

UNIFIED DEVELOPMENT ORDINANCE



Hertford County, North Carolina

Adopted: March 18, 2024

Effective: March 18, 2024

Last Amendment Date: December 1, 2025

Technical Assistance By:

Mid-East Commission
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AMENDMENTS TABLE

Effective Date	Description of Amendment
3/4/2024	Adoption of the Unified Development Ordinance
9/3/2024	Updates to Article 2 - Terminology -Additions to section 2.2.2 General Definitions; Agricultural Commodities (Food Processing), Campground, Camping Site. -Revisions or deletions to section 2.2.2 General Definitions; Lot Measurement, Recreational Vehicle, Travel Trailer, Travel Trailer/RV Park, Travel Trailer/RV, Travel Trailer/RV Space, and Motor Home
9/3/2024	Updates to Article 4 – Review Procedures -Rename section 4.7 to remove “Subdivision” as the review process also applies to RV Parks as shown in Article 13. -Remove requirements of submission of 15 paper copies -Allow for digital submission of preliminary plat for review process -Change the word ‘filing’ to ‘application’ -Update text to include addition of article references -Update procedures on subdivision, mobile home parks and RV parks to remove inconsistencies
9/3/2024	Updates to Article 9 - Zoning -Add section for Agricultural Zoning Exemption for Bona-Fide Farms -Update entries in table for RA-30 to include Agricultural Commodities as defined in the general statutes -Added Lot width, Lot width for second dwelling, secondary dwelling setback, information pertaining to multi-family dwellings. -Updated Front and Side Yard requirements
9/3/2024	Updates to Article 10 – Supplemental Zoning Regulations -Added Agricultural Commodities, Accessory Uses for farm stand for primary processing of commodities if not considered a bona-fide farm -Removed “Camp Sites” category from supplementary – refer to regulations in Article 13 -Removed “Motor Home” category from supplementary and replaced term with “Recreational Vehicle” in every occurrence.
9/3/2024	Updates to Article 13 – Travel Trailer/RV Parks -Replaced term “Travel Trailer” to “Campgrounds” in all instances -Removed requirement of camping sites not to be located in areas susceptible to flooding; added requirements that campsite in flood prone areas must be primitive or standard site without sewage or electricity.
1/6/2025	Updates to Article 1 – General Provisions -Add reference “NCGS 143” in section 1.2, specific to floodplain management
1/6/2025	Updates to Article 2 - Terminology - Additions to section 2.2.1 Acronyms: NCEM, NAVD88, DEQ, DFIRM - Additions to section 2.2.2 General Definitions: Add the following definitions: Alteration of a watercourse, Digital Flood Insurance Rate Map (DFIRM), Existing building and existing structure, Floodway encroachment analysis, Map Repository, - Add "lowest" in definition of "Lowest Adjacent Grade" - Revise “Manufactured Home”: “does not include a Recreational Vehicle” - Revise “Development”: “Any manmade change to improved or unimproved real estate,”; “Mining, dredging, paving storage of equipment of materials, and excavation and drilling operations” -Delete “Mean Sea Level” -Revise "Structure": FOR FLOODPLAIN MANAGEMENT PURPOSES: A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

Effective Date	Description of Amendment
1/6/2025	Updates to Article 2 (cont.) - Revised "New Construction": "FOR FLOODPLAIN MANAGEMENT PURPOSES: a structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures." - On "Pre Firm" and "Post Firm": add "dated, November 1, 1999" - Combine definitions of "Salvage Yard" and add statement: FOR FLOODPLAIN MANAGEMENT PURPOSES: any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery. - Revise "Substantial Improvement": "and the alteration is approved by variance issued pursuant to Article IV, Section 4.11" - Revise "Water Surface Elevation" - Change "mean sea level" to "NAVD 88"
1/6/2025	Updates to Article 3 – Administrative Bodies Update section 3.8 Floodplain Manager, 3.8.2 Duties and Responsibilities: Add the following tasks under duties of floodplain administrator: d) Maintain a current map repository to include, but not limited to, historical and effective FIS Report, historical and effective FIRM and other official flood maps and studies adopted in accordance with the provisions of Article 3, Section B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs. e) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
1/6/2025	Updates to Article 4 – Review Procedures - Update 4.3.2 Application Requirements: Update all references to "Mean Sea Level" with NAVD 88 under proposed elevation; Update FEMA form reference to FF-206-FY-22-153 - Update 4.3.4 Elevation Certificates: Update all references from FEMA Form 81-31 with FEMA Form FF-206-FY-22-152. - Update 4.3.5 Revise Floodproofing Certificate Requirements: "If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Dry Floodproofing Design Certificate (FEMA Form 81-65FF-206-FY-22-153), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. In addition, a Post-Construction Dry Floodproofing Certificate is required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level NAVD 1988. Floodproofing" - Create new section, 4.3.6- Other Certificate Requirements: a) If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required. b) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit. c) The following structures, if located within Zone A, AO, AE, or A1-30, (1) recreational vehicles, (2) temporary structures, & (3) accessory Structures less than 150 square feet are all exempt from the elevation/floodproofing certification requirements. These three must meet the requirements of ~ Article VIII. Floodplains - Update 4.3.6 – Reference Chart, to new section 4.3.7 – Reference Chart (moves articles e-h from 4.3.5 to section 4.3.6. - Update 4.11.2- Additional Consideration: Add content: "If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Dry Floodproofing Design Certificate (FEMA Form 81-65FF-206-FY-22-153), with supporting data, an operational plan, and an inspection and maintenance"

Effective Date	Description of Amendment
1/6/2025	Updates to Article 8 – Floodplains -Update 8.1.1 – Basis for establishing Flood Hazard Area: Update reference to January 17, 2025 for Hertford County for new DFIRM Panels to take effect
1/6/2025	Updates to Article 12 – Manufactured Home Parks -Update 12.1 Registration: for Electrical Permits, change "public health authority" to "Hertford County Building Inspections Department"
12/1/2025	Updates to Article 2 - Terminology - Additions to section 2.2.2 General Definitions: Add the following term and definition: Situs Address
12/1/2025	Updates to Article 3 – Administrative Bodies -3.10.1 Review Authority Table - addition of 911 Situs Address Application
12/1/2025	Updates to Article 4 – Review Procedures -Update 4.1.1 – General Guidelines, (a-d) This Article describes the various types of development review processes and related procedures. a) Any application for development approval shall only be considered submitted if it is complete and any required fee is paid, as set by the current fee schedule. b) Any development (see full definition), including any change of use or any alteration that requires a building or electrical permit, other than for bona fide farms, shall not be permitted unless zoning compliance approval has been determined prior. No permit or approval certification 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 written permission from a BOA hearing. c) Any development application must be made by a person/business representative with a property interest or a contract to purchase the property. d) Development Approvals run with the land. Unless provided otherwise by law, all rights, privileges, benefits, burdens, and obligations created by development approvals made, pursuant to NCGS 160D, attach to and run with the land. - NEW SECTION 4.1.4 DEVELOPMENT PERMITS/APPLICATION SUMMARY TABLE
12/1/2025	Updates to Article 9 – Zoning - Update 9.1.1 – reword section (a), question authority of section (b) [currently handled by the GIS/Planning Director], and new addition of section (c) including how the rezoning official notice from the BOC should be noted. -Update 9.1.4 – addition of wording for overlay districts and bona-fide farms “Bona-Fide farms that fall within an overlay district, must still comply with the regulations for that overlay district.” -9.2.1 – Strike the overlay districts from the zoning district table and add a new district ‘PD’ for Planned Developments, alphabetize and categorize districts -9.2.1 – Update the Zoning District Table, organized by base zoning district use, add overlay district table. -9.3 – Rename: 9.3 (RA-30) Residential Agriculture – To – 9.3 Residential Zoning Districts. -Add subsections for RA-30 and RR&C -9.4 – Rename: 9.4 (RR&C) Riverside Residential and Camping District – To – 9.4 Mixed Used Districts -Add subsections for PD – Planned Developments -9.5 – Rename: 9.5 (RB) Riverside Business -To- 9.5 Commercial Districts -Add subsections for Commercial Highway and Office and Institutional -9.6 – Rename: 9.6 (IH) Heavy Industrial – To – Industrial Districts -Add subsections for Heavy Industrial and Light Industrial -9.7 – Rename: 9.7 (FP) Flood Plain District – To – Overlay Districts -Add subsection for AEC (Area of Environmental Concern), Airport District, Floodplain District and Watershed Protected Area -9.8 – Rename: 9.8- (IL) Light Industrial – To – 9.8 Reference Tables -9.9 – 9.12 Will be covered under subsections above. No longer needed. - Update 9.12.1 – Add Permitted Use Reference Table (Add Key to Permitted Use Table)

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ARTICLE I. GENERAL PROVISIONS

Section 1.1 Title

This document shall officially be known as the “Unified Development Ordinance of Hertford County, North Carolina,” and it may be cited or referred to as the “Unified Development Ordinance,” “Ordinance” or “UDO” within this document.

Section 1.2 Authority

This Ordinance consolidates the County’s land use regulatory authority and any special legislation enacted for the County by the North Carolina General Assembly. The provisions of this Ordinance are adopted under authority granted by the General Assembly of North Carolina, including but not limited to NCGS 63, F143, 153A, & 160D.

Section 1.3 Effective date

This Ordinance was adopted March 4, 2024, and shall take effect on March 4, 2024. This Ordinance was last revised on September 3, 2024.

Section 1.4 Purpose & Intent

The purpose of this Ordinance is to protect the health, safety, and general welfare of the citizens of Hertford County. The intent of this Ordinance is, more specifically, to:

- a) Establish regulations concerning new and existing development in the County, particularly in relation to the use of land and structures.
- b) Implement the land use goals and objectives of the Hertford County CAMA Land Use Plan and its updates, and to ensure consistency with other adopted plans which affect Hertford County.
- c) Encourage environmentally responsible development practices.
- d) Maintain economically vibrant and attractive commercial areas.
- e) Protect the character and quality of established residential neighborhoods.
- f) Promote economic development and expand the range of employment opportunities for the citizens of Hertford County.
- g) Protect life and property from harm by regulating uses in areas where natural hazards exist.
- h) Ensure that adequate infrastructure is constructed to support future development.

Section 1.5 Relationship to Adopted Plans

Plans shall be adopted by the Board of Commissioners with the advice and consultation of the Planning Board. Adoption and amendment of a comprehensive or land-use plan is a legislative decision and shall follow the process mandated for zoning text amendments set by NCGS 160D-601. Plans adopted under NCGS 160D shall be advisory in nature without independent regulatory effect. Plans adopted under NCGS 160D do not expand, diminish, or alter the scope of authority for development regulations.

If a plan is deemed amended by NCGS 160D-605 by virtue of adoption of a zoning amendment that is inconsistent with the plan, that amendment shall be noted in the plan. However, if the plan is one that requires review and approval subject to NCGS 113A-110, the plan amendment shall not be effective until that review and approval is completed. The comprehensive plan or land-use plan shall be reasonably maintained by Hertford County.

Section 1.6 Conflicting Ordinances and Codes

1.6.1 Conflict with State or Federal Regulations

If any provisions of this Ordinance are inconsistent with those of the State or Federal government, the more restrictive provisions shall govern unless the State or Federal regulation is intended to preempt the local regulation. The restrictive provision is the one that imposes greater restrictions or more stringent controls. Regardless of any other provision of this

Ordinance, no land may be developed or used, and no structure may be erected or maintained in violation of any State or Federal regulation.

1.6.2 Conflict with Local Regulations

If the provisions of this Ordinance are inconsistent with one another, or if they conflict with provisions found in other adopted Ordinances or regulations of the County, the more restrictive provision governs. The more restrictive provision is the one that imposes greater restrictions or more stringent controls.

1.6.3 Conflict with Private Agreements and Contracts

This Ordinance is not intended to repeal, abrogate, annul, impair, or interfere with any with any existing easements, covenants, deed restrictions, agreements or permits previously adopted or issued pursuant to law. The County has no responsibility for monitoring or enforcing private agreements or contracts.

1.6.4 Repeal of Conflicting Ordinances

The following Ordinances are repealed and superseded by this Unified Development Ordinance as of its adopted date:

- a) Subdivision Ordinance
- b) Mobile Manufactured Home Park and Travel Trailer /RV Park Ordinance
- c) Tri-County Airport Height Restriction Ordinance
- d) Damage Prevention Ordinance (Floodplain Ordinance)
- e) Zoning Ordinance

Section 1.7 Transitional Provisions

1.7.1 Effect on Building Permits and Vested Rights

Unless the property owner consents in writing, this Ordinance does not apply to the completion of the development of building or uses for which either:

- a) Building permits have been issued prior to the effective date of this Ordinance, so long as the permits remain valid and unexpired and unrevoked; or
- b) A vested right has been established pursuant to NCGS 160D-108 and such right remains valid and unexpired.

1.7.2 Other Approvals Granted Prior to the Effective Date

Variances, special use permits, subdivision plats, site plans and other similar development approvals that are current & valid as of the effective date of this Ordinance, will remain valid until their expiration date if applicable. Development may be completed in accordance with such approvals even if such building, development, or structure does not fully comply with the provisions of this Ordinance. If development is not commenced and diligently pursued in the time allowed under the original approval or any extension granted, then the building, development or structure must meet the standards of this Ordinance in effect at the time of any re-application.

1.7.3 Applications in-process Prior to the Effective Date

Applications for building permits, variances, special use permits, subdivision plats, site plan approvals and other similar development approvals that were submitted in complete form and are pending approval at the time of the effective date of this Ordinance, must be reviewed wholly under the terms of the previous Ordinances in effect. Any re-application for an expired approval must meet the standards of this Ordinance in effect at the time of re-application.

1.7.4 Violations Continue

Violations of any previous Ordinance which are in violation of this Ordinance will continue to be a violation and will be subject to penalties and enforcement action pursuant to ~ **Article XIV, Enforcement and Penalties**. The adoption of this Ordinance does not affect nor prevent any pending or future action to abate violations of previous Ordinances.

Section 1.8 Jurisdiction & Severability

The provisions of this Ordinance shall apply to the use and development of all land within Hertford County, unless the subject land is within a specific municipal / town jurisdiction or is otherwise exempted by a specific section or subsection of this Ordinance. The following is the only exception to this rule.

- a) All guidelines regarding airport height restrictions shall apply to all areas in the County as depicted on the airport height restriction map, regardless of whether the subject property or development is within a municipal / town jurisdiction.

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction of either the State of North Carolina or the United States, then said decision shall in no way affect, impair, or invalidate the validity of the remaining portions of this Ordinance.

1.8.2 Application to Government Units

Except as stated herein, the provisions of this Ordinance shall apply to:

- a) The development and use of land owned by the County.
- b) The development and use of land owned by a municipality.
- c) The development and use of land owned by public colleges and universities.
- d) The development and use of buildings owned by the State of North Carolina and its political subdivisions.
- e) To the extent permitted by law, the development and use of land owned or held in tenancy by the government of the United States.
- f) Within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

ARTICLE II. TERMINOLOGY & MEASUREMENTS

Section 2.1 General Rules for Interpretation

2.1.1 Purpose

The purpose of this Article is to provide a foundation of terms and measurement, and an understanding of how such terms are to be interpreted as to provide context and to further define the use of language throughout this entire Ordinance. For all definitions of terms which are not explicitly defined herein, one shall assume the generally understood meaning provided the context in which the term is used.

2.1.2 Internal & External References

Throughout this Ordinance, there are references to specific statutes and regulations, some are internal references to other areas of this ordinance, and others reference outside documents. To aid in distinguishing between the two, all references to internal Articles or Sections within this Ordinance, will be preceded with the signifier “~.”

Example: “For general rules outlining the interpretation of this Ordinance, see ~ **Article I. Section 1.1.**”

2.1.3 Literal Translation

The language of this Ordinance must be read and interpreted literally. The regulations contained within this Ordinance are no more or less strict than stated.

2.1.4 Rules Governing the Construction of Language

The following rules of interpretation apply unless the context clearly indicates otherwise. In the following table, the various subject matters on the left shall correspond to the interpretation directly to the right:

Subject Matter	Interpretation
Meaning and Intent	Words listed in Section ~ Section 2.2 Abbreviations, Acronyms, & Definitions shall have the specific meaning assigned, unless the context explicitly indicates another meaning. Words that are not defined are given their common meaning.
Tense	Words used in the present tense include the future tense. The reverse is also true.
Singular and Plural	Words used in the singular include the plural. The reverse is also true.
Mandatory Terms	The words “shall,” “will,” “must” and “may not” are mandatory or compulsory in nature, implying an obligation or duty to comply with the particular provision.
Conjunctions	Unless the context clearly suggests otherwise, conjunctions shall be interpreted as follows: a) “And” indicated that all connected items, conditions, provision or events apply; and b) “Or” indicates that one or more of the connected items, conditions, provisions or events apply.
Gender	Language used in reference to a specific gender shall apply to everyone, regardless of a specific gender being mentioned.
References	Any reference to an Article, Section, Subsection or Paragraph means an Article, Section, Subsection or Paragraph of this Ordinance unless otherwise specified.

Subject Matter	Interpretation
Current Version and Citations	All references to other County, State or Federal regulations in this Ordinance are intended to be references to the most current versions and citations, unless otherwise expressly indicated. When referenced regulations have been repealed and not replaced by other regulations, requirements for compliance are no longer in effect.
Tables, Figures, and Illustrations	a) Tables, Figures, & Illustrations may be provided in sections as a way of displaying information in a clear and concise manner. The language which is presented in these shall be interpreted in the same fashion and possess the same authority as all other text within the main body of a section. b) In the event of a conflict or inconsistency between the text of this Ordinance and any table, figure or illustration caption, the text of the Ordinance will control.
Lists and Examples	Certain lists may include language such as “including but not limited to” to imply the list contains examples only and is not an all-inclusive list. Context shall determine if this is the case.
Delegation of Authority	Whenever a provision appears requiring a specific officer or employee of the County to perform an act or duty, that provision will be construed as authorizing the officer or employee to delegate that responsibility to others over whom he has authority. Delegation of authority is not allowed when the provisions of this Ordinance or other laws or regulations expressly prohibit such delegation.

Section 2.2 Abbreviations, Acronyms, & General Definitions

2.2.1 Acronyms

Acronyms, including abbreviations and their corresponding terms as used in this Ordinance.

Acronym	Full Meaning (See Definitions Table for Explanation)
ADA	American with Disabilities Act
AEC	Area of Environmental Concern
ANSI	American National Standards Institute
BFE	Base Flood Elevation
BOC	Board of Commissioners
CAMA	Coastal Area Management Act
DCM	Division of Coastal Management
DEQ	Department of Environmental Quality
DFRIM	Digital Flood Insurance Rate Map
ETJ	Extra-Territorial Jurisdiction
FAA	Federal Aviation Administration
FBFM	Flood Boundary and Floodway Map
FIRM	Flood Insurance Rate Map
FIS	Flood Insurance Study

Acronym	Full Meaning (See Definitions Table for Explanation)
NAVD88	North American Vertical Datum of 1988
NCDOT	North Carolina Department of Transportation
NCEM	North Carolina Emergency Management
NCGS	North Carolina General Statutes
RV	Recreational Vehicle
UDO	Unified Development Ordinance

2.2.2 General Definitions

Specific terms and their corresponding definition as used in this Ordinance.

Term	Definition
Abutting	Having property lines in common. Lots are also considered to be abutting if they are directly opposite each other and separated by a street or alley.
Access Easement	An easement which allows ingress and egress (entry and exit) between the real estate and a public road by means of a private road or driveway.
Accessory Use or Structure (Appurtenant Structure)	a) A structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. b) Garages, carports, and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms and may or may not be located on the same parcel as the farm dwelling or shop building.
Addition (To an existing building)	An extension or increase in the floor area or height of a building or structure.
Adjacent	Having a common border such as a lot line or street right-of-way.
Administrator	The individual responsible for performing certain administrative functions of this Ordinance. The Specific Administrator regarding any Section or Function of this Ordinance may vary. See Article III. Administrative Bodies
Administrative Decision	Decisions made in implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this Ordinance, these are sometimes referred to as ministerial decisions and administrative determinations.
Adult Retail/ Establishment	a) Any structure or use of land which meets the definitions of Adult Establishment as outlined in NCGS 14-202.10. b) Any business establishment which as a regular and substantial course of conduct offers, sells or distributes adult oriented material or sexually oriented merchandise, or which offers to its patrons materials, products, merchandise, digital media, imaging, services, or entertainment, characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities, or specified anatomical areas as defined by NCGS 14-202.10. c) Any establishment that restricts access to the business or portions of the business by persons under 18 years of age.

Term	Definition
Agricultural Commodities (Food Processing)	a) Primary Processing: Conversion of raw material into food commodities such as milling (i.e. Wheat processed into flour) b) Secondary Processing: Conversion of a primary product into another product (i.e. Wheat Flour into bread) c) Tertiary Processing: Commercial manufacturing and production of processed food products that combine multiple ingredients. (i.e. frozen meals, canned goods)
Airport	The Tri-County Airport, North Carolina (ASJ)
Airport Authority	Members appointed by the Board of County Commissioners with three (3) members each from Hertford, Bertie, and Northampton County, representing the interests of the Tri-County Airport.
Airport Elevation	The highest point of an airport's usable landing area measured in feet (tenths) from mean sea level.
Alteration of a watercourse	Means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.
Appeal	A request for a review by the Board of Adjustment of an administrator's interpretation of any provision of this Ordinance.
Applicant	Any person or entity that files any application, requests any administrative action, or approval as allowed under this Ordinance. Also referred to as "petitioner."
Approach Surface	A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
Area of Environmental Concern (AEC)	a) An area which represents geographic segments of coastal zone that have been identified by the Coastal Resources Commission in NCGS 113A-113 as critical resource management areas of greater than local concern. These defined areas, which are located within the jurisdiction of Hertford County, include: Coastal Wetlands; Estuarine Waters; Estuarine Shorelines, and Public Trust /Areas. b) If an AEC is involved in any permitted activity covered by this Ordinance, then additional permits may be required by the State of North Carolina.
Area of Shallow Flooding	A designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
Area of Special Flood Hazard	See Special Flood Hazard Area (SFHA).
Base Flood	The flood has a one (1) percent chance of being equaled or exceeded in any given year.
Base Flood Elevation (BFE)	A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area," it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard," establishes the "Regulatory Flood Protection Elevation."
Basement	Any area of a building which has its floor subgrade (below ground level) on all sides.

Term	Definition
Bed and Breakfast Inn	A lodging facility in which the operator resides, and which is established for the purpose of providing temporary overnight accommodation for tourists, vacationers, and other similar transients. The facility may have a dining room but only for the provision of food for the registered guests of the facility.
Billboard	See “Outdoor Advertising”
Block	The land lying within an area bounded on all sides by roads.
Board of Commissioners	The governing body of the County of Hertford, North Carolina.
Bona fide farm purposes	Agricultural activities as set forth in NCGS 160D-903(a).
Building	Any structure used or intended for supporting or sheltering any use or occupancy.
Buildable Lot	One or more lots of record in one undivided ownership with sufficient total area, exclusive of easements, flood hazards, water bodies, well and septic tank fields; sufficient total dimensions; and sufficient access to permit construction thereon of a principal building together with its required parking and buffer yards.
Bulk	The standards and controls that establish the maximum size of buildings and structures on a lot and the buildable areas within which the building can be located, including lot coverage, setbacks, height, impervious surface ratio, floor area ratio and yard requirements.
Campground/RV Park	Any single tract or parcel of land on which there are at least ten (10) camping sites. All Campgrounds/RV Parks must meet the design standards set forth in Article 13.
Camping Site	A space designed and promoted for the purpose of locating a trailer, tent, tent trailer, recreational vehicle, pickup camper, van or other similar device used for camping. a) Primitive Camping Site – Campsite intended for tent camping only and offers few to no amenities (i.e. no electricity, fire ring, picnic areas, running water or restrooms) b) Standard Camping Site – Campsite intended for tent camping, RV camping, or both; At minimum, each camping site must have reasonable access to all weather roads and parking areas and a central location for refuse and toilet facilities. c) Premium Camping Site - Campsite intended for tent camping, RV camping, or both; Sites are typically larger, and the provided amenities are above and beyond standard sites, often including “Full Hookups”. (i.e. Electricity, running water, onsite parking for larger RV’s, prime location, bathing or swimming facilities, etc.)
Coastal Area Management Act (CAMA)	The Coastal Area Management Act of 1974, as amended and supplemented.
Chemical Storage Facility	A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.
Clubs and Lodges	An incorporated or unincorporated association for civic, social, cultural, fraternal, literary, political, and recreational or like activities, operated on a non-profit basis for the benefit of its members.
Certified Local Government (CLG)	Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.
Community or Public Water Supply	A public or private water supply approved by the Public Health Department that serves a community that is not an incorporated municipality. This includes unincorporated communities, subdivisions, and/or mobile home parks having ten or more connections. Any water supply furnishing potable water to ten or more residences or businesses or combination of businesses or residences.

Term	Definition
Comprehensive Plan	A comprehensive plan that has been officially adopted by the governing board pursuant to NCGS 160D-501.
Condominium	a) 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. b) Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. c) Condominium developments are subject to the North Carolina Unit Ownership Act NCGS Chapter 47A or the North Carolina Act NCGS Chapter 47C.
Conical Surface	A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty feet horizontally for each one foot vertically (20:1) for a horizontal distance of 4,000 feet.
Corner Lot	A lot which occupies the interior angle at the intersection of two (2) street lines. Corner lots will be addressed to the street that the driveway / access point will exit onto.
County	The governing body; Board of Commissioners of Hertford County, North Carolina.
Cul-de-sac	A short street, having but one end open to traffic and the other end being permanently terminated with a vehicular turnaround provided.
Data Processing Facility	A building, dedicated space within a building, or group of structures used to house a large group of computer systems and associated components, such as telecommunications and data processing systems, to be used for the remote storage, processing, or distribution of large amounts of data. Examples of such data include, but are not limited to, computationally intensive applications such as blockchain technology, cryptocurrency mining, weather modeling, genome sequencing, etc. Such facilities may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support operations. May also be referred to as a "Data Center." This definition shall not apply to smaller data processing facilities that are located on less than one acre of land and where such facilities are accessory or incidental to another primary use.
Day Care Facility	Any day care center or childcare arrangement that provides day care for more than five children unrelated to the operator and for which a payment, fee, or grant is received, excluding foster homes, public or private schools.
Dedication	A gift, by the owner, of a right to use land for stated purposes. A dedication shall be made with a written instrument, in recordable form, and is completed with an acceptance and recordation.
Department of Environmental Quality (DEQ)	The North Carolina Department of Environmental Quality is an agency of the government of North Carolina that focuses on the preservation and protection of natural resources and public health.
Developer	Any person, firm, trust, partnership, association, or corporation engaged in development or proposed development within the County.
Development	Any manmade change to improved or unimproved real estate, including but not limited to the following: a) The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure. (continued next page)
Development (Continued)	b) The mining, dredging, excavation, grading, paving, filling, clearing, or alteration of land, storage of equipment or materials, and excavation and drilling operations. c) The subdivision of land as defined in NCGS 160D-802. d) The initiation or substantial change in the use of land or the intensity of use of land.

Term	Definition
Development Activity	FOR FLOODPLAIN MANAGEMENT PURPOSES: Any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.
Development Approval	An administrative or quasi-judicial approval made pursuant to NCGS 160D that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to zoning compliance, site approvals, special use permits, variances, and certificates of appropriateness. This term also includes all other regulatory approvals required by regulations adopted pursuant to NCGS 160D, including plat approvals, permits issued, development agreements (which Hertford County is a party in the agreement) entered, and building permits issued.
Digital Flood Insurance Rate Map (DFIRM)	The digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.
Disclosure Statement	A statement prepared and signed by the subdivider and the buyer of the subject real estate, fully and completely disclosing the status (whether public or private) of the street upon which the lot fronts.
Disposal	As defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters. Consequences and responsibility as to maintenance and construction of proposed roadways.
Division of Coastal Management	The Division of Coastal Management works to protect, conserve, and manage North Carolina's coastal resources through an integrated program of planning, permitting, education and research.
Double Frontage Lot	A continuous (through) lot of the same depth as the width of a block, containing two tiers of lots and which is accessible from both streets upon which it fronts.
Drainage Easement	An easement that grants the right of water drainage to pass in open channels or enclosed structures.
Dwelling	A building that contains one or two dwelling units used, intended, or designed to be used, rented, leased, let, or hired out to be occupied for living purposes.
Dwelling Unit	A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
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.
Dwelling (Multi-Family)	Three or more single living units under the same roof structure and connected by one or more common walls. This includes but is not limited to apartments, duplexes, condominiums, triplexes, quadruplexes, or other similar buildings, which are for sale or rent and intended for human habitation.
Dwelling (Single Family)	A detached residential dwelling unit designed for and occupied by one family only.
Dwelling (Townhouse)	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 a common area.
Dwelling (Two Family)	A building or portion thereof used or designed as a residence for two families living independently of each other and doing their own cooking therein.

Term	Definition
Easement	A grant of one or more of the property rights, by the property owner, to, or for use by, the public, a corporation, or other entities.
Elevated Building	A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
Encroachment	The advance or infringement of uses, fill, excavation, buildings, structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
Enforcement Officer	The enforcement officer, as the term is used herein, shall be the Building Inspector for Hertford County. In addition to the Building Inspector, the Director of Health or his designated representative also shall be considered enforcement officers for the purpose of enforcing all public health provisions of this Ordinance and other applicable health codes adopted by the Hertford County Board of Health.
Environmental Assessment	A detailed examination of the applicant's proposal and its local environmental context with an emphasis on avoiding, minimizing, and mitigating adverse impacts.
Estuarine Shoreline	The area adjacent to estuarine waters extending landward seventy-five (75) feet from mean high water or normal high water.
Evergreen Vegetative Buffer	A solid fence, wall, or 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.
Evidentiary Hearing	A hearing to gather competent, material, and substantial evidence to make findings for a quasi-judicial decision required by a development regulation adopted under this Chapter. See also Quasi-Judicial Decision
Expected Height Limitations	Meaning that nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree or other vegetation to a height up to 50 feet above the surface of the land.
Existing Building/Structure	FOR FLOODPLAIN MANAGEMENT PURPOSES: Any building and/or structure for which the "start of construction" commenced before the initial Flood Insurance Rate Map (FIRM) for the community, dated November 1, 1999.
Existing Manufactured Home Park or Manufactured Home Subdivision	A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.
Extraterritorial Jurisdiction (ETJ)	That portion of a municipal planning jurisdiction that lies outside of the corporate limits of the municipality within which municipal land use regulations apply.
Family	Two or more persons related by birth, marriage, or adoption occupying a single dwelling unit. However, any group of people not meeting the requirements of the previous sentence shall not contain over five (5) persons. Domestic servants employed on the premises may be housed on the premises without being counted as family or families.
Family Care Home	A home meeting the North Carolina Residential Building Code with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for six or less residents with disabilities, pursuant to NCGS 168-21.
Fence or Wall	A physical barrier or enclosure consisting of wood, stone, brick, block, wire, metal, or similar material, used as a boundary or means of protection or confinement, but not including a hedge or other vegetation.
Firearm	A weapon, including pistols, rifles, and shotguns, capable of firing a projectile using an explosive charge as a propellant.

Term	Definition
Flag “Pole” Lot	A lot that has less than the required amount of frontage on a road and relies on a panhandle-shaped corridor for access to the bulk of the lot.
Flashing Sign	A type of animated sign which contains an intermittent, blinking, scintillating, or flashing light source, or which includes the illusion of intermittent or flashing light, or an externally mounted intermittent light source. An electronically controlled message sign is not a flashing sign.
Flood or Flooding	A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; and/or the unusual and rapid accumulation or runoff of surface waters from any source.
Flood Boundary and Floodway Map (FBFM)	An official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).
Flood Hazard Boundary Map (FHBM)	An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.
Flood Insurance	The insurance coverage provided under the National Flood Insurance Program.
Flood Insurance Rate Map (FIRM)	An official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.
Flood Insurance Study (FIS)	An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.
Flood Prone Area	See “Floodplain”
Flood Zone	A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.
Floodplain	Any land area susceptible to being inundated by water from any source.
Floodplain Manager	Is the individual appointed to administer and enforce the floodplain management regulations.
Floodplain Development Permit	Any type of permit that is required in conformance with the provisions of this Ordinance, prior to the commencement of any development activity.
Floodplain Management	The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.
Floodplain Management Regulations	This term describes Federal, State, or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.
Floodproofing	Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.
Floodway	The channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Term	Definition
Floodway Encroachment Analysis	An engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and hydraulic models meeting the minimum requirements of the National Flood Insurance Program.
Freeboard	The height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation (BFE) plus the freeboard establishes the "Regulatory Flood Protection Elevation."
Freestanding Sign	Any sign which is supported by structures or supports which are placed on, or anchored in the ground, and which structures or supports are independent from any building or other structure.
Functionally Dependent Facility	A facility which cannot be used for its intended purpose unless it is near water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.
Group Care Facility	A facility licensed by the State of North Carolina with support and supervisory personnel that provides room and board, personal care, or habilitation services in a family environment for not more than thirty people. This is separate from a Family Care Home.
Handicapped Person	A person with a temporary or permanent physical, emotional, or mental disability including but not limited to intellectual disabilities, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in NCGS 122C-3(11) b.
Hazard to Air Navigation	An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of navigable airspace. A determination by the Federal Aviation Administration as to a hazard to air navigation is per FM Form 7460-1.
Hazardous Material	Any substance listed as such in the Superfund Amendments and Reauthorization Act, Section 302, Extremely Hazardous Substances, or Section 311 of the Clean Water Act (oil and hazardous substances).
Hazardous Waste Management Facility	As defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.
Height	Building /structure height shall mean the vertical distance of any building or structure, as measured from the highest ground level at the structure foundation to the uppermost point of the structure, unless otherwise stated. As it applies to "Floodplain" and "Airport Height Restriction" specific regulations, "Height" shall refer to mean sea level elevation unless otherwise specified.
Highest Adjacent Grade	The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

Term	Definition
Historic Structure	Any structure that is: a) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register. b) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district. c) Individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program." d) Certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program."
Home Occupation	An occupation conducted in a dwelling unit provided that: a) Only one person other than members of the family residing on the premises shall be engaged in such an occupation. b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation. (continued next page)
Home Occupation (continued)	c) No home occupation shall be conducted in any accessory building unless granted a special use permit by the Board of Adjustment. d) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street/road right-of-way and shall be limited to the side and rear yard. e) If equipment or processes 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 and would be considered offensive to adjoining land owners; the Board of Adjustment may place conditions on their approval that would increase the distance from the home occupation and the adjoining property and/or require that a suitable buffer barrier be placed between the home occupation and the adjoining properties. The applicant of said home occupation would be required to provide these conditions.
Junk Yard	The use of more than two hundred (200) square feet of any lot for storage and/or sale of scrap metal, wastepaper, rags, or other scrap materials or used building materials, motor vehicles that do not have a valid inspection sticker, or other junk and dismantling of such vehicles or machinery. An establishment or place of business which stores or keeps for a period of fifteen (15) days or more materials within the meaning of "junk" as defined above.
Legislative decision	The adoption, amendment, or repeal of a regulation under this Chapter or an applicable local act. The term also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of Article 10 of NCGS 160D.
Legislative hearing	A hearing to solicit public comment on a proposed legislative decision. Also known as a public hearing.
Lot	A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title. The word "lot" includes plot, parcel, or tract.

Term	Definition
Lot, Corner	A corner lot is located at the intersection of two or more streets, the intersection angle is no more than 135 degrees.
Lot, Interior	An interior lot has one frontage on a street or two opposite sides on two streets, excluding corner lots.
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 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, Through	A through lot has frontage on two parallel streets or highways and isn't a corner lot. This lot may also be called a double frontage lot.
Lowest Adjacent Grade	The lowest elevation of the ground, sidewalk, or patio slab immediately next to the building, or deck support, after completion of the building.
Lowest Floor	The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.
Major Thoroughfare Road	Major thoroughfares consist of interstate, other freeway, expressway, or parkway links, and major roads that provide for the expeditious movement of high volumes of traffic within and through urban areas.
Manufactured Home	A "manufactured home" or "mobile home" in NCGS 160D. Defined in NCGS 143-145(7). The term "manufactured home" does not include a "recreational vehicle".
Manufactured Home Park or Subdivision	A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
Map Repository	The location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products have the same authority as hard copy products. Therefore, the NCEM's Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data the NC FRIS website (http://FRIS.NC.GOV/FRIS) is the map repository, and for historical flood hazard data the FloodNC website (http://FLOODNC.GOV/NCFLOOD) is the map repository.
Market Value	The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.
Mining	The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter; any activity or process constituting all or part of a process for the extraction or removal of mineral, ores, soils, and other solid matter from its original location; and/or the preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use.
Mobile Manufactured Home Space	A piece of land within a mobile manufactured home park: (a) whose boundaries are in accordance with this Ordinance, (b) that is designed and improved in accordance with the requirements of the Ordinance to accommodate a single mobile manufactured home.

Term	Definition
Mobile Manufactured Home Park or Campground/RV Park Construction Permit	A permit issued by the enforcement officer to a developer for construction of a mobile manufactured home park or Campground/RV park.
Mobile Sign	A sign attached to a trailer or other towing apparatus having capacity of being transported from one site to another.
Modular Home	A factory-built structure designed to be a dwelling. Defined in NCGS 105-164.3(143).
Motor Home	See Recreational Vehicle
Natural or Artificial Barrier	Any river, pond, canal, roadway, levee, embankment, fence, hedge, tree row, or similar obstruction which limits access and/or visibility.
NCGS	North Carolina General Statutes
New Construction	A structure for which the "start of construction" commenced on or after the effective date of this Ordinance. FOR FLOODPLAIN MANAGEMENT PURPOSES: A structure for which the start of construction commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.
Nonconforming	A lot, structure, sign, or use of land, which is now prohibited under the terms of this Ordinance but was lawful at the date of this Ordinance's enactment, or any amendment or revision thereto.
Non-Conforming Sign	Any sign not in compliance with the provision of Article IX as of the effective date of its adoption or any sign erected after the effective date of this section which does not comply with all 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.
Nonconforming Use	Any structure, tree or use of land which does not conform to a regulation prescribed in this Ordinance or any amendment thereto, as of the effective date of such regulation.
Non-Encroachment Area	The channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.
Nursing Home	An establishment, which provides full-time convalescent or chronic care, or both, to persons who are not related by blood or marriage to the operator, or who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves.
Occupied Building	A private residence, school, hospital, church, public library, or any building that is used for private or public gatherings that is occupied or in use at the time a permit application is submitted.
Obstruction	Any structure, growth, or other object, including a mobile object, which exceeds a limiting height.
Official Maps or Plan (Land Development Plan or Comprehensive Plan)	Any maps or plans officially adopted by the County Board of Commissioners as a guide for the present and future development of the County, and CAMA Land Use Plans as mandated in coastal North Carolina counties.
Open Space	An area of land and/or water that is generally unimproved and is reserved for recreation, resource protection, amenity, or buffer purposes.
Outdoor Advertising	Any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard, or any other thing which is designed, intended or used to advertise or inform, any part of the advertising or information contents of which are visible from any place on the main-traveled way of the interstate or primary system, whether the same be permanent or portable installation. NCGS 136-128(3)

Term	Definition
Parking Space	a) Accessible: A space designated for the parking or temporary storage of one motor vehicle in addition to the space necessary for the ingress and egress from the vehicle by a disabled person and any equipment needed for that purpose. b) Off-Street: A space that is designated for the parking or temporary storage of one motor vehicle located outside of dedicated street right-of-way, vehicular travel way, or parking aisle. c) On Street: A location or area within the right-of-way of a public or private street that is reserved for the parking of vehicles. Such areas may or may not be formally designated with signage or striping.
Person	May include an individual, firm, partnership, corporation, or other any such entity.
Planning Board	The Planning Board of Hertford County, established pursuant to NCGS 160D-301.
Plat	Survey maps which delineate the boundaries of a piece of land, typically divided into lots or parcels, which are then used for residential, commercial, or industrial purposes. Plats must be drawn in accordance with NCGS 47-30 for recordation.
Plat, Final	A map of a subdivision of parcels prepared by a North Carolina Registered Professional Engineer and/or Surveyor in a form suitable for filing of record with necessary affidavits, dedications, acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets, public areas, and other dimensions of land, as prescribed by this Ordinance.
Plat, Preliminary	A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land.
Post-Firm	Construction or other development for which the “start of construction” occurred on or after the effective date of the initial Flood Insurance Rate Maps, dated November 1, 1999.
Precision Instrument Runway	A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned.
Pre-FIRM	Construction or other development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate Map dated November 1, 1999.
Primary Surface	A surface longitudinally centered on a runway extending 200 feet beyond each end of a hard surfaced runway. The width of the primary surface is set forth as specified by the width of the runway inner approach surface. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
Principal Structure	Is a structure(s) in which is conducted the principal use(s) of the lot on which it is located.
Principally Above Ground	This means that at least 51% of the actual cash value of the structure is above ground.
Public Hearing	See “Legislative Hearing.”
Public Safety” and/or “Nuisance	Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.
Public Sewer System	Is a system that provides for the collection and treatment of sanitary sewage from more than one property and is owned and operated by a government organization or sanitary district.

Term	Definition
Public Water Supply System	A water supply system intended for the provision of potable water to the public as approved by the NC State Board of Health and/or the Hertford County Health Director.
Public Reservation	A reservation of land not involving the transfer of property rights. It constitutes a written obligation in recordable form to keep property free from development for a stated period.
Quasi-judicial decision	A decision involving the finding of facts regarding a specific application of a development regulation requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, and appeals of administrative determinations. See also "Evidentiary Hearing."
Recreational Vehicle (RV)	As defined in NCGS 20-4.01 (32b), a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use that either has its own motive power or is mounted on, or towed by, another vehicle. The basic entities are camping trailer, fifth-wheel travel trailer, motor home, travel trailer, and truck camper. This term shall not include a manufactured home as defined in NCGS 143-143.9(6). The basic entities are defined as follows: a) Camping trailer. – A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use. b) Fifth-wheel trailer. – A vehicular unit mounted on wheels designed to provide temporary living quarters for recreational, camping, or travel use, of a size and weight that does not require a special highway movement permit and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle. c) Motor home. – A vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, and of a size or weight that does not require a special highway movement permit when towed by a motorized vehicle. d) Camping trailer. – A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use. e) Fifth-wheel trailer. – A vehicular unit mounted on wheels designed to provide temporary living quarters for recreational, camping, or travel use, of a size and weight that does not require a special highway movement permit and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle. f) Motor home. – A vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, and of a size or weight that does not require a special highway movement permit when towed by a motorized vehicle. g) Travel trailer. – A vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, and of a size or weight that does not require a special highway movement permit when towed by a motorized vehicle. h) Truck camper. – A portable unit that is constructed to provide temporary living quarters for recreational, camping, or travel use, consisting of a roof, floor, and sides and is designed to be loaded onto and unloaded from the bed of a pickup truck. (continued next page)

Term	Definition
Recreational Vehicle (RV) (continued)	FOR FLOODPLAIN MANAGEMENT PURPOSES: A VEHICLE, WHICH IS: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or permanently towable by a light duty truck; (d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use, and (e) Is fully licensed and ready for highway use.
Recreational Vehicle Park (RV Park)	See Campground
Reference Level	FOR FLOODPLAIN MANAGEMENT PURPOSES: The top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A1- A30, AE, A, A99 or AO.
Regulatory Flood Protection Elevation	The "Base Flood Elevation" plus the "Freeboard." In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus 2 feet of freeboard. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least 2 feet above the highest adjacent grade.
Remedy a Violation	To bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the Ordinance, or otherwise deterring future similar violations, or reducing Federal financial exposure regarding the structure or other development.
Rezoning	The procedure whereby the zoning designation of a certain parcel or portion thereof is changed following the provisions set forth in this Ordinance.
Riverine	Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
Roads or Streets (Private)	An access, passage or road that has not been, or intended to be dedicated as a public road to be accepted for permanent maintenance by the North Carolina Department of Transportation. Private roads need not be paved but must meet the minimum standards set forth in this ordinance.
Road or Streets (Public)	An area over which access, passage, or use is granted to all people. Public roads shall meet the applicable standards set forth in the North Carolina Department of Transportation's "SUBDIVISION ROADS MINIMUM CONSTRUCTION STANDARDS". Public roads shall be eligible for acceptance on the state highway system.
Runway	An area on an airport prepared for landing and take-off of aircraft along its length. The runway end is the physical end of the hard-surfaced asphalt or turf runway threshold, having a defined coordinate and elevation as noted on the Tri-County Airport Height Restriction Map.
Runway Ends	Refers to the planned usable physical end of the hard-surfaced asphalt runway, having a defined coordinate and elevation as noted On the Tri-County Height Restriction Map.
Salvage Yard	Auto Parts: Any establishment listed in the Standard Industrial Classification Manual under Industry Number 5015. Also, any zone lot which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts; or any zone lot upon which three or more, unlicensed, used motor vehicles which cannot be operated under their own power are kept or stored for a period of 15 days or more. (continued next page)

Term	Definition
Salvage Yard (Continued)	Scrap Processing: Any establishment listed in the Standard Industrial Classification Manual under Industry Number 5093. Also, any land or area used, in whole or part, for the storage, keeping, accumulation of scrap or waste materials, including scrap metals, wastepaper, rags, building materials, machinery, or other scrap materials. FOR FLOODPLAIN MANAGEMENT PURPOSES: any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.
Security Fence	A fence designed to keep out unauthorized persons and kept locked when the area or facility is not in use or under observation.
Setback	The required distance between a building or structure and a lot line. a) SETBACK, FRONT YARD: The required distance between a street right-of-way line and the front line of a building or structure. b) SETBACK, REAR YARD: The required distance between a building or structure and the rear lot line of the lot containing the building or structure. SETBACK, SIDE YARD: The required distance between a building or structure and the side lot line of the lot containing the building or structure.
Shadow Flicker	c) The visible flicker effect when rotating turbine blades cast shadows on the ground and nearby structures causing the repeating patten of light and shadow.
Shooting Range	An area designed and improved to encompass shooting stations or firing lines, target areas, berms and baffles, and other related components.
Shooting Range Facility	A public or private facility, including individual shooting ranges, safety fans or shortfall zones, structures, parking areas, and other associated improvements, designed for the purpose of providing a place for the discharge of various types of firearms or the practice of archery. Does not include incidental target practice areas on private property, turkey shoots, government facilities, or occasional 'sighting-in' of firearms.
Shopping Center	Two (2) or more commercial establishments planned, constructed, owned, or managed as a single unit with off-street parking and loading facilities provided on the property and related in location, size, and types of shops to the trade area which the unit services.
Sign	Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known, and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product. Principal Use Sign – is any sign which advertises an establishment, service, commodity, or activity conducted upon the premises where such sign is located. For “Billboards” see Outdoor Advertising. For the purposes of this ordinance, all signs that would be considered a Billboard under “Outdoor Advertising” by NCGS 136-128(3) will be considered as such, regardless of their proximity to an Interstate or Primary Road System.
Sign area	The entire face of a sign and all wall work including illuminating tubing incidental to its decoration shall be included for measurement of sign areas excluding architectural trim and structural embellishments. In the case of an open sign made up of individual letters, figures, or designs, the spaces between such letters, figures, or designs shall be included as part of the sign area. In computing sign area, only one side of a double face sign structure shall be considered.
Sign, On Premises	A sign that publicizes and directs attention to a profession, commodity, activity, product, service, or entertainment conducted, sold, or offered upon the premises where such sign is located. On-premises signs include pole and ground mounted signs.
Single Tier Lot	A lot which backs upon a limited access highway, a railroad, a physical barrier, or a non-residential use and to which vehicular access from the rear is usually prohibited.

Term	Definition
Situs Address	Also known as the physical address. The location of where a property is physically situated, which may or may not be the same as a mailing address.
Sketch Plan	A schematic representation of the subdivision layout and design, which may, but need not be, prepared by a surveyor or engineer, intended as, the initial step in the subdivision review process.
Sleeping Unit	A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.
Solar Collector, Accessory Use	A device or structure for which the primary purpose is to convert solar radiant energy into another source for direct power consumption. The device may be roof-mounted, or ground mounted as an accessory use.
Solar Collector, Solar Farm	A device or structure for which the primary purpose is to convert solar energy into electrical power for interconnection with a utility power grid for off-site energy consumption.
Solar Farm Facility	A facility used to convert solar energy into electrical power for interconnection with a utility power grid for off-site energy consumption and may also be referred to as a solar farm, solar energy generation facility, solar power plant, or solar photovoltaic farm. The use of solar collectors for personal or business consumption that occurs on-site is not considered a solar farm.
Solid Waste Disposal Facility	Any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).
Solid Waste Disposal Site	As defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.
Special Flood Hazard Area (SFHA)	The land in the floodplain subject to a one percent (1%) or greater the chance of being flooded in any given year.
Special Use Permits	A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgement and discretion to be exercised as well as compliance with specific standards.
Start of Construction	a) Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. b) The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.
Start of Construction	c) Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether that alteration affects the external dimensions of the building.

Term	Definition
Street	a) Any permanently dedicated public right-of-way, which has been accepted for maintenance by the North Carolina Department of Transportation. b) Any other open area providing the principal means of access for vehicles or pedestrians from a public right-of-way to a building or use of land and which is at least 25 feet in width and 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.
Structural Additions	Any roofed, canopied, enclosed porch and/or room or structure which is used in connection with a mobile manufactured home. A concrete slab porch, with no roof shall not be considered a structural addition.
Structure	Anything constructed or erected (fixed or mobile) 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. FOR FLOODPLAIN MANAGEMENT PURPOSES: A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.
Subdivider	Any person, partnership, firm, entity, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.
Subdivision	A subdivision is any division of a tract or parcel of land into two or more lots, building sites, or other divisions when any of those divisions are created for sale or development, either immediately or in the future. The definition of a subdivision also includes any division of land that involves the dedication of a new street or change in existing streets. For exemptions see <i>~Article 11.1.2, Subdivision Exemptions.</i>
Substantial Damage	Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of "substantial improvement." Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.
Substantial Improvement	Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: -Any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions. -Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Article IV, Section 4.11.
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/RV Park	See Campground
Travel Trailer/RV	See Recreation Vehicle
Tree	Any object of natural growth. A plant having a single stem or trunk growing to a considerable height and bearing lateral branches.

Term	Definition
(UDO) Unified Development Ordinance	Local policy instrument that combines traditional zoning and subdivision regulations by streamlining and coordinating the development process of permits and approval by eliminating outdated policies.
Variance	A variance is a relaxation of the terms of the Ordinance by the Board of Adjustment to a person from the requirements of this Ordinance where unusual or unique circumstances peculiar to the property exist and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.
Violation	Failure to comply with the provisions of an Ordinance also means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required is presumed to be in violation until such time as that documentation is provided.
Wall signs	A sign placed against the exterior walls of buildings shall not extend more than six inches beyond a building's wall surface, not more than 25 percent of solid wall space and shall not exceed 500 square feet in area for anyone premises and shall not extend beyond the top of the building on which it is located.
Water Surface Elevation (WSE)	The height, in relation to NAVD88, of floods of various magnitudes and frequencies in the floodplains of riverine areas.
Watercourse	A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.
Wetlands	Transitional lands between terrestrial and aquatic systems where the land supports predominantly hydrophytes; where the substrate is predominantly undrained hydric soil; or where the substrate is non soil and is saturated with water or covered by shallow water for a specified period during the growing season of each year.
Wind Energy Facility	An electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities. which has a total rated capacity of greater than 20kW.
Wind Energy Facility, Accessory	A single system designed to supplement other electricity sources as an accessory use to existing buildings or facilities, wherein the power generated is used primarily for on-site consumption. Such facility consists of a single wind turbine, a tower, and associated control or conversion electronics, which has a total rated capacity of 20kW or less.
Wind Turbine	A wind energy conversion system that converts wind energy into electricity using a wind turbine generator, and may include a nacelle, rotor, tower, guy wires, and pad transformer. Also known as a 'windmill.'
Working Days	The days exclusive of Saturday and Sunday. If relating to development activity, this can be further defined as such days during which weather conditions or soil conditions permit land-disturbing activity to be undertaken.

Term	Definition
Yard	A space on the same lot with a principal building that is open, unoccupied, and unobstructed by buildings or structures from the ground to the sky except where encroachments and accessory buildings are expressly permitted however that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in a yard subject to height limitations and requirements limiting obstruction of visibility. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required yard.
Yard, Front	An open unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street and the front line of the building, projected to the sidelines of the lot. (Exclusive of steps)
Yard, Side	An open, unoccupied space on the same lot as a principal building, situated between the building and the side lot line and extending from the rear line of the required front yard to the front line of the required rear yard. (Exclusive of steps)
Yard, Rear	An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the sidelines of the lot. No accessory building shall be located within five (5) feet of the rear lot line. (Exclusive of steps)
Zoning Compliance Certificate	A statement, signed by the Zoning Administrator, setting forth either that a building or structure complies with the provisions of this Ordinance, or that building, structure, or parcel of land may lawfully be employed for specified uses, or both.
Zoning District	An area defined by this Ordinance and delineated on the Official Zoning Map, in which the requirements for the use of land and in which building, and development standards are prescribed

Section 2.3 Rules of Measurement

2.3.1 Purpose

The purpose of this section is to clarify the rules of measurement and exemptions that apply to all principal and accessory uses allowed in this Ordinance. These standards may be modified by other applicable sections of this Ordinance.

2.3.2 Measurements, Generally

Subject Matter	Interpretation
Distance Measurements, (Generally)	Unless otherwise expressly stated, distances specified in this Ordinance are to be measured as the length of an imaginary straight line joining those points.
Fractions	Unless otherwise specified within this Ordinance, all calculations that result in a part or a fraction of a whole number must be rounded up to the next highest whole number.
Irregular Shapes	The Administrator shall determine the applicable dimensional standards and setbacks for all irregularly shaped lots.
Computation of Time	a) The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday or holiday observed by Hertford County, the deadline or required date of action shall be the next day that is not a Saturday, Sunday or observed holiday. b) Any reference to "days" means calendar days unless otherwise specified in the provision.

2.3.3 Lot Measurements

Lot Area	The amount of land area, measured horizontally, within the lines of a lot or site. Land located within any private easement shall be included in the lot area calculation. The following features shall not be included in calculating lot area. a) Land located within a public or private right-of way; b) Land located below the mean high-water mark; c) The “pole” or “handle” portion of any flag lot.
Lot Coverage	A measure of intensity of a use of land represented by the portion of a lot or site that is covered by impervious surface. For the purpose of determining lot coverage, the following features shall be considered as impervious surface: a) The total ground area covered by the principal building; b) The total ground area covered by all accessory buildings; c) Any roofed area of eaves, awnings, and canopies; d) Any area covered by porches, patios, decks, balconies or boardwalks; e) Paved walkways, sidewalks and/or vehicular use areas that prevent infiltration of rainwater.
Lot Width	The horizontal distance or width of the lot measured between side lot lines at the front yard setback line. (see Figure 1.2.1)

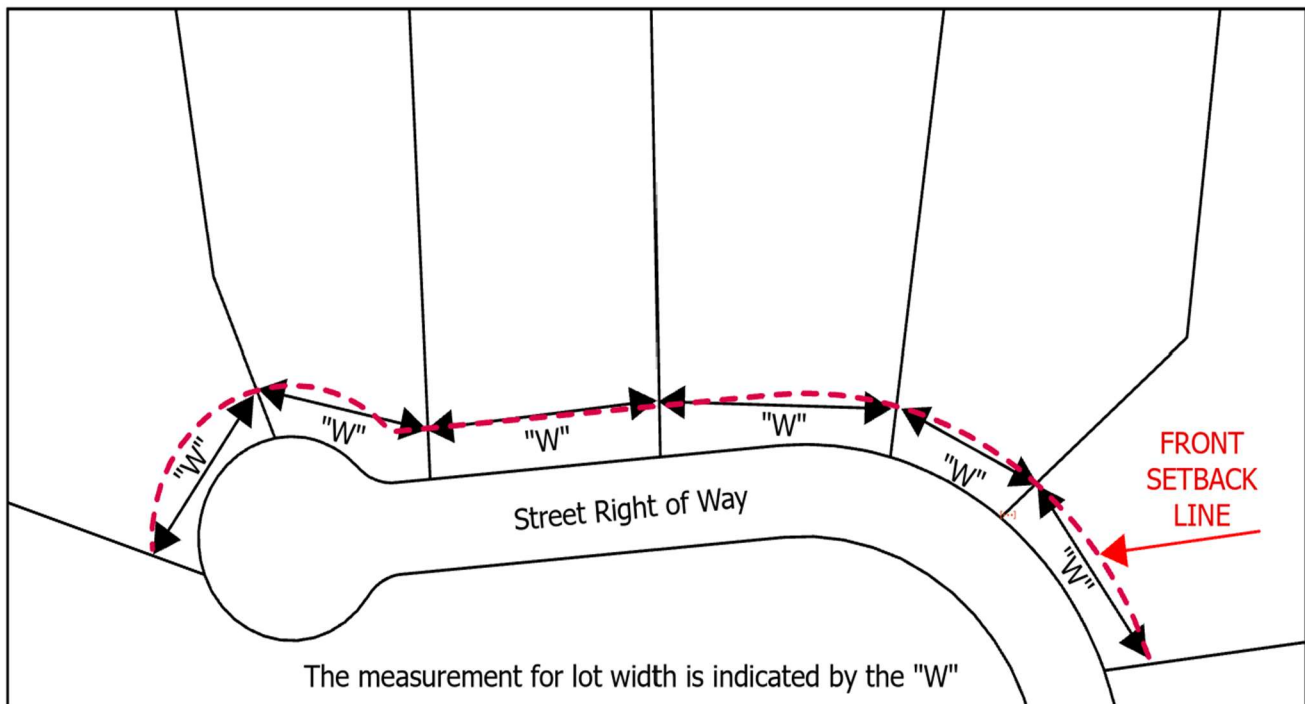


Figure 1.2.1 - Example of measuring lot width at the front yard setback line

2.2.4 Measurement of Setbacks or Yards

The depth of required yards or setbacks shall be measured by lines parallel to the property line. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to a right-of-way shall be considered a front yard.

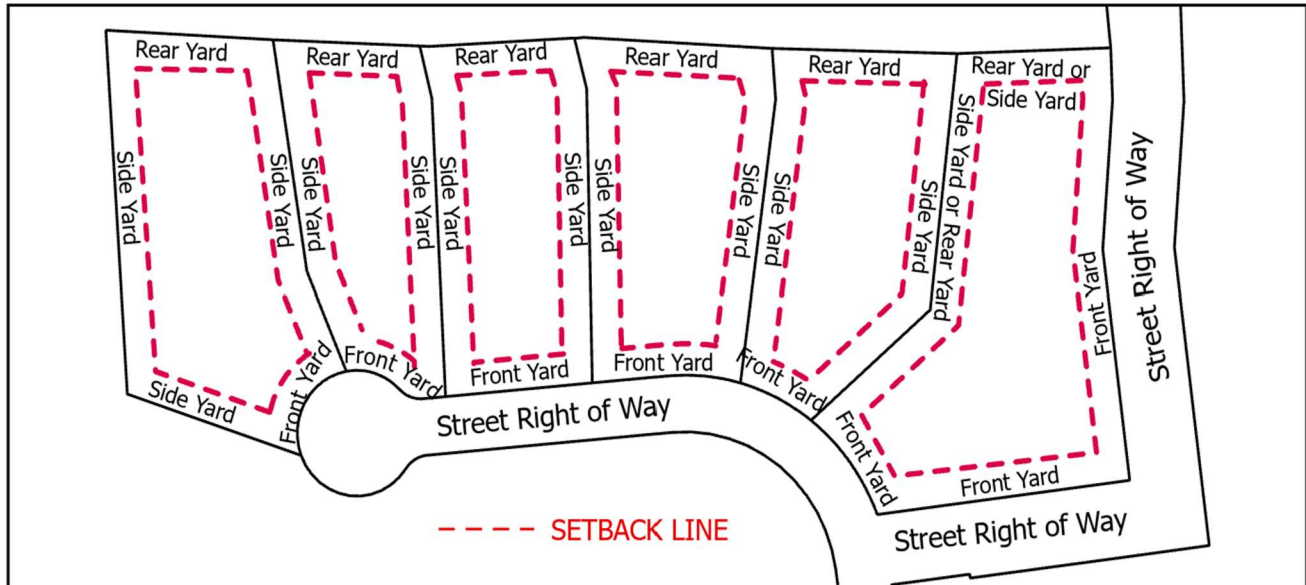


Figure 1.2.2 - Example of setbacks and yard determination

2.3.6 Height Measurements

Uses within the Airport District (AP) may be subject to height requirements or restrictions not applied to areas outside the AP.

Building Height	a) The vertical distance from finished grade to the highest finished roof surface in the case of flat roofs or to a point at the average height of the highest roof having a pitch. b) Height of a building in stories does not include basements, except as specifically provided for in this Ordinance.
Story	The space between the surface of any floor and the surface of the next floor above it; or if there is no floor above it, the space between the floor surface and the top of the ceiling joists or roof rafters above it.
Grade	a) Grade or Established Grade: Means the level of the ground elevation prior to the commencement of development or land-disturbing activity. b) Final or Finished Grade: Is a reference to the final grade that follows excavation, leveling, fill or other land disturbing activity.

2.3.7 Bulk (reserved)

This space is intentionally left blank and reserved for future use.

2.3.8 Parking Computation

Fractions	Any computation of the number of required parking spaces that results in a fraction of a space, shall be rounded up to a whole parking space.
Multiple and Mixed Uses	The required parking spaces for multiple or mixed 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 would typically be closed at night and/or on Sundays.
Seat Based Standards	Where the minimum number of off-street parking spaces is based on the number of seats, all computations shall be based off of the design capacity of the areas used for seating.
Floor Area Based Standards	Where the minimum number of off-street parking spaces is based on square feet of floor area, all computations shall be based on the total indoor floor area, minus any mechanical rooms, bathrooms, stairwells, or elevators. The square footage shall not include outdoor display or use areas.
On Street Parking	Except in planned developments, or as allowed by the Administrator, on street parking shall not be used to satisfy off street parking requirements.
Driveways	For residential dwellings, driveways may be used to satisfy minimum off-street parking standards, provided sufficient space is available.

ARTICLE III. ADMINISTRATIVE BODIES

Section 3.1 General

3.1.1 Purpose

This section establishes review & decision authority among the several entities responsible for upholding the regulations and procedures outlined herein. Specific requirements for each type of application or permit are described in ~ **Article IV. Review Procedures**.

3.1.2 Special Called Meetings

If an applicant initiates or requests a special call meeting of any Board, the applicant will be required to pay a set fee, as outlined by the Hertford County fee schedule, to the County of Hertford, for each such meeting. The fee will be paid prior to any such meeting being held and may be set by the current adopted fee schedule.

Section 3.2 Conflict of Interest for Board Members & Staff

- a) No member of an appointed board, Board of Commissioners, or staff shall use their position for their private gain. Members of appointed boards, Board of Commissioners, or staff are expected to minimize conflicts of interest, disclose ethical, legal, financial, and other conflicts, and remove themselves from decision-making when appropriate. Conflicts of interest shall be disclosed as per NCGS 160D-109.
- b) Members of appointed boards and the Board of Commissioners shall not vote on any advisory or legislative decision regarding a development regulation where the outcome could have a direct, substantial, and readily identifiable financial impact on a member and prohibits a board member from voting on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for text amendment is a person with whom the member has a close familial, business or other associational relationship. A “close familial relationship” means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationship. NCGS 160D-109(f).
- c) A member of the Board shall give notice to the chair forty-eight (48) hours prior to the hearing on matters involving any potential conflict of interest. If an objection is raised to a board member’s participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining member of the board shall by majority vote rule on the objection.
- d) If a staff member has a conflict of interest, the decision shall be assigned to the supervisor of the staff person, or such other staff person designated by the County Manager, Board of Commissioners, or Planning Board.

Section 3.3 Board of County Commissioners

3.3.1 Establishment, Membership and Procedure

The Board of County Commissioners is the governing body of the County of Hertford County, North Carolina, pursuant to NCGS 153A, Article 5.

3.3.2 Powers, Duties & Responsibilities

General: The Board of County Commissioners shall have the following general powers and duties as it related to this ordinance:

- a) To appoint and maintain a Planning Board pursuant to NCGS 160D-301. To ensure that the Planning Board performs satisfactorily in the development of the CAMA Land Use Plan and updates, and any other adopted County land use document, including scheduled review and updates of the same from time to time. Ensures that the Planning Board performs duties and responsibilities assigned by statute and this Ordinance.
- b) To appoint and maintain a Board of Adjustment pursuant to NCGS 160D-302. To ensure that the Board of Adjustment performs satisfactorily in the duties and responsibilities assigned by statute and this Ordinance.
- c) To provide by appropriation funds for the administration of this Ordinance.

Final Action: The Board of Commissioners shall hear and take final action on the following ordinance review procedures:

- a) Ordinance Text Amendments
- b) Rezoning
- c) Manufactured Home and Campgrounds/RV Parks

Section 3.4 Planning Board

3.4.1 Establishment, Membership and Procedure

The Planning Board is established by the Board of County Commissioners (NCGS 160D-301). Membership is by appointment and carries a 3-year term. If there are vacant, unfinished terms, the Board of Commissioners shall appoint persons to serve out the remaining terms of office before appointing a full 3-year term. A quorum is considered at least 51% of the appointed membership. Vacant seats do not count towards the calculation of a quorum. Regular meetings of the Board shall be set in the bylaws or held at the call of the Chair and at such other times as the Board may determine necessary.

3.4.2 Duties & Responsibilities

The Planning Board shall have the specific powers and responsibilities provided within this Ordinance.

Review and Recommendation: The Planning Board shall review and make a recommendation to the Board of Commissioners on the following review procedures:

- a) Ordinance text amendments
- b) Rezoning (Zoning map amendment)
- c) Updates to the CAMA Land Use Plan
- d) Updates to other plans, programs, and policies related to land use within Hertford County
- e) Mobile Home and Campground/RV Park review and recommendation.

Final Action: The Planning Board shall hear and take final action on the following ordinance review procedures:

- a) Subdivision review and decision

Section 3.5 Board of Adjustment

3.5.1 Establishment, Membership and Procedure

The Board of Adjustment (BOA) is established by the Board of County Commissioners to hear appeals on decisions of the Administrator and to consider requests for variances and special use permits (NCGS 160D-302). The membership consists of five members and 2 alternates. The members and alternate members shall be selected from the appointed members of the Planning Board. The terms shall carry over the same as they are appointed for the Planning Board. Members may be removed for cause by the County Commissioners upon written charges and after a public hearing. A quorum is considered at least 3 members or alternates. The Board shall follow statutory procedures for all quasi-judicial development decisions as specified in NCGS 160D-406. Regular meetings of the Board shall be set in the bylaws or held at the call of the Chair and at such other times as the Board may determine necessary.

3.5.4 Duties & Responsibilities

The BOA shall have the specific powers and responsibilities provided within this Ordinance.

Review and Recommendation: The BOA shall review and make a recommendation to the Board of Commissioners on the following review procedures:

- a) Any other duties required by County Ordinances or determined by the Board of Commissioners
- b) The Board may subpoena witnesses and compel the production of evidence. If a person fails or refuses to obey a subpoena issued by the BOA, the BOA may apply to the General Court of Justice for an order requiring that its order be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.
- c) The Chair or acting Chair may administer oaths and compel the attendance of witnesses.

Final Action: The BOA shall hear and take final action on the following ordinance review procedures:

- a) Special Use Permits
- b) Variances
- c) Appeals of Administrative Decision
- d) Interpretation of the Ordinance / Zoning Map if disputed.

Section 3.6 Planning Administrator

3.6.1 General

The Planning Administrator is the County official(s) designated by the Hertford County Manager to administer planning related aspects of this Ordinance and is directed by the Board of Commissioners to aid with the County planning related responsibilities.

3.6.2 Duties & Responsibilities

Responsibilities may include but are not limited to the following:

- a) Reviewing the Subdivision Applications
- b) Reviewing the Manufactured Home Park developmental process.
- c) Reviewing the Campgrounds/RV Park developmental process.
- d) Reviewing Text & Map Amendments
- e) Acting as Liaison to the Planning Board

Section 3.7 Zoning Administrator / Enforcement Officer

3.7.1 General

The Zoning Administrator is the County official(s) designated by the Hertford County Manager to administer and enforce zoning related aspects of this Ordinance and is directed by the Board of Commissioners to aid with the County's Zoning related responsibilities. The role of Enforcement Officer may also be placed on the Zoning Administrator, which accompanies the responsibilities of enforcing aspects of this Ordinance where deemed necessary. See ~ **Article XIV. Enforcement & Penalties** for more information.

3.7.2 Duties & Responsibilities

Responsibilities may include but are not limited to the following:

- a) Reviewing Zoning Compliance Applications
- b) Reviewing Special Use Applications
- c) Enforcement of Violations
- d) Acting as Liaison to the BOA

Section 3.8 Floodplain Manager

3.8.1 General

The Floodplain Manager shall oversee all administrative responsibilities regarding floodplain permitting and development in relation to flood hazard areas.

3.8.2 Duties & Responsibilities

The Floodplain Manager / Administrator shall perform, but not be limited to, the following duties:

- a) Floodplain Administration (Floodplain Development Permit)

- b) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this Ordinance have been satisfied.
- c) Review all proposed developments within “Special Flood Hazard Areas” to assure that all necessary local, state, and federal permits have been received.
- d) Maintain a current map repository to include, but not limited to, historical and effective FIS Report, historical and effective FIRM and other official flood maps and studies adopted in accordance with the provisions of Article 3, Section B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- e) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.

Section 3.9 Technical Review Committee

3.9.1 General

The Technical Review Committee is a group designated to provide expertise for development approval review.

3.9.2 Membership

Membership can include, but is not limited to:

- a) The Planning Administrator
- b) Zoning Administrator / Enforcement Officer / Building Inspector
- c) Division of Highways District Engineer
- d) Hertford County Health Department or North Carolina Department of Human Resources, Division of Health Services
- e) CAMA Permit Officer
- f) Hertford County GIS & Planning
- g) County Public Works Director. (County Water and Sewer Superintendent)
- h) Emergency Services

3.9.3 Duties & Responsibilities

The Committee shall meet as needed but shall provide recommendations during developmental processes. The Planning Administrator or a designated member shall serve as Chair.

Section 3.10 Summary of Review Authority

3.10.1 Review Authority Table

R = Review or Recommendation Authority / D = Decision Authority / < > = Public Hearing Required						
Type of Development or Application Process	BOA	BOC	Floodplain Manager	Planning Adm.	Planning Board	Zoning Adm.
911 Situs Address				D		
Appeals of Administrative Decision	<D>					R
Floodplain Permits			D			
Manufactured Home Parks & Campgrounds/RV Parks		<D>		R	R	
Special Use Permits	<D>					R
Subdivisions				R	<D>	
Subdivision Exemptions				D		
Text Amendments		<D>		R	R	
Tri County Airport Height Restriction Permits						D
Zoning Map Amendments		<D>		R	R	
Variances	D					R
Zoning Compliance Permits						D

ARTICLE IV. REVIEW PROCEDURES

Section 4.1 General Guidelines

4.1.1 General

This Article describes the various types of development review processes and related procedures.

- a) Any application for development approval shall only be considered submitted if it is complete and any required fee is paid, as set by the current fee schedule.
- b) Any development (see full definition), including any change of use or any alteration that requires a building or electrical permit, other than for bona fide farms, shall not be permitted unless zoning compliance approval has been determined prior. No permit or approval certification 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 written permission from a BOA hearing.
- c) Any development application must be made by a person/business representative with a property interest or a contract to purchase the property.
- d) Development Approvals run with the land. Unless provided otherwise by law, all rights, privileges, benefits, burdens, and obligations created by development approvals made, pursuant to NCGS 160D, attach to and run with the land.

4.1.2 Revocation of development approval.

Development approvals may be revoked by Hertford County by notifying the holder in writing stating the reason for the revocation. Hertford County shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval.

4.1.3 Expiration.

Any development approval or permit shall be valid for twelve (12) months from the date of issue, and a building permit is valid for six (6) months from the date of issue.

4.1.4 Development Permit/Application Summary Table

Application Type	Submission Deadline	Public Hearing Required?	Associated Fee?	Notes
911 Situs Address	N/A	No	No	All development permits require a 911 situs address prior to application.
Agricultural Exemption (Zoning)	N/A	No	No	Must provide additional documentation to qualify. See section 9.1.4
Appeal to Administrative Decision	Must be filed within 30 days of a decision	✓ Yes	No	Hearing must be held within 36 days of the filing of the appeal.
Change of Use Permit	N/A	No	✓ Yes	Required when any existing use of the land or structure is changed.
Floodplain Development Permit	N/A	No	No	Required for any development within the Floodplain Overlay District.
Mobile Home Park Application	At least 30 days before the next scheduled Planning Board meeting	✓ Yes	✓ Yes	Requires a public hearing with recommendation from the Planning Board and public hearing with decision by the BOC with published notice.
Plat (Final)	12 months after the preliminary plat was approved	No	(Recording Fee is separate)	Final development plats must be reviewed and approved by the Planning Board and then recorded in the Register of Deeds.
Plat (Preliminary)	At least 30 days before the next scheduled Planning Board meeting	✓ Yes	No	Required for Subdivision, Manufactured Home Park, and Campground/RV Park applications
Rezoning / Map Amendment	At least 30 days before the next scheduled Planning Board meeting	✓ Yes	✓ Yes	Includes Conditional Zoning. Requires a public hearing with recommendation from the Planning Board and public hearing with decision by the BOC with published notice.
RV and Campground Application	At least 30 days before the next scheduled Planning Board meeting	✓ Yes	✓ Yes	Requires a public hearing with recommendation from the Planning Board and public hearing with a decision by the BOC with published notice.
Signs	N/A	No	✓ Yes	Regulations are zoning district specific
Special Use Permit	At least 30 days before the next scheduled BOA meeting	✓ Yes	✓ Yes	Requires a public hearing with BOA and published notice.
Subdivision Application	At least 30 days before the next scheduled Planning Board meeting	✓ Yes	✓ Yes	Requires a public hearing with Planning Board and published notice.
Text Amendment Ordinance Change	At least 30 days before the next scheduled Planning Board meeting	✓ Yes	✓ Yes	Requires a public hearing with BOC and published notice.
Tri County Height Restriction Permit	At least 30 days before the next scheduled BOA meeting	No	No	Required for any development within the Airport Overlay District. Must be reviewed by the Building Inspector and Airport Authority prior to BOA approval.
Variance	At least 30 days before the next scheduled BOA meeting	✓ Yes	✓ Yes	Requires a public hearing with BOA and published notice.
Zoning Compliance	N/A	No	✓ Yes	A zoning compliance approval is required prior to any other use or development permit/ application approval.

Section 4.2 Tri-County Airport Height Restriction Permits

4.2.1 General

NCGS 63-32 provides for the issuance of permits with respect to allowing the construction of new structures and other uses, and to replace existing structures and other uses, or making substantial changes therein or substantial repairs thereof. Permit applications shall be made to the Administrator for that purpose.

- a) Permit Application - Each application shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations prescribed in this Ordinance including any additional information requested by the Zoning Administrator / Enforcement Officer as necessary to determine compliance with this Ordinance and the laws of the State of North Carolina and any applicable federal rules or regulations. A copy of the permit application shall be furnished to the County Building Inspector and Airport Authority, or to other designated agents, for advice as to the aeronautical effects of the said permit application.
- b) Permit Review - Applications required by this Ordinance shall be promptly considered and granted or denied. Application for action by the BOA shall be forthwith transmitted by the Administrator, or a designated representative.

4.2.2 Future Uses

Except as specifically provided in (a) and (b) hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

No permit for a use inconsistent with the provisions of this Ordinance, as depicted on the Tri-County Airport Height Restriction Map, shall be granted unless a variance has been approved in accordance with this Ordinance.

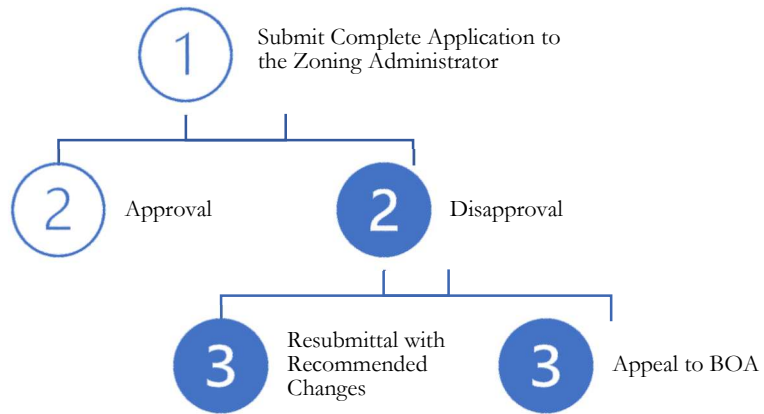
- a) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 50 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
- b) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 50 feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limits prescribed for such transition zones.

The preceding paragraphs (a) and (b) correspond with permit areas (shaded yellow) identified on the Tri-County Airport Height Restriction Ordinance Map. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Ordinance except as set forth in ~ **Section 7.3. Airport Height Zones**

4.2.3 Existing Uses

No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

4.2.4 Reference Chart



Section 4.3 Floodplain Development Permit

4.3.1 General

A Floodplain Development Permit shall be required before beginning any development activities within a Special Flood Hazard Area. No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this Ordinance and other applicable regulations.

4.3.2 Application Requirements

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Manager to apply for a floodplain development permit:

* A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development.

- | |
|---|
| ☐ The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development. |
| ☐ The boundary of the Special Flood Hazard Area as delineated on the FIRM, or a statement that the entire lot is within the Special Flood Hazard Area. |
| ☐ Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map. |
| ☐ The boundary of the floodway(s) or non-encroachment area(s). |
| ☐ The Base Flood Elevation (BFE) where provided. |
| ☐ The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and |
| ☐ The certification of the plot plan by a registered land surveyor or professional engineer. |

* Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

- | |
|---|
| ☐ Elevation in relation to NAVD88 of the proposed reference level (including basement) of all structures. |
| ☐ Elevation in relation to NAVD88 to which any non-residential structure in Zone AE, A or AO will be floodproofed; and |
| ☐ Elevation in relation to NAVD88 to which any proposed utility systems will be elevated or floodproofed. |

* If floodproofing, a Floodproofing Certificate (FEMA Form FF-206-FY-22-153) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of flood proofing measures.

* A Foundation Plan, drawn to scale, shall include details of the proposed foundation system to ensure all provisions of this Ordinance are met. These details include but are not limited to:

- | |
|--|
| ☐ The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls) |
| ☐ Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with this Ordinance when solid foundation perimeter walls are used in Zones A, AO, AE, and A1- 30. |

*Additional application requirements

☐ Use details of any enclosed areas below the lowest floor.
☐ Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
☐ Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
☐ Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of this Ordinance are met.
☐ A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

4.3.3 Permit Requirements

The Floodplain Development Permit shall include, but not be limited to:

☐ A description of the development to be permitted under the floodplain development permit.
☐ The Special Flood Hazard Area determined the proposed development in accordance with available data specified in this Ordinance.
☐ The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.
☐ The Regulatory Flood Protection Elevation required for the protection of all public utilities.
☐ All certification submittal requirements with timelines.
☐ A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
☐ The flood openings requirements, if in Zones A, AO, AE, or A1-30.
☐ Limitations of below BFE enclosure uses (if applicable). (I.e., parking, building access and limited storage only).

4.3.4 Elevation Certificate Requirements

- a) An Elevation Certificate (FEMA Form FF-206-FY22-152) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall cause to deny a floodplain development permit.
- b) An Elevation Certificate (FEMA Form FF-206-FY22-152) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall cause the issue of a stop-work order for the project.
- c) A final as-built Elevation Certificate (FEMA Form FF-206-FY22-152) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-

built construction. Failure to submit the certification or failure to make required corrections shall be caused to withhold the issuance of a Certificate of Compliance/Occupancy.

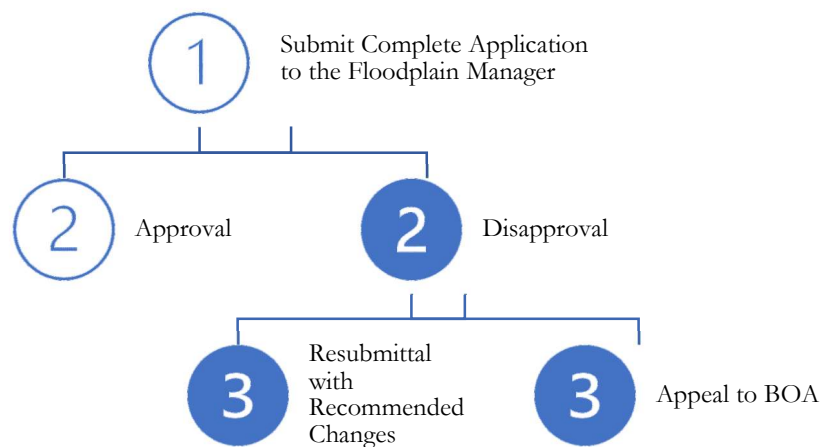
4.3.5 Floodproofing Certificate Requirements

- a) If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Dry Floodproofing Design Certificate (FEMA Form FF-206-FY-22-153), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. In addition, a Post-Construction Dry Floodproofing Certificate is required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD88. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.
- b) The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be caused to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall cause you to withhold the issuance of a Certificate of Compliance/Occupancy.

4.3.6 Other Certificate Requirements

- a) If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required.
- b) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.
- c) The following structures, if located within Zone A, AO, AE, or A1-30, (1) recreational vehicles, (2) temporary structures, & (3) accessory Structures less than 150 square feet are all exempt from the elevation/floodproofing certification requirements. These three must meet the requirements of ~ *Article VIII. Floodplains*

4.3.7 Reference Chart

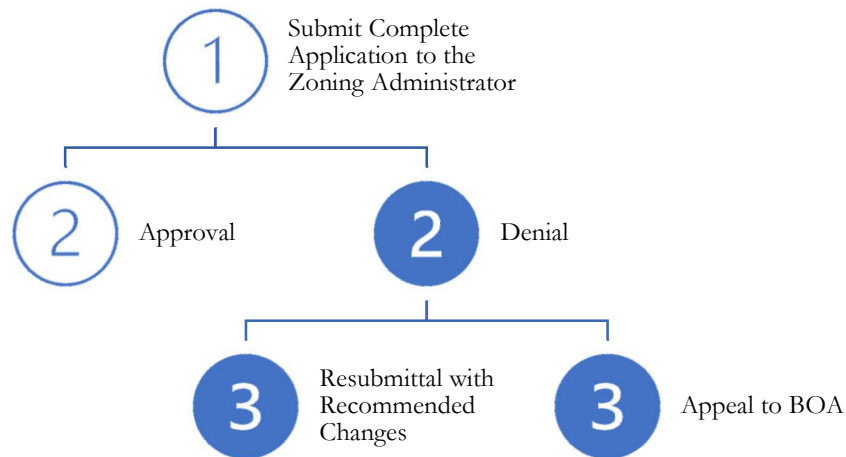


Section 4.4 Zoning Compliance

4.4.1 General

Zoning Compliance applications may be submitted to the Zoning Administrator for review and approval. Applications must conform with the Specific Zoning District Standards as outlined herein, as well as all other necessary requirements per individual application / use.

4.4.2 Reference Chart



Section 4.5 Special Use Permit

4.5.1 Submission

- a) A completed application for a special use permit shall be submitted by the owner or owners of all the property included in the petition for special use to the Zoning Administrator at least thirty (30) days prior to any meeting of the BOA at which the request is expected to be heard.
- b) Such an application shall include all 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.
- c) Each application shall be reviewed by the BOA within forty-five (45) days from the filing of an application with the Zoning Administrator.

4.5.2 Review

- a) The Zoning Administrator shall report to the BOA their recommendations including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. If at any time after a special use permits has been issued, the BOA finds that the conditions imposed and agreements made have not been or are not being fulfilled by the holder of a special use permit, the permit shall immediately be revoked and the operation of such a use violated such conditions made part of the terms under which the use permit is granted, shall be deemed a violation and punishable under ~ *Article XIV. Enforcement & Penalties*. If a special use permit is terminated for any reason, it may be reinstated only after a public hearing is held.
- b) After a public hearing, the BOA 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. In granting a special use permit, the BOA shall make written findings that the specific provisions are fulfilled.
- c) 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 BOA shall also make written findings that the following general requirements are met:

☐ The use requested is among those listed as an eligible special use in the district in which the subject property is located.
☐ The requested special use permit is either essential or desirable for the public's convenience or welfare.
☐ 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.
☐ The requested permit will be in conformity with the Land Development Plan
☐ Adequate utilities, access road, drainage, sanitation, and/or other necessary facilities have been or are being provided.
☐ Ingress and egress to property and proposed structures thereon with reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
☐ General compatibility with adjacent properties and other properties in the district.

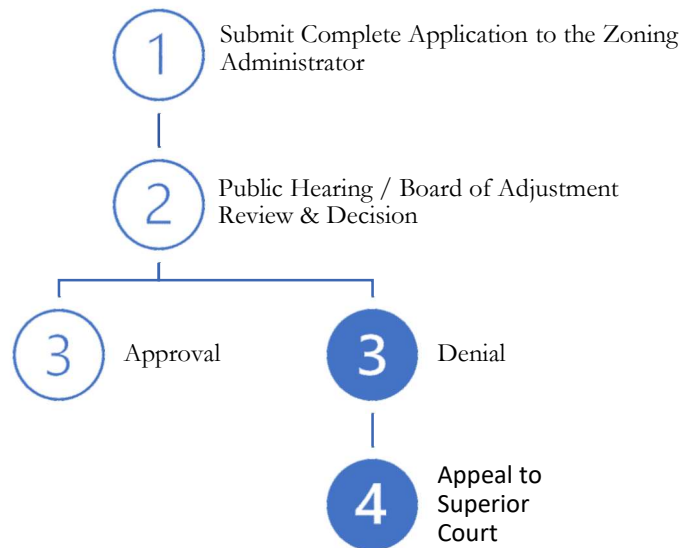
4.5.3 Final Decision (Step 3/3)

The BOA may approve or deny any appeal for a special use permit. The BOA will follow the quasi-judicial process as outlined in NCGS 160D-406 when reviewing special use permit applications and will not impose conditions on the special use permits that are not within the statutory authority to impose as stated in NCGS 160D-705(c).

- a) In granting the permit, the BOA 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 on the certificate of the special use permit or on the plans submitted therewith. All specific conditions shall run with the land and shall be binding on the original applicants for the special use permit, as well as any subsequent titleholders, heirs, successors, and assigns.
- b) If it approves a permit, it may attach conditions thereto as may be necessary to accomplish the objectives herein set forth. The applicant will provide written consent to the conditions of the special use permit to ensure enforceability. Such conditions may require that prerequisites be met before commencing the activity for which the permit is sought. Conditions may be of continuing nature.
- c) In any case, where the conditions of a special use permit have not been or are not being complied with, the Zoning Administrator shall give notice of intention to revoke such permit at least (10) days prior to a BOA review thereon. After conclusion of the review, the BOA may revoke such permits. Furthermore, failure to comply with conditions attached to a Special Use Permit shall be deemed a violation of this Ordinance and shall be punishable as follows in the penalty section of this Ordinance.
- d) In any case, where a special use permit has not been exercised or consummated within the time limit set by the BOA 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.
- e) Each special use permit granted shall be reviewed by the BOA annually at the February meeting. If it is shown that additional conditions are needed to further enhance the integration of a special use into the community and/or decrease any adverse effects upon the neighborhood, the BOA shall require additional conditions to be met. Special use permits issued in November, December, and January are not subject to renewal the February following initial issuance.

All fees (as set in the fee schedule) shall be paid to the County of Hertford, North Carolina, for each initial application to cover the necessary administrative cost. A renewal fee will be charged for annual review.

4.5.4 Reference Chart



Section 4.6 Text or Zoning Map Amendment (Rezoning)

4.6.1 General

- a) Proposed amendments may be initiated by the County Commissioners, Planning Board, BOA, or by one or more interested parties.
- b) No amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment unless the down-zoning amendment is initiated by Hertford County or the landowner.

4.6.2 Submission

A completed application for a text or zoning map amendment shall be submitted to the Planning Administrator at least thirty (30) days before the Planning Board meeting at which the application is to be considered. A completed application shall have all the following contents (where applicable):

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| ☐ Date of submission. |
| ☐ Applicant name. |
| ☐ A description of the requested change. |
| ☐ For a text amendment: A description of the proposed amendment. |
| ☐ For a map amendment: Township of location. |
| ☐ Written description of location (street address if available or approximate address). |
| ☐ Current zoning district. |
| ☐ Requested zoning district. |
| ☐ Property Identification Numbers (PIN) for all affected parcels. |
| ☐ Applicant dated signature. |
| ☐ Applicant mailing address. |
| ☐ Applicant phone number. |
| ☐ Applicant email address. (Optional) |
| ☐ A fee, as set by the current fee schedule, shall be paid to the County for each application for an amendment to cover the costs of advertising and other administrative expenses. |

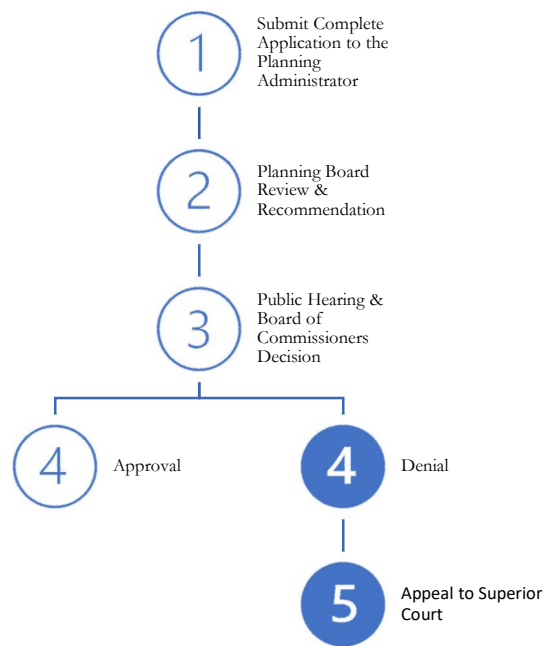
4.6.2 Review

- a) The planning administrator shall confer with the planning board and provide recommendations.
- b) The Planning Board may hold separate public hearings for proposals which stir public controversy provided notice of such hearing is published once a week for two (2) successive calendar weeks in a local newspaper. Notice shall also be made by posting the property with a poster indicating the proposed change and hearing date. Notice by first class mail will be given to the owner listed on the County tax record of the parcel of land under consideration for change and to the owners listed on the County tax records of all parcels of land abutting that parcel of land and separated from the subject property by street, railroad, or other transportation corridor.
- c) If an applicant initiates or requests a special called meeting of either the Planning Board or BOA, the applicant will be required to pay a fee, as set by the current fee schedule, to the County of Hertford, North Carolina for each such meeting. The fee will be paid prior to any such meeting being held. The County Board of Commissioners shall hold a public hearing to consider the proposal. Such public hearings may be adjourned from time to time or from place to place, as the County Board of Commissioners may deem advisable without further notice.
- d) The Planning Board shall have thirty (30) days from the time the proposed amendment is submitted to it within which to submit its report.
- e) The Planning Board shall provide a recommendation for approval or disapproval of the proposed amendment.
- f) For a non-zoning text amendment, the Board may provide a comment along with the recommendation.
- g) For a zoning-related text or map amendment, the Board shall provide a comment on plan consistency.

4.6.3 Decision

- a) The Board of Commissioners will receive the Planning Board recommendation at its next regular meeting and shall set a date for a public hearing (legislative hearing).
- b) Before voting on an amendment of this Ordinance or the zoning map, the Board of Commissioners shall hold a legislative hearing.
- c) For a Text Amendment, notice of the hearing shall be given once a week for two successive calendar weeks in a local newspaper. The notice shall be published the first time not less than 10 days nor more than 25 days before the date scheduled for the hearing. In computing such a period, the day of publication is not to be included but the day of the hearing shall be included.
- d) A newspaper notice following the requirements of a text amendment shall be provided.
- e) Notice shall also be made by posting the property with a poster indicating the proposed change and hearing date.
- f) 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).
- g) The Board of Commissioners shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan or land use plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the Board of Commissioners that at the time of action on the amendment the Board of Commissioners was aware of and considered the Planning Board's recommendations and any relevant portions of an adopted comprehensive plan or land use plan.
- h) If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment shall be required.
- i) If the future land use map is amended, if it is a CAMA plan, then such amendment is not effective until it goes through the CAMA plan-amendment process.

4.6.4 Reference Chart



Section 4.7 Preliminary Plats

4.7.1 General

See ~ Article XI. Subdivisions, Article XII. Manufactured Home Parks and ~ Article XIII. Campgrounds/RV Parks for all plat requirements within each stage of the development process.

4.7.2 Sketch Plan

The applicant for a development shall submit a sketch plan of the proposed development to the Planning Administrator for review and discussion. If the Administrator determines enough information has been provided on the sketch plan to proceed, the applicant may submit a preliminary plat.

4.7.3 Submission

The subdivider shall submit all the following to the Planning Administrator's office at least thirty (30) days prior to a regularly scheduled Planning Board meeting at which the preliminary plat may be considered.

- A signed application for the development.
- Five (5) copies of the appropriately signed preliminary plat(s). (Digital submission in the form of a legible .pdf document is acceptable for review only)
- Any supplementary materials as required by the Planning Administrator.
- The application fee (See fee schedule).

The preliminary plat will be added to the Planning Board's agenda if all submission requirements have been met and the plat contains all required information as outlined. See ~ **Sections 11.10, 12.7 or Section 13.3 Preliminary Plat.**

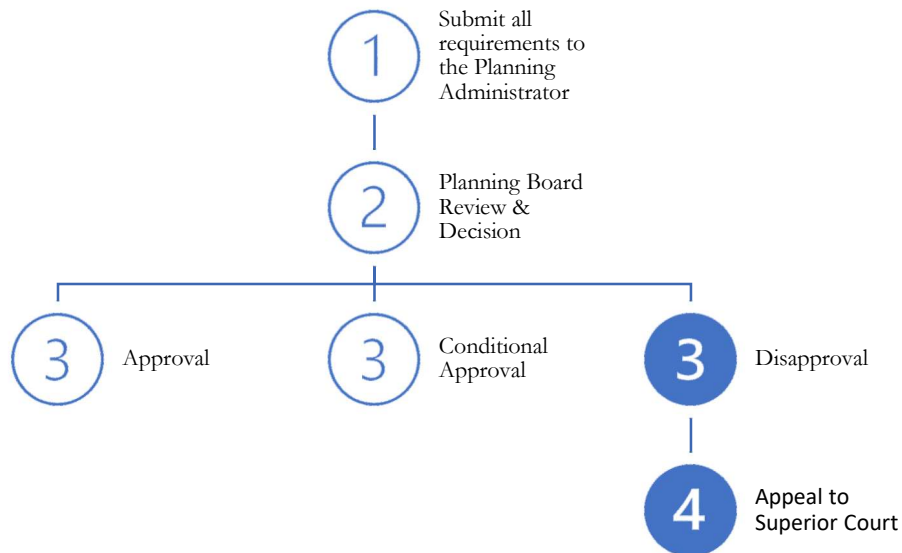
4.7.4 Review & Decision

The planning board will review the information and determine one of the following:

- Approval - Approval shall be noted on five (5) copies of the plat. One (1) copy shall be retained by the Board of Commissioners, two (2) copies shall be retained in the Planning Administrator's Office records and two (2) copies shall be given to the developer.
- Conditional approval - The Planning Board may prescribe conditions for the preliminary plat's approval.

- c) Disapproval - Reasons for disapproval by the Planning Board shall be provided to the subdivider in writing along with recommendations for possible resubmission. Following these recommendations does not guarantee future approval.

4.7.5 Reference Chart



Section 4.8 Final Plat

4.8.1 General

The final plat shall constitute only that portion of the preliminary plat which the developer proposes to record and develop at this time; such portion shall conform to all development requirements of this Ordinance. No final plat shall be approved unless and until the subdivider shall have installed in that area represented on the final plat all improvements required by this Ordinance.

4.8.2 Submission

- The final plat, representing either the entire tract or one or more sections indicated on the preliminary plat, shall be submitted with complete executed application and proof of payment of appropriate fee not more than twelve (12) months after the date on which the preliminary plat was approved, otherwise approval of the preliminary plat shall be null and void, unless a written extension of this time limit is granted by the Planning Board on or before the one (1) year anniversary of the approval.
- The developer or authorized agent shall submit eight (8) copies of the final plat to the Planning Administrator's Office at least thirty (30) days prior to the next regularly scheduled Planning Board meeting. The Planning Administrator will place the final plat on the Planning Board agenda, provided the plat contains all the information required below.
- The final plat will be added to the Planning Board's agenda if all submission requirements have been met and the plat contains all required information. See *Sections 11.11, 12.7 and 13.3 for specific requirements*

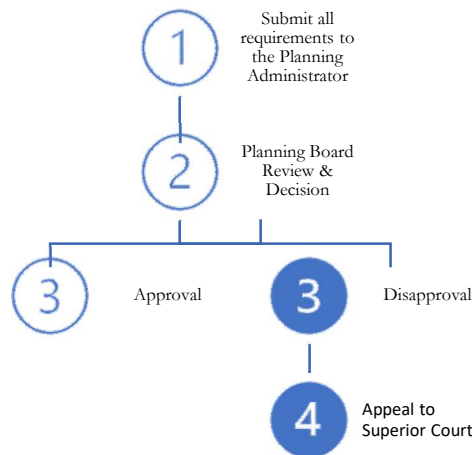
4.8.3 Review & Decision

Final approval will be based on compliance and satisfactory completion of required improvements. The Planning Board shall appoint the Building Inspector, or appoint a technical committee, to check the final plat in the field, and it may appoint an engineer, to check the final plat against the subdivision preliminary layout for accuracy, charging the costs to the developer. The Planning Board shall review the final plat compliance with the approved preliminary plat and shall act on the final plat within sixty (60) business days from the submittal date.

The Planning Board may take one of these actions after review of the final plat:

- a) Approval - Approval shall be indicated on all copies of the plat by the signed Certificate of Approval for Recording. Approval does not constitute acceptance of dedications.
- b) Disapproval - The reasons for disapproval shall be stated in writing and one (1) copy shall be retained for the Planning Administrator's Office records, one (1) copy to the Clerk to the Board of the Hertford County Board of Commissioners, and one (1) copy shall be transmitted to the subdivider. The subdivider may make such changes that will bring the plat into compliance with the Ordinance and resubmit it to the Planning Board for review. The developer may appeal the Planning Board's decision to the Hertford County Board of Commissioners within thirty (30) days of the decision. The appeal must be submitted in writing to the Clerk to the Board of Commissioners and the Planning Administrator within this period.

4.8.4 Reference Chart



Section 4.9 Subdivision Exemption & Expedited Review Process

4.9.1 Exemptions

A plat with a subdivision exemption shall be reviewed for requirements. If determined to be adequate, the plat shall have a certificate, stating "this plat is not subject to subdivision approval" which shall be signed and dated by the Planning Administrator, the Chairman of the Planning Board, or County Manager. The plat may then be recorded in the Office of the Register of Deeds. See ~ **Section 11.1.2 Exemptions** for the specific outline of what plats are considered exempt.

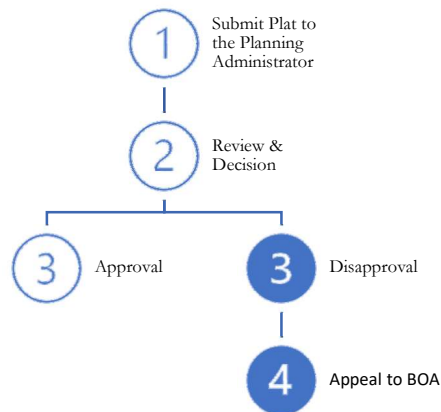
4.9.2 Expedited Review.

Certain subdivisions only require a plat for approval by the Planning Administrator if they meet the following criteria:

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| ☐ It is not exempt per NCGS 160D-802(a)(2) . |
| ☐ No portion of the land has been divided as an expedited subdivision in the past ten (10) years. |
| ☐ The subdivided area is greater than five (5) acres. |
| ☐ There are no more than three (3) lots created. |
| ☐ The created lots meet the size requirements of this Ordinance. |
| ☐ The created lots are used in a manner consistent with the zoning requirements of this Ordinance. |
| ☐ The created lots have a recorded, permanent means of ingress and egress. |

A plat with a subdivision qualifying for expedited review shall be presented to the Planning Administrator for approval. If approved, the plat shall have the certificate, "THIS PLAT MEETS THE SUBDIVISION REQUIREMENTS OF THE HERTFORD COUNTY UNIFIED DEVELOPMENT ORDINANCE," signed and dated by the Planning Administrator. The plat may then be recorded in the Office of the Register of Deeds.

4.9.3 Reference Chart



Section 4.10 Subdivisions, Manufactured Home Parks & Camping/RV Park Procedure

4.10.1 General

No persons shall construct a subdivision, mobile or manufactured home park or camping/RV park or make any addition to an existing subdivision or park that either alters the number of sites within the park or affects the facilities required therein until they first secure a permit authorizing such construction or addition. The construction or addition shall be in accordance with plans and specifications submitted with the application.

4.10.2 Requirements for Submission

The application for developing a subdivision, mobile manufactured home park or camping/RV park development permit shall be filed with the Hertford County Planning Administrators Office at least thirty (30) days prior to the regular meeting of the Hertford County Planning and Zoning Board. The application will be reviewed by the Planning Director, Building Inspector, Electrical Inspector, and the Hertford County Public Health Authority. All signed applications for a development permit shall be accompanied by Five (5) copies of a preliminary plat and the application fee, as set by the current fee schedule.

The Preliminary plat shall be submitted outlining key aspects of the development. See *~Articles XI, XII, and XIII for specific site requirements.*

4.10.3 Review

- After a preliminary plat has been properly submitted to the Hertford County Planning Administrator, the Planning Board, along with the Technical Review Committee shall be responsible for reviewing the proposed plans.
- Should any agency find deficiencies in the review of the plans of a proposed development, that agency shall notify the Planning Administrator. The Planning Board, after receiving notification of review approval from all agencies involved shall approve, approve conditionally, or disapprove the preliminary plat.

4.10.4 Decision

After considering any report and/or recommendations received in connection with all subdivisions, mobile manufactured home park and/or Campground/RV Park plans in addition to any comments which the developer may have, the Planning Board shall approve, approve conditionally, or disapprove the preliminary plat. In the case of a subdivision development, if approved by the Planning Board, they can obtain the construction permit. For mobile manufactured home parks and campground/RV Parks, the Planning Board shall make their recommendations to the County Board of Commissioners.

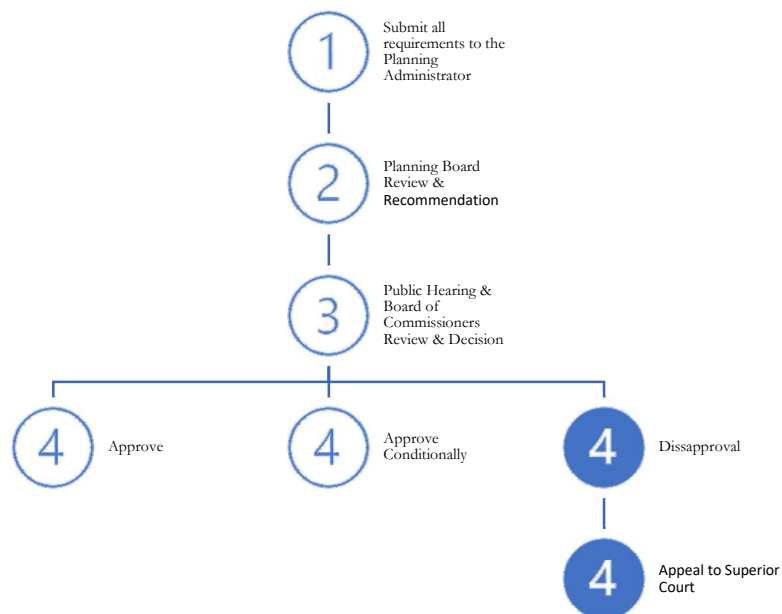
- If approved conditionally, the conditions and reasons thereof shall be stated and, if necessary, the Planning Board may require the developer to submit a revised plat.
- If the Planning Board disapproves of the plat, the reasons for such action shall be stated in writing, and recommendations made on the basis of which the proposed development could be approved.
- Failure of the Planning Board to act within sixty (60) days after the preliminary plat is presented to the Planning and Zoning Board shall be deemed as approved by the Planning and Zoning Board.

- c) The Planning Board shall present the proposed development, along with its recommendations, to the Board of Commissioners at their next meeting.
- d) The County Board of Commissioners shall approve, approve conditionally, or disapprove the preliminary plat.
- e) Approval of the preliminary plat by the Board of Commissioners is authorization for the developer to proceed with the Final Plat recordation and obtaining a construction permit for the proposed development.
- f) If the Board of Commissioners should disapprove the plat, the reasons for such action shall be stated in writing and recommendations made for the proposed development.

4.10.5 Issuance of Construction Permit

- a) After approval of the plat for a subdivision, mobile manufactured home park and/or camping/RV park by the Planning Board or Hertford County Commissioners, the Enforcement Officer is authorized to issue a construction permit. The intent of this permit is to enable the execution of the plat plan in the field and to operate a park as defined in this Ordinance. The developer shall be responsible for purchasing all street name signs. Such signs shall be standard County name signs and shall be installed by the County.
- b) During this phase, all fieldwork shall be in accordance with the approved plans. It shall be the responsibility of the developer to inform the various County inspection officials as to the progress of field work so that timely inspections may be made.
- c) Upon final inspection, the Enforcement Officer is to issue a certificate of compliance. This certificate will serve as an operating license and will enable the operation of a park as defined in this Ordinance.

4.10.6 Reference Chart



Section 4.11 Variances

4.11.1 General

The Hertford County BOA shall hear and decide requests for variances from the requirements of this Ordinance. Conditions for Variances Include the following:

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| ☐ Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or Ordinances. |
| ☐ Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge. |
| ☐ Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. |
| ☐ Variances shall only be issued prior to development permit approval. |

Variances shall only be issued upon:

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| ☐ Showing good and sufficient cause. |
| ☐ A determination that failure to grant the variance would result in exceptional hardship; and |
| ☐ Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances. |

A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are in Special Flood Hazard Areas provided that all of the following conditions are met:

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| ☐ The use serves a critical need in the community. |
| ☐ No feasible location exists for the use outside the Special Flood Hazard Area. |
| ☐ The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation. |
| ☐ The use complies with all other applicable Federal, State, and local laws. |
| ☐ The County of Hertford has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance. |

4.11.2 Additional Consideration

The BOA shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and must review the following factors:

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| ☐ The danger that materials may be swept onto other lands to the injury of others. |
| ☐ The danger to life and property due to flooding or erosion damage. |
| ☐ The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner. |
| ☐ The importance of the services provided by the proposed facility to the community. |
| ☐ The necessity to the facility of a waterfront location as defined under Article 2 of this Ordinance as a functionally dependent facility, where applicable. |
| ☐ The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use. |
| ☐ The compatibility of the proposed use with existing and anticipated development. |
| ☐ The relationship of the proposed use to the comprehensive plan and floodplain management program for that area. |
| ☐ The safety of access to the property in times of flood for ordinary and emergency vehicles. |
| ☐ The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and |
| ☐ The costs of providing governmental services during and after flood conditions include maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges. |

A written report addressing each of the above factors shall be submitted with the application for a variance. Upon consideration of the factors listed above and the purposes of this Ordinance, the BOA may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this Ordinance.

When applicable, any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

The Floodplain Administrator, for all appeals and variances to the floodplain management regulations, shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.

4.11.3 Regarding Tri-County Airport Height Restrictions Related Variances

- a) Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Ordinance, may apply to the Administrator for a variance from such regulations. The application for variance shall be accompanied by a determination from the NC Division of Aviation and/or Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Ordinance.
- b) Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the BOA, this condition may be modified to require the owner to permit the Tri-County Airport Authority, at its own expense, to install, operate, and maintain the necessary markings and lights.
- c) Applications may take up to 45 days.

4.11.4 Regarding Floodplain Related Variances

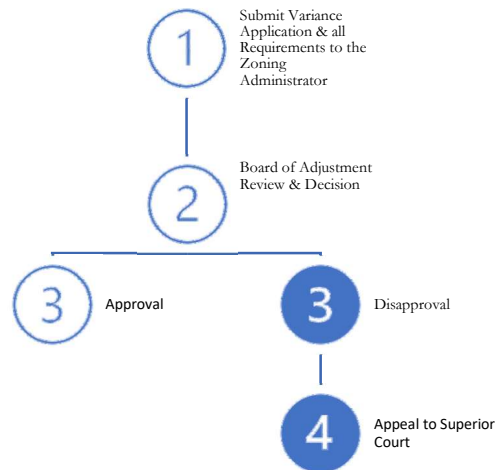
Variances may be issued for:

- a) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.
- b) Functionally dependent facilities if determined to meet the definition as stated which has been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
- c) Any other type of development, provided it meets the requirements of this Section.

4.11.5 Regarding Subdivision related Variances

Where, because of severe topographical and/or other non-self-imposed conditions peculiar to the site, strict adherence to the provisions of this Ordinance would cause an unnecessary hardship, the County BOA may, authorize a variance to the terms of this Ordinance only to the extent that is necessary and not to an extent which would violate the purpose and intent of this Ordinance.

4.11.6 Reference Chart

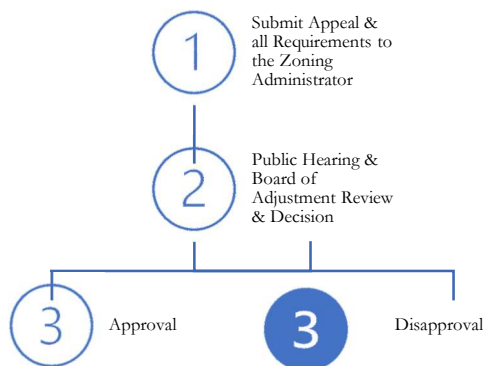


Section 4.12 Appeal of Administrative Decision

4.12.1 General

- Appeals from the enforcement and interpretation of this Ordinance and applications for variances, administrative decisions, or certificates of appropriateness may be taken to the BOA 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. The aggrieved individual shall have thirty days (30) to file an appeal and it will be presumed that if the notice of determination was sent by mail, it was received on the third business day after it was sent.
- 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. All enforcement actions, including fines, shall be paused during the appeal process. If the appeal concerns an administrative decision the official that made the decision, or their successor if the official is no longer employed, will appear as a witness in the appeal.
- Notice – At least one (1) week prior to the date of the hearing, the County of Hertford shall furnish all surrounding property owners with written notices of the hearing.
- Fees for appeal – A fee, as set by the current fee schedule, shall be paid to the County of Hertford, North Carolina, for each appeal, to cover the necessary administrative costs and advertising.

4.12.2 Reference Chart



ARTICLE V. NON-CONFORMITIES

Section 5.1 General

After the effective date of this Ordinance, land or structure, or the uses of land or structures which would be prohibited under the regulations for the district in which it is located, and which were lawfully established prior to the effective date of this Ordinance shall be considered as nonconforming. A nonconforming situation occurs when an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Unless otherwise specifically provided for in this Ordinance and subject to the restrictions and qualifications set forth in the remaining sections of this Article, nonconforming situations that were otherwise lawful on the effective date of this Ordinance may be continued.

Section 5.2 Single Lot of Record with Lot Area and & or Lot Width Nonconformity

5.2.1 General

When an undeveloped lot has an area or width which does not conform to the dimensional requirements of the district where located, but such lot was approved and of record at the time of adoption of this Ordinance or any subsequent amendment which renders such lot nonconforming, then such lot may be used for a use permitted in the district where located, provided that the setback dimensions and other requirements, except area or width, are complied with. Nothing contained herein exempts a lot from meeting the applicable provisions of the Hertford County Board of Health Regulations.

5.2.2 Minimum Single Lot Requirements

Where the owner does not own sufficient land to enable him to conform to the dimensional requirements of this Ordinance such lot may be used as a building site for a single-family residence in a district in which residences are permitted; provided, that the lot width and/or lot area are not more than twenty (20) percent below the minimum specified in the dimensional requirements of this Ordinance.

5.2.3 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. Nothing contained herein exempts the contiguous lots considered as a single buildable lot or lots from meeting the applicable provisions of the Hertford County Board of Health regulations.

Section 5.3 Continuance of Nonconforming Use of Land

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

5.3.1 Conditions for Continuance of Non-Conforming Uses of Land

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

- a) No nonconforming use shall be changed to another nonconforming use unless such use is determined to be of equal or less intensity. In determining whether a nonconforming use is of equal or less intensity, the BOA shall consider: (1) Probable traffic of each use, (2) Parking Requirements for each use, (3) Probable number of people on the premises of each use at a time of peak demand, and (4) Off-site impacts of each use.
- b) The number of dwelling units in nonconforming residential use shall not be increased.

- c) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
- d) If any nonconforming use of land ceases for any reason for a continuous period of more than 180 days, any subsequent use of such land shall be permitted use in the district in which such land is located. Re-continuance of any nonconforming use must be with the clear intent of being continuous and permanent.
- e) The resumption of nonconforming use of land shall not be permitted if such nonconforming use is superseded by a permitted use for any period.
- f) No additional structure(s) not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

Section 5.4 Extension, Enlargement or Replacement of a Nonconforming Use

No nonconforming use shall be extended, enlarged, or replaced. Any single-family residential nonconforming use (which may be a manufactured home) may be enlarged or replaced with a similar single-family residential structure of the same size or of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to setback requirements.

- a) A nonconforming use may not be extended to additional buildings or to land outside the original building.
- b) The volume, intensity, or frequency of use of property where a nonconforming use exists may be increased.
- c) Any other nonconforming use may be extended, enlarged, or replaced only upon the issuance of a special use permit if the BOA finds that, in completing the extension, enlargement, or replacement work, there is no increase in the total amount of lot area devoted to the nonconforming use. There is no greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations, or density requirements or other requirements such as parking, loading, and landscaping requirements. There is no significant adverse impact on surrounding properties or the public health or safety.

Section 5.5 Continuance of Non-Conforming Structures

Any nonconforming structure legally existing at the time of adoption or amendment of this Ordinance may be continued so long as it remains otherwise lawful.

5.5.1 Conditions for Continuance of Non-Conforming Structures

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

Section 5.6 Preservation of Safe or Lawful Conditions

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

5.6.1 Tunis Community

Located in the Canal Cove Area of the Tunis Community as Designated on the attached map.

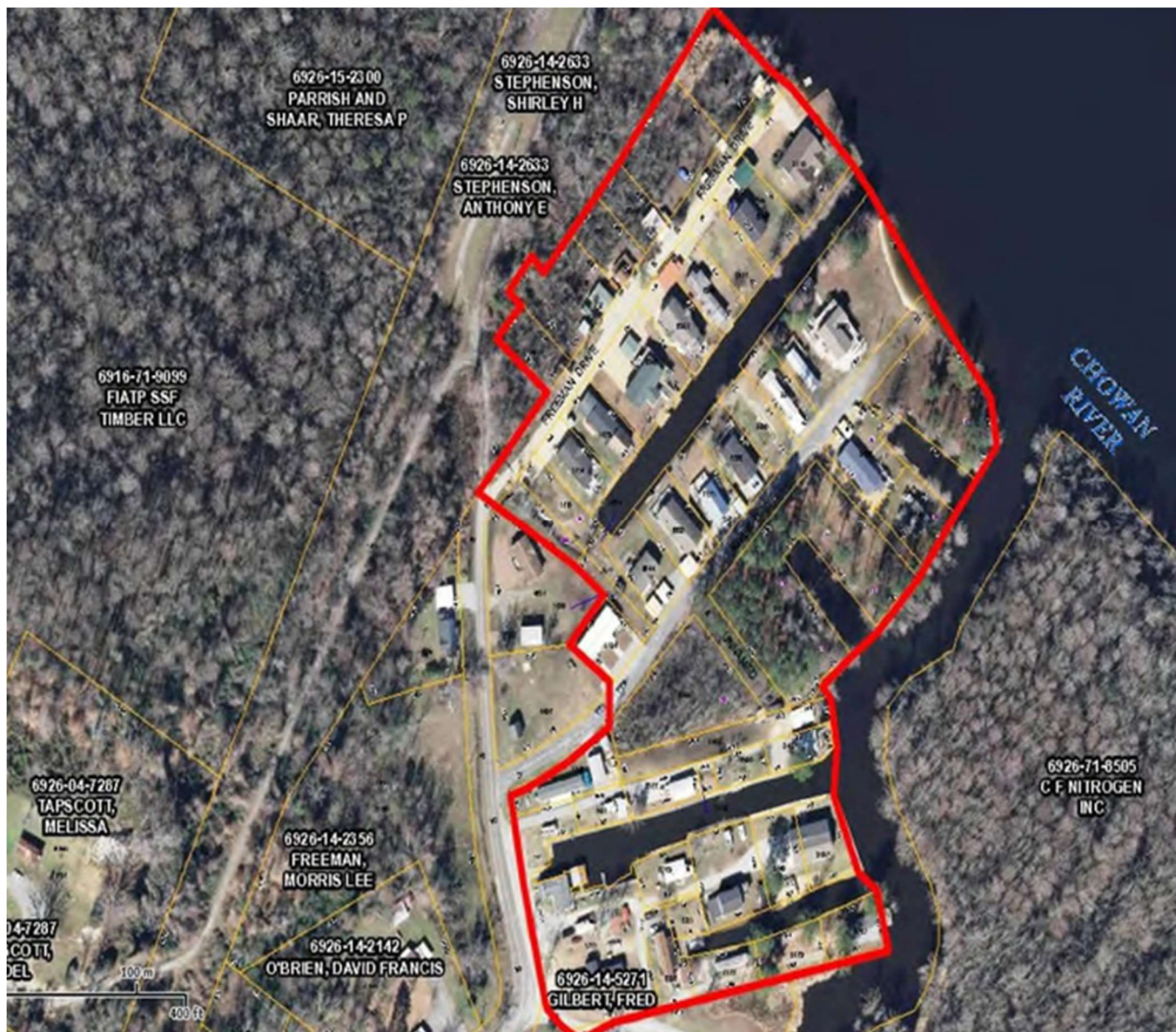
- a) Lots of Record as of the date of adoption of this Ordinance shall be considered as Grandfathered in.

- b) No existing Lot of Record may be subdivided unless it meets the current requirements as established in this Ordinance.
- c) If a structure is destroyed or being replaced it may be replaced subject to the following setbacks:

Setback Type	Length in Feet
Front Yard	15 feet (Minimum Required Distance)
Rear & Side Yard	8 feet (Minimum Required Distance)
Distance Between Dwellings	16 feet (Minimum Required Distance)

- a) If a structure is destroyed or being replaced it may be replaced provided it is connected to Public Water and Wastewater.
- b) For lands abutting an Estuarine Shoreline, the required CAMA setbacks or exemptions shall control.

5.6.2 Tunis Community Reference Map



Section 5.7 Tri-County Airport Height Restriction Non-Conformance

5.7.1 General

The regulations prescribed by ~ **Article VII. Tri-County Airport Height Restrictions** shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance. Except as specifically provided in this section, it is not permissible for any person to engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. Physical alteration of structures or the placement of new structures on open land is unlawful if they result in:

- a) An increase in the total amount of space devoted to a nonconforming use.
- b) Greater nonconformity with respect to height limitation.

5.7.2 Nonconforming Uses Abandoned or Destroyed

Whenever the Administrator determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

5.7.3 Marking and Lighting

Notwithstanding the preceding provision of this Ordinance, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Administrator to indicate to the operators of aircraft in the vicinity of the Airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Airport Authority.

5.7.4 Determination of Non-Conformity

Notwithstanding any preceding provision of this Ordinance, if, by a determination of the NC Division of Aviation or Federal Aviation Administration, the encroachment of any structure or tree into regulated airspace is such that providing markers and lights is insufficient to protect the life and property of the flying public, the Airport Authority shall institute steps to have such structures or trees mitigated at the expense of the Airport Authority. If unsuccessful in obtaining the cooperation of the parties involved, Hertford County shall institute the appropriate legal action, as reasonably necessary, to ensure the safety of the flying public in airspace regulated by this Ordinance.

ARTICLE VI. DESIGN STANDARDS

Section 6.1 Purpose

The purpose of this Article is to provide a more in-depth regulatory outline in relation to the permitted uses within the districts. These regulations shall apply to all zoning districts within this Ordinance unless as specified otherwise.

Section 6.2 Encroachments into Required Setbacks

The following are permitted in required setbacks provided there is not interference with any sight area:

Landscaping features, including but not limited to, ornamental pools, planting boxes, at grade patios, play equipment or outdoor furniture, ornamental entry columns and gates, flagpoles, lampposts, address posts, HVAC equipment, mailboxes, public utility wires and poles, pumps or wells, fences or retaining walls, and in-ground swimming pools.

Structures Permitted in Required Setbacks: The following structures may encroach into any required setback: Cornices, steps, overhanging eaves and gutters, windowsills, bay windows or similar architectural features, chimneys and fireplaces, fire escapes, fire balconies, and fire towers may project not more than two and one-half feet into any required setback, but in no case shall be closer than three feet to any property line.

Porches and decks may encroach into the required road and rear setbacks as follows:

Porch / Deck Type	Setback Yard	Encroachment	Maximum Area
Covered or uncovered	From Road	3 Feet	35 Square Feet
Uncovered Only	From Rear	50% of Setback	N/A

Section 6.3 Fences, Walls, and Hedges

- a) Fences and walls shall not be located within a public street right-of-way nor placed or retained in such a manner as to obstruct vision at any intersection with public or private roads. Nothing in this subsection shall preclude, however, the installation of temporary fences around construction works, erected, or maintained pursuant to the NC Building Code or soil erosion and sedimentation control requirements. No fences shall be located within a utility easement without review and approval by the utility provider.
- b) Open fences and walls may be erected to any height. Solid fences (75 percent minimum) shall be a maximum height of four feet when projecting into the front and/or the side yard. Solid fences (75 percent minimum) shall be a maximum of six feet in height in the rear yard. Fence and wall height limitations shall not apply to utility facilities, substations, plants, towers, water storage facilities, correctional and mental institutions, military facilities, and special uses.

Section 6.4 Multiple Residential Structures on a Lot

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

Section 6.5 Road Access Requirements

Every building or structure shall be on a parcel that abuts or has legal access to a public or private road.

Section 6.6 Structures Permitted Above Height Limits

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

Section 6.7 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 6.8 Setbacks on Flag Lots

The “flagpole” portion of a flag lot shall not be used to calculate building setbacks. Flag lots shall comply with the following requirements:

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| ☐ A flag lot shall serve only one single-family dwelling and its uninhabited accessory structures. |
| ☐ The minimum flagpole width on an approved public or private street shall be twenty (20) feet. |
| ☐ The “flagpole” portion of the lot is not used to calculate lot area, width, depth, and setbacks of the lot or to provide off-street parking. |
| ☐ Use of a single driveway to serve a flag lot and an adjoining conventional lot is permitted and encouraged; the preferred location for the driveway is in the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole. |
| ☐ No re-subdivision of a flag lot shall be permitted unless access to the proposed new lot (s) can be provided from an approved private easement, public street, or private street; and |
| ☐ Flag lots shall be approved only where the configuration of the parcel or site features warrant such a lot of design. Authorizing a flag lot design is intended to accommodate a particular extenuating circumstance, which makes conventional lot design infeasible. Requests for the creation of more than one flag lot from the same parcel shall be reviewed by the Planning Board using the subdivision review procedures. |

Section 6.9 Off-Street Parking & Loading

6.9.1 Supplemental Regulations

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.

6.9.2 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 the requirements of this Article are met.

6.9.3 Combination of Required Parking Space

The required parking space for 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.

6.9.4 Off-Site Parking

If off-street parking spaces required by this Ordinance cannot be reasonably provided on the same lot of the principal use, these spaces may be provided on any land within four hundred (400) feet of the main entrance to the principal use, provided the property is under the same ownership.

6.9.5 Minimum Parking Requirements for Specific Uses

The NC Building code regulates the number of required accessible parking spaces based on the intended use. In addition to these requirements, the following off-street standards shall be applied.

Residential & 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 doctor, dentist offices and/or beauty salons in residence)	Two (2) parking spaces in addition to the residence requirements
Funeral Home and churches	One (1) parking space for each four seats in the chapel or parlor, plus five (5) additional parking spaces
Camps for tents and camping trailers	One (1) parking space for each site provided for tents and camping trailer plus ten (10) additional parking spaces
Group camp facility	One (1) space for each camper in which the facility is designed
Industrial or manufacturing establishment or warehouse	Two (2) spaces for every three (3) employees on the largest shift plus one (1) vehicle used in the operation
Outdoor recreation areas & amusement parks	One (1) per 200 sq. ft. of activity area
Restaurant or place dispersing Food, Drink, or Refreshments	One (1) space for each three (3) seats, plus one (1) space for each two (2) employees
Restaurant, drive-in	One (1) space for each three (3) seats, plus a minimum of fifteen (15) spaces for drive-in service plus one (1) space for each two (2) employees
Service Station, Convenience Store	Two (2) spaces for each gasoline or kerosene pump, plus five (5) spaces for each grease rack, plus one (1) space for each two (2) employees, but at least ten (10) spaces
Hotel and Motel containing 5,000 sq. ft. or less ancillary space, i.e., Restaurant, meeting rooms, lounge or lobby or a restaurant/lounge containing 3,000 sq. ft. or less	1.1 per rental unit
Hotel and Motels Containing More than 5,000 sq. ft. of ancillary space ie., Restaurant, meeting rooms, lounge or lobby or a restaurant/lounge containing over 3,000 sq. ft.	1.25 per rental unit
Other commercial or personal service	One space for each one hundred (100) square feet of non-storage floor area, plus one (1) space for each two (2) employees

Residential & Related Uses	Required Off-Street Parking
Educational, Correctional and Institutional Uses	One (1) per ten (10) enrollment plus two (2) per three (3) employees on largest shift plus one (1) per vehicle used in the operation
Day Care Centers	One (1) per each employee plus one (1) per ten (10) clients plus stacking for four (4) vehicles
Nursing and Convalescent Homes	One (1) per each four (4) beds plus one (1) per employee and visiting specialist plus one (1) per vehicle used in the operation.

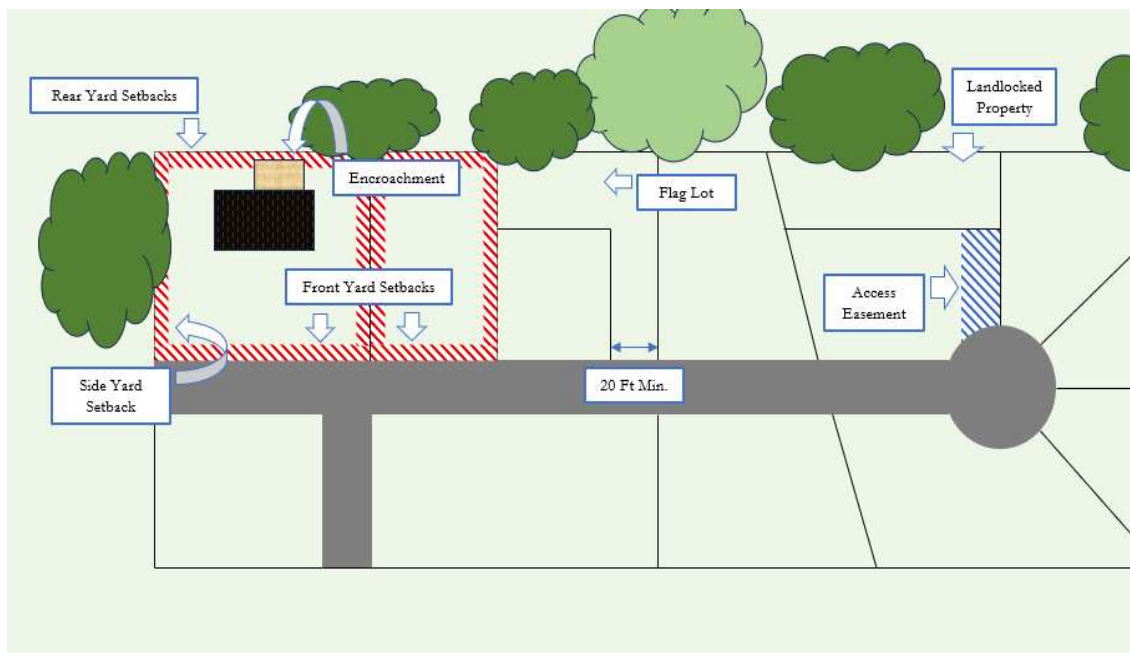
6.9.6 Off-Street Loading and Unloading Spaces

- Standard parking spaces shall be a minimum of 108 inches (9 feet) in width and minimum 216 inches (18 feet) in depth exclusive of any access drives, aisles, or columns, however for non residential uses, parking spaces of a reduced size may be permanently designated, by signage, for compact vehicles.
- Accessible parking spaces shall be built according to the current ADA and ANSI standards for such.
- Parallel Parking spaces shall be increased by five feet in length for standard or compact vehicular parking.
- All parking spaces must have a vertical clearance of at least 96 inches (8 feet).

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

Residential & Related Uses	Required Off-Street Parking
Retail Business	One (1) space for each five thousand (5,000) square feet of floor space, with a minimum of one (1) space
Wholesale and industrial	One (1) space for each twenty thousand (20,000) square feet of floor space, with a minimum of one (1) space

6.7 Reference Graphic



ARTICLE VII. TRI-COUNTY AIRPORT HEIGHT RESTRICTION

Section 7.1 Purpose

- a) This Article regulates and restricts the height of structures and objects of natural growth, and otherwise regulates the use of property in the vicinity of the Tri-County Airport.
- b) See ~ *Section 7.4 Purpose* for the Airport Height Restriction Map

Section 7.2 Applicability

This Ordinance is adopted pursuant to the authority conferred under Chapter 63 of the NCGS Article 4. Accordingly, it is declared:

- a) That the creation or establishment of an obstruction has the potential of being a public nuisance and may impact the utility of the Tri-County Airport and the public investment therein.
- b) That it is necessary in the interest of public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented.
- c) That the prevention of these obstructions should be accomplished, to the extent legally permissible, by the exercise of the authority invested in Hertford County.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration, or mitigation of hazards to air navigation, or the marking and lighting of obstructions are in the public interest for which a political subdivision may raise and expend public funds and acquire land or interests in land.

Section 7.3 Airport Height Zones

7.3.1 General

To conduct the provisions of this Article, there are created and established zones, which include all the land lying within the instrument approach zones, non-instrument approach zones, transition zones, horizontal zones, and conical zones. Such areas and zones are shown on the Tri-County Airport Height Restriction Map (~ **Article VII. Section 7.4 Airport Height Restrictions Map**), as amended, which is incorporated by reference and made a part hereof. A lot which is located in more than one (1) of the following zones must follow the standards of the zone with the more restrictive height limitation standards. The various zones are established and defined as follows:

7.3.2 Primary Surface Zone

- a) A rectangular surface longitudinally centered on a runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- b) Runway 1-19: 1,000 feet wide and extends 200 feet beyond each runway end.

7.3.3 Approach Surface Zones

- a) A trapezoidal inclined plane symmetrically centered along the extended runway centerline, longitudinally extending outward and upward from the end of the primary surface. The perimeter of the approach surface coincides with the perimeter of the approach zone, extending per boundary and slope as shown on the Tri-County Airport Height Restriction Ordinance Map.

Runway End	Inner Width	Length	Outer Width	Slope (Formula)
Runway 1 Approach Surface Zone (A portion of the Zone extends into Bertie County)	1,000 ft.	50,000 ft.	16,000 ft.	(1,000') x (50,000') x (16,000') (0' - 10,000 @ 50:1) (10,000' – 50,000' @ 40:1)
Runway 1 Approach Surface Zone (A portion of the zone extends into Northampton County)	1,000 ft.	50,000 ft.	16,000 ft.	(1,000') x (50,000') x (16,000') (0' - 10,000 @ 50:1) (10,000' – 50,000' @ 40:1)

7.3.4 Horizontal Surface Zone

- A plane, elliptical in shape, with a height of one hundred and fifty (150) feet above the established airport elevation and having a specified radius from the center of the primary surface for each runway end. The perimeter of the horizontal surface coincides with the perimeter of the horizontal zone as indicated on the Tri-County Airport Height Restriction Ordinance Map.
- Runway 1-19 horizontal radius: 10,000' (A portion of the zone extends into Northampton County.)

7.3.5 Conical Surface Zone

- A surface, elliptical in shape, extending radially outward and upward from the periphery of the horizontal surface zone at a slope of 20:1 for a horizontal distance of 4,000 feet and vertical elevation of 200 feet above the horizontal surface.
- The conical surface zone is shown on the Tri-County Airport Height Restriction Ordinance Map. (A portion of the zone extends into Northampton County.)

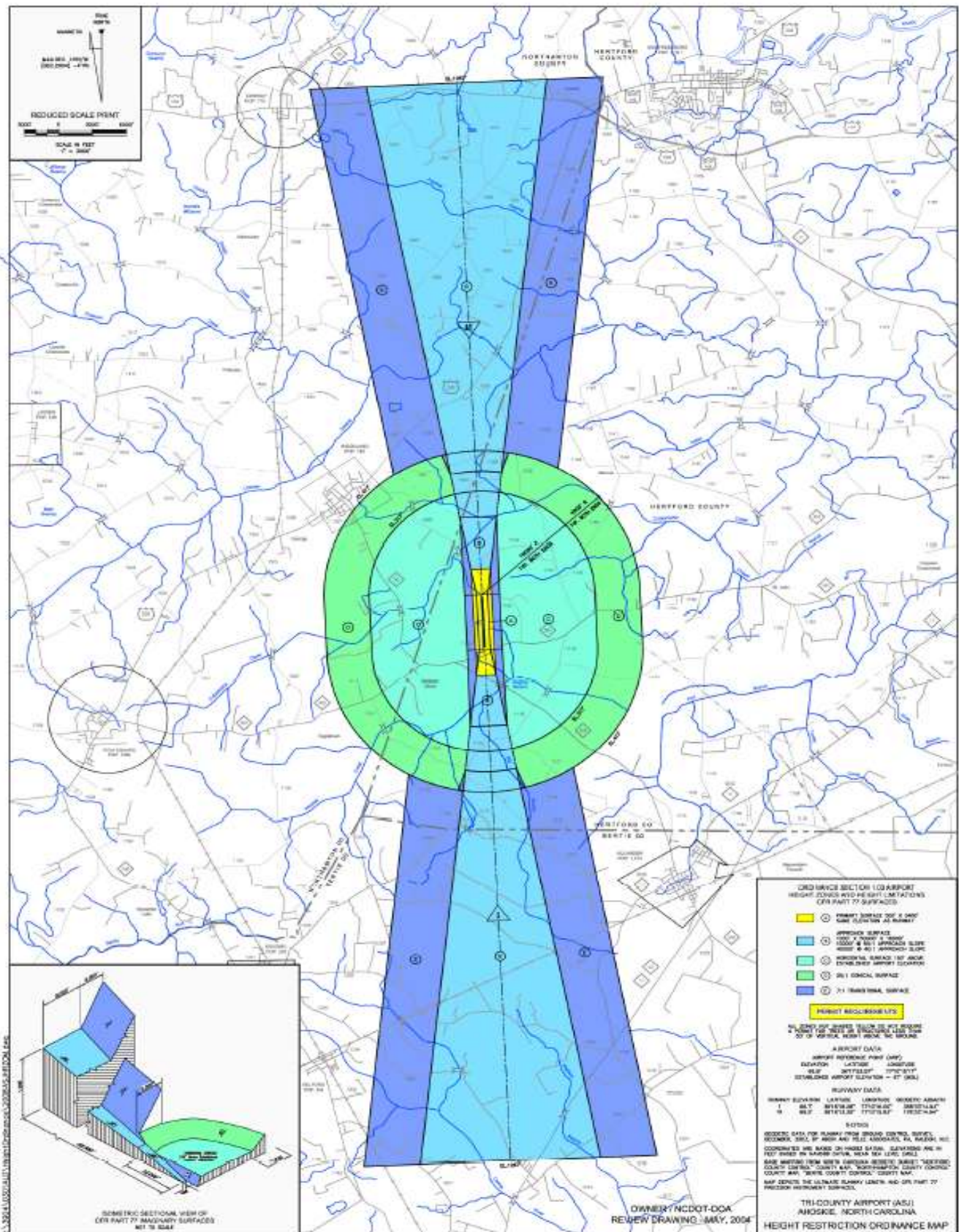
7.3.6 Transitional Surface Zones

- Inclined planes with a slope of 7:1 measured upward and outward in a vertical plane at right angles to the centerline of the runway and approached surfaces.
- The transitional surface zones, located on either side of the runway and symmetrically parallel to and level with the runway centerline, extend upward and outward from the primary surface and approach surface elevation to a point intersecting the horizontal or conical surface (150 feet above the airport elevation).
- Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping 7:1 measured upward and outward beginning at the sides of and at the same elevation as the approach surface and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline. The transitional surface zones are shown on the Tri-County Airport Height Restriction Map.
- Nothing in this Article except as defined by this Section shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree, to a height of 50 feet above the surface of the land.

7.3.7 Use Restrictions

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any approach surface zone, horizontal surface zone, conical surface zone or transitional surface zone, in such manner as to create electrical interference with navigational signals or radio communication between the Airport and aircraft, make it difficult for flyers to distinguish between Airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the Airport, create bird strike hazards or otherwise endanger the landing, taking-off or maneuvering of aircraft intending to use the Tri-County Airport.

Section 7.4 Airport Height Restrictions Map



ARTICLE VIII. FLOODPLAINS

Section 8.1 General Provisions

8.1.1 Basis for Establishing Flood Hazard Areas

- a) The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) dated January 17, 2025, for Hertford County, and associated DRIM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared to be a part of this Ordinance, and all revisions thereto. The most current & updated versions of these maps shall be referenced.
- b) The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damage.

Section 8.2 Provisions for Flood Hazard Reduction

8.2.1 Special Flood Hazard Area Regulations

In all Special Flood Hazard Areas, regardless of whether the BFE data has or has not been provided, as set forth in this Ordinance, the following provisions are required:

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| ☐ All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure. |
| ☐ All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. |
| ☐ All new constructions and substantial improvements shall be constructed by methods and practices that minimize flood damage. |
| ☐ Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding to the Regulatory Flood Protection Elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches. |
| ☐ All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwater into the system. |
| ☐ New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwater into the systems and discharges from the systems into flood waters. |
| ☐ On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. |
| ☐ Any alteration, repair, reconstruction, or improvements to a structure, which follows the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance. |
| ☐ Nothing in this Ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this Ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this Ordinance. |
| ☐ New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of this Ordinance. |

☐ All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
☐ All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
☐ All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
☐ All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law.
☐ When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
☐ When a structure is in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest Base Flood Elevation (BFE) shall apply.

Section 8.3 Floodplain Site Standards

8.3.1 Residential Construction

New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in this Ordinance.

8.3.2 Non-Residential Construction

New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in this Ordinance. Structures located in A, AE, AO, and A1-30 Zones may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with the set guidelines. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth, along with the operational plan and the inspection and maintenance plan.

8.3.3 Manufactured homes

- a) New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation, as defined in this Ordinance.
- b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
- c) All enclosures or skirting below the lowest floor shall meet the requirements as defined in this Ordinance.
- d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

8.3.4 Elevated Buildings

Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

- a) shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area

shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment separate (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclosed storage areas.

- b) shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and
- c) shall include, in Zones A, AO, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - d) A minimum of two flood openings on different sides of each enclosed area subject to flooding.
 - e) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
 - f) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit.
 - g) The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade.
 - h) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - i) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

8.3.5 Additions to pre-FIRM Structures with Modifications

Additions and/or improvements to Pre-FIRM and Post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

- a) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damage and must not be any more non-conforming than the existing structure.
- b) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

8.3.6 Additions to pre-FIRM Structures with no Modifications

Additions to Pre-FIRM and Post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

- a) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
- b) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

8.3.7 Recreational Vehicles

Recreational vehicles shall either:

- a) Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
- b) Meet all the requirements for new construction.

8.3.8 Temporary Non-Residential Structures

Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Manager a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

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| ☐ A specified period for which temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year. |
| ☐ The name, address, and phone number of the individual responsible for the removal of the temporary structure. |
| ☐ The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification). |
| ☐ A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and |
| ☐ Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved. |

8.3.9 Accessory Structures

When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

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| ☐ Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas). |
| ☐ Accessory structures shall not be temperature controlled. |
| ☐ Accessory structures shall be designed to have low flood damage potential. |
| ☐ Accessory structures shall be constructed and placed on the building site to offer the minimum resistance to the flow of floodwater. |
| ☐ Accessory structures shall be firmly anchored in accordance with the provisions of this Ordinance. |
| ☐ All service facilities such as electrical shall be installed in accordance with the provisions of this Ordinance. |
| ☐ Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of this Ordinance. |
| ☐ An accessory structure with a footprint of less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with this Ordinance. |

Section 8.4 Standards for Floodplains without established (BFE)

8.4.1 Elevations

Within the Special Flood Hazard Areas designated as Approximate Zone A, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the other provisions of this Ordinance, shall apply:

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| ☐ No encroachments, including fill, new construction, substantial improvements, or new development shall be permitted within twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. |
| ☐ The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria: |

- a) When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this Ordinance and shall be elevated or floodproofed in accordance with standards in Article 5, Sections A and B.
- b) When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of this Ordinance.
- c) All subdivisions, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with this Ordinance and utilized in implementing this Ordinance.

- d) When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined.

Section 8.5 Standards for riverine floodplains with BFE but without established Floodways or Non-Encroached areas.

Along rivers and streams where Base Flood Elevation (BFE) data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- ☐ Standards of ~ Section 8.1 General Provisions – 8.3 Floodplain Site Standards are met.
- ☐ Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

Section 8.6 Floodways and Non-Encroachment areas

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas hereby established. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined shall apply to all development within such areas:

- ☐ No encroachments, including fill, new construction, substantial improvements, and other developments shall be permitted unless:

- a) It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit, or
- b) A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.

- ☐ No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:

- a) The “anchoring and the elevation” standards are met.
- b) The “no encroachment” standards are met.

ARTICLE IX. ZONING

Section 9.1 Official Zoning Map

9.1.1 Provisions for The Official Zoning Map

- a) The County of Hertford is hereby divided into zones, or districts, as shown on the Official Zoning Map. Said Map is hereby adopted by reference and declared to be a part of this Ordinance “The Official Zoning Map” is to be the most recent copy and include all current amendments as maintained within the Hertford County GIS. Any previous zoning maps shall also be maintained in digital format as well as any state or federal agency maps incorporated by reference into the zoning map.
- b) It is the duty of the Zoning Administrator to maintain said map and have any changes made as they occur. The Zoning Administrator shall be the authority as to the current zoning of property within the County’s planning and zoning jurisdiction. Pursuant to NCGS 160-105, FEMA Flood Insurance Rate Maps, USGS. Topographic maps, Watershed Boundary Maps, the Hertford County Zoning Map, or any other maps officially adopted or promulgated by the state and federal agencies are hereby incorporated by reference. Official maps may be in paper or digital format and may be approved by the Board of Commissioners.
- c) In the event of amendment of any Zoning District Boundary set forth on the official Zoning Map, attested by the Clerk to the Board of the County Commissioners with a note to the amending ordinance number, the date of the amendment and the nature of the change.

9.1.2 Interpretation of Boundaries

- a) A boundary shown on the map as approximately following the centerline of a street, highway or alley is construed as following such centerline.
- b) A boundary shown on the map as approximately following a parcel boundary is construed as following the parcel boundary as it existed at the time the zoning boundary was established.
- c) A boundary shown on the map as approximately following a river, stream, lake, or other watercourse is construed as following the actual centerline of the watercourse.
- d) A boundary shown on the map as approximately following a political, administrative, or other jurisdictional boundary is construed as following that boundary.
- e) A boundary shown on the map as approximately parallel to, or as an extension of, a feature described above is construed as being parallel to, or an extension of, the feature.
- f) When a property is split between two or more jurisdictions, all jurisdictions and the property owner must agree in writing to have one jurisdictions’ regulation govern the development of the property. The Governing Boards of each jurisdiction must adopt a resolution of agreement and said resolution must be recorded in the office of the Register of Deeds. (NCGS 160D-203)
- g) The BOA shall resolve disputes of staff interpretation of district boundaries.

9.1.3 Application of District Regulations

The regulations set by this Article 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) accommodate or house a greater number of families.
- c) to occupy a greater percentage of the 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.

9.1.4 Agricultural Zoning Exemptions for Bona-Fide Farms (NCGS 160D-903(a))

The base zoning regulations set by this Article do not apply to Bona-Fide Farms. Property owners seeking to obtain an agricultural zoning compliance exemption must submit an agricultural zoning exemption application along with sufficient documentation that shows evidence that the property is a bona-fide farm as provided by the following criteria per NCGS 160D-903(a) to the Zoning Administrator for approval.

For purposes of determining whether a property is being used for bona fide farm purposes, any of the following is sufficient evidence that the property is being used for bona fide farm purposes, but other evidence may also be considered:

- a) A farm sales tax exemption certificate issued by the Department of Revenue.
- b) A copy of the property tax listing showing that the property is eligible for participation in the present-use value program pursuant to G.S. 105-277.3.
- c) A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
- d) A forest management plan

All non-farm uses, even if located on a bona fide farm, are not exempt from zoning regulations. Only a farm use on a bona fide farm will be considered for the exemption.

Bona-Fide farms that fall within an overlay district, must still comply with the regulations for that overlay district.

Section 9.2 District Regulations

9.2.1 Zoning and Overlay Districts

The County of Hertford is hereby divided into base zoning districts, which are hereby given the following designations:

Abbreviation	Base Zoning District
RESIDENTIAL DISTRICTS	
RA-30	Residential-Agriculture District
RR&C	Riverside Residential and Camping District
MIXED USE DISTRICTS	
PD	Planned Development District
COMMERCIAL DISTRICTS	
CH	Commercial Highway District
RB	Riverside Business District
INDUSTRIAL DISTRICTS	
IH	Heavy industrial District
IL	Light Industrial District

In certain areas of Hertford County, there are overlay districts. An overlay district is a mapped district that is superimposed over one or more established base zoning districts. The overlay imposes additional requirements, standards, or criteria—such as design, environmental, safety, or compatibility standards—that supplement or modify the

regulations of the underlying base zone. All properties within an overlay district remain subject to the requirements of both the base district and the overlay unless otherwise specified.

Abbreviation	Overlay District
AEC	Area of Environmental Concern
AP	Airport District
FH	Flood Hazard District
WS-PA	Watershed-Protected Area

9.2.2 Similar & Analogous Uses

Uses not specifically listed as a permitted use or a special use shall be evaluated by the Zoning Administrator to determine if there is an analogous or similar use with nearly similar impacts; if there is an analogous or similar use, then the unlisted use may be allowed in the appropriate category. Some factors to be considered in considering the similarity of use include, but are not limited to the following:

- Type, density, and intensity of the development
- Environmental effects
- Anticipated amount of traffic, noise, light, vibration, or odor
- Other impacts on neighbors and the community.

If there is not an analogous or similar use, then the “unlisted” use is prohibited. There may also be set forth, in this Ordinance, specific uses that are prohibited in some or all districts.

Section 9.3 Residential Use Zoning Districts

9.3.1 Purpose

The Residential Districts are established to provide safe, orderly, and attractive areas for a variety of residential living opportunities while preserving the rural character and natural resources of Hertford County. These districts accommodate traditional low-density residential development, agricultural activities compatible with residential uses, and—where appropriate—recreational and camping uses along the county’s rivers and waterways. The purpose of the Residential Districts are to promote stable neighborhoods, protect environmental features, support responsible growth, and ensure that residential, agricultural, and recreational uses coexist without conflict.

9.3.2 Residential Agriculture District (RA-30)

The purpose of the Residential Agriculture (RA-30) 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.

9.3.3 Residential Agriculture District (RA-30) Permitted Uses

Type of Use (RA-30)	Permit Type / Process	Additional / Supplementary Regulations
Accessory Buildings	General Permit	See Article X.
Agricultural Commodities (Grains & Feeds, Oilseeds & Products, Livestock & Poultry, and Horticultural Products)	General Permit	See Article X.
Ambulance Services	Special Use	See Article X.
Antique, Hobby, & Novelty Shops	Special Use	See Article X.

Type of Use (RA-30)	Permit Type / Process	Additional / Supplementary Regulations
Auction Sales	Special Use	See Article X.
Auto Garage / Engine Mechanic	Special Use	See Article X.
Auto Parts & Accessory Sales	Special Use	See Article X.
Auto Washing Establishments	Special Use	See Article X.
Beauty Shop	Special Use	See Article X.
Bed & Breakfast Inn	Special Use	See Article X.
Boats & Accessories, Retail Sales & Services	Special Use	See Article X.
Cemeteries	General Permit	N/A
Churches	General Permit	N/A
Commercial Storage and Commercial Storage Buildings	Special Use	See Article X.
Day Care Center	Special Use	See Article X.
Fabric Shop & Dressmaking	Special Use	See Article X.
Family Care Home	General Permit	In accordance with the provisions of NCGS 168-22, (a) no family home may be located within a one-half mile radius of an existing family care home.
Forestry	General Permit	N/A
Group Care Facility	Special Use	See Article X.
Grounds and Facilities for recreational & Community Center Building, Parks, & Similar Facilities for Non-Profit	General Permit	N/A
Home Occupation	General Permit	See Article X.
Hospitals, Rest Homes, Nursing Homes, Sanitariums, Funeral Homes	General Permit	No building so used shall be within seventy-five (75) feet of any lot line.
Manufactured Housing	General Permit	See Article X.
Manufactured Housing (On the same lot as a Principal Building)	Special Use	See Article X.
Mobile Home Parks	General Permit	As Restricted in Article XII & XIII
Office & Institutional Uses	Special Use	See Article X.
Outdoor Recreational Uses	General Permit	See Article X.
Parking (Off Street)	General Permit	As Restricted in Article VI
Principal & Outdoor Advertising	Special Use	See Article X.
Public Buildings including Town, County, State, Federal, & Regional	General Permit	N/A
Public Utilities	General Permit	See Article X.
Radio & TV Repair	Special Use	See Article X.
Retail Sales Ancillary to Permitted Construction activities in the district	Special Use	See Article X.
Sand Mining for Commercial Purposes	General Permit	N/A
Schools including Public, Private, and Colleges	General Permit	N/A
Signs	General Permit	See Article X.

Type of Use (RA-30)	Permit Type / Process	Additional / Supplementary Regulations
Single Family, Two-Family, & Multi-Family Dwellings including Condominiums / Townhouses	General Permit	N/A
Skeet Shooting Facilities (Outdoor)	General Permit	Must meet the standards of the National Skeet Shooting Association, and National Rifle Association (NSSA and NRA)
Solar Collector, Accessory Use	General Permit	Small scale solar collectors shall be permitted to generate electrical energy for the primary purpose of on-site consumption in accordance with minimum setbacks as required for all other accessory buildings and structures within said district, as evidenced on a standard site plan.
Solar Farm Facilities	Special Use	See Article X.
Temporary Construction Building	Special Use	See Article X.
Towers	General Permit	See Article X.
Upholstery Shop	Special Use	See Article X.
Used Car Lot	Special Use	See Article X.
Wind Energy Facilities, Accessory	General Permit	See Article X.

9.3.4 Dimensional Requirements for Residential Agriculture District (RA-30)

Type of Dimension	Minimum Requirement
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
The minimum required lot Area when a structure is connected to a public wastewater system. (Unless otherwise specified by Hertford County Public Health Authority)*	15,000 square feet
Front Yard: Minimum required depth of front yard	35 feet
Side yard: Minimum required depth of side yard	15 feet
Rear Yard: Minimum required depth of Rear yard	25 feet
Lot Width: Minimum horizontal distance or width of the lot measured between side lot lines at the front yard setback line.	125 feet
Lot Width for second dwelling unit within the principal structure	50 feet
Lot Width for second dwelling unit separate from the principle dwelling unit.	75 feet
Secondary Dwelling Setback: Minimum distance between dwellings when they are separate structures.	20 feet
Lot Coverage: The total ground area covered by the principal building and all accessory buildings including any roofed area shall not exceed. **	30% of the total lot area

*Minimum lot area requirements for individual condominium units, townhouse lots and multi-family dwellings are waived when the units/lots are served by public water and wastewater. The above requirements do apply to individual condominium units, townhouse lots and multi-family dwellings that are not served by public water and wastewater.

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

9.3.5 Riverside Residential & Camping District (RR&C)

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

9.3.6 Riverside Residential & Camping District (RR&C) Permitted Uses

Type of Use (RR&C)	Permit Type / Process	Additional /Supplementary Regulations
Accessory Buildings	General Permit	See Article X.
Antique, Hobby, & Novelty Shops	Special Use	See Article X.
Camps which providing Sites for Tents & Camping Trailers	General Permit	See Article X.
Commercial Plant Nursery	Special Use	See Article X.
Group Camp Facilities such as Boy Scouts, Girl Scouts, & Church Camps	General Permit	See Article X.
Grounds and Facilities for recreational & Community Center Buildings, Parks, & Similar Facilities for Non-Profit	General Permit	N/A
Manufactured Housing	General Permit	See Article X.
Manufactured Housing (On the same lot as a Principal Building)	Special Use	See Article X.
Mobile Home Parks	General Permit	As Restricted in Article XII
Motor Homes	Special Use	See Article X.
Parking (Off Street)	General Permit	As Restricted in Article VI
Public Utilities including but not limited to distribution lines, Substations, Transmission lines, Water tanks, & Telecommunication Exchanges	General Permit	See Article X.
Retail Sales Ancillary to Permitted Construction activities in the district	Special Use	See Article X.
Signs	General Permit	See Article X.
Single Family, Two-Family, & Multi-Family Dwellings including Condominiums / Townhouses	General Permit	N/A
Solar Collector, Accessory Use	General Permit	See Article X.
Towers	General Permit	See Article X.
Wind Energy Facilities, Accessory	General Permit	See Article X.

9.3.7 Dimensional Requirements for Riverside Residential & Camping District (RR&C)

Type of Dimension	Minimum Requirement
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
The minimum required lot Area when a structure is connected to a public wastewater system. (Unless otherwise specified by Hertford County Public Health Authority)*	15,000 square feet
Front Yard: Minimum required depth of front yard	35 feet
Side yard: Minimum required depth of side yard	15 feet
Rear Yard: Minimum required depth of Rear yard	25 feet
Lot Width: Minimum horizontal distance or width of the lot measured between side lot lines at the front yard setback line.	125 feet
Lot Width for second dwelling unit within the principal structure	50 feet
Lot Width for second dwelling unit separate from the principle dwelling unit.	75 feet
Secondary Dwelling Setback: Minimum distance between dwellings when they are separate structures.	20 feet
Lot Coverage: The total ground area covered by the principal building and all accessory buildings including any roofed area shall not exceed. **	30% of the total lot area

*Minimum lot area requirements for individual condominium units, townhouse lots and multi-family dwellings are waived when the units/lots are served by public water and wastewater. The above requirements do apply to individual condominium units, townhouse lots and multi-family dwellings that are not served by public water and wastewater.

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

Section 9.4 Mixed Use Zoning Districts

9.4.1 Purpose

Mixed Use Districts are established to encourage thoughtfully planned areas where residential, commercial, civic, and recreational uses can coexist in a coordinated, walkable, and functionally integrated environment. These districts are intended to promote efficient land use patterns, reduce the need for vehicle trips, and support community-serving businesses and housing options within a unified development framework. Mixed Use Districts are designed to foster high-quality development that enhances community character, ensures compatibility among uses, and provides flexible opportunities for growth while protecting the health, safety, and welfare of residents.

9.4.2 Planned Development (PD)

Planned Developments are intended to provide flexible, master-planned areas that integrate a coordinated mix of residential, commercial, and recreational uses. These districts encourage innovative design, efficient infrastructure, and high-quality development that cannot be achieved through traditional zoning. The purpose of Planned Developments is to allow creative land planning while ensuring compatibility with surrounding areas and consistency with the county's long-term growth goals.

9.4.3 Planned Developments (PD) Permitted Uses

Mixed Use Planned Developments are intended to accommodate a coordinated blend of neighborhood-oriented commercial, residential, civic, and low-impact employment uses that support walkability and serve the daily needs of residents. Typical permitted uses include small-scale retail and service establishments, cafés and restaurants, personal service businesses, and specialty food markets; professional and medical offices; community facilities such as libraries,

meeting halls, daycare centers, and places of worship; and lifestyle and recreational uses such as fitness studios, arts and craft spaces, and small galleries. Low-impact employment uses, including tech offices, co-working spaces, and light indoor assembly or maker studios, may also be incorporated where compatible. High-intensity, industrial, or otherwise incompatible uses—such as heavy manufacturing, large auto repair operations, outdoor storage yards, high-traffic warehousing, truck stops, and adult uses—are prohibited unless specifically approved as part of the master plan. Uses not listed are subject to approval through the master plan.

Type of Use (PD)	Permit Type / Process	Additional /Supplementary Regulations
RESIDENTIAL USES		
Accessory Buildings	General Permit	See Article X.
Family Care Home	Master Plan approval or Special Use	In accordance with the provisions of NCGS 168-22, (a) no family home may be located within a one-half mile radius of an existing family care home.
Grounds and Facilities for Recreational & Community Center Building, Parks, & Similar Facilities for Non-Profit	General Permit	N/A
Manufactured Housing	General Permit	See Article X.
Single Family, Two-Family, & Multi-Family Dwellings including Condominiums / Townhouses	General Permit	N/A
Wind Energy Facilities, Accessory	General Permit	See Article X.
COMMERCIAL USES		
Accessory Buildings	General Permit	See Article X.
Antique, Hobby, & Novelty Shops	Master Plan approval or Special Use	See Article X.
Churches	General Permit	N/A
Day Care Center	Master Plan approval or Special Use	See Article X.
Retail Stores	Master Plan approval or Special Use	See Article X.
Services	Master Plan approval or Special Use	Includes: 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.
Service Station	Master Plan approval or Special Use	N/A
Signs	General Permit	See Article X.
Wind Energy Facilities, Accessory	General Permit	See Article X.

9.4.4 Dimensional Requirements for PD

Type of Dimension	Minimum Requirement
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
The minimum required lot Area when a structure is connected to a public wastewater system. (Unless otherwise specified by Hertford County Public Health Authority)*	15,000 square feet
Front Yard: Minimum required depth of front yard	35 feet
Side yard: Minimum required depth of each side yard	15 feet
Rear Yard: Minimum required depth of rear yard	25 feet
Lot Width: Minimum horizontal distance or width of the lot measured between side lot lines at the front yard setback line.	125 feet
Lot Width for second dwelling unit within the principal structure	50 additional feet
Lot Width for second dwelling unit separate from the principle dwelling unit.	75 additional feet
Secondary Dwelling Setback: Minimum distance between dwellings when they are separate structures.	20 feet
Lot Coverage: The total ground area covered by the principal building and all accessory buildings including any roofed area shall not exceed. **	30% of the total lot area

*Minimum lot area requirements for individual condominium units, townhouse lots and multi-family dwellings are waived when the units/lots are served by public water and wastewater. The above requirements do apply to individual condominium units, townhouse lots and multi-family dwellings that are not served by public water and wastewater.

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

Section 9.5 Commercial Use Zoning Districts

9.5.1 Purpose

Commercial use zoning districts are established to provide appropriately located areas for a wide range of retail, service, and business activities that serve the needs of residents, visitors, and the broader community. These districts are intended to promote orderly commercial growth, support economic development, and ensure convenient access to goods and services while maintaining safe circulation and protecting the character of surrounding neighborhoods. Commercial Districts encourage high-quality site design, compatibility among uses, and the efficient use of infrastructure to strengthen the county's economic vitality and overall quality of life.

9.5.2 Commercial Highway District (CH)

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

9.5.3 Permitted Uses for Commercial Highway District (CH)

Type of Use (CH)	Permit Type / Process	Additional /Supplementary Regulations
Accessory Buildings	General Permit	See Article X.

Type of Use (CH)	Permit Type / Process	Additional /Supplementary Regulations
Adult Retail/Entertainment	Special Use	See Article X.
Mini Storage Facilities	General Permit	N/A
Parking (Off Street)	General Permit	As restricted in Article VI
Public Utilities	General Permit	See Article X.
Repair and Storage of Automobile, Truck, & Agricultural Implements, etc.	General Permit	*All repairs are performed inside a building off the public right-of-way and at least fifteen (15) feet to the rear of the front property line. *This does not include auto salvage or junkyards.
Retail Sales Ancillary to Permitted Construction activities in the district	Special Use	See Article X.
Retail Stores	General Permit	See Article X.
Sale & Storage of Fertilizer, Peanuts, Beans, & Grain	General Permit	*All storage shall be enclosed buildings or structures. *No processing, shelling, or refining shall be allowed.
Services	General Permit	Includes: 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.
Service Station	General Permit	N/A
Shopping Centers	General Permit	See Article X.
Signs	General Permit	See Article X.
Solar Collector, Accessory Use	General Permit	See Article X.
Storage & Warehouse Yards	General Permit	N/A
Theatres (Drive-In)	General Permit	See Article X.
Towers	General Permit	See Article X.
Venetian Blind Manufacturing	General Permit	N/A
Welding Shops	General Permit	N/A
Wholesale & Jobbing Establishments, including Retail Outlets for only such merchandise as is managed in wholesale	General Permit	N/A
Wind Energy Facilities, Accessory	General Permit	See Article X.

9.5.4 Dimensional Requirements for Commercial Highway (CH)

Type of Dimensional Standard	Dimension
Front Yard: Minimum required depth of front yard:	50 feet
Minimum Frontage along a state-maintained road:	100 feet

Type of Dimensional Standard	Dimension
When abutting a Residential District, a permitted uses meets the identical requirements of the abutting yard in that district.	~ see Article 9.3.3

9.5.5 Riverside Business District (RB)

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

9.5.6 Riverside Business District (RB) Permitted Uses

Type of Use (RB)	Permit Type / Process	Additional /Supplementary Regulations
Accessory Buildings	General Permit	See Article X.
Amusement Parks	General Permit	See Article X.
Commercial Marinas	General Permit	For the Launching, Storage, Rental, Sale & Repair of Boats
Fishing & Hunting Lodges	General Permit	N/A
Fish Market	General Permit	N/A
Motels	General Permit	N/A
Parking (Off Street)	General Permit	As Restricted in Article VI
Public Utilities	General Permit	See Article X.
Restaurants	General Permit	N/A
Retail Sales Ancillary to Permitted Construction activities in the district	Special Use	See Article X.
Sale of Souvenirs, Fishing Equipment, Soft Drinks, Sporting Goods, Convenient Shopping goods, Gasoline, & Oil.	General Permit	N/A
Signs	General Permit	See Article X.
Solar Collector, Accessory Use	General Permit	See Article X.
Towers	General Permit	See Article X.
Upholstery Shop	Special Use	See Article X.
Used Car Lot	Special Use	See Article X.
Wind Energy Facilities, Accessory	General Permit	See Article X.

9.5.7 Dimensional Requirements for Riverside Business District (RB)

Type of Dimensional Standard	Dimension
Minimum Frontage along a State Maintained Road:	50 feet
Front Yard: Minimum required depth of front yard	25 feet

Type of Dimensional Standard	Dimension
Side yard: Minimum required depth of side yards	25 feet
Must also meet estuarine shoreline set back requirements if applicable.	-

Section 9.6 Industrial Use Zoning Districts

9.6.1 Purpose

The Industrial use zoning districts are established to provide suitable areas for manufacturing, processing, warehousing, distribution, and other industrial activities that contribute to the county's economic base. These districts are intended to support businesses that require larger sites, specialized infrastructure, or operational flexibility while protecting public health, safety, and the environment. Industrial Districts promote orderly development, minimize conflicts with residential and commercial areas through appropriate buffering and design standards, and ensure that industrial operations occur in locations with adequate transportation access, utilities, and services.

9.6.2 Heavy Industrial District (HI)

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

9.6.3 Heavy Industrial District (HI) Permitted Uses

Type of Use (IH)	Permit Type / Process	Additional /Supplementary Regulations
Acid Manufacturing & Storage	Special Use	N/A
Assembly of Farm Equipment	General Permit	❖ Includes uses such as Granaries & Storage bins. ❖ Not to include fertilizer or tallow plants.
Auto Garage / Engine Mechanic	General Permit	See Article X.
Bag Manufacturer	General Permit	N/A
Boat Manufacturer	General Permit	N/A
Bottling Works	General Permit	N/A
Bulk Petroleum Plant & Storage	General Permit	N/A
Cabinet Manufacturing	General Permit	N/A
Cold Storage Plant	General Permit	N/A
Concrete Products Manufacturing & Storage	General Permit	N/A
Contractor & Cleaning Shops	General Permit	N/A
Data Center	Special Use	See Article X
Dry Cleaning & Laundry Plants	General Permit	N/A
Electrical, Industrial, and Farm Equipment Repair	General Permit	Not to include Railroad Equipment
Fertilizer Storage & Sale	General Permit	N/A
Food Processing in Wholesale Quantity	General Permit	N/A

Type of Use (IH)	Permit Type / Process	Additional /Supplementary Regulations
Garment Manufacturing	General Permit	N/A
Grain Elevators	General Permit	N/A
Household Appliance Manufacturing	General Permit	N/A
Industrial Research & Educational Facilities	General Permit	N/A
Junkyards, Auto Graveyards, & Salvage Yards	Special Use	See Article X
Laboratories for Research & Testing	General Permit	N/A
Leather Goods Manufacturing	General Permit	N/A
Lime & Fertilizer Manufacturing & Storage	General Permit	N/A
Livestock Sales Pavilion	General Permit	N/A
Lumber & Building Materials Storage & Sales	General Permit	N/A
Manufacturing Facilities	General Permit	N/A
Optical and Scientific Instruments, Jewelry, Clocks, & Musical Instrument Manufacturer	General Permit	N/A
Parking (Off Street)	General Permit	As Restricted in Article VI.
Pharmaceutical Products Manufacturing	General Permit	N/A
Planking & Sawmill	General Permit	N/A
Port Facilities	General Permit	Such as, docks, wharves, piers, loading and unloading facilities, cranes and other structures related to commercial or industrial facilities.
Principle and Outdoor Advertising	General Permit	See Article X.
Printing, Publishing and Reproduction Establishments	General Permit	N/A
Public Utilities	General Permit	See Article X.
Public Wastewater Facilities	Special Use	See Article X
Quarrying and mining; including sandmining for commercial purposes	General Permit	N/A
Radio, TV Towers, and Substations	General Permit	N/A
Railroad & Freight Classification	General Permit	N/A
Repair & Servicing of Office and Household Equipment	General Permit	N/A
Retail Sales Ancillary to Permitted Construction activities in the district	Special Use	See Article X.
Sanitary Landfill	General Permit	Subject to minimum regulations imposed by the State Board Health, Division of Sanitary Engineering.
Schools	Special Use	N/A

Type of Use (IH)	Permit Type / Process	Additional /Supplementary Regulations
Service Stations	General Permit	N/A
Sheet Metal Shops	General Permit	N/A
Sign Manufacturing, Painting, & Maintenance	General Permit	N/A
Signs	General Permit	See Article X.
Solar Collector, Accessory Use	General Permit	See Article X.
Steel mills, steel or other solid waste recycling facilities, and related loading, unloading, or transportation facilities.	General Permit	N/A
Stockyard	General Permit	N/A
Stone & Gravel Works	General Permit	N/A
Storage Warehouses & Yards	General Permit	N/A
Temporary Construction Building	General Permit	N/A
Temporary Restaurants	Special Use	See Article X
Textile Manufacturing	General Permit	N/A
Tinsmith Shops	General Permit	N/A
Towers	General Permit	See Article X.
Truck Stop	General Permit	N/A
Venetian Blind Manufacturing	General Permit	N/A
Warehouses	General Permit	N/A
Welding Shops	General Permit	N/A
Wholesale & Jobbing Establishments	General Permit	Including Retail Outlets for only such merchandise as is managed in wholesale
Wind Energy Facility	Special Use	See Article X
Wind Energy Facilities, Accessory	General Permit	See Article X.

9.6.4 Dimensional Requirements for Heavy Industrial District (HI)

Type of Dimensional Standard	Dimension
Front Yard: Minimum required depth of front yard	50 feet
Side & Rear yard: When abutting a residential district, a permitted use must provide a minimum setback of:	200 Feet

9.6.5 Light Industrial District (LI)

The Light Industrial District was 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 public.

9.6.6 Permitted Uses for Light Industrial District (LI)

Type of Use (IL)	Permit Type / Process	Additional /Supplementary Regulations
Assembly of Farm Equipment	General Permit	a) Includes uses such as Granaries & Storage bins. b) Not to include fertilizer or tallow plants.
Auto Garage / Engine Mechanic	General Permit	See Article X.
Bag Manufacturer	General Permit	N/A
Boat Manufacturer	General Permit	N/A
Bottling Works	General Permit	N/A
Cabinet Manufacturing	General Permit	N/A
Cold Storage Plant	General Permit	N/A
Contractor & Cleaning Shops	General Permit	N/A
Dry Cleaning & Laundry Plants	General Permit	N/A
Electrical, Industrial, and Farm Equipment Repair (Not to include Railroad Equipment)	General Permit	N/A
Fertilizer Storage & Sales	General Permit	N/A
Food Processing in Wholesale Quantity	General Permit	N/A
Garment Manufacturing	General Permit	N/A
Grain Elevators	General Permit	N/A
Household Appliance Manufacturing	General Permit	N/A
Industrial Research & educational Facilities	General Permit	N/A
Laboratories for Research & Testing	General Permit	N/A
Leather Goods Manufacturing	General Permit	N/A
Lumber & Building Materials Storage & Sales	General Permit	N/A
Optical, Scientific Instruments, Jewelry, Clocks & Musical Instrument Manufacturer	General Permit	N/A
Parking (Off Street)	General Permit	N/A
Pharmaceutical Products Manufacturing	General Permit	N/A
Principle and Outdoor Advertising	General Permit	See Article X.
Printing, publishing, and reproduction establishments	General Permit	N/A
Public Utilities	General Permit	N/A
Repair and servicing of office and household equipment	General Permit	N/A
Retail Sales Ancillary to Permitted Construction activities in the district	Special Use	See Article X.

Type of Use (IL)	Permit Type / Process	Additional /Supplementary Regulations
Sheet Metal Shops	General Permit	N/A
Signs	General Permit	See Article X.
Sign Manufacturing, Painting, & Maintenance	General Permit	N/A
Solar Collector, Accessory Use	General Permit	See Article X.
Storage Warehouses & Yards	General Permit	N/A
Temporary Restaurants	Special Use	See Article X.
Textile Manufacturing	General Permit	N/A
Tinsmith Shops	General Permit	N/A
Towers	General Permit	See Article X.
Venetian Blind Manufacturing	General Permit	N/A
Welding Shops	General Permit	N/A
Wholesale & Jobbing Establishments, including Retail Outlets for only such merchandise as is managed in wholesale	General Permit	N/A
Wind Energy Facilities, Accessory	General Permit	See Article X.

9.6.7 Dimensional Requirements for LI

Type of Dimensional Standard	Dimension
Front Yard: Minimum required depth of front yard	50 feet
Side & Rear yard: When abutting a residential district, a permitted use must provide a minimum setback of:	100 ft

Section 9.7 Overlay Districts

9.7.1 Purpose

Overlay Districts are established to address special land use, environmental, or design considerations that require additional standards beyond those of the underlying zoning district. These districts provide a tailored regulatory framework to protect unique natural resources, guide development in areas with special conditions, enhance community character, or implement long-range planning goals. Overlay Districts ensure that growth occurs in a manner that is compatible with sensitive features, supports public safety and infrastructure needs, and promotes high-quality development consistent with the county's vision.

9.7.2 Airport District

The Airport Overlay District is established to protect the safe and efficient operation of public and private airports while promoting compatible land use in surrounding areas. This overlay district is intended to minimize hazards to aircraft navigation, reduce exposure to excessive noise, prevent the creation of obstructions or incompatible development, and protect public investment in aviation facilities. Any parcel or portion of a parcel located within the Tri-County Airport Height Restrictions zones shall be considered in the Airport Overlay District and shall comply with all applicable standards, restrictions, and procedures set forth in Article VII. TRI-COUNTY AIRPORT HEIGHT RESTRICTION, of this Ordinance, in addition to the regulations of the underlying zoning district.

9.7.3 Floodplain District

The Floodplain Overlay District is established to promote public safety, protect life and property, and minimize flood-related damage by regulating development within areas subject to flooding. This overlay district applies to all parcels containing designated flood hazard areas, as identified by the most current Flood Insurance Rate Maps (FIRMs) and supporting data. Any parcel or portion of a parcel located within the Floodplain Overlay District shall comply with all applicable standards, requirements, and procedures set forth in Article VIII. FLOODPLAINS, of this Ordinance, in addition to the regulations of the underlying zoning district.

9.7.4 Watershed Protected Area

Reserved for future use

9.7.5 Areas of Environmental Concern (AEC)

The AEC Overlay District is established to identify and protect environmentally sensitive areas along coastal and estuarine resources that provide significant natural, ecological, and economic value and that may be easily altered or degraded by incompatible development. This overlay implements the State of North Carolina's Coastal Area Management Act (CAMA) by ensuring that land use and development within designated Areas of Environmental Concern conform with applicable environmental protection standards and permitting requirements administered by the North Carolina Division of Coastal Management, including CAMA minor, general, and major permit programs. The purpose of the AEC Overlay District is to safeguard natural systems, minimize risk to life and property, and balance conservation with responsible development consistent with state and local resource protection goals.

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

- a) In the case of any park which is located wholly or partly within an "area of environmental concern" as such is designated by the Hertford County Land Use Plan and the North Carolina Coastal Resources Commission, the BOA, and / or the Zoning Administrator may require evidence which in its judgment is satisfactory to show the issuance and compliance with any necessary permits.
- b) In the case of any park involving land or facilities dedications, restrictive covenants created by the developer, a property owners' association (mobile manufactured homeowners' or campground/RV owners' association) created by the developer, the Planning and Zoning Board may require the submission of all relevant legal documents and may also require the County Attorney to review such documents as to their legality, at the expense of the developer.
- c) In the case of any park involving any facility, project, undertaking or development which may require a permit under any federal, state, or local laws or regulations, the Planning and Zoning Board may require evidence which in its judgment is satisfactory to show the issuance of such permit or the exemption of such facility, project, or development from the requirement for such permit.
- d) Any other information considered by either the developer or Planning and Zoning Board to be pertinent to the approval of the application including 1) an environmental impact statement if the proposed park or expansion of an existing park exceeds twenty (20) acres in area and if the Planning and Zoning Board deems it necessary due to the nature of the land to be developed or peculiarities of the proposed layout and 2) advertising material to be used in selling lots or dwellings, and 3) design data and sale price ranges for any dwellings to be constructed.

Section 9.8 Reference Tables

9.12.1 Permitted Use Reference Table

- The following reference table outlines the specific permitted uses for all zoning districts in alphabetical order. Underneath each district contains the specific application needed to satisfy the zoning requirements for that district as it corresponds to the use on the far left.
- Additional & Supplementary Regulation references are provided for easier findability of such extra stipulations as they pertain to each district. If the reference states “See Specific District Table” than this shall refer to the table included within the “Permitted Uses” subsection. The specific use regulation varies based on which district you are referring to.
- Regardless of if the use is permitted under a general or special use permit, the applicant must still ensure the other requirements of this Ordinance are met, including general regulations such as within ~ *Article VI Design Standards*.

Key to Permitted Use Table	
P = General Permit	A “P” in the use table indicates that a use is permitted by right in the respective district. Such uses are also subject to all other applicable requirements of this UDO.
SU = Special Use Approval Required	An “SU” indicates a use that may be permitted in the respective district only where it is approved by the Board of Adjustment in accordance with Section xx.xx, Special Use Permits. Uses requiring Special Use Permits are subject to all other applicable requirements of this UDO, except where standards are expressly modified by the approving authority as part of the Special Use Permit approval.
P(S) = Permitted with Standards	A “P(S)” indicates that a use is permitted by right in the respective district with a cross reference of design standards set for the in Article X.
Gray Cell – No Text	Not allowed

GP = General Permit / SU = Special Use Permit /MP = Master Plan Approval (If Greyed Out) = Not Permitted Within Said District								
Type of Use	North American Industry Classification	Zoning Districts						PD
		RA-30	RR&C	RB	IH	IL	CH	
Accessory Buildings	See Article X.	GP	GP	GP			GP	GP
Acid Manufacturing & Storage	N/A				SU			
Adult Retail/ Establishment	See Article X						SU	
Agricultural Commodities (Grains & Feeds, Oilseeds & Products, Livestock & Poultry, and Horticultural Products)	See Article X	GP						
Amusement Parks	See Article X			GP				
Ambulance Services	See Article X.	SU						MP

GP = General Permit / SU = Special Use Permit /MP = Master Plan Approval (If Greyed Out) = Not Permitted Within Said District								
Type of Use	North American Industry Classification	Zoning Districts						PD
		RA-30	RR&C	RB	IH	IL	CH	
Antique, Hobby, & Novelty Shops	See Article X.	SU	SU					MP
Assembly of Farm Equipment	See Specific District Table				GP	GP		
Auction Sales	See Article X.	SU						
Auto Garage / Engine Mechanic	See Article X.	SU			GP	GP		MP
Auto Parts & Accessory Sales	See Article X.	SU						MP
Auto Washing Establishments	See Article X.	SU						MP
Bag Manufacturer	N/A				GP	GP		
Beauty Shop	See Article X.	SU						MP
Bed & Breakfast Inn	See Article X.	SU						
Boats & Accessories, Retail Sales & Services	See Article X.	SU						
Boat Manufacturer	N/A				GP	GP		
Bottling Works	N/A				GP	GP		
Bulk Petroleum Plant & Storage	N/A				GP			
Cabinet Manufacturing	N/A				GP	GP		
Campgrounds/RV Parks	See Article X		GP					
Cemeteries	N/A	GP						
Churches	N/A	GP						GP
Cold Storage Plant	N/A				GP	GP		
Commercial Marinas	See Specific District Table			GP				
Commercial Plant Nursery	See Article X		SU					
Commercial Storage and Commercial Storage Buildings	See Article X.	SU						
Concrete Product manufacturing & Storage	N/A				GP			
Contractor & Cleaning Shops	N/A				GP	GP		

GP = General Permit / SU = Special Use Permit /MP = Master Plan Approval (If Greyed Out) = Not Permitted Within Said District								
Type of Use	North American Industry Classification	Zoning Districts						PD
		RA-30	RR&C	RB	IH	IL	CH	
Data Center	See Article X				SU			
Day Care Center	See Article X.	SU						MP
Dry Cleaning & Laundry Plants	N/A				GP	GP		MP
Electrical, Industrial, and Farm Equipment Repair	See Specific District Table				GP	GP		
Fabric Shop & Dressmaking	See Article X.	SU						MP
Family Care Home	See Specific District Table	GP						MP
Fertilizer Storage & Sale	N/A				GP	GP		
Food Processing in Wholesale Quantity	N/A				GP	GP		
Fishing & Hunting Lodges	N/A			GP				
Forestry	N/A	GP						
Fish Market	N/A			GP				
Garment Manufacturing	N/A				GP	GP		
Golf Courses & Driving Ranges	See Specific District Table							MP
Grain Elevators	N/A				GP	GP		
Group Care Facility	See Article X.	SU						
Group Camp Facilities such as Boy Scouts, Girl Scouts, & Church Camps	See Article X		GP					
Grounds and Facilities for recreational & Community Center Building, Parks, & Similar Facilities for Non-Profit	N/A	GP	GP					GP
Home Occupation	See Article X.	GP						

GP = General Permit / SU = Special Use Permit /MP = Master Plan Approval (If Greyed Out) = Not Permitted Within Said District								
Type of Use	North American Industry Classification	Zoning Districts						PD
		RA-30	RR&C	RB	IH	IL	CH	
Hospitals, Rest Homes, Nursing Homes, Sanitariums, Funeral Homes	See Specific District Table	GP						MP
Household Appliance Manufacturing	N/A				GP	GP		
Industrial research & Educational Facilities	N/A				GP	GP		
Junkyards, Auto Graveyards, & Salvage Yards	N/A				SU			
Laboratories for Research & Testing	N/A				GP	GP		
Leather Goods Manufacturing	N/A				GP	GP		
Lime & Fertilizer Manufacturing & Storage	N/A				GP			
Livestock Sales Pavilion	N/A				GP			
Lumber & Building Materials Storage & Sales	N/A				GP	GP		
Manufacturing Facilities	N/A				GP			
Manufactured Housing	See Article X.	GP	GP					
Manufactured Housing (On the same lot as a Principal Building)	See Article X.	SU	SU					GP
Mobile Home Parks	As Restricted in Article XII & XIII	GP	GP					
Mini Storage Facilities	N/A						GP	
Motels	N/A			GP				
Office & Institutional Uses	See Article X.	SU						MP

GP = General Permit / SU = Special Use Permit /MP = Master Plan Approval (If Greyed Out) = Not Permitted Within Said District								
Type of Use	North American Industry Classification	Zoning Districts						PD
		RA-30	RR&C	RB	IH	IL	CH	
Optical & Scientific Instruments, Jewelry, Clocks, & Musical instrument Manufacturer	N/A				GP	GP		
Outdoor Recreational Uses	See Article X.	GP						
Parking (Off Street)	As Restricted in Article VI	GP	GP	GP	GP	GP	GP	
Pharmaceutical Products Manufacturing	N/A				GP	GP		
Planking & Sawmill	N/A				GP			
Port Facilities	See Specific District Table				GP			
Principal & Outdoor Advertising	See Article X.	GP			GP	GP	GP	
Printing, Publishing & Reproduction Establishments	See Article X				GP	GP		
Public Buildings including Town, County, State, Federal, & Regional	N/A	GP						
Public Utilities	See Article X.	GP	GP	GP	GP	GP	GP	
Public Wastewater Facilities	N/A				SU			
Quarrying and Mining, including sandmining for commercial purposes	N/A.				GP			
Radio & TV Repair	See Article X.	SU						MP
Radio, TV Towers, & Substations	N/A				GP			
Railroad & Freight Classification	N/A				GP			
Repair & Servicing of Office and Household Equipment	N/A				GP	GP		MP

GP = General Permit / SU = Special Use Permit /MP = Master Plan Approval (If Greyed Out) = Not Permitted Within Said District								
Type of Use	North American Industry Classification	Zoning Districts						
		RA-30	RR&C	RB	IH	IL	CH	PD
Repair & Storage of Automobiles, Trucks, & Agricultural implements, etc.	See Specific District Table						GP	
Restaurants				GP			GP	MP
Retail Sales Ancillary to Permitted Construction activities in the district	See Article X.	SU	SU	SU	SU	SU	SU	
Retail Stores	See Article X						GP	MP
Sale & Storage of Fertilizer, Peanuts, Beans, & Grain	See Specific District Table						GP	
Sale of Souvenirs, Fishing Equipment, Soft Drinks, Sporting Goods, Convenient Shopping Goods, Gasoline, & Oil	N/A			GP				MP
Sand Mining for Commercial Purposes	N/A	GP						
Sanitary Landfill	See Specific District Table				GP			
Schools including Public, Private, and Colleges	N/A	GP			SU			MP
Services	See Specific District Table				GP		GP	MP
Sheet Metal Shops	N/A					GP		
Shopping Centers	See Article X						GP	MP
Sign Manufacturing, Painting & Maintenance	N/A				GP	GP		
Signs	See Article X.	GP	GP	GP	GP	GP	GP	GP
Single Family, Two-Family, & Multi-Family Dwellings including Condominiums / Townhouses	N/A	GP	GP					GP

GP = General Permit / SU = Special Use Permit /MP = Master Plan Approval (If Greyed Out) = Not Permitted Within Said District								
Type of Use	North American Industry Classification	Zoning Districts						PD
		RA-30	RR&C	RB	IH	IL	CH	
Skeet Shooting Facilities (Outdoor)	See Specific District Table	GP						
Solar Collector, Accessory Use	See Specific District Table	GP	GP	GP	GP	GP	GP	GP
Solar Farm Facilities	See Article X.	SU						
Steel mills, steel or other solid waste recycling facilities, and related loading, unloading, or transportation facilities.	N/A				GP			
Stockyard	N/A				GP			
Stone & Gravel Works	N/A				GP			
Storage Warehouses & Yards	N/A				GP	GP	GP	
Temporary Construction Building	See Article X.	SU			SU			
Temporary Restaurants	See Article X				SU	SU		
Textile Manufacturing	N/A				GP	GP		
Theatres (Drive-In)	See Article X						GP	MP
Tinsmith Shops	N/A				GP	GP		
Towers	See Article X.	GP	GP	GP	GP	GP	GP	
Truck Stops	N/A				GP			
Upholstery Shop	See Article X.	SU		SU				
Used Car Lot	See Article X.	SU		SU				
Venetian Blind Manufacturing	N/A				GP	GP	GP	
Warehouses	N/A				GP			
Welding Shops	N/A				GP	GP	GP	
Wholesale & Jobbing Establishments	See Specific District Table				GP	GP	GP	
Wind Energy Facility	See Article X.				SU			
Wind Energy Facility, Accessory	See Article X.	GP	GP	GP	GP	GP	GP	GP

ARTICLE X. SUPPLEMENTAL ZONING REGULATIONS

Section 10.1 Purpose

This Article provides further regulations per individual specific uses. Regulations are to be in addition to all other regulations mentioned unless otherwise stated.

Accessory Buildings

Specific Uses

- ☐ Includes accessory buildings that are usually associated with the principal use.

Supplemental Regulations

- ☐ No accessory building shall be rented or occupied for gain, and they shall only be placed in the rear yard.
- ☐ Construction of the primary building shall begin before construction of an accessory building.
- ☐ No accessory building shall be erected in any required yard, and no 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.

Adult Retail/Entertainment

Supplemental Regulations

- ☐ No building or structure associated with the use shall be closer than 100 feet to a property line of an adjacent residential zone, or use, or closer than 50 feet to a property line of an adjacent non-residential zone or use. These distances may be decreased by the BOA if a sight obscuring wall or hedge provides a screen between the establishment and the adjacent lot or use.
- ☐ The building or structure associated with the use shall not be within 1500 feet of any existing private or public school, church, child care center, park or playground as measured in a straight line from property line to property line.
- ☐ No other principal or accessory use may occupy the same building, structure, property, or portion thereof with any adult establishment.
- ☐ There shall be no visible obscene, explicit, or sexually-oriented materials, advertisements, or signage on the outside of a building

Agricultural Commodities

Supplemental Regulations

- ☐ Agricultural Commodities includes but is not limited to growing/raising commodities in the following categories: Grains & Feeds, Oilseeds & Products, Livestock and Poultry and Horticultural Products.
- ☐ Primary food processing of self-grown agricultural commodities. Primary food processing of purchased goods from another is not allowed. Secondary and Tertiary food processing is not allowed in Zoning District RA-30.
- ☐ Accessory uses such as a snack shop, gift shop, farm stand, etc. are allowed by general permit, and when applicable, the Hertford County Public Health Authority approval. All other development regulations apply.
- ☐ Livestock shall include but not be limited to equine (horses), bovine (cattle), sheep, goats, bees, poultry, and other animals for individual and public use
- ☐ Swine are not permitted

Airport Related Uses

Specific Uses

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| ☐ Hangers and storage facilities |
| ☐ Maintenance buildings |
| ☐ Fuel storage and distribution facilities |
| ☐ Passenger and visitors' areas |
| ☐ Charter and flying services offices |
| ☐ Fire and safety facilities |
| ☐ Other related uses which are associated with the principal use. |

Ambulance Service

Supplemental Regulations

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| ☐ The structure shall be set back fifty (50) feet from any road right-of-way. Side and rear yard setback shall be determined by the BOA. |
| ☐ Signs shall be no larger than twelve (12) square feet. |
| ☐ There shall be only one sign. |
| ☐ Signs shall not be illuminated. |
| ☐ Signs shall be attached to and mounted flat against the face of the structure. |
| ☐ All items for sale or display shall always be stored inside the structure. |
| ☐ All Parking shall be off-street parking. |

Amusement parks

Specific Uses

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| ☐ Outdoor rides |
| ☐ Bowling alleys |
| ☐ Trampoline Centers |
| ☐ Miniature golf or par three golf courses |
| ☐ Soft drink stands. |
| ☐ Swimming pools and bath houses |
| ☐ Dance halls |

Antique, Hobby, and Novelty Shops

Supplemental Regulations

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|---|
| ☐ The structure shall be set back fifty (50) feet from any road right-of-way. Side and rear yard setback shall be determined by the BOA. |
| ☐ Signs shall be no larger than twelve (12) square feet. |
| ☐ There shall be only one sign. |
| ☐ Signs shall not be illuminated. |
| ☐ Signs shall be attached to and mounted flat against the face of the structure. |

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|---|
| ☐ All items for sale or display shall always be stored inside the structure. |
| ☐ All Parking shall be off-street parking. |

Auction Sales

Supplemental Regulations

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|---|
| ☐ The structure shall be set back fifty (50) feet from any road right-of-way. Side and rear yard setback shall be determined by the BOA. |
| ☐ Signs shall be no larger than twelve (12) square feet. |
| ☐ There shall be only one sign. |
| ☐ Signs shall not be illuminated. |
| ☐ Signs shall be attached to and mounted flat against the face of the structure. |
| ☐ All items for sale or display shall always be stored inside the structure. |
| ☐ All Parking shall be off-street parking. |

Auto Garage/Engine Mechanic

Supplemental Regulations

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| ☐ The garage structure shall be set back a minimum of fifty (50) feet from any road right-of-way. |
| ☐ Side and rear yard setback shall be determined by the BOA |
| ☐ Where a garage lot is adjacent to a residential zone, a dedicated buffer shall be required, such as a solid fence, wall, or 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. |
| ☐ There shall be only one sign no larger than twenty (20) square feet. |
| ☐ Signs shall not be illuminated. |
| ☐ Signs shall be attached to and mounted flat against the face of the garage buildings. |
| ☐ All vehicles requiring maintenance shall be stored inside the building whenever the business is not open. |
| ☐ All equipment shall always be stored inside the structure. |
| ☐ All work shall be performed within the structure. |
| ☐ Service shall be limited to minor repairs of automobiles such as tune-ups, brake adjustment, and tire changes excluding body working, overhauling, and painting. |
| ☐ All customer parking shall be off-street parking. |

Auto Parts and Accessory Sales

Supplemental Regulations

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| ☐ The structure shall be set back fifty (50) feet from any road right-of-way. Side and rear yard setback shall be determined by the BOA. |
| ☐ Signs shall be no larger than twelve (12) square feet. |
| ☐ There shall be only one sign. |
| ☐ Signs shall not be illuminated. |
| ☐ Signs shall be attached to and mounted flat against the face of the structure. |
| ☐ May includes outside storage of wrecked or inoperable automobiles. |
| ☐ For automobiles in the process of repair Only |
| ☐ Such vehicles shall be concealed from a public street by a fence, wall, or evergreen plants at least five (5) feet high. |

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| ☐ All items for sale or display shall always be stored inside the structure. |
| ☐ All Parking shall be off-street parking. |

Auto Washing Establishments

Supplemental Regulations

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| ☐ The structure shall be set back fifty (50) feet from any road right-of-way. Side and rear yard setback shall be determined by the BOA. |
| ☐ Signs shall be no larger than twelve (12) square feet. |
| ☐ There shall be only one sign. |
| ☐ Signs shall not be illuminated. |
| ☐ Signs shall be attached to and mounted flat against the face of the structure. |
| ☐ All items for sale or display shall always be stored inside the structure. |
| ☐ All Parking shall be off-street parking. |

Beauty Shop

Supplemental Regulations

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| ☐ The structure shall be set back fifty (50) feet from any road right-of-way. Side and rear yard setback shall be determined by the BOA. |
| ☐ Signs shall be no larger than twelve (12) square feet. |
| ☐ There shall be only one sign. |
| ☐ Signs shall not be illuminated. |
| ☐ Signs shall be attached to and mounted flat against the face of the structure. |
| ☐ All items for sale or display shall always be stored inside the structure. |
| ☐ All Parking shall be off-street parking. |

Bed and Breakfast Inn

Supplemental Regulations

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| ☐ The use must be owned and operated by a resident owner. |
| ☐ The use shall be in a structure that was originally constructed as a dwelling. |
| ☐ Meals served on the premises shall be only for guests of the facility. |

Boats and Accessories, Retail Sales & Service

Supplemental Regulations

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| ☐ The structure shall be set back fifty (50) feet from any road right-of-way. Side and rear yard setback shall be determined by the BOA. |
| ☐ Signs shall be no larger than twelve (12) square feet. |
| ☐ There shall be only one sign. |
| ☐ Signs shall not be illuminated. |
| ☐ Signs shall be attached to and mounted flat against the face of the structure. |
| ☐ All items for sale or display shall always be stored inside the structure. |
| ☐ All Parking shall be off-street parking. |

Commercial Plant Nursery

Supplementary Regulations

- ☐ 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 BOA.
- ☐ There shall be only one (1) freestanding sign, which shall not exceed twelve (12) square feet.
- ☐ No sign shall be illuminated.
- ☐ All parking shall be off-street parking.

Regarding the (AP) Zone

In addition to the above requirements, the Airport Zoning District shall also ensure the following additional regulations:

- ☐ Maximum height of plants or trees not to exceed fifteen (15) feet; not to include greenhouses, storage sheds, or other structures.

Commercial Storage and Commercial Storage Buildings

Supplementary Regulations

- ☐ 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.
- ☐ The size of the Commercial Storage Building shall not exceed the ground area of the principle dwelling on the property.
- ☐ The Commercial Storage Building shall not exceed one story in height.
- ☐ No signs or advertisements shall be permitted in the building.
- ☐ The Commercial Storage Buildings shall not be rented to others.

Data Center

General

- ☐ Systems, equipment, and structures (excluding electric transmission lines and utility poles) shall not exceed 35 feet in height.
- ☐ The facility shall meet all requirements of the North Carolina State Building Code.
- ☐ Any electric wiring shall be located underground, except where wiring is brought together for interconnection to system components and/or the local utility power grid.
- ☐ Security fencing, a minimum of eight feet in height, shall be provided along the entire perimeter of the facility.
- ☐ Utility Notification - No grid-connected data processing system shall be installed until evidence has been provided by the operator that installation of the system has been approved by the electrical utility provider. Off-grid systems shall be exempt from this requirement.
- ☐ The amount of noise generated by the facility shall comply with the requirements of the Hertford County Noise Ordinance and shall not disrupt the activities of the adjacent land uses.

Permit Requirements

- ☐ A narrative describing the proposed data processing facility including an overview of the project.
- ☐ A site plan showing the proposed location and dimensions of all equipment, existing and proposed structures, screening, fencing, property lines, access roads, turnout locations, ancillary equipment, and the location of any church, school, or residence within one quarter mile (1,320 feet) of the perimeter of the facility.
- ☐ A study prepared by an acoustical engineer that describes the anticipated noise level of the facility and any proposed mitigation efforts such as sound walls, baffles, ventilation silencers, additional separation from surrounding uses, etc.
- ☐ Other relevant studies, reports, certifications, and approvals may be requested by Hertford County to ensure compliance with this Article.

- ☐ Signature of the property owner(s) and the owner/operator of the facility (if different than the property owner).

Setbacks

- ☐ All equipment and structures shall be a minimum of fifty feet from the boundary of the facility as delineated on the site plan.
- ☐ All equipment and structures shall be a minimum of one-quarter mile (1,320 feet) from any church, school, daycare, or residence.

Buffer

- ☐ The entire perimeter of the facility shall be screened from adjoining properties by a buffer. The buffer shall be comprised of sound reducing materials and may comply with the requirements using a combination of natural vegetation, fences, walls, and berms may be utilized to achieve the screening requirements.

Abandonment

- ☐ It is the responsibility of the owner to notify Hertford County and to remove all obsolete or unused systems. Any structure or equipment associated with the facility that is not operated for a continuous period of three hundred sixty-five (365) days shall be considered abandoned, and the County may require the owner to remove such structures and equipment within 90 days after notice from the County. If the abandoned structure or equipment is not removed within 90 days, the County may remove it and recover its costs from the owner. If the owner of the abandoned structure or equipment cannot be located or is no longer in business, the requirements of this section shall be the responsibility of the landowner on whose property the structure or equipment is located.

Day Care Centers

Supplementary Regulations

- ☐ Security Fencing required.
- ☐ Outdoor activity area (s) for children shall be enclosed by a security fence at least 6 feet in height and shall be located outside of the road setback.
- ☐ Location: Day Care Centers on a site greater than three (3) acres shall have access to collector or thoroughfare road.
- ☐ Hours of Operation: In residential districts, the use shall not be operated between the hours of 7:00 PM and 7:00 AM.

Fabric Shop and Dressmaking

Supplemental Regulations

- ☐ The structure shall be set back fifty (50) feet from any road right-of-way. Side and rear yard setback shall be determined by the BOA.
- ☐ Signs shall be no larger than twelve (12) square feet.
- ☐ There shall be only one sign.
- ☐ Signs shall not be illuminated.
- ☐ Signs shall be attached to and mounted flat against the face of the structure.
- ☐ All items for sale or display shall always be stored inside the structure.
- ☐ All Parking shall be off-street parking.

Food Processing in Wholesale Quantity

Specific Uses

- ☐ Not to include Meat, Fish, Poultry, Vinegar, & Yeast

Group Camp Facilities, (Such as Boy Scout, Girl Scout, or Church Camps)

Supplemental Regulations

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| ☐ Must Operate on a Non-Profit Basis |
| ☐ No camp shall have a design capacity of more than one hundred and fifty (150) campers. |
| ☐ Each group camp shall provide a minimum of one-half (1/2) acre per camper. |
| ☐ All buildings 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. |
| ☐ 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. |
| ☐ A preliminary plat drawn to a scale not smaller than two hundred (200) feet to the inch nor larger than fifty (50) feet to the inch shall be submitted to the Hertford County Planning commission which each Group Camp Facility application. The sketch shall include among other things the requirement set forth in the above and other information that may be required by the Planning Commission. The Planning Commission may require a final plat incorporating any changes set forth before final approval of the Group Camp Facility is granted. |

Group Care Facility

Supplemental Regulations

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| ☐ Property Separation required. |
| ☐ No such facility shall be located within one-half mile of an existing group facility. |
| ☐ The facility shall be limited to not more than 30 people including resident managers. |
| ☐ All parking lots shall be screened from all adjoining residential uses or residential zone lots by a buffer yard. |
| ☐ Parking spaces shall be located on-site and located at the rear or to the side of the principal structure behind the building line. |
| ☐ The use shall be located and sited to mitigate adverse impacts on adjoining residential properties. |

Home Occupations

Supplemental Regulations

- d) Only one person other than members of the family residing on the premises shall be engaged in such an occupation.
- e) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- f) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated, and mounted flat against the wall of the principal building.
- g) No home occupation shall be conducted in any accessory building unless granted a special use permit by the BOA.
- h) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street/road right-of-way and shall be limited to the side and rear yard.
- i) If equipment or processes 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 and would be considered offensive to adjoining land owners; the BOA may place conditions on their approval that would increase the distance from the home occupation and the adjoining property and/or require that a suitable buffer barrier be placed between the home occupation and the adjoining properties. The applicant of said home occupation would be required to provide these conditions.

Junk yards, Auto Graveyards, and Salvage Yards used for the Collection, Storage, Crushing, Baling, or Sorting of Materials

Supplemental Regulations

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| ☐ 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. |
| ☐ Front yard setback requirements shall be one hundred (100) feet from front property line. Side yard and Rear yard setback requirements shall be fifty (50) feet from side and rear property lines, except that when abutting a residential district, the minimum set back shall be two hundred (200) feet from side and rear property lines. |
| ☐ A site-specific vesting 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 BOA may request any additional information it determines necessary in considering the application. Site-specific vesting plans shall be vested for two (2) to five (5) years. Multi-phase developments which shall be defined as long-term projects of at least 25 acres shall be vested up to seven (7) years. |
| ☐ 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 BOA. The Buffer Area shall be landscaped and maintained with appropriate vegetation. |
| ☐ No materials shall be stored within the Buffer Area, which is the area between the property lines and setback lines. |
| ☐ No materials shall be stacked higher than eight (8) feet. |
| ☐ No collection can begin at the site until setback, buffers, and visual barriers are established and in place and will require approval by the Planning and Zoning Department. |
| ☐ Shall comply with any applicable State and Federal requirements. |

Manufactured Housing

Supplemental Regulations

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| ☐ The unit is treated as (1) dwelling unit. |
| ☐ Only one (1) manufactured housing unit shall be allowed per lot, and only as a special use shall manufactured housing be allowed on a lot occupied by any other principal building, and |
| ☐ Manufactured housing shall be connected to water, sewage, and electrical utilities. |

Manufactured Home, On same lot as the Principal Building

Supplemental Regulations

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| ☐ A mobile home located on the same lot as the principal structure shall be allowed only as a hardship case. |
| ☐ A hardship shall be any case where the occupant of the mobile home is disabled, who is related to the occupants of the principal structure and dependent upon someone else for physical mobility. A physician diagnosis shall be proof that the occupant is disabled. |
| ☐ 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. |
| ☐ Mobile homes shall be located on lots occupied by single-family dwellings only. |
| ☐ Mobile homes shall be placed no closer than twenty (20) feet to the rear of the principal structure. |
| ☐ Mobile homes shall be a maximum of fourteen (14) feet in width. |
| ☐ Health Department approval must be obtained by the applicant before approving a special use permit. |
| ☐ 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. |

Office and Institutional Uses

Supplemental Regulations

- ☐ 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 BOA.
- ☐ 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.
- ☐ 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 BOA.
- ☐ Side yard setbacks (combined) shall minimally equal at least the width of the primary structure excluding parking; and shall be determined by the BOA and noted in the minutes.
- ☐ Parking shall be off-street and to the rear of the front building line of the primary structure.
- ☐ Accessory buildings shall be located to the rear of the front building line of the primary structure.

Outdoor Recreation Uses

Supplemental Regulations

- ☐ Privately owned facilities such as golf or country clubs, swim clubs, tennis clubs not constructed in association with residential developments.
- ☐ Publicly owned and operated facilities such as athletic fields, public golf courses, tennis courts, swimming pools which are not part of school facilities.
- ☐ Golf driving ranges which are not otherwise part of a public or private golf course Par 3 golf, Miniature golf, Skateboard parks, water slides, and similar activities.
- ☐ Horseback riding facilities or stables which are not associated with bona fide farms.
- ☐ Automobile or motorcycle racing tracks. Provided that the following restrictions are met:
 - ☐ a) Minimum distance from any residential use: 500 ft.
 - ☐ b) Adequate space for entering and exiting the facility.
 - ☐ c) Adequate parking, in accordance with ~ Article VI. Design Standards
 - ☐ 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 BOA and in some cases, Hertford County Public Health Authority.
 - ☐ e) Noise must not create a substantial nuisance for residents within one mile.

Principal and Outdoor Advertising Signs

Supplemental Regulations

- ☐ No flashing signs shall be Allowed.
- ☐ 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.
- ☐ All Outdoor Advertising Signs will be subject to NCGS 136 Article 11 (Outdoor Advertising Control Act) regardless of the proximity to interstates or primary road systems.

Public Utilities

Specific Uses

- ☐ To include, but not limited to distribution lines, substations, transmission lines; water tanks; and telecommunication exchanges.

Supplemental Regulations

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| ☐ Utility poles and lines shall be exempt from minimum lot area, width, height, and setback requirements in the district. |
| ☐ All public utility buildings and power substations shall be subject to the maximum area, width, and setback requirements in that district. |

Public Wastewater Facilities

Supplementary Regulations

Evidence must be presented showing the applicant has obtained all the required state or federal permits necessary to construct a facility. A site plan must also be presented showing the following:

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| ☐ Proposed disposal site contours (20 ft. contour interval is maximum) |
| ☐ Location of pump(s), force main(s), junction(s), valve(s), etc. |
| ☐ Spray nozzle location(s) (or other methods of application). |
| ☐ Buffer zone |
| ☐ Areas subject to flooding |
| ☐ Areas with excessive slopes (those greater than 8%) |
| ☐ Location of Fencing, warning signs, (or other methods for controlling access to the disposal site.) |
| ☐ Distance and direction to nearest groundwater supply |
| ☐ Distance and direction to nearest occupied dwelling |

Radio and TV Repair Supplemental Regulations

Supplemental Regulations

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| ☐ The structure shall be set back fifty (50) feet from any road right-of-way. Side and rear yard setback shall be determined by the BOA. |
| ☐ Signs shall be no larger than twelve (12) square feet. |
| ☐ There shall be only one sign. |
| ☐ Signs shall not be illuminated. |
| ☐ Signs shall be attached to and mounted flat against the face of the structure. |
| ☐ All items for sale or display shall always be stored inside the structure. |
| ☐ All Parking shall be off-street parking. |
| ☐ No antenna or other receiving/sending apparatus shall extend above the highest point of the roof more than fifty (50) feet. |

Retail Sales Ancillary to Permitted Construction

Supplementary Regulations

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| ☐ 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 special use permit. |
| ☐ Sales shall be conducted only upon property on which a structure is located or is being constructed. |
| ☐ Sales are allowed only during the construction phase of a project for the purpose of selling to people engaged in the construction phase of a project. At no time will the seller cater or advertise to the public. |
| ☐ Only one sign shall be permitted. |
| ☐ No signs shall be illuminated. |
| ☐ Signs shall be no larger than five (5) square feet. |
| ☐ Signs shall only list items sold and the price of items. |

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| ☐ Signs shall be attached to and mounted flat against the face of the structure. |
| ☐ Sales activities shall cease, and signs shall be removed within thirty (30) days after issuance of Certificate of Occupancy. |
| ☐ Any other conditions listed by the BOA at the time of review. |

Retail Stores

Specific Uses

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| ☐ Grocery |
| ☐ Pharmaceutical |
| ☐ Notions |
| ☐ Fish & Meats |
| ☐ Antiques |
| ☐ Hardware |
| ☐ Upholstery |
| ☐ Furniture, Appliances, Paint, and Wallpaper |
| ☐ Radio and Television |
| ☐ Bicycles, Motorcycles, and Automobiles |
| ☐ Farm Equipment and Supplies |
| ☐ Electrical and Plumbing fixtures |
| ☐ Nursery Stock and Supplies, |
| ☐ Manufactured/Mobile Homes |

Shopping Centers

Supplemental Regulations

The developer / representative must present to the planning board evidence that the developer has obtained a driveway or any other permit necessary to construct such an establishment. They must ensure that a site plan is provided which shall include the following:

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| ☐ Site location |
| ☐ Site description (including drainage, vegetation, etc.) |
| ☐ Acreage of tract |
| ☐ Proposed size of shopping center initially and in final form. |
| ☐ The proposed building complex floor area (each establishment individually) |
| ☐ Starting and completion date |
| ☐ Utility service available |
| ☐ Information as to the location and dimensions of off- street parking and loading space and the means of ingress and egress to such space. |
| ☐ Landscaping and lighting |

Signs

General Provisions

- a) These regulations shall apply to all zoning districts within this Ordinance. Except for legal notices, identification, information, directional or regulatory signs erected or required by governmental bodies, or otherwise specifically

exempted herein, no exterior sign may be erected, painted, repainted, posted, re-posted, placed, replaced, or hung in any district, except in compliance with these regulations.

- b) These regulations are intended to establish standards, which maximize the effectiveness of permitted signs while limiting visual distraction to motorists and preserving the land values and natural attractiveness of the area. All signs except those specifically listed as exempt shall only be erected, installed, or modified in accordance with a duly issued and valid sign permit. Sign permits shall be issued in accordance with the zoning compliance requirements and procedures.

Application for permits shall be submitted at the Building Inspector's Office and shall be accompanied by plans which shall:

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| ☐ Indicate the proposed site for identifying the property by ownership, location, and use. |
| ☐ 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. |
| ☐ Show size, character, complete structural specifications, and methods of anchoring and support of the sign. |
| ☐ Additional information, required by the Building Inspector or his designee, shall be furnished by the applicant in further determination of conformance with this Ordinance. |
| ☐ A fee, as set by the current fee schedule, shall be paid to the County of Hertford, North Carolina, for each application, for approval of such a sign to cover the costs of administrative expenses involved. |

Exempt Signs

All signs are prohibited in all residential, planned unit development residential areas and office and institutional districts except the following:

- a) Signs over show windows or doors of a nonconforming business establishment announcing only the name and occupation of the proprietor and not to exceed two feet in height and ten feet in length.
- b) Real estate signs not to exceed eight square feet in area, which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
- c) Name, occupation, and warning signs not to exceed two square feet located on the premises.
- d) Bulletin boards/identification signs for public, charitable, or religious institutions not to exceed one per parcel and 45 square feet in area located on the premises. Sign shall be set back a minimum of two feet from all street right-of-way lines and property lines.
- e) Memorial signs, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- f) Official signs, such as traffic control, parking restrictions, information, and notices and historical markers.
- g) Temporary signs or banners
- h) Ground or freestanding signs in residential/agriculture districts for a business established and approved with a special use permit shall not exceed one per parcel and 50 square feet in area. Sign shall be set back a minimum of two feet from all street right-of-way lines and property lines.
- i) Residential Subdivision entrance signs. At any entrance to a subdivision or multifamily development, there may be not more than two signs identifying such subdivision or development. A single side of any such sign may not exceed 32 square feet, nor may the total surface area of all such signs located at a single entrance exceed 64 square feet. Signs shall be set back a minimum of two feet from all street right-of-way lines and property lines and shall not exceed an overall height of 15 feet.
- j) Commercial/Industrial Subdivision signs. Entrance pylon signs to include tenant identification to a commercial or industrial subdivision may have a maximum single face size of 50 square feet for subdivisions of five acres in size or less. The sign surface area may be increased five additional square feet in area for each additional acre or fraction thereof over five acres. One sign may be installed at each main entrance. Subdivision greater than 25 acres in size may have one additional sign placed within the subdivision or another entrance. Signs shall be set back a minimum of two feet from all street right-a-way lines and property lines and shall not exceed an overall height of 25 feet.

Signs Permitted

Signs permitted. Signs are permitted in CH, IH and IL industrial districts subject to the following restrictions:

- a) Wall signs placed against the exterior walls of buildings shall not extend more than six inches beyond a building's wall surface, not more than 25 percent of solid wall space and shall not exceed 500 square feet in area for any (1) one premises and shall not extend beyond the top of the building on which it is located.

- b) Projecting signs fastened to, suspended from, or supported by structures shall not exceed 100 square feet in area for any one premises; shall not extend more than six feet into any required yard; shall not extend more than three feet into any public right-of-way; shall not be less than ten feet from all side lot lines; shall not exceed a height of 20 feet above the mean centerline street grade; and shall not be less than ten feet above the sidewalk nor less than 15 feet above a driveway or an alley.
- c) Window signs shall be placed only on the inside of commercial buildings and shall not exceed 25 percent of the glass area of the pane upon which the sign is displayed.
- d) Combinations of any of the above signs shall meet all the requirements for the individual sign.
- e) Except as authorized by this section, no development may have more than one freestanding sign, unless
- f) A development is located on a corner lot that has at least 200 feet of frontage on each of the two intersecting public roads, then the development may have not more than one freestanding sign along each side of the development bordered by such roads.
- g) A development is located on a lot having a single public road frontage of at least 200 feet; a second sign may be permitted. The second sign, if permitted, shall not exceed 50 percent of the surface area permitted for a primary sign in its respective district with an overall height not to exceed 20 feet. The secondary sign must be located a minimum of 75 feet from the primary sign.
- h) No sign shall be permitted to face a residential, office and institutional or planned unit development residential area within 100 feet of such district boundary.
- i) Maintenance. Signs must be kept in sound structural condition and painted to give a neat appearance.
- j) No sign shall contain statements, words, or pictures that are obscene, as defined by NCGS 14-190.1.
- k) Signs considered as "Outdoor Advertising" will be regulated via the Outdoor Advertising Control Act defined by NCGS 136 Article 11.

GP Special Requirements for Signs by Zoning District

Zoning District	Special Requirements
RA-30	No signs shall be allowed as a permitted use within any of the Residential Districts of the County of Hertford except those coinciding with a particular use, or those listed as exempt.
RR&C	Each tent or trailer camp may erect one (1) illuminated, non-flashing sign not exceeding fifteen (15) square feet in area. Each group camp facility may erect one (1) illuminated, non-flashing sign not exceeding fifteen (15) square feet in area.
RB, CH, FP, IL, IH	Principal use and outdoor advertising signs as provided in this Article.
AP	No signs shall be allowed within the Airport District of the County of Hertford except those as may be described as exempt. If any sign described as exempt is in compliance with the requirements of any other applicable regulations, such as the Federal Aviation Administration regulations, then the Regulation which has the higher authority shall govern.

Solar Collector, Accessory Use

Supplemental Requirements

Zoning Districts	Additional / Supplementary Regulations
All Districts	Small scale solar collectors shall be permitted to generate electrical energy for the primary purpose of on-site consumption in accordance with minimum setbacks as required for all other accessory buildings and structures within said district, as evidenced on a standard site plan.

Zoning Districts	Additional / Supplementary Regulations
AP District Only	☐ Notification must be submitted to the Airport Management that includes a ☐ Location (map, coordinates, address, or Parcel ID ☐ Technology (roof- mounted PV, ground-mounted fixed PV, tracked PV, Solar thermal, etc.) area of the system (acres). ☐ Notice must be given thirty (30) days prior to requesting a zoning compliance certificate with Proof of delivery with the date of delivery. ☐ The Airport Authority shall notify the Planning and Zoning Department of any potential flight hazards prior to the issuance of any zoning compliance certificate . ☐ Solar Facilities of greater than ½ acre are not permitted in the Airport Zoning District.

Solar Farm Facilities

Height limitation.

- ☐ Solar collectors, equipment, and structures (excluding electric transmission lines and utility poles) shall not exceed fifteen (15) feet in height when ground mounted. Roof-mounted systems are excluded.

Setback requirement.

- ☐ All equipment, fences, enclosures, and structures shall be a minimum of two hundred (200) feet from all property lines and rights-of-way. A setback of one thousand (1,000) feet is required along roads designated as NC Scenic Byways, properties with buildings, structures, sites, objects, or districts on the National Register of Historic Places, NC National Register Advisory Committee Study List, or recommended for submission to the National Register by the NC National Register Advisory Committee, and properties with sites listed by the NC Natural Heritage Program. Solar farms within a projected future transportation corridor shall reserve the right-of-way as deemed appropriate by the NCDOT.

Perimeter fence requirement.

- ☐ All solar farms shall have chain link fencing of a minimum of six (6) feet in height along the entire perimeter of the facility with a locked gate. "No Trespassing" and "High Voltage" signs must be posted every hundred (100) feet along the fence. A sign must be affixed to the front gate with the name, contact information, and emergency contact information of the facility.

Landscape buffer requirement.

- ☐ The entire area of the solar farm, outside the fenced area, shall be enclosed with a mixed landscape of native shrubs and native trees whenever the natural forest vegetation does not otherwise continuously obscure the perimeter from adjacent parcels or public roads. Proper vegetation must be native or existing woodlands or a combination of at least twenty-five (25) feet of fast-growing native shrubs with one hundred (100) feet of native evergreens planted at a minimum of five (5) feet in height, not more than eight (8) feet apart. Proper landscape buffers must achieve opaqueness and a minimum height of ten (10) feet within the first five (5) years of planting. A cleared strip with a minimum width of six (6) feet must be maintained between perimeter fencing and landscape buffers. Failure to maintain proper screening shall constitute a violation.

Various Codes

- ☐ Electric solar system components must have a UL listing or equivalent.
- ☐ All active solar systems shall meet all requirements of the North Carolina State Building Code as well as all State and Local environmental codes and shall be inspected by a County building and electrical inspector.
- ☐ All photovoltaic systems shall comply with the National Electrical Code, current edition.

Utility notification.

- ☐ No grid tied photovoltaic system shall be installed until evidence has been given to the Planning Department that the owner has been approved by the utility company to install the system. Off-grid systems shall be exempt from this requirement.

- ☐ It is the responsibility of the system owner to remove all obsolete or unused systems within six (6) months of cessation of operation. If the system owner fails to remove within this time, the property owner is responsible for removal within an additional six (6) month period.
- ☐ All components are to be recycled whenever feasible.

Lot size restriction. The minimum lot size for a Solar Farm Facility is twenty-five (25) acres.

- ☐ Wetlands and riparian zones. Any wetlands and streams shall be identified on the site plan for a Solar Farm Facility. There shall be no disturbance or construction within a one hundred fifty (150) foot buffer around the outer boundary of these wetlands and streams.

Power transmission Lines

- ☐ Power transmission lines shall be located underground when practical.

Abandonment.

- ☐ A Solar Farm Facility that ceases to produce energy on a continuous basis for six (6) months will be considered abandoned unless the system owner provides substantial evidence (updated every six (6) months after twelve (12) months of no energy production) to the Zoning Administrator of the intent to maintain and reinstate the operation of the facility. The system owner will have twelve (12) months to repair and reopen a facility damaged due to natural disaster.
- ☐ The application must include decommissioning plans that describe the anticipated life of the Solar Farm Facility, the estimated decommissioning cost in current dollars, the method for ensuring funds will be available for decommissioning and restoration, and the anticipated manner in which the facility will be decommissioned, and the site restored. Decommissioning includes removal of, but not limited to, solar panels, buildings, cabling, electrical components, and any other associated facilities down to seventy-two (72) inches below grade, and above grade as described in the approved decommissioning plan. All disturbed earth must be graded and reseeded unless the property owner requests in writing that the access roads or other areas not be restored.

Increase in intensity of use.

- ☐ Any modification to an existing Solar Farm Facility that causes it to increase in geographic size, numbers of panels, or any other intensity of use will require a new special use permit. Any existing nonconformities will be subject to new Solar Farm Facility requirements.

Temporary Construction Building

Supplemental Requirements

- ☐ Only one (1) sign, no larger than ten (10) square feet, shall be allowed to describe the project and developer.
- ☐ Once the project has been completed as determined by the Building Inspector, such temporary construction buildings and signs shall be removed within thirty (30) days of the Building Inspector's Notice.

Temporary Restaurants

Supplemental Requirements

- ☐ Temporary restaurants shall be located only upon property on which principal structure is located.
- ☐ 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 public.
- ☐ Only one sign shall be permitted.
- ☐ No signs shall be illuminated.
- ☐ Signs shall be no larger than five (5) square feet.
- ☐ Signs shall only list items sold and the price of items.
- ☐ Signs shall be attached to and mounted flat against the face of the structure.
- ☐ Temporary restaurants and signs shall be removed within thirty (30) days after issuance of Certificate of Occupancy.

Theatres (Drive-In)

Supplemental Requirements

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.

Towers

Supplemental Regulations

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| ☐ In Residential Districts, towers are permitted provided that all towers shall be set a minimum of fifty (200) feet from all exterior property lines. |
| ☐ In Commercial and Industrial Districts, towers are permitted provided that all towers shall be set a minimum of fifty (50) feet from all exterior property lines. |
| ☐ When Commercial or Industrial zoned property abuts Residential/Agricultural (RA) or Riverside Residential and Camping (RR&C) Districts, the minimum setback from that District shall be a minimum of two hundred (200) feet. |
| ☐ Towers shall be fenced and have all necessary permits prior to construction. |

Upholstery Shop

Supplemental Regulations

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| ☐ The structure shall be set back fifty (50) feet from any road right-of-way. Side and rear yard setback shall be determined by the BOA. |
| ☐ Signs shall be no larger than twelve (12) square feet. |
| ☐ There shall be only one sign. |
| ☐ Signs shall not be illuminated. |
| ☐ Signs shall be attached to and mounted flat against the face of the structure. |
| ☐ All items for sale or display shall always be stored inside the structure. |
| ☐ All Parking shall be off-street parking. |

Used Car Lot

Supplemental Requirements

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| ☐ No cars shall be placed any closer than fifty (50) feet to any road right-of-way. |
| ☐ Side and rear yard setbacks shall be determined by the BOA. |
| ☐ Where a used car lot is adjacent to a residential zone, a buffer shall be required as follows: a solid fence or wall, or a planted strip at least five (5) feet in width composed of deciduous and/or evergreen trees spaced not more than ten (10) feet apart and no less than one (1) row of dense shrub spaced not more than five (5) feet apart, which shall be established and maintained. |
| ☐ 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. |
| ☐ Signs and lots shall not be illuminated. |
| ☐ All parking shall be off-street parking. |
| ☐ There shall be no more than one accessory building erected in connection with the sale of said vehicles. |

Wind Energy Facility

General

- ☐ Throughout the permit process, the applicant shall promptly notify Hertford County of any proposed changes to the information contained in the permit application that would materially alter the impact of the project.
- ☐ A temporary anemometer or meteorological tower, for the purpose of gathering data on wind speeds and directions, may be installed with the issuance of a zoning compliance certificate and must be setback from all property lines at a distance equal to one linear foot for every foot of height. Zoning compliance certificates shall be valid for a period of one year and may be renewable if more data is needed to determine the viability of a wind energy project. Prior to the issuance of a building permit for an anemometer or meteorological tower, a decommissioning bond or letter of credit shall be required in an amount equal to the estimated removal cost of the structure.

Permit applications shall contain the following:

- ☐ Narrative describing the Wind Energy Facility, including an overview of the entire project.
- ☐ The proposed total rated capacity of the Wind Energy Facility
- ☐ The specific number, representative types and height or range of heights of the wind turbines to be constructed (include the rated capacity, dimensions, and respective manufacturers)
- ☐ Description of ancillary facilities
- ☐ Identifications and location of the properties on which the facility will be located.
- ☐ A site plan showing the planned location of all wind turbines, property lines, setback lines, access roads and turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, building(s), transmission and distribution lines. The site plan must include the locations of all structures and property lines, demonstrating compliance with all applicable setbacks.
- ☐ Any Environmental Assessment required by State or Federal law.
- ☐ Other relevant information may be requested by Hertford County, including but not limited to a shadow flicker Analysis, to ensure compliance with the requirement set forth.
- ☐ Decommissioning plans that describe the anticipated life of the wind power project, the estimated decommissioning costs in current dollars, the method for ensuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the wind power project will be decommissioned, and the site restored.
- ☐ Documentation of agreement between participating landowners(s) and the applicant: with signature of the applicant

Setbacks

- ☐ The base of any wind turbine shall be setback from all surrounding property lines a distance equivalent to 110 percent of the height of the wind turbine at its highest point.
- ☐ No wind turbine shall be located closer than 150 percent of the height of the wind turbine at its highest point to any structure on an adjacent property.
- ☐ All National Electric Safety Code safety clearances shall be followed.
- ☐ No part of the wind turbine shall be located closer than 15 feet from any existing overhead power line.
- ☐ The minimum setback to any residential use will be five hundred (500) feet.

Sound & Shadow Flicker

- ☐ Audible sound from a Wind Energy Facility shall not exceed fifty-five (55) dBA, as measured at any Occupied Building on the property of a non-participating landowner.
- ☐ Shadow flicker at any Occupied building on a non-participating landowner's property caused by a large wind energy facility must not exceed thirty (30) hours per year.
- ☐ Sound and/or shadow flicker provisions may be waived by an adjacent property owner so long as such waiver is in writing, signed by the property owner and recorded in the Hertford County Register of Deeds office.

Installation & Design

- ☐ The installation and design of the Wind Energy Facility shall conform to the applicable industry standards, including those of the American National Standards Institute, and take into consideration of local conditions.
- ☐ All structural, electrical, and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, state, and national codes.

The visual appearance of a wind turbine shall at a minimum:

- ☐ Be a non-obtrusive color such as white, off-white, or gray.
- ☐ Not to be artificially lit, except to the extent required by the Federal Aviation Administration (FAA) or other applicable authority that regulates air safety.
- ☐ Not display advertising (including flags, streamers, or decorative items), except for identification of the wind turbine manufacturer, facility owner and operator.
- ☐ Height Requirements: The total height of a wind turbine is determined by the height above grade to the tip of the turbine blade as it reaches its highest elevation. No tower shall exceed 250 feet in height.
- ☐ Any on-site transmission or power lines must, to the extent possible, be placed underground.

Buffer

- ☐ One of the following buffers is required if adjacent to a residential zone.
- ☐ A solid fence or wall.
- ☐ 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.
- ☐ There shall be only one sign, which shall be no larger than twelve (12) square feet, which provides the identification of the wind turbine manufacturer, facility owner and operator.

Signs

- ☐ Signs shall not be illuminated.
- ☐ Also, the sign shall be attached to and mounted flat against the face of the structure.

Decommissioning

- ☐ The wind energy facility owner shall have twelve (12) months to complete decommissioning of the wind energy facility if no electricity is generated for a continuous period of twelve (12) months. This period may be extended by the Hertford County BOA, if evidence is provided that the delay is due to circumstances beyond the facility owner/operator's reasonable control.
- ☐ Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, and any other associated facilities down to thirty-six (36) inches below grade.
- ☐ Disturbed earth shall be graded and re-seeded unless the landowner requests in writing that the access roads or other land surface areas are not to be restored.
- ☐ Prior to the issuance of a building permit, the owner of a Wind Energy Farm shall provide a bond or irrevocable letter of credit in favor of the County in an amount equal to the estimated removal cost of the Wind Energy Farm, less the salvage value of the equipment prior to construction. If the Wind Farm Owner elects to use a letter of credit, it shall be issued by a federally chartered bank with a branch office in northeastern North Carolina. The bond or letter of credit shall remain in full force and effect until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the Special Use Permit

Wind Energy Facility, Accessory

General

- ☐ Accessory Wind Energy Facilities shall only be permitted in conjunction with a principal residential dwelling unit or business.
- ☐ Blade Clearance - no portion of any wind turbine blade should be closer than 15 feet to the ground surrounding the wind turbine.
- ☐ Temporary poles or towers may be erected to use an anemometer or other meteorological devices to evaluate wind conditions on a site. The tower or pole may be any height, but it must be setback from all property lines, rights-of-way, and access easements by a distance equal to or greater than its height. The temporary pole or tower may not have any signs or writing that may be construed as advertising and may not be illuminated except in accordance with FAA regulations. The tower or pole must be removed within two (2) years of the date that it is erected.

Permit Requirements

☐ Zoning Compliance Certificate applications shall contain the following information:
☐ Narrative describing the proposed turbine, including an overview of the entire project.
☐ The representative type and height of wind turbine to be constructed, including its generating capacity, dimensions, respective manufacturer, and a description of ancillary facilities.
☐ A site plan showing the proposed location of the wind turbine, property lines, setback lines, ancillary equipment, buildings, transmission lines, and location of all structures and properties within the geographical boundaries of any applicable setback.
☐ Standard drawings of the wind turbine structure, including the tower, base, and footings.
☐ An engineering analysis of the tower certified by a licensed professional engineer which includes standards for ice and wind loading.
☐ Evidence of compliance with applicable FAA regulations.
☐ Evidence that the electrical utility provider has been informed of the customer's intent to install an interconnected, customer-owned generator, including any signed and approved copies of negotiated power purchase agreements and the utility company's approved schematics (if available at the time of application). Off-grid systems shall be exempt from this requirement.
☐ Other relevant studies, reports, certifications, and approvals may be reasonably requested by Hertford County to ensure compliance with this Ordinance.
☐ Signature of the property owner(s) and the facility owner/operator of the wind turbine (if different than the property owner).

Setbacks

☐ The base of any wind turbine shall be setback from all surrounding property lines a distance equivalent to 110 percent of the height of the wind turbine at its highest point.
☐ No wind turbine shall be located closer than 150 percent of the height of the wind turbine at its highest point to any structure on an adjacent property.
☐ All National Electric Safety Code safety clearances shall be followed.
☐ No part of the wind turbine shall be located closer than 15 feet from any existing overhead power line.

Installation & Design

☐ All wind turbines shall be designed and certified by an engineer to be structurally sound and in conformance with the requirements of the state building code and all other construction standards set forth by County, federal, and state law. All structural, electrical, and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, state, and national codes.

The visual appearance of a wind turbine shall at a minimum:

☐ Be a non-obtrusive color such as white, off-white, or gray.
☐ Not to be artificially lighted, except to the extent required by the Federal Aviation Administration (FAA) or other applicable authority that regulates air safety.
☐ Not display advertising (including flags, streamers, or decorative items), except for identification of the wind turbine manufacturer, facility owner and operator.
☐ Height Requirements: The total height of a wind turbine is determined by the height above grade to the tip of the turbine blade as it reaches its highest elevation. No tower shall exceed 120' feet in height.

ARTICLE XI. SUBDIVISIONS

Section 11.1 General

11.1.1 Purpose

The purpose of this Article is to provide guidelines and standards for Subdivisions within Hertford County. As previously defined, a subdivision is any division of a tract or parcel of land into two or more lots, building sites, or other divisions when any of those divisions are created for sale or development, either immediately or in the future. The definition of a subdivision also includes any division of land that involves the dedication of a new street or change in existing streets.

11.1.2 Exemptions

The following shall not be included within this definition nor be subject to the Subdivision related regulations authorized by this Ordinance:

- a) The combination or recombination of portions of previously subdivided and recorded lots where, (1) the total number of lots has not increased, and (2) the new lots equal to or exceed the standards of this Ordinance.
- b) The division of land into parcels greater than ten (10) acres in size if no street right of way dedication is involved.
- c) The public acquisition by purchase of strips of land for widening or opening streets or for public transportation system corridors.
- d) The division of a tract in single ownership where, (1) the existing tract is no greater than two acres in size, (2) it is not divided into more than three lots, (3) no street right-of-way dedication is involved, (4) the proposed lots are equal to or exceed the standards of this Ordinance, and (5) the division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession
- e) The division of a tract into no more than four (4) parcels: After the conveyance of the third parcel from the original tract, any further conveyances from this tract by the same owner (or by any of the same owners if in multiple ownership) shall be subject to the requirements of this Ordinance, unless the conveyances qualify as an exemption.
- f) The division of a tract in multiple ownership among some or all the owners, provided the division is among family members with a common ancestor going back no more than four generations.
- g) The division of a tract in which each of the resultant lots adjoin a state-maintained road, provided that each such lot meets the minimum requirements of this Ordinance.
- h) Lots or parcels of land that are part of a validly existing subdivision, and which are shown on a legally approved plat, which has been recorded in the Office of the Hertford County Register of Deeds prior to the enactment of the Original Subdivision Ordinance. For the purpose of this Ordinance, conveyances made before November 15, 1999, shall be considered exempt.

Section 11.2 General Requirements

Approval of the final plat by the Planning Board is subject to the subdivider having installed the improvements required by applicable Hertford County Ordinances and this Ordinance. Each subdivision shall follow the regulations & improvements in ~ **Article VI. Design Standards.**

11.2.1 Suitability of Land

Land subject to periodic flooding, irregular drainage conditions, excessive erosion or topographical and other reasons unsuitable for residential use as determined by the appropriate board or agency, shall not be platted for residential use nor for any other use by a citizen that will continue or increase the danger to health, safety, or property unless the hazards can be and are corrected; however, a limited amount of land that is within an unsuitable zone may be included on a plat so long as sufficient area for building sites and improvements are included for each lot, and so long as the area of the unsuitable zone is disclosed to the buyer. The 100-year flood plan established for Hertford County by FEMA and the current adopted Building Code require certain elevations.

11.2.2 Fill Areas

Areas that have been used for the disposal of solid waste or liquid shall not be subdivided into commercial or residential building sites. This shall include those areas that have been used for disposal of trash, demolition waste, chemical waste, and other waste materials. Fill Areas can be accepted when using suitable soils as found in USDA Textural Classifications or in Unified Soil Classification Systems for fill materials. Any appropriate soil test or load bearing test may be required by the Building Inspector.

11.2.3 AECs

All lots, structures and utilities shall comply with the applicable Area of Environmental Concern (AEC) Standards, as amended, in accordance with the State Guidelines for AECs (15 NCAC 7H) pursuant to the Coastal Area Management Act of 1974.

11.2.4 Name Duplication

The name of the subdivision or street in the subdivision shall not duplicate nor closely approximate the name of an existing subdivision or street within Hertford County.

Section 11.3 Improvements Installation

11.3.1 Completion of improvements

Prior to final plat submission or approval, the subdivider shall complete and dedicate in a manner satisfactory to the Planning Board all required improvements as specified either on the approved preliminary plat or on that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time. The subdivider shall certify in writing the dedication of said improvements as shown below.

11.3.2 Certificate of Dedication and Maintenance

The certificate of dedication and maintenance shall stipulate the following:

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| ☐ That all property and improvements are owned by the subdivider and free of any encumbrances or lien except as enumerated. |
| ☐ That the subdivider has freely dedicated or reserved in writing, all required right of way easements, streets, utilities, open spaces, or other improvements to public or private use as noted on the approved preliminary plat and has freely established minimum building setback lines. A purchaser of a lot shown thereon accepts the lot subject to said dedication, reservations, and restrictions. |
| ☐ This certificate shall be filed with the final plat and forwarded to the Register of Deeds to be recorded. |

Section 11.4 Design Standards

11.4.1 General

The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

11.4.2 Subdivisions Subject to Zoning Ordinance District Regulations

Lots of subdivisions located within a district specified by the Zoning Ordinance shall meet and conform to all lot sizes, minimum building lines, dimensions, building setback and density requirements of said zoning district. The Hertford County Zoning Ordinance is incorporated herein by reference, as if set forth herein at length.

11.4.3 Utilities

All lots to be subdivided must be capable of being served by on site wells and septic tank systems or public sanitary sewer and water facilities or private community water and sewage disposal systems approved by the appropriate local and state agencies.

11.4.4 Individual On-Site Wells and Septic Tank Systems

- ☐ Wells should be no closer than approved by the Health Department to any septic tank or filter field whether on the same lot or another lot.
- ☐ Water supply and sewage facilities shall comply with applicable State, County, and Municipal Public Health Laws and regulations in all aspects not specifically mentioned in this Ordinance.
- ☐ The subdivider, at his/her own expense, shall have the site investigated under the supervision of the County Health Department and shall present written proof to the Planning Board, or its appointed agent, that required and appropriate soil tests have been conducted and that each lot in the subdivision not served by public water and public sewage disposal systems meets standards set by the County Health Department for individual waste supplies and individual sewage disposal systems. This action shall be taken prior to approval of the preliminary plat.

11.4.5 Public Sanitary Sewer and Water Facilities or Private Community Sanitary Sewer and Water Facilities

- ☐ Upon submittal of a preliminary plat, plans and specifications prepared and sealed by a North Carolina Licensed Engineer and/or Surveyor shall be provided by the subdivider to the Planning Office showing necessary sanitary sewer lines, water mains and items accessory to each that lie wholly within the rights of way in the subdivisions. After approval of the preliminary plat and these plans and specifications by the Planning Board and applicable agencies, installation of the improvements by the subdivider can begin. The County Building Inspector or his/her designee shall function as inspector to see that the approved plans and specifications are faithfully and completely carried out. Where existing sanitary sewer lines and water mains are within a reasonable distance, proposed sanitary sewer lines and water mains shall connect with the existing system in accordance with prescribed and approved specifications. Where sanitary sewer lines and water mains are not within a reasonable distance, but plans have been formulated for their installation, the sanitary sewer lines and water mains may be required at the Board's discretion. When sanitary sewer lines and water mains are not within a reasonable distance, and plans do not exist, the installation of such facilities will not be required.
- ☐ The use of a private water or sanitary sewage disposal system approved by the Hertford County Public Health Authority and other authorizing agencies will be permitted by the subdivider. The total cost of installation of any sanitary sewer and water distribution improvements and accessories is to be borne by the subdivider. Each deed describing a lot within a subdivision served by a private water or sanitary sewage disposal system shall state that the system is private in nature and shall state the party or parties responsible for maintenance of the system.

11.4.6 Sedimentation & Erosion Control

Persons engaged in land disturbing activities shall take all reasonable measures to protect public and private property from damage by such activities. Land disturbing activities are defined in NCGS 113A 52, as amended and supplemented, and may mean any use of land that results in a change in the natural cover or topography and that may change or contribute to sedimentation. When any land disturbing activity is to be undertaken on a tract where more than one contiguous acre is to be uncovered, the subdivider shall notify the North Carolina Sedimentation Control Commission to determine whether a Sedimentation and Erosion Control Plan is required. Violators of the North Carolina Sedimentation and Pollution Control Act of 1973 (NCGS 113A 50 et seq.) may be fined pursuant to statute.

11.4.7 Blocks

The location, lengths, widths, and shapes of blocks shall be determined with due regard to: provision of adequate building sites suitable to the special needs of the type of permitted use contemplated; requirements as to lot sizes and dimensions; needs for vehicular and pedestrian circulation, control, and safety of roadway traffic; limitations and opportunities of topography; and convenient access to adequate water supplies. Blocks shall not be less than five hundred (500) feet, nor more than fifteen hundred (1,500) feet, in length.

11.4.8 Private Roads

Access to lots or parcels formed by a tract of land constituting a subdivision may be served by a private road. A private road shall meet the most current design and construction criteria as referenced in SUBDIVISION ROADS MINIMUM CONSTRUCTION STANDARDS, published periodically by the North Carolina Department of Transportation, excluding the requirement that the roads must be paved. The following shall be considered acceptable, minimum standards of design for private subdivision streets and in no case shall be less than those of the North Carolina Department of Transportation as referenced above.

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| ☐ Such road shall have a private right of way easement in width required by the North Carolina Department of Transportation. |
| ☐ Such road shall be graded and stabilized according to minimum standards of the North Carolina Department of Transportation. |
| ☐ The alignment of such road shall meet applicable standards of the North Carolina Department of Transportation. |
| ☐ Street names, which duplicate or are phonetically similar to existing street names in the County shall be prohibited. A proposed street, which is in alignment with an existing street, shall bear the name of the existing street. |
| ☐ Appropriate street name signs, which meet the Division of Highways policies, shall be installed by the developer at all street intersections. |
| ☐ Stop and Yield traffic signs shall be installed by the developer at appropriate street intersections as required by the Division of highways. Any supplemental signs deemed necessary to safety and welfare by the Planning Board shall also be required for installation. |
| ☐ The subdivider shall pave the first (1st) twenty-five (25') feet into the subdivision from the public road. |
| ☐ Each deed conveying a lot within a subdivision served by a private road shall state that the road serving said lot is private in nature, and is not constructed to the present minimum standards of The North Carolina Department of Transportation for admission to the State Highway System, thus is not eligible for State maintenance, unless said road is constructed and paved according to current Department of Transportation standards, and unless the requisite number of parties receiving access from the road pursuant to statute consent, in writing, to the road becoming public. It shall contain the name, address, and telephone number of the party or parties responsible for maintenance and shall further state that Hertford County accepts no liability to provide any maintenance or improvement assistance whatsoever for said road. In addition, the subdivision plat, as a condition precedent to being recorded, shall contain a signed Subdivision Streets Disclosure Statement, signed by both the developer and initial buyer of each lot, which shall set forth the limitations herein above set forth, and contain an acknowledgement by the parties that they have read, understand, and accept the road limitations. |
| ☐ The developer shall receive a written certificate from a North Carolina Department of Transportation Engineer, that the roads as constructed meet the current minimum standards as set forth in The North Carolina Department of Transportation's Subdivision Roads Minimum Construction Standards. This certificate shall also be on the Final Plat and be part of the Planning Board Final Plat approval prior to recordation. |
| ☐ Certificate for Private Roads |

Section 11.5 Public Roads

Access to lots or parcels formed by a tract of land constituting a subdivision may be served by a public road. Public roads shall meet the present design and construction criteria as referenced in SUBDIVISION ROADS MINIMUM CONSTRUCTION STANDARDS, published periodically by the North Carolina Department of Transportation, including the requirement that the roads must be paved. The following shall be considered the acceptable minimum standard of design for new public subdivision streets, and in no case shall be less than those of the North Carolina Department of Transportation as referenced above.

General Requirements

- ☐ Such road shall have a public right of way easement in a width required by the North Carolina Department of Transportation.
- ☐ Such road shall be graded, stabilized, and paved according to accepted policies of the North Carolina Department of Transportation.
- ☐ The alignment of such road shall meet applicable standards of the North Carolina Department of Transportation.
- ☐ Street names which duplicate or are phonetically similar to existing street names in the County shall be prohibited. A proposed street, which is in alignment with an existing street, shall bear the name of the existing street.
- ☐ Appropriate street name signs, which meet the Division of Highways policies, shall be installed by the developer at all street intersections.
- ☐ Stop and Yield traffic signs shall be installed by the developer at appropriate street intersections as required by the Division of Highways. Any supplemental signs deemed necessary to safety and welfare by the Planning Board shall also be required for installation.

11.5.1 Subdivision Streets Disclosure Statement

- ☐ Each deed describing a lot within a subdivision served by a public road which is not yet a part of the state-maintained highway system, shall state that the road serving said lot is public in nature, and is constructed to present standards of The North Carolina Department of Transportation for admission to the State Highway System, but is not yet eligible for State maintenance. It shall reveal the party or parties responsible for maintenance until the road is taken over by the North Carolina Department of Transportation and shall further state that Hertford County accepts no liability to provide any maintenance or improvement assistance for said road. In addition, a separate Subdivision Streets Disclosure Statement shall be executed by the developer and initial buyer of the lot and filed with the County Register of Deeds. The Subdivision Streets Disclosure Statement shall set forth the qualifications hereinabove and contain an acknowledgement of the parties that they have read and understand those qualifications.

11.5.2 Certificate for Public Roads Not on the State Highway System

The developer shall obtain a certificate from a Registered Engineer, or from the North Carolina Department of Transportation, that the roads as constructed meet applicable standards set forth in the North Carolina Department of Transportation's Subdivision Roads Minimum Construction Standards. This certificate shall be filed with the County Planning Department prior to the Planning Board's approval of the final plat for recordation.

Section 11.6 Easements

- ☐ The subdivider shall convey written easements in recordable form to the County or appropriate utility company for both underground and overhead utility installation where needed. Easements shall be a minimum of fifteen (15) feet wide, or wider if required by utility companies, and normally centered along the front lot lines. Wider easements may be required if the topography along the proposed right of way is such that maintenance equipment cannot reasonably operate within the fifteen (15) feet wide easement, or if primary voltage lines or transmission lines are within the subdivision. The conveyance of the easement may be made after the approval of the final plat.
- ☐ Where a subdivision is traversed by a water source, drainage way, channel or stream, there shall be provided a written storm water easement or drainage right of way in recordable form conforming substantially with the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose of managing storm water runoff in a manner that will safeguard the health and property of the citizens of Hertford County.

Section 11.7 Permanent Reference Points

Prior to the approval of the final plat, permanent reference points shall have been established in accordance with the requirements set forth in this Section.

11.7.1 Subdivision Corner Tie

- ☐ At least one corner of the subdivision shall be designed by course and distance (tie) from a readily discernible reference marker. If a corner is within two thousand (2,000) feet of a U.S. Geodetic Survey or N.C. Coordinate Grid System coordinated monument, or Hertford County coordinated system if such exists, then this corner shall be marked with a monument so designated by computed X & Y coordinates which shall appear on the map with a statement identifying this monument to an accuracy of at least 1:10,000. When such a monument is not available, the tie shall be made to some pertinent and readily recognizable landmark or identifiable point, physical object, or structure. However, if in the opinion of the Planning Board, a subdivision is of such small size, or if there is an existing tie within a reasonable distance of the subdivision, this shall not be required.

11.7.2 Monuments

- ☐ Within each block of a subdivision, at least two (2) monuments designed and designated as control corners shall be installed. The surveyor shall employ additional monuments, if required. All monuments shall be constructed of concrete and shall be at least four (4) inches in diameter or square and not less than three (3) feet in length. A monument shall be set thirty (30) inches in the ground, unless this requirement is impractical because of unusual conditions. All monuments shall be shown on the final plat.

11.7.3 Property Markers

- ☐ A steel or wrought iron pipe or the equivalent of not less than three fourths (3/4) inches in diameter and at least thirty (30) inches in length shall be set at all corners, except those located by monuments. A marker shall also be set at a point of curve, and point of tangency, unless a monument has already been placed at said points.

Section 11.8 Recreational Facilities

Every subdivider who subdivides or develops land for residential purposes shall set aside as a common area a portion of such land for the purpose of recreation to serve the residents of the subdivision, if they meet the following categories:

- ☐ Subdivisions consisting of twenty-five (25) or more lots shall reserve twenty thousand (20,000) square feet of recreational area per twenty-five (25) lots.
- ☐ If twenty-five (25) or more lots front on the water, then at least half of this reserved area shall abut the waterfront. Each recreation site shall not be less than ten thousand (10,000) square feet, with a minimum width of thirty-five (35) feet on the waterfront and shall be suitable for recreational purposes.
- ☐ Subdivisions containing less than twenty-five (25) lots, any of which front on a waterway, shall provide a twenty (20) feet easement, located along a property line, to provide private pedestrian access for owners of non-waterfront lots within the subdivision.
- ☐ The responsibility for maintenance of recreation areas shall be revealed in writing by the subdivider prior to the sale of lots. The County shall not be responsible for maintenance.
- ☐ The Planning Board encourages but does not require that subdivisions adjoining navigable streams provide public access to the water.

Section 11.9 Sketch Plan

The applicant for a subdivision shall submit a sketch plan of the proposed subdivision to the Planning Administrator for review and discussion. If the Administrator determines enough information has been provided on the sketch plan, the applicant may submit a preliminary plat.

Section 11.10 Preliminary Plat

11.10.1 Requirements

The Plat Shall Include

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| ☐ The name of the subdivision |
| ☐ A sketch vicinity map showing the relationship between the proposed subdivision and surrounding area at an appropriate scale. All preliminary and final plats shall be at a scale not less than 1"=100 feet, and the scale denoted both graphically and numerically. |
| ☐ Site location. |
| ☐ A topographic map showing vertical contours five (5) feet or less. |
| ☐ Total acreage of tract to be subdivided with the location of previously subdivided lots within the tract. This must include Flood Hazard designation. |
| ☐ Name of township, County, and state in which the subdivision is located. |
| ☐ Corporate limits, township boundaries, County lines, and ETJ planning jurisdiction boundaries, if on the subdivision tract. |
| ☐ The names, addresses and telephone numbers of all subdividers, owners, mortgagees, registered surveyors, land planners, and professional engineers responsible for the subdivision. |
| ☐ The registration numbers and seals of the professional engineers and registered surveyors. |
| ☐ Date of survey and plat preparation prepared by North Carolina Registered/Licensed Engineer and/or Surveyor. |
| ☐ An accurately positioned north arrow. |
| ☐ The names, addresses and telephone numbers of adjoining property owners, zoning of contiguous property, and existing uses of contiguous property. |
| ☐ The boundaries of the tract or portion thereof to be subdivided distinctly and accurately represented with all bearings and distances shown, including the total number of lots, lot size in square feet, & lots numbered in sequence. |
| ☐ The name and location of any adjoining subdivisions of record or proposed and under review. |
| ☐ Minimum building setback lines. |
| ☐ Existing buildings or structures, sewers, water lines, water courses, railroads, bridges, culverts, storm drains, sanitary sewers. |
| ☐ The blocks numbered consecutively throughout the subdivision and the lots numbered consecutively throughout each block. |
| ☐ Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams, or stream beds, and any other natural features affecting the site, including the location of known areas subject to flooding. |
| ☐ Proposed roadways, existing and platted streets on adjoining properties and in the proposed subdivision, right of way widths, and pavement widths. |
| ☐ Street names. |
| ☐ The location and dimensions of all rights-of-way, utility, or other easements. |
| ☐ Letter of tentative approval of water supply and sewage disposal plans by appropriate County and state authorities. |
| ☐ Certificate from the designated Coastal Area Management Act (CAMA) Permit Officer certifying whether the subdivision is located within an Area of Environmental Concern (AEC). |
| ☐ Type of street dedication; all streets must be designated either "private" or "public" roads. |
| ☐ Letter from the Department of Transportation as to proposed roadway alignment and proposed construction. |
| ☐ Letter of approval from the Zoning Administrator. |

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| ☐ A copy of any deed restriction or similar covenants running with the land, in recordable form. |
| ☐ A copy of the deed Subdivision Streets Disclosure Statement where proposed roadways are designated private roads, or where proposed roadways are public roads not yet a part of the State Highway System. |
| ☐ Letter of approval from the Hertford County Land Records Office. |
| ☐ Any other information considered by either the subdivider, Planning Director, Building Inspector, Planning Board or Board of Commissioners to be pertinent to the review of the plat. |
| ☐ Applicable Certificates |

11.10.2 Preliminary Certificates

Regarding this preliminary subdivision plat, the Hertford County Planning Board makes the following decision. This action shall in no way be construed as constituting approval for recording.

- ☐ approval
- ☐ conditional approval
- ☐ disapproval

_____, 20____
Date

Chairman, Hertford County Planning Board

The area designated hereon may be wholly or in part located within an Area of Environmental Concern. Prior to initiating development activities, the Division of Coastal Management should be contacted to ensure that any necessary Coastal Area Manage Act permits are acquired by the subdivider.

_____, 20____
Date

DCM Field Representative

Section 11.11 Final Plat

11.11.1 Requirements

In addition to the Preliminary Plat Requirements, the following requirements must be met for a Final Plat.

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| ☐ Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line, and building setback line, whether curved or straight., This should include the radius central angle, and tangent distance for the center line of curved property lines that are not boundaries of curved streets. All dimensions shall be measured to the nearest one tenth of a foot and all angles to the nearest minute. |
| ☐ The plans for utility layouts include sanitary sewers, storm sewers, water distribution lines, natural gas, telephone, and electric service where applicable. |
| ☐ Improvement permit or letter of approval for water and sewage systems by appropriate County and state authorities, if any system is to be installed by subdividers. |
| ☐ The accurate locations and descriptions of all monuments, markers, and control points. |
| ☐ The description contained in any map or plat that is to be registered and that creates or more fully defines a parcel or parcels not previously plotted on the County large scale cadastral maps and for which a parcel identifier number does not exist must be sufficiently precise to create a consistent closed parcel boundary within a plotting accuracy of 1/40 (one fortieth) of an inch as determined by the Hertford County Land Records Office. |
| ☐ Applicable Certificates |
| ☐ Any other information considered by either subdivider, Subdivision Review Committee, Planning Director, Building Inspector, Planning Board or Board of Commissioners to be pertinent to the review of the plat. |

11.11.2 Final Certificates

I hereby certify that the land as shown hereon is:

- a. within the subdivision regulations jurisdiction of the County of Hertford, State of North Carolina.
- b. owned by _____ free and clear of any encumbrances or liens except as stated below: _____
- c. that the subdivider, by the recording of this plat, freely dedicates or reserves all required right of way easements, streets, utilities, open spaces, or other improvements to public or private use as noted on the approved preliminary plat and has freely established minimum building setback lines which conform to existing UDO. A purchaser of a lot shown hereon accepts the lot subject to said dedication, reservations, and restrictions.
- d. the owner/authorized agent consents to the within subdivision and the recording of same with the appropriate Hertford County recording officials.

_____, 20____
Date Owner or Authorized Agent

The public streets designated hereon are constructed in accordance with the minimum standards of the Department of Transportation for acceptance of the subdivision streets on the state highway system for maintenance. This certificate of approval shall not be deemed an acceptance of the dedication of such streets designated herein.

_____, 20____
Date District Engineer, Division of Hwy

The private streets designated hereon are constructed in accordance with and meet applicable standards set forth in the North Carolina Department of Transportation's "SUBDIVISION ROADS MINIMUM CONSTRUCTION STANDARDS," excluding the requirement that the roads must be paved. These private streets are not eligible for acceptance on the state highway system for maintenance, unless said streets are paved according to Department of Transportation standards, and unless all parties receiving access from said streets consent, in writing, to the street becoming public. This certificate of approval shall not be deemed an acceptance of the dedication of such streets designated herein.

_____, 20____
Date District Engineer of the State of NC

State of North Carolina, County of _____
I, _____ certify that this map was

- ☐ drawn by me; ☐ drawn under my supervision; from
☐ an actual survey by me; ☐ an actual survey made under my supervision;

with the deed description recorded in Book _____, Page _____, Or other as listed herein _____;
and that the ratio of precision as calculated by latitudes as departures is _____ (1:7500 as a minimum standard); that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____, Page _____.

Witness my hand and seal, this _____ day of _____, 20____.

Surveyor or Engineer, Licensed by the State of NC

Sworn to and subscribed before me this _____ day of _____, 20____.

Notary Public

My Commission Expires:

I hereby certify that the subdivision plat shown hereon has been found to comply with the Unified Development Ordinance Regulations of Hertford County by the Hertford County Planning Board and/or Subdivision Review Committee and that it has been approved for recording in the Office of the Register of Deeds.

_____, 20____
Date Chairman, Hertford County Planning Board
Or
Planning Administrator

The area designated hereon may be wholly or in part located within an Area of Environmental Concern. Prior to initiating development activities, the Division of Coastal Management should be contacted to ensure that any necessary Coastal Area Manage Act permits are acquired by the subdivider.

_____, 20____
Date DCM Field Representative

ARTICLE XII. MANUFACTURED HOME PARKS

Section 12.1 Registration

No person shall place a mobile manufactured home in Hertford County for the purpose of using said mobile home for occupancy without first having obtained a septic tank permit from the public health authority, followed by a Mobile Manufactured Home Registration permit and electrical permit from the Hertford County Building Inspections Department. Registration permits will be issued provided the mobile manufactured home or mobile manufactured home park meets the following conditions:

- a) Comply with NCGS 143-149. "NECESSITY FOR OBTAINING LABEL OR CERTIFICATE FOR PURPOSES OF SALE" - No individual natural person, firm, partnership, association or corporation shall after September 1, 1971, sell or offer for sale any mobile manufactured home in this State, which mobile manufactured home does not bear permanently attached thereto a label of compliance or for which mobile manufactured home the individual natural person, firm, partnership, association, or corporation seeking or offering to sell such mobile manufactured home does not have a certificate of compliance or for which mobile manufactured home the individual natural person, firm, partnership, association, or corporation selling or offering to sell such mobile manufactured home does not have a certificate of compliance; provided it shall be a defense to any prosecution for a violation of the provisions of this section if such individual natural person, firm, partnership, association or corporation shall show that a certificate of title for such mobile manufactured homes as required by NCGS 20-52 was obtained prior to September 1, 1971, or produces other satisfactory evidence on file with the North Carolina Department of Motor Vehicles that such mobile manufactured home was manufactured prior to September 1, 1971.
- b) NCGS 143-150. "NO ELECTRICITY TO BE FURNISHED UNITS NOT IN COMPLIANCE" - It shall be unlawful for any individual natural person, partnership, firm or corporation to allow any electric current for use in any mobile manufactured home to be turned on or to continue to furnish electricity for use in such mobile manufactured home without having first ascertained that either a label of compliance is permanently attached to said mobile manufactured home or a certificate of compliance has been issued for such mobile manufactured home, provided this section shall not apply if electricity to such mobile manufactured home has been turned on or furnished prior to September 1, 1971, by said firm or corporation or if the owner of said mobile manufactured home shall have obtained a certificate of title for said mobile manufactured home as required by NCGS 20-52 prior to September 1, 1971, or the predecessor in title shall have obtained such certificate prior to September 1, 1971, or the owner furnishes other satisfactory evidence on file with the North Carolina Department of Motor Vehicles that said mobile manufactured home was manufactured prior to September 1, 1971.
- c) Mobile manufactured homes should be properly connected to electrical utilities and approved by the Hertford County Building Inspections Department. Mobile manufactured homes shall be approved as to water and sewerage disposal system with permit by the appropriate health authority.
- d) No person shall place a mobile manufactured home in an "Area of Environmental Concern" (AEC) as defined by the North Carolina Coastal Resource Commission until appropriate permits have been obtained from the County or state permitting officer, whichever is appropriate.
- e) All mobile manufactured homes moved into or relocated in the County shall comply with the National Mobile Home Construction and Safety Standards of 1974. Setting up and anchoring of all mobile manufactured homes will follow guidelines set forth in the 1989 North Carolina Regulations for Mobile Home and Manufactured Dwellings.

Section 12.2 Site Development Regulations

- ☐ Every mobile manufactured home park shall be at least three (3) acres in area.
- ☐ The amount of land for each mobile manufactured home space shall be determined by the Hertford County Public Health Authority after an investigation of soil conditions, the proposed method of sewage disposal, and proposed water system. However, in no case should the size of a mobile manufactured home space be less than twenty thousand (20,000) square feet. The district health department may require more than 15,000 (4/18/83) 20,000 square feet for septic tank purposes. Only one (1) mobile manufactured home will be allowed per septic tank. All mobile manufactured home parks shall be in areas of "SUITABLE" or "PROVISIONALLY SUITABLE" soil characteristics, rather than areas classified as "UNSUITABLE", as those terms are defined in regulations of the North Carolina Department of Human Resources, Division of Health Services. (4/18/83)
- ☐ Each mobile manufactured home space shall be at least seventy-five (75) feet wide and clearly defined. There shall be at least thirty (30) feet clearance between mobile manufactured homes including mobile manufactured homes parked end to end. No mobile manufactured home shall be located closer than fifteen (15) feet to any building within the park, within fifteen (15) feet of any exterior boundary line of the park and no closer than fifteen (15) feet to the edge of any interior street right-of-way.
- ☐ All mobile manufactured home spaces shall abut upon an interior drive of no less than thirty (30) feet right-of-way, which shall have unobstructed access to a public street or highway, it being the intent of this section that mobile manufactured home spaces shall not have unobstructed access to public streets or highways except through said interior drive. All interior drives shall be stabilized to their full right-of-way and shall have a stabilized road at least twenty-five (25) feet in width.
- ☐ Cul-de-sac shall not exceed one thousand (1,000) feet in length measured from the entrance to the turnaround. Any interior street designed to be permanently closed shall have a turnaround at the closed end with a minimum right-of-way diameter of eighty (80) feet. The entire right-of-way of such turnaround shall be graded and usable for the turning around of motor vehicles.
- ☐ Streets shall intersect as nearly as possible at right angles, and no street shall intersect less than seventy-five (75) degrees. Where a street intersects a highway, the design standards of the North Carolina State Highway Commission shall apply.
- ☐ Parking space sufficient to accommodate at least two (2) automobiles shall be located on each mobile manufactured home space.
- ☐ The mobile manufactured home park shall be located on ground that is not susceptible to flooding. The park shall be graded to prevent any water from ponding or accumulating on the premises. All ditch banks shall be sloped and seeded.
- ☐ The area of the mobile manufactured home stand shall be improved to provide an adequate foundation for the placement of the mobile manufactured home.
- ☐ Appropriate permits from the North Carolina Department of Transportation district engineer must be secured before connecting the entrance of a park to any state-maintained street or highway.
- ☐ All streets in the mobile manufactured home park shall be adequately illuminated from one half hour after sunset until one half hour before sunrise. The minimum size streetlight shall be a 175-watt mercury-vapor (approximately 7,000 lumen class or equivalent), spaced at intervals of not more than four hundred (400) feet.

Section 12.3 Utilities and Other Facilities

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| ☐ Each mobile manufactured home space shall be equipped with plumbing and electrical connections and shall be provided with electrical current in sufficient amount to safely meet the maximum anticipated requirements of a mobile manufactured home. |
| ☐ Water, sewerage, and electricity. Each mobile manufactured home space shall be provided with and shall be connected to sanitary sewerage and a central water supply system providing water to each lot and installed and maintained by the developer, as approved by the Hertford County Public Health Authority. Electrical connections and wiring shall be in accordance with electrical codes adopted by the County. |
| ☐ Refuse must be deposited at authorized County Collection recycling sites. Residents are responsible for their own refuse disposal. |
| ☐ When existing mobile manufactured homes are removed from a parking space, the District Health Department is required to inspect and approve existing septic tanks prior to replacing a mobile manufactured home. |

Section 12.4 Structural Additions

All structural additions to mobile manufactured homes other than those which are built into the unit and designed to fold out or extend from it shall be erected only after a building permit shall have been obtained, and such additions shall conform to the building code of the County, where applicable, or shall meet the standards of special regulations adopted with respect to such additions. The building permit shall be specified to such additions. The building permit shall specify whether such structural additions may remain permanently, must be removed when the mobile manufactured home is removed, or must be removed within a specified length of time after the mobile manufactured home is removed. Structural alterations existing at the time of passage of this Ordinance shall be removed within thirty (30) days after the mobile manufactured home which they serve is moved unless attached to another mobile manufactured home on the same site within that period.

Section 12.5 Park Management

In each mobile manufactured home park, the permitted or duly authorized attendant or caretaker shall always remain responsible to keep the mobile manufactured home park, its facilities, and equipment in a clean, orderly, safe, and sanitary condition.

Section 12.6 Miscellaneous Specifications

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| ☐ Mobile manufactured home park identification signs shall be limited to one (1) sign per park entrance. No sign shall exceed fifteen (15) square feet in the area. All signs must comply with any other applicable Ordinance. |
| ☐ Within a mobile manufactured home park, one mobile manufactured home may be used as an administrative office. |
| ☐ Mobile manufactured homes connected with a fair, carnival, or circus may be parked for the duration of the fair, carnival, or circus, but not to exceed fifteen (15) days, provided that all sewage and solid waste is disposed of in a manner approved by the Hertford County Public Health Authority. |

Section 12.7 Plat

The following plat requirements shall be met.

12.7.1 The Hertford County Planning and Zoning Board

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| ☐ Title information. |
| ☐ Small scale location map. |
| ☐ Dimensions and bearing of exterior property lines. |
| ☐ Roads in the vicinity. |
| ☐ Method of stabilizing roads within the park. |
| ☐ Location of park. |
| ☐ Street and lot design. |
| ☐ Surface water drainage. |
| ☐ Results of Soil Evaluation Test for each lot, as performed by the Hertford County Public Health Authority. |
| ☐ Coordinating the requirements of this Ordinance in relation to zoning regulations |

12.7.2 Hertford County Public Health Authority

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| ☐ The Hertford County Public Health Authority shall review plans for mobile manufactured home and/or Campground/RV parks. This agency shall be responsible for the review of the following, to determine if they are in accordance with the minimum health standards and regulations. |
| ☐ Source of water and water distribution system. |
| ☐ Sanitary sewerage system; and |
| ☐ Adequate lot size. |

12.7.3 County Building Inspector

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| ☐ The County Building Inspector shall review the plans for mobile manufactured home park and/or Campground /RV parks that include buildings to be constructed within the proposed park. |
| ☐ The Building Inspector shall review the plans for mobile manufactured home park and/or Campground /RV parks, to determine if the proposed electrical system is in accordance with electrical codes adopted by the Hertford County Commissioners. |

Section 12.8 Required Certificates for Recordation

I hereby certify that the land as shown hereon is:

- e. within the subdivision regulations jurisdiction of the County of Hertford, State of North Carolina.
- f. owned by _____ free and clear of any encumbrances or liens except as stated below: _____
- g. that the subdivider, by the recording of this plat, freely dedicates or reserves all required right of way easements, streets, utilities, open spaces, or other improvements to public or private use as noted on the approved preliminary plat and has freely established minimum building setback lines which conform to existing UDO. A purchaser of a lot shown hereon accepts the lot subject to said dedication, reservations, and restrictions.
- h. the owner/authorized agent consents to the within subdivision and the recording of same with the appropriate Hertford County recording officials.

_____, 20____
Date Owner or Authorized Agent

The public streets designated hereon are constructed in accordance with the minimum standards of the Department of Transportation for acceptance of the subdivision streets on the state highway system for maintenance. This certificate of approval shall not be deemed an acceptance of the dedication of such streets designated herein.

_____, 20____
Date District Engineer, Division of Hwy

The private streets designated hereon are constructed in accordance with and meet applicable standards set forth in the North Carolina Department of Transportation's "SUBDIVISION ROADS MINIMUM CONSTRUCTION STANDARDS," excluding the requirement that the roads must be paved. These private streets are not eligible for acceptance on the state highway system for maintenance, unless said streets are paved according to Department of Transportation standards, and unless all parties receiving access from said streets consent, in writing, to the street becoming public. This certificate of approval shall not be deemed an acceptance of the dedication of such streets designated herein.

_____, 20____
Date District Engineer of the State of NC

State of North Carolina, County of _____

I, _____ certify that this map was

- ☐ drawn by me; ☐ drawn under my supervision; from
- ☐ an actual survey by me; ☐ an actual survey made under my supervision;

with the deed description recorded in Book _____, Page _____, Or other as listed herein _____; and that the ratio of precision as calculated by latitudes as departures is _____ (1:7500 as a minimum standard); that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____, Page _____.

Witness my hand and seal, this _____ day of _____, 20____.

Surveyor or Engineer, Licensed by the State of NC

Sworn to and subscribed before me this _____ day of _____, 20____.

Notary Public

My Commission Expires:

I hereby certify that the subdivision plat shown hereon has been found to comply with the Unified Development Ordinance Regulations of Hertford County by the Hertford County Planning Board and/or Subdivision Review Committee and that it has been approved for recording in the Office of the Register of Deeds.

_____, 20____
Date Chairman, Hertford County Planning Board
Or
Planning Administrator

The area designated hereon may be wholly or in part located within an Area of Environmental Concern. Prior to initiating development activities, the Division of Coastal Management should be contacted to ensure that any necessary Coastal Area Manage Act permits are acquired by the subdivider.

_____, 20____
Date DCM Field Representative

ARTICLE XIII. CAMPGROUNDS/ RV PARKS

Section 13.1 Site Development Regulations

☐ Every Campground/RV Park shall contain at least ten (10) camping spaces
☐ /RV Park shall contain at least ten (10) camping spaces .
☐ Every camping site shall consist of a minimum area of two thousand (2,000) square feet.
☐ Parking spaces sufficient to accommodate at least one (1) motor vehicle and/or one (1) recreational vehicle shall be constructed on the premises for each camping space. No more than one (1) recreational vehicle may be parked in any camping site.
☐ All spaces developed adjacent to a public street shall be set back a minimum of thirty (30) feet from the street right-of-way.
☐ The spaces shall be graded to prevent any water from ponding or accumulating within the park. Each space shall be properly graded to obtain a reasonably flat site and to provide adequate drainage away from the space.
☐ The park shall have all weather roads that directly abut each camping space intended for RV use. All road rights-of-way shall have a minimum width of twenty-five (25) feet. Rights-of-way for one-way roads shall have a minimum width of twelve (12) feet.
☐ No camping site shall have direct vehicular access to a public road.
☐ The park shall be developed with proper drainage ditches. All banks shall be sloped and seeded.
☐ Cul-de-sac or dead-end roads shall not exceed one thousand (1,000) feet in length measured from the entrance to the center of the turnaround. Any road designed to be permanently closed shall have a turnaround at the closed end with a minimum right-of-way diameter of eighty (80) feet.
☐ When the park has more than one (1) direct access to a public road they shall not be less than three hundred (300) feet apart or closer than three hundred (300) feet to a public road intersection unless unusual site conditions demand otherwise.
☐ Each park shall have a central structure or structures that will provide separate toilet facilities for both sexes. This structure may also contain coin operated laundry machines for the park resident's use only, provided there is no exterior advertising. Vending machines also may be permitted in a sheltered area.
☐ No swimming pool or bathing area shall be installed, altered, improved, or used without compliance with applicable regulations. No bathing area shall be used without the approval of the Hertford County Public Health Authority.
☐ Signs, for identification of parks, shall conform to the general and specific regulations for zoning per district.

Section 13.2 Utilities and Other Facilities

13.2.1 For maintaining Sanitary Facilities

☐ All Any toilets, showers, lavatory, and laundry facilities provided, shall be maintained in a clean and sanitary condition and always kept in good repair. They shall be safely and adequately lit. Facilities shall be easily accessible and conveniently located. All toilet, shower, lavatory, and laundry room facilities shall be acceptable to the Hertford County Public Health Authority and shall be in conformity with all Hertford County codes.
☐ All buildings shall be constructed in accordance with the building code of the County.
☐ A safe, adequate, and conveniently located central water supply must be provided for each park. No water supply shall be installed, altered, or used without the approval of the Hertford County Public Health Authority.

13.2.2 Sewage Disposal.

☐ Sewage Dumping Stations shall be approved by the Hertford County Public Health Authority. Each park shall provide at least one (1) sewage dumping station.

- ☐ No method of sewage disposal shall be installed, altered, or used without the approval of the Hertford County Public Health Authority. All sewage waste from each park, including waste from toilets, showers, bathtubs, lavatories, wash basins, sinks, and water using appliances not herein mentioned, shall be piped into the park's sewerage disposal system or systems.

13.2.3 Garbage & Refuse Disposal

- ☐ The park owner is responsible for refuse collection. All refuse shall be collected at least twice weekly, or more if the need is indicated. Campground /RV Parks are considered commercial operations and therefore the park owner is responsible for taking refuse to the County landfill and paying the prevailing tipping fee for disposal.
- ☐ Storage, collection, and disposal of refuse shall be managed so as not to create health hazards, rodent harborage, insect-breeding areas, accidents, fire hazards, or air pollution.
- ☐ All refuse shall be stored in conveniently located leak-proof, rodent-proof containers with tight-fitting lids. One such can with a capacity of at least twenty (20) gallons shall be provided for every two (2) spaces. Garbage cans shall be located no further than one hundred (100) feet from any trailer/RV space.
- ☐ Racks or concrete platforms shall be provided on which to store container racks or platforms shall be so designed as to prevent tipping and to minimize spillage.

13.2.4 Miscellaneous Requirements

- ☐ Where electrical service is used, the installation and use of such facilities shall conform with all applicable codes. Such facilities shall be inspected by the County electrical inspector.
- ☐ Each park shall provide adequate recreation areas to serve the needs of the anticipated users. The park owner is responsible for the development and maintenance of the recreation areas.
- ☐ It shall be unlawful for a person to park or store a mobile manufactured home in a Campground /RV park. However, one (1) mobile home may be allowed within a Campground /RV park to be used as an office and/or residence of persons responsible for the operation and maintenance of the Campground /RV park.

Section 13.3 Plat

The following plat requirements shall be met.

13.3.1 The Hertford County Planning and Zoning Board

- ☐ Title information.
- ☐ Small scale location map.
- ☐ Dimensions and bearing of exterior property lines.
- ☐ Roads in the vicinity.
- ☐ Method of stabilizing roads within the park.
- ☐ Location of park.
- ☐ Street and lot design.
- ☐ Surface water drainage.
- ☐ Results of Soil Evaluation Test for each lot, as performed by the Hertford County Public Health Authority.
- ☐ Coordinating the requirements of this Ordinance in relation to zoning regulations

13.3.2 Hertford County Public Health Authority

- ☐ The Hertford County Public Health Authority shall review plans for mobile manufactured home and/or Campground /RV parks. This agency shall be responsible for the review of the following, to determine if they are in accordance with the minimum health standards and regulations.

- ☐ Source of water and water distribution system.
- ☐ Sanitary sewerage system; and
- ☐ Adequate lot size.

13.3.3 County Building Inspector

- ☐ The County Building Inspector shall review the plans for mobile manufactured home park and/or Campground /RV parks that include buildings to be constructed within the proposed park.
- ☐ The Building Inspector shall review the plans for mobile manufactured home park and/ Campground /RV parks, to determine if the proposed electrical system is in accordance with electrical codes adopted by the Hertford County Commissioners.

Section 13.4 Required Certificates for Recordation

I hereby certify that the land as shown hereon is:

- a. within the subdivision regulations jurisdiction of the County of Hertford, State of North Carolina.
- b. owned by _____ free and clear of any encumbrances or liens except as stated below: _____
- c. that the subdivider, by the recording of this plat, freely dedicates or reserves all required right of way easements, streets, utilities, open spaces, or other improvements to public or private use as noted on the approved preliminary plat and has freely established minimum building setback lines which conform to existing UDO. A purchaser of a lot shown hereon accepts the lot subject to said dedication, reservations, and restrictions.
- d. the owner/authorized agent consents to the within subdivision and the recording of same with the appropriate Hertford County recording officials.

_____, 20____
 Date Owner or Authorized Agent

The public streets designated hereon are constructed in accordance with the minimum standards of the Department of Transportation for acceptance of the subdivision streets on the state highway system for maintenance. This certificate of approval shall not be deemed an acceptance of the dedication of such streets designated herein.

_____, 20____
 Date District Engineer, Division of Hwy

The private streets designated hereon are constructed in accordance with and meet applicable standards set forth in the North Carolina Department of Transportation's "SUBDIVISION ROADS MINIMUM CONSTRUCTION STANDARDS," excluding the requirement that the roads must be paved. These private streets are not eligible for acceptance on the state highway system for maintenance, unless said streets are paved according to Department of Transportation standards, and unless all parties receiving access from said streets consent, in writing, to the street becoming public. This certificate of approval shall not be deemed an acceptance of the dedication of such streets designated herein.

_____, 20____
 Date District Engineer of the State of NC

State of North Carolina, County of _____
 I, _____ certify that this map was

- ☐ drawn by me; ☐ drawn under my supervision; from
- ☐ an actual survey by me; ☐ an actual survey made under my supervision;

with the deed description recorded in Book _____, Page _____, Or other as listed herein _____;
and that the ratio of precision as calculated by latitudes as departures is _____ (1:7500 as a minimum standard); that
the boundaries not surveyed are shown as broken lines plotted from information found in Book _____, Page _____.

Witness my hand and seal, this _____ day of _____, 20____.

Surveyor or Engineer, Licensed by the State of NC

Sworn to and subscribed before me this _____ day of _____, 20____.

Notary Public

My Commission Expires:

I hereby certify that the subdivision plat shown hereon has been found to comply with the Unified Development Ordinance Regulations of Hertford County by the Hertford County Planning Board and/or Subdivision Review Committee and that it has been approved for recording in the Office of the Register of Deeds.

_____, 20____
Date

Chairman, Hertford County Planning Board
Or
Planning Administrator

The area designated hereon may be wholly or in part located within an Area of Environmental Concern. Prior to initiating development activities, the Division of Coastal Management should be contacted to ensure that any necessary Coastal Area Manage Act permits are acquired by the subdivider.

_____, 20____
Date

DCM Field Representative

ARTICLE XIV. ENFORCEMENT & PENALTY

Section 14.1 Section Applicability & Procedure

14.1.1 General

If any land is used or any building or structure is erected, removed, demolished, constructed, reconstructed, altered, repaired, converted, maintained, which is in direct violation of this Ordinance, the Enforcement Officer, or any appropriate authority, in addition to other remedies, may institute appropriate action or proceeding to prevent such unlawful uses or violations.

14.1.2 UDO Enforcement

When inspecting, the individual must enter the premises during reasonable hours and upon presenting credentials. The individual completing the inspection may enter the premises provided that the appropriate consent has been given for inspection of areas which are not open to the public unless an appropriate inspection warrant has been secured. Actions by the UDO Code enforcement officer may include any of the following:

- a) Ordering discontinuance or illegal use of land or structure.
- b) Ordering removal of illegal construction, alteration, and additions or changes in structures.
- c) Ordering the discontinuance of illegal work being performed on land and/or structures.
- d) Ordering any other action authorized by this Ordinance to ensure compliance with or prevent violation of its provisions.
- e) Abandonment of intent to repair and need for demolition.

Section 14.2 Penalties for Violations

14.2.1 General Penalties

- a) Any person violating any provision of this Ordinance may receive a notice of violation for the offense, outlining the scope of the offense or illegal nonconformity. If proper steps are not taken to conform to the Ordinance, within 15 days of receiving the notice, the property owner or violator may be fined up to five-hundred dollars (\$500) a day until proper compliance is met.
- b) The Zoning Administrator may institute a civil action against the offender seeking enforcement by appropriate equitable remedy, injunction, and order of abatement, or by any remedy authorized by NCGS 160A-175 and 160D-404, as amended.

14.2.2 Regarding Subdivisions

Any Subdivision that is found to be in violation of this Ordinance is subject to the following.

- a) The notice of violation shall be sent to the owner, specifying what violations have been found, what corrective measures must be taken, and that failure to comply with the Ordinance shall result in revocation of the operating license.
- b) Unless an inspection shows the violation to have been corrected or to satisfactorily be in the process of completion no later than 30 days after notice of permit violation is given, a notice of a revocation hearing shall be sent to the offending party.
- c) The revocation hearing notice shall indicate the time and place of the hearing, that the park operator may be represented by counsel and that the hearing shall be held before the Hertford County Board of Commissioners.
- d) At the hearing, the burden of proof shall be on the enforcement office, who may also be represented by counsel.
- e) Evidence shall be presented, and cross examinations shall be allowed. Accurate minutes of the hearing shall be kept.
- f) The decision of the board shall be stated in writing and supported by a statement of its findings of facts and conclusions. If the park is found to be in violation, the permit for all spaces shall be revoked.
- g) If the owner later wishes to correct the violation, he shall be required to re-submit his Subdivision plans in compliance with this Ordinance to gain compliance.

14.2.3 Regarding Manufactured Home Parks & Campgrounds / RV Parks

Any mobile manufactured home park or Campground /RV park that is found to be in violation of this Ordinance will cease entering new leases.

- a) The notice of violation shall be sent to the park operator, specifying what violations have been found, what corrective measures must be taken, and that failure to comply with the Ordinance shall result in revocation of the operating license.
- b) Unless an inspection shows the violation to have been corrected or to satisfactorily be in the process of completion no later than 30 days after notice of permit violation is given, a notice of a revocation hearing shall be sent to the offending party.
- c) The revocation hearing notice shall indicate the time and place of the hearing, that the park operator may be represented by counsel and that the hearing shall be held before the Hertford County Board of Commissioners.
- d) At the hearing, the burden of proof shall be on the enforcement office, who may also be represented by counsel.
- e) Evidence shall be presented, and cross examinations shall be allowed. Accurate minutes of the hearing shall be kept.
- f) The decision of the board shall be stated in writing and supported by a statement of its findings of facts and conclusions. If the park is found to be in violation, the permit for all spaces shall be revoked.
- g) If the owner later wishes to correct the violation, he shall be required to re-submit his mobile manufactured home park plan or Campground /RV park plan in compliance with this Ordinance in order to get an operating permit.

Section 14.3 Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, the accused 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 complaints, immediately investigate, and act thereon as provided by this Ordinance.

Section 14.4 Legal Proceedings / Enforcement

- a) 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.
- b) In addition to an injunction, the court may enter an order of abatement as part of the judgment in the cause. An order of abatement may direct that building or other structures on the property be closed, demolished, or removed; that fixture; furniture, or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repair be made; or that any other action be taken that is necessary to bring the property into compliance with the Ordinance.
- c) 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.
- d) If the County executes the order, it has a lien on the property, in the nature of a mechanic's & material's 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.

Section 14.5 Judicial Review

Any person aggrieved or any taxpayer affected by any decision of the BOA, or any office, department, board, or bureau of the County, under this Ordinance, may petition the superior court for a review of such decision.

- a) State law references: Judicial review, NCGS 63-34.
- b) State law references: Enforcement and remedies, NCGS 63-35.

Section 14.6 Corrective Procedures

14.6.1 Violations to be Corrected.

When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

14.6.2 Actions in Event of Failure to Take Corrective Action

If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating that the building or property is in violation of the floodplain management regulations:

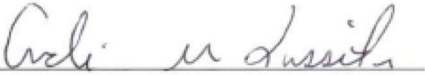
- a) that a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter.
- b) At the following hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.

14.6.3 Order to Take Corrective Action

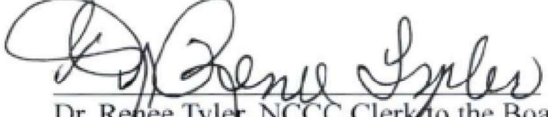
If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such a lesser period as may be feasible.

- a) Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order for the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify, and affirm, or revoke the order.
- b) If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner may be liable to the penalties allowed by the state of North Carolina.

Adopted this the 18th day of March 2024 by the Hertford County Board of Commissioners.


The Honorable Andre' M. Lassiter, Sr., Chairman

ATTEST:


Dr. Renee Tyler, NCCC Clerk to the Board

