

# **HERTFORD COUNTY**

## **ZONING ORDINANCE**



**COUNTY OF HERTFORD, NORTH CAROLINA  
REVISED: JUNE 2007**

Prepared For The  
County of Hertford, North Carolina

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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 \_\_\_\_\_ 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 3A 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 3A 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

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

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.

Awning, canopy or marquee – A roof-like cover extending over a sidewalk or walkway, or a place, such as building entrance, intended as a shelter for pedestrians.

Awning or canopy sign – A sign hung or attached below an awning or canopy identifying an establishment or the entrance to an establishment. See Article IX for sign regulations.

Building Height – The vertical distance from the average elevation of the proposed finished grade at the front of the building to the highest point of a flat roof; to the dock line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof.

Camping Trailer or Travel Trailer – A vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet. Trailers having a body width exceeding eight (8) feet shall be considered a Manufactured Housing Unit.

**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 Condominium Act (NCGS Chapter 47C).

**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.

Community or Public Water Supply – A public or private water supply approved by the Hertford County Health Department and serving a homogeneous area which has at least ten (10) or more users.

## DEFINITIONS

District – Any section of the County of Hertford in which zoning regulations are uniform.

Dwelling, Single Family – A detached residential dwelling unit other than a manufactured housing unit, designed for and occupied by one family only.

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 – Modular Unit – A dwelling unit constructed in accordance with the standards set forth in the North Carolina Building Code for site built homes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a mobile home, or a series of panels or room sections transported on a truck and erected or joined together on the site.

Dwelling – Two Family – A detached residential building containing two dwelling units, designed for occupancy by not more than two families.

Dwelling – Multiple Family – A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling Unit – One room, or rooms together, constituting a separate independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

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

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.

Farm, Bona Fide – Any tract of land which is used for dairying or for the raising of agricultural products, forestry products, livestock or poultry and including facilities for the sale of such products from the premises where produced.

Flood Plain – That area designated on the Official Zoning Map as the flood plain.

Freestanding Sign – A sign erected which is wholly independent of any building for support. See Article IX for Sign Regulations.

Home Occupation – A commercial activity that (1) is conducted by a person on the same lot where that person resides in a residential district, and (2) is not so insubstantial or incidental or commonly associated with the residential use as to be regarded an accessory use, but that can be conducted without adverse impact on the surrounding neighborhood. A use may not be considered insubstantial if goods or commodities are displayed; if on-premises retail sales occurs; if more than one person not resident is employed in conjunction with the occupation; if it creates objectionable noise, odor, fumes, dust, or electrical interference; or if more than 25% of the total gross floor area of residential and occupational buildings or more than 500 square feet of floor area (whichever is less) is used for purposes of the occupation. See requirements for Home Occupations-Article VII.

Junk Yard – The use of more than two hundred (200) square feet of any lot for storage and/or sale of scrap metal, motor vehicles that do not have a valid inspection sticker, or other junk and dismantling of such vehicles or machinery.

Lot – A parcel of land which fronts on and has ingress and egress by means of a public right of way or an approved private street and which is occupied or intended to be occupied by a building or groups of buildings as provided herein with the customary accessories and open spaces.

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 side lines 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.

## DEFINITIONS

- 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.

Mansard Roof – a roof having two slopes on one or more sides of the building with the lower slope steeper than the upper slope.

Minimum Height – the vertical distance measured from the nearest building line to the lower limit of such sign, excluding the sign structure.

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.

Motel – a commercial structure(s) in which sleeping accommodations are provided or offered to transient visitors for compensation

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.

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.

Outdoor Advertising Business – Provision of outdoor displays or display space on a lease or rental basis only.

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.

Roof Line – Shall mean the uppermost line of the roof of a building, or in the case of an extended façade, shall mean the uppermost height of said façade.

Service Station – A building or lot dedicated to the rendering of services such as the sale of gasoline, oil, grease, and accessories and the minor repair of automobiles such as tune-ups, brake adjustments, and tire changes excluding body working, overhauling, and painting.

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 work, lettering, parts of letters, pictures, figures, numerals, phrases, sentences, emblems, devices, design trade names, or trademarks by which anything is made known, such as the designation of an individual, a firm, an association, or profession, a business, a commodity, or product, which are visible from any public way and used to attract attention. See Article IX for Sign Regulations.

- a. Principal Use Sign – Any sign which advertises an establishment, service, commodity, or activity conducted upon the premises where such sign is located.
- b. Outdoor Advertising – Any sign which advertises an establishment, service, commodity, goods or entertainment sold or offered on premises other than that on which such sign is located.

Sign Area and Number – For the purpose of determining the number of signs, a sign shall be considered to be single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign. The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

Sign Exterior – Any device located on the outside of a building, structure, or establishment designed to inform or attract the attention of persons not on the premises on which the sign is located.

Sign, Flashing – A “flashing sign” is an illuminated sign in which the light is not constant in intensity and/or color at all times when in use. Any revolving or moving sign, illuminated or not, shall be considered a flashing sign.

Sign, On-Site – A sign relating in its subject matter to the premises on which it is located or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

Sign, Off-Site – A sign other than on-site sign.

Street

## DEFINITIONS

- 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.

Street Line – The right-of-way line of a street.

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.

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 built on a chassis designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet. Trailers having a body width exceeding eight (8) feet shall be considered as a Manufactured Housing Unit.

Variance – A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property 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.

Wall Sign – A sign attached to, or erected against the wall of a building or structure, or which is an integral part of the building or structure. See Article IX for Sign Regulations.

## DEFINITIONS

Yard – A required open space on the same lot with a principal building, unobstructed by a structure or portion of a structure from thirty (30) inches above the general ground level of the graded lot upward, provided 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 space, on the same lot with a principal building, between the front line of the building (exclusive of steps) and the side line of the lot and extending from the front line of the principal building to the rear line of the building. Width of a required side yard shall be measured in such a manner that the yard established is a strip to the minimum width required by district regulations.

Yard, Side – An open unoccupied space, on the same lot with a building, between the side line of the building (exclusive of steps) and the side line of the lot and extending from the front line of the principal building to the rear line of the building. Width of a required side yard shall be measured in such a manner that the yard established is a strip to the minimum width required by district regulations.

Yard, Rear – An area measured by a line that joins the rear line of the principal building (exclusive of steps) and parallel to the rear lot lines. No construction shall be allowed within 5 feet of the rear lot line. Where there is a corner lot or through lot, the setbacks required on lot line adjacent to the street shall be the same as for minimum front yards within the district.

**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 shall be identified by the signature of the County Manager and bearing the seal of the County.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Regardless of the existence of copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map located in the Office of the Planning & Zoning Administrator shall be the final authority as current zoning status of land and water areas, buildings, and other structures in the County.

- B.     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. The new Official Zoning Map shall be identified by the signature of the County Manager and bearing the seal of the County.

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map of any significant parts thereof remaining, 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 center lines of streets or highways, shall be construed to follow such center lines;

Boundaries indicated as approximately following platted lot lines shall be construed as following such dot lines;

Boundaries indicated as approximately following town limits shall be construed as following such town limits:

Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks:

Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines:

Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered above, the Board of Adjustment shall resolve disputes of staff interpretations of the district boundaries.

Section 3.03

Application of District Regulations

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. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their continued use. Nonconforming structures or uses may be continued provided they conform to the provisions of this ordinance.

Section 4.02           Continuation of Nonconforming Uses

## A.     Minimum Lot Requirements

(1) 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. In any case where the lot area and/or lot width are more than twenty (20) percent below the minimum specified in this ordinance or other dimensional requirements cannot be met, the Board of Adjustment is authorized to approve as a variance such dimensions as shall conform as closely as possible to the required dimensions.

(2) Minimum Multi-Lot Requirements – If 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.

## B.     Extension of Use

(1) No non-conforming use of land shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption of this ordinance.

(2) No additional structure not conforming to the requirements of this ordinance should be erected in connection with such nonconforming use of land.

## NONCONFORMING USES

- C. Changes of Use – Any nonconforming use may be changed to any conforming use, or with the approval of the Board of Adjustment, to any use more in character with the uses permitted in the district. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards to preserve the character of the district.
- D. Cessation of Use – If active operations are discontinued for a continuous period of six (6) months with respect to a nonconforming use, such nonconforming use shall thereafter be used only for a conforming use.
- E. Repairs and Alterations – Normal maintenance, repair, and incidental alteration in a building occupied by a nonconforming use is permitted provided it does not extend the nonconforming use.
- F. Damage or Destruction – If a non-conforming use or structure is destroyed, by any means, to an extent of more than eighty (80) percent of its replacement cost at the time of destruction, such building may not be restored for any nonconforming use. The percentage of destruction will be determined by the Building Inspector.

**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-20 | 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             |

DISTRICT REGULATIONS  
(RA-20 RESIDENTIAL AGRICULTURAL DISTRICT)

Section 5.02                    RA-20 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. Single family, two family and multi-family dwellings to include Condominiums/Townhouses.
2. Home occupation, as restricted in Article VII.
3. 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.
4. Churches
5. Cemeteries
6. 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.
  - (f) Drive-in movie theaters.

DISTRICT REGULATIONS  
(RA-20 RESIDENTIAL AGRICULTURAL DISTRICT)

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 Health Department.
  - (e) Noise must not create a substantial nuisance for residents within a distance one-mile.
7. Grounds and facilities for recreational and community center building, lakes, parks, and similar facilities operated on a non-profit basis.
  8. Hospitals, rest homes, nursing homes, sanitariums, funeral homes and day care centers, provided no building so used shall be within seventy-five (75) feet of any lot line.
  9. Public buildings – town, county, state, federal or regional authority.
  10. Public schools, private schools, and colleges
  11. Public Utilities to include, but not limited to distribution lines, substations, transmission lines; water tanks; and telecommunication exchanges.
  12. Manufactured housing is permitted in RA-20 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.
  13. Mobile Home Parks, as regulated in the Hertford County Mobile Home Park and Travel Trailer Ordinance.

DISTRICT REGULATIONS  
(RA-20 RESIDENTIAL AGRICULTURAL DISTRICT)

14. Skeet shooting facilities that meet the standards of the National Skeet Shooting Association, and National Rifle Association (NSSA and NRA).
  15. All signs must meet the requirements set forth in Article IX.
  16. Off-street parking must meet the requirements set forth in Article VIII.
  17. Sand Mining for commercial purposes.
  18. 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. 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 not less than one (1) row of dense shrubs spaced not more than five (5) feet apart, which shall be established and maintained.
    - (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.
  2. Auto Garage/Engine Mechanic – provided that the following conditions are met:

DISTRICT REGULATIONS  
(RA-20 RESIDENTIAL AGRICULTURAL DISTRICT)

- (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 setbacks 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.
  - (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 building
  - (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) services shall be limited to minor repair of automobiles such as tune-ups, brake adjustments, and tire changes excluding body working, overhauling, and painting.
  - (k) all customer parking shall be off-street parking.
3. Antique, Hobby and Novelty Shops – 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 setbacks 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.

DISTRICT REGULATIONS  
(RA-20 RESIDENTIAL AGRICULTURAL DISTRICT)

- (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.
4. 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 Building Inspector’s notice.
5. Fabric Shop and Dressmaking – provided that the following conditions are met:
- (a) same as those required in Section 5.02.C.3.
6. Upholstery Shop – provided that the following conditions are met:
- (a) same as those required in Section 5.02.C.3.
7. Radio and T. V. Repair – provided that the following conditions are met:
- (a) same as those required in Section 5.02.C.3.
  - (b) no antenna or other receiving/sending apparatus shall extend above the highest point of the roof more than fifty (50) feet.
8. Beauty Shop – provided that the following conditions are met:
- (a) same as those required in Section 5.02C.3.
9. Barber Shop – provided that the following conditions are met:
- (a) same as those required in Section 5.02.C.3.
10. 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 case shall be any case where the occupant of the mobile home is a invalid who is related to the occupants of the principal structure and

DISTRICT REGULATIONS  
(RA-20 RESIDENTIAL AGRICULTURAL DISTRICT)

dependent upon someone else for physical mobility. A physicians 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 maximum of fourteen (14) feet in width.
  - (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.
11. 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.
12. 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.

DISTRICT REGULATIONS  
(RA-20 RESIDENTIAL AGRICULTURAL DISTRICT)

- (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.
13. 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 to any of the conditions imposed by the Board of Adjustment.
14. 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 advertisements shall be permitted on the building.
  - (e) The Commercial Storage Building shall not be rented to others.
15. 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.

DISTRICT REGULATIONS  
(RA-20 RESIDENTIAL AGRICULTURAL DISTRICT)

- (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.
16. 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.

DISTRICT REGULATIONS  
(RA-20 RESIDENTIAL AGRICULTURAL DISTRICT)

D. Dimensional Requirements

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 Health Department

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.  
15,000 sq. ft. 75 feet

Minimum lot width requirements 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.

DISTRICT REGULATIONS  
(RA-20 RESIDENTIAL AGRICULTURAL DISTRICT)

3. Front Yard: Minimum required depth 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.

DISTRICT REGULATIONS  
(RR & C RESIDENTIAL AND CAMPING DISTRICT)

Section 5.03     RR&C 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. Single family, two family and Condominiums/Townhouses that meet the dimensional requirements of Residential Agricultural District.
2. Manufactured Housing provided that:
  - (a) the unit is treated as one (1) dwelling that meets the dimensional requirements of the RA-20 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.
3. Mobile Home Parks and Travel Trailer Parks, as regulated in the Hertford County Mobile Home Park and Travel Trailer Ordinance.
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 with 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.

DISTRICT REGULATIONS  
(RR&C RIVERSIDE RESIDENTIAL AND CAMPING DISTRICT)

5. 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 camp site is granted.
6. Grounds and facilities for recreational and community center buildings, lakes, parks, and similar facilities.
7. All signs must meet the requirements set forth in Article IX.
8. Off-street parking must meet the requirements set forth in Article VIII.
9. 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.
10. Public Utilities to include, but not limited to distribution lines, substations, transmission lines; water tanks; and telecommunication exchanges.
11. 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:

DISTRICT REGULATIONS  
(RR&C RIVERSIDE RESIDENTIAL AND CAMPING DISTRICT)

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. 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.
2. Manufactured Housing – on same lot as principal building provided that the following conditions are met:
  - (a) same as those required in Section 5.02.C.10.
3. Antique, Hobby, and Novelty Shops – provided that the following conditions are met.
  - (a) same as those required in Section 5.02.C.3
4. Motor Home – provided that the following conditions are met:
  - (a) same as those required in Section 5.02.C.13.
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.

DISTRICT REGULATIONS  
(RR&C RIVERSIDE RESIDENTIAL AND CAMPING DISTRICT)

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

DISTRICT REGULATIONS  
(RB RIVERSIDE BUSINESS DISTRICT)

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 river fronts. 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. Commercial marinas for the launching, storage, rental, sale, and repair of boats.
2. Sale of souvenirs, fishing equipment, soft drinks, sporting goods, convenient shopping goods, gasoline, and oil.
3. Fish Market
4. Fishing and hunting lodges
5. Motels.
6. Restaurants.
7. 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.
8. All signs must meet the requirements set forth in Article I.
9. Off-street parking and loading must meet the requirements set forth in Article VIII.
10. 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.
11. Public Utilities to include, but not limited to distribution lines, substations, transmission lines; water tanks; and telecommunication exchanges.

DISTRICT REGULATIONS  
(RB RIVERSIDE BUSINESS DISTRICT)

12. 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-20) 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.

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.

DISTRICT REGULATIONS  
(RB RIVERSIDE BUSINESS DISTRICT)

C. 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 are twenty-five (25) feet. All Riverside Business must also meet estuarine shoreline set back requirements if applicable.

DISTRICT REGULATIONS  
(IH – HEAVY INDUSTRIAL DISTRICT)

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 of surrounding neighborhoods and the county.

B.      Permitted Uses:

1.    Bulk petroleum plant and storage.
2.    Concrete products manufacturing and storage
3.    Lime and fertilizer manufacturing and storage
4.    Livestock sales pavilion
5.    Planing and saw mill
6.    Public Utilities to include, but not limited to distribution lines, substations, transmission lines; water tanks; and telecommunication exchanges.
7.    Quarrying and mining, including sand mining for commercial purposes
8.    Radio and television towers and substations
9.    Railroad and freight classification
10.   Service Station
11.   Stockyard
12.   Stone and gravel works
13.   Truck Stop
14.   Sanitary Landfill, subject to minimum regulations imposed by the State Board Health, Division of Sanitary Engineering.

DISTRICT  
(IH - HEAVY INDUSTRIAL DISTRICT)

15. All signs must meet the requirements set forth in Article IX
16. Off-street parking and loading must meet the requirements set forth in Article VIII.
17. Auto-Truck Garage Permitted Use – Amended by Commission November 1989.
18. All uses permitted in IL Light Industrial District.
19. Steel mills, steel or other solid waste recycling facilities, and related loading, unloading, or transportation facilities.
20. Port Facilities, docks, wharves, piers, loading and unloading facilities, cranes and other structures related to commercial or industrial facilities.
21. 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-20) 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 constructions.

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. 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.

DISTRICT  
(IH - HEAVY INDUSTRIAL DISTRICT)

2. Temporary Construction Building – provided the following conditions are met:
  - (a) same as those required in Section 5.02C.4.
  - (b) temporary construction building may be occupied for security purposes
  
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 plot 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 indicating the irrelevance.

4. Acid manufacturing and storage
  
5. Schools
  
6. 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.

DISTRICT  
(IH - HEAVY INDUSTRIAL DISTRICT)

- (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.
7. 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 set back requirements shall be 100 feet from front property line. Side yard and Rear yard set back requirements shall be 50 feet from side and rear property lines, except that when abutting a residential district the minimum set back shall be 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 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.

DISTRICT  
(IH - HEAVY INDUSTRIAL DISTRICT)

- (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 setbacks, 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.”

D. Dimensional Requirements

- 1. Front Yard  
Minimum required depth of front yard – 50 ft.
- 2. Side Yard and Rear Yard  
When abutting a residential district a permitted use must provide a minimum setback of two hundred (200) feet.

DISTRICT REGULATIONS  
(FP FLOOD PLAIN DISTRICT)

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)            Crops 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 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 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.            All signs must meet the requirements set forth in Article IX.
4.            Off-street parking must meet the requirements set forth in Article VIII.

DISTRICT REGULATIONS  
(FP FLOOD PLAIN DISTRICT)

5. Public Utilities to include, but not limited to distribution lines, substations, transmission lines; water tanks; and telecommunication exchanges.
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-20) 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.

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.

DISTRICT REGULATIONS  
(FP FLOOD PLAIN DISTRICT)

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

D. Dimensional Requirements

Minimum lot size is five (5) acres.

DISTRICT REGULATIONS  
(IL LIGHT INDUSTRIAL DISTRICT)

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.      Bag manufacturer
3.      Boat manufacturer
4.      Bottling works
5.      Cabinet making
6.      Cold storage plant
7.      Dry cleaning and laundry plants
8.      Electrical and industrial and farm equipment repair, but not railroad equipment.
9.      Fertilizer storage and sales
10.     Food processing in wholesale quantity, except meat, fish, poultry, vinegar and yeast.
11.     Grain elevators
12.     Garment manufacture
13.     Household appliance manufacturer
14.     Industrial research and educational facilities
15.     Laboratories for research and testing.
16.     Leather goods manufacturer.

DISTRICT REGULATIONS  
(IL LIGHT INDUSTRIAL DISTRICT)

17. Optical and scientific instruments, jewelry and clocks, musical instrument manufacturer.
18. Pharmaceutical products manufacturer
19. Printing, publishing and reproduction establishments
20. Public utilities to include, but not limited to distribution lines, substations, transmission lines; water tanks; and telecommunication exchanges.
21. Lumber and building materials storage and sales.
22. Repair and servicing of office and household equipment.
23. Sheet metal shops
24. Sign manufacturer, painting and maintenance
25. Storage warehouses and yards
26. Textile manufacturing
27. Tinsmith shops
28. Venetian blind manufacturer
29. Contractor and cleaning shops
30. Warehouses
31. Welding shops
32. Wholesale and jobbing establishments, including incidental retail outlets for only such merchandise as is handled for wholesale.
33. All signs must meet the requirements set forth in Article IX.
34. Off-street parking and loading must meet the requirements set forth in Article VIII.
35. Auto-Truck-Garage-Amended by County Commissioners November 1989.
36. 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-20) or Riverside

DISTRICT REGULATIONS  
(IL LIGHT INDUSTRIAL DISTRICT)

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.

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. Temporary Restaurants – provided the following conditions are met:
  - (a) same as those required in Section 5.05.C.1.
2. 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.

DISTRICT REGULATIONS  
(IL LIGHT INDUSTRIAL DISTRICT)

D. Dimensional Requirements

1. Front yard  
Minimum required depth of front yard is 50 ft.
2. Side Yard and Rear Yard  
When abutting a residential district a permitted use must provide a minimum set back of one hundred (100) feet.

DISTRICT REGULATIONS  
(CH COMMERCIAL HIGHWAY DISTRICT)

Section 5.08 CH Commercial Highway District

A. Purpose

Highway Commercial Districts are generally located on major highways, roads, or streets, near populations center 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. 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 wallpaper, electrical and plumbing fixtures, nursery stock and supplies, mobile homes.

2. Services

Motels, banks barber and beauty shops, shoe repair, laundry and dry cleaning, restaurants, service stations, radio and television repair, funeral homes, drive-ins dispensing foods, radio and television broadcasting stations, offices, signs, billboards.

3. Repair and storage of automobile, trucks, and agricultural implements shall be permitted provided all repair is 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.

4. 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.

5. Sales and storage of fertilizer, peanuts beans, and grain shall be permitted subject to the following conditions: all storage shall be enclosed buildings or structures. No processing, shelling or refining shall be allowed.

DISTRICT REGULATIONS  
(CH COMMERCIAL HIGHWAY DISTRICT)

6. 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 plot 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.
7. All signs must meet the requirements set forth in Article IX.
8. Off-street parking and loading must meet the requirements set forth in Article VIII.
9. 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.
10. Public Utilities to include, but not limited to distribution lines, substations, transmission lines; water tanks; and telecommunications exchanges.
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-20) 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.
12. Mini Storage Facilities

DISTRICT REGULATIONS  
(CH COMMERCIAL HIGHWAY DISTRICT)

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

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

4. All signs must meet the requirements set forth in Article IX.

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

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 abut a Residential/Agriculture (RA-20) 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.

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

DISTRICT REGULATIONS  
(AEC AREAS OF ENVIRONMENTAL CONCERNS DISTRICT)

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 shall 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 propose 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.

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

Section 6.01 Objectives and Purposes of Conditional Use Permits

Conditional Use Permits add flexibility to the zoning ordinance. Subject to high standards of planning and design, certain property uses are allowed in the several districts where these uses would not otherwise be acceptable. By means of controls exercised through the Conditional Use Permit procedures, property uses which would otherwise be undesirable in certain districts can be developed to minimize any bad effects they might have on surrounding properties.

Section 6.02 Conditional Use Permits Issued by the Board of Adjustment

A. General Requirements

1. After a public hearing, Conditional Use Permits may be issued by the Board of Adjustment for the establishment of uses listed as conditional uses in Article V.
2. 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.
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

## PROVISIONS FOR CONDITIONAL USES

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

Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall or hedge along the sides or front edge of any front yard shall not impede vision and shall not be over forty-six (46) inches in height.

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

In any district the Planning Board may grant permission for more than one structure housing a permitted or permissible principal to be erected on a single lot, provided that yard and other requirements of this ordinance shall be met for each structure as though it were on an individual lot.

Section 7.05 Exceptions to Height Regulations

The height limitations contained in the Schedule of District Regulations do not apply to antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

Section 7.06 Structures to Have Access

Every building hereafter erected or moved shall be on a lot adjacent to a street as defined herein.

Section 7.07 Mobile Home Parks and Travel Trailer Parks

## SUPPLEMENTARY DISTRICT REGULATIONS

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.

**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:

RESIDENTIAL  
AND RELATED USES

REQUIRED  
OFF-STREET PARKING

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

One and one-half (1-1/2) spaces for each two  
(2) employees on shift of greatest employment,  
plus one (1) space for each managerial personnel,  
plus one (1) space directly in the conduct of  
the business

## PARKING AND LOADING

### RESIDENTIAL AND RELATED USES

### REQUIRED OFF-STREET PARKING

Outdoor recreation areas &  
amusement parks

One (1) space for each three (3) persons  
able to use such facility at its maximum  
capacity, plus (10) spaces for waiting plus  
one (1) space for each two (2) employees

Restaurant or place dispensing  
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

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

Motel

One (1) space for each unit plus one (1) space  
for each two (2) employees, plus requirements  
for any other use associated with the establishment

Other commercial or  
personal service

One (1) space for each one hundred (100) square  
feet of non-storage floor area, plus one (1) space  
for each two (2) employees



**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. With the exception of those signs specifically authorized in subsection 9.01A of this section or section 9.02, no sign may be erected without a permit from the Building Inspector of the County of Hertford or his designee. 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.
- C. 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 Exempt from Regulations

- A. The following signs shall be permitted in all districts and not subject to the dimensional requirements of the ordinance except as regards to corner visibility, provided that no sign, other than listed in Item 1 below, shall be erected within or project into a public right-of –way.

1. Governmental signs, such as traffic or similar regulatory devices, legal notices or warnings.
2. Flags or emblems not used as commercial advertising.
3. Temporary signs, totaling not over two square feet of surface area on any lot not used as commercial advertising, and for a period not to exceed fourteen (14) days in any quarter calendar year. It shall be the responsibility of the person who erects such a sign to have it removed.
4. Memorial plaques, cornerstones, historical tablets and similar devices.
5. Noncommercial signs posted in conjunction with doorbell or mailboxes and not exceeding one (1) square foot in surface area.
6. Signs required by law to be posted, unless specifically prohibited, limited, or restricted.
7. Small unilluminated signs, none exceeding two (2) square feet in surface area, displayed strictly for the direction, safety or convenience of the public, including signs which identify rest rooms, parking area entrances or exits, freight entrances and the like.
8. Address signs, not exceeding six (6) square feet in square area and showing only the numerical address designations of the premises upon which they are located.
9. Small illuminated announcement signs concerning the conduct of an incidental home occupation, or other authorized occupation provided it is not over two (2) square feet in area and is mounted flat to the main wall of the building. However, such a sign announcing the home occupation of a medical doctor may be illuminated.
10. Temporary un-illuminated real estate signs not over six (6) square feet in area displayed on the property proposed for sale or rent and no closer than five (5) feet to any property line.
11. Signs for church and community identification no larger than twenty-five (25) square feet in area located on private property but no closer than five (5) feet to any property line.
12. Civic groups or bodies naming time and place of meetings; such as Rotary, Lions, or Kiwanis Clubs.
13. All such signs shall be setback from the right-of-way five (5) feet and shall observe side yard requirements of the district. No illumination of such signs will be permitted.

Section 9.03 General Requirements for Principal Use Signs and Outdoor Advertising Signs

- A. Freestanding signs may be permanently affixed to or constructed upon the land where they are located. No freestanding sign shall exceed 30 feet in height from the top of said sign to ground level.
- B. Awning or canopy signs will be allowed on premises only.
- C. No wall sign shall project more than 1 foot into the public right-of-way and not above any portion of the roof line. In case of flat roof, no wall sign shall extend above the parapets.
- D. There shall be no banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or similar moving devices when not part of any original sign construction.
- E. There shall be no flashing sign or device displaying flashing or intermittent lights or lights of changing degrees of intensity, except a sign indicating time and/or temperature as permitted in Article I. (See N.C. General Statutes 136-32, 136-32.1 and 136-32.2)
- F. Signs which advertise an activity, business, product, or service no longer conducted on the premises are not permitted.
- G. Mobile or portable signs are any signs painted on, mounted on, or displayed on vehicles or parked trailers in public view and used primarily for the purpose of such display and shall be subject to provisions G.1 through G.7 listed below. Signs painted on or attached to commercial motor vehicles shall not be prohibited when the following standards are met and/or exceeded.
  - 1. All mobile signs shall be void of any flashing or intermittent lights.
  - 2. All mobile signs shall be secured and anchored so as to be able to withstand wind speeds of one hundred and fifty (150) mph intensity for one hour.
  - 3. All mobile signs must bear a recognized testing laboratory's approval by a seal, certificate or other verification for electrical and/or structural safety.
  - 4. Any electrical supply to a mobile sign must be made by either an approved underground conduit system or when an overhead source is used. This source is no closer than twelve (12) feet to the ground level. Any method of electrical supply must be approved by the Building Inspector prior to installation.
  - 5. No mobile sign shall exceed thirty-five (35) square feet in area.

6. The use of mobile signs will be allowed on a temporary basis only. A temporary permit will be issued for a maximum of sixty (60) days only. No re-issuance of a temporary permit will be allowed for ninety (90) days after the termination of the original permit.
  7. Mobile signs are subject to all other district provisions of this section in which they are installed.
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- H. Any sign with flood and/or display lighting, not shielded to prevent direct cast of light on to a residential district or residence, or vehicles approaching on a public right-of-way from any direction is prohibited.
  - I. Any sign located in any manner or placed so as to constitute a hazard to traffic is prohibited.
  - J. Any sign that obstructs or substantially interferes with any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress or egress for any building is prohibited.
  - K. No sign shall be so located, placed, erected or mounted above the roof line of the structure to which it is attached, except in the case of Mansard roofs, which are thirty (30) degrees or less from the perpendicular of the building line, where the sign area calculated will include that portion which is thirty (30) degrees or less. However, no sign attached to an acceptable portion of a mansard roof will be more than twelve (12) inches from the structure at the sign base or bottom.
  - L. No sign shall be attached to or painted on any telephone pole, telegraph pole, power pole, or other manmade object no intended to support a sign, nor on any tree, rock or other natural object, except as specifically authorized herein.
  - M. No freestanding sign shall rely on the use of guide wires or other exterior supportive elements.
  - N. Change of a sign copy (wording) is not allowed, if, whenever a user of a sign discontinues or ceases operation on their premises, the existing sign copy cannot be changed for a new owner if such sign does not comply with this regulation in allowable maximum size, setback, height, illumination, or other provisions within its district. All changed or changeable copy of any sign requires a new and separate permit.
  - O. Interior illumination, where the source is from within the sign itself, shall be such that the illumination emanating from the sign is diffused.
  - P. Exterior illumination, where the source of illumination is provided by such devices as, but not limited to, flood or spotlights, shall be aimed and shielded as to prevent a direct cast of light upon any adjoining lots, property or buildings

and/or vehicles approaching on any public right-of-way from any direction. (See N.C. General Statutes 132-32. 136-32.1 and 136.32.2)

- Q. It shall be the responsibility of the owner of any sign or outdoor advertising structure to maintain their property in a safe and unhazardous conditions.
1. Upon determination that a sign or outdoor advertising structure is structurally unsafe, hazardous or endangers the safety to the public or property, the Building Inspector shall order the same to be made safe or removed subject to the following conditions:
    - a. The owner of the sign or outdoor advertising structure, the occupant of the premises on which the sign or structure is located, or the person or firm maintaining the same shall, upon written notice by certified mail from the Zoning Enforcement Officer, or forthwith in case of immediate danger, and in case within ten (10) days, secure or repair sign or structure in manner approved by the Zoning Enforcement Officer or remove the sign or structure in question.
  2. The Zoning Enforcement Officer is authorized and shall remove any unsafe and hazardous sign or outdoor advertising structure if the above order is not complied with in the allowed ten (10) day period. The cost of the removal of a sign or structure under order by the Zoning Enforcement Officer, shall be assessed to the owner, lessor, lessee, or firm charged with maintaining the same.
- R. No sign shall be built as an accessory use to other uses.
- S. The total allowable sign area for all principal signs accessory to and on the same premises shall not exceed two hundred fifty (250) square feet per building, establishment or lot. The use of the total allowable sign area may be in combination of area between one (1) freestanding sign and all wall, canopy, awning or marquee signs provided that: No wall, canopy, awning or marquee sign shall exceed twenty percent (20%) of the total square footage per building wall facing a public thoroughfare.
- T. In no case shall any sign be erected or displayed on the side street side of a corner building, nor on the rear of any building, if such building be located within one hundred (100) feet of a residential district.
- U. No part of any freestanding principal sign shall be more than thirty (30) feet above the street of highest grade adjacent thereto at its base.
- V. An outdoor advertising sign area shall not exceed three hundred (300) square feet. Double facing and/or side by side outdoor advertising signs (limit of two

(2) such signs) may be permitted provided each sign does not exceed three hundred (300) square feet.

1. Where outdoor advertising signs are freestanding, up-rights shall be spaced no more than twelve (12) feet on centers. The minimum clear distance between the ground level and the bottom of the trim shall be ten (10) feet.
2. No outdoor advertising sign shall be located within one hundred (100) feet of any residentially zoned lot and, all outdoor advertising signs shall be set back to meet the side, rear, and front setback requirements all of the zoned district in which they are located. In districts where there are no setback requirements, all freestanding signs shall be at least ten (10) feet from any right-of-way line of property line. All freestanding outdoor advertising signs shall be fifty (50) feet from a right-of-way intersection.
3. No outdoor advertising sign shall exceed fifty (50) feet in height measured from the finished grade of the lot to the top of the sign structure.
4. The minimum distance between outdoor advertising signs shall be three hundred (300) feet. The minimum distance between outdoor advertising signs on National Defense and Interstate Highways shall be five hundred (500) feet apart.
5. The backs of all outdoor advertising signs (except double-facing signs) shall be painted in a neutral color to blend with the surrounding area and to prevent the reflection of car lights and sunlight.

W. Nonconforming sign, when removed, for other than normal maintenance, may not be erected again nor may any such sign be placed with another nonconforming sign.

Section 9.04

Special Requirements for Principal Use and Outdoor Advertising Signs in the Zoning District

A. Residential District RA-20

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 (amended 6/4/90) 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 of 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.

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.

**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) days prior to the Planning and Zoning Board meeting at which the application is to be considered.
  
  - 3.    Fees – A fee of three hundred fifty (\$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 on 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 a 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 by 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.

### 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 posting 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 at least twenty (20) percent of the area of the lots included in such proposed change; at least 20% of the lots immediately adjacent thereto either in the rear thereof or on either side thereof extending one hundred (100) feet therefrom; or at least 20% of the lots directly opposite the proposed area. In the event of valid protest, amendment shall not become effective except by a favorable vote of three-fourths (3/4) of all the members of the County Commissioners.
- 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.

Section 12.01

**ARTICLE XII – 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) year 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 designated 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 designated 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 records of its examination and any other official action.

Section 12.02

Conditional Uses

- 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.
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 of 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.

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 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 furnished 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 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 Provision 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 judgement 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 and after its adoption by the County Commissioners of the County of Hertford, North Carolina, this the 19<sup>th</sup> day of Oct., 1992.

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 affects.

### 4. Alternatives to Proposed Policies

The alternative 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 Environmental 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 Regulations
- ❖ Hertford County Health Department Regulations
- ❖ Building Code Regulations
- ❖ CAMA Land Development Plan, Hertford County, 1976 and all subsequent updates
- ❖ Abandoned Car Ordinance
- ❖ Mobile Home Park and Travel Trailer Ordinance