

**Board of Commissioners
Recessed Meeting
May 17, 2021**



WASHINGTON COUNTY BOARD OF COMMISSIONERS
RECESSED MEETING
MAY 17, 2021

**COMMISSIONERS' CONFERENCE ROOM & LIVESTREAM
ON FACEBOOK VIA ZOOM
116 ADAMS STREET, PLYMOUTH, NC**

- | | | |
|--------|---------|--|
| | 6:00 PM | Call to Order—Chair Sexton
Additions/Deletions |
| Item 1 | 6:10 PM | Consent Agenda
a) Budget Amendments & Transfers
b) Resolution 2021-008 Statement of Consistency
ii. Flood Damage Ordinance
iii. Unsafe Buildings and Structures—Public Nuisance Ordinance
iiii. Subdivision Ordinance |
| Item 2 | 6:20 PM | Board of Equalization and Review, Ms. Sherri Wilkins, Tax Administrator |
| Item 3 | 6:25 PM | Washington County Recommended Budget FY22, Mr. Curtis Potter, CM/CA |
| Item 4 | 7:00 PM | Boards & Committees, Ms. Julie J. Bennett, Clerk to the Board |
| Item 5 | 7:10 PM | Other Items |
| Item 6 | 7:20 PM | Closed Session pursuant to NCGS§143-318.11(a)(3) (attorney-client privilege) and
NCGS §143-318.11(a)(6) (personnel) |

Adjourn

WASHINGTON COUNTY BOARD OF COMMISSIONERS

AGENDA STATEMENT

ITEM NO: 1

DATE: May 17, 2021

ITEM: Consent Agenda

SUMMARY EXPLANATION:

a) Budget Amendments & Transfers
See attached.

b) Resolution 2021-008 Statement of Consistency
i. Flood Damage Ordinance
ii. Unsafe Buildings and Structures—Public Nuisance Ordinance
iii. Subdivision Ordinance

See attached.

Washington County
BUDGET TRANSFER

To: Board of Commissioners

BT #: 2021 - 119

From: Curtis Potter, County Manager
Missy Dixon, Finance Officer

Date: April 29, 2021

RE: Tax Admin/Register of Deeds/Soil & Water/EMS

Please authorize the finance officer to make the following budgetary adjustments:

Account Code	Description	Old	+ or (-)	New
10-4140-550	Tax Admin - Capital Outlay Equipment	9,200.00	(9,200.00)	-
10-4140-315	Tax Admin - Training	5,250.00	(700.00)	4,550.00
10-4140-260	Tax Admin - Office & Departmental Supplies	5,400.00	9,900.00	15,300.00
Tax Admin				
10-4180-030	Register of Deeds - Salaries & Wages-Part-time	10,500.00	(1,545.00)	8,955.00
10-4180-310	Register of Deeds - Travel	200.00	(200.00)	-
10-4180-315	Register of Deeds - Training	1,100.00	(737.00)	363.00
10-4180-350	Register of Deeds - Maintenance & Repair-Equipment	2,500.00	(2,000.00)	500.00
10-4180-390	Register of Deeds - Dues & Subscriptions	800.00	(425.00)	375.00
10-4180-260	Register of Deeds - Departmental Supplies	3,600.00	4,907.00	8,507.00
Register of Deeds				
10-6060-310	Soil & Water - Travel	1,200.00	(1,000.00)	200.00
10-6060-315	Soil & Water - Training	1,800.00	(200.00)	1,600.00
10-6060-320	Soil & Water - Communications	1,850.00	300.00	2,150.00
10-6060-200	Soil & Water - Departmental Supplies	1,000.00	700.00	1,700.00
10-6060-330	Soil & Water - Postage	250.00	200.00	450.00
Soil & Water				
37-4330-540	EMS-Capital Outlay-Vehicles	60,000.00	(660.00)	59,340.00
37-4330-390	EMS-Dues & Subscriptions	8,000.00	259.00	8,259.00
37-4376-390	Transport-Dues & Subscriptions	2,000.00	401.00	2,401.00
EMS				
		114,650.00	-	114,650.00

Justification:

To transfer monies within the Tax budget and the Register of Deeds budget to cover the costs to purchase new computer equipment for the offices. To transfer monies within Soil & Water to cover the additional costs of postage and supplies for the notice to be mailed for Eddie Smith and for the overage in communications. To transfer monies within EMS/Transport to cover the additional funds needed in Dues and Subscriptions as lines were initially underbudgeted.

Budget Officer's Initials CP

Approval Date: 4/29/21

Initials: CP
Batch #: 2021-119
Date: 4/30/2021

Washington County
BUDGET TRANSFER

To: Board of Commissioners

BT #: 2021 - 120

From: Curtis Potter, County Manager
Missy Dixon, *Finance Officer*

Date: April 30, 2021

RE: Sheriff

Please authorize the finance officer to make the following budgetary adjustments:

Account Code	Description	Old	+ or (-)	New
10-4310-030	Sheriff - Salaries & Wages - Part-time	1,250.00	(1,250.00)	-
10-4310-600	Sheriff - Animal Control	10,000.00	(2,000.00)	8,000.00
10-4310-550	Sheriff - Capital Outlay-Equipment	34,500.00	3,250.00	37,750.00
Sheriff		45,750.00	-	45,750.00

Justification:

To transfer monies within the Sheriff's Office budget to cover the costs of the taxes, tags and equipment for the new vehicles that are soon to be delivered.

Budget Officer's Initials CSP

Approval Date: 5/3/21

Initials:	<u> MD </u>
Batch #:	<u> 2021-120 </u>
Date:	<u> 5/3/2021 </u>

Washington County
BUDGET TRANSFER

To: Board of Commissioners
From: Curtis Potter, County Manager
Missy Dixon, *Finance Officer*

BT #: 2021 - 121

Date: May 6, 2021

RE: Manager's/Sheriff/Communications

Please authorize the finance officer to make the following budgetary adjustments:

Account Code	Description	Old	+ or (-)	New
10-4120-315	Manager's Office - Training	4,000.00	(300.00)	3,700.00
10-4120-390	Manager's Office - Dues & Subscriptions	4,050.00	300.00	4,350.00
Manager's Office				
10-4310-260	Sheriff - Departmental Supplies	38,000.00	(1,500.00)	36,500.00
10-4310-315	Sheriff - Training	2,400.00	(1,500.00)	900.00
10-4310-550	Sheriff - Capital Outlay - Equipment	37,750.00	3,000.00	40,750.00
Manager's Office				
10-5911-210	Communications - Uniforms	1,860.00	(1,700.00)	160.00
10-5911-260	Communications - Departmental Supplies	4,000.00	1,700.00	5,700.00
Communications				
		92,060.00	-	92,060.00

Justification:

To transfer monies within the County Managers budget to cover an additional pro-rated docusign subscription for the County Manager Assistant to use in automating the processing of contracts and internal documents. To transfer monies within the Sheriff's budget to cover the higher than budgeted costs of taxes and tags for 3 vehicles. To transfer monies within the Communications budget to purchase 2 UPS's with twist locks as a result of installing ESINET Phone System - these items will be paid for by Washington County and an invoice will be submitted to the 911 Board for reimbursement.

Budget Officer's Initials CSF

Approval Date: 5/6/2021

Initials:	<u>MD</u>
Batch #:	<u>2021-121</u>
Date:	<u>5/7/2021</u>

RECEIVED

MAY 06 2021

Washington County
BUDGET TRANSFER

To: Board of Commissioners
From: Curtis Potter, County Manager
Missy Dixon, *Finance Officer*
Date: May 10, 2021
RE: Water Operations/Treatment

BT #: 2021 - 122

Please authorize the finance officer to make the following budgetary adjustments:

Account Code	Description	Old	+ or (-)	New
35-7135-600	Water Treatment - Designated for Future Appropriation	30,944.00	(15,000.00)	15,944.00
35-7130-350	Water Operations - Maintenance & Repair-Equipment	27,000.00	15,000.00	42,000.00
Water Operations/Treatment		57,944.00	-	57,944.00

Justification:

To transfer monies within the Water Budget to cover the unexpected costs to repair a broken check valve inside the vault connects the county with Roper. Water is flooding the vault. This is the line and meter that is used to supply and bill water to the Town of Roper.

Budget Officer's Initials CP

Approval Date: 5/11/21

Initials: CP
Batch #: 2021-122
Date: 5/11/2021

RECEIVED
MAY 10 2021

Washington County
BUDGET TRANSFER

To: Board of Commissioners

BT #: 2021 - 123

From: Curtis Potter, County Manager
Missy Dixon, *Finance Officer*

Date: May 11, 2021

RE: Sheriff

Please authorize the finance officer to make the following budgetary adjustments:

Account Code	Description	Old	+ or (-)	New
Sheriff				
10-4310-350	Sheriff - Maintenance & Repair Equipment	2,000.00	(1,000.00)	1,000.00
10-4310-604	Sheriff - County Contrib-Purchase of K-9	1,500.00	(1,000.00)	500.00
10-4310-210	Sheriff - Uniforms	10,000.00	(1,000.00)	9,000.00
10-4310-355	Sheriff - Maintenance Vehicle	32,500.00	3,000.00	35,500.00
10-4310-613	Sheriff - Fingerprinting	2,475.00	(1,000.00)	1,475.00
10-4310-260	Sherff - Departmental Supplies	36,500.00	1,000.00	37,500.00
Manager's Office				
10-4120-355	Managers Office - Maint & Repair - Vehicle	1,000.00	(500.00)	500.00
10-4120-390	Managers Office - Dues and Subscriptions	4,350.00	500.00	4,850.00
		90,325.00	-	90,325.00

Justification:

To transfer monies within the Sheriff's Budget to cover higher than anticipated costs for vehicle repair and to cover the overexpenditure of office supplies. To transfer funds within the Manager's Office budget to permit the purchase of the County's primary Zoom subscription on an annual basis thereby enabling the County to save approximately \$90 compared to continuing to pay on a monthly basis

Budget Officer's Initials CSF

Approval Date: 5/11/21

Initials: MP
Batch #: 2021-123
Date: 5/11/2021

Washington County
BUDGET AMENDMENT

To: Board of Commissioners

BA #: 2021 - 124

From: Curtis Potter, County Manager
 Missy Dixon, *Finance Officer*

Date: May 17, 2021

RE: Revaluation

Please authorize the finance officer to make the following budgetary adjustments:

Account Code	Description	Old	+ or (-)	New
70-3980-000	Appropriated Fund Balance - Revaluation	(54,370.00)	(15,840.00)	(70,210.00)
70-8600-600	Revaluation-Contracted Services	75,920.00	15,840.00	91,760.00
Revaluation				
Balanced:		21,550.00	-	21,550.00

Justification:

To allocate Revaluation Fund Balance to cover the full cost of the Contract with Gary Piner. When the contract was originally budgeted at the beginning of the year, the incorrect unspent dollar amount was carried over therefore resulting in the need to increase the budget to the accurate amount.

Approval Date: _____

Bd. Clerk's Init: _____

Initials:	
Batch #:	
Date:	

COUNTY OF WASHINGTON

BOARD OF COMMISSIONERS

COMMISSIONERS:

WILLIAM "BILL" R. SEXTON, JR., CHAIR
TRACEY A. JOHNSON, VICE-CHAIR
ANN C. KEYES
CAROL V. PHELPS
JULIUS WALKER, JR.



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JULIE J. BENNETT, CMC, NCMCC
CLERK TO THE BOARD
jbennett@washconc.org

RESOLUTION 2021-008

RESOLUTION ON STATEMENT OF CONSISTENCY WASHINGTON COUNTY BOARD OF COMMISSIONERS

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D, the Board of Commissioners does hereby find and conclude that the proposed Ordinance Amendments are reasonable and in the public interest because it brings the local Ordinances into compliance with applicable North Carolina law. Additionally, the proposed Ordinance amendments support the following policies and goals of the County.

- Flood Damage Ordinance
- Unsafe Buildings and Structures—Public Nuisance Ordinance
- Subdivision Ordinance

NOW THEREFORE BE IT RESOLVED, the Washington County Board of Commissioners does hereby approve and adopt the text amendments to these Ordinances as presented.

Adopted this 17th day of May, 2021.

William R. "Bill" Sexton, Jr., Chair
Washington County Board of Commissioners

ATTEST:

Julie J. Bennett, CMC, NCMCC
Clerk to the Board

FLOOD DAMAGE PREVENTION ORDINANCE

Non-Coastal Regular Phase

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FLOOD DAMAGE PREVENTION ORDINANCE

Non-Coastal Regular Phase

ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

SECTION A. STATUTORY AUTHORIZATION.

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Article 6 of Chapter 153A; Article 8 of Chapter 160A; and Article 7, 9, and 11 of Chapter 160D (Effective July 1, 2021) of the North Carolina General Statutes, delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, the Board of County Commissioners of Washington County, North Carolina, does ordain as follows:

SECTION B. FINDINGS OF FACT.

- (1) The flood prone areas within the jurisdiction of Washington County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

SECTION C. STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- (1) Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- (5) Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

SECTION D. OBJECTIVES.

The objectives of this ordinance are to:

- (1) Protect human life, safety, and health;
- (2) Minimize expenditure of public money for costly flood control projects;

- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business losses and interruptions;
- (5) Minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- (6) Minimize damage to private and public property due to flooding;
- (7) Make flood insurance available to the community through the National Flood Insurance Program;
- (8) Maintain the natural and beneficial functions of floodplains;
- (9) Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- (10) Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

ARTICLE 2. DEFINITIONS.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

“Accessory Structure (Appurtenant Structure)” means 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. 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)” means an extension or increase in the floor area or height of a building or structure.

“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” means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

“Area of Shallow Flooding” means a designated Zone AO or AH 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)”.

“Area of Future-Conditions Flood Hazard” means the land area that would be inundated by the 1-percent-annual-chance (100- year) flood based on future-conditions hydrology (*OPTIONAL*).

“Base Flood” means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

“Base Flood Elevation (BFE)” means 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” means any area of the building having its floor subgrade (below ground level) on all sides.

“Building” see “Structure”.

“Chemical Storage Facility” means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

“Design Flood” See “Regulatory Flood Protection Elevation.”

“Development” means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

“Development Activity” means 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.

“Digital Flood Insurance Rate Map (DFIRM)” means 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.

“Disposal” means, 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.

“Elevated Building” means 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” means the advance or infringement of uses, fill, excavation, buildings, structures or development into a special flood hazard area, which may impede or alter the flow capacity of a floodplain.

“Existing building and existing structure” means any building and/or structure for which the “start of construction” commenced before the effective date of the floodplain management regulations adopted by a community, dated 8/19/1985.

“Existing Manufactured Home Park or Manufactured Home Subdivision” means 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) is completed before the effective date of the floodplain management regulations adopted by a community., dated 8/19/1985.

“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters; and/or
- (b) The unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Boundary and Floodway Map (FBFM)” means an official map of a community, issued by the FEMA, 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)” means an official map of a community, issued by the FEMA, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

“Flood Insurance” means the insurance coverage provided under the National Flood Insurance Program.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, issued by the FEMA, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. (see also DFIRM)

“Flood Insurance Study (FIS)” means 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 FEMA. 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” means 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” means any land area susceptible to being inundated by water from any source.

“Floodplain Administrator” is the individual appointed to administer and enforce the floodplain management regulations.

“Floodplain Development Permit” means 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” means 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” means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

“Floodproofing” means 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.

“Flood-resistant material” means any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbars are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

“Floodway” means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

“Floodway encroachment analysis” means 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” means the height added to the 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 or culvert openings, precipitation exceeding the base flood, and the hydrological effect of urbanization of the watershed. The BFE plus the freeboard establishes the “Regulatory Flood Protection Elevation”.

“Functionally Dependent Facility” means a facility which cannot be used for its intended purpose unless it is located in close proximity to 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.

“Hazardous Waste Management Facility” means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

“Highest Adjacent Grade (HAG)” means the highest natural elevation of the ground surface, prior to construction,

immediately next to the proposed walls of the structure.

“Historic Structure” means 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”; or
- (d) Certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program.”

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.

“Letter of Map Change (LOMC)” means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- (a) Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- (b) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- (c) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community’s floodplain management regulations.
- (d) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

“Light Duty Truck” means any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

- (a) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (b) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (c) Available with special features enabling off-street or off-highway operation and use.

“Lowest Adjacent Grade (LAG)” means 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” means 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 so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

“Manufactured Home” means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term

“manufactured home” does not include a “recreational vehicle”.

“Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Map Repository” means 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” means 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.

“New Construction” means structures 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.

“Non-Conversion Agreement” means a document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the ordinance and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property. The agreement must show the clerk’s or recorder’s stamps and/or notations that the filing has been completed.

“Non-Encroachment Area (NEA)” means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order 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.

“Post-FIRM” means construction or other development for which the “start of construction” occurred on or after 8/19/1985, the effective date of the initial Flood Insurance Rate Map.

“Pre-FIRM” means construction or other development for which the “start of construction” occurred before 8/19/1985, the effective date of the initial Flood Insurance Rate Map.

“Principally Above Ground” means that at least 51% of the actual cash value of the structure is above ground.

“Public Safety” and/or “Nuisance” means 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.

“Recreational Vehicle (RV)” means 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.

(OPTIONAL For the purpose of this ordinance, “Tiny Homes/Houses” and Park Models that do not meet the items listed above are not considered Recreational Vehicles and should meet the standards of and be permitted as Residential Structures.)

“Reference Level” is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zones A, AE, AH, AO, A99. The reference level is the bottom of the lowest horizontal structural member of the lowest floor for structures within Special Flood Hazard Areas designated as Zone VE.

(Optional alternative acceptable language for Reference Level) “Reference Level” is the bottom of the lowest horizontal structural member of the lowest floor for structures within all Special Flood Hazard Areas.

“Regulatory Flood Protection Elevation” means 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* Two (2) feet *freeboard*). In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least four (4) feet above the highest adjacent grade.

“Remedy a Violation” means 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 with regard to the structure or other development.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Salvage Yard” means 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.

“Solid Waste Disposal Facility” means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

“Solid Waste Disposal Site” means, 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)” means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Article 3, Section B of this ordinance.

“Start of Construction” 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. 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. 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 or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

“Substantial Damage” means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to it’s 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 Improvement” means 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:

- (a) 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; or
- (b) 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 4 Section E of this ordinance.

“Technical Bulletin and Technical Fact Sheet” means a FEMA publication that provides guidance concerning the building

performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area. (*OPTIONAL*)

“Temperature Controlled” means having the temperature regulated by a heating and/or cooling system, built-in or appliance.

“Variance” is a grant of relief from the requirements of this ordinance.

“Violation” 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 in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

“Water Surface Elevation (WSE)” means the height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

“Watercourse” means 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.

ARTICLE 3. GENERAL PROVISIONS.

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of Washington County

SECTION B. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.

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 FIS dated 6/19/1974 for Washington County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this ordinance, and all revisions thereto.

SECTION C. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Article 3, Section B of this ordinance.

SECTION D. COMPLIANCE.

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.

SECTION E. ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions.

However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION.

In the interpretation and application of this ordinance, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION G. WARNING AND DISCLAIMER OF LIABILITY.

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 damages. This ordinance shall not create liability on the part of Washington County or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

SECTION H. PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58. . Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Washington County from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 4. ADMINISTRATION.

SECTION A. DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

The Director of Planning and Safety, hereinafter referred to as the “Floodplain Administrator”, is hereby appointed to administer and implement the provisions of this ordinance. In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement this ordinance, the Floodplain Administrator shall be responsible for the coordination and community’s overall compliance with the National Flood Insurance Program and the provisions of this ordinance.

SECTION B. FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.

- (1) **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 Administrator to apply for a floodplain development permit:
 - (a) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - (i) 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;

- (ii) The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Article 3, Section B, or a statement that the entire lot is within the Special Flood Hazard Area;
 - (iii) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Article 3, Section B;
 - (iv) The boundary of the floodway(s) or non-encroachment area(s) as determined in Article 3, Section B;
 - (v) The Base Flood Elevation (BFE) where provided as set forth in Article 3, Section B; Article 4, Section C; or Article 5, Section D;
 - (vi) The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
 - (vii) *The certification of the plot plan by a registered land surveyor or professional engineer. (OPTIONAL)*
- (b) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
- (i) Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;
 - (ii) Elevation in relation to NAVD 1988 to which any non-residential structure in Zones A, AE, AH, AO, A99 will be floodproofed; and
 - (iii) Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed.
- (c) If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-34) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.
- (d) A Foundation Plan, drawn to scale, which 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:
- (i) 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); and
 - (ii) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Article 5, Section B(4)(d) when solid foundation perimeter walls are used in Zones A, AE, AH, AO, A99.
- (e) Usage details of any enclosed areas below the lowest floor.
- (f) 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.
- (g) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
- (h) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Article 5, Section B, subsections (6) and (7) of this ordinance are met.

- (i) 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.

(2) **Permit Requirements.** The Floodplain Development Permit shall include, but not be limited to:

- (a) A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).
- (b) The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Article 3, Section B.
- (c) The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.
- (d) The Regulatory Flood Protection Elevation required for the protection of all public utilities.
- (e) All certification submittal requirements with timelines.
- (f) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the requirements of Article 5, Section F have been met.
- (g) The flood openings requirements.
- (h) Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).
- (i) A statement, that all materials below BFE/RFPE must be flood resistant materials.

(3) **Certification Requirements.**

(a) Elevation Certificates

- (i) *An Elevation Certificate (FEMA Form 086-0-33) 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 NAVD 1988. 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 be cause to deny a floodplain development permit.*
- (ii) *An Elevation Certificate (FEMA Form 086-0-33) 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 NAVD 1988. 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 be cause to issue a stop-work order for the project.*
- (iii) A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) 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 cause to withhold the issuance of a Certificate of Compliance/Occupancy. *The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" × 3". Digital photographs are acceptable.*

(b) Floodproofing Certificate

- (i) If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are 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 floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. 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 cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
- (ii) A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are 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 NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. 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 Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.
- (c) If a manufactured home is placed within Zones A, AE, AH, AO, A99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Article 5, Section B(3)(b).
- (d) 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.
- (e) Certification Exemptions. The following structures, if located within Zones A, AE, AH, AO, A99, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
 - (i) Recreational Vehicles meeting requirements of Article 5, Section B(6)(a);
 - (ii) Temporary Structures meeting requirements of Article 5, Section B(7); and
 - (iii) Accessory Structures that are 150 square feet or less or \$5,000 or less and meeting requirements of Article 5, Section B(8).

(4) **Determinations for existing buildings and structures.**

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- (a) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (b) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (c) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- (d) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

SECTION C. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

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

- (1) 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.
- (2) Review all proposed development within Special Flood Hazard Areas to assure that all necessary local, state and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (3) Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- (5) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Article 5, Section F are met.
- (6) Obtain actual elevation (in relation to NAVD 1988) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Article 4, Section B(3).
- (7) Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Article 4, Section B(3).
- (8) Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with the provisions of Article 4, Section B(3).

- (9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Article 4, Section B(3) and Article 5, Section B(2).
- (10) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (11) When BFE data has not been provided in accordance with the provisions of Article 3, Section B, obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a federal, state, or other source, including data developed pursuant to Article 5, Section D(2)(c), in order to administer the provisions of this ordinance.
- (12) When BFE data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of Article 3, Section B, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this ordinance.
- (13) 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.
- (14) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- (15) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- (16) Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- (17) Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (18) Follow through with corrective procedures of Article 4, Section D.
- (19) Review, provide input, and make recommendations for variance requests.
- (20) 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.
- (21) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).
- (22) *When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a*

Special Flood Hazard Area is above the BFE, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.

SECTION D. CORRECTIVE PROCEDURES.

- (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.
- (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:
 - (a) That the building or property is in violation of the floodplain management regulations;
 - (b) 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; and
 - (c) That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
- (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 least one hundred eighty (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 lesser period as may be feasible.
- (4) Appeal: 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 of 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.
- (5) Failure to Comply with Order: 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 shall be guilty of a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58 and shall be punished at the discretion of the court.

SECTION E. VARIANCE PROCEDURES.

- (1) The Board of Adjustment as established by Washington County, hereinafter referred to as the “appeal board”, shall hear and decide requests for variances from the requirements of this ordinance.
- (2) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
- (3) 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 in Article 2 of this ordinance, provided provisions of Article 4, Section E(9)(b), (c), and (e) have 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) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
- (a) The danger that materials may be swept onto other lands to the injury of others;
 - (b) The danger to life and property due to flooding or erosion damage;
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) The importance of the services provided by the proposed facility to the community;
 - (e) The necessity to the facility of a waterfront location as defined under Article 2 of this ordinance as a functionally dependent facility, where applicable;
 - (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) The compatibility of the proposed use with existing and anticipated development;
 - (h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) 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
 - (k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (5) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (6) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.
- (7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the 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 may 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.
- (8) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the FEMA and the State of North Carolina upon request.
- (9) Conditions for Variances:
- (a) Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.

- (b) 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.
 - (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (d) Variances shall only be issued prior to development permit approval.
 - (e) Variances shall only be issued upon:
 - (i) A showing of good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship; and
 - (iii) A 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.
- (10) A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
- (a) The use serves a critical need in the community.
 - (b) No feasible location exists for the use outside the Special Flood Hazard Area.
 - (c) The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.
 - (d) The use complies with all other applicable federal, state and local laws.
 - (e) The Washington County has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

SECTION A. GENERAL STANDARDS.

In all Special Flood Hazard Areas the following provisions are required:

- (1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with the FEMA Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*.
- (3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (4) All new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall be located at or above the RFPE or designed and installed to prevent water from entering or accumulating within the components during the occurrence of the base flood. 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.

- (a) Replacements part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.
 - (b) Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure.
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 - (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
 - (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
 - (8) 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.
 - (9) 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 in Article 4, Section E(10). 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 located 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 Article 4, Section B(3).
 - (10) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
 - (11) 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.
 - (12) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
 - (13) 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, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
 - (14) 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.
 - (15) When a structure is located in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest BFE shall apply.
 - (16) Buildings and structures that are located in more than one flood hazard area shall comply with the provisions associated with the most restrictive flood hazard area.

SECTION B. SPECIFIC STANDARDS.

In all Special Flood Hazard Areas where BFE data has been provided, as set forth in Article 3, Section B, or Article 5, Section D, the following provisions, in addition to the provisions of Article 5, Section A, are required:

- (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 Article 2 of this ordinance.

- (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 Article 2 of this ordinance. Structures located in Zones A, AE, AH, AO, A99 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 Article 5, Section G(2). 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 in Article 4, Section B(3), along with the operational plan and the inspection and maintenance plan.
- (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 Article 2 of 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 of Article 5, Section B(4).
 - (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.
- (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 (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 enclose storage areas;
 - (b) Shall not be temperature-controlled or conditioned;
 - (c) Shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and
 - (d) Shall include 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:
 - (i) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - (ii) 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;

- (iii) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - (iv) The bottom of all required flood openings shall be no higher than one (1) foot above the higher of the interior or exterior adjacent grade;
 - (v) 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
 - (vi) 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.
- (f) Reserved

(5) Additions/Improvements.

- (a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (i) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and *must not be any more non-conforming than the existing structure.*
 - (ii) A substantial improvement, with modifications/rehabilitations/improvements to the existing structure or the common wall is structurally modified more than installing a doorway, both the existing structure and the addition must comply with the standards for new construction.
- (b) Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications/rehabilitations/improvements 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.
- (c) 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:
 - (i) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction consistent with the code and requirements for the original structure.
 - (ii) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (d) Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a 1 year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the 1 year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:
 - (i) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.
 - (ii) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

- (6) Recreational Vehicles. Recreational vehicles shall either:
- (a) Temporary Placement
 - (i) Be on site for fewer than 180 consecutive days; or
 - (ii) 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.)
 - (b) Permanent Placement. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction.
- (7) Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator 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:
- (a) A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;
 - (b) The name, address, and phone number of the individual responsible for the removal of the temporary structure;
 - (c) 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);
 - (d) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
 - (e) Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.
- (8) 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:
- (a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
 - (b) Accessory structures shall not be temperature-controlled;
 - (c) Accessory structures shall be designed to have low flood damage potential;
 - (d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 - (e) Accessory structures shall be firmly anchored in accordance with the provisions of Article 5, Section A(1);
 - (f) All service facilities such as electrical shall be installed in accordance with the provisions of Article 5, Section A(4); and
 - (g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Article 5, Section B(4)(d).

An accessory structure with a footprint less than 150 or that is a minimal investment of \$5000 or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards of Article 5, Section B (2). Elevation or floodproofing certifications are required for all other accessory structures in accordance with Article 4, Section B(3).

- (9) Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
- (a) Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
 - (b) Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
 - (c) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section B (2) of this ordinance shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.
 - (d) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:
 - (i) At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - (ii) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.
- (10) Other Development.
- (a) Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Article 5, Section F of this ordinance.
 - (b) Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Article 5, Section F of this ordinance.
 - (c) Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Article 5, Section F of this ordinance.
 - (d) Commercial storage facilities are not considered “limited storage” as noted in this ordinance, and shall be protected to the Regulatory Flood Protection Elevation as required for commercial structures.

SECTION C. RESERVED.

SECTION D. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Article 3, Section B, where no BFE data has been provided by FEMA, the following provisions, in addition to the provisions of Article 5, Section A, shall apply:

- (1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of 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.

- (2) The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:
- (a) When 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 Article 5, Sections B and F.
 - (c) All subdivision, manufactured home park and other development proposals shall provide BFE data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such BFE data shall be adopted by reference in accordance with Article 3, Section B and utilized in implementing this ordinance.
 - (d) When 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 in Article 2. All other applicable provisions of Article 5, Section B shall also apply.

SECTION E. STANDARDS FOR RIVERINE FLOODPLAINS WITH BASE FLOOD ELEVATIONS BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS.

Along rivers and streams where 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:

- (1) Standards of Article 5, Sections A and B; and
- (2) 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.

SECTION F. FLOODWAYS AND NON-ENCROACHMENT AREAS.

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Article 3, Section B. 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 in Article 5, Sections A and B, shall apply to all development within such areas:

- (1) 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 discharge, 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 within six months of completion of the proposed encroachment.

- (2) If Article 5, Section F(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- (3) Manufactured homes may be permitted provided the following provisions are met:
 - (a) The anchoring and the elevation standards of Article 5, Section B(3); and
 - (b) The encroachment standards of Article 5, Section F(1).

SECTION G. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO).

Located within the Special Flood Hazard Areas established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Article 5, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

- (1) The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of four (4) feet, above the highest adjacent grade; or at least four (4) feet above the highest adjacent grade if no depth number is specified.
- (2) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Article 5, Section I(1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Article 4, Section B(3) and Article 5, Section B(2).
- (3) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

SECTION H. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AH).

Located within the Special Flood Hazard Areas established in Article 3, Section B, are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to Article 5, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

- (1) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

ARTICLE 6. LEGAL STATUS PROVISIONS.

SECTION A. EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE.

This ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted 8/19/1985 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of Washington County enacted on 8/19/1985, as amended, which are not reenacted herein are repealed.

The date of the initial Flood Damage Prevention Ordinance for Washington County is 8/19/1985.

SECTION B. EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS.

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

SECTION C. SEVERABILITY.

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

SECTION D. EFFECTIVE DATE.

This ordinance shall be in full force and effect July 1, 2021.

SECTION E. ADOPTION CERTIFICATION.

I hereby certify that this is a true and correct copy of the Flood Damage Prevention Ordinance as adopted by the County Commissioners of Washington County, North Carolina, on the 17th day of May, 2021.

WITNESS my hand and the official seal of the Washington County Board of Commissioners, this the 17th day of May, 2021.

Julie J. Bennett, CMC, NCMCC
Clerk to the Board

(Seal)

**WASHINGTON COUNTY
UNSAFE BUILDINGS & STRUCTURES
PUBLIC NUISANCE ORDINANCE**

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SECTION – 1 DEFINITIONS

The following words, terms, and phrases, whenever used in this ordinance, whether capitalized or not, shall have the meanings specifically ascribed thereto:

- (A) **Public Nuisance:** means any activity or failure to act that adversely affects the public and shall include, but is not limited to, any condition which poses an immediate and direct hazard to human health if left unheeded due to the existence of the condition itself or due to the immediate threat of transmission of disease through insects, animals, or other means of transmission or infections.
- (B) **Building or Structure:** includes within its meaning any subpart or portion thereof

SECTION – 2 POLICY & JURISDICTION

- (A) **Purpose:** This ordinance is enacted to protect the health, safety, and general welfare of the people of Washington County pursuant to the powers granted under applicable law including without limitation NCGS § 153A-366 through NCGS § 153A-372, and 153A-140 and 153A-140.2.
- (B) **Objectives:** The principal objectives of this ordinance are:
 1. To prevent injury and illness to occupants of property and the public by causing the removal and abatement of unsafe and condemned buildings and structures constituting public nuisances in order to assure that the public is not unnecessarily exposed to the dangers thereof.

2. To establish countywide standards, due process, and responsibilities for the involved parties related to the removal and abatement of such unsafe and condemned buildings and structures constituting public nuisances.
- (C) **Jurisdiction:** This ordinance shall apply to all property located within the Washington County Zoning Jurisdiction.

SECTION – 3 UNSAFE STRUCTURES PROHIBITED AS PUBLIC NUISANCES

- (A) Pursuant to [NCGS § 160D-1119](#), the county building inspector shall declare as unsafe, and shall condemn any building or structure, partially destroyed or otherwise, which is found by the building inspector to be especially dangerous to life because of its liability to fire, bad conditions of walls, overloaded floors, defective construction, decay, unsafe wiring or heating system, inadequate means of egress, hazardous conditions, or other causes.
1. Any such declaration by the building inspector shall be deemed an order of condemnation for the purposes of this ordinance and applicable laws, and the building inspector shall have authority, and it shall be his/her duty to take appropriate action, to have the unsafe conditions corrected or removed as herein provided.
 2. Additionally, any building or structure so declared as unsafe and condemned, shall be considered and deemed to constitute a public nuisance for the purposes of this ordinance, for as long as the unsafe conditions giving rise to such declaration and condemnation remains uncorrected and unabated.
- (B) The creation or maintenance of any condition constituting a public nuisance under this ordinance is hereby specifically prohibited.

SECTION – 4 REMOVAL AFTER CONDEMNATION

- (A) **Duty of Owner:** Whenever any building or structure has been condemned by the building inspector, and the existence of such building or structure in a dilapidated state of disrepair or other substandard condition is found and determined by the building inspector or, upon appeal from or report by the building inspector as hereafter provided, by the county commissioners, to be dangerous to life, health or other property, or is in such condition as to constitute a fire safety hazard or public nuisance, the owner or owners of such building or structure shall be required to demolish and remove the same, and remedy such conditions under the regulations and procedures herein provided.
- (A) **Authority of County on failure of owner:** In the event such owner fails or refuses to do so within the time directed by the building inspector or by the county commissioners, as herein provided, the county commissioners may, in their judgment, cause the same to be demolished and removed, or may take such other steps as they may find to be necessary to suppress and abate the public nuisance and remove the fire and safety hazard and the

danger to life, health, or other property found to exist, and may specially assess the cost and expense of doing such work against the lot of land on which the building or structure is located. Such costs may be collected and enforced in the same manner as unpaid taxes.

SECTION – 5 NOTICE & HEARING

- (A) Before any building or structure may be ordered to be demolished and removed as provided in this ordinance, the building inspector shall notify the owners thereof, in writing, by certified or registered mail to the last known address of such owner, or by personal service of such notice by the building inspector or his assistant or by posting notice as hereinafter provided, that such building or structure is in such condition as appears to constitute a fire or safety hazard, or to be dangerous to life, health, or other property, or to be a public nuisance, and that a hearing will be held before the building inspector at a designated place and time not less than ten (10) days after the date of such written notice, at which time and place the owner shall be entitled to be heard in person or by counsel upon all legal or factual questions relating to the matter and shall be entitled to offer such evidence as they may desire which is relevant or material to the questions sought to be determined or the remedies sought to be effected.
- (B) If the name or whereabouts of the owner cannot, after due diligence, be discovered, the notice herein referred to shall be considered properly and adequately served, if a copy therefore is posted on the outside of the building or structure in question at least ten (10) days prior to the date fixed for the hearing and a notice of the hearing is published on time in a newspaper having general circulation in the county at least one week prior to the date fixed for such hearing. Such notice shall state the address or location of the building or structure and the time, place and purpose of the hearing.

SECTION – 6 ORDER TO REMEDY OR DEMOLISH

If, upon such hearing, the building inspector shall find that the building or structure in question is in such a dilapidated or substandard state of disrepair as to constitute a fire or safety hazard or to be dangerous to life, health or other property or is a public nuisance, he/she shall make an order in writing, directed to the owner of such building or structure, requiring the owner to remedy such conditions so found to exist by demolishing and removing such building or structure or taking such other steps as may be necessary to abate the public nuisance and remove the hazards, within such period, not less than sixty (60) days, as the building inspector may prescribe.

SECTION – 7 APPEALS – FINALITY OF ORDER NOT APPEALED

- (A) The owner of any building or structure ordered by the building inspector to be demolished and removed, or who is directed by the building inspector to take any other steps to abate a nuisance or remove hazards found by the building inspector to exist, shall have the right of appeal from such orders to the county commissioners, provided, that such owner gives notice of appeal to the building inspector at the time of the hearing at which the order is made, or, within ten (10) days after such order is made, files with the building inspector, a written notice of such appeal. Notice of appeal shall state the

grounds therefore.

- (B) Unless an appeal is taken within the time and in a manner herein prescribed, the action of the building inspector shall be deemed final, subject only to such action as the county commissioners may take as herein elsewhere provided. Where an appeal has been properly taken and notice thereof given in accordance with the provisions of this section, it shall be the duty of the building inspector to report the same to the county clerk who shall cause the matter to be placed on the agenda for action by the county commissioners at its next regular meeting.

SECTION – 8 REPORT WHEN OWNER FAILS TO COMPLY

- (A) In the event the owner does not appeal from the final order or direction of the building inspector requiring that the building or structure be demolished and removed or the taking of such other steps as may be required to abate the nuisance and remove the hazards, and fails or refuses to comply with such order and direction, it shall be the duty of the building inspector to file a written report thereof with the county clerk who shall cause such report to be placed on the agenda of action by the county commissioners at its next ensuing regular meeting.
- (B) The building inspector shall mail a copy of such report by certified or registered mail to the owner at his last known address, or have a copy of said report delivered to such owner. Such report shall specify the date of the meeting of the county commissioners for which the matter will be docketed for action.

SECTION – 9 ORDER BY COUNTY COMMISSIONERS

- (A) In all cases referred to in this article which reach the county commissioners for action, either upon appeal of the owner from the ruling of the building inspector, or upon report of the building inspector that the owner fails or refuses to comply with his order or direction, the county commissioners shall hear the matter, and if it finds and determines that the building or structure in question is in such a dilapidated or substandard state of disrepair as to constitute a fire or safety hazard, or to be dangerous to life, health, or other property, or is a public nuisance, and that the owner of such building or structure has failed or refused to abate the nuisance and has failed or refused to have such building or structure demolished and removed, or has failed or refused to take such other steps as may be necessary to abate the nuisance and remove the hazards found to exist, it may cause the demolition and removal of such building or structure to be done, or effect such other remedies as may be necessary to abate the nuisance and remove the hazards, and specifically assess the cost of such work against the lot or parcel of land on which the building or structure was situated. Any such assessment shall constitute a specific lien upon said lot or parcel of land, which may be collected and enforced in the same manner as unpaid taxes.

SECTION – 10 PUBLICATION OF POSTED NOTICE REQUIRED

- (A) In cases in which the building inspector has been unable to give the owner actual notice of hearing in the manner hereinabove provided, and has given such notice by posting and publishing the same as authorized in this ordinance, and the owner has failed or refused to comply with the order or direction of the building inspector to demolish and remove the building or structure, or take such other remedial action as will remove hazards, and such case is referred to the county commissioners for action, the county commissioners shall, before taking action, cause to be posted on the outside of the building or structure in question at least ten (10) days prior to the date fixed for the hearing, and published one time in a newspaper having general circulation in the county at least one (1) week prior to the date fixed for such hearing, a written notice stating the address or location of the building or structure involved and the time, place and purpose of the hearing and such other information as the county commissioners may deem advisable.

SECTION – 11 PRESUMPTION OF PUBLIC DANGER

- (A) In all cases in which the county commissioners, under authority of this ordinance, causes the demolition and removal of any building or structure to be carried out, or directs such other remedial steps to be taken as may be necessary to abate the nuisance and remove the hazards, it shall be conclusively presumed that the public nuisance and the fire safety hazard and danger to life, health or other property, created and maintained by the continued presence of such building or structure in such condition as is found to exist, constitute a clear and present danger amounting to a situation of emergency involving the public health, safety and general welfare, which requires entry upon private property for the summary abatement and removal of such danger, in the public interest.

**SECTION – 12 FAILURE TO COMPLY WITH ORDERS, PENALTIES,
CONTINUING VIOLATIONS**

- (A) **Misdemeanor:** It shall be unlawful for any person to willfully fail or refuse to comply with any final order or direction of the building inspector or county commissioners made by virtue and in pursuance of this ordinance, and any person violating this ordinance shall, upon conviction, be punished as provided by Section 14-4 of the General Statutes of North Carolina for the violation of municipal ordinances, and every day such person shall willfully fail or refuse to comply with any final order or direction of the building inspector or county commissioners made by virtue and in pursuance of this article shall constitute a separate and distinct offence

- ~~(B) **Chronic Violators:** Notwithstanding any other provision herein to the contrary, and in addition to, and not in lieu of, any other enforceable rights or remedies, pursuant to NCCGS § 153A-140.2 Annual notice to chronic violators of public nuisance ordinance: A county may notify a chronic violator of the county's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the county shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall~~

~~be collected as unpaid taxes. The notice shall be sent by certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the county gave notice of violation at least three times under any provision of the public nuisance ordinance.~~

SECTION – 13 OTHER PROVISIONS

- (A) **Effective Date:** This ordinance shall be in full force and effect July 1, 2021.
- (B) **Severability:** If any provision(s) of this ordinance shall be deemed by a court of law having jurisdiction over such matters to be unenforceable, invalid, or unconstitutional for any reason, such determination shall not affect the validity of this ordinance as a whole or any part hereof that is not specifically determined and declared thereby to be unenforceable, invalid, or unconstitutional.
- (C) **Conflict of Laws or Ordinance Provisions:** Whenever the regulations of this ordinance conflict with one another, or with the requirements of any other statute, the more restrictive regulation shall be deemed to control and govern.

This section shall be in compliance with GS 160D requirements as amended from time to time. This ordinance shall become effective July 1, 2021.

THIS ORDINANCE ADOPTED this the _____ day of _____, 20____.

William R. “Bill” Sexton, Jr., Chair
Washington County Board of Commissioners

ATTEST:

Julie J. Bennett, CMC, NCMCC
Clerk to the Board

**WASHINGTON COUNTY SUBDIVISION
ORDINANCE**

(updated July 1, 2021)

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NORTH CAROLINA
WASHINGTON COUNTY

SUBDIVISION ORDINANCE

ARTICLE I - INTRODUCTORY PROVISIONS

SECTION 1. TITLE

This Ordinance is entitled “Subdivision Ordinance for Washington County, North Carolina,” and may be cited as the “Subdivision Ordinance.”

SECTION 2. AUTHORITY AND PURPOSE

This Ordinance is adopted pursuant to [NCGS § Chapter 160D](#) of the General Statutes of North Carolina for the purpose of establishing procedures and standards for the development and subdivision of land within the limits of the jurisdiction of Washington County in order to promote the public health, safety and general welfare of the County. It is designed to lessen congestion of the streets and highways; to further the orderly outlay and use of land; to insure proper legal description and proper documenting of subdivided land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land and avoid undue concentration of population; to facilitate adequate provisions for transportation, water, sewage, schools, parks, playgrounds, and other public requirements; and help conserve and protect the physical and economic resources of Washington County.

SECTION 3. REPEAL OF EXISTING SUBDIVISION REGULATIONS

Upon the date of adoption of this Subdivision Ordinance all provisions of the Subdivision Regulations of Washington County enacted on July 16, 1979, and thereafter amended, are hereby repealed, except for such sections expressly retained and restated herein.

SECTION 4. JURISDICTION

This Ordinance shall govern all subdivisions of land lying within Washington County except land within the subdivision jurisdiction of any municipality, unless such municipality shall have by resolution formally requested the County to enforce this Ordinance within the municipality’s jurisdiction.

ARTICLE II - INCLUSIONS AND EXCEPTIONS

A “subdivision” means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and includes all divisions of land involving the dedication of a new street or a change in existing streets; however, the following shall not be included within this definition nor be subject to the regulations authorized by this Ordinance.

- (a) The combination or recombination of portions of previously subdivided and recorded lots if (1) the total number of lots is not increased and (2) the resultant lots are equal to or exceed the standards of the County as required by this Ordinance;
- (b) The division of land into parcels greater than five (5) acres if no streets, roads, or right of ways are involved;
- (c) The public acquisition by purchase of strips of land for widening or opening streets; and
- (d) The division of a tract in single ownership whose entire area is no greater than two (2) acres into no more than three (3) lots, if no street right of way dedication is involved and if the resultant lots are equal to or exceed the standards of the County as required by this Ordinance.
- (e) The division of property belonging to the heirs of a single individual when such property is divided only for the settlement of the estate and not for sale as building sites.
- (f) Cemeteries.

SECTION 2. PLATS NOT SUBJECT TO REGULATIONS

However, plats in these five categories, (a - f), shall have the stamp “THIS PLAT IS NOT SUBJECT TO SUBDIVISION APPROVAL” signed and dated by the Planning Coordinator, the Chairman of the Planning Board, or the County Manager before filing in the Office of the Register of Deeds, inasmuch as determination must be made as to whether or not the resultant lots are equal to or exceed the standards of the County as shown in this Ordinance.

ARTICLE III - LEGAL PROVISIONS

SECTION 1. DUTY OF SUBDIVIDER AND/OR AUTHORIZED AGENT

A plat must be prepared, approved, and recorded whenever the subdivision of land takes place, as defined in this Ordinance. The owner of land shown on a subdivision plat submitted for recording, or his/her authorized agent, shall sign a statement on the plat stating whether any land shown thereon is within the subdivision regulation jurisdiction of Washington County. This Ordinance prohibits the expansion of existing subdivisions by another owner without including the original lots.

SECTION 2. DUTY OF REGISTER OF DEEDS

From the time that this Subdivision Ordinance is filed with the Register of Deeds of Washington County, no subdivision plat of land within the County's jurisdiction may be filed or recorded until it has been submitted to and approved by the appropriate board or agency, as specified in this Ordinance, and until this approval is entered in writing on the face of the plat by the chairman or head of the board or agency. The Register of Deeds of Washington County may not file or record a plat of a subdivision of land located within the territorial jurisdiction of Washington County that has not been approved in accordance with this Ordinance.

SECTION 3. DUTY OF CLERK OF COURT

The Clerk of Superior Court may not order or direct the recording of a plat where such recording would be in conflict with Article III, Section 2.

SECTION 4. PENALTIES FOR VIOLATION

Any person who is the owner, or the agent of the owner, of any land located within the jurisdiction of Washington County, subdivides his/her land in violation of the Subdivision Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of land before the plat has been properly approved under Washington County's Subdivision Ordinance and recorded in the office of the Washington County Register of Deeds, he/she is guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from this penalty. The County, through its attorney or other official designated by the County Board of Commissioners, may enjoin illegal subdivision, transfer, or sale or land by action for an injunction, and/or an Order of Abatement.

Pursuant to N.C. General Statute 153A-123 as amended from time to time, a violation of any part of this Ordinance may result in civil penalties being assessed against the violator

in lieu of criminal penalties. When civil penalties are invoked in the County's discretion, the penalty will be assessed in an amount up to Twenty-five Dollars (\$25) per day for every day's violation payable to the Clerk of the Board of the County Commissioners. A citation shall be prepared and issued by the Planning Coordinator for the County and shall require payment within ten (10) working days of issuance. If the civil penalty is not paid within ten (10) working days of the service of the citation then the County has the option of collecting the civil penalty by a civil action in the nature of debt in the General Court of Justice of North Carolina.

As permitted by statute, the County may use any of the listed penalties for violation of the Ordinance on a non-exclusive basis.

SECTION 5. SEPARABILITY

Should any section or provision of this Ordinance be held void or invalid, it shall not affect the validity of any other section or provision of this ordinance which is not itself void or invalid.

SECTION 6. VARIANCES

Where, because of severe topographical or other conditions peculiar to the site, strict adherence to the provisions of this Ordinance would cause an unnecessary hardship, the Planning Board may authorize a variance to the terms of this Ordinance only to the extent that is absolutely necessary and not to an extent which would violate the intent of this Ordinance.

SECTION 7. APPROVAL OF PLAN

Approval project transfers with owner of property.

ARTICLE IV - DEFINITIONS

SECTION 1. GENERAL

For the purpose of this Ordinance, certain terms and words used herein shall be used, interpreted and defined as follows:

- A. Arterial Street - A street connecting widely separated areas carry a large volume of traffic which may be fast, heavy or both. Arterial streets are sometimes referred to as “major thoroughfares”, “freeways”, etc. And are usually numbered State or Federal Highways.
- B. Authorized Agent - One who is acting as representative for, or by the authority of the subdivider.
- C. Board of Commissioners - The Board of County Commissioners; the governing body of the County of Washington, North Carolina.
- D. Building Setback Line - A line parallel to the front property line which establishes the minimum allowable distance between nearest portions of any Building, steps, eaves, gutters, and similar fixtures, and the street right-of-way line when measured perpendicularly thereto.
- E. CAMA - The Coastal Area Management Act of 1974 as amended.
- F. Collector Street - A street which serves as the connecting street system between local residential streets and the thoroughfare system.
- G. Corner Lot - a lot which occupies the interior angle at the intersection of two (2) street lines.
- H. Cul-de-sac - A short street having but one end open to traffic and the other end being permanently terminated and a vehicular turnaround provided.
- I. Dedication - To set apart by gift, one’s private property to some public use, made by the owner in writing and accepted for such use by or on behalf of the public in writing.

- J. 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. The statement shall also include an explanation of the consequences and responsibility as to maintenance and construction of proposed streets.
- K. Double Frontage Lot - A continuous (through) lot of the same depth as the width of a block containing two tiers of lots which is accessible from both of the streets upon which it fronts.
- L. Easement - A grant by the property owner for use by the public, a corporation or person(s) of a strip of land for specific reasons.
- M. Frontage Road - A Street that is parallel to a full or partial access controlled street facility and functions to provide controlled access to adjacent land.
- N. Group Development - A group of two or more principal structures built on a single lot, tract or parcel of land of at least 40,000 square feet and designed for occupancy by separate families, business firms, or other enterprises as regulated by Article IX, Section 1, of this Ordinance.
- O. Local Road (Private Street) - A short private road with a fifty (50) foot right-of-way easement which is designed according to the MINIMUM CONSTRUCTION STANDARDS FOR SUBDIVISION ROADS as set forth by the Division of Highways of the North Carolina Department of Transportation except that said local road does not have to be paved. However, it must have an all-weather gravel surface.
- P. Lot - A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership, for development, or for leasing. The word "lot" includes the word "parcel" or "plot".
- Q. Lot of Record - A lot which is a part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Washington County prior to the adoption of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this Ordinance.
- R. Major Modifications means a change in the scope of a project that does not qualify as a minor modification and will be subject to the same review as a new project.
- S. Minor modification means a change of a subdivision that does not increase the net built-upon area within the project or does not increase the overall size that has been approved for the project.
- T. Minor Street - A Street whose primary function is to provide access to abutting properties and is designed to discourage use by through traffic. Minor

streets may also be referred to as “neighborhood” streets.

- U. Official Maps or Plans (Land Development Plan or Comprehensive Plan) - Any maps or plans officially adopted by the County Board of Commissioners as a guide for the development of the County.
- V. Planning Board - The Planning Board of Washington County.
- W. Plat - A map or plan delineating a tract or parcel of land to be subdivided, land to be dedicated for public use, or right-of-way for street or utility purposes. The word “plat” shall include the terms “map”, “plot”, and “plan”.
- X. Plat, Final - A map of subdivision land prepared 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.
- Y. Plat, Preliminary - A map of a proposed subdivision land showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land, as prescribed by this Ordinance.
- Z. Reservation - A reservation of land not involving the transfer of property rights. It simply constitutes an obligation to keep property free from development for a stated period of time.
- AA. Shall - The word “shall” is always mandatory and not merely directory.
- BB. 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.
- CC. Street (Public) - A public dedicated right-of-way for vehicular traffic constructed according to the MINIMUM STANDARDS FOR SUBDIVISION ROADS as set forth by the Division of Highways of the North Carolina Department of Transportation at the time the street is constructed.
- DD. Structure - Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having more or less permanent location on the ground.
- EE. Subdivider - Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.
- FF. Subdivision Review Committee - A committee consisting of three members, two Planning Board Members and the Planning Coordinator, which shall review minor subdivision plats for approval.

ARTICLE V - SUBDIVISION REVIEW PROCEDURE

SECTION 1. CATEGORIES

The following steps outline the requirements for subdivision plat approval. There are two categories for subdivisions and subdivision review included in this Ordinance-major and minor. Each is defined and the procedural requirements are included in Article V.

SECTION 2. MINOR SUBDIVISION REVIEW PROCEDURE

A. Purpose

Provision for the minor subdivision review process has been developed within the context of this document in order to provide a more expeditious and convenient review for smaller developments that would be less likely to have extensive impact on nearby residents or other subdivisions, planned or developed.

B. Definition

For the purpose of this Ordinance, a minor subdivision shall be defined as a subdivision of land that:

1. Involves no more than four (4) lots and paving of roadway of 300' or more to the Department of Transportation's standards.
2. Does not involve any new streets or alteration of an existing street, except as allowed elsewhere in this Ordinance, or interfere with adequate prospective access to interior property; and
3. Does not require the creation of new drainage easements through lots in order to serve property at the rear of the tract; and
4. Creates no new or residual parcels that do not conform to the requirements or this Ordinance; and
5. Does not constitute an enlargement or extension of a previously approved minor plat above four (4) lots maximum. The fifth lot would constitute A major subdivision.
6. Includes contiguous land under single ownership.

C. Plat Review

When a minor subdivision is submitted for review, only a final plat need be presented for approval.

One (1) copy of the plat must be submitted to the Planning Coordinator for the County who will submit it to the Subdivision Review Committee. The Subdivision Review Committee will have ten (10) calendar days to review and act on the proposed subdivision, unless the subdivider consents to a time extension.

It shall be the duty of this Committee to insure that the following agencies have an opportunity to review and make recommendations concerning the proposed subdivision. If the following agencies have not submitted comments within five (5) Work days after receiving the plat, the Committee may consider the plat acceptable, unless an extension of time is agreed upon.

1. The Division of Highways District Engineer as to proposed roadways.
2. The Washington County Health Department or the North Carolina Department of Human Resources, Division of Health Services as appropriate, for proposed water and sewage systems.
3. The local CAMA Permit Officer to determine if the property lies within a designated Area of Environmental Concern and what permits are required.
4. The County Water Works Operator I as to proposed water service.
5. The County Soil Conservation Service Agent as to matters of topography and drainage.
6. Any other agencies or officials as the Subdivision Review Committee may deem necessary or desirable.

D. Information Required

The final plat shall include the information required under Article VI, Section 1. Any further information requested by the Subdivision Review Committee shall be submitted upon request.

E. Action

The Subdivision Review Committee shall approve, approve conditionally, disapprove, or refer the plat to the Planning Board for their approval.

1. If the final plat is found to be in compliance with this Ordinance and

has met the approval of the Subdivision Review Committee, it shall be certified for recording by a member of the Committee. The subdivider or his/her authorized agent shall file the final plat with the Register of Deeds of Washington County for recording within ninety (90) days after the approval by the Committee or such approval shall be void.

2. If the final plat receives conditional approval, the subdivider shall resubmit the plat to the Subdivision Review Committee for approval after the conditions have been met.
3. If the final plat is disapproved, the reasons for such action shall be recorded in writing and one (1) copy shall be sent to the subdivider and another to the Planning Board Chairman. The subdivider shall have thirty (30) days within which to appeal, in writing, to the Planning Board with notice to the Planning Coordinator for the County and the County Manager. The Planning Board shall have fifteen (15) working days to act on the appeal or the plat shall be deemed approved unless an extension of time shall be agreed upon by the subdivider or his agent.
4. If the Subdivision Review Committee is unsure as to proper application of this Ordinance to the proposed plat, or it finds the proposal is for a major subdivision, it may submit the plat to the Planning Board. In such cases, review shall take place within fifteen (15) days or the plat shall be considered approved, unless an extension of time is agreed upon in writing by the subdivider or his agent.
5. The Subdivision Review Committee shall present to the Planning Board at the regular meeting any plats which have been reviewed for their information.

SECTION 3. MAJOR SUBDIVISION REVIEW PROCEDURE

A. Purpose

The major subdivision review process is lengthier and more involved due to the likely impact of a larger subdivision on surrounding areas and/or the proposal of new roadways which must be carefully reviewed. The extensive review process allows for determination and prevention of any adverse effects and assures quality development.

B. Definition

A major subdivision is a subdivision of five (5) or more lots.

C. Plat Review

1. Sketch Plan Review (Note: This sketch plan does not necessarily have to be drawn by a Registered Land Surveyor nor does it have to be staked out on the ground.)

- (a) Information Required

When a subdivision is subject to the major subdivision review process, the subdivider shall present a sketch plan of the proposed subdivision to the Planning Coordinator for his/her review. It shall contain the following information:

- (1) Name of subdivision and its location by municipality, township, county, and state.
 - (2) Vicinity map showing the relationship between the proposed subdivisions and neighboring tracts.
 - (3) Proposed street right-of-way and lot layout.
 - (4) Total acreage of tract to be subdivided.
 - (5) Minimum lot size and total number of lots.
 - (6) Location of all existing or proposed water and sewer lines and sizes, if applicable.
 - (7) Approximate location of land to be dedicated or reserved for public or private use and the approximate amount of area.
 - (8) The location of all designed Areas of Environmental Concern within the subdivision.
 - (9) Any additional relevant information which would be supportive to the review process as required by the Planning Department.

- (b) Action

The Planning Coordinator for the County shall review and discuss with the subdivider his/her plans and determine whether more information is needed prior to presentation to the Planning Board. When sufficient information is available, the Planning Coordinator shall request that a preliminary plat be prepared by the subdivider.

2. Preliminary Plat Review

(a) General

The subdivider shall submit two (2) copies of the preliminary plat and any supplementary materials to the Planning Office at least five (5) work days prior to the regularly scheduled meeting of the Planning Board, at which time the plat will be considered. The Planning Coordinator will place the preliminary plat on the Planning Board's agenda.

The agencies included in Article V, Section 2-C, shall have an opportunity to review and make recommendations concerning the proposed subdivision. Written comments from these agencies shall be presented to the Planning Board along with the preliminary plat. If comments have not been received within five (5) work days from the date the plat was received, the Planning Coordinator may consider the plat acceptable, unless an extension of time is agreed upon by all parties concerned.

(b) Information Required

The preliminary plat shall depict or include the information required in Article VI, Section 1.

(c) Action

After review of the preliminary plat, the Planning Board may approve the plat conditionally approve the plat or disapprove the plat. If the plat is conditionally approved or disapproved, then the subdivider may appeal the Planning Board's action to the Board of Commissioners. If the Planning Board approves the plat, the Board of Commissioners shall be provided with a copy of the approved plat for information purposes. Upon the expiration of six (6) working days following the approval of the preliminary plat by the Planning Board, the subdivider may proceed with preparation of the final plat and the installation of improvements. If the subdivider wishes to appeal a decision of the Planning Board disapproving a plat or conditionally approving a plat, such appeal shall be filed with the Clerk to the Board of Commissioners within fifteen (15) calendar days of the decision by the Planning Board. The Clerk to the Board of County Commissioners shall provide copies of the appeal to the members of the Washington County Board of Commissioners, the County Manager, the Planning Board Chairman, the County Attorney, and the Planning Coordinator within six (6) working days of the receipt of the appeal. The subdivider's appeal shall state specific grounds for the appeal. The

Board of County Commissioners shall hear appeals and review approval conditions at the next scheduled county commissioner's meeting. At the time the appeal is heard by the Board of County Commissioners, the subdivider, the Planning Board Chairman or his designee and the Planning Coordinator shall have the opportunity to comment on the plat orally or in writing. Said appeal shall not be a formal hearing. Within three (3) days after hearing the appeal, the Board of Commissioners shall approve or disapprove the preliminary plat. If the Board approves the plat, such approval shall be noted on three (3) copies of the plat. One (1) copy shall be retained by the Board of Commissioners, one (1) copy shall be retained in the Planning Office records and one (1) copy shall be given to the subdivider.

If the Board of Commissioners disapprove the preliminary plat, it shall give the subdivider the reasons in writing and one (1) copy of the plat and shall instruct the subdivider concerning possible re-submission of the plat to the Washington County Planning Board. Upon approval of the preliminary plat by Washington County Board of Commissioners, the subdivider may proceed with the preparation of the final plat, and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this Ordinance. Preliminary plat approval shall in no way be construed as constituting an official action of approval for recording of the subdivision as required by this Ordinance.

3. Final Plat Review

(a) General

The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at this time; such portion shall conform to all 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, or shall have guaranteed their installation as provided in Article VII Section 2.

(b) Information Required

- (1) The final plat shall depict or contain the information required in Article VI, Section 1.
- (2) The appropriate certificate forms as set forth in Article VI, Section 2, shall appear on at least three (3) copies of the Final plat.

(3) The final plat shall be prepared by a registered land surveyor and/or engineer and shall be drawn in accordance with the approved preliminary plat.

(c) Action

The Planning Board shall within 15 days of submission, review the final plat as to compliance with the approved preliminary plat and shall take action on the final plat. Final approval will be based on compliance and such satisfactory completion of required improvements or posting of adequate security, guaranteeing completion.

The Planning Coordinator for the county shall check the final plat against the subdivision preliminary layout for Accuracy, charging the costs to the subdivider if the plat is found to be in error. If a final plat has been recorded prior to installation of improvements due to improvement guarantees, the same procedure shall be followed when improvements have been completed.

The Planning Board shall approve or disapprove the final plat. Should the Planning Board approve the final plat, such approval shall be indicated on three (3) copies of the plat by the signed certificate of approval for recording, as set forth in Article VI, Section 2.

If the final plat is disapproved by the Planning Board, reasons for such disapproval shall be stated in writing and one (1) copy shall be retained for the Planning Office records and one (1) copy shall be transmitted to the subdivider. If the final plat is disapproved, the subdivider may make such changes as will bring the plat into compliance with this Ordinance and resubmit it to the Planning Board for review, or the subdivider may appeal the Planning Board's decision to the Board of County Commissioners, in writing within fifteen (15) days from the date of the Planning Board action, to the Clerk to the Board of Commissioners and the Planning Coordinator and the County Manager.

(d) Approval Does Not Constitute Acceptance of Dedications

The approval of a plat in accordance with this Ordinance shall not be deemed to constitute or affect the acceptance by the county, a governmental unit, or a public body of the dedication of any street or other ground, a public utility line, or other facility shown on plat. However, the Board of County Commissioners may by resolution, accept any dedication made to the public of lands or facilities for parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision regulated jurisdiction.

ARTICLE VI - REQUIRED INFORMATION FOR PROCESSING PLATS

SECTION 1. INFORMATION REQUIRED TO BE CONTAINED IN OR DEPICTED ON FINAL AND PRELIMINARY PLATS

A. General

The preliminary and final plats shall depict or contain the relevant information included in this Article. Due to the provisional status of the preliminary plat, the certification requirements and plat standards vary from those of a final plat. The nature of the final plat as a permanent recorded document lends itself to a greater degree of accuracy and inclusion of various certificates.

B. Size and Scale

All preliminary and final plats shall conform to the North Carolina Uniform Map Law as amended.

C. Information Required

The preliminary and final plats shall depict or contain the information indicated in the following table. An “X” indicates that the information is required.

	INFORMATION REQUIRED	PRELIMINARY PLAT	FINAL PLAT
1.	The name of the subdivision	X	X
2.	A sketch vicinity map showing the relationship between the proposed subdivision and surrounding area at an appropriate scale	X	
3.	Site location		X
4.	A topographic map showing vertical contours every two (2) feet or less if the Planning Board so requests and USGS topographical information is not sufficient	X	
5.	Total acreage of tract to be subdivided as computed by the double meridian distance method with the location of previously subdivided lots within the tract.	X	X
6.	Name of township, county and state in which the subdivision is located	X	X
7.	Corporate limits, township boundaries, county lines, if on the subdivision tract	X	X
8.	The names addresses, and telephone numbers of all owners, mortgages, registered surveyors, land planners, and professional engineers responsible for the subdivision	X	X

9.	The registration numbers and seal of the professional engineers and registered surveyors	X	X
10.	Date of survey and plat preparation	X	X
11.	Scale denoted both graphically and numerically	X	X
12.	An accurately positioned north arrow tied into the North Carolina Grid System, true north or magnetic north showing the date of survey		
13.	The exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands		X
14.	The names of adjoining property owners	X	X
15.	The boundaries of the tract or portion there-of to be subdivided distinctly and accurately represented with all bearings and distances shown	X	
16.	The names of any adjoining subdivision of record or proposed and under review	X	X
17.	Minimum building setback lines	X	X
18.	Existing buildings or other structures, water courses, railroads, bridges, culverts, storm-drains, both on land to be subdivided and land immediately adjoining	X	X
19.	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 streets and curved for the property lines that are not boundaries of curved streets. All dimensions shall be measured to the nearest one-hundredth of a foot and all angles to the nearest ten seconds.		X
20.	The blocks shall be numbered consecutively throughout the subdivision and the lots shall be numbered consecutively throughout each block.		X
21.	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	X	

22.	Proposed roadways, existing and platted streets on adjoining properties and in the proposed subdivision, Right of ways, pavement widths, approximate grades, design and engineering data for all corners and curves, and typical street cross sections	X	
23.	Street names and the location of street signs	X	X
24.	The location and dimensions of right of ways, Utility or other easements	X	X
25.	The plans for utility layouts including sanitary sewers, storm sewers, water distribution lines, Natural gas, telephone and electric service or plans for individual water supply systems and sewage disposal systems	X	X
25a.	the location of the appropriate number of solid Waste container sites (major subdivision only)	X	X

The following items are to be attached to or presented with the appropriate plat to the Planning Board and/or the County Commissioners.

		PRELIMINARY PLAT	FINAL PLAT
	INFORMATION REQUIRED (Continued)		
26.	Letter of tentative approval of water supply and sewage disposal plans by appropriate County and state authorities	X	
27.	Improvement Certificate or letter of approval for water and sewage systems by appropriate County and state authority		X
28.	Certificate from the designated Coastal Area Management Act (CAMA) permit officer Certifying whether the subdivision is located within an Area of Environmental Concern (AEC) (See Section 2)	X	X
29.	Type of street dedication; all streets must be designated either "public" or "local road"	X	X
30.	Letter of approval from the Department of Transportation as to proposed roadway alignment and construction	X	
31.	Letter of approval from the Department of Transportation stating whether the new roadway is constructed to Appropriate state standards, and/or an improvements from the subdivider that the roadway will be constructed to appropriate state standards (See Section 2)		X
32.	A copy of any deed restrictions or similar covenants	X	X
33.	A copy of the deed disclosure statement where proposed roadways are designated public" or	X	X

	“Local road”		
34.	The accurate locations and descriptions of all monuments, markers, and control points		X
35.	Any other information considered by either the subdivider, Subdivision Review Committee Planning Coordinator, Planning Board or Board of Commissioners to be pertinent to the review of the plat	X	X
36.	Linear error of closure shall not exceed one (1) foot per 7,500 feet. Angular error of closure Shall not exceed twenty-five (25) seconds times the square root of the number of angles turned.		X
37.	Applicable Certificates in Article VI, Section 2	X	X

SECTION 2. CERTIFICATES TO BE APPLIED TO FACE OF PLAT

A. Preliminary Plat

- 1. The Washington County Board of Commissioners hereby approves, disapproves, this preliminary subdivision plat. This action shall In no way be construed as constituting approval for recording.

----- Date	----- Chair, Washington County Board of Commissioners
---------------	---

- 2. The area designated hereon is in part located within, is in totally located within, is not located within an Area of Environmental Concern and requires, does not require a CAMA Permit prior To construction of improvements.

-----, ---- Date	----- Coastal Area Management Act Permit Officer
---------------------	--

B. Final Plat

- 1. I certify that the land as shown hereon is within the subdivision regulations jurisdiction of the County of Washington.

----- Date	----- Owner or Authorized Agent
---------------	------------------------------------

- 2. The public streets designated hereon are in accordance with the minimum standards of the Department of Transportation for acceptance of the subdivision street 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.

----- Date	----- District Engineer Division of Highways
---------------	--

3. State of North Carolina,-----County, I
 (drawn under my supervision) from (an actual survey by me)
 actual survey made under my supervision) (deed description
 recorded in Book _____, Page _____; Book _____, Page _____
 _____;
 Etc.) (Other); that the ratio of precision as calculated by
 latitudes and departures is that the boundaries not surveyed
 are
 Shown as broken lines plotted from information found in Book
 _____, Page _____. This map was prepared according to
 G.S. 47-30 as amended.
 Witness my hand and seal this _____ day of _____

 Surveyor or Engineer

North Carolina
 Washington County

I, a Notary Public of the County and State of aforesaid,
 certify that _____, a Registered Land Surveyor,
 Personally appeared before me this day and acknowledged the
 execution of the foregoing instrument.
 Witness my hand and official seal, this _____ day of _____
 _____,

 Notary Public

My commission expires:

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

 Date

 Date

 Chairman, Washington County Member, Subdivision Review
 Planning Board Committee

5. The area designated hereon is in part located within, is in totality located within, is not located within, an Area of Environmental Concern, and appropriate permits have, have not been acquired by the subdivider.

Date

Coastal Area Management Act

ARTICLE VII - IMPROVEMENTS REQUIRED AND MINIMUM STANDARDS OF DESIGN

SECTION 1. GENERAL

Approval of the final plat by the Planning Board is subject to the subdivider having installed or guaranteed the improvements required in this Ordinance. Each subdivision shall contain the improvements in Article VII, unless otherwise approved by the Board of Commissioners through the variance procedures in Article III, Section 6, or otherwise stated in this Ordinance.

- A. Suitability of Land - Land subject to periodic flooding, irregular drainage conditions, excessive erosion or topographical and other reason 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.
- B. Fill Areas - Areas that have been used for the disposal of solid waste or liquid waste 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.

SECTION 2. IMPROVEMENTS INSTALLATION AND GUARANTEES

Final Plats of subdivisions may be approved by the Planning Board after the subdivider has complied with one of the following procedures:

- A. All required improvements have been installed by the subdivide in accordance with the requirements of this Ordinance; or
- B. A surety bond or certified check has been posted by the subdivider payable to the County upon default, in an amount determined by the Planning Board to assure installation of the required improvements. The improvements thus guaranteed shall be installed by the developer within three (3) years of the posting of the surety bond or certified check with the possibility of reasonable extensions in the discretion of the Planning Board. If the developer has not installed the improvements within the allotted time, the County shall take necessary steps to proceed with the accomplishment and completion of the improvements, making use of the certified check or calling upon the surety of the bond; or

C. An irrevocable letter of credit, and a form approved by the County Attorney, issued by a bank or other lending institution or a deposit of funds in the escrow may be accepted in lieu of bond or check under the same terms and conditions; or

D. Defects Guarantee

The Planning Board shall require an irrevocable letter of credit or surety bond approved by the County Board of Commissioners guaranteeing utility taps, drainage facilities, water and sewer lines, and other improvements against defects for one (1) year. This bond or letter of credit shall be in an amount determined by the Planning Board's designated agent to be sufficient to guarantee repair to any defective improvements.

E. Certificate of Dedication and Maintenance

The subdivider shall certify the dedication of all improvements as follows:

- 1) That all property and improvements are owned by the subdivide and free of any encumbrance or lien except as enumerated;
- 2) That the subdivide has freely dedicated or reserved all required right of way easements, streets, utilities, open spaces, or other improvements to public or private use as noted on the improved preliminary plat and has freely established minimum building setback lines;
- 3) That the subdivide shall be responsible for the maintenance of all improvements until either said improvements are taken over by the appropriate public agency or arrangement satisfactory to the Planning Board have been made for maintenance of said improvements;
- 4) That the subdivide has prepared a disclosure statement pursuant to chapter 136 of the North Carolina General Statutes and this Ordinance that discloses the ownership and maintenance responsibilities for all streets or rods within the subdivision.

This certificate shall be filed with the final plat, except when improvement guarantees are used, said certificate shall be filed with the Planning Board when improvements are completed and forwarded to the Register of Deeds to be recorded either with the final plat or as a separate document. In any and all events, the disclosure statement must be submitted to the Planning Board with the final plat.

SECTION 3. LOT DESIGN STANDARDS

- A. Lot size, shape, and location shall be made with due regard to topographic conditions, contemplated use, and the surrounding area.
- B. Every lot shall front on or about a public dedicated right of way, or a local road where authorized by this Ordinance.
- C. Double frontage or reverse frontage lots shall be avoided except where necessary to separate residential development from through traffic or nonresidential use.
- D. Lot width at the right of way shall not be less than 35'.
- E. Corner lots for residential use shall have an extra width of 15' to allow adequate building setback from side streets.
- F. Required minimum lot size shall be 30,000 square feet, Minimum lot width at the 35' setback building line shall be 140'.
- G. The minimum building setback line, or the distance between the subdivision street or local road right-of-way line and the building line shall be not less than thirty-five (35) feet. On arterial streets, the building setback line shall not be Less than fifty (50) feet.

SECTION 4. UTILITIES

All lots to be subdivided must be served by on site wells and septic tank systems or public sanitary sewer and water facilities.

- A. Individual on site wells and septic tank systems
 - 1. Wells shall be located and constructed based on the regulations as promulgated by the Division of Health Services of the North Carolina Department of Human Resources and administered by the local Health Department Sanitarian.
 - 2. Septic tanks and other sewage facilities shall comply with all applicable state and county public health laws and regulations.
- B. Public Water Facilities

Upon submittal of a preliminary plat, plans and specifications shall be provided by the subdivider to the Planning Office showing necessary water mains and items accessory to each that lie wholly within the rights of way in the subdivision. After approval of the preliminary plat and these plans and specifications by the Planning Board or County Commissioners and the applicable agencies,

installation of the improvements by the subdivider can begin. The Planning Coordinator for the County or his/her agent shall act as inspector to see that all the proper plans and specifications are faithfully carried out. Where existing water mains are within five hundred (500) feet, proposed water mains shall connect with the existing system in accordance with prescribed specifications. Where water mains are not within five hundred (500) feet but plans have been formulated for their installation, the water mains may be required at the Board's discretion. Where water mains are not within five hundred (500) feet, and plans do not exist, the installation of such facilities will not be required.

Where water mains are not within five hundred (500) feet, and plans do not exist for their extension to within five hundred (500) feet of the subdivision, the subdivider may use a private water system approved by the Washington County Health Department and other authorizing agencies. The total cost of any water distribution improvements and accessories is to be paid by the subdivider.

C. Sanitary Sewer and Water Facilities for Subdivisions in Municipalities Within the Jurisdiction of this Ordinance

The subdivider shall install water and sewer utilities in keeping with County and Municipal specifications. The County or Municipality shall not provide water and sewer services to the subdivision unless the applicable specifications are adhered to.

Plans and specifications shall be furnished to the Town Manager and County Manager for the installation of necessary sanitary sewer lines, water mains and items accessory to each that lie wholly within the public right of way in the subdivision. After approval of these plans and specifications by the Town Manager or designee, County Manager, and other authorizing state agencies, installation can begin under periodic inspection. The Director of Inspections or his agent shall act as inspector to see that all plans and specifications are faithfully carried out. County mains shall be installed to conform with and to tie into the County or Municipal system prior to the paving of any streets involved.

The total cost of the sanitary sewer and water distribution improvements and accessories thereto designed to connect with and become a part of an existing sanitary sewer or water distribution system is to be borne by the subdivider.

SECTION 5. SEDIMENTATION AND EROSION CONTROL

Persons engaged in land-disturbing activities shall take all reasonable measures to protect all public and private property from damage by such activities. When any land-disturbing activity is to be undertaken on a tract where more than one contiguous acre is to be uncovered, the subdivider is required to follow the North Carolina Sedimentation and Erosion Control Plan.

SECTION 6. BLOCKS

The 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 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 water areas.

- A. Length - Blocks shall not be less than four hundred (400) feet (unless a local road is permitted); nor more than eight hundred (800) feet in length.
- B. Width - Blocks shall have sufficient width to allow two (2) tiers of lots of minimum depth except where single-tier lots are required to separate residential development from through vehicular traffic or another type of use, or when abutting a water area.

SECTION 7. ROADWAY IMPROVEMENTS

- A. Access to lots or parcels formed by the division of a tract of land meeting the criteria of a minor subdivision may be served by a “local road “, with the following provisions:
1. Such road shall have a private right of way easement of fifty (50) feet extending to the nearest State maintained road if physically feasible.
 2. Such road shall be designed according to accepted policies of the North Carolina Department of Transportation, and must have an all-weather gravel surface.
 3. The alignment of such road shall meet applicable standards of the North Carolina Department of Transportation.
 4. The addition of a fifth lot to a minor subdivision served by a local road will constitute a major subdivision and at that time, the local road will be required to be paved to Department of Transportation Specifications in existence at the time of the expansion of the subdivision.
 5. Each deed describing a lot within a minor subdivision, served by a local road, shall have an accompaniment, a disclosure statement, clearly stating that the local road serving said lot is private in nature, and is not constructed to present standards of the North Carolina Department of Transportation for admission to the State Highway System, thus is not eligible for state maintenance. It shall reveal the party or parties responsible for maintenance and shall further state that Washington County has no liability to provide any maintenance or improvement assistance for said road.

In addition, this document shall disclose the conditions upon which local roads are permitted in a minor subdivision. Before any conveyance is made from any of the four (4) lots allowed, which would bring the subdivision size to five (5) lots, the local road meet the standards as set out in Section B below for public roads serving major subdivisions.

The above information shall be documented in a manner acceptable to the Planning Board, the Planning Coordinator and the County Attorney shall be a condition upon which approval of a final plat will be based.

6. Restrictive covenants shall be recorded along with the deed of each lot

fronting on a local road. The covenants shall embody the restrictions in the Washington County Ordinance in reference to local roads serving minor subdivisions. All or that part of the restrictive covenants dealing with local roads shall be approved by the Planning Board, Planning Coordinator and the County Attorney shall be a condition upon which approval of a final plat will be based.

7. Local roads for minor subdivisions shall be designed so that all driveways enter the local road rather than the adjoining state maintained road.
- B. Access to lots or parcels formed by a tract of land constituting a major development, including the enlargement of a previously approved minor development above the four (4) lots maximum, 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. The following shall be considered the acceptable minimum standards of design for new subdivision streets and in no case shall be less than those of the North Carolina Department of Transportation as referenced above.
1. In any new major subdivision, the street layout shall conform to the arrangement, width, and location indicated by official plans or maps for Washington County, North Carolina. In areas for which such plans have not been completed, the streets shall be designed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, and to proposed use of land to be served by such streets. Any new proposed subdivision street shall be paved according to the Department of Transportation standards for such streets.

Streets in major subdivisions should be designed so that all driveways connect with the new streets in the subdivision rather than with the adjoining state maintained road.

- (A) Minor thoroughfares, local streets and cul-de-sacs shall be so laid out that utilization by through traffic will be discouraged.
- (B) All new proposed street systems within a subdivision shall be coordinated within the existing street or road system surrounding said subdivision.
- (C) Where in the opinion of the Planning Board, it is necessary to provide for future street access to an adjoining property, proposed streets shall be extended by platting to the boundary of such property and temporary turnaround shall be provided.

- (D) When a subdivision abuts a major thoroughfare or principal arterial street, the subdivider may be required to construct a frontage road, or reverse frontage on a minor street for the lots to be developed adjacent to the thoroughfare where reverse frontage is established, private driveways shall be prohibited from having direct access to the thoroughfare.
 - (E) 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.
 - (F) When a tract of land is subdivided into lots which are larger than the norm, the lots will be designed and arranged so that they allow for future opening of streets and further logical subdivision.
2. All new streets other than local roads meeting the standards of this Ordinance shall be designated public dedicated right of way. Each shall be dedicated as public streets accessible to the public at large.
- (A) The provision of street right of ways shall conform and meet the requirements of the adopted Thoroughfare Plan for applicable municipalities and shall meet the specifications set out by the Division of Highways of the North Carolina Department of Transportation in rural planning areas under the auspices of this Ordinance.
 - (B) The urban planning areas shall consist of that area within the urban planning boundary with appropriately adopted Thoroughfare Plans.
 - (C) The rural planning area shall be that area outside the urban planning boundary without adopted Thoroughfare Plans.

3. Right of way widths, measured from lot line to lot line shall be as wide as existing streets to be extended, as specified in an applicable Thoroughfare Plan or as set out in SUBDIVISION ROADS, MINIMUM CONSTRUCTION STANDARDS, published periodically by the North Carolina Department of Transportation, whichever is more restrictive.

The subdivider must secure the entire right of way width for dedication purposes.

4. Proposed streets shall be adjusted to the contours of the land so as to produce streets having gradients which provide for safety, proper drainage, and usable lots.
5. Street shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at an angle less than 75 degrees.
 - (A) Intersection of-sets are to disallow. Intersections which cannot be aligned should be separated by a minimum of 125' between centerlines for safety purposes.
 - (B) Minimum site distance shall be determined by Department of Transportation standards.
6. Horizontal, vertical, and reverse curves shall be designed by the subdivider according to standards of the Department of Transportation and in the interest of public safety and general welfare. Factors to be considered, among others, shall be the type and importance of the street, sight distance, anticipated traffic volume and design speed.
7. Cul-de-sacs shall have a vehicular turn around area with a right of way diameter of one hundred (100) feet. Cul-de-sacs shall not be used to avoid connection with an existing street or to avoid the extension of an important street in an adjoining area.
8. Frontage Road - When a subdivision abuts or contains a fully or partially controlled access facility, whether existing or proposed, a frontage road may be required by the Planning Board.

9. Signs

- (a) Street name signs - Appropriate street name signs which meet Department of Transportation regulations and conform to the size, color, and design of road signs presently used by Washington County or the applicable municipality shall be installed by the developer at all street intersections.
- (b) Stop and Yield Signs - 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 public safety and welfare by the Planning Board shall also be required to be installed.

10. Industrial Access or Commercial Complex Roads - The minimum construction standards for industrial access road requests or for commercial shopping centers and apartment complexes will be reviewed individually by the Department of Transportation. The construction standards for pavement design will be in line with expected usage.

SECTION 8. EASEMENTS

- A. The subdivider shall convey easements to the County or appropriate utility company for both underground and overhead utility installation. Easements shall be as required by the County or utility companies and normally centered along rear or side lot lines.
- B. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right of way as will be adequate for the purpose of managing stormwater runoff in a manner that will safeguard the health and property of the citizens of Washington County.

SECTION 9. 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.

- A. Subdivision Tie Points - At least two points of the subdivision not over eight hundred (800) feet apart shall be designated 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. Grid System coordinated monument, or Washington 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.

Each marker shall have embedded in its top or attached by suitable means, a metal plate of non-corrosive material and marked plainly with the point, the surveyor's registration number, the month and year it was installed, and the word "marker", "monument", or "control corner". A marker shall be set thirty (30) inches in the ground, unless this requirement is impractical because of unusual conditions. In flood zones set out in the FEMA Rate Index Maps, one (1) marker in each subdivision is required to have its elevation recorded on the metal plate.

- B. Property Markers - A steel or 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.
- C. Accuracy - The allowable angular error of closure and the linear error of closure for surveys shall be in accordance with North Carolina General Statutes 47-30 as amended.

ARTICLE VIII - PUBLIC FACILITIES

SECTION 1. PROVISIONS FOR RECREATION AREAS

Every subdivider who subdivides or develops a major subdivision on a natural waterway shall reserve a portion of such land for the purpose of recreation to serve the residents of the subdivision.

ARTICLE IX- PERMIT CHOICE

An applicant shall not be made to wait for final action on the proposed change before proceeding if the applicant elected determination under prior rules. (G.S. 143-755; G.S. 160D-108(b).)

If a local development regulation changes after an application is submitted, the applicant may choose the version of the rule that applies; but may require the applicant to comply with new rules if the applicant delays the application for six months. (G.S. 143-755; G.S. 160D-108(b); S.L. 2019-111, Pt. I.)

An application for one development permit triggers permit choice for permits under any development regulation; such permit choice is valid for eighteen months after approval of the initial application. (G.S. 143-755; G.S. 160D-108(b); S.L. 2019-111, Pt. I.)

This ordinance is bound by the requirements of G.S. 160D. All applicable requirements of the statute shall apply.

This Ordinance shall take effect on July1, 2021.

THIS ORDINANCE ADOPTED this the ____ day of _____, 20____.

William R. “Bill” Sexton, Jr., Chair
Washington County Board of Commissioners

ATTEST:

Julie J. Bennett, CMC, NCMCC
Clerk to the Board

WASHINGTON COUNTY BOARD OF COMMISSIONERS

AGENDA STATEMENT

ITEM NO: 2

DATE: May 17, 2021

ITEM: Board of Equalization & Review, Ms. Sherri Wilkins, Tax Administrator

SUMMARY EXPLANATION:

- a) The Chair will ask for a motion to re-convene as the Board of Equalization and Review (E & R)
- b) Hearing of Appeals
As of the preparation of this agenda package, Sherri Wilkins, Tax Administrator, has informed the County Manager's Office that there are no appeals at this time.
- c) Motion to recess the Board of E & R until June 7, 2021 at 6:00 PM in the Board of Commissioners' Room.

WASHINGTON COUNTY BOARD OF COMMISSIONERS

AGENDA STATEMENT

ITEM NO: 3

DATE: May 17, 2021

**ITEM: Presentation of the Washington County FY22 Budget Recommendation,
Mr. Curtis Potter, CM/CA**

SUMMARY EXPLANATION:

Mr. Potter will be presenting Washington County's recommended budget for FY22 at this meeting. Budget books will be given to you on Monday night.

WASHINGTON COUNTY BOARD OF COMMISSIONERS

AGENDA STATEMENT

ITEM NO: 4

DATE: May 17, 2021

ITEM: Boards & Committees, Ms. Julie Bennett, Clerk to the Board

SUMMARY EXPLANATION:

Northeastern Workforce Development Board (NWDB)

Commissioner Johnson would like to discuss identifying a new appointee to replace Diane White (Business Representative—Washington County) who is resigning from the NWDB. This was mentioned at the last meeting. Please try to bring names of possible appointees to Monday night's meeting.

WASHINGTON COUNTY BOARD OF COMMISSIONERS

AGENDA STATEMENT

ITEM NO: 5

DATE: May 17, 2021

**ITEM: Other Items by Chairman, Commissioners, County Manager/Attorney,
Finance Officer or Clerk**

SUMMARY EXPLANATION:

WASHINGTON COUNTY BOARD OF COMMISSIONERS

AGENDA STATEMENT

ITEM NO: 6

DATE: May17, 2021

ITEM: Closed Session

SUMMARY EXPLANATION:

Mr. Potter would like to have the following Closed Sessions pursuant to NCGS§143-318.11(a)(3) (attorney-client privilege) and NCGS §143-318.11(a)(6) (personnel).