1. Airport Related Uses: to include but not limited to the following:

- Hangers and storage facilities
- Maintenance buildings
- Fuel storage and distribution facilities
- Passenger and visitors areas
- Charter and flying services offices
- Fire and safety facilities

2. Commercial Plant Nursery: maximum height of plants or trees not to exceed fifteen (15) feet; not to include greenhouses, storage sheds, or other structures.

3. Golf course or Driving Range; not to include clubhouse pro-shop, storage sheds, or structures.

4. Public Utilities to include, but not limited to distribution lines, substations, transmission lines; water tanks; and telecommunications exchanges.

5. Small scale, Accessory Use Solar Collector's may be permitted to generate electrical energy for the primary purpose of on-site consumption in accordance with minimum setbacks as required for all other accessory buildings and structures within said district, as evidenced on a standard site plan.

For any Solar Energy System within the Airport District, notification must be submitted to the Airport Management that includes the location (map, coordinates, address, or Parcel ID), technology (roof-mounted PV, ground-mounted fixed PV, tracked PV, Solar thermal, etc.) and area of the system (acres). Notice must be given thirty (30)

DISTRICT REGULATIONS  
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days prior to requesting a zoning permit with Proof of delivery with the date of delivery. Airport Authority shall notify the Planning and Zoning Department of any potential flight hazards prior to the issuance of any zoning permit.

Solar Farm Facilities of greater than ½ acre are not permitted in the Airport Zoning District.

6. Towers are permitted provided that all towers shall be set a minimum of fifty (50) feet from all exterior property lines. When the property abuts a Residential & Agriculture (RA) District or Riverside Residential and Camping (RR&C) District the minimum setback from that District shall be a minimum of two hundred (200) feet. Towers shall be fenced and have all necessary permits prior to construction.
7. All signs must meet the requirements set forth in Article IX.

C. Conditional Uses

1. Retail sales ancillary to permitted construction activities in the district, provided that the following conditions are met:
  - (a) Sales shall be conducted only with the written permission of the landowner of the property on which the sales take place, which may be evidenced by the landowner filing the application for a Conditional Use Permit.
  - (b) Sales shall be conducted only upon property on which a structure is located or being constructed.
  - (c) Sales are allowed only during the construction phase of a project for the purpose of selling to persons engaged in the construction phase of a project. At no time will the seller cater or advertise to the general public.
  - (d) Only one sign shall be permitted.
  - (e) No sign shall be illuminated.
  - (f) Signs shall be no larger than five (5) square feet.
  - (g) Signs shall only list items sold and price of items.
  - (h) Signs shall be attached to and mounted flat against the face of the structure.
  - (i) Sales activities shall cease and signs shall be removed within thirty (30) days after issuance of Certificate of Occupancy.

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- (j) Any other conditions listed by the Board of Adjustment at the time of review.

D. Dimensional Requirements

1. Minimum requirements are the same as for Section 5.02.D. unless otherwise approved by the Hertford County Health Department and allowable by the FAA.

**Section 5.10 AEC Areas of Environmental Concern District**

The AEC District shall be an additional zone designation to any of the zoning districts of the zoning ordinance. That portion of any zoned district to which the AEC District shall apply be delineated on the AEC overlay map.

**A. Purpose for Delineating AEC Areas of Environmental Concern.**

Coastal areas, particularly the estuaries, are among the most biologically productive in any locality. In recent years, these areas have been subject to increasing pressures, which are the result of the often conflicting needs of a society expanding in industrial development in population, and in the recreational aspirations of its citizens. To prevent the destruction of such vital areas it is essential to identify and designate such areas where uncontrolled or incompatible development may result in irreparable damage. Thus, the protection of these areas is the reason for their delineation.

**B. Responsibility of the Zoning Enforcement/AEC (CAMA) Permit Officer.**

The Zoning Enforcement Officer/CAMA Permit Officer responsibilities are as follows:

1. Determine if a purpose use or structure is located in an AEC.
2. The general location should be made by examination of the AEC overlay map.
3. The final determination should be made by site inspection.
4. If the proposed site or structures are in an AEC, the Zoning Enforcement Officer must determine if the proposal meets the General Development Standard set by the North Carolina Division of Coastal Management.
5. Upon examining the proposal, the Zoning Enforcement Officer may or may not issue a certificate of AEC Compliance.

**C. General Development Standard for Asterion Shorelines**

1. All development projects shall be developed consistent with guidelines established by the North Carolina Coastal Resources Commission and the Division of Coastal Management.
2. Development shall not cause major or irreversible damage to valuable, documented historic architectural or archeological resources.

Key:

P=Permitted Use \* PR=Permitted with Restrictions \* CU=Conditional Use-BOA Approval

ZONING TABLE OF PERMITTED USES

**Section 5.11 Table 1 – Zoning Table of Permitted Uses**

Use Type	Location	RA-30	RR&C	RB	IH	FP	IL	CH	AP
Accessory building	Sec.5.02B1	P							
Accessory building and uses normally associated with the above uses, provided that no accessory building shall be rented or occupied for gain, and provided further that no accessory building shall be constructed upon a lot until the construction of the main building commenced. Accessory buildings shall only be placed within the rear yard area as defined herein.	Sec.5.03B1		P-R	P-R				P-R	
Acid manufacturing and storage	Sec.5.05C1				CU				
Agricultural Production (crops)	Sec.5.02B2	P							
Agricultural Production (livestock), except Swine Farms	Sec.5.02B3	P							
Airport Related Uses: to include but not limited to the following:	Sec.5.09B1								P
Ambulance Service	Sec.5.02C1	CU							
Amusement parks, including outdoor rides, bowling alleys, trampoline centers, miniature golf or par three golf courses, soft drinks stands, swimming pools and bath houses, and dance halls.	Sec.5.04B2			P					
Antique, Hobby and Novelty Shops	Sec.5.02C2	CU	CU						
Assembly of farm products such as granaries and storage bins, but not fertilizer or tallow plants	Sec.5.07B1				P		P		
Auction Sales	Sec.5.02C3	CU							
Auto Garage/Engine Mechanic	Sec.5.02C4	CU							
Auto Parts and Accessory Sales	Sec.5.02C5	CU							
Automobile/Truck Repair Garage	Sec.5.07B2				P-R		P-R		
Auto Washing establishments	Sec.5.02C6	CU							
Bag manufacturer	Sec.5.07B3				P		P		
Beauty Shop	Sec.5.02C7	CU							
Bed and Breakfast Inn	Sec.5.02C8	CU							
Boat manufacturer	Sec.5.07B4				P		P		
Boats and accessories, retail sales & service	Sec.5.02C9	CU							
Bottling works	Sec.5.07B5				P		P		
Bulk petroleum plant and storage	Sec.5.05B2				P				
Cabinet making	Sec.5.07B6				P		P		
Camps providing sites for tents and camping trailers meet the following requirements	Sec.5.03B2		P-R						

Key:

ZONING TABLE OF PERMITTED USES

P=Permitted Use \* PR=Permitted with Restrictions \* CU=Conditional Use-BOA Approval

Use Type	Location	RA-30	RR&C	RB	IH	FP	IL	CH	AP
Camps - providing that sites for tents and camping trailers meet the following requirements:	Sec.5.06B1					P-R			
Cemeteries	Sec.5.02B4	P							
Churches	Sec.5.02B5	P							
Cold storage plant	Sec.5.07B7				P		P		
Commercial marinas for the launching, storage, rental, sale, and repair of boats.	Sec.5.04B3			P					
Commercial Plant Nursery	Sec.5.03C2		CU						
Commercial Plant Nursery: maximum height of plants or trees not to exceed fifteen (15) feet; not to include greenhouses, storage sheds, or other structures.	Sec.5.09B2								P-R
Commercial Storage and Commercial Storage Buildings	Sec.5.02C10	CU							
Concrete products manufacturing and storage	Sec.5.05B3				P				
Contractor and cleaning shops	Sec.5.07B8				P		P		
Day Care Centers	Sec.5.02C11	CU							
Dry cleaning and laundry plants	Sec.5.07B9				P		P		
Electrical and industrial and farm equipment repair, but not railroad equipment.	Sec.5.07B10				P		P		
Fabric Shop and Dressmaking	Sec.5.02C12	CU							
Family Care Home	Sec.5.02B6	P-R							
Fertilizer storage and sales	Sec.5.07B11				P		P		
Fish Market	Sec.5.04B4			P					
Fishing and hunting lodges	Sec.5.04B5			P					
Food processing in wholesale quantity, except meat, fish, poultry, vinegar, and yeast.	Sec.5.07B12				P		P		
Forestry	Sec.5.02B7	P							
Garment manufacture	Sec.5.07B14				P		P		

Key:

ZONING TABLE OF PERMITTED USES

P=Permitted Use \* PR=Permitted with Restrictions \* CU=Conditional Use-BOA Approval

Use Type	Location	RA-30	RR&C	RB	IH	FP	IL	CH	AP
Golf Course or Driving Range; not to include clubhouse pro-shop, storage sheds, or structures.	Sec.5.09B3								P
Grain elevators	Sec.5.07B13				P		P		
Group Camp Facilities, (such as Boy Scout, Girl Scout, or church camps,)	Sec.5.03B4		P-R						
Group Care Facility	Sec.5.02C13	CU							
Grounds and facilities for recreational and community center building, parks, and similar facilities operated on a non-profit basis	Sec.5.02B8	P	P			P			
Home Occupation, as restricted in Article VII	Sec.5.02B9	P							
Hospitals, rest homes, nursing homes, sanitariums and funeral homes provided no building so used shall be within seventy-five (75) feet of any lot line	Sec.5.02B10	P							
Household appliance manufacturer	Sec.5.07B15				P		P		
Industrial research and educational facilities	Sec.5.07B16				P		P		
Junkyards, Auto Graveyards, and Salvage Yards used for the collection, storage, crushing, baling or sorting of materials - provided the following conditions are met	Sec.5.05C2				CU				
Laboratories for research and testing	Sec.5.07B17				P		P		
Leather goods manufacturer	Sec.5.07B18				P		P		
Lime and fertilizer manufacturing and storage	Sec.5.05B4				P				
Livestock sales pavilion	Sec.5.05B5				P				
Lumber and building materials storage and sales.	Sec.5.07B19				P		P		
Manufacturing Facilities	Sec.5.05B6				P				
Manufactured housing is permitted in RA District provided that:	Sec.5.02B11	P-R	P-R						
Mini Storage Facilities	Sec.5.08B2							P	
Mobile Home Parks, as regulated in the Hertford County Mobile Home Park and Travel Trailer Ordinance	Sec.5.02B12	P-R	P-R						
Mobile home (Manufactured Housing) - on same lot as principal building provided that the following conditions are met:	Sect.5.02C11	CU	CU						
Motels	Sec.5.04B6			P					
Motor Home-provided that the following conditions are met:	Sec.5.02C15	CU	CU						

Key:

P=Permitted Use \* PR=Permitted with Restrictions \* CU=Conditional Use-BOA Approval

ZONING TABLE OF PERMITTED USES

Use Type	Location	RA-30	RR&C	RB	IH	FP	IL	CH	AP
Office and Institutional Uses	Sec.5.02C16	CU							
Optical and scientific instruments, jewelry & clocks, musical instrument manufacturer	Sec.5.07B20				P		P		
Outdoor Recreation Uses, including	Sec.5.02B14	P							
Parking (off-Street) must meet the requirements set forth in Article VIII.	Sec.5.02B15	P-R	P-R	P-R	P-R	P-R	P-R	P-R	
Pharmaceutical products manufacturer	Sec.5.07B21				P		P		
Planing and saw mill	Sec.5.05B7				P				
Port Facilities, docks, wharves, piers, loading and unloading facilities, cranes and other structures related to commercial or industrial facilities.	Sec.5.05B8				P				
Principal and Outdoor Advertising Signs	Sec.5.02C17	CU							
Printing, publishing and reproduction establishments	Sec.5.07B22				P		P		
Public Buildings- town, county, state, federal or regional authority	Sec.5.02B16	P							
Public Schools, private schools and colleges	Sec.5.02B17	P							
Public Utilities to include, but not limited to distribution lines, substations, transmission lines; water tanks; and telecommunication exchanges	Sec.5.02B18	P	P	P	P	P	P	P	P
Public Wastewater Facilities	Sec.5.05C3				CU				
Quarrying and mining; including sand mining for commercial purposes	Sec.5.05B10				P				
Radio and TV Repair	Sec.5.02C18	CU							
Radio and Television towers and substations	Sec.5.05B11				P				
Railroad and freight classification	Sec.5.05B12				P				
Repair and servicing of office and household equipment	Sec.5.07B24				P		P		
Repair and storage of automobile, truck, and agricultural implements, etc.	Sec.5.08B4							P	
Restaurants	Sec.5.04B8			P					
Retail Sales Ancillary to permitted construction activities in the district, provided that the following conditions are met:	Sec.5.02C19	CU	CU	CU	CU	CU	CU	CU	CU
Retail Stores	Sec.5.08B5							P	

Key:

P=Permitted Use \* PR=Permitted with Restrictions \* CU=Conditional Use-BOA Approval

ZONING TABLE OF PERMITTED USES

Use Type	Location	RA-30	RR&C	RB	IH	FP	IL	CH	AP
Sale of souvenirs, fishing equipment, soft drinks, sporting goods, convenient shopping goods, gasoline, and oil.	Sec.5.04B9			P					
Sales and storage of fertilizer, peanuts, bean and grain	Sec.5.08B6							P-R	
Sand Mining for commercial purposes	Sec.5.02B19	P							
Sanitary Landfill, subject to minimum regulations imposed by the State Board Health, Division of Sanitary Engineering.	Sec.5.05B13				P				
School	Sec.5.05C5				CU				
Services	Sec.5.08B7							P	
Service Station	Sec.5.05B14				P				
Sheet metal shops	Sec.5.07B25				P		P		
Shopping Centers	Sec.5.08B8							P-R	
Signs (All) must meet the requirements set forth in Article IX	Sec.5.02B20	P-R	P-R	P-R	P-R	P-R	P-R	P-R	P-R
Sign manufacturer, painting and maintenance	Sec.5.07B26				P		P		
Single Family, two family and multi-family dwellings to include Condominiums/Townhouses	Sec.5.02B21	P	P						
Skeet Shooting (Outdoor) facilities that meet the standards of the National Skeet Shooting Association, and National Rifle Association (NSSA and NRA)	Sec.5.02B13	P							
Solar Collector	Sec.5.02B22	P-R	P-R	P-R	P-R	P-R	P-R	P-R	P-R
Steel mills, steel or other solid waste recycling facilities, and related loading, unloading, or transportation facilities.	Sec.5.05B16				P				
Stockyard	Sec.5.05B17				P				
Storage warehouses and yards	Sec.5.07B28				P		P		
Stone and gravel works	Sec.5.05B18				P				
Temporary Construction Building	Sec.5.02C20	CU			CU				
Temporary Restaurants	Sec.5.05C7				CU		CU		
Textile manufacturing	Sec.5.07B29				P		P		
Theaters, drive-in, are subject to the following conditions	Sec.5.08B10							P-R	
Tinsmith shops	Sec.5.07B30				P		P		

Key:

ZONING TABLE OF PERMITTED USES

P=Permitted Use \* PR=Permitted with Restrictions \* CU=Conditional Use-BOA Approval

Use Type	Location	RA -30	RR& C	RB	IH	FP	IL	CH	AP
Towers are permitted provided that all towers shall be set a minimum of two hundred (200) feet from all exterior property lines. Towers shall be fenced and have all necessary permits prior to construction.	Sec.5.02B23	P-R							
Towers are permitted provided that all towers shall be set a minimum of fifty (50) feet from all exterior property lines. When the property abuts Residential/Agricultural (RA) or Riverside Residential and Camping (RR&C) Districts, the minimum setback from that District shall be a minimum of two hundred (200) feet. Towers shall be fenced and have all necessary permits prior to construction.	Sec.5.02B23 Sec.5.03B9 Sec.5.04B11 Sec.5.05B19 Sec.5.06B5 Sec.5.07B31 Sec.5.08B10 Sec.5.09B11	P-R	P-R	P-R	P-R	P-R	P-R	P-R	P-R
Truck Stop	Sec.5.05B20				P				
Upholstery Shop	Sec.5.02C21	CU							
Used Car Lot	Sec.5.02C22	CU							
Venetian blind manufacturer	Sec.5.07B32				P		P		
Warehouses	Sec.5.07B33				P		P		
Welding Shops	Sec.5.07B34				P		P		
Wholesale and jobbing establishments, including incidental retail outlets for only such merchandise as is handled for wholesale.	Sec.5.07B35				P		P		

**In the event of a conflict between the items listed in the “Zoning Table” above and the words of the Ordinance, the words of the Ordinance control.**

**ARTICLE VI. PROVISIONS FOR USES ALLOWED AS CONDITIONAL USES**

**Section 6.01 Objectives and Purposes of Conditional Use Permits**

A conditional use is a use, which, under the terms of this ordinance, is allowed on the property involved only after a petition for a permit for the use, has been approved by the Board of Adjustment. Although conditional use may be compatible with the permitted uses in a district and are often desirable, they may, nevertheless, have a detrimental effect upon adjacent properties, the neighborhood or even the community if not properly designated and controlled. Therefore, approval is necessary to insure that conditional uses will not cause any problems or hazards and will be consistent with the intent of this ordinance. An applicant for a conditional use permit for a lot(s), or any parcel of land whose use for such area had previously been approved by the board of adjustment, must go before the Board of Adjustment where a public hearing must be held by the Board of Adjustment as described by Section 6.02.

**Section 6.02 Conditional Use Permits Issued by the Board of Adjustment**

A. General Requirements

1. A completed application for a Conditional Use Permit shall be submitted by the owner or owners of all the property included in the petition for conditional use to the Planning & Zoning Administrator at least fifteen (15) working days prior to any meeting of the Board of Adjustment at which the request is expected to be heard. Such an application shall include all of the requirements pertaining to it in this Article. At this time the county of Hertford shall furnish all surrounding property owners (those owning property) in front, back and to the sides of the applicant's property) with written notice of the hearing. Each application shall be reviewed by the Board of Adjustment within forty-five (45) days from the filing of an application with the Planning & Zoning Administrator.
2. The Zoning Administrator shall report to the Board of Adjustment his recommendations including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. If at any time after a Conditional Use Permit has been issued, the Board of Adjustment finds that the conditions imposed and agreements made have not been or are not being fulfilled by the holder of a Conditional Use Permit, the permit shall immediately be revoked and the operation of such a use

## PROVISIONS FOR CONDITIONAL USES

discontinued Violations of such conditions, when made part of the terms under which the use permit is granted, shall be deemed a violation of the zoning ordinance and punishable under Section 13.03. If a Conditional Use Permit is terminated for any reason, it may be reinstated only after a public hearing is held.

3. The Board of Adjustment shall consider the application and may grant or deny the Conditional Use Permit requested. The Conditional Use Permit, if granted, shall include such approved plans as may be required. In granting the permit, the Board of Adjustment shall make such findings as required in Article XII, Section 12.02.
4. In granting the permit, the Board of Adjustment may designate such conditions in addition and in connection therewith, as will in its opinion, assure that the use in its proposed location will be harmonious with the area in which it is proposed to be located and with the spirit of this ordinance. All such additional conditions shall be entered in the minutes of the meeting at which the permit is granted and also on the certificate of the Conditional Use Permit or on the plans submitted therewith. All specific conditions shall run with the land and shall be binding on the original applicants for the Conditional Use Permit, as well as any subsequent titleholders, heirs, successors, and assigns.
5. If the Board of Adjustment denies the permit, the Board shall enter the reasons for its action in the minutes of the meeting at which the action is taken.
6. In the event of failure to comply with the plans approved by the Board of Adjustment or with any other conditions imposed upon the Conditional Use Permit, the Permit shall thereupon immediately become void and of no effect. No building permits for further construction or Certificates of Occupancy under this Conditional Use Permit shall be issued, and all completed structures shall be treated in the same manner as nonconforming uses subject to the provisions of Article IV of this ordinance. The Board of County Commissioners shall not, however, be prevented from thereafter rezoning said property for its most appropriate use.

**ARTICLE VII SUPPLEMENTARY DISTRICT REGULATIONS**

**Section 7.01 Visibility at Intersections in Residential Districts**

On a corner lot in any residential district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision thirty (30) inches above the finished grades of the intersecting streets in the area bounded by the street rights of way of such corner lots and a line joining points along said street rights of way fifty (50) feet from the point of intersection.

**Section 7.02 Fences, Walls, and Hedges**

1. Fences and walls shall not be located within a public street right-of-way nor placed or retained in such a manner as to obstruct vision at any intersection with public or private roads. Nothing in this subsection shall preclude, however, the installation of temporary fences around construction works, erected or maintained pursuant to the NC Building Code or soil erosion and sedimentation control requirements. No fences shall be located within a utility easement without review and approval by the utility provider.
2. Open defined- An “open fence or wall” is defined as one in which the openings through which clear vision is possible from one side to the other on a horizontal and occupies 75 percent or more of the side area of the fence or wall.
3. Height – Open fences and walls may be erected to any height. Solid fences (75 percent minimum) shall be a maximum height of four feet when projecting into the front and/or the side yard. Solid fences (75 percent minimum) shall be a maximum of six feet in height in the rear yard. Fence and wall height limitations shall not apply to utility facilities, substations, plants, towers, water storage facilities, correctional and mental institutions, military facilities, and conditional uses which may require additional height as per the Board of Adjustment.

**Section 7.03 Accessory Building**

No accessory building shall be erected in any required yard, and not separate accessory building shall be erected within (20) feet of the principal building nor within five (5) feet of any other building on the same lot.

**Section 7.04 Erection of More than One Principal Structure on a Lot**

Two or More Single-family Dwellings on a Single Tract: Two or more principal single-family residences are permitted on a single, unsubdivided tract pursuant to a site plan approved by the Zoning Administrator, provided that the tract contains sufficient lot area, lot width, and building setbacks for each dwelling. Location of the dwellings on the single tract shall be such that, in the event that the tract is subdivided, each dwelling unit will be situated on a freestanding lot that meets all of the dimensional requirements for the district in which located.

**Section 7.05 Structures Permitted Above Height Limits**

Except as otherwise prohibited by this Ordinance, the height limitations of this Ordinance shall not apply to public buildings, church spires, belfries, cupolas and domes not intended for residential purposes, or to monuments, water towers, observation towers, power transmission towers, silos, grain elevators, chimneys, smokestacks, derricks, conveyors, flag poles, radio, television and communication towers, masts, aerials and similar structures, provided such structures meet the required NC Building Code.

**Section 7.06 Road Access Requirements**

Access to Public or Private Road Required: No building or structure shall be constructed, erected, or placed on a lot that does not abut or have direct legal access to a publicly maintained road or to an approved private road, except as provided in this Section.

**Section 7.07 Mobile Home Parks and Trailer Parks**

Mobile home parks and travel parks shall comply with the minimum standards set forth in the Mobile Home and Travel Trailer Park Ordinance, Hertford County, North Carolina adopted in April 1983.

**Section 7.08 Utilities**

- A. Utility poles and lines shall be exempt from minimum lot area, width, height, and setback requirements in the district.

- B. All public utility buildings and power substations shall be subject to the maximum area width and setback requirements in that District.

**Section 7.09 Home Occupations**

- A. Home Occupations are subject to the following restrictions in all districts where they are permitted:
1. Only one (1) person other than members of the family residing on the premises shall be engaged in such occupation;
  2. 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.
  3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding four (4) square feet in area, non-illuminated, and mounted flat against the wall of the principal building;
  4. No home occupation shall be conducted in any accessory building unless granted a conditional use permit by the Zoning board of Adjustment.
  5. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
  6. 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. If the occupation is conducted in a single family.
  7. Examples of enterprises that may be home occupations if they meet the foregoing definitional criteria: (i) the office or studio of a physician, dentist, artist, musician, lawyer, architect, engineer, teacher or other similar professional, (ii) workshops, greenhouses, kilns, (iii) dressmaking or hairdressing studios.

**Section 7.10 Encroachments into Required Setbacks**

1. Encroachments Permitted in Required Setback: The following are permitted in required setbacks provided there is not interference with any sight area:
  - (a) Landscaping features, including but not limited to, ornamental pools, planting boxes, sculpture, arbors, trellises, and birdbaths;
  - (b) At grade patios, play equipment or outdoor furniture, ornamental entry columns and gates, flagpoles, lampposts, address posts, HVAC equipment, mailboxes, public utility wires and poles, pumps or wells, fences or retaining walls, and in-ground swimming pools.
  
2. Structures Permitted in Required Setbacks: The following structures may encroach into any required setback:
  - (a) Cornices, steps, overhanging eaves and gutters, window sills, bay windows or similar architectural features, chimneys and fireplaces, fire escapes, fire balconies, and fire towers may project not more than two and one-half feet into any required setback, but in no case shall be closer than three feet to any property line; and
  - (b) Porches and decks may encroach into the required road and rear setbacks as follows:

<u>Porch or Deck Type</u>	<u>Setback</u>	<u>Encroachment</u>	<u>Maximum Area</u>
Covered or Uncovered	Road	3 feet	35 square feet
Uncovered Only	Rear	50% of setback	N/A

**Section 7.11 Setbacks on Flag Lots**

1. The “flagpole” portion of a flag lot shall not be used to calculate building setbacks. Flag lots shall comply with the following requirements:
  - (a) A flag lot shall serve only one single-family dwelling and its uninhabited accessory structures;
  - (b) The minimum flagpole width on an approved public or private street shall be twenty (20) feet ;
  - (c) The “flagpole” portion of the lot is not used to calculate lot area, width, depth, and setbacks of the lot or to provide off-street parking;
  - (d) Use of a single driveway to serve a flag lot and an adjoining conventional lot is permitted and encouraged; the preferred location for the driveway is in the flagpole portion of the flag lot,

## SUPPLEMENTARY DISTRICT REGULATIONS

with the conventional lot granted an access easement over the flagpole;

- (e) No re-subdivision of a flag lot shall be permitted unless access to the proposed new lot (s) can be provided from an approved private easement, public street, or private street; and
- (f) Flag lots shall be approved only where the configuration of the parcel or site features warrant such a lot design. Authorizing a flag lot design is intended to accommodate a particular extenuating circumstance, which makes conventional lot design infeasible. Requests for the creation of more than one flag lot from the same parcel shall be reviewed by the Planning Board using the subdivision review procedures.

**ARTICLE VIII. OFF-STREET PARKING AND LOADING**

**Section 8.01 Off-Street Parking Requirements**

- A. There shall be provided at the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity before conversion from one type of use or occupancy to another permanent off-street parking space in the amount specified by this article. Such parking space may be provided in a parking garage or properly graded space.
1. Certificate of Minimum Parking Requirements:  
Each application for a building permit submitted to the Building Inspector as provided for in this ordinance shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Building Inspector to determine whether or not the requirements of this Article are met.
  2. Combination of Required Parking Space:  
The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use, except that one-half (1/2) of the parking space required for churches, theaters, or assembly halls whose peak attendance will be a night or on Sundays, may be assigned to a use which will be closed at night and/or on Sundays.
  3. If the Off-street parking space required by this Article cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the main entrance to such principal use, provided such land is in the same ownership as the principal use.

**Section 8.02 Minimum Parking Requirements**

A. The following off-street parking space shall be required:

<b>RESIDENTIAL AND RELATED USES</b>	<b>REQUIRED OFF-STREET PARKING</b>
Any residential use consisting of one or more dwelling units	Two (2) parking spaces on the same lot for each dwelling unit
Rooming or boarding houses	One (1) parking space for each room to be rented
Home occupations (except medical director, dentist offices and/or beauty salons in residence)	Two (2) parking spaces in addition to the residence requirements
Funeral Home and churches	One (1) parking space for each four seats in the chapel or parlor, plus five (5) additional parking spaces
Camps for tents and camping trailers	One (1) parking space for each site provided for tents and camping trailer plus ten (10) additional parking spaces
Group camp facility	One (1) space for each camper in which the facility is designed
Industrial or manufacturing establishment or warehouse	Two (2) for each three (3) employees on the largest shift plus one (1) vehicle used in the operation

PARKING AND LOADING

RESIDENTIAL AND RELATED USES		REQUIRED OFF-STREET PARKING
Outdoor recreation areas & amusement parks		One (1) per 200 sq. ft. of activity area
Restaurant or place dispersing Food, Drink, or Refreshments		One (1) space for each three (3) seats, plus one (1) space for each two (2) employees
Restaurant, drive-in		One (1) space for each three (3) seats, plus a minimum of fifteen (15) spaces for drive-in service plus one (1) space for each two (2) employees
Service Station, Convenience Store		Two (2) spaces for each gasoline or kerosene pump, plus five (5) spaces for each grease rack, plus one (1) space for each two (2) employees, but no fewer than ten (10) spaces
Hotel and Motel containing		
5,000 sq. ft. or less ancillary space, ie., Restaurant, meeting rooms, lounge or lobby or a restaurant/lounge containing 3,000 sq. ft. or less		1.1 per rental unit
More than 5,000 sq. ft. of ancillary space ie., Restaurant, meeting rooms, lounge or lobby or a restaurant/lounge containing over 3,000 sq. ft.		1.25 per rental unit

PARKING AND LOADING

RESIDENTIAL AND RELATED USES		REQUIRED OFF-STREET PARKING
Other commercial or personal service		One space for each one hundred (100) square feet of non-storage floor area, plus one (1) space for each two (2) employees
Educational and Institutional Uses		
Correctional and Institutional Uses		One (1) per ten (10) inmates plus two (2) per three (3) employees on largest shift plus one (1) vehicle used in the operation
Day Care Centers		One (1) per each employee plus one (1) per ten (10) clients plus stacking for four (4) vehicles
Nursing and Convalescent homes		One (1) for each four (4) beds plus one (1) per employee and visiting specialist plus one (1) vehicle used in the operation

**Section 8.03 Off-street Loading and Unloading Space**

A. Every building or structure used for business, trade, or industry erected shall provide space as indicated herein for loading and unloading of vehicles off the street or public alley. Such space shall have access to an alley or if there is no alley, to the street. For the purposes of this ordinance, an off-street loading and unloading space shall have minimum dimensions of twelve (12) feet by sixty (60) feet and an overhead clearance of fifteen (15) feet in height above the alley or street grade.

<b>RESIDENTIAL AND RELATED USES</b>		<b>REQUIRED OFF-STREET PARKING</b>
Retail business		One (1) space for each five thousand (5,000) square feet of floor space, with a minimum of one (1) space
Wholesale and industrial		One (1) space for each twenty thousand (20,000) square feet of floor space, with a minimum of one (1) space

**ARTICLE IX. DESIGN STANDARDS AND REGULATIONS FOR SIGNS****Section 9.01 General Provisions**

- A. These regulations shall apply to all zoning districts as directed herein. With the exception of legal notices, identification, information, directional or regulatory signs erected or required by governmental bodies, or otherwise specifically exempted herein, no exterior sign may be erected, painted, repainted, posted, re-posted, placed, replaced, or hung in any district, except in compliance with these regulations.
- B. These regulations are intended to establish standards, which maximize the effectiveness of permitted signs while limiting visual distraction to motorist and preserving the land values and natural attractiveness of the area. All signs except those specifically listed in Section 9.02 shall be erected, installed, or modified only in accordance with a duly issued and valid sign permit issued. Sign permits shall be issued in accordance with the zoning permit requirements and procedures.
- C. Application for permits shall be submitted at the Building Inspector's Office and shall be accompanied by plans which shall:
  - 1. Indicate the proposed site for identifying the property by ownership, location, and use.
  - 2. Show the location of the sign on the lot in relation to property lines and building, zoning district boundaries, right-of-way lines and existing signs.
  - 3. Show size, character, complete structural specifications, and methods of anchoring and support of the sign.
  - 4. Additional information, required by the Building Inspector or his designee, shall be furnished by the applicant in further determination of conformance with this ordinance.
- D. A fee of **one hundred (\$100)** dollars shall be paid to the County of Hertford, North Carolina, for each application, for approval of such sign to cover the costs of administrative expenses involved

**Section 9.02 Signs Excepted**

- A. All signs are prohibited in all residential, planned unit development residential areas and office and institutional districts except the following:
1. Signs over show windows or doors of a nonconforming business establishment announcing only the name and occupation of the proprietor and not to exceed two feet in height and ten feet in length.
  2. Real estate signs not to exceed eight square feet in area, which advertise the sale, rental, or lease of the premises upon which, said signs are temporarily located.
  3. Name, occupation, and warning signs not to exceed two square feet located on the premises.
  4. Bulletin boards/identification signs for public, charitable, or religious institutions not to exceed one per parcel and 45 square feet in area located on the premises. Sign shall be setback a minimum of two feet from all street right-of-way lines and property lines.
  5. Memorial signs, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
  6. Official signs, such as traffic control, parking restrictions, information, and notices and historical markers.
  7. Temporary signs or banners
  8. Ground or freestanding signs in residential/agriculture districts for a business established and approved with a conditional use permit shall not exceed one per parcel and 50 square feet in area. Sign shall be setback a minimum of two feet from all street right-of-way lines and property lines.
  9. Residential Subdivision entrance signs. At any entrance to a subdivision or multifamily development, there may be not more than two signs identifying such subdivision or development. A single side of any such sign may not exceed 32 square feet, nor may the total surface area of all such signs located a single entrance exceed 64 square feet. Sign shall be setback a minimum of two feet from all street right-of-way lines and property lines and shall not exceed an overall height of 15 feet.

10. Commercial/Industrial Subdivision signs. Entrance pylon signs to include tenant identification to a commercial or industrial subdivision may have a maximum single face size of 50 square feet for subdivisions of five acres in size or less. The sign surface area may be increased five additional square feet in area for each additional acre or fraction thereof of over five acres. One sign may be installed at each main entrance. Subdivision greater than 25 acres in size may have one additional sign placed within the subdivision or another entrance. Signs shall be setback a minimum of two feet from all street right-of-way lines and property lines and shall not exceed an overall height of 25 feet.

### **Section 9.03 Signs Permitted**

- A. Signs permitted. Signs are permitted in CH, HI and LI industrial districts subject to the following restrictions:
  1. Wall signs placed against the exterior walls of buildings shall not extend more than six inches beyond a building's wall surface, not more than 25 percent of solid wall space and shall not exceed 500 square feet in area for any one premises, and shall not extend beyond the top of the building on which it is located.
  2. Projecting signs fastened to, suspended from, or supported by structures shall not exceed 100 square feet in area for any one premises; shall not extend more than six feet into any required yard; shall not extend more than three feet into any public right-of-way; shall not be less than ten feet from all side lot lines; shall not exceed a height of 20 feet above the mean centerline street grade; and shall not be less than ten feet above the sidewalk nor less than 15 feet above a driveway or an alley.
  3. Window signs shall be placed only on the inside of commercial buildings and shall not exceed 25 percent of the glass area of the pane upon which the sign is displayed.
  4. Combinations of any of the above signs shall meet all the requirements for the individual sign.
  5. Except as authorized by this section, no development may have more than one freestanding sign, unless
    - a) A development is located on a corner lot that has a least 200 feet of frontage on each of the two intersecting public roads, then the

development may have not more than one freestanding sign along each side of the development bordered by such roads.

- b) A development is located on a lot having a single public road frontage of at least 200 feet a second sign may be permitted. The second sign, if permitted, shall not exceed 50 percent of the surface area permitted for a primary sign in its respective district with an overall height not to exceed 20 feet. The secondary sign must be located a minimum of 75 feet from the primary sign.
- B. Facing. No sign except those permitted in Section 9.02 above shall be permitted to face a residential, office and institutional or planned unit development residential area within 100 feet of such district boundary.
  - C. Maintenance. Signs must be kept in sound structural condition and painted to give a neat appearance.

#### **Section 9.04 Special Requirements for Principal Use and Outdoor Advertising Signs in the Zoning District**

##### A. Residential District RA-30

- 1. No signs shall be allowed as a permitted use within any of the Residential Districts of the County of Hertford except those as may be described in Section 9.02 of this Article.

##### B. RR & C Riverside Residential and Camping District

- 1. Signs that described in Section 9.02 of this Article are permitted in the Riverside Residential and Camping District.
- 2. Each tent or trailer camp may erect one (1) illuminated, non-flashing sign not exceeding fifteen (15) square feet in area.
- 3. Each group camp facility may erect one (1) illuminated, non-flashing sign not exceeding fifteen (15) square feet in area.

##### C. RB Riverside Business District

- 1. Signs that described in Section 9.02 of this Article are permitted in the Riverside Business District.
- 2. Principal use and outdoor advertising signs as provided in Section 9-3 of this Article.

##### D. IH Heavy Industrial District

- 1. Signs that are described in Section 9.02 of this Article are permitted in the Heavy Industrial District.
- 2. Principal and Outdoor advertising signs as provided in Section 9.03 of this Article.

E. FP Flood Plain Conservation District

1. Signs that are described in Section 9.02 of this Article are permitted in the Flood Plain Conservation District.
2. Principal outdoor advertising signs as provided in Section 9.03 of this Article.

F. IL Light Industrial District

1. Signs that are described in Section 9.02 of this Article are permitted in the Light Industrial District.
2. Principal and outdoor advertising signs as provided in Section 9.03 of this Article.

G. CH Highway Commercial District

1. Signs that are described in Section 9.02 of this Article are permitted in the Highway Commercial District.
2. Principal and outdoor advertising signs as provided in Section 9.03 of this Article.

H. AP Airport District

1. No signs shall be allowed within the Airport District of the County of Hertford except those as may be described in Section 9.02 of this Article. If any sign described in Section 9.02 of this Article are at variance with the requirements of any other applicable regulations, such as the Federal Aviation Administration's Part 77 regulations the most restrictive requirements or those imposing the higher standards shall govern.

**ARTICLE X. ADMINISTRATION AND ENFORCEMENT**

**Section 10.01 Administration and Enforcement**

- A. The Hertford County Manager or a person so designated by the Hertford County Manager shall administer and enforce this ordinance. He may be provided with the assistance of such other persons as the County Commissioners may direct to serve as Zoning Administrator/Enforcement Officer.
- B. When the designated Zoning Enforcement Officer finds that any of the provisions of this ordinance are being violated, he shall take corrective action by notifying the person or persons responsible for such violations in writing, indicating the nature of the violation and ordering the corrective action necessary, including but not necessarily limited to the following:
  - 1. Ordering discontinuance or illegal use of land or structure;
  - 2. Ordering removal of illegal construction, alteration, and additions or changes in structures;
  - 3. Ordering the discontinuance of illegal work being performed on land and/or structures.
  - 4. Ordering any other action authorized by this ordinance to insure compliance with or prevent violation of its provisions.

**Section 10.02 Building Permits and Zoning Requirements**

- A. After the adoption of this ordinance, no new uses other than bona fide farms shall be established unless zoning compliance has been determined by the Planning & Zoning Administrator or Enforcement Officer prior to issuance of a building permit. No permit shall be issued except in conformity of this ordinance, the North Carolina State Building Code, the North Carolina Uniform Residential Building Code as adopted by the Hertford County Commissioners or except after written permission from the Board of Adjustment.
- B. No Zoning Permit/Certificate of Zoning Compliance shall be issued except in conformity with the provisions of this ordinance except after written order from the Board of Adjustment. No Building Permit for the purpose of erection, extension, or alteration of any building shall be issued before an application has been made for a Zoning Permit/Certificate of Zoning Compliance and approved by authorized staff. A Zoning Permit shall be valid for twelve (12) months from the date of issue.

**Section 10.03     Right of Appeal**

- A. If the building permit is denied for lack of zoning compliance, the applicant may appeal the action of the zoning administrator/enforcement officer to the Board of Adjustment.

**Section 10.04     Duties of Planning & Zoning Administrator Officer/Enforcement Officer, Board of Adjustment, Courts, and County Commissioners as to Matters of Appeal**

- A. It is the intention of this ordinance that all questions arising in connection with the enforcement of this ordinance shall be presented first to the Planning & Zoning Administrator and that such questions shall be presented to the Board of Zoning Adjustment only on appeal from the Planning & Zoning Administrator/Enforcement Officer, and that from the decision of the Board of Adjustment recourse shall be to courts as provided by law. It is further the intention of this ordinance that the duties of the County Commissioners in connection with the ordinance shall not include the hearing and passing upon disputed questions that may arise in connection with the enforcement thereof, but only considering and passing upon any proposed amendment or repeal of the ordinance.
- B. Duties and Responsibilities. In general, the Planning Board performs the following duties:
  - 1. Initiates studies to identify and analyze land use issues of importance to Hertford County.
  - 2. Prepares and recommends to the Board of County Commissioners a comprehensive land use plan and other plans, programs, and policies to achieve community goals and objectives.
  - 3. Develops and recommends regulatory ordinances, text amendments, and administrative procedures to implement adopted land use plans and policies.
  - 4. Makes recommendations to the Board of Commissioners concerning request for amendments to the text of this Ordinance and rezoning requests in accordance with the provisions of Section 11.02.
- C. Board of Adjustment. Authority- As an appointed, quasi-judicial body, the Board of Adjustment hears and decides appeals, variance requests for interpretations from this Ordinance. The Board of Adjustment may subpoena witnesses and compel the production of evidence. If a person

## ADMINISTRATION AND ENFORCEMENT

fails or refuses to obey a subpoena issued by the Board of Adjustment, the Board of Adjustment may apply to the General Court of Justice for an order requiring that its order be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties. The Board of Adjustment shall carry out the duties outlined in Article XII. Specifically, the Board of Adjustment shall hear and decide:

1. Appeals from any order, decision, requirement, or interpretation made by the Zoning Administrator, as provided in Section 12.05;
2. Applications for general variances
3. Questions involving interpretations of the Zoning Map, including disputed district boundary lines and lot lines
4. Any other matter the Board is required to act upon by any other county ordinance.

**ARTICLE XI. AMENDMENTS****Section 11.01 Amending the Ordinance**

- A. The County Board of Commissioners may amend the text regulations and zoning map according to the following procedures:
- B. The following action shall be taken by the applicant:
  - 1. Initiation of Amendments – Proposed amendments may be initiated by the County Commissioners, Planning Board, Board of Adjustment, or by one or more interested parties.
  - 2. Application – An application for any amendment shall contain a description and/or statement of the present and proposed zoning regulation or district boundary to be applied. Such application shall be filed with the Planning & Zoning Administrator not less than fifteen (15) working days prior to the Planning and Zoning Board meeting at which the application is to be considered.
  - 3. Fees – A fee of three hundred (\$350) dollars shall be paid to the County of Hertford, North Carolina, for each application for an amendment to cover the costs of advertising and other administrative expenses involved.
  - 4. Initial Review – Upon receipt of a proposed amendment the Planning Board shall at its next meeting consider and recommend approval or denial of the proposed amendment and convey their recommendation to the County Board of Commissioners. The County Commissioners will receive the Planning Board recommendation at its next regular meeting and shall set a date for public hearing or the proposal.

**Section 11.02 Action by the Planning Board**

- A. The following action shall be taken by the Planning Board:
  - 1. Planning Board Consideration – Upon receipt of a petition, the Planning Board shall consider and make recommendations concerning each proposed amendment. The Planning Board may hold separate public hearings for proposals. Which stir public controversy provided notice of such hearing is published once a week for two (2) successive calendar weeks in a local newspaper. Notice shall also be made by posting the property with a poster indicating the proposed change and hearing date. Notice by first class mail will be given to the owner listed on the county tax record of the parcel of land under consideration for

change and also to the owners listed on the county tax records of all parcels of land abutting that parcel of land. If the Planning Board does not issue a decision on the petition to the County Commissioners within thirty (30) days after receipt of the petition, the petition shall be considered as approved the Planning Board.

If an applicant initiates or requests a special called meeting of either the Planning Board or Board of Adjustment, the applicant will be required to pay a two hundred (\$200) fee to the County of Hertford, North Carolina for each such meeting. The fee will be paid prior to any such meeting being held. The County Board of Commissioners shall hold a public hearing to consider the proposal. Such public hearing may be adjourned from time to time or from place to place, as the County Board of Commissioners may deem advisable without further notice.

### **Section 11.03     Action by the County Commissioners**

- A. Notice and Public Hearing – No amendment shall be adopted by the County Commissioners until after Public Notice and Hearing. Notice of Public Hearing shall be published once a week for two (2) successive calendar weeks in the local newspapers. Said notice to be published for the first time not less than ten (10) days nor more than twenty-five (25) days before the date fixed for the hearing. Notice shall also be made by positing the property with a poster indicating the proposed change and hearing date. In addition, whenever there is a zoning classification action involving a parcel of land as shown on the county tax listing, the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of the proposed classification by first class mail at the last address listed for such owners on the county tax abstracts, except that this sentence does not apply in the case of a total rezoning of all property within the boundaries of the county unless such action constitutes a down-zoning (or change to a less restrictive zoning designation).
- B. Action by County Commissioners – Before taking such lawful action as it may deem advisable, the County Commissioners shall consider the Planning Board’s recommendation on each petition referred to the Planning Board. If recommendations are not received from the Planning Board, the proposed amendment shall be deemed to have been approved by the Planning Board.
- C. Protests – Hertford County chooses to recognize valid protest to zoning amendments. A protest is valid when signed by the owners of either (i) twenty percent (20%) or more of the area included in the proposed change or (ii) five percent (5%) of a 100 foot-wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A road right-of-way shall not be considered in computing the 100-foot buffer area as long as that road right-of-way is 100 feet wide or

less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the County may rely on the county tax listing to determine the owners' of potentially qualifying areas.

D. No protest petition shall be valid unless it is:

1. Written;
2. Bearing the actual signature of the requisite number of property owners and states that they protest the proposed amendment; and,
3. Received by the zoning administrator in time to allow at least two (2) normal working days (excluding weekends and legal holidays) prior to the public hearing on the amendment, so as to allow time for county personnel to check the accuracy and sufficiency of the petition.

**ARTICLE XII. BOARD OF ADJUSTMENT****Section 12.01 Creating the Zoning Board of Adjustment**

- A. The Hertford County Board of Commissioners shall provide for the appointment of the Hertford County Board of Adjustment (hereinafter called the Board) as required by North Carolina Law in G.S. 153A-345. The Board of Adjustment shall consist of at least five (5) members, each to be appointed for three years. Insofar as possible, members of the Board shall be appointed from different areas within the county's jurisdiction. In the event that less than the entire county is zoned, at least one resident of each, which is zoned, shall be appointed to the Board. Insofar as possible, initial appointment of the Board shall be as follows: one-third (1/3) for a term of three (3) years; one-third (1/3) for a term of two (2) years; and one-third (1/3) for a term of one (1) year. Following the expiration of terms of the first appointed Board Member, the successors to the regular members shall be appointed for three (3) years terms. Vacancies shall be filled for the unexpired term only. Members of the Board of Adjustment may be removed for cause by the County Commissioners upon written charges and after public hearing. A county may designate a planning agency to perform any or all of the duties of a Board of Adjustment in addition to its other duties.
- B. Meetings – The Board shall elect one of its members as Chairman and another Vice-Chairman who shall serve for one (1) year, the Board shall designate one of its members as Secretary. The Board shall draw up and adopt the rules of procedures under which it will operate. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. If an applicant initiates or requests a special call meeting of either the Planning Board or Board of Adjustment, the applicant will be required to pay a two hundred (\$200) fee to the County of Hertford, North Carolina, for each such meeting. The fee will be paid prior to any such meeting being held. The Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or his absence or failure to vote, indicating such fact, and also keep record of its examination and any other official action.

**Section 12.02     Conditional Uses**

Conditional Uses – A Conditional Use is a use, which, under the terms of this ordinance, is allowed on the property involved only after a petition for a permit for the use has been approved by the Board of Adjustment. Although Conditional Uses may be compatible with the permitted uses in a district and are often desirable, they may nevertheless, have a detrimental effect upon adjacent properties, the neighborhood, or even the community if not properly designed and controlled. Therefore, approval is necessary to insure that Conditional Uses will not cause any problems or hazards and will be consistent with the intent of this ordinance.

- A. After a public hearing, the Board of Adjustment shall have the power to hear and decide upon applications to permit the proper integration into the community of uses which may be suitable only in specific locations in a district or only if such uses are designated or laid out on the site in a particular manner.
  1. In granting a Conditional Use Permit, the Board of Adjustment shall make written findings that the specific provisions of Articles VI and VIII are fulfilled. With due regards to the nature and state of all adjacent structures and uses, the district within which same are located, and the Land Development Plan, the Board of Adjustment shall also make written findings that the following general requirements are met:
    - (a) The use requested is among those listed as an eligible Conditional Use in the district in which the subject property is located.
    - (b) The requested Conditional Use Permit is either essential or desirable for the public convenience or welfare.
    - (c) The requested permit will not impair the integrity or character of the surrounding or adjoining districts, nor will be detrimental to the health, morals, or welfare of the community.
    - (d) The requested permit will be in conformity with the Land Development Plan
    - (e) Adequate utilities, access road, drainage, sanitation, and/or other necessary facilities have been or are being provided.
    - (f) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
    - (g) General compatibility with adjacent properties and other property in the district.
  2. The Board of Adjustment may approve or deny any appeal for a Conditional Use Permit. If it approves a permit, it may attach conditions thereto as may be necessary to accomplish the objectives

herein set forth. Such conditions may require that prerequisites be met before commencing the activity for which the permit is sought. Conditions may be a continuing nature.

3. In any case, where the conditions of a Conditional Use Permit have not been or are not being complied with, the Planning & Zoning Administrator shall give notice of intention to revoke such permit at least (10) days prior to a Board of Adjustment review thereon. After conclusion of the review, the Board of Adjustment may revoke such permit. Furthermore, failure to comply with conditions attached to a Conditional Use Permit shall be deemed a violation of this ordinance, and shall be punishable upon conviction as provided in Article XIII.
4. In any case, where a Conditional Use Permit has not been exercised or consummated within the time limit set by the Board of Adjustment or within one (1) year if no such specific limit was established, then without further action, the permit shall be null and void. "Exercised and consummated" as set forth in this section shall mean that binding contracts have been let for the construction to a substantial degree; or that prerequisite conditions involving substantial investment are contracted for, in substantial development, or completed. When construction is not part of the use, "exercised and consummated; shall mean that the use is in operation in compliance with the conditions set forth in the permit.
5. Each Conditional Use Permit granted shall be reviewed by the Board of Adjustment annually at the February meeting. If it is shown that additional conditions are needed to further enhance the integration of a conditional use into the community and/or decrease any adverse effects upon the neighborhood, the Board of Adjustment shall require additional conditions to be met. Conditional Use Permits issued in November, December, January are not subject to renewal the February following initial issuance.
6. Fees – A fee of seventy-five (\$75) dollars shall be paid to the County of Hertford, North Carolina, for each initial application to cover the necessary administrative cost. A renewal fee of \$25.00 will be charged for annual review.
7. Appeals may be initiated by citizens or agencies of the County who may be significantly affected by the decision. An appeal from the decision of the Zoning Board of Adjustment may be made to the Hertford County Superior Court.

**Section 12.03     Filing and Notice for an Appeal**

- A. Appeals from the enforcement and interpretation of this ordinance and applications for variances may be taken to the Board of Adjustment by any person aggrieved or by any office, department, board, or bureau of the county affected. An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Inspector certified to the Board that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record.
1. Hearing of the Appeal – After receipt of notice of an appeal, the Board Chairman shall schedule the time for a hearing, which shall be at a regular or special meeting within thirty-six (36) days from the filing of such notice of appeal.
  2. Notice – At least one (1) week prior to the date of the hearing, the County of Hertford shall furnish all surrounding property owners with written notices of the hearing.
  3. Fees for appeal or Variances – A fee of seventy-five (\$75) dollars shall be paid to the County of Hertford, North Carolina, for each appeal, to cover the necessary administrative costs and advertising.

**Section 12.04     Powers and Duties**

- A. A concurring vote of four-fifths (4/5) of the members of the Board of Adjustment shall be necessary to reverse, wholly or partly, any appealed decision; to approve any request for variance; or to rule on any interpretation in accordance with the powers and duties listed below:
1. To hear and decide appeals where it is alleged by the appellant that there is error in any decision made by the Building Inspector or other administrative officials in the carrying out or enforcement or any provision of the ordinance.
  2. To authorize variances from the terms of this ordinance upon application in specific cases 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. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance shall not be granted by the Board unless and until the following findings are made:
    - (a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures or buildings in the same district;

- (b) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
- (c) That the special conditions and circumstances do not result from the actions of the applicant;
- (d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other land, structures, or buildings in the same district.

**Section 12.05     Appeal from the Zoning Board of Adjustment**

- A. An appeal from the decision of the Zoning Board of Adjustment may be made to the Hertford County Superior Court in accordance with G. S. 153A-345(e): Within thirty (30) days after the decision of the Board is recorded in the minutes of the meeting, or after written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Secretary or Chairman of the Board at the time of its hearing of the case, whichever is later. The decision of the Board may be delivered either by personal service or registered or certified mail, return receipt requested.

**ARTICLE XIII. LEGAL PROVISIONS****Section 13.01 Provisions of Ordinance Declared to be Minimum Requirements**

The Provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the health, safety, morals, or general welfare. Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted regulations, the most restrictive or that imposing the higher standards shall govern.

**Section 13.02 Complaints Regarding Violations**

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Building Inspector. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.

**Section 13.03 Penalties for Violation**

- A. Any person who is the owner, or agent of the owner, of any land located within the jurisdiction of Hertford County, who violates any provision of this Ordinance, is subject to the following penalties:
1. Prosecution for committing a misdemeanor, under G.S. 14-4, pursuant to which the offender may be fined not more than five hundred dollars (\$500), or imprisoned for not more than thirty (30) days.
  2. A civil penalty in the amount of up to five hundred dollars (\$500) per day to be recovered by the County. Violators shall be issued a written citation by the Zoning Enforcement Officer, which must be paid within thirty (30) days; the violator may appeal the penalty to the Hertford County Planning Board, at its next regularly scheduled meeting. If the penalty is upheld by the Planning Board, and the violator does not pay the penalty within thirty (30) days, the County may recover the penalty in a civil action in the nature of debt. Each day's continuing violation is a separate and distinct offense.

3. Any appropriate equitable remedy issuing from a court of a competent jurisdiction, including, but not limited to, an injunction against illegal use of land and orders of abatement. It is not a defense to the county's application for equitable relief that there is an adequate remedy at law.
- B. When this Ordinance makes unlawful a condition existing upon or use made of real property, it may be enforced by injunction and order of abatement, and the General Court of Justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rule of Civil Procedure in general and Rule 65 in particular.

In addition to an injunction, the court may enter an order of abatement as part of the judgment in the cause. An order of abatement may direct that building or other structures on the property be closed, demolished, or removed; that fixtures; furniture, or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with the Ordinance. If the defendant fails or refuses to comply within an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt and the County may execute the order of abatement. If the County executes the order, it has a lien on the property, in the nature of a mechanic's and materials man's lien, for the costs of executing the order. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before who the matter was heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within the time fixed by the judge. Cancellation of an order of abatement does not suspend or cancel an injunction issued in conjunction with the order.

- C. This Ordinance may be enforced by any means allowed in the North Carolina General Statutes for a county to enforce its ordinances, as provided in G. S. 153A-123, or any successor statute.

Nothing in this section shall be construed to limit the use of remedies available to the County. The County may seek to enforce this Ordinance by using any one, all, or a combination of remedies. Each day's continuing violation of this Ordinance is a separate and distinct offense.

**Section 13.04 Separability Clause**

Should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such decisions shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

**Section 13.05 Effective Date**

This Ordinance as amended shall take effect and be in force from after its adoption by the County Commissioners of the County of Hertford, North Carolina, this the \_\_\_\_\_, day of \_\_\_\_\_, 2015

The following is submitted to meet the Federal requirements under Section 4-6a of the HUD Handbook, and State requirements as defined in the North Carolina Environmental Policy Act (G.S. 113A).

## **ENVIRONMENTAL IMPACT ASSESSEMENT HERTFORD COUNTY ZONING ORDINANCE**

### **1. Abstract**

This zoning ordinance will provide for the orderly growth of the County of Hertford and also insure that individuals purchasing building lots or living in the area will be adequately protected by requiring the citizens to meet minimum county, state, and federal development standards of health, safety, and welfare.

### **2. Environmental Impact**

The proposed ordinance, if adopted, will have a beneficial impact on the environment that area not suitable for development because of adverse physical conditions will not be developed. In addition, acceptable standards for the provision of utilities, streets, and easements will be required of new development.

### **3. Adverse Environmental Effects**

The proposed ordinance should have no adverse environmental effects.

### **4. Alternatives to Proposed Policies**

The alternatives would be no zoning ordinance, which would permit continued uncontrolled and substandard development.

### **5. The Relationship Between Short-Term Use of Man's Environment and Maintenance of Long-Term Productivity**

The ordinance for development through the zoning regulations will foster planned, controlled development with consideration given to both short-term and long-term effects on the environment.

### **6. Mitigation Measures to Minimize Impact**

A major purpose of the proposed Zoning Ordinance is to minimize adverse effects on man's environment.

### **7. Any Irreversible and Irretrievable Commitments of Resources**

The Zoning Ordinance will not in itself involve the commitment of resources.

## **8. Applicable Federal, State and Legal Environmental Controls**

### **Federal**

- National Environment Policy Act of 1969
- Executive Order 11514 – Protection and Enhancement of Environmental Quality
- Council on Environmental Quality Guidelines

### **State**

- North Carolina General Statutes, Chapter 153A, Article 18, Policy Act
- Sedimentation Pollution Control Act of 1973
- Water and Air Pollution Control Act – G.S. 143-215

### **Local**

- Subdivision Regulation
- Hertford County Public Health Authority
- Building Code Regulations
- CAMA Land Development Plan, Hertford County, 1976 and all subsequent updates
- Abandoned Car Ordinance
- Mobile Home Park and Travel Trailer Ordinance