

ARTICLE II

ESTABLISHMENT OF DISTRICTS

Section 2-1 Zoning Districts

For the purpose of this ordinance, the Town of Hertford, North Carolina and its extraterritorial area is hereby divided into the following zoning districts:

- 2-1.1 RA, Residential Agricultural - The purpose of this district is to create an area in which residential and agricultural uses can be compatibility mixed where water and sewer are not available or where development of low density is desired. Single family residences and agricultural uses are allowed with a minimum lot area of 20,000 square feet.
- 2-1.2 R10, Single Family Residential - The purpose of this district is to maintain a minimum lot size of ten thousand (10,000) square feet and to allow for single family dwellings and other such uses which would not be detrimental in protecting the property value and the established character of this district from the depreciating effects of more intensive uses.
- 2-1.3 R-8, Residential District - The purpose of this district is to provide for a compatible mixture of single-family, two-family, and multi-family dwellings on lots with a minimum area of eight thousand (8,000) square feet in neighborhoods of medium density while using adequate controls to insure such development will not be detrimental to the neighborhood environment.
- 2-1.4 R-6, Residential District - The purpose of this district is to provide for a compatible mixture of single-family, two-family, and multi-family dwellings (including mobile homes) on lots with a minimum area of six thousand (6,000) square feet in neighborhoods of characteristically high density while using adequate controls to regulate open space and layout to insure enhanced neighborhood character and livability.
- 2-1.5 TR, Transitional Residential District - The purpose of the district is to provide for a compatible mixture of residential uses and such other uses as would be compatible in areas where transitional residential use is changing to more intensive uses, and where such areas may logically be expected to become less rather than more residentially oriented.
- 2-1.6 O/I, Office, Institutional District - The purpose of this district is to provide for facilities to house general offices and institutions requiring extensive space for parking and expansion in an area highly accessible and visible to those demanding their services.
- 2-1.7 C1, Commercial, Core Area - The purpose of this district is to provide for, enhance and protect the shopping and office facilities, and focal nature characteristically associated with the central business district.
- 2-1.8 C2, Commercial, General - The purpose of this district is to provide for the further development of commercial activities and to encourage the proper grouping and location of uses requiring ready accessibility by the public and space for expansion, parking, and storage so as to minimize any negative impacts upon adjacent or proximate non-compatible uses.

- 2-1.9 C3, Commercial, Neighborhood - The purpose of the district is to provide for the shopping and service facilities utilized regularly by residents of neighboring residential districts, while utilizing such controls as necessary to protect the residential character of surrounding districts.
- 2-1.10 M1, Manufacturing - The purpose of this district is to create and protect areas which may be utilized by those industrial or manufacturing uses which do not create excessive noise, odor, smoke or dust; and which do not possess other objectionable characteristics which might be detrimental to surrounding neighborhoods or the town as a whole.
- 2-1.11 C-4, Commercial, Light Industrial - The purpose of this district is to provide for a mix of commercial and light industrial uses and to encourage the proper grouping and location of uses requiring ready accessibility by the public and space for expansion, parking, and storage so as to minimize any negative impacts upon adjacent or proximate noncompatible uses
- 2-1.12 C-5, Commercial, Riverfront - The purpose of this district is to provide for commercial facilities adjacent to or in close proximity to rivers and waterways and require extensive space for uses relating to the water in a manner that will minimize any negative impact upon adjacent waterfront properties and water quality.
- 2-1.13 US 17 Overlay District

Establishment, Purpose, and Intent

The US 17 Overlay District is hereby established. The land so classified may be used in a manner permitted in the underlying district only if and the extent such use is also permitted by the provisions of the overlay district. The purpose of the US 17 Overlay District is to protect the unique characteristics of Hertford as a waterfront community. Development shall be one of quality that reflects a community that takes pride in its appearance. Uses in the Overlay area shall be appropriate and project a positive perception of the community. Uses shall be compact and efficiently utilize the land area. From US 17, one should gather from wayfinding signage that the downtown and historical center of Hertford is nearby and has an inviting charm. The project area shall be accessible to all pedestrians, bicyclists and motorists.

Overlay District and Location

The US 17 Overlay District will apply to the entire US 17 Corridor area as shown on the zoning map. The regulations will be in addition to those of the underlying district. The more restrictive regulation will supersede the less restrictive regulation. Existing development that does not comply with the US 17 Overlay District shall be considered as a nonconforming use in accordance with Article VI Nonconforming Uses of Lots, Land and Structures.

1. Site Development Standards

The purpose of these standards is to reduce congestion on streets in the project area, provide safe ingress and egress to properties and to provide for buildings that are reasonably attractive and do not have distracting features while allowing for individuality and character while providing for development that is attractive, safe, and harmonious.

- Driveways to a single development with multiple entrances shall be a minimum of 500 feet apart.
- Shared driveways shall be utilized whenever possible.
- A traffic study is required for developments that will generate a projected 1200 trips per day or greater based on Institute for Transportation Engineers Publication. Adequate stacking on and off site of vehicles entering and exiting the development is required such that traffic flow on the public street is not disrupted. Turn lanes, acceleration and deceleration lanes may be required to mitigate traffic impacts of a development.

- Building materials shall convey a sense of quality. Utilitarian concrete block, corrugated, highly reflective materials, internally illuminated materials, brightly colored material can not be visible from a public right of way. All windows shall be transparent.
- Canopies including bank drive- throughs, convenience stores, drugstores and gas stations shall be integrated with the building design. Speakers are permitted only if they cannot be heard off site.
- Accessory structures and exterior storage areas shall be consistent with the architecture of the primary structure.
- Landscaping treatment of accessory structures shall be consistent with that of the primary landscaping treatment.
- Mechanical equipment shall be integrated into the overall design of the structure if located on or adjoining a building. Rooftop equipment shall be concealed. Boxes that enclose individual mechanical equipment and do not relate to the architectural integrity of the structure are not permitted. When mechanical equipment is sited on the ground, equipment shall be screened by fencing or walls that coordinate with the architecture of the primary structure and landscaping. If located on the ground, mechanical equipment shall be located to the rear and side of buildings.
- Loading docks shall not be visible from public rights of way and adjoining properties. These areas shall be screened with a combination of walls and landscaping. Walls shall be constructed of materials and style compatible with the architecture of the primary structure. Wire fences including chain link with strips of materials are not permitted to screen utility and trash storage areas.
- Business inventory shall be screened from the public rights of way. Vehicular sales, boat sales and manufactured home sales display areas can be visible from adjoining public rights of way.
- All parking areas shall be paved. The size of contiguous parking areas shall not exceed the standard parking space and aisle width for 60 vehicles. A 10 foot wide planted median every 130 linear feet in any direction is required. This dimension allows for 2 bays of parking 130 feet long or 52, 10 ft. wide spaces or 57, 9 ft wide spaces.
- The maximum height of any light shall be 18 feet unless a conditional use permit is granted. Lighting shall be shielded from illuminating the sky or adjoining properties. Lighting in pedestrian areas shall be designed to illuminate the faces of pedestrians to allow for greater safety. Entrances to buildings shall be illuminated. Athletic fields may apply for a conditional use permit to allow light fixtures above 18 feet tall.
- Developments of more than one structure will be designed as a coordinated single development. A main vehicular entrance with signage and landscape features (plant materials, lighting, ornamental fencing) that identify the development as a location is required. The design of buildings shall be of coordinated materials, colors and architectural features. Site features shall be coordinated throughout a development with similar complimentary materials and style. There shall be cross access between various parking areas in developments. Connecting pedestrian facilities between components of the development shall be provided.

A. Pedestrian facilities along the street right of way are required. A walkway connection is required between the pedestrian facility along the street and the front entrance of a business or multifamily residential building. Pedestrian facilities will be connected to adjoining properties. Traffic calming devices shall be installed as needed to allow for safe pedestrian crossings and safety in parking areas.

B. Bicycle facilities shall be located on paved surfaces. Bicycle racks shall be provided for parking bicycles in a location that is convenient for people to bicycle and walk to the entrance of the business.

2. Uses not permitted

The following uses shall not be permitted in the overlay district:

- a. salvage yard
- b. tattoo parlor
- c. adult establishments
- d. uses that rely on speakers that can be heard off site
- e. manufactured homes
- f. heavy industrial

3. Conditional Uses in the Overlay District

Detailed performance standards are established for uses that have negative impacts if not developed properly anywhere in Hertford's zoning jurisdiction. The performance standards and review procedures provide safeguards to control negative impacts. The following uses shall be permitted in the US 17 Overlay District only by conditional use permit.

- a. Exterior sales – vehicle sales, building supply, boats, garden centers,
- b. Exterior activities – car wash
- c. Exterior storage – building supplies (wholesale supplier) landscaper, equipment storage (grading contractor, etc.)
- d. Restaurant with drive through window or drive up service
- e. Lighting fixtures above 18 feet
- f. Schools & Day Care Centers
- g. Night club
- h. Truck terminal
- i. Mini storage
- j. Warehouse
- k. Hospital
- l. Service stations
- m. Athletic complex
- n. Churches
- o. Mining Operations

4. Sign Regulation

The intent of these regulations is to encourage signage to identify locations to the public in a harmonious context that is attractive. Signs shall be located within easy view of the traveling public and provide the essential information needed to identify a business or location. Where there are multiple businesses at a location, the signage visible to motorists shall identify the location rather than individual businesses. In a multi-business site the signage for individual businesses should become apparent when one enters a location within the development that is near the business.

Types of Signage

- Public Safety – These signs tell the public the rules of the road and alert the public to pedestrians, intersections, hazards, and evacuation routes.
- Way Finding – signs help the public find where they want to go and know where they are. They include public signage that identifies County lines, Town lines, fire districts and bodies of water, etc. This type of signage can also identify a specific route such as a scenic byway or historic trail.
- Place identification – These signs may identify a specific neighborhood or business development.
- Commercial signage – These signs identify a specific business or product offered at a location. Most private signage is this type of signage.
- Off site advertising – These signs advertise a business or product not offered where the sign is located. Billboards are this type of signage.

A. Sign types not permitted:

- Internally lit box signs
- Back lit canopies with or without signage
- Off site advertising signs.

B. Sign appearance:

Free standing ground or monument signs shall be constructed of materials that are similar to the primary structure on the property that the sign identifies and shall be located adjacent to the primary entrance to the property. There shall be low landscaping around the sign. The message area of a sign should include a background color and single print color. The sign can contain a background image that relates to the development. The message area of a sign shall not contain more than 2 colors exclusive of black, white and grey exclusive of logos. Logos may not exceed the vertical dimension of a capital letter on the sign.

1. Sign height- Sign height is the distance from the ground plane beneath the sign to the highest point of the sign's frame. Ornamentation atop signs, such as small caps and spires, are not included in the height measurement.

2. Signage on buildings- The design and location of a sign located on buildings shall be integrated with the design of the façade of the building. No roof signs shall be permitted. The total area of signs located on or attached to a building shall not exceed 5 percent of the area of the primary façade of the building. Building identification signs shall contain only the name of a building or building complex and the nature of the establishments therein, provided such signs are limited to one wall sign per building. Identification signs for individual establishments shall contain the name(s) and trademark(s) of the establishments, provided such signs are limited to wall signs or awning signs.

3. Canopy signage- Signage shall be an integral part of the canopy. Signage shall not be mounted on top, to the side or below the canopy. The signage shall be composed of the same materials, color, letter style as signage on the monument sign and building signage. The maximum letter height and/or logo height shall not exceed eighteen (18) inches. Canopy signage area is part of the total building signage allocated based on the area of the front building façade. No internal illumination is permitted.

C. Signage along US 17:

This section applies to properties that have frontage on US 17. Private signage on properties with frontage on US 17 shall identify a location (development) rather than each business in a development. The type of sign permitted is a ground or monument sign. The message area shall be between 3 and 8 feet high where it is easily read by a traveler. Sign area shall not exceed 50 square feet. These signs shall identify the names of developments or the primary business on a property.

F. Overall Signage Plan

An overall signage plan is required prior to the issuance of a permit for a permanent sign on any development. The overall signage plan shall indicate the locations, size, materials, color scheme, lettering, graphic style, materials and lighting for all signage to be located on the lots(s). The overall sign plan shall also include the calculations of permitted sign area and demonstrate that the plan meets the requirements. For developments with multiple parcels, buildings, and tenants, the overall signage plan shall provide consistency between all signs located in the development. Signs for different businesses shall be located in similar locations on the building. For example: all shop signs shall be located above the shop entrances. Signage within a development shall be unified. The same materials, sign colors and design details shall be used.

G. The Overall Signage Plan shall contain the following:

1. Location of freestanding signs including monument and directional
2. Size and dimension of all signs
3. Location and dimensions of signs on buildings
4. Color scheme, graphic style, lettering
5. Materials of all signs

Section 2-1.14 Neighborhood Overlay District

Establishment, Purpose, and Intent

The Neighborhood Overlay District is hereby established. The purpose for the Neighborhood Overlay is to provide for medium density mixed use development that is pedestrian oriented and contributes to Hertford's sense of place. The Overlay District provides an area for smaller businesses and specialty businesses along lower speed streets within a residential context. The function and capacity of the Overlay shall be enhanced with planned shared access to the public corridor, internal connections between parcels and building sites and pedestrian facilities. This Overlay District provides high quality multi-family housing opportunity for residents with retail, business and open space amenities.

1. Permitted Uses:

- a. High to medium density residential – town homes, garden apartments, residential above businesses (a minimum of 60% of a developments building square footage shall be residential)
- b. Parking garages for the development
- c. Private marinas
- d. Retail
- e. Professional offices
- f. Personal services – beauty barber, nail, tanning, fitness
- g. Financial institutions
- h. Institutional uses with neighborhood orientation – libraries, community centers

2. Conditional uses

- a. Day care
- b. Elder care
- c. Schools
- d. Churches
- e. Outdoor dining

3. Prohibited uses

- a. Outdoor sales
- b. Drive through facilities
- c. Dry stack boat storage
- d. Exterior storage

4. Site Development Standards:

A. Pedestrian facilities shall be provided along streets where traffic volume impedes the use of the street for pedestrian purposes, such as:

- 1) between building entrances
- 2) between sidewalks and parking areas
- 3) sidewalk connections between parcels.

B. Setbacks shall provide a landscape buffer around the perimeter of a development. If a development includes multiple parcels then the landscape buffer requirement between parcels within the development is waived.

Section 13-3 Street Yard Landscaping shall apply to this district. Planting Yard Buffers and Screens shall be required in accordance with Article XIII Landscape Requirements with the following additions.

1. If the Neighborhood Overlay District contains only single family uses, the Single Family Residence use designation shall apply. If there are multi-family uses with no institutional or business uses, then the Multi-Family Residential use designation shall apply.
2. If there are any non residential uses then the Light Commercial use designation shall apply.
3. If the adjacent land use designation matches the use designation proposed in the Neighborhood Overlay District, the required buffer shall be a 1B Buffer Screen.
4. No building or parking area shall be located in a required landscape buffer.
5. Landscape buffers can contain pedestrian walkways, benches, public art, trash receptacles and ornamental lighting.

C. Architectural standards:

1. Building height: minimum 1 ½ stories
2. maximum building height – 3 stories or 35 feet for front elevation
3. Sloped roof requirement –The minimum slope for buildings with less than 2 stories shall be a 5 in 12 slope. A flat roof with parapet may be permitted on buildings with 2 or 3 stories.
4. Building materials – Buildings shall be constructed of materials that have traditionally been used in Hertford or look like those materials. Building materials shall have a low reflectance quality.
5. Walls: Wood, brick or materials that look like wood are appropriate materials. Appropriate uses of wood include wooden siding, shingles, and trim. Stone and metal can be used as decorative elements. Plywood shall not be an exposed material.
6. Roofs: Shingles, slate, standing seam metal are appropriate materials for sloped roofs. Flat roofs on buildings 2 or 3 stories must have an ornamental parapet on the front elevation and a terrace parapet on side elevations where in view from a public street.
7. Foundations: Foundations can be poured concrete, decorative concrete units, brick or stone.
8. Building foot print: The maximum building footprint is 6,000 square feet or 60% of the total lot size unless granted by Conditional Use Permit.
9. Windows are required on ground floor and upper floors and shall be non reflective glazing.
 - a) 30 % of front ground floor, 20 % of front upper floors
 - b) 20% of side walls visible from public streets and parking area
10. Entrances – Building entrances shall be of a human scale and marked with architectural features such as a canopy, recessed entry, or entry porch. The primary building entrance shall be articulated with architectural detail.
11. Building setbacks
 - a) The front building set back is 15 feet.
 - b) Side and rear setbacks are 12 feet.
12. Orientation: Buildings that are not waterfront shall front onto public street. The primary building entrance for business uses shall face a public street or a public pedestrian courtyard. The building sides shall be similar to the building fronts and constructed of the same palette of materials with similar construction details and ornamentation.

D. Waterfront development

There is a finite amount of waterfront property in Hertford for development. This property should be developed to take advantage of the natural beauty with attractive well built buildings that will remain an asset to Hertford long into the future. It is likely that the building side fronting onto the water will be considered the front façade by the developer and future occupants of the structure. The service side of these buildings where parking, trash collections, and deliveries occur will be other than the waterfront side.

The developer of waterfront properties can choose to designate the waterfront side the primary front of a building rather than have the front face the public street.

1. The primary entrance (front door) can be located on the waterfront side with appropriate pedestrian linkage to parking. Parking can be located to the side or rear of a building.
2. A second “front door” may be located on the parking lot side of the building. The “second front door” should have detailing and human scale of a front building entrance. Service areas on the street side of the buildings shall be screened from view using similar building materials and design to the primary structure(s) and dense vegetation.
3. If garages are visible from the public street they shall not dominate the façade and shall be designed with detailing that complements the design of the structure. There shall be attractive pedestrian entrances with landscaped areas that correspond to the garage doors. A façade visible from a public right of way with garages shall be softened (interrupted) with silhouettes of trees and vegetation.

E. Non-Waterfront Development

1. Residential parking garages shall not be visible from public street. Shared parking garages may be located on the basement level of a building.
2. The ground floor of the front façade of the building shall contain occupied space (business or residential) and meet window requirements.
3. Non single family developments shall provide an exterior gathering spots for residents and business patrons. Exterior gathering spaces shall include sidewalk areas, garden areas, lighting and seating. A gazebo or other type of shelter may be provided in the exterior gathering spot. It shall be located in a central location or in a location that takes advantage of an excellent view. It should be easily accessible for pedestrians.
4. Landscaping - 30% of site excluding conservation areas shall be open space. Conservation areas of a property do not apply as site area in calculation and do not contribute to 30% requirement. Sidewalks and developed public plazas apply as open space. Parking lots do not apply as open space.
5. Parking – Shared parking is permitted. Landscaping of parking areas shall comply with Article 13. A maximum of 24 parking spaces shall be permitted in a single parking pod.
 - a) Parking pods shall be separated by a landscaped area between aisles of parking a minimum of 10 feet wide. Parking requirements can be provided on public neighborhood street. Parking lots in front of buildings are limited to 1 aisle and 2 bays of parking.
 - b) Parking areas and parking access areas shall not be located in a required buffer or landscaped area.
 - c) Any loading spaces that are required shall be located in a non-obtrusive location to the side or rear of the building.

2-1.15 C-6, Commercial, Marine Park- The purpose of this district is to provide for commercial and industrial facilities within the Perquimans County Commerce Park that businesses related to marine construction, boat building and related trades can be located without negative impact to surrounding properties or adjacent bodies of water.

Section 2-2 Official Zoning Map

For the purpose of this ordinance, the Town of Hertford’s planning jurisdiction is hereby divided in zones or districts as shown on the “Official Zoning Map, Town of Hertford, North Carolina,” which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor and attested by the Town Clerk and bear the seal of the town under the following words:

“This is to certify that this is the Official Zoning Map referred to in Article II of the Zoning Ordinance of Hertford, North Carolina,” together with the date of adoption of this ordinance.

The Official Zoning Map, which shall be located in the Town Hall, shall be the final authority as to the current zoning status of land and water areas, buildings, and structures within the planning jurisdiction of the Town of Hertford.

Section 2-3 Zoning Map Changes

If, in accordance with Article IX of this ordinance, changes are made in the zoning district boundaries or other matter shown on the map, such changes shall be made together with an entry on the map as follows:

“On _____, by official action of the _____, the following changes were made in the Official Zoning Map:

The entry shall be signed by the Mayor and attested by the Town Clerk. No amendment to this ordinance which involves a matter portrayed on the map shall become effective until after such change and entry have been made on said map. The Town Commissioners shall file official notice of the zoning change to the ZONING ADMINISTRATOR within twenty-four (24) hours after passage of said change.

Section 2-4 Replacement of Official Zoning Map

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

“This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted on _____,” together with the date of adoption of the new map.”

Section 2-5 Responsibility for Maintenance of the Official Zoning Map

The Zoning Administrator shall be responsible for the maintenance of the official zoning map. Upon notification by the Town Commissioners that a zoning change has been made, the Zoning Administrator shall make the necessary changes on the official zoning map within forty-eight (48) hours following notification.

Section 2-6 District Boundaries

The boundaries of these districts are hereby established as shown on a map entitled “Official Zoning Map, Town of Hertford.” Said map and all explanatory matter thereon accompanies and is hereby made a part of this ordinance; it shall be properly attested and on file in the office of the town clerk.

Section 2-7 Rules Governing Boundaries

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

- 2-7.1 Boundaries indicated as approximately following the center lines of streets, highways, alleys, streams, rivers or other bodies of water, shall be construed to follow such center lines.
- 2-7.2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- 2-7.3 Boundaries indicated as approximately following city limit lines shall be construed as following such city limit lines.
- 2-7.4 Where district boundaries are so indicated that they are approximately parallel to the center line of streets, highways, or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.
- 2-7.5 Where physical features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by Subsections 2-7.1 through 2-7.4 above, the Board of Adjustment shall interpret the district boundaries.

Section 2-8 Use Regulation

For the purpose of this ordinance, permitted and conditional uses and required parking provisions for such uses shall be determined for the various zoning districts using the following table entitled, “Use District.”

Those listed as conditional in any district may only be permitted upon the approval of the Board of Adjustment. Procedures guiding petitioning, approval and disapproval of conditional use permits are contained in Article IV.