

ARTICLE III
GENERAL PROVISIONS

Section 3-1 Territorial Limits

3-1.1 The Provisions of this ordinance shall be applicable not only within the corporate limits of the Town of Hertford, but also within the extraterritorial jurisdiction of the Town of Hertford as shown on the “Official Zoning Map, Town of Hertford,” in accordance with North Carolina General Statutes 160A-360.

3-1.2 This ordinance shall in no way regulate, restrict, prohibit, or otherwise alter any bona fide farm and its related uses within the territory beyond the corporate limits as defined in the Official Zoning Map, Town of Hertford, except that any use of such property for non-farm purposes shall be subject to such regulations.

Section 3-2 Application

The regulations set fourth in the ordinance affect all land, every building, and every use of land and/or building, and shall apply as follows:

3-2.1 New Uses of construction. After the effective date of this ordinance, all new construction or use of land shall conform with the use and dimensional requirements for the district in which it is to be located.

3-2.2 Conforming Uses or Structures. After the effective date of this ordinance, land or structures, or uses of land or structures which then conform to the regulations for the district in which it is located may be continued, provided that any structural alteration or change in use shall conform with the provisions of this ordinance.

3-2.3 Nonconforming Uses or Structures. After the effective date of this ordinance, land or structures, or uses of land or structures which would be prohibited under the regulations for the district in which it is located shall be considered nonconforming. Nonconforming structures or uses may be continued provided they conform to the provisions of Article VI of this ordinance.

Section 3-3 One Principal Use Per Lot

No lot shall be occupied by more than one principal building use. No part of a yard, court or other open space provided about any building or structure for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required under this ordinance for another building or structure. A residence shall always constitute a principal use.

Section 3-4 Reduction of Yard and Lot Areas Prohibited

No yard or lot existing at the time of passage of this ordinance shall be reduced in size or area below the minimum requirements set fourth herein except as provided for in Section 3-17. Yards or lots created after the effective date of this ordinance shall meet at least minimum requirement for the district within which it is located as established by this ordinance. Shrubbery, driveways, retaining walls, fences, curb, ornamental objects and planted buffer strips shall not be construed to be encroachments upon yards.

Section 3-5 Location of Accessory Uses or Buildings (Amend 5-26-81)

Accessory uses and buildings shall comply with the 'front' setback requirements of the zoning district in which they occur. No separate accessory building may be erected within ten (10) feet of any other building. In the case of a corner lot, and accessory use or building shall be set back from the right-of-way of the abutting side street a distance equal to the front yard setback established for principal uses in this district. No accessory building may be nearer than five (5) feet from any side or rear yard line, (unless located on previous foundation and approved by the zoning administrator.) All accessory buildings limited to one story.

Special requirements for certain accessory uses or buildings:

- 1) Swimming pools shall be protected by a four (4) foot high fence with latching gates to keep children and animals from having unsupervised access.
- 2) Stables and Kennels (private, non-commercial) shall not be erected closer than one hundred (100) feet to a pre-existing dwelling, and shall be allowed in residential areas as accessory uses only when the scale of such activity is clearly and demonstrably incidental to the residential use.

Section 3-6 Lots with Multiple Frontages

In the case of a corner lot having frontage on two (2) or more streets, all buildings shall be set back from each such street a distance at least equal to the minimum front setback requirement for the district. If a building is constructed on a lot having frontage on two (2) roads, but not at an intersection, a setback from each road will be provided at least equal to the front setback requirement for the district in which the lot is located.

Section 3-7 Street Access

No structure shall be erected on a lot which does not have at least fifty (50) feet of frontage on a public street, except in the case of cull-de-sac where thirty-five feet shall be required. All structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

Section 3-8 Visibility at Intersections

On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2 1/2) feet and ten (10) feet in a triangular area formed by a diagonal line between two (2) points on the right-of-way lines of two (2) streets or a street and a railroad, thirty (30) feet from where the two (2) right-of-way lines intersect.

Section 3-9 Required Buffers

In order to lessen the impact of incompatible land uses, a buffer strip, at least fifteen (15) feet in width, with a visual (vegetative) buffer six (6) feet or more in height, shall be provided and maintained to separate those uses which are deemed to have a negative effect on residential areas. When new commercial or manufacturing construction will abut an existing residential district or use, a buffer strip with a visual buffer shall be provided and maintained by the commercial or manufacturing use. In addition, when new residential construction will abut an existing commercial or manufacturing use, or abuts a limited access highway or railroad, the buffer strip and visual buffer shall be provided by the residential developer. This buffer strip shall be part of the lot(s) and shall be maintained by the owner (s) or homeowners association in the case of commonly owned land.

Section 3-10 Walls and Fences

The setback requirements of these regulations shall not prohibit any necessary retaining wall or prohibit any planted buffer strip, fence, or wall. However, no fence or wall shall exceed a height of four (4) feet in any front or side yard from the front building line to the front of the lot unless otherwise specified elsewhere in this ordinance, nor shall any fence or wall exceed a height of six (6) feet in any rear or side yard from the front building line to the rear of the lot within a residential zone. In any non-residential zone, no fence or wall shall exceed a height of six (6) feet in any front or side yard from the front building line to the front of the lot unless otherwise specified elsewhere in this ordinance, nor shall any fence or wall exceed a height of eight (8) feet in any rear or side yard from the front building line to the rear of the lot.

No fence, wall, planted buffer strip or any other hard structure, shall be placed within 1 foot (12 inches) of either side of any sidewalk, nor shall a planted buffer strip be allowed to grow into the 1 foot setback requirement.

In C-2, C-6 and M-1 zones, an 8' fence is allowed in the front, side, and rear yards except in C-2 zones that abut Hwy. 17 By-pass and M-1 zones that abut Grubb Street.

Section 3-11 Exceptions to Height Regulations

The height regulations of this ordinance shall not apply to a church spire, belfry, cupola, or dome; an ornamental tower, an observation tower; a transmission tower; a chimney or smoke stack; a conveyor; a flag pole, a radio or television tower, mast or aerial; a parapet wall not extending more than three (3) feet above the roof line of the building; and necessary mechanical appurtenances.

The height regulations of this ordinance shall extend to 80 feet maximum, for commercial structures in the M-1, C-5 and C-6 zones. Structures may exceed 35 ft. in height provided they have state approved fire protection sprinkler systems installed on those structures that exceed 35 feet in height.

Section 3-12 No Structures In Public right-of-way

No building, fence, or other structure or part thereof, shall be erected or installed in any public road, street, lane, or alley to other public right-of-way.

Section 3-13 Land Covenants

Unless restrictions established by covenants with the land are prohibited by or are contrary to the provisions of this ordinance, nothing herein contained shall be construed to render such covenants inoperative.

Section 3-14 Uses Prohibited

If either a use or a class of use is not specifically indicated as being permitted in a district, either as a matter of right or as a conditional use, then such use or class of use shall be prohibited in such district

Section 3-15 Home Occupations

A home occupation as permitted and defined in the ordinance shall be governed by the following requirements:

- 3-15.1 no person other than members of the family residing on the premises shall be engaged in the occupation;
- 3-15.2 the occupation shall not be visible from the street;
- 3-15.3 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 no more than twenty-five percent (25%) of the floor area of the dwelling shall be used in the conduct of the home occupation,
- 3-15.4 there shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding three (3) square feet, non-illuminated, and mounted flat against the wall of the principal building;
- 3-15.5 no home occupation shall be conducted in an accessory building;
- 3-15.6 no traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front or side yard;
- 3-15.7 no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot if the occupation is conducted in a single family residence, or outside the dwelling unit if conducted in other than a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

Section 3-16 Lot of Record

When the owner of a lot at the time of the adoption of this ordinance or an amendment which made the lot nonconforming or his successors in title thereto 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; provided that the requirements of Section 6-2 can be met.

Section 3-17 Variation of Yard Requirements

Except as set forth in Section 3-16, above, where there exists at the time of passage of this ordinance a non-conforming lot of record or non-conforming structure whose non-conformance is tied either to the amount of frontage required in the district or the side or rear yard requirements of that district, the Zoning Administrator shall be authorized to reduce the side yard or rear yard requirements a maximum of twenty (20) percent. In no case shall a side yard setback be less than six (6) feet wide nor a rear yard setback be less than twelve (12) feet wide. Once any one requirement has been reduced by the decision of the Zoning Administrator, said lot or structure shall forfeit its rights as a non-conformance under this section.

Section 3-18 Junk Yards Prohibited in Residential Zones

No junk yard or salvage yard as defined by this ordinance, shall be allowed within any residential district within the zoning jurisdiction of the Town of Hertford.

Section 3-19 Bed and Breakfast Operations

A single family home or guest house with a room or rooms with out cooking facilities that are rented, provided:

- 3-19.1 there are no more than 12 guest rooms that offer bed and breakfast accommodations to no more than 23 persons per night for a period of less than one week.
- 3-19.2 smoke alarms to be installed in all rooms.
- 3-19.3 the residence must receive the approval of the Hertford Fire Inspector and comply with the recommendations as to fire safety. This may include provisions of fire escapes, extinguishers, alarms, and other devices.
- 3-19.4 comply with the local state Fire Building Codes
- 3-19.5 comply with the rules of State Statue NCGS 130A-247 through 130A-250.
- 3-19.6 not withstanding Section 7-1 of this code a single sign may be permitted and it shall not exceed 18 sq. ft. in area, nor 4 ft. in height. The sign not be internally illuminated and shall be no closer than 10 ft. to any property line.
- 3-19.7 Additional provisions and safeguards may be required by the Board of Adjustment to preserve the residential character of the area. Such provisions may include, but are not limited to:
 - a) Screening and buffering to protect adjoining residences.
 - b) Number of employees
 - c) Hours of operation
 - d) Lighting
- 3-19.8 Off-Street Parking: In addition to the required two parking spaces for the residence, operation shall provide one parking space for each room designated for occupancy and ten (10) percent of that number for employees and services.

Section 3-20 Manufactured Home Park Regulations

3-20.1 General Regulations

1. Location and Maintenance of Parks

No person may maintain, operate or occupy a manufactured home park within the zoning jurisdiction of the town unless the park meets the requirements of this ordinance. If two (2) or more manufactured homes are located on the same undivided lot or tract of land, they must meet the requirements of this section.

2. Application for Park Permit

Application for a permit to develop, operate, alter or maintain a Manufactured Home Park shall be made to the Zoning Administrator under the provisions of Article VIII. The application for a permit shall include the following:

- a. A plan to scale for the general layout of the park containing the information required below:
 1. The area to be used for the park showing property lines and adjacent zoning and land use;
 2. Driveways, entrances, exits, roadways and walkways;
 3. Location of mobile home spaces and buildings;
 4. Location and quantity of proposed sanitary conveniences, including proposed toilets, washrooms, laundries, recreation and utility areas and utility rooms;
 5. Method and plan of sewage disposal;
 6. Location and quantity of refuse containers;
 7. Plan of water supply; and
 8. Plan of electric lighting.
- b. Plans and specifications for any building to be constructed on the site.
- c. Further information may be required by the Zoning Administrator or County Health Department to enable them to determine if the proposed park will comply with the regulations of this ordinance and other applicable laws.

3. Sanitary Facilities, Water Supply, Sewerage, Refuse Disposal and Utilities

In every Park and related permanent building, all installations of plumbing and electrical wiring, and all gas and oil appliances shall comply with the provisions of the building, plumbing and electrical, heating and gas ordinances and codes and any other applicable regulations of the town. In addition, the following requirements must be met:

- a. Each manufactured home space shall be provided with individual plumbing and electrical connections;
- b. Water Supply - Every park shall be connected to the Town water system. The water supply for each home shall be obtained only from approved connections located on each manufactured home space or inside each manufactured home.
- c. Sewage Disposal - Every Park shall be connected to the Town sewer system. All sewage wastes from each Park including wastes from toilets, and toilet

rooms, showers, lavatories and wash basins and wastes from refrigerator drains, washing machines, sinks or faucets in homes or on home spaces shall be piped into the Park sewage disposal system. All sewage wastes from every trailer equipped with its own toilet facilities shall be piped into the Park sewage disposal system.

- d. Refuse Disposal - All garbage and refuse in every Park shall be stored in suitable receptacles in accordance with Town and County Health Department requirements.

4. Registration

It shall be the duty of the operator of the Park to keep an accurate register containing a record of all manufactured homes or trailers, owners, and occupants of the Park. The register shall contain the following information:

- a. Name and address of owner and each occupant;
- b. License number and state of issue of each licensed vehicle;
- c. Space number in which the manufactured home or trailer is parked;
- d. Date of entering Park;
- e. Date of leaving Park.

3-20.2 Specifications for Manufactured Home Parks

- 1. Every manufactured home park shall be at least one (1) acre in area.
- 2. The amount of land for each individual home space shall be determined by the Zoning Administrator after an investigation of soil conditions, the proposed method of sewage disposal, and proposed water system. However, in no case shall the size of a home space be less than six thousand (6,000) square feet.
- 3. Each home space shall be at least fifty (50) feet wide and clearly marked. There shall be at least thirty (30) feet clearance between homes including homes parked end to end. No home shall be located closer than thirty (30) feet to any permanent structure (other than those defined in 11-4.1) within the park, within thirty (30) feet of any exterior boundary line of the park and no closer than twenty (20) feet to the edge of any interior street.
- 4. All home spaces shall abut upon an interior drive with a right-of-way of at least fifty (50) feet and a paved surface of no less than twenty (20) feet in width, which shall have unobstructed access to a public street or highway. It is the intent of this section that individual home spaces shall not have obstructed access to public streets or highways except through an interior drive.
- 5. Dead end drives shall not exceed one thousand (1,000) feet in length. Any interior street designed to be permanently closed shall have a turnaround at the closed end.
- 6. Drives shall intersect as nearly as possible at right angles, and no drive shall intersect at less than seventy-five (75) degrees. Where a drive intersects a public street or highway, the design standards of the North Carolina Department of Transportation shall apply.

7. Suitable vehicular access for fire fighting and emergency; equipment, delivery of fuel, removal of refuse, parking and removal of homes and for other necessary services shall be provided.
8. Each park shall have one (1) or more recreation areas with a minimum size of twenty-five hundred (2,500) square feet or 200 square feet for each home space within the park, whichever is greater. Recreation areas shall be located to be free of traffic hazards and should, where topography permits, be centrally located and easily accessible to all park residents.
9. Parking space sufficient to accommodate at least two (2) automobiles shall be located on each home space. These parking spaces shall be stabilized with gravel or paved.
10. No park shall be located on ground that is subject to flooding. The park shall be graded so as to prevent any water from ponding or accumulating on the premises. All ditch banks shall be sloped and seeded to prevent erosion.
11. The park shall have a visual buffer such as shrubbery or fencing not less than six (6) feet in height between the park and any adjacent residential uses other than manufactured homes.
12. The area of the manufactured home space shall be improved to provide an adequate foundation for the placement of the manufactured home as required by the N.C. Building Code.
13. Each home shall be securely anchored in accordance with the N.C. Building Code Standards.
14. Each 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 home.
15. Management - In each park, the permittee or duly authorized attendant or caretaker shall be in charge at all times to keep the park, its facilities, and equipment in a clean, orderly, safe and sanitary condition.
16. All mobile homes will be skirted with a generally acceptable skirting product. The skirting shall be maintained and kept in good repair.

3-20.3 Existing Non-Conforming Manufactured Home Parks

Each existing Manufactured Home Park within the jurisdiction of the Town of Hertford shall be brought into compliance with the following standards within five (5) years from the date of passage of this ordinance unless otherwise specified.

1. All individual manufactured homes and manufactured home parks shall be connected to the Town of Hertford water and sewer system.
2. The right-of-way of existing interior drives shall be a minimum of fifty (50) feet with twenty (20) feet of paved surface provided this does not reduce the lot sizes below 6,000 sq. ft.
3. Two parking spaces shall be provided in accordance with B.9.
4. Skirting in accordance with B-16 shall be installed within twelve (12) months of adoption of this ordinance.

Section 3-21 Manufactured/Mobile Home Units

PERQUIMANS COUNTY

AN ORDINANCE TO PROVIDE FOR ALLOWABLE
MANUFACTURED/MOBILE HOME UNITS

COUNTY BOARD OF COMMISSIONERS

Leo A. Higgins, Chairman

Mack E. Nixon, Vice Chairman
Charles T. Skinner, Jr

Archie Miller
M. Shirley Yates

COUNTY PLANNING BOARD

Ed Nixon, Chairman

Johnny Corprew, Vice Chairman

Eddie Barber

N. Paul Gregory, Jr., County Manager
John V. Matthews, Jr., County Attorney

PERQUIMANS COUNTY

**AN ORDINANCE TO PROVIDE FOR
ALLOWABLE MANUFACTURED/MOBILE HOME UNITS**

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Perquimans County
AN ORDINANCE TO PROVIDE FOR
ALLOWABLE MANUFACTURED/MOBILE UNITS

ARTICLE I: INTRODUCTORY PROVISIONS

PURPOSE

The purpose of these regulations is to regulate allowable manufactured homes and mobile homes within the jurisdiction of Perquimans County in order to promote the public health, safety and general welfare of the citizens of Perquimans County.

AUTHORITY

The Ordinance is adopted under the authority of Chapter 153A-121 of the General Statutes of North Carolina.

JURISDICTION

These regulations shall govern each and every manufactured home and mobile home that is brought into Perquimans County or moved from one location to another within Perquimans County, as provided in G.S. 153A-121, Article 6. The Ordinance shall regulate all manufactured homes and mobile homes lying within Perquimans County except those lying within the jurisdiction of a municipality.

ARTICLE II: DEFINITIONS

When used in the ordinance, the following words and phrases shall have their meaning given in this section. Terms not herein defined shall have their customary definitions where not inconsistent with the context. The term shall is mandatory and words used in the singular include the plural and those in the present include future tense.

1. Mobile Home: Mobile home shall mean a structure transportable in one or more sections, which in the traveling mode is eight feet or more in width or is 40 feet or more in length or when erected on a site, contains 320 or more square feet or floor space, is designed to be used as a year-round dwelling and was built prior to the enactment of the National Manufactured Housing Construction and Safety Standards Act of 1974 which became effective June 15, 1976.

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

3. “HUD” Label: “HUD” label shall mean a label attached to an individual manufactured home unit certifying that the unit was built in compliance with the National Manufactured Housing and Construction and Safety Standards. The label is approximately 2” x 4”, has a three letter prefix which identifies the primary inspection agency and contains a six (6) digit number. A sample label reads as follows:

As evidenced by this label NO. XXXXXXXXXX, the manufacturer certifies to the best of the manufacturer’s knowledge and belief that this manufactured home has been inspected in accordance with the requirements of the Department of Housing and Urban Development and is constructed in conformance with the Federal Manufactured Home Construction and Safety Standards in effect on the date of Manufacture. See data plate.

4. Independent Inspection Agencies: Agencies that were approved and licensed to label mobile homes certifying that the unit was built in compliance with the American National Standard Institute, USA Standard A119.1. The following “independent inspection agencies” were approved to label mobile homes under North Carolina law for a period beginning September 1, 1971 and ending June 14, 1976:

Underwriter’s Laboratories, Inc.

Pittsburgh Testing Laboratory

United States Testing Company
(Nationwide Consumer Testing Institute Label)

Glendon R. Mayo, P.C.

These labels were usually placed beside the main entrance.

These agencies performed inspection on some manufactures units, at the request of the manufacturer, beginning July 1, 1970. Units inspected between July 1, 1970 and September 1, 1971 would also have a label beside the main entrance.

5. Permanent Set Up: Any mobile home or manufactured home which is set-up in accordance with the North Carolina Regulations for Mobile/Manufactured Homes, 1989 addition as amended.

ARTICLE III: PERMITTED STRUCTURES

1. Mobile homes and manufactured homes that are presently located within Perquimans County may be moved from one location to another within Perquimans County for the purpose of permanent set-up, that is, a HUD label or an Independent Inspection Agency label as defined in Article II, sections 3 and 4. In addition, to qualify for relocation, the mobile home or manufactured home must be listed in the Perquimans County Tax Assessor's Office as of the date of ratification of this ordinance.

2. Mobile homes constructed prior to January 1, 1977 cannot be brought into Perquimans County to be used as a residence, except those with a "HUD" label attached.

3. Manufactured homes must have an attached "HUD" label to be brought into Perquimans County for the purpose of permanent set up.

ARTICLE IV: MISCELLANEOUS PROVISIONS

Amendments

The Perquimans County Board of Commissioners may from time-to-time amend the terms of this Ordinance (but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Perquimans County Planning Board for review and recommendation. The Planning Board shall have thirty (30) days from the time the proposed amendment is submitted to it within which to submit its report to the Perquimans County Board of Commissioners. If the Perquimans County Planning Board fails to submit a report within the specified time, it shall be deemed to have recommended approval of the amendment.

No amendment shall be adopted by the Perquimans County Board of Commissioners until a public hearing has been held on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in Perquimans County at least once a week for two (2) consecutive calendar weeks prior to the hearing. The initial notice shall appear not more than twenty-five (25) days nor less than ten (10) days prior to the hearing. In computing the ten (10) and twenty-five (25) day periods, the date of publication is not to be continued, but the date of the hearing is.

SEPARABILITY

Should any section of provision of this Ordinance be declared by the courts to be invalid for any reason, such declaration shall not affect the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

CONFLICT

When the requirements of this Ordinance conflict with the requirements of other lawfully adopted rules, regulations or ordinances or Perquimans County, the more stringent or higher requirements shall govern.

ADMINISTRATION

The Perquimans County Inspection Department will enforce this Ordinance. The said Department is directed to withhold all permits from any Mobile Home or Manufactured Home which does not comply with the requirements of this Ordinance.

PENALTIES

Any person who violates any provisions of this Ordinance shall be guilty of a misdemeanor and punishable according to N.C.G.S. 14-4. Each day's failure to comply with any provision of this Ordinance shall constitute a separate violation. The County may use any or the enforcement techniques authorized by G.S. 153A-123.

EFFECTIVE DATE

This Ordinance shall become effective upon its adoption.

This instrument was presented for registration this day and duly recorded in the office of the Register of Deeds of Perquimans County, NC in ORDINANCE BOOK I, Page 192.

This 4th day of November, 1993 at 8:30 A.M.

3-22 Day Care Operations

3-22.1 Types of Day Care Operations

1. Child Day Care Center: A day care operation in which day care is provided for 3 or more preschool age children or 9 or more school age children.
2. Family Child Care Home – Large: A child care operation in a residence in which care is provided for 3 to 12 preschool age or 15 school age children.
3. Family Child Care Home – Small: A child care operation in a residence in which care is provided for 3 to 5 preschool age and 3 school age children.
4. Adult Day Care Home. A day care facility in which day care is provided for up to 6 adolescents, or disabled or older adults.
5. Adult Day Care Center. A day care facility in which day care is provided to 7 or more adolescents, or disabled or older adults.

3-22.2 Conditions for Day Care Operations

1. Licensed by the State of North Carolina.
2. Hours may be limited by the permit issuing agency for facilities located in residential neighborhoods.
3. At least 25 square feet of heated space shall be provided for each child enrolled.
4. At least 75 square feet of outdoor recreational areas for each client.
5. All outdoor areas shall be located in a side or rear yard and enclosed by a fence at least 4 feet in height.

3-22.3 Conditions for Family Child Care Home Operations

1. Licensed by the State of North Carolina
2. License holder must reside at the residence.
3. May not be located within 500 ft. of another Family Child Care Home.
4. May not have overnight hours (9:00 P.M. to 6:00 A.M.) of operations.
5. May have one part-time/temporary employee from outside the residence.
6. Must provide two off-street parking/loading spaces in addition to the residence requirements.
7. May have one (1) sign not to exceed three (3) square feet, non-illuminated, and mounted flat against the wall of the residence.

3-23 Projections into Required Yards

Certain architectural features, fences, walls, and hedges may project into required yards as follows:

1. Cornices, eaves, gutters, and sills. Not more than two (2) feet into any yard;
2. Balconies, bay windows, steps, and chimneys. Not more than three (3) feet into front yards and rear yards, nor more than two (2) feet into any side yard;
3. Uncovered patios, decks, and porches. Permitted in side and rear yards, provided they extend no more than three (3) feet into any side yard and no closer than 5' to the rear property line;
4. Uncovered stoops. Not more than five (5) feet into a front yard;
5. At-grade driveways, paths, or walks may be placed in any yard;
6. Heating, ventilating, and air conditioning (HVAC) equipment may be placed in a side or rear yard provided a five (5) foot setback is maintained;
7. Handicapped ramps may project into any required setback up to six (6) feet. In no case shall handicapped ramp be located within any street right-of-way;
8. Open fire escapes. Not more than four and one-half (4 ½) feet into a rear yard;
9. Trees are allowed in any yard, provided that no hedge is formed within the front four (4) feet of the front yard, provided that there is no violation of Section 3-8;
10. Landscape features including but not limited to, ornamental pools, planting boxes, sculpture, arbors, trellises, and bird baths shall not be any closer than 1' to any property line;
11. Pet shelters, play equipment, outdoor furniture, ornamental entry columns and gates, flagpoles, lampposts, address posts, mailboxes, and outdoor fireplaces shall not be any closer than 1' to any property line. Pet shelters are not allowed in the front yard.

Section 3-24 Telecommunications Facilities

A. Concealed/ Stealth antennae and towers:

1. To qualify as a Concealed/ Stealth antenna or tower a telecommunications facility must substantially blend in with its environment. For example, a free standing Concealed/Stealth tower qualifies when in the shape and colors of a tree and a building mounted antenna qualifies when it blends into the facade of the building due to color, shape and texture.
2. Only Concealed/ Stealth antennae and towers may be constructed or used within residential zoning districts R- 10, R-8, and R-6. In the RA zoning district other towers can exist as described in Section 3-24 C.
3. Concealed/Stealth antennae and towers, whether building mounted or freestanding, are conditional uses. Concealed towers shall comply with the applicable height and setback requirements set forth in subdivisions B and C below.

B. Other Building-Mounted Antennae and Towers:

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Non-stealth building-mounted antennae and towers are a conditional use and may be located on non-residential buildings at the height set forth in the following table (Buildings in commercial districts which include residential use subordinate to the commercial use are to be considered commercial for the purpose of this section):

Building Height	Maximum Tower Height Including Antenna
Over 150 feet	15% of building height
75 to 149 feet	25% of building height
Less than 75 feet	40% of building height

C. Other Freestanding Towers:

A conditional use permit is required to erect any non-stealth freestanding tower.

(1) Co-location required:

- (a) Each new tower shall be designed to accommodate one additional user's equipment for every 25 feet of tower height above 75 feet.
- (b) Applicant seeking a conditional use permit for antenna tower(s) greater than 75 feet in height and proposed to be located within 3000 feet of any communication tower greater than 75 feet in height, shall provide evidence that reasonable efforts have been made to lease space on an existing planned or constructed tower(s) or that no existing tower(s) will technically satisfy the applicant's needs.
- (c) An increase of 50 feet in tower height for each additional user's antenna with no increase in setback shall be granted provided however that reasonable evidence is provided showing that the need for an additional tower is eliminated.

(2) Height:

The maximum permitted height for freestanding towers is 200 feet.

(3) Setbacks:

- (a) All towers, both concealed and not concealed, shall be set back from all existing dwellings and other residentially zoned property by a minimum of 200 feet, or at least two times the height of the proposed tower, whichever is greater.
- (b) All towers both concealed and not concealed on property zoned non-residential shall be set back from the property boundary at a distance equal to the height of the proposed tower.
- (c) No tower shall be constructed closer than the tower's height from any public right-of-way.

(4) General Development Standards:

(a) Design and Neighborhood Compatibility

- (1) The exterior appearance of all associated support structures and buildings shall be compatible with the other buildings in the surrounding area.
- (2) The Town Council may require the applicant to apply to the Federal Aviation Administration (FAA) for compliance with FAA standards for a dual lighting system rather than a red and white marking pattern, when the Hertford Planning and Zoning board of Adjustment (HPZBOA) determines such a marking pattern would cause aesthetic blight due to the visibility of the tower.
- (3) Support buildings located in any residential district may not be used as an employment center for any worker. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.
- (4) No advertising sign or logo shall be permitted on any telecommunications facility including any fences or other buffers of the facilities.
- (5) The HPZBOA may require any other conditions to mitigate the impact of the tower on adjacent properties and uses.
- (6) No towers shall be constructed in a designated historic district on property on which a designated historic landmark is located. In addition, towers shall not be constructed within two hundred (200) feet of a designated historic district or any historic landmark. For the purposes of this subsection, the term "historic" shall refer to districts or landmarks which have been nominated to the National Register of Historic Places.

(a) Buffering and Screening

- (1) All landscaping for tower sites including associated support structures and buildings will meet the appropriate requirements as defined and described in Section 13-2.1 of the Town Landscape Regulations. All fences and walls shall be appropriately screened to safeguard surrounding property provided that such screening will not interfere with the transmission and/or reception capabilities of any antennae located on the tower.
- (2) The base of the tower, related structures, and each guy anchor shall be surrounded by a fence at least 6 ft. in height.

(c) Technological Requirements

- (1) Output power levels from the tower and/or all associated antennae shall not exceed the current federally approved levels for the tower as a whole for exposure to electromagnetic radiation.
- (2) Radio, television, or other electromagnetic transmission(s) or reception on other properties shall not be disturbed or diminished.

(d) Existing Towers

Antennae may be co-located upon towers that exist on the effective date of this ordinance. However, such existing towers may not be increased in height without obtaining a conditional use permit.

D. Outside Experts and Disputes:

- (1) Siting of telecommunications facilities may involve complex technical issues that require review and input by outside experts. Staff shall require the applicant to pay the reasonable costs of a third-party technical study of a proposed facility. Selection of expert(s) to review the proposal shall be at the sole discretion of the HPZBOA.
- (2) If an applicant for a telecommunications facility claims that one or more standards of this Ordinance are inconsistent with federal law as applied to a particular property, or would prohibit the effective provision of wireless communications within the relevant market area, the HPZBOA may require that the application be reviewed by a qualified engineer for a determination of the accuracy of such claims. Any costs shall be charged to the applicant.

E. Use of Government Facilities:

- (1) A conditional use permit shall not be required for telecommunications facilities which use or plan to use structures or towers owned by the Town of Hertford, however, telecommunications facilities using structures or towers owned by the Town shall follow all applicable portions of this Section as if the facilities were not using the property of the Town of Hertford.
- (2) A conditional use permit shall not be required for telecommunication facilities which plan to use land owned by the Town of Hertford unless the proposed location is adjacent to residentially zoned R-10, R-8 or R-6.
- (3) Conditional use permits for telecommunications facilities which do not use structures or towers owned by the Town of Hertford shall not be issued unless the application for such permit makes a showing that no suitable structure or tower owned by the Town of Hertford exists on which to place the telecommunication facility.

(2) Abandonment:

Towers which are not used for transmission or relay for a period of six months or more, shall be dismantled and removed from the site at the expense of the tower owner. Notice shall be provided to the HBZBOA when any transmission tower is placed out of service.

Section 3-24 Tattoo Establishments

No such establishment shall be located within 500 feet of a school or church or other place of worship. A tattoo establishment must be a separate structure from any other.

