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ARTICLE I PURPOSE, AUTHORITY, AND APPLICABILITY

1.01 Title

This Ordinance, and the associated official zoning maps, shall be known and may be cited as the Zoning Ordinance or Zoning Code of Chowan County, North Carolina.

1.02 Purpose

It is the intent of this Ordinance to set forth zoning requirements and procedures for land within Chowan County outside corporate or municipal extraterritorial planning jurisdictions to serve the public health, safety, and general welfare, and to provide the economic, social, and aesthetic advantages resulting from an orderly, planned use of land resources. This Ordinance shall in no way regulate, restrict, prohibit, or otherwise deter any bona fide farm and its related uses, except that intensive swine farm operations and any use of property for nonfarm purposes shall be subject to the provisions of this Ordinance as authorized by NCGS 153A-340(b)(3).

A. Statement of General Zoning Objectives. Zoning is enacted by the Chowan County Board of Commissioners to create future conditions essential to public health, safety, and the general welfare. In particular, this Ordinance is designed to address the following objectives:

1. Provide for the orderly growth and development of the area of Chowan County located outside of the Town of Edenton corporate or municipal extraterritorial planning jurisdiction;
2. Minimize land use conflicts and encourage the most appropriate use of land throughout the county;
3. Conserve the value of buildings and property;
4. Preserve the desirable features of the county's appearance and character;
5. Protect public investments and facilitate the adequate provision of schools, sewer, water, transportation, parks, and other public requirements;
6. Protect the natural environment and other valuable resources;
7. Promote the overall economic welfare of the county; and
8. Minimize public and private losses due to flooding by permitting only that development within the floodplain which is appropriate in light of the probability of flood damage and which represents a reasonable social and economic use of land in relation to the hazards involved.

B. Specific Zoning Purposes. More specific purposes concerning signs, landscaping and buffering, and flood damage prevention are delineated in the individual articles of this Ordinance that include provisions relating to these particular subjects.

1.03 Authority

This Ordinance is adopted under the authority of Chapter 153A, Article 18, Planning and Regulation of Development, of the North Carolina General Statutes (NCGS).

1.04 Territorial Applicability

This Ordinance shall govern the use and development of land within Chowan County outside the corporate or extraterritorial jurisdiction of any municipality. The Chowan County zoning jurisdictional area comprises the area described in that ordinance adopted by the Chowan County Board of Commissioners on October 2, 2006 and which is delineated on the official zoning map described in [Section 4.05](#). This Ordinance, in whole or in part, may also regulate development activity within the jurisdiction of any municipality whose governing body agrees, by resolution, to such applicability. Unless otherwise specified in the resolution, any municipal governing body may, however, withdraw its approval of these regulations provided that two years' written notice, as required by NCGS 160A-360(g), is given to Chowan County.

1.05 Severability

Should any section, subsection, or provision of these regulations be held void or invalid by a court of law for any reason, all other sections, subsections or provisions shall be considered valid and enforceable.

1.06 Relationship with Other Laws

Wherever the provisions of this Ordinance are either more restrictive or less restrictive than comparable provisions of any other law, ordinance, or regulation, the most restrictive provisions shall apply. It is not intended that this Ordinance interfere with or annul any easements, covenants, deed restrictions, or other private agreements between parties.

1.07 Compliance

No building, premises, or structure shall be constructed, erected, modified, converted, occupied, placed, maintained or moved, and no land use shall be commenced, maintained, or modified, except as authorized by this Ordinance. Development which was approved prior to the effective date of this Ordinance and which does not comply with the provisions of this Ordinance shall be considered legally nonconforming. Modifications to and conversion of nonconforming uses shall be allowed pursuant to the requirements of [Article XII, Nonconforming Situations](#).

1.08 Relationship to the Land Use Plan and County Policies

It is the intention of the Board of Commissioners that this Ordinance implement the planning policies adopted by the Board of Commissioners for Chowan County, as reflected in land use plans, master plans, and other pertinent planning documents. In reviewing text or map amendments to this Ordinance, plan consistency statements are required for the Planning Board [[Section 14.03](#)] and the Board of County Commissioners [[Section 14.04](#)]. While the Board of Commissioners reaffirms its commitment that this Ordinance and any amendment to it be in conformity with adopted planning policies, the Board of Commissioners hereby expresses its intent that neither this Ordinance nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document.

1.09 Fees

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for zoning permits, sign permits, conditional use permits, special use permits, zoning amendments, variances and other administrative relief. The amount of the fees charged shall be set forth in the county's budget or as established by resolution of the Board of Commissioners and filed in the offices of the Planning and Inspections Department. Fees established in accordance with this subsection shall be paid upon submission of a signed application or notice of appeal.

1.10 Effective Date

This Ordinance shall take full force and effect on October 2, 2006, as adopted by the Chowan County Board of Commissioners.