

**REGULAR SESSION MINUTES OF THE
PAMLICO COUNTY BOARD OF COMMISSIONERS
MONDAY, JUNE 21, 2021**

The Pamlico County Board of Commissioners met in regular session on Monday, June 21, 2021 at 7:00 pm in the Patsy H. Sadler room of the Pamlico County Courthouse. All Commissioners were present. Also present was County Attorney Dave Baxter, County Manager Tim Buck, Finance Officer Bill Fentress and Clerk to the Board Courtney L. Norfleet.

Chairman Doug Brinson called the meeting to order.

Chairman Doug Brinson led the assemblage in the Pledge of Allegiance.

Chairman Doug Brinson asked if there were any corrections, additions, and/or deletions to the Monday, May 24, 2021, and the Monday, June 14, 2021 budget workshop minutes, and the June 7, 2021 regular session minutes. There being none, on a motion made by Commissioner Candy Bohmert and seconded by Commissioner Pat Prescott, the following resolution was unanimously approved.

BE IT RESOLVED, the budget workshop minutes of the Monday, May 24, 2021, and the Monday, June 14, 2021 meetings, and the regular session minutes of the June 7, 2021 meeting are hereby approved, and the Chairman's signature is authorized thereon.

On a motion made by Commissioner Candy Bohmert and seconded by Commissioner Missy Baskervill, the following resolution was unanimously approved.

BE IT RESOLVED, the public hearing for Chapter 160D Amendments is hereby declared open.

No members of the public were present to speak during the public hearing.

On a motion made by Commissioner Candy Bohmert and seconded by Commissioner Missy Baskervill, the following resolution was unanimously approved.

BE IT RESOLVED, the public hearing for Chapter 160D Amendments is hereby declared closed.

On a motion made by Commissioner Carl Ollison and seconded by Commissioner Ed Riggs, the following resolution was unanimously approved.

BE IT RESOLVED, the following Resolution Stating that Proposed Amendments to the Subdivision Ordinance, Group Housing Projects Ordinance, and Manufactured Home Park Ordinance are in Accordance with all Officially Adopted Plans, Including the Comprehensive Land Use Plan is hereby approved.

PAMLICO COUNTY

SUBDIVISION ORDINANCE

Effective Date: November 2, 2009

Amended: July 1, 2021

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PAMLICO COUNTY, NORTH CAROLINA
SUBDIVISION ORDINANCE

ARTICLE 1

AUTHORITY

1.1

Title

This ordinance shall be known and may be cited as the Pamlico County Subdivision Ordinance.

1.2

Declaration of Purpose

The procedures and standards for the development of real estate and for the surveying and platting thereof, adopted and prescribed in this ordinance, are found by the Board of Commissioners to be necessary and appropriate in order:

- (1) To provide for economical and sufficient streets with adequate widths and with proper alignment and grade.
- (2) To provide space for safe and sanitary accommodations.
- (3) To promote the elimination of unsafe conditions arising from the overcrowding and concentration of population, improper planning, lack of proper light, air and space, unsafe design and arrangements, and existence of conditions which

endanger life or property by fire and other causes.

- (4) To provide for suitable neighborhoods with adequate streets and utilities and appropriate building sites.
- (5) To save unnecessary expenditure of public funds by reserving space for public lands and buildings and by initial proper construction of streets and utilities.
- (6) To provide proper land records for the convenience of the public and for the better identification and permanent location of real estate boundaries.
- (7) To provide for the orderly growth and development of the county.
- (8) To provide for the coordination of streets and highways within subdivisions with existing or planned streets and highways and with other public facilities.

1.3

Authority

This ordinance is adopted under the authority and provisions of the General Statutes of North Carolina, Chapter 160D, Article 8.

1.4

Jurisdiction

The regulations contained herein, as provided in N.C.G.S. 153A, Articles 6 and 18 shall govern each and every subdivision of land within Pamlico County, and within the jurisdiction of any incorporated municipality which has requested that Pamlico County enforce this ordinance in that municipality's jurisdiction, but only if Pamlico County has consented to the same, all by a mutual resolution or interlocal agreement.

1.5

Compliance

After the effective date of this ordinance, each subdivision of land must be approved by the Board of Commissioners, after review and recommendation of the Planning Board.

ARTICLE 2

DEFINITIONS

For the purpose of this ordinance, certain words or terms used herein shall be defined as follows:

- 2.1 Apartments.** Attached multi-family units in a row or in a group project.
- 2.2 Block.** A piece of land bounded on all sides by streets or other transportation routes such as railroad lines, or by physical barriers such as water bodies or public open space, and not traversed by a through street.
- 2.3 Board of Commissioners.** The duly constituted Board of County Commissioners of Pamlico County, North Carolina.
- 2.4 Buffer Strip.** An area fifty feet in width measured from the perimeter of a lot or lots within a subdivision when such lot or lots are located adjacent to an office, institutional, commercial or industrial use area or railroad or highway right-of-way. No building or other structure shall be erected within the area of any such buffer strip, however, trees, shrubbery or other landscaping design may be used therein.
- 2.5 Building Setback Line.** A line parallel to the property line in front of which no structure shall be erected. Setbacks shall be measured from the property line, or the road right-of-way, whichever is more restrictive.
- 2.6 Commercial Use.** Any use of property, subdivision, or site for business or commerce, excluding industrial use.
- 2.7 County.** Pamlico County, North Carolina.
- 2.8 Dedication.** A gift by the owner or a right for the use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument, and is completed with an acceptance. For the purpose of this ordinance, "dedication"

shall also include the right to the use of a private road, whether located within or without the boundaries of the subdivision, by the owners of lots within the subdivision.

2.9 Development. Any subdivision, whether or not the recording of a plat is required; any horizontal condominium; and any multiple dwelling unit residential building, including, but not limited to apartments, condominiums, hotels, motels, special planned developments, planned unit development, and group development projects. Development shall also mean any commercial or industrial building or structure. The term shall, when appropriate to the context, include the act of establishing or creating any of the foregoing or the result of such activity.

2.10 Easement. A grant by the property owners of a strip of land for a specified purpose and use by the public, a corporation, or person. Explicitly excluded from this definition is a street or road, whether public or private.

2.11 Group Development. A group of two or more principal structures built on a single lot, tract, or parcel of land and designed for occupancy by separate families, business firms, or other enterprises. Sometimes referred to as a Planned Unit Development or Cluster Development.

2.12 Industrial Use. Any use of property engaged in the production or manufacture of goods, products, or materials.

2.13 Lot. A portion of a subdivision, or any other parcel of land, intended as a unit of transfer of ownership or for development or both.

2.14 Lot, Corner. A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

2.15 Lot, Double Frontage. A continuous, or "through," lot which is accessible from both streets upon which it fronts.

2.16 Lot, Interior. A lot other than a corner lot with only one frontage on a street.

2.17 Lot, Single-Tier. A lot which backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.

2.18 Lot, Waterfront. A lot that is contiguous to a naturally occurring navigable body of water, or that is contiguous to the Intracoastal Waterway. Except as otherwise provided herein, this term shall not include lots that are contiguous to man-made bodies of water, navigable or otherwise. Where a lot is contiguous to minor, naturally occurring creeks or streams that transition from navigable to non-navigable water, the historical and customary use for navigation will be considered in determining whether such a lot is a “waterfront lot.”

2.19 Lot of Record. A lot which is part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of Pamlico 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.

2.20 Official Maps or Plans. Any maps or plans officially adopted by the Pamlico County Board of Commissioners.

2.21 Open Space. An area (land and/or water) generally lacking in man-made structures and reserved for enjoyment in its unaltered state.

2.22 Planning Board. The duly constituted Pamlico County Planning Board.

2.23 Plat. A map or plan of a parcel of land which is to be, or has been, subdivided.

2.24 Private Driveway. A roadway serving not more than two (2) lots, building sites or other division of land and not intended for public ingress or egress.

2.25 Private Street. An undedicated private right-of-way which affords access to abutting properties and requires a subdivision streets disclosure statement in accordance with G.S. 136-102.6.

2.26 Public Accessway. A piece of land transferred to public use for access to public areas. Public accessways may be dedicated by right-of-way, perpetual easement, or fee simple

title transfer.

2.27 Public Sewage Disposal System. A system serving two (2) or more dwelling units and approved by the Pamlico County Health Department and the North Carolina Department of Natural Resources and Community Development.

2.28 Public Water Distribution System. A system serving two (2) or more dwelling units and approved by the Pamlico County Health Department and/or the North Carolina Department of Human Resources.

2.29 PUD or Planned Unit Development. A comprehensive development as established under Article 16 of this ordinance.

2.30 Recreation Area or Park. An area of land or combination of land and water resources that is developed for active and/or passive recreation pursuits with or without various man-made features that accommodate such activities.

2.31 Reservation. A reservation of land which does not involve any transfer of property rights.

2.32 Site Plan. A plan of a parcel of property showing proposed improvements, utilities, natural features, and other items as may be required to clearly indicate and define the intended development of the property. All site plans must be prepared by an engineer, architect or surveyor licensed to practice in the State of North Carolina.

2.33 Street or Road. A dedicated and accepted public right-of-way for vehicular traffic, or a private road as permitted by this ordinance, but explicitly excluding an easement. The following classifications shall apply:

(a) **Local Residential Street.** Cul-de-sacs, loop streets less than 2,500 feet in length, or streets less than one mile in length that do not connect thoroughfares, or serve major traffic generators, and do not collect traffic from more than 100 dwelling units.

(b) **Cul-de-sac Street.** A street having but one end open to traffic and the other end

being permanently terminated and a vehicular turnaround provided.

- (c) **Access Street.** A local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.
- (d) **Alley.** A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

2.34 Subdivider, Developer or Owner. Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined. A Subdivider, Developer or Owner shall be (i) the fee simple owner of land subdivided (or proposed to be subdivided), (ii) such fee simple owner's attorney-in-fact, agent or other authorized representative or (iii) a prospective purchaser from such fee simple owner under a written, executory contract for purchase of such land subdivided (or proposed to be subdivided) which gives such prospective purchaser the fee simple owner's consent to propose a subdivision hereunder. The Planning Board may, in its discretion, require such written or other confirmation deemed advisable to confirm that any person, firm or corporation presenting any plat for approval is a Subdivider or Owner as defined in this section 2.34.

2.35 Subdivision. 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 shall include all divisions of land involving the dedication of a street, whether public or private, or a change in existing streets; but the following shall not be included within this definition nor be subject to any regulations enacted pursuant to this ordinance:

- (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown by the regulations prescribed by this ordinance;
- (2) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;

(3) The public acquisition by purchase of strips of land for the widening or opening of streets;

(4) The division of a tract in single ownership, the entire area of which is no greater than two (2) acres into not 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 shown by its subdivision regulations.

(5) The conveyance of a lot or tract to a grantee for purposes other than immediate sale who would have been an heir of the grantor if the grantor had died intestate under the intestate succession laws of North Carolina immediately prior to the conveyance. The deed conveying any parcel under this exception shall contain a recitation immediately after the description reciting that:

"The Grantor herein certifies that the Grantee herein, at the time of the execution of this deed, is currently entitled to inherit from the Grantor under the intestate succession laws of the State of North Carolina and, consequently, this conveyance is not governed by the subdivision regulations of Pamlico County."

(6) The conveyance of a lot or tract for the purpose of dividing lands among tenants in common, all of whom inherited the land by intestacy or by will from a common ancestor. The deed conveying any parcel under this exception shall contain a recitation immediately after the description reciting that:

"The Grantor and Grantee herein, by the execution, delivery, acceptance and recordation of this deed certifies that this conveyance evidences a division of land between the Grantor and Grantee as tenants in common of said land and that such tenancy in common was created through inheritance by the Grantor and Grantee from a common ancestor."

(7) A one-time conveyance of a lot or tract less than or equal to one (1) acre in size to a grantee, if no street right-of-way dedication is involved and if the resultant lot is equal to or exceeds the standards of the county as shown by its subdivision regulations.

(8) Any project for which approval is required under County's Group Housing Project Ordinance.

2.36 Subdivision Administrator. The person designated by the Board of Commissioners to administer and enforce this ordinance, and where applicable his designee.

ARTICLE 3

WORD INTERPRETATION

For the purpose of this ordinance, certain words shall be interpreted as follows:

- (a) Words used in the present tense include the future tense.
- (b) Words used in the singular number include the plural and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.
- (c) The word "person" includes a firm, association, corporation, trust, and company as well as an individual.
- (d) The word "used for" shall include the meaning "designed for."
- (e) The word "structure" shall include the word "building."
- (f) The word "lot" shall include the words "plot," "parcel," or "tract."
- (g) The word "shall" is always mandatory and not merely directory.

ARTICLE 4

LEGAL PROVISIONS

4.1

General Procedure for Plat Approval

After the effective date of this ordinance, no subdivision plat of land within the jurisdiction of Pamlico County shall be filed or recorded until it has been submitted to the Planning Board and approved by Board of Commissioners as set forth in this ordinance, and until

this approval is entered in writing on the face of the plat by the Chairman of the Board of Commissioners and attested by the Clerk to the Board of Commissioners.

The Register of Deeds shall not file or record a plat of a subdivision of land located within the territorial jurisdiction of Pamlico County that has not been approved in accordance with the provisions of this ordinance, nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with this ordinance.

An Owner only needs to follow the procedure for final plat approval under this Ordinance and does not need approval of a preliminary plat to for the division of a tract or parcel of land in single ownership if all of the following criteria are met:

- (a) The tract or parcel to be divided is not exempted under Ordinance.
- (b) No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.
- (c) The entire area of the tract or parcel to be divided is greater than 5 acres.
- (d) After division, no more than three lots result from the division.
- (e) After division, all resultant lots comply with all of the following:
 - a. All lot dimension size requirements of all applicable land-use regulations, if any.
 - b. The use of the lots is in conformity with all applicable zoning requirements, if any.
 - c. A permanent means of ingress and egress is recorded for each lot.

4.2

Statement By Owner

The Owner of the land shown on a subdivision plat submitted for recording, shall sign a statement on the plat stating whether or not any land shown thereon is within the subdivision regulation jurisdiction of Pamlico County.

In the event that a plat is presented to the Register of Deeds for recording depicting a division of land which is not within the subdivision regulation jurisdiction of this ordinance, the owner shall specify in writing on the face of the plat and by sworn affidavit the reasons for any exemption or exception from the provisions of this ordinance.

4.3

Effect of Plat Approval on Dedications

The approval of a plat does not constitute the acceptance by Pamlico County or the public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. Further, any action by County to accept any such dedication will not impose upon Pamlico County any responsibility or liability for the same.

4.4

Penalties for Violation

After the effective date of this ordinance, any person who subdivides land in violation of this ordinance, transfers or sells land by reference to a plat showing a subdivision that has not received final approval hereunder and that has been recorded in the Office of the Register of Deeds, or otherwise violates any provision of this ordinance, including the recording of any plat in the Office of the Pamlico County Register of Deeds showing a subdivision of land before the plat has received final approval hereunder, shall be guilty of a Class 1 misdemeanor. The description by metes and bounds in an instrument of transfer or other document used in the process of selling or transferring land shall be a violation of this ordinance, and does not exempt the transaction from this penalty, whether or not the description by metes and bounds in the

instrument of transfer refers to any recorded or unrecorded map. Violators of this ordinance shall also be subject, upon conviction, to fine and/or imprisonment as provided by N.C.G.S. §14-4, as well as any other remedy available to County, including the denial of a building permit. Provided, however, it is not a violation of this ordinance to enter into a contract for the sale or lease of real property which complies with N.C.G.S. §160D-807.

4.5

In addition to the penalties set forth in Section 4.4 above, the violation of any provision of this ordinance shall subject the offender to a civil penalty in the amount of \$500.00 to be recovered by Pamlico County. Violators shall be issued a written notice which must be paid within ten (10) days of issuance of the notice. The violation of any provision of this ordinance shall be deemed to be committed on the date of recordation of an instrument of transfer or other document which transfers land in violation of this ordinance. Each day's violation shall be considered a separate offense.

4.6

Notwithstanding Subsections 4.4 and 4.5 above, this ordinance may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.

4.7

Nothing in this section shall be construed to limit the use of remedies available to County and County may seek to enforce this ordinance by using any one, all, or a combination of remedies.

4.8

Severability

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE 5

VARIANCES AND REASONABLE ACCOMMODATION

5.1

General Variance

Upon a request for final approval or upon a request for preliminary approval, the Planning Board may recommend to the Board of Commissioners that a variance be granted from these regulations, and the Board of Commissioner may grant such a variance, when, in each Board's opinion, undue hardship may result from strict compliance. In recommending or granting any variance, both Boards shall make the findings required below, taking into account the nature of the proposed subdivision, the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless both Boards find:

- (a) That there are special topographical or environmental circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land; and
- (b) That the granting of the variance will not be detrimental to the purpose of this ordinance, public health, safety and welfare or injurious to other property in the territory in which said property is situated.

5.2

In recommending or granting variances, the relevant Board may require such conditions as will secure, insofar as practicable, the objectives or requirements varied. Any variance thus recommended is required to be entered in writing in the minutes of the appropriate Board and the reasoning upon which departure was justified set forth.

5.3

In the event a variance is granted under the provisions of this Article, the fact that a variance has been granted shall be noted on the final plat together with the date of approval of the variance.

5.4

Reasonable Accommodation

The Planning Board may recommend to the Board of Commissioners that reasonable accommodations under the Federal Fair Housing Act for the circumstances set forth in this section are appropriate.

5.5

Application Requirements; Determination of Completeness

- (a) **Persons Authorized to File Applications.** An application for a reasonable accommodation may be filed only by the owner of the land affected by the reasonable accommodation; an agent, lessee, or contract purchaser specifically authorized by the owner to file such application; or any unit of government that is not the owner of the lot but proposes to acquire the lot by purchase, gift, or condemnation.
- (b) **Pre-Application Conference.** Before filing an application for a reasonable accommodation, the applicant may request a pre-application conference with the Planning Department.
- (c) **Application Filing.** An application for a reasonable accommodation shall be filed with the Planning Department. No filing fee is required for such application. Once the application is complete, the Planning Department shall schedule the application for consideration at a hearing before the Planning Board, and shall

transmit to the Planning Board all applications and other records pertaining to such reasonable accommodation prior to the hearing on the application.

5.6

Action on the Application

- (a) Upon receiving the application materials from the Planning Department, the Planning Board shall hold a public hearing on the proposed reasonable accommodation and shall decide the request upon a majority vote of the members within a reasonable time. Notice of the hearing shall be provided to the applicant and to the public no less than ten (10) days prior to the hearing date.
- (b) In considering the application, the Planning Board shall review the application materials, the approval criteria stated in this ordinance and all comments received at the hearing.
- (c) After conducting the hearing, the Planning Board may recommend to the Board of Commissioners that the Board of Commissioners: (1) deny the application; (2) conduct an additional hearing on the application; or (3) grant the requested reasonable accommodation.
- (d) The Planning Board's recommendation and the Board of Commissioners' decision shall be based upon competent, material, and substantial evidence. Both the recommendation from the Planning Board and the decision of the Board of Commissioners shall be reduced to writing and reflect each Board's determination of the facts and their application to the applicable standards. The written decision shall be signed by the chair of each Board. The decision is effective upon filing the written decision with the Clerk to the Board of Commissioners.
- (e) The decision shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

5.7

Approval Criteria

The Planning Board shall recommend and the Board of Commissioners shall grant a reasonable accommodation to any provision of this ordinance if each Board finds by a greater weight of the evidence that the proposed reasonable accommodation is determined to be both reasonable and necessary, in accordance with the following:

- (a) **“Reasonable”** An accommodation will be determined to be reasonable if it would not undermine the legitimate purposes and effects of existing planning regulations, and if it will not impose significant financial and administrative burdens upon the County and/or constitute a substantial or fundamental alteration of the County’s ordinance provisions; and
- (b) **“Necessary”** An accommodation will be determined to be necessary if it would provide direct or meaningful therapeutic amelioration of the effects of the particular disability or handicap, and would afford an equal opportunity to enjoy and use housing in residential areas in the County.

5.8

Effect of Approval or Denial

- (a) After the Board of Commissioners approves a reasonable accommodation, the applicant shall follow the normal procedures set forth in this and any other applicable ordinance for approval of any permits, certificates, and other approvals required in order to proceed with development or use of the property. All orders, decisions, determinations, and interpretations made by administrative officers under those procedures shall be consistent with the reasonable accommodation granted by the Board of Commissioners.

- (b) Planning Board and the Board of Commissioners shall refuse to hear a reasonable accommodation request that has been previously denied, unless it finds that there have been substantial changes in the conditions or circumstances relating to the matter.

5.9

Lapse

In situations where a reasonable accommodation was a prerequisite to site plan and/or subdivision approval, failure of an applicant to apply for a building permit and commence construction or action with regard to the special exception approval within one (1) year of receiving approval of the reasonable accommodation shall automatically render the decision of the Board of Commissioners to grant the reasonable accommodation null and void.

ARTICLE 6

AMENDMENTS

6.1

The Board of Commissioners may from time-to-time amend the terms of this ordinance, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation. The Planning Board shall have sixty (60) days or two regular meetings from the time the proposed amendment is submitted to it within which to submit its recommendation. If the Planning Board fails to submit a recommendation within the specified time, it shall be deemed to have recommended approval of the amendment.

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

ARTICLE 7

ABROGATION

It is not intended that this ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

ARTICLE 8

ADMINISTRATOR

The Board of Commissioners shall designate a Subdivision Administrator who shall be charged with administering and enforcing this ordinance, and such other agents or officers as it deems appropriate.

ARTICLE 9

PROCEDURE FOR REVIEW AND APPROVAL

OF PRELIMINARY SUBDIVISION PLATS

9.1

For every subdivision within the territorial jurisdiction established by this ordinance, the owner shall submit a preliminary plat which shall be reviewed for approval by the Planning Board for compliance with the provisions of this ordinance.

9.2

Twelve (12) copies of the preliminary plat shall be submitted to the Subdivision Administrator of this ordinance at least thirty (30) days prior to the Planning Board meeting at which the owner desires the Board to review the preliminary plat. In the event the preliminary plat and the appropriate number of copies thereof are not submitted to the Subdivision Administrator at least thirty (30) days prior to the Planning Board meeting at which the Owner desires the Board to review the preliminary plat, the Planning Board may decline to consider such

preliminary plat and defer consideration of same to the next regularly scheduled meeting of the Planning Board after which the preliminary plat and the appropriate number of copies are timely submitted. Preliminary plats shall meet the specifications as set forth in this ordinance. Preliminary plats shall depict or contain, or be accompanied by, the information indicated in the table attached as Appendix B to this ordinance. An “x” indicates that the information is required.

9.3

The Planning Board shall review a timely submitted preliminary plat at or before its next regularly scheduled meeting and no more than sixty (60) days after the Subdivision Administrator receives the preliminary plat and the comments or authorized signatures on the certificates from the appropriate agencies.

9.4

The Planning Board shall approve, conditionally approve with required conditions or disapprove with specific reasons within forty-five (45) business days of its first consideration of the plat. If the Planning Board does not make a decision within forty five (45) business days after its first consideration of the plat, the plat shall be deemed approved without conditions.

9.5

The approval of the preliminary plat by the Planning Board shall be effective for a period of eighteen (18) months following the date of approval. In the event the final plat has not been submitted for approval prior to the expiration of said eighteen (18) month period, the preliminary plat shall be null and void unless extended by action of the Board of Commissioners upon the request of the Owner; provided, however, that such request for an extension will again be subject to the approval process set out in Sections 9.2 through 9.4 above.

9.6

If the Planning Board disapproves the preliminary plat, it shall retain one (1) copy of the plat for its minutes.

9.7

After having received the preliminary plat from the Subdivider but prior to consideration of the approval by the Planning Board as provided in this Article 9, the Subdivision Administrator may submit copies of the preliminary plat and any accompanying material to other officials and agencies concerned including, but not limited to:

- (a) Division of Environmental Health, Pamlico County Health Department; and
- (b) District Engineer, North Carolina Department of Transportation; and
- (c) Such other agencies and officials as the Planning Board may deem necessary.

ARTICLE 10

PROCEDURE FOR REVIEW AND APPROVAL

OF FINAL SUBDIVISION PLATS

10.1

Upon approval of the preliminary plat by the Planning Board, 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.

Prior to approval of the final plat, the Subdivider shall have installed the improvements specified in this ordinance or guaranteed their installation as provided herein. No final plat will be accepted for review by the Planning Board unless it has been reviewed by the Subdivision Administrator and found to be in compliance with requirements of this ordinance. The final plat shall constitute only that portion of the preliminary plat which the Subdivider proposes to record and develop at that time; such portion shall conform to all requirements of this ordinance.

10.2

The Planning Board shall review the final plat at or before its next regularly scheduled meeting which follows no more than forty-five (45) days after the Subdivision Administrator receives the final plat and shall recommend approval as submitted, recommend approval with modifications to bring the plat into compliance with this ordinance, or recommend disapproval of the final plat with specific reasons no more than forty-five (45) working days of its first consideration of the plat.

During its review of the final plat, the Planning Board may appoint a Registered Land Surveyor or Registered Engineer to confirm the accuracy of the final plat. If errors or engineering problems with the design are found, the costs shall be charged to the Subdivider and the plat shall not be recommended for approval until such errors or problems have been corrected.

10.3

If the Planning Board recommends approval of the final plat, it shall transmit all copies of the plat and its recommendations to the Board of Commissioners.

10.4

If the final plat is disapproved by the Board of Commissioners, the reasons for such disapproval shall be stated in the minutes of the Board, specifying the provisions of this ordinance with which the final plat does not comply. If the final plat is disapproved, the Subdivider may make such changes as will bring the final plat into compliance and resubmit same for reconsideration by the Planning Board and the Board of Commissioners.

10.5

If the final plat is approved by the Board of Commissioners, the original tracing and one (1) print of the plat shall be retained by the Subdivider.

The Subdivider shall file the approved final plat with the Register of Deeds of Pamlico County within 30 days of the final approval of the Board of Commissioners, otherwise such approval shall be null and void.

10.6

The final plat shall be prepared by a Registered Land Surveyor or Engineer currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in N.C.G.S. 47-30 and the Manual of Practice for Land Surveying in North Carolina.

Twelve (12) copies of the final plat shall be submitted. Material drawing medium for the original shall be in accordance with the Manual of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the Pamlico County Register of Deeds.

The final plat shall be of a size suitable for recording with the Pamlico County Register of Deeds and shall be at a scale of not less than one (1) inch equals one hundred (100) feet, unless otherwise approved by the Subdivision Administrator. Maps may be placed on more than one sheet with appropriate match lines.

10.7

Submission of the final plat shall be accompanied by a filing fee per lot in the subdivision, and a fee for inspection of the improvements in the subdivision which will reflect County's cost. A schedule of such fees shall be approved by the Board of Commissioners and posted in the office of the Subdivision Administrator.

10.8

The signed certificates indicated on Appendix A to this ordinance shall appear on all plats and shall be executed on the original and one (1) copy.

10.9

Final plats shall depict or contain the information indicated in the table attached as Appendix B to this ordinance. An "x" indicates that the information is required.

ARTICLE 11

GUARANTEES IN LIEU OF COMPLETED IMPROVEMENTS

11.1

No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved, and all plans and specifications have been approved by the appropriate Pamlico County, State of North Carolina and Federal authorities, and evidence thereof presented to the Planning Board.

11.2

No building, zoning or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this ordinance until all the requirements of this ordinance have been met. The Subdivider, prior to commencing any work within the subdivision, shall make arrangements with the Subdivision Administrator to provide for adequate inspection. The Subdivision Administrator or his representatives shall inspect and approve all completed work prior to release of the sureties. At its option, the Board of Commissioners may require that inspections be performed by a qualified person designated by it and at the Developer's cost.

11.3

The Board of Commissioners may require installation of certain oversized utilities or the extension of utilities to adjacent property when it is in the interest of future development. If the Board of Commissioners requires the installation of improvements in excess of the standards required in this ordinance, including all standards adopted by reference, the County shall pay the cost differential between the improvement required and the standards in this ordinance.

11.4

In lieu of requiring the completion, installation and dedication of all improvements prior to final plat approval, the Board of Commissioners may enter into an agreement with the Subdivider whereby the Subdivider shall agree to complete all required improvements no later than eighteen (18) months from the date of recordation of the final plat. The agreement to

complete all required improvements shall be in substantially the same form as set forth in Appendix "C". Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Board of Commissioners, if all other requirements of this ordinance are met. To secure this agreement, the Subdivider shall provide, subject to the approval of the Board of Commissioners, either one, or a combination of, the following guarantees in an amount no less than 1.25 times the entire cost as provided herein. The Planning Board may approve a final plat without the performance agreement and security required herein, provided such approval is specifically contingent on the Subdivider's providing such agreement and security required herein to the Board of Commissioners prior to its consideration of the final plat.

At the time of submission of the guarantee required herein, the Subdivider shall furnish therewith a sealed statement by a licensed engineer, architect, surveyor or licensed contractor setting forth the estimated cost of the improvements required under this ordinance together with the estimated time of completion. The estimate of cost shall take into consideration the current cost of the improvements as well as the effect of inflation on the cost, considering the estimated time of completion. The final estimate shall be multiplied by no less than 1.25 to determine the amount of the security required.

The Subdivider may elect which form of guarantee he shall submit to the County, but the guarantee must be of a type expressly authorized herein, and in any event such guarantee shall not expire prior to the completion of the improvements as described herein.

11.5

The Subdivider may obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina. The bonds shall be payable to Pamlico County and shall be in an amount equal to 1.25 times the entire cost, as shown on the estimate required herein. The bond shall be approved by the Board of Commissioners. The bond shall be conditioned so that the required improvements may be constructed by Pamlico County without cost to the County in the event of default by the Subdivider. The duration of the bond(s) shall be

until the completion of the improvements as described herein. Such bond shall also contain a provision to the effect that in the event of any conflict between the terms of such bond and this ordinance, the provisions of this ordinance shall control.

11.6

The Subdivider may deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the County or in escrow with a financial institution designated as an official depository of the County. The amount of deposit shall be equal to 1.25 times the cost, as estimated under the requirements of this ordinance and approved by the Board of Commissioners, for installing all required improvements within the time period required under this ordinance. Such instrument shall also contain a provision to the effect that in the event of any conflict between the terms of such instrument and this ordinance, the provisions of this ordinance shall control.

If cash or other instrument is deposited in escrow with a financial institution as provided above, then the Subdivider shall file with the County an agreement between the financial institution and himself guaranteeing the following:

- (a) That said escrow account shall be held in trust until released by the Board of Commissioners and may not be used or pledged by the Subdivider in any other manner during the term of the escrow; and
- (b) That in case of a failure on the part of the Subdivider to complete said improvements, the financial institution shall, upon notification by the Board of Commissioners, immediately either pay to the County the funds estimated to complete the improvement, up to the full balance of the escrow account, or deliver to the County any other instruments fully endorsed or otherwise made payable in full to the County.

11.7

Submission of the guarantee of improvements as required herein or submission of a final plat for approval hereunder shall constitute a warranty from the Subdivider to the County, said warranty expiring on the date which is one (1) year from the time when all improvements required under this ordinance have been installed or constructed and approved or accepted by the unit of government having jurisdiction thereof, that (i) all improvements required under this ordinance have been installed or constructed in a workmanlike manner, (ii) all improvements required under this ordinance have been installed or constructed in accordance with the provisions of this ordinance and all federal, state or local permits issued to the Subdivider and (iii) all improvements required under this ordinance are adequate for the intended uses thereof.

If it is anticipated that the improvements shall be done by contract at a later date, the Subdivider, having submitted satisfactory guarantees in lieu of completed improvements, in such case, this requirement of this ordinance may be satisfied by an agreement between the Subdivider and the County, in manner and form satisfactory to the Board of Commissioners, by which the Subdivider warrants all such improvements, and agrees to provide the warranties at such time as the improvements are completed.

11.8

Upon default, meaning failure on the part of the Subdivider to complete the required improvements in a timely manner as spelled out in the agreement as required by this ordinance, the surety, or the financial institution holding the escrow account shall, if requested by the County, pay all or any portion of the guarantee to Pamlico County up to the amount needed to complete the improvements, including all of the County's costs. Upon payment, the County, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements, including professional fees and consultants. The County shall return to the Subdivider and/or issuer of the guarantee, as the case may be, any funds not spent in completing the improvements.

11.9

The Board of Commissioners may release all of the security, as appropriate, when the improvements are completed and written confirmation of such is received under seal from a licensed contractor, engineer or surveyor.

11.10

In the event a Subdivider elects to install, after the approval of a preliminary plat but before the approval of a final plat, all improvements required by this ordinance, such Subdivider, upon submittal of a final plat for approval, shall provide, subject to the approval of the Board of Commissioners, either one, or a combination of, the financial guarantees described herein in an amount no less than ten percent (10%) of the entire actual cost of such improvements installed. Such financial guarantee(s) shall be controlled by and shall conform to the provisions of this ordinance governing financial guarantees intended to serve as security for the installation of improvements after approval of a final plat.

ARTICLE 12

REQUIRED IMPROVEMENTS, DEDICATION, RESERVATION,

MINIMUM STANDARDS OF DESIGN

12.1

Each subdivision shall contain the improvements specified in this article, which shall be installed in accordance with the requirements of this ordinance and paid for by the Subdivider, unless other means of financing is specifically stated in this ordinance. Land shall be dedicated and reserved in each subdivision as specified in this article. Each subdivision shall adhere to the minimum standards of design established by this article.

12.2

Land which has been determined by the Board of Commissioners on the basis of engineering or other expert surveys to pose an ascertainable danger to life or property by reason

of its unsuitability for the use proposed shall not be platted for that purpose, unless and until the Subdivider has taken the necessary measures to correct said conditions and to eliminate said dangers.

12.3

All subdivision proposals shall be consistent with the need to minimize flood damage and shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage, and shall meet all requirements of the Pamlico County Flood Damage Prevention Ordinance.

12.4

All construction activities will be prohibited in Conservation I areas except for shoreline stabilization activities and structures allowed under CAMA permitting requirements, marinas, piers and other structures providing water access, clearing of vegetation, boat ramps, and paving for access which complies with the estuarine shoreline use standards as specified in 15 NCAC 7H.0209.

12.5

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; needs for vehicular and pedestrian circulation; control and safety of street traffic; and limitations and opportunities of topography.

12.6

Block lengths shall not be less than 500 feet or more than 1500 feet unless otherwise waived by the Board of Commissioners after recommendation by the Planning Board.

12.7

Lot sizes, shapes and locations shall be made with due regard to topographic conditions, contemplated use, and the surrounding area. Land deemed by the Planning Board or Board of

Commissioners to be uninhabitable for any reasons shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard; but such land may be set aside for such uses as will not be endangered by periodic or occasional inundation, or will not produce unsatisfactory living conditions.

12.8

Lot sizes shall be subject to the following minimum requirements:

- (1) Lots in areas served by community water and sewer systems shall have a minimum of 10,890 square feet of land per lot.
- (2) Lots served by either a community water or sewer system shall contain 14,520 square feet of land per lot.
- (3) Lots lacking both community water and sewer systems shall contain a minimum of 21,780 square feet of land per lot.
- (4) Lots in areas classified as “rural with service” by the most recent Pamlico County Land Use Plan shall contain a minimum of 21,780 square feet of land per Lot.
- (5) Wells shall be located at least 100 feet from any septic tank or filter field whether on the same lot or another adjoining lot, unless waived by the County Health Department.

12.9

For purposes of determining minimum lot size, the following shall not be included in calculating the size of a lot:

- (a) Any portion of a lot that is subject to or encumbered by an access easement, right of way, street or road, whether public or private; or
- (b) Any portion of a lot containing public trust water.

Furthermore, if a lot is subject to an easement right of way, street or road, whether public or private, at least one continuous portion must meet minimum lot sizes required herein.

12.10

The following minimum lot dimensions shall apply:

<u>Lot Size</u>	Minimum Bldg.	Width at Actual		
	<u>Set Back Line</u>	<u>Set Back Line</u>	<u>Side Yard</u>	<u>Rear Yard</u>
21,780 sq. ft.	30'	60'	10'	15'
14,520 sq. ft.	30'	60'	10'	15'
10,890 sq. ft.	25'	60'	8'	15'

12.11

Corner lots for residential use shall have an extra width sufficient to permit adequate setback from side streets.

12.12

All lots shall have at least 35 feet of road frontage. Further, no portion of an irregularly shaped lot shall ever have a width or length less than 35 feet at its narrowest point, unless the Planning Board recommends the waiver of this requirement and the Board of Commissioners waives this requirement, which waiver may be conditioned upon specific requirements or conditions.

12.13

Double frontage lots shall be avoided wherever possible.

12.14

When subdivisions are located within areas classified as rural with services by the then current Pamlico County Land Use Plan and lots are also waterfront lots, the minimum lot size

shall be one acre or larger with a minimum of seventy-five (75) linear feet of water frontage, provided that the average water frontage of all lots within a subdivision shall be a minimum of one hundred (100) linear feet or more. Non-waterfront lots in subdivisions classified as rural with service shall be 21,780 square feet or larger in size. Subdivision and platted lots used for single-family residential purposes in existence prior to January 29, 1990, are exempt from the rural with services density requirement.

12.15

Where a subdivision is traversed by a water course, drainage way, creek or stream, a drainage easement sufficient to provide adequate drainage shall be provided. Easements centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least six (6) feet wide.

12.16

In subdivisions with residential lots, a buffer strip at least 50 feet in depth in addition to the normal lot depth required shall be provided adjacent to all railroads and limited access highways. This strip shall be a part of the platted lots, but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees or shrubs by the owner and the building of structures hereon is prohibited."

12.17

All subdivisions should be consistent with the then current Pamlico County Land Use Plan. In the event of inconsistencies between the Land Use Plan and this ordinance, this Ordinance shall control.

12.18

EXERCISE OF DISCRETION

Whenever any decision of the Subdivision Administrator, Planning Board or Board of Commissioners requires the exercise or application of judgment, those decisions shall be guided by the following standards and criteria:

a) A proposed subdivision or the use thereof shall not be contrary to the public health, safety and welfare, and shall not violate the spirit and intent of this ordinance;

b) A proposed subdivision or the use thereof shall not be contrary to the Pamlico County Land Use Plan; and,

c) A proposed subdivision or the use thereof shall not be contrary to the Declaration of Purpose stated in Article 1.2 herein.

ARTICLE 13

STREETS

13.1

Streets shall be laid out so as to intersect as nearly as possible at right angles. Street jogs with center line offsets of less than three hundred (300) feet shall be avoided. All measurements shall be from center line to center line of street rights-of-way.

13.2

All subdivision lots shall abut for a distance of at least 35 feet on public streets, semi-improved private streets, or non-improved private streets.

13.3

All streets shall be built to the standards of this ordinance and all other applicable standards of the County and the North Carolina Department of Transportation. Public streets which are eligible for acceptance into the State Highway System shall be constructed to the standards necessary to be put on the State Highway System or the standards in this ordinance, whichever is more strict in regard to each particular item, and shall be put on such system. Public streets which are not eligible to be put on the State Highway System because there are too few lots or residences shall, nevertheless, be constructed in accordance with the standards in this ordinance or the standards necessary to be put on the State Highway System, whichever is stricter in regard to each particular item, so as to be eligible to be put on the system at a later date. A Subdivider constructing or installing streets intended for acceptance into the State

Highway System shall maintain responsibility for the maintenance of such streets until such time as such streets are accepted into the State Highway System, provided that a Subdivider may transfer responsibility for the maintenance of such streets prior to such time as such streets are accepted into the State Highway System to a duly constituted and organized homeowners or property owners association if such Subdivider reserved the right to so transfer in restrictive covenants (or in a similar legal instrument) recorded in the Office of the Register of Deeds of Pamlico County, North Carolina prior to the conveyance of any lots in such subdivision.

13.4

Semi-Improved Private Streets

Subdivision streets may be designated private unpaved streets for the purpose of providing access from a public street or highway to not more than eight (8) residential lots regardless of size, which lots shall not be further subdivided by said owner or subsequent owners until such time as the said street is paved and such further subdivision complies with the terms of this ordinance. It is the intent and purpose of this section that at no time shall a private unpaved street serve more than eight (8) residential lots regardless of the location of the additional lots. Semi-improved private streets constructed under the provisions of this article shall conform to the same specifications of the Division of Highways, North Carolina Department of Transportation for construction of subdivision roads, including but not limited to right-of-way width, except that paving shall not be required.

13.5

No semi-improved private or public streets shall be allowed under the provisions of this article if it is proposed that such private or public street shall connect to a previously approved unpaved private street.

13.6

All streets shown on the final plat shall be designated in accordance with N.C.G.S. 136-102.6 and those designated as public shall be conclusively presumed an offer of dedication to the public. Where streets are dedicated to the public but not accepted into the State system,

before lots are sold, a statement explaining the status of the street shall be included with the final plat.

13.7

(a) Prior to entering any agreement or any conveyance with any prospective buyer, the Developer shall prepare and sign, and the buyer of the subject real estate shall receive and sign an acknowledgement of receipt of a separate instrument known as the Pamlico County Subdivision Streets Disclosure Statement which shall be made a part of the recorded deed of conveyance or recorded simultaneously with the recording of the deed of conveyance. Said statement shall be in substantially the following form, which shall be deemed sufficient for the purposes of this section:

PAMLICO COUNTY

Subdivision Street Disclosure Statement

Pursuant to N.C.G.S. 136-102.6(f), (Name of Developer), as the Developer and seller of Lot _____ in the subdivision known as (Name of Subdivision), Pamlico County, North Carolina, makes the following disclosures pertaining to the status and maintenance of (Name of Street):

- (1) (Name of Street) is designated a SUBDIVISION STREET.
- (2) After the initial installation and construction of (Name of Subdivision Street) by (Name of Developer), the responsibility of the maintenance of (Name of Subdivision Street) shall be upon the owners of the lots within the subdivision. In the event of failure of the lot owners to maintain said street there is no responsibility on the part of either the State of North Carolina or Pamlico County as to such maintenance. The street will not be constructed to minimum standards, sufficient to allow their inclusion on the State Highway System for maintenance.

(3) (Name of Developer) will not construct said road to meet the North Carolina Department of Transportation Subdivision Road Minimum Construction Standards, and as such, (Name of Subdivision Street) will not meet the standards sufficient to allow its inclusion in the State Highway System for maintenance.

Receipt of this disclosure is by the Developer and buyer acknowledged this day of ___ day of _____, 20__.

(b) The Developer shall include in the Disclosure Statement an explanation of the consequences and responsibility as to maintenance of the subdivision street, and shall fully and accurately disclose the party and parties upon whom responsibility for construction and maintenance of such street or streets shall rest.

(c) The Disclosure Statement shall further disclose that the street or streets will not be constructed to minimum standards, sufficient to allow their inclusion on the State Highway System for maintenance. However, there must be a 50 foot right-of-way on all subdivision roads.

(d) The Disclosure Statement shall contain a duplicate original which shall be given to the buyer. Written acknowledgement or receipt of the disclosure statement by the buyer shall be conclusive proof of the delivery thereof.

(e) As an alternative to providing the aforesaid disclosure separately and individually to each purchaser or prospective purchaser of a lot in a subdivision to be served by private streets, the Developer thereof may include language substantially similar to that required by this Section on the final plat of the subdivision or within any restrictive covenants recorded for the subdivision before the conveyance of any lots therein.

13.8

All subdivision streets shall meet the following requirements:

- (a) Cul-de-sacs shall be provided at the end of all public and semi-improved roads if dead ending, unless the road is looped. All cul-de-sacs must have a minimum radius of fifty feet, and the outside edge of the pavement or stabilized road must be a minimum of fifteen feet from the right-of-way line.
- (b) All subdivision roads or street within Pamlico county, whether public or private, and which the terminus thereof does not abut a state maintained street or highway, shall be connected by a connecting street to a state maintained road or highway, which connecting road shall conform to the specifications of the Division of Highways, North Carolina Department of Transportation for subdivision Streets; provided, however, that pavement of such connecting road or street shall not be required in the event that such road or street connects with subdivision streets or roads designated as private, as herein provided, and disclosure that said road shall not be paved is made in accordance with provisions of this ordinance.

13.9

Where it is necessary to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turnaround provided.

13.10

The Subdivider of a nonresidential subdivision shall provide streets in accordance with the latest standard of the N.C. Department of Transportation, Division of Highways' Subdivision Roads Minimum Construction Standards; and the standards in this ordinance, whichever are more strict in regard to each particular item.

13.11

The design of all public streets and roads within the jurisdiction of this ordinance shall be

in accordance with the accepted policies of the latest standard of the N.C. Department of Transportation, Division of Highways' Subdivision Roads Minimum Construction Standards.

13.12

Right-of-way widths shall not be less than those adopted by the North Carolina Department of Transportation and shall apply except in those cases where right-of-way requirements have been specifically set out in the thoroughfare plan.

13.13

Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names in the County irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be made in accordance with the Pamlico County Road Naming and Addressing Ordinance.

13.14

The Subdivider shall be required to provide and erect street name signs at all intersections within the subdivision. The signs must be of the same type currently erected unless otherwise approved by the Board of Commissioners and must be erected in compliance with State and County standards, whichever are more stringent. All street names shall be indicated on the final plat.

13.15

An approved driveway permit is required for connection to any existing state system road. This permit is required prior to any construction on the street or road. The application is available at the office of the nearest district engineer of the Division of Highways.

13.16

Offsets for Utility Poles and Utility Ground Terminals Poles for overhead utilities and utility ground terminals shall be set no greater than one foot inside the road right-of-way.

ARTICLE 14

UTILITIES

14.1

All lots in subdivision not connected to municipal or county water and/or sanitary sewer systems must have a suitable source of water supply and sanitary sewage disposal which complies with the regulations of the State of North Carolina or Pamlico County regulations, as applicable:

- a) No surface water shall be channeled or directed into a sanitary sewer.
- b) Where feasible, Subdivider shall connect to an existing storm drainage system.
- c) Where an existing storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to protect the proposed development from water damage.
- d) The proposed surface drainage design system shall meet all of the applicable rules and regulation of the North Carolina soil conservation authorities.
- e) Streambanks and channels downstream from any land disturbing activity shall be protected from increased degradation or accelerated bank erosion caused by increased velocity of runoff from the land disturbing activity in accordance with the North Carolina Sedimentation Pollution Control Act, G.S. 143-34.12, Chapter 113A, Article 4 and the North Carolina Administrative Code, Title 15, Chapter 4.
- f) All water valves, water meters and manholes shall be located outside the paved roadway.
- g) All utilities located within the 100-year flood plain will be designed and located to comply with requirements of the National Flood Insurance Program and the County's Flood Damage Prevention Ordinance.

14.2

If applicable to the lot, it is a requirement to give disclosure to prospective owners by the seller of the lot that a special sewage system will be required to allow usage of this property. The disclosure shall be signed by the owner, the prospective buyer of the lot, and recorded with the deed in the Office of the Register of Deeds of Pamlico County.

ARTICLE 15

MONUMENTS

Unless otherwise specified by this ordinance, the Manual of Practice for Land Surveying as adopted by the N.C. State Board of Registration for Professional Engineers and Land Surveyors, under the provisions of Title 21 of the North Carolina Administrative Code, Chapter 56 (21 NCAC 56), or as may be subsequently amended, shall apply when conducting surveys and placement of monuments, control corners, markers, and property corner ties; to determine the location, design, and material of monuments, markers, control corners, and property corner ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions.

ARTICLE 16

GROUP, CLUSTER, PLANNED UNIT DEVELOPMENT

16.1

Purpose

The purpose of this Article 16 is to encourage comprehensive planning for sizeable tracts of land under single ownership or control, so as to promote the construction and use of the appropriate commercial, retail, institutional, industrial and recreational areas. To this end, the standards and requirements of this ordinance may be modified by the Planning Board in the case

of a plan and program for a group, cluster, or Plan Unit Development (“PUD”), which in the judgment in the Planning Board and Board of Commissioners, provides adequate public spaces and improvements for circulation, recreation, and service needs of the tract of land when fully developed and populated, and also provides such covenants, or other legal instruments, as will assure conformity to an achievement of such a development plan.

16.2

Permitted Uses

The following uses shall be permitted:

- A. Single family dwellings.
- B. Multi-family dwellings.
- C. Accessory buildings or uses for residential dwellings.
- D. Office and professional facilities.
- E. Retail commercial facilities.
- F. Recreational uses, including golf courses, parks, open spaces, walkways, marinas, and all other recreational uses, as well as services associated therewith.
- G. Utility structures and facilities.
- H. Hotels, inns, and other commercial establishments of transient or temporary lodging.

16.3

Minimum Tract Size

There shall be no minimum tract size for development under this Article 16.

16.4

Density of Development

There shall be no more than one dwelling unit or separate unit of ownership, on average, for each acre of the PUD property utilized.

16.5

Lot Size

The average lot size for single family lots within the PUD with frontage on a naturally occurring water shall be three-quarters (3/4) of an acre; otherwise, the average size of all single family lots within the PUD shall be one-half (1/2) acre.

16.6

Wastewater Treatment

All wastewater treatment of effluent generated within the PUD must be through a North Carolina DENR approved treatment and disposal system operated by either a unit of government or an approved licensed public utility with a franchise granted by the North Carolina Utilities Commission. In no event shall septic systems be allowed for treatment of wastewater effluent.

16.7

Water Supply

All water supplied to property within the PUD must be through an approved system operated by either a unit of government or an approved licensed public utility with a franchise granted by the North Carolina Utilities Commission.

16.8

Setbacks

The following minimum setbacks shall apply:

Minimum Building <u>Setback Line</u>	Side Yard <u>Setback Line</u>	Rear Yard <u>Setback Line</u>
25 feet	8 feet	15 feet

The minimum required setback established hereunder may be waived in the event that the public health, safety and welfare will not be negatively impacted by such waiver. Further, additional requirements may be imposed as a condition upon waiver of these setback requirements.

In addition to these minimum setbacks, those setbacks under the Pamlico County Land Use Plan established for districts entitled “Rural with Services” and “Conservation I” shall also apply.

16.9

Streets

Public streets must meet the requirements imposed by Article 13 of this ordinance.

Streets other than public streets shall have no minimum right of way or paving widths, and shall not be required to meet the provisions of Article 13 of this ordinance; provided, however, all base, material and paving must meet the then current secondary road standards of the State of North Carolina as if it were a public street.

Further, in the event that any street in a PUD shall not be constructed to minimum standards sufficient to allow its inclusion in the state highway system for maintenance, a street

disclosure statement, in a format substantially similar to that contained in Article 13.7 above, shall be required.

16.10

Plat Submission

The owner of any property seeking to have such a property developed under this Article 16 shall submit a master site and development plan for all property designated (or requested to be designated) as a PUD at least thirty (30) days prior to the Planning Board meeting at which the owner desires the Board to review the master site and development plan. Twelve copies of such site development plan shall be submitted to the County Subdivision Administrator. The site development plan must show, at a minimum, the following items:

- A. All proposed public or private street rights-of-way and easements;
- B. The proposed location of all single family residences and developments;
- C. The proposed location of all multi-family developments;
- D. The proposed location of all recreational areas;
- E. The proposed location of all office and professional areas;
- F. The proposed location of all commercial areas;
- G. The proposed location of all utility areas;
- H. The proposed density of development for each site designated single-family residential, for each site designated multi-family residential, for each site designated for office and professional utilization, and for each site designated for commercial utilization. Furthermore, the development plan shall include the gross acreage for the project, and each use therein, and the gross residential density (including recreational and open spaces); and
- I. Any other information requested by the Planning Board or Board of Commissioners.

The Board of Commissioners, following review and recommendation by the Planning Board, may designate property as a PUD if the Board of Commissioners determine that the proposed development plan is in the best interest of Pamlico County because the plan meets the requirements of this Article 16, and represents a comprehensive and coordinated approach to land planning and use on the property so designated. Once the master plan is approved by the Board of Commissioners, the applicant may proceed under Section 16.12 below. A PUD may only be designated as such upon request of the owner of the property.

16.11

Change In Plans

The owner of each tract designated as a PUD shall be allowed to submit plats for subdivision approval that are inconsistent with particular site designations as shown on the master plan, but only if done prior to plat approval under Section 16.12; however, if any such changes are deemed material by the Subdivision Administrator, the applicant may be required to provide to the County an updated master development plan for the entire property, which updated plan must conform with all limitations contained within this ordinance, and approval of the updated plan shall then be a condition precedent to recordation of the plat.

16.12

Plat Approval

Within twelve (12) months (unless said time is extended by the Planning Board), one or more plats of some or all of the phases of a proposed PUD shall be submitted in accordance with Article 9 of this ordinance and said plat shall be reviewed in accordance with said section, and upon approval, Article 10 of this ordinance shall be applicable.

16.13

Waiver of General Subdivision Requirements

Except for Articles 2, 9, 10, and 11 above, and except as otherwise provided herein, property approved as a PUD shall be exempt from other provisions of this ordinance.

16.14

Permits

Before any building permit is issued within a PUD, a storm water management plan must be submitted to and be approved by the State of North Carolina in accordance with its Coastal Storm Water Rules and Regulations.

16.15

Off Street Parking Space Requirements

There shall be a minimum of two parking spaces (10ft. by 20ft. each) for every multi-family residential, retail, commercial, or institutional unit. Furthermore, additional spaces may be required to protect the public health safety and welfare, and such additional requirements will be determined by actual use. The number of parking spaces required for marina slips shall be as required by the Pamlico County Land Use Plan. Parking space requirements shall also be as required by federal, state and local laws and regulations.

ARTICLE 17

APPEALS

Any decision of the Subdivision Administrator under this ordinance may be appealed by an aggrieved party within thirty (30) days of such decision by filing a written request for an appeal

with the County Clerk. Any such appeal of a decision of the Subdivision Administrator shall be considered and ruled upon by the Planning Board within sixty days of the filing thereof.

Any decision of the Planning Board under this ordinance may be appealed by an aggrieved party within thirty (30) days of such decision by filing a written request for an appeal with the County Clerk. Any such appeal of a decision of the Planning Board shall be considered and ruled upon by the County Commissioners within sixty days of the filing thereof.

Any decision of the Board of Commissioners under this ordinance may be appealed by an aggrieved party within thirty (30) days of such decision by filing a petition with the Superior Court of Pamlico County for a review, which shall be in the nature of certiorari.

ARTICLE 18

EFFECTIVE DATE

This ordinance is hereby adopted by the Pamlico County Board of Commissioners to be effective the 1st day of July, 2021.

PAMLICO COUNTY

DOUG BRINSON, Chairman

ATTEST:

COURTNEY L. NORFLEET, Clerk

APPENDIX A

a) Certificate of Ownership and Dedication

I (We) hereby certify that I (we are) am the owner(s) of the property shown and described hereon, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building lines, and dedicate all streets alleys, walks, parks, and private use as noted. I (we) also certify that the land shown on this plat falls within the subdivision jurisdiction of Pamlico County.

Date

Owner

Owner

b) (1) Certificate of Approval of Street Design - Public Streets

This is to certify that the street design specifications shown on this subdivision map have been examined and found to be in accordance with the minimum right-of-way and construction standards established by the Secondary Roads Council of the North Carolina Department of Transportation for acceptance on the State Highway System.

This ____ day of _____, 20____

District Engineer

N.C. Department of Transportation

AND

The subdivider or developer agrees to maintain responsibility for the maintenance of all streets depicted on this plat until such time as such streets are accepted into the State Highway System, provided that the subdivider may transfer responsibility for the maintenance of such streets prior to such time as such streets are accepted into the State Highway System to a duly constituted and organized homeowners or property owners association if the subdivider has reserved the right to so transfer in restrictive covenants (or in a similar legal instrument) recorded in the Office of the Register of Deeds of Pamlico County, North Carolina prior to the conveyance of any lots in such subdivision.

b) (2) Certificate of Approval of Street Design – Private Streets

This is to certify that the street design specifications shown on this subdivision map have been examined by me and are in accordance with the minimum requirements of Article 13 of the Pamlico County Subdivision Ordinance.

This ____ day of _____, 20__

Project Engineer/Surveyor

AND

After the initial installation and construction by the developer or subdivider of streets depicted on this plat, the responsibility for the maintenance of said streets shall be upon the owners of the lots within the subdivision. In the event of failure of the lot owners to maintain said streets there is no responsibility on the part of either the State of North Carolina or Pamlico County as to such maintenance. The streets will not be constructed to minimum standards sufficient to allow their inclusion on the State Highway System for maintenance, and in any event will not be maintained by any unit of government.

c) Certificate of Surveyor or Engineer

I, _____, certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (deed description recorded in Book _____, Page _____ etc.) (other) ; that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____, Page _____ that this plat was prepared in accordance with G.S. 47-30 as amended.

Witness my original signature, registration number and seal this _____ day of _____, A.D., 20_____

SEAL OR _____

STAMP

Surveyor

Registration Number

d) Certificate of Approval by the Planning Board

The Pamlico County Planning Board hereby approves the final plat for the _____ Subdivision.

Date

CHAIRMAN, PLANNING BOARD

e) Certificate of Approval by the Board of County commissioners

The Pamlico County Board of Commissioners hereby approves the final plat for the

_____ Subdivision.

Date

CHAIRMAN, PAMLICO COUNTY
BOARD OF COMMISSIONERS

f) Certificate of Compliance with Area of Environmental Concern Standards

I hereby certify that this subdivision conforms to the standards of the North Carolina Coastal Management Act of 1974 and is not located within any Area of Environmental Concern.

-OR-

I hereby certify that this subdivision conforms to the standards of the North Carolina Coastal Management Act of 1974 and a portion(s) or all of the subdivision located within any Area of Environmental Concern is duly noted at the appropriate location on this plat.

LOCAL PERMIT OFFICER

g) Notice to Prospective Purchasers (Environmental Matters)

The Army Corps of Engineer, Coastal Area Management Act and Division of Water Quality areas of regulatory jurisdiction depicted on this map, if any, are for information purposes only. The exact location of these areas of regulatory jurisdiction are subject to future precise delineation by various state and federal agencies and may change over time due to changes in the physical characteristic of the land depicted on this plat, or due to future statutory and regulatory amendments. Prior to purchasing any property shown on this plat, individuals are advised to independently verify that any particular lot is suitable for the planned or intended use, as subdivision approval by Pamlico County does not constitute any warranty (express or implied) that the land depicted on this plat is suitable for any particular use.

h) Notice to Prospective Purchasers (Waste Water Treatment Matters, plat must reflect *one* of the following notices)

(i) SERVICE BY GOVERNMENTAL ENTITY

Lots depicted on this plat are permitted for sewer service by [insert name of governmental sewer provider], permit/authorization number _____. Prior to purchasing any lot depicted on this plat, Purchasers are advised to verify the continuing validity of the aforesaid permit or authorization, as well as the costs to connect to such system as the continuing and indefinite availability of sewer service is not guaranteed by Pamlico County.

(ii) SERVICE BY PRIVATE PACKAGE/TREATMENT PLANT

Lots depicted on this plat are permitted for sewer service by a private package or treatment plant which will be owned and operated by the developer or another non-public person or entity. The private sewer plant has been permitted by the State of North Carolina, permit number _____, and after its construction will be operated as a utility subject to regulatory oversight by the State of North Carolina. Prior to purchasing any lot depicted on this plat, Purchasers are advised to verify the continuing validity of the aforesaid permit and the status of the construction of the private sewer plant by the developer as the construction and proper operation of the private sewer plant or the indefinite availability of sewer service is not guaranteed by Pamlico County.

(iii) SERVICE BY SEPTIC TANKS

Lots depicted on this plat are permitted for septic service by individual septic tank permits issued by the Pamlico County Health Department. Prior to purchasing any lot depicted on this plat, Purchasers are advised to verify the continuing validity of the septic permit for the lot to be purchased as septic permits expire five (5) years after issuance with no guarantee that new or future septic tank regulations will permit the installation of the system originally permitted.

-OR-

Lots depicted on this plat are intended to be served by individual septic tank permits to be issued by the Pamlico County Health Department; however, no such permits have been issued to the developer. Prior to purchasing any lot depicted on this plat, Purchasers are advised to verify whether a septic tank permit can be obtained for the lot to be purchased.

APPENDIX B

<u>Information</u>	<u>Preliminary Plat</u>	<u>Final Plat</u>
- Title Block Containing:		
- Name of the Subdivision	x	x
- Name and Address of owner	x	x
- Name and Address of applicant, if different from owner	x	x
- Location (including township, County and state)	x	x

-	Date or dates survey was conducted and plat prepared	x	x
-	A scale of drawing in feet per inch listed in words or figures	x	x
-	A bar graph	x	x
-	Name, address, registration number and seal of the Registered Land Surveyor	x	x
-	A sketch vicinity map showing the relationship between the proposed subdivision and surrounding area	x	x
-	Corporate limits, township boundaries, county lines if on the subdivision tract	x	x
-	The registration numbers and seals of the professional engineers	x	x
-	Date of plat preparation	x	x
-	North arrow and orientation	x	x
-	The boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented with all bearings and distances shown		x
	x		
-	The location of existing boundary lines of adjoining lands	x	x

- The names of owners of adjoining properties

x

Information

Preliminary

Final

Plat

Plat

- The names of any adjoining subdivisions of record or proposed and under review
- All Voluntary Agricultural Districts and Enhanced Voluntary Agricultural Districts located within one-half (1/2) aerial mile of the proposed subdivision
- Minimum building setback lines
- Existing property lines on the tract to be subdivided
- Existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining
- Lot line, lot and block numbers, and approximate dimensions with lots being marked, identified or flagged showing the rough approximate lot line location
- Lot lines, lot and block numbers, fully dimensioned by lengths and bearings
- Marshes, swamps, ponds or lakes, streams

x

x

x

x

x

x

x

x

x

x

x

x

<ul style="list-style-type: none"> or streambeds and any other natural features affecting the site 	x	x
<ul style="list-style-type: none"> - The exact location of the flood hazard boundary area, floodway and floodway fringe areas from the community's Flood Hazard Boundary maps or other Federal Emergency Management Agencies maps or from accurate topographical elevations based on the geodetic survey data. 	x	
<ul style="list-style-type: none"> - A note on the map if applicable that this area or a portion of this area lies within the flood hazard boundary area as shown on the U.S. Department of Housing and Urban Development Flood Hazard Boundary Maps of Pamlico County 	x	

<u>Information</u>	Preliminary <u>Plat</u>	Final <u>Plat</u>
<ul style="list-style-type: none"> - The following data concerning streets: <ul style="list-style-type: none"> - Proposed streets 	x	x
<ul style="list-style-type: none"> - Existing and platted dedicated streets and rights-of-way on adjoining properties and within the proposed subdivision 	x	x

-	Rights-of-way, location and dimensions	x	x
-	Pavement widths	x	
-	Design engineering data for all corners and curves	x	
-	Typical street cross sections	x	
-	Street names	x	x
-	Street sign locations according to standards of the County and State	x	
-	Type of street dedication; all streets must be designated either "public" or "private." Where public streets are involved, the Subdivider must submit the subdivision map typical cross Section to the N.C. Department of Transportation District Highway office for review: A complete site layout, including any future expansion anticipated; horizontal alignment indicating general curve data on site layout plan; vertical alignment indicated by percent grade, PI station and vertical curve length on site plan layout; the District Engineer may require		

the plotting of the ground profile and grade line for roads where special conditions or problems exist; typical section indicating the pavement design and width and the slopes, widths and details for either the curb and gutter or the shoulder and ditch proposed; drainage facilities and drainage area

x x

Preliminary Final

Information

Plat Plat

- Where streets are dedicated to the public, but not accepted into the state system, a statement explaining the status of the street in accordance with Section 13.6 of this ordinance. x x
- If any street is proposed to intersect with a state maintained road, the Subdivider must receive driveway approval as required by the North Carolina Department of Transportation, Division of Highways Manual on Driveway Regulations x

The location and dimensions of all the following:

-	Utility and other easements		x		x
-	Any parks and recreation areas with specific type indicated			x	
-	Areas to be dedicated or reserved for public use		x		x
-	Areas to be used for purposes other than residential with the purpose of each stated		x		x
-	The future ownership (dedication or reservation for public use to governmental body, to duly constituted homeowners association, or for tenants remaining in Subdivider' s ownership) of recreation and open space lands		x		x
	Preliminary	Final			
	<u>Information</u>		<u>Plat</u>		<u>Plat</u>
-	Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, central angles,				

and tangent distance for the center line of curved property lines that are not the boundary line of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute

x x

- The plans for utility layouts including:

- All easements for drainage, electric, water, sewerage, telephone, cable TV, natural gas, roads, etc.

x

x

- Sanitary sewers

x

- Storm sewers

x

- Other drainage facilities, if any

x

- Water distribution lines

x

- Natural gas lines

x

- Telephone lines

x

- Electric lines

x

- Illustrations of connections to existing systems, showing line sizes, the location of fire hydrants, blowoffs, manholes, force mains and gate valves

x

<ul style="list-style-type: none"> - A note on the plat that indicates if the proposed subdivision is to be served by central or individual water supply and central or individual sewage treatment systems 	<ul style="list-style-type: none"> Preliminary 	<ul style="list-style-type: none"> Final 	<ul style="list-style-type: none"> x 	<ul style="list-style-type: none"> x
<u>Information</u>			<u>Plat</u>	<u>Plat</u>
<ul style="list-style-type: none"> - Profiles based on Mean Sea Level data for sanitary sewers and storm sewers, when required by the Administrator 			<ul style="list-style-type: none"> x 	
<ul style="list-style-type: none"> - Site calculations including: <ul style="list-style-type: none"> - Acreage in total tract to be subdivided - Acreage in parks and recreation areas and other nonresidential uses - Total number of parcels created - Acreage or square footage in each lot in the subdivision - Linear feet in streets - The accurate locations and descriptions of all monuments, markers and control 			<ul style="list-style-type: none"> x x x x x 	<ul style="list-style-type: none"> x x x x x

	points	x	x
-	Topographic map with contour intervals as specified by the Subdivision Administrator on a scale of no less than 1 foot - 100 feet if required by the Subdivision Administrator	x	
-	Boundaries of applicable Areas of Environmental Concern in accordance with the State Guidelines for AECs (15 NCAC pursuant to the Coastal Area Management Act of 1974 including Conservation I classified lands as defined By the Pamlico County 1990	x	x
	Land Use Plan Amendment. These areas are defined as all lands located within seventy-five (75) feet of all natural mean high water level along all shore-lines and shall be shown on all subdivision plats as Conservation I areas	x	x
-	All certifications required by this ordinance		x

APPENDIX "C"

PERFORMANCE AGREEMENT

TO COMPLETE REQUIRED IMPROVEMENTS

NORTH CAROLINA

PAMLICO COUNTY

PERFORMANCE AGREEMENT

THIS AGREEMENT, made and entered into this ___ day of _____, 20___, by
and between _____, a(n)
_____ (hereinafter "Developer"); and PAMLICO COUNTY, a North
Carolina body politic and corporate (hereinafter "County");

WITNESSETH:

THAT WHEREAS, Developer is the owner of that certain tract or parcel of land lying and
being situate in Township ___, Pamlico County, North Carolina, more commonly referred to as
_____ (hereinafter "Subdivision"), as is shown in the plat recorded in Map
Book ___, Page ___ in the office of the Register of Deeds of Pamlico County, North Carolina; and,

WHEREAS, Developer has undertaken to subdivide said land in accordance with the
subdivision regulations as officially adopted by the County and to install streets and perform
other requirements as are set forth in said regulations; and,

WHEREAS, in order to secure the compliance of Developer with the subdivision,
regulations, Developer has given the County a [describe type of collateral] of even date herewith,
to serve in the place of and in substitution of, a bond for the performance of said work to be
performed by Developer in the Subdivision.

NOW THEREFORE, for and in consideration of the sum of TEN DOLLARS and the covenants
and agreements set forth herein, Developer does hereby obligate itself to the installation of
streets, utilities and other improvements as required by the County under its subdivision
regulations in the subdivision as recorded in Map Book ___, Page ___; and if in the event the
Developer shall complete said subdivision improvements according to the specifications as
outlined by the county's subdivision regulations within eighteen (18) months of the date of this

Agreement, then and in that event, this obligation shall become null and void, and upon completion and expiration of the same, the Pamlico County Board of Commissioners shall take all necessary actions to cancel this bond of record; otherwise this bond shall be and remain in full force and effect. In the event of the failure of Developer to complete said improvements in the time set forth above or any extensions thereof, in accordance with the subdivision regulations of County and the terms of this Agreement, the County is hereby authorized to proceed upon the collateral given this day by Developer to secure the performance of this Agreement and to apply the proceeds thereof to the completion of said Subdivision in accordance with subdivision regulations of County, with any balance being applied first to any and all costs incurred by the County due to the default, and the remainder, if any, returned to Developer. Further, in the event of the failure of the Developer to comply with the terms of this Agreement, which shall constitute a default hereof, the County may employ an attorney to enforce the County's rights and remedies under the terms of any collateral securing this Agreement. County shall have the right to collect reasonable attorney's fees, plus all other reasonable expenses incurred by the County in exercising any of the County's rights and remedies upon default. The County's failure to exercise any such right or remedy shall not be a waiver or release of such rights or remedies or the right to exercise any of them at another time.

If there is a breach of the warranty stated in Section 11.7 of the County's Subdivision Ordinance, County may pursue all legal and equitable remedies against Developer or any contractor or agent of Developer, as the County deems appropriate, to enforce the warranty and recover any damages associated with the breach of said warranty.

In the event County grants Developer any extension(s) of time in which to complete said subdivision improvements, this Agreement shall likewise be extended by the amount of such approved extension, without the necessity of a formal written amendment to this Agreement.

ALL TERMS, CONDITIONS AND PROVISIONS OF COUNTY'S SUBDIVISION ORDINANCE ARE INCORPORATED HEREIN BY REFERENCE AS IF FULLY SET FORTH HEREIN SEPARATELY, AND DEVELOPER AGREES TO BE BOUND BY SAME.

IN TESTIMONY WHEREOF, the Developer and County have caused this instrument to be duly executed, the day and year first above written.

[Developer Name]

_____ (SEAL)

PAMLICO COUNTY

BY: _____

CHAIRMAN

ATTESTED:

CLERK TO THE BOARD

[APPROPRIATE NOTARY LANGUAGE]

PAMLICO COUNTY

AN ORDINANCE PROVIDING FOR THE REGULATION

OF

GROUP HOUSING PROJECTS

WHEREAS, a consistent system for locating and regulating Group Housing Projects in Pamlico County is necessary to protect the general health, safety and welfare of the citizens of Pamlico County, to protect and preserve the natural and environmental resources of Pamlico County, and to provide for the orderly growth of development in Pamlico County.

NOW, THEREFORE, BE IT RESOLVED by the Pamlico County Board of Commissioners as follows:

ARTICLE 1

Title

This Ordinance shall be known and may be cited as the “Pamlico County Group Housing Projects Ordinance”.

ARTICLE 2

Authority; Purpose and Intent

2.1 This Ordinance is authorized and adopted by virtue of North Carolina General Statute Chapter 160D, Article 7.

2.2 The purpose and intent of this Ordinance is to provide for the public health, safety and welfare, and to provide for an orderly regulation of Group Housing Projects, which projects should be consistent with good land use planning, protection of the environment, and conformity with the Pamlico County Land Use Plan.

ARTICLE 3

Definitions

The following words and phrases when used in this Ordinance shall have the meanings respectively ascribed to them in this Article:

3.1 **“Board of Commissioners”** shall mean the Pamlico County Board of Commissioners.

3.2 **“Maximum Building Height”** shall mean the vertical distance not to exceed 45 feet from the mean elevation of the natural grade without fill along the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eave and ridge for gable, hip and gambrel roofs.

3.3 **“Building Inspector”** shall mean the duly appointed chief building inspector of Pamlico County, or his designee.

3.4 **“Building Setback Line”** shall mean a line establishing the minimum allowable distance between the nearest portion of any building and the external property boundary.

3.5 "Group Housing Project" " shall mean a project or the development of one or more tracts of real property which proposes the development, construction, erection, improvement, enlargement, conversion, modification and/or betterment of one or more buildings for multifamily or single-family use, and which results in two or more units of distinct ownership, habitation or occupation within the project or development, whether permanent or transient or temporary in nature, including but not limited to condominiums (including single family buildings), row houses, duplexes, apartments, time shares, and other similar or like developments. For purposes of this Ordinance, "Group Housing Project" shall specifically exclude any project for which approval is required or granted under the Pamlico County Subdivision Ordinance, and any hotel, motel or inn or similar facility operated by an innkeeper and regulated under Chapter 72 of the North Carolina General Statutes or other laws of general applicability to such facilities or innkeepers.

3.6 "County" shall mean Pamlico County, a body politic and corporate of the State of North Carolina.

3.7 "Enforcement Officer" shall mean the individual designated by the Board of Commissioners for the administration and enforcement of this ordinance.

3.8 "Ordinance" shall mean this Pamlico County Group Housing Projects Ordinance and any amendments hereto.

3.9 "Parking Space" shall mean clearly marked storage space for one automobile, of not less than 10 feet by 20 feet, plus the necessary access space.

3.10 "Planning Board" shall mean the duly constituted Pamlico County Planning Board.

3.11 "Site Plan" shall mean a plan of a parcel of property showing the proposed Group Housing Project, including proposed improvements, proposed utility service plans, natural features, compliance with all requirements of this Ordinance and containing all information and items required by

Appendix A and Appendix B and other items as may be required to clearly indicate and define the intended present and future development of the property. All Site Plans must be prepared by an engineer, architect or surveyor licensed to practice in the State of North Carolina.

3.12 **“Substantially Started”** shall mean the commencement of erection of proposed improvements at the location of a proposed Group Housing Project for which a construction permit has been issued such that commencement is evidenced by activities visibly apparent at such location.

3.13 **“Substantial Completion”** shall mean the issuance of a final certificate of occupancy by the Pamlico County Building Inspector.

3.14 **“Unit(s)”** shall mean a physical portion of a Group Housing Project designated or used for separate ownership or occupancy. For the purpose of calculating the density requirements of this Ordinance, the number of Unit(s) used in such calculation shall be the number of Units located on the floor having the most Units of all floors in the Group Housing Project.

3.15 **“Variance”** shall mean a modification of the terms and conditions of this Ordinance where the strict enforcement of this Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is requested.

3.16 **“Waterfront Group Housing Project”** Shall mean a Group Housing Project that is contiguous to or within 400 feet of a naturally occurring navigable body of water, or that is contiguous to or within 400 feet of the Intracoastal Waterway. Except as otherwise provided herein, this term shall not include Group Housing Projects that are contiguous to man-made bodies of water, navigable or otherwise. Where a Group Housing Project is contiguous to or within 400 feet of a minor, naturally occurring creek or stream that transitions from navigable to non-navigable water, the historical and customary use for navigation will be considered in determining whether such a Group Housing Project is a “Waterfront Group Housing Project.”

3.17 **“Yard”** shall mean an open space on the same lot with a principal building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

3.18 **“Yard, front”** shall mean the yard between the front setback line and the front property or street right-of-way line extending across the full width of the lot.

3.19 "Yard, rear" shall mean the yard between the rear line of the principal building and the rear line of the lot extending across the full width of the lot.

3.20 "Yard, side" shall mean the yard between the side line of the building and the side line of the lot extending from the building setback line to the rear yard line.

3.21 "Person" shall mean an individual, corporation, limited liability company, partnership, or any other entity.

ARTICLE 4

Design Standards

Group Housing Projects shall adhere to the following design standards:

4.1 Density for Non Waterfront Group Housing Projects: The number of Units per acre for Non Waterfront Group Housing Projects shall be as follows:

- (a) Group Housing Projects in areas served by community water and sewer systems shall contain a minimum of 10,890 square feet of land per Unit.
- (b) Group Housing Projects served by either a community water or sewer system shall contain a minimum of 14,520 square feet of land per Unit.
- (c) Group Housing Projects lacking both community water and sewer systems shall contain a minimum of 21,780 square feet of land per Unit.
- (d) Group Housing Projects in areas classified as "rural with service" by the most recent Pamlico County Land Use Plan shall contain a minimum of 21,780 square feet of land per Unit.

4.2 Density for Waterfront Group Housing Projects: Waterfront Group Housing Projects shall contain a minimum of 1 acre of land per Unit.

4.3 Undeveloped Area: At least sixty percent (60%) of the total area of a Group Housing Project must remain undeveloped.

4.4 Setbacks: Each Group Housing Project shall have the following setbacks:

- (a) Front Yard Building Setback Lines of 40 feet.

- (b) Side Yard Building Setback Lines of 20 feet, plus an additional 10 feet for each story above the initial story.
- (c) Rear Yard Building Setback Lines of 20 feet, plus an additional 10 feet for each story above the initial story.
- (d) Side Yards abutting a street shall have a minimum Building Setback Line of 20-feet.

Notwithstanding the foregoing, in the event a Group Housing Project is subject to the provisions of section 4.12, the Setback otherwise applicable in this section to the area of any such Group Housing Project affected by section 4.12 shall be deemed null and void.

4.5 Spacing: Each Group Housing Project shall have a minimum distance of 30 feet between structures that contain at least one Unit, provided that this requirement shall not apply to ancillary structures not intended or used for human habitation.

4.6 Maximum Height: Each structure within a Group Housing Project shall not exceed the Maximum Building Height.

4.7 Parking: There shall be 2 and ½ Parking Spaces per Unit, clearly marked as such.

4.8 Setback and Density Variances: Front, rear and side yard requirements and density requirements may be varied by the Board of Commissioners, provided the Board of Commissioners finds that it is in the best interest of the overall plan and will not adversely affect the health, safety and welfare of County and provided any such variance will not have the effect of nullifying the intent of this Article.

4.9 Signage: All Group Housing Projects shall comply with the Pamlico County Sign Ordinance.

4.10 Internal Drives, Parking Spaces and other Vehicular Access Areas: All Parking Spaces, internal drives and other areas for vehicular access must be paved. Furthermore, all internal drives must be at least 20 feet in width.

4.11 Primary Access Road Standards: Any and all primary access drives shall be paved and shall conform to the specifications of the Division of Highways, North Carolina Department of Transportation for construction of subdivision roads and shall provide access to a public right of way. Furthermore, all primary access drives shall have an entrance of at least 30 feet in width and at least a 30 degree turning radius and shall have a minimum clearance from overhead obstructions of 16 feet.

4.12 Shoreline Areas: All construction activities will be prohibited in Conservation I areas except for shoreline stabilization activities and structures allowed under CAMA permitting requirements, marinas, piers and other structures providing water access, clearing of vegetation, boat ramps, and paving for access which complies with the estuarine shoreline use standards as specified in 15 NCAC 7H.0209.

4.13 Federal, State and Local Compliance: Group Housing Projects shall comply with any and all federal, state and local laws and regulations.

4.14 Additional Information or Requirements: The Planning Board or Board of Commissioners may reasonably request additional information and reasonably impose additional requirements not otherwise expressly stated herein.

ARTICLE 5

Permits

5.1 Construction Permit Required. No person shall construct or develop a Group Housing Project, or convert any existing building or structure to a Group Housing Project, nor shall any person make any addition to an Group Housing Project that either alters the number of units within the project or affects the facilities required therein, unless he shall have first secured a construction permit authorizing such conversion, construction, development or addition according to the procedures set forth herein.

5.2 Application for Construction Permit. An application for a construction permit hereunder shall be made on a form provided by the Enforcement Officer, and available at the office of the Building Inspector. The application must be accompanied by any application fees set by the Board of Commissioners, a true and accurate copy of the Site Plan and evidence of compliance with all requirements of this Ordinance. Such application and all supporting documentation must be filed with the Enforcement Officer at least 60 days before the regularly scheduled meeting of the Planning Board at which such application is to be considered.

5.3 Enforcement Officer Review of Construction Permit Application. Upon filing of an application for a construction permit hereunder, the Enforcement Officer shall review such application for compliance with all provisions of this Ordinance. If the Enforcement Officer determines that the provisions of this Ordinance have been complied with, the Enforcement Officer shall recommend such

application for approval by the Planning Board. If the Enforcement Officer determines that the provisions of this Ordinance have not been complied with, the Enforcement Officer shall deny such application.

5.4 Planning Board Review of Construction Permit Application. Upon recommendation by the Enforcement Officer of approval of an application for a construction permit hereunder, the Planning Board shall review said application at its next regularly scheduled meeting. If the Planning Board determines that the provisions of this Ordinance have been complied with, it shall recommend approval by the Board of Commissioners in accordance with section 5.5 of this Ordinance. If the Planning Board determines that the provisions of this Ordinance have not been complied with, the Planning Board shall recommend to the Board of Commissioners that such application be denied. A permit issued hereunder does not relieve the applicant from complying with all other applicable federal, state or local laws, rules or regulations, nor does it relieve the applicant of obtaining any other required federal, state or local permit.

5.5 Board of Commissioners Review of Construction Permit Application. After review and recommendation by the Planning Board of an application for a construction permit hereunder, the Board of Commissioners shall review said application at its next regularly scheduled meeting. If the Board of Commissioners determines that the provisions of this Ordinance have been complied with, it shall approve the application and direct the Enforcement Officer to issue a construction permit subject to the terms and conditions of this Ordinance. If the Board of Commissioners determines that the provisions of this Ordinance have not been complied with, the Board of Commissioners shall deny the application for a construction permit. A permit issued hereunder does not relieve the applicant from complying with all other applicable federal, state or local laws, rules or regulations, nor does it relieve the applicant of obtaining any other required federal, state or local permit.

5.6 Completion of Construction. Upon issuance of a construction permit by the Enforcement Officer, the holder thereof may commence construction of the proposed Group Housing Project in accordance with the terms of this Ordinance and the construction permit. The construction and development of a Group Housing Project shall be in strict conformance with the construction permit as issued, and any construction permit issued may not be modified, except that express written permission of the Enforcement Officer may be given to vary the setback, spacing between buildings, parking space requirements, and/or density requirements contained in this Ordinance by 10% so long as such variance would not be, in the opinion of the Enforcement Officer, detrimental to the health, safety, and welfare of

the residents of Pamlico County. In determining whether such variance would be detrimental to the health, safety, and welfare of the residents of Pamlico County, the Enforcement Officer shall consider the following:

- a. Parking lot safety;
- b. Traffic safety;
- c. Visibility of common areas
- d. Density and setbacks of surrounding developments;
- e. Visibility of addressing for first responders; and
- f. Availability and operability of utilities.

5.7 Time for Construction. A construction permit issued hereunder shall be effective for a period of twelve (12) months following the date of approval. In the event the Group Housing Project has not been Substantially Started prior to the expiration of said twelve (12) month period, the permit shall be null and void unless extended in writing by the Enforcement Officer.

5.8 Operating Permit Required. Upon Substantial Completion of any Group Housing Project for which a construction permit has been issued, the holder thereof shall apply for an operating permit on a form provided by the Enforcement Officer, and available at the office of the Building Inspector. The application must be accompanied by any application fees set by the Board of Commissioners, a true and accurate copy of the final Site Plan which shall depict the Group Housing Project as actually constructed and built, evidence of compliance with all requirements of this Ordinance and evidence of compliance with all requirements of the construction permit, as issued. Such application and all supporting documentation must be filed with the Enforcement Officer at least 60 days before the regularly scheduled meeting of the Planning Board at which such application is to be considered.

5.9 Enforcement Officer Review of Operating Permit Application. Upon filing of an application for an operating permit hereunder, the Enforcement Officer shall review such application for compliance with all provisions of this Ordinance, shall physically inspect the Group Housing Project for compliance with this Ordinance and the construction permit, as issued, and shall investigate such other items as may be necessary to determine that the Group Housing Project complies with all applicable federal, state and local laws. If the Enforcement Officer determines that the provisions of this Ordinance,

the construction permit and all applicable federal, state and local laws have been complied with, the Enforcement Officer shall recommend such application for approval by the Planning Board. If the Enforcement Officer determines that the provisions of this Ordinance, the construction permit and all applicable federal, state and local laws have not been complied with, the Enforcement Officer shall deny such application.

5.10 Planning Board Review of Operating Permit Application. Upon recommendation by the Enforcement Officer of approval of an application for an operating permit hereunder, the Planning Board shall review said application at its next regularly scheduled meeting. If the Planning Board determines that the provisions of this Ordinance have been complied with, it shall direct the Enforcement Officer to issue an operating permit subject to the terms and conditions of this Ordinance. If the Planning Board determines that the provisions of this Ordinance have not been complied with, the Planning Board shall deny such application. A permit issued hereunder does not relieve the applicant from complying with all other applicable federal, state or local laws, rules or regulations, nor does it relieve the applicant of obtaining any other required federal, state or local permit.

ARTICLE 6

Jurisdiction

This Ordinance shall apply to all of the County outside of any incorporated municipality, and within the jurisdiction of any incorporated municipality which has requested that Pamlico County enforce this ordinance in that municipality's jurisdiction, but only if Pamlico County has consented to the same, all by a mutual resolution or interlocal agreement.

ARTICLE 7

Violations

7.1 Misdemeanor. A violation of any of the provisions of this Ordinance shall be deemed a violation of N.C.G.S. Section 14-4. Such violation shall constitute a Class 1 misdemeanor, and shall be punishable by a fine not exceeding \$500.00. Each day's violation shall constitute a separate offense. In addition to these remedies, this ordinance may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction, or any other legal remedy not otherwise identified herein. Nothing in this section shall be construed to limit the use of remedies available to Pamlico County and the County may seek to enforce this ordinance by using any one, all, or a combination of remedies

7.2 Revocation of Other Permits. In addition to the penalties identified herein, violation of this ordinance shall be sufficient grounds for the denial of any other permit or authority of the County or any of its departments or regulatory approvals, including but not limited to a building permit, or a certificate of occupancy.

7.3 Inspections Authorized. The Enforcement Officer is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance. It shall be the duty of the construction or operating permit holder to give the Enforcement Officer free access to the Group Housing Project at reasonable times for the purpose of inspection.

7.4 Operating Permit Revocation. Upon discovery of any violations of this Ordinance or an operating permit, as issued, notice thereof shall be sent to the permit holder, specifying what violations have been found, what corrective measures must be taken, and that failure to comply with the Ordinance and the operating permit as issued shall result in revocation of the operating permit. Unless the violation has been corrected within 30 days after notice of violation is given the operating permit is revoked and a notice of a revocation shall be sent to the operating permit holder.

ARTICLE 8

Variances and Reasonable Accommodations

8.1

General Variances

Upon a request by the applicant for a construction permit, the Board of Commissioners may authorize a variance from this Ordinance when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Board of Commissioners shall make the findings required below, taking into account the nature of the proposed Group Housing Project, the existing use of land in the vicinity, the number of persons to reside or work in the proposed Group Housing Project, and the probable effect of the proposed Group Housing Project upon traffic conditions in the vicinity. No variance shall be granted unless the Board of Commissioners finds:

- (a) That there are special topographical or environmental circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land and
- (b) That the granting of the variance will not be detrimental to the purpose of this ordinance,

public health, safety and welfare or injurious to other property in the territory in which said property is situated.

8.2

Reasonable Accommodation

The Planning Board may recommend to the Board of Commissioners that reasonable accommodations under the Federal Fair Housing Act for the circumstances set forth in this section are appropriate.

8.3

Application Requirements; Determination of Completeness

- (d) Persons Authorized to File Applications. An application for a reasonable accommodation may be filed only by the owner of the land affected by the reasonable accommodation; an agent, lessee, or contract purchaser specifically authorized by the owner to file such application; or any unit of government that is not the owner of the lot but proposes to acquire the lot by purchase, gift, or condemnation.
- (e) Pre-Application Conference. Before filing an application for a reasonable accommodation, the applicant may request a pre-application conference with the Planning Department.
- (f) Application Filing. An application for a reasonable accommodation shall be filed with the Planning Department. No filing fee is required for such application. Once the application is complete, the Planning Department shall schedule the application for consideration at a hearing before the Planning Board, and shall transmit to the Planning Board all applications and other records pertaining to such reasonable accommodation prior to the hearing on the application.

8.4

Action on the Application

- (f) Upon receiving the application materials from the Planning Department, the Planning Board shall hold a public hearing on the proposed reasonable accommodation and shall decide the request upon a majority vote of the members within a reasonable time. Notice of the hearing shall be provided to the applicant and to the public no less than ten (10) days prior to the hearing date.
- (g) In considering the application, the Planning Board shall review the application materials, the approval criteria stated in this ordinance and all comments received at the hearing.
- (h) After conducting the hearing, the Planning Board may recommend to the Board of Commissioners that the Board of Commissioners: (1) deny the application; (2) conduct an additional hearing on the application; or (3) grant the requested reasonable accommodation.
- (i) The Planning Board's recommendation and the Board of Commissioners' decision shall be based upon competent, material, and substantial evidence. Both the recommendation from the Planning Board and the decision of the Board of Commissioners shall be reduced to writing and reflect each Board's determination of the facts and their application to the applicable standards. The written decision shall be signed by the chair of each Board. The decision is effective upon filing the written decision with the Clerk to the Board of Commissioners.
- (j) The decision shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

8.5

Approval Criteria

The Planning Board shall recommend and the Board of Commissioners shall grant a reasonable accommodation to any provision of this ordinance if each Board finds by a greater weight of the evidence that the proposed reasonable accommodation is determined to be both reasonable and necessary, in accordance with the following:

- (c) **“Reasonable”** An accommodation will be determined to be reasonable if it would not undermine the legitimate purposes and effects of existing planning regulations, and if it will not impose significant financial and administrative burdens upon the County and/or constitute a substantial or fundamental alteration of the County’s ordinance provisions; and
- (d) **“Necessary”** An accommodation will be determined to be necessary if it would provide direct or meaningful therapeutic amelioration of the effects of the particular disability or handicap, and would afford an equal opportunity to enjoy and use housing in residential areas in the County.

8.6

Effect of Approval or Denial

- (c) After the Board of Commissioners approves a reasonable accommodation, the applicant shall follow the normal procedures set forth in this and any other applicable ordinance for approval of any permits, certificates, and other approvals required in order to proceed with development or use of the property. All orders, decisions, determinations, and interpretations made by administrative officers under those procedures shall be consistent with the reasonable accommodation granted by the Board of Commissioners.
- (d) Planning Board and the Board of Commissioners shall refuse to hear a reasonable accommodation request that has been previously denied, unless it finds that there have been substantial changes in the conditions or circumstances relating to the matter.

8.7

Lapse

In situations where a reasonable accommodation was a prerequisite to site plan and/or subdivision approval, failure of an applicant to apply for a building permit and commence construction or action with regard to the special exception approval within one (1) year of receiving approval of the reasonable accommodation shall automatically render the decision of the Board of Commissioners to grant the reasonable accommodation null and void.

ARTICLE 9

Appeals

Any decision of the Enforcement Officer or the Planning Board under this Ordinance may be appealed by an aggrieved party within thirty (30) days of such decision by filing a written request for an appeal with the County Clerk. Any such appeal of a decision of the Enforcement Officer shall be considered and ruled upon by the Board of Commissioners within sixty days of the filing thereof. The appeal shall be heard as a quasi-judicial hearing and notice of the hearing shall be sent to the aggrieved party 30 days prior to the hearing indicating the time and place of the hearing, that the operating permit holder may be represented by counsel and that the hearing shall be held before the Board of Commissioners. At the hearing, the burden of proof shall be on the appellant. Evidence shall be presented and cross-examination shall be allowed. Minutes of the hearing shall be kept. The decision of the Board of Commissioners shall be stated in writing and supported by a statement of its findings of facts and conclusions of law.

Any decision of the Board of Commissioners under this ordinance may be appealed by an aggrieved party within thirty (30) days of such decision by filing a petition with the Superior Court of Pamlico County for a review, which shall be in the nature of certiorari.

ARTICLE 10

Severability

Should any article or provision of this Ordinance be declared by a Court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE 11

Conflicting Ordinances or Law

If any portion of this ordinance conflicts with another duly adopted ordinance of Pamlico County, the more stringent provision shall control.

If any portion of this ordinance conflicts with any federal or state law, rule or regulation, said federal or state law, rule or regulation shall control.

ARTICLE 12

Amendments

The Board of Commissioners may from time-to-time amend the terms of this ordinance, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation. The Planning Board shall have sixty (60) days or two regular meetings from the time the proposed amendment is submitted to it within which to submit its recommendation. If the Planning Board fails to submit a recommendation within the specified time, it shall be deemed to have recommended approval of the amendment.

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

ARTICLE 13

Effective Date

This Ordinance is effective the 1st day of July, 2021.

PAMLICO COUNTY

BY: _____

DOUG BRINSON, Chairman

ATTEST:

COURTNEY L. NORFLEET, Clerk

APPENDIX A

a) Certificate of Ownership and Dedication

I (We) hereby certify that I (we are) am the owner(s) of the property shown and described hereon, and that I (we) hereby adopt this Site Plan with my (our) free consent. I (we) also certify that the land shown on this plat falls within the Group Housing Project Ordinance jurisdiction of Pamlico County.

Date

Owner

Owner

b) Certificate of Approval of Primary Access Roads, Internal Drives, Parking Spaces and other Vehicular Access Areas Design

This is to certify that the Primary Access Roads, Internal Drives, Parking Spaces and other Vehicular Access Areas design specifications shown on this Site Plan have been examined by me are in accordance with the minimum requirements of the Pamlico County Group Housing Project Ordinance.

This ____ day of _____, 20__

Project Engineer/Surveyor

c) Certificate of Surveyor or Engineer

I, _____, certify that this Site Plan was drawn under my supervision from (an actual survey made under my supervision) (deed description recorded in Book _____, Page _____ etc.) (other); that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____, Page _____ that this plat was prepared in accordance with G.S. 47-30 as amended.

Witness my original signature, registration number and seal this ____ day of _____, A.D., 20__

SEAL OR _____
STAMP Surveyor

Registration Number

d) Certificate of Approval by the Planning Board

The Pamlico Planning Board hereby approves the final Site Plan for the _____ Group Housing Project.

Date

CHAIRMAN, PLANNING BOARD

e) Certificate of Approval by the Board of County Commissioners

The Pamlico County Board of Commissioners hereby approves the final Site Plan for the _____ Group Housing Project.

Date

CHAIRMAN, PAMLICO COUNTY
BOARD OF COMMISSIONERS

f) Certificate of Compliance with Area of Environmental Concern Standards

I hereby certify that this Group Housing Project conforms to the standards of the North Carolina

Coastal Management Act of 1974 and is not located within any Area of Environmental Concern.

-OR-

I hereby certify that this Group Housing Project conforms to the standards of the North Carolina Coastal Management Act of 1974 and a portion(s) or all of the subdivision located within any Area of Environmental Concern is duly noted at the appropriate location on this plat.

LOCAL PERMIT OFFICER

APPENDIX B

<u>Information</u>	<u>Preliminary Site Plan</u>	<u>Final Site Plan</u>
- Title Block Containing:		
- Name of the Project	x	x
- Name and Address of owner	x	x
- Location (including township, County and state)	x	x
- Date or dates survey was conducted and Site Plan prepared	x	x
- A scale of drawing in feet per inch listed in words or figures	x	x
- A bar graph	x	x

-	Name, address, registration number and seal of the Registered Land Surveyor	x	x
-	A sketch vicinity map showing the relationship between the proposed project and surrounding area	x	x
-	Corporate limits, township boundaries, county lines if on the project tract	x	x
-	The registration numbers and seals of the professional engineers	x	x
-	Date of Site Plan preparation	x	x
-	North arrow and orientation	x	x
-	The boundaries of the tract or portion thereof to be developed, distinctly and accurately represented with all bearings and distances shown	x	x
-	The location of existing boundary lines of adjoining lands	x	x
-	The names of owners of adjoining properties		x
-	The names of any adjoining subdivisions of record or proposed and under review	x	x
		Preliminary	Final
	<u>Information</u>	<u>Site Plan</u>	<u>Site Plan</u>
-	Minimum building setback lines	x	x

- Existing property lines on the tract to be developed x x
- Existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains, both on the land to be developed and land immediately adjoining x x
- Marshes, swamps, ponds or lakes, streams or streambeds and any other natural features affecting the site x x
- The exact location of the flood hazard boundary area, floodway and floodway fringe areas from the community's Flood Hazard Boundary maps or other Federal Emergency Management Agencies maps or from accurate topographical elevations based on the geodetic survey data. x
- A note on the map if applicable that this area or a portion of this area lies within the flood hazard boundary area as shown on the U.S. Department of Housing and Urban Development Flood Hazard Boundary Maps of Pamlico County x
- The following data concerning Primary Access Roads, Internal Drives, Parking Spaces and other Vehicular Access Areas:

-	Proposed Primary Access Roads, Internal Drives, Parking Spaces and other Vehicular Access Areas	x		x
-	Existing and platted dedicated streets and rights-of-way on adjoining properties		x	x
			Preliminary	Final
<u>Information</u>		<u>Site Plan</u>		<u>Site Plan</u>
-	Rights-of-way, location and dimensions	x		x
-	Pavement widths		x	
-	Design engineering data for all corners and curves		x	
-	Typical cross sections		x	
-	Drive names		x	x
-	Drive sign locations according to standards of the County and State		x	
-	If any Primary Access Drive is proposed to intersect with a state maintained road, the developer must receive driveway approval as required by the North Carolina Department of Transportation, Division of Highways Manual on Driveway Regulations			
			x	

- The location and dimensions of all the following:

- | | | |
|--|---|---|
| - Utility and other easements | x | x |
| - Any parks and recreation areas with specific type indicated | x | |
| - Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, central angles, and tangent distance for the center line of curved property lines that are not the boundary line of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute | x | x |

Information

Preliminary
Site Plan

Final
Site Plan

- The plans for utility layouts including:

- | | | |
|--|---|---|
| - All easements for drainage, electric, water, sewerage, telephone, cable TV, natural gas, roads, etc. | x | x |
|--|---|---|

- Sanitary sewers x
- Storm sewers x
- Other drainage facilities, if any x
- Water distribution lines x
- Natural gas lines x
- Telephone lines x
- Electric lines x
- Illustrations of connections to existing systems, showing line sizes, the location of fire hydrants, blowoffs, manholes, force mains and gate valves x
- A note on the site plan that indicates if the proposed project is to be served by central or individual water supply and central or individual sewage treatment systems x x
- Profiles based on Mean Seal Level data for sanitary sewers and storm sewers, when required by the Enforcement Officer x
- Site calculations including:
 - Acreage in total tract to be developed x x
 - Acreage in parks and recreation

	areas and other nonresidential uses	x	x
-	Total number Units created	x	x
-	Density Per Unit	x	x
		Preliminary	Final
<u>Information</u>		<u>Site Plan</u>	<u>Site Plan</u>
-	Linear feet in Drives	x	x
-	The accurate locations and descriptions of all monuments, markers and control points	x	x
-	Topographic map with contour intervals as specified by the Enforcement Officer on a scale of no less than 1 foot - 100 feet if required by the Enforcement Officer	x	
-	Boundaries of applicable Areas of Environmental Concern in accordance with the State Guidelines for AECs (15 NCAC) pursuant to the Coastal Area Management Act of 1974 including Conservation I classified lands as defined By the Pamlico County 1990 Land Use Plan Amendment. These areas are defined as all lands located within		

seventy-five (75) feet of all natural
mean high water level along all
shore-lines and shall be shown on all
subdivision plats as Conservation I areasx x

- All certifications required by this ordinance x

PAMLICO COUNTY

MANUFACTURED HOME PARK ORDINANCE

Article 1

Purpose

The purpose of this Ordinance is to regulate the design, construction and operation of new and expanded Manufactured Home Parks, in order to promote the public health, safety, and general welfare of the inhabitants of Pamlico County.

Article 2

Authority

This Ordinance is adopted pursuant to the authority and provisions granted to it under Chapter 160D of the North Carolina General Statutes.

This Ordinance shall govern every new Manufactured Home Park, or any addition to an existing Manufactured Home Park, lying within the County outside the jurisdiction of any municipality, or within the territorial jurisdiction of any municipality whose governing body agrees by resolution to this Ordinance upon the consent of the County.

Article 3

Definitions

When used in this Ordinance, the following words and phrases shall have the meaning given in this Article. Terms not herein defined shall have their customary dictionary definitions where consistent with the context. The term "shall" is mandatory and the present includes the future tense.

1. Administrator: The enforcement officer of this Ordinance as designated by the Board of Commissioners.
2. Certificate of Compliance: A certificate issued by the Administrator after the Manufactured Home Park has been completed and developed as required by the standards of this Ordinance. Pamlico County has the authority to inspect the Manufactured Home Park at any time to ensure compliance.
3. Health Department: Pamlico County Health Department.
4. Manufactured Home: A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the Act.

For manufactured homes built before June 15, 1976, "Manufactured Home" means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width. "Manufactured Home" also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width.

5. Manufactured Home Park: A Manufactured Home Park shall be defined as a Tract of land on which three (3) or more Manufactured Homes are located or on which three (3) or more Manufactured Homes are intended to be placed. For the purposes of this Ordinance, a Manufactured Home used in accordance with the following stated uses shall not be included in computation of the number of Manufactured Homes used to determine whether or not a Tract is classified as a Manufactured Home Park:

- A. Any Manufactured Home occupied as a residence by the parents of the landowner.
- B. Any Manufactured Home occupied as a residence by the children of the landowner.
- C. Any Manufactured Home occupied as a residence by the brother or sister of the landowner.
- D. Any Manufactured Home occupied as a residence by the grandparents of the landowner.
- E. Any Manufactured Home occupied as a residence by the grandchildren of the landowner.
- F. All of the relationships stated above include “step” and “half” relationships.

Any single Tract of land containing more than four (4) Manufactured Homes as described above in subsections A-F of Article 3, Section 5 of this ordinance in any combination shall be considered a Manufactured Home Park.

- 6. Manufactured Home Space: A plot of ground within a Manufactured Home Park designated for the accommodation of not more than one Manufactured Home.
- 7. Person: Any individual, partnership, firm, joint-stock company, corporation, limited liability company, association, trust, estate, or other legal entity.
- 8. Tract: A piece of land whose boundaries have been described or delineated by a legal instrument or map recorded in the office of the Register of Deeds of Pamlico County.
- 9. Service Building: A building housing facilities such as recreational, maintenance, laundry, and office, necessary to the successful development and management of a Manufactured Home Park.

Article 4

Procedure for Obtaining Approval of a Manufactured Home Park

No person shall begin construction on, or operation of, any new or expanded Manufactured Home Park until a plat has been reviewed by the Pamlico County Planning Board, and approved by the Pamlico County Board of Commissioners. No Manufactured Home may be occupied within a Manufactured Home Park until a Certificate of Compliance has been issued. To obtain plat approval, the landowner shall follow these steps:

A. Pre-submission Meeting. It is required that the landowner or his agent meet with the Administrator of this Ordinance to discuss plans and ideas pertaining to the Manufactured Home Park.

B. Plat of the Manufactured Home Park.

1. The landowner shall submit nine (9) copies of the plat and any supplementary materials to the Administrator at least thirty (30) days prior to the regularly scheduled Planning Board meeting at which said plat is to be considered.
2. The Administrator shall inspect the site. The landowner or his agent shall be required upon request to accompany the Administrator.
3. The plat shall be checked against the design standards and plat requirements by the Administrator. It shall be the Administrator's responsibility to ensure the following agencies are given the opportunity to review and make recommendations on the plat:
 - (a) The County Health Department as to the proposed water and sewage systems, insect and rodent control measures, and any other systems or methods related to the jurisdiction of the Health Department. Acknowledgement of the review and any recommendations made by the Health Department as described in this Ordinance shall be obtained in writing from the Health Department by the landowner. If other agencies are providing water or sewer services, their review will be required, as well as a binding commitment in writing from such agency indicating the provision of water and/or sewer services.
 - (b) Any federal or state agency with jurisdiction over any aspect of the Manufactured Home Park.
 - (c) Other agencies and officials as the Administrator and Planning Board deems necessary.

C. The Planning Board shall recommend approval, conditional approval, or disapproval of the plat to the Board of Commissioners.

1. If recommended for conditional approval, the conditions and reasons thereof shall be stated; the Planning Board may request that the landowner to submit a revised plat.

2. If the plat is recommended for approval, approval shall be indicated on the appropriate certificate of the plat, and the plat shall be forwarded to the Board of Commissioners for final approval.

D. Approval by Board of Commissioners. The Board of Commissioners shall consider an application and plat at its first regular meeting following the final consideration and recommendation by the Planning Board, or as soon thereafter as it may be reasonably considered. The Board of Commissioners shall approve, conditionally approve, or disapprove the application and plat. Approval or conditional approval (once all conditions have been met) shall authorize the owner to proceed with the construction and/or improvements to the Manufactured Home Park as approved. Failure of the Board of Commissioners to consider the application and plat, or failure to take action on the same, shall not constitute approval.

E. Certificates; Fees. No plat shall be accepted or approved until the certificates required to appear on the plat have been properly filled out and signed, and an inspection fee set by the Board of Commissioners has been paid to Pamlico County.

F. Contents of the Plat: The plat shall be prepared by a registered surveyor and/or engineer and shall be drawn to a scale not less than 200 feet to one inch and shall contain or be accompanied by the following:

1. Title, date, and location of the Manufactured Home Park.
2. Name of the owner and surveyor.
3. Scale with bar graph and north point.
4. Sketch vicinity map showing relationship between the Manufactured Home Park and the surrounding area.
5. Topographical map upon request.
6. Lines of all Manufactured Home Spaces, dimensions, driveways, parking areas, streets, roads, road dimension, and square footage of each Manufactured Home Space.
7. Recreation area and parking area.

8. Location and intensity of area lights and drawing showing typical connections to Manufactured Homes and a statement from the power company serving the area where the Manufactured Home Park is to be located indicating that it will be responsible for design and installation of the electrical system.
9. A statement indicating whether the property on which the Manufactured Home Park is to be located is or is not in a flood zone.
10. If the property is located in a flood zone, base flood elevation.
11. Water supply, sanitary sewerage disposal, and storm drainage systems.
12. Surface water drainage plans.
13. Location of fire hydrants.
14. Certificate of Ownership, Certificate of Planning Board approval unsigned, and Certificate of Board of Commissioners approval, unsigned, and any other certificates required by the administration.

G. Upon completion of the preceding requirements, the landowner may begin construction of the Manufactured Home Park.

H. Any new addition of Manufactured Home Spaces to a Manufactured Home Park shall be submitted as a new plat and meet the procedures and requirements of this Ordinance.

Article 5

Certificate of Compliance

After the construction and development of any new Manufactured Home Park has been completed, the Administrator shall issue a Certificate of Compliance to the landowner, which is authorization for operation of the Manufactured Home Park. The certificate will be issued only after the Administrator is satisfied that the Manufactured Home Park has been completed as approved on the plat and in accordance with any conditions. At any time after the issuance of the permit, the Administrator shall revoke the Certificate of Compliance if the Manufactured Home Park is operating in violation of the requirements and terms of this Ordinance.

Article 6

Variances

The Pamlico County Board of Commissioners, upon review and recommendation of the Pamlico County Planning Board, may authorize a variance from this Ordinance when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Board of Commissioners and Planning Board shall make the findings required below, taking into account the nature of the proposed Manufactured Home Park, the existing use of land in the vicinity, the number of persons to reside or work in the proposed Manufactured Home Park, and the probable effect of the proposed Manufactured Home Park upon traffic conditions in the vicinity. No variance shall be granted unless the Pamlico County Board of Commissioners, after review and recommendation by the Pamlico County Planning Board, finds:

(a) That (1) there are special circumstances or conditions affecting said property such that the strict application of the provisions of this regulation would deprive the applicant of reasonable use of his land, or (2) the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner; and,

(b) That the circumstance giving rise to the need for the variance is peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this ordinance; and,

(c) That the granting of the variance will not be detrimental to the purpose of this Ordinance, public health, safety and welfare or injurious to other property in the territory in which said property is situated.

In the event that the Pamlico County Board of Commissioners grants a variance under the provisions of this section, the fact that a variance has been granted shall be noted on the final plat together with the date of approval of the variance by the Pamlico County Board of Commissioners.

Article 7

Design Standards for Manufactured Home Parks

A. General Provisions:

1. Any land within the jurisdiction of this Ordinance deemed by the Planning Board to be subject to flooding or unsuitable for residential occupancy may be prohibited for residential development,

but such land may be set aside for such uses as will not be endangered by periodic or occasional inundation. The planning board in making its determination shall be guided by an analysis of available data on topography, soils, floodplains, drainage, or ground and surface water information. All Manufactured Homes within the flood hazard areas must meet the requirements set forth in the Pamlico County Flood Damage Prevention Ordinance, and any other applicable ordinance.

- B. Interior Drives and Walkways: All new Manufactured Home Spaces shall abut upon an interior gravel drive or hard surface of no less than 18 feet in width which shall have unobstructed access to a public street or highway. All interior drives and walkways within the Manufactured Home Park shall be adequately maintained by the owner.
- C. Off Drive Parking: Each new Manufactured Home Space shall be provided with at least two (2) parking spaces that are adequately graveled and maintained or hard surfaced.
- D. Required Manufactured Home Space Area: In no event shall there be any more than four (4) Manufactured Homes per acre located on the parcel of real property on which the Manufactured Home Park is located or will be located.
- E. Yard Requirements: Each new Manufactured Home Space shall be at least fifty (50) feet wide and clearly defined. There shall be at least one eighteen (18) foot wide side yard and a twenty-five (25) foot clearance between Manufactured Homes, including those parked end to end. No Manufactured Home shall be located closer than twenty-five (25) feet to any building or street within the Manufactured Home Park, nor within twenty (20) feet of any exterior street or boundary line of the Manufactured Home Park.
- F. Setback from Waterways: No Manufactured Home Space, Manufactured Home, Service Building, appurtenance, accessory structure or other improvement found in the Manufactured Home Park shall be located less than seventy-five (75) feet from any waterway, tributary, or public trust waters.
- G. Floodways: No Manufactured Home Space, Manufactured Home, Service Building, appurtenance, accessory structure or other improvement found in the Manufactured Home Park shall be placed or constructed in a Regulatory Floodway as defined and designated by the Federal Emergency Management Agency.
- H. Minimum Indoor Plumbing: A Manufactured Home which does not contain a built-in bathroom with water lavatory and shower or tub in working condition shall not be placed in a planned Manufactured Home Park.
- I. Refuse Collection Facilities: Individual, watertight, covered refuse containers with a minimum capacity of fifty (50) gallons shall be provided at each Manufactured Home Space by the landowner. A stand must be provided to keep containers securely and upright.

J. Drainage: The new Manufactured Home Park shall be located on a well-drained and properly graded site. Necessary site drainage improvements may be required by the County.

K. Water Supply:

1. Water lines used shall be consistent with the specifications and recommendations of the County water department, but in no circumstance shall the water line specifications be inconsistent with applicable state and federal laws or Pamlico County ordinances and policies regarding the use, installation, repair, or removal of water lines and shall be constructed of material approved by the County Health Department.
2. Every well or suction line of the water supply system shall be located in such a manner that neither underground nor surface contamination will reach the water supply from any source.
3. Well casings, pumping machinery or suction pipes shall be enclosed for proper protection and drainage. Such installation shall not be permitted in any room or space above ground which is walled in or otherwise enclosed. Such installation may be allowed where free drainage by gravity to the surface of the ground is provided.

L. Individual Water-Riser Pipes and Connections:

1. Individual water and riser pipes shall be provided and located within the confined area of the Manufactured Home stand at a point where the connections will approximate a vehicle position.
2. Water riser pipes shall extend at least ten inches above ground elevation and the pipe shall be at least three-quarter inches in diameter. The water outlet shall be capped at all times when a Manufactured Home does not occupy the lot or when the supply is not in use.
3. Adequate provisions shall be made to prevent freezing of service lines, valves, and riser pipes and to protect risers from heaving and thawing actions during freezing weather. Surface drainage shall be satisfactorily diverted from the location of the riser pipes. Sewer riser pipes should be at least six (6) inches above ground level.
4. All water and sewer pipes and connections shall meet state plumbing regulations.

M. North Carolina Regulations for Manufactured Homes: Each Manufactured Home shall be anchored to meet the requirements of the North Carolina Regulations for Manufactured Homes. All Manufactured Homes must meet current hurricane standards.

- N. North Carolina State Electrical Code: Each new Manufactured Home Park and any additional home sites and any expansion of an existing Manufactured Home Park shall meet the current North Carolina State Electrical Code.
- O. Service Administrative and Other Buildings: One site within the Manufactured Home Park may be used as an administrative office. All administrative and Service Buildings housing sanitation and laundry facilities or any such facilities shall comply with all applicable ordinances, codes, and statutes regarding buildings, electrical installations, plumbing, and sanitation systems.
- P. Lighting: All interior drives and walkways within the Manufactured Home Park shall be lighted at night with electrical lamps providing sufficient lighting at street level throughout the Manufactured Home Park to ensure safety.
- Q. Buffer Zones: A buffer strip at least ten (10) feet wide adjacent to each exterior property line shall be densely planted and maintained when bordering a nonresidential use.
- R. Nonresidential Purposes: No part of any Manufactured Home Park may be used for nonresidential purposes that may create any unusual noises, odors, pollution, or other offensive matters that are not associated with residential living.
- S. Site Address: Approved numbers or addresses shall be provided for all new buildings in such a position as to be plainly visible and legible from the street or road fronting the property. All Manufactured Home Parks must adhere to the Pamlico County Road Naming and Addressing Ordinance.
- T. Compliance with State Guidelines for Areas of Environmental Concern: Prior to approval of any Manufactured Home Park/manufactured camp park, the local Manufactured Home regulation enforcement officer and the local AEC Permit Officer shall determine if the site, in whole or in part, is located within or outside any Area of Environmental Concern. This determination shall result from both an onsite investigation and a review of the official overlay map.

If the site is, in whole or in part, within any Area of Environmental Concern, the proposed development will comply with development standards of the State Guidelines for Areas of Environmental Concern prior to the issuance of any development permit; and a certification of compliance to that effect shall be signed by both the AEC Permit Officer and the local enforcement officer.

Article 8

Responsibilities of Management and Occupants

1. The person to whom a permit for a new Manufactured Home Park or an expansion of an existing Manufactured Home Park is issued shall operate the Manufactured Home Park in compliance with this Ordinance and shall provide adequate supervision to maintain the Manufactured Home Park, its facilities and equipment in good repair and in a clean and sanitary manner. Further, such person shall ensure compliance with all federal, state, and local rules and regulations by the occupants of the Manufactured Home Park.

2. The person to whom a permit for a Manufactured Home Park is issued shall be solely responsible for the collection and disposal of solid waste produced by the park and its residents. Collection and disposal of such solid waste shall be in a manner consistent with federal, state, and local laws and policies.

3. The Manufactured Home Park management shall notify all Manufactured Home Park occupants of applicable provisions of this Ordinance and inform them of their responsibilities.

4. The Manufactured Home Park management shall supervise the placement of each Manufactured Home on its stand, ensuring its stability and proper installation of all utility connections.

5. The Manufactured Home Park management shall maintain a complete register containing all information necessary for identifications and location of all Manufactured Home Park occupants. Such register shall be available to any authorized person inspecting the Manufactured Home Park.

6. The Manufactured Home Park management shall notify the health director immediately of any suspected communicable or contagious disease within the Manufactured Home Park.

7. The Manufactured Home Park management shall be responsible for the lawful operation of the Manufactured Home Park.

8. Each Manufactured Home Park occupant shall comply with all applicable requirements of this Ordinance and shall maintain the Manufactured Home lot in a clean and sanitary manner.

9. The Manufactured Home Park occupant shall be responsible for proper placement of the Manufactured Home on its stand and of proper installation and operation of all utility connections in accordance with this Ordinance.

Article 9

Administration

1. Amendments. The provisions of this Ordinance may from time to time be amended, supplemented, changed, modified, or repealed by the county commissioners.
2. Severability. Should any section or provision of this Ordinance be declared by the courts to be invalid for any reason, such declaration shall not affect this Ordinance as a whole, or any part thereof other than the part so declared to be invalid.
3. Conflict. When the requirements of this Ordinance conflicts with the requirements of other lawfully adopted rules, regulations, or ordinance of Pamlico County, the more stringent or higher requirements shall govern.

4. Penalties.

A. Any act constituting a violation of the provisions of this Ordinance or a failure to comply with any of its requirements shall subject the offender to a civil penalty of \$500.00. If the offender fails to remedy the violation or pay any civil penalty within twenty (20) days after being cited for said violation (or within ten (10) days of the time prescribed by a citation to remedy the violation if it provides for a longer period of time than ten (10) days to remedy such violation), the civil penalty may be recovered in a civil action in the nature of a debt. Civil penalties begin to accrue ten (10) days from the date of the first notice of violation if the violation has not been remedied by the offender by that time (or within the time prescribed by a citation if it provides for a longer period of time than ten (10) days to remedy the violation).

B. This Ordinance may also be enforced by any appropriate equitable action authorized by law, including injunctive relief, whether or not there is an adequate remedy at law.

C. Each day that any violation continues, regardless of the date of notice, shall be considered a separate offense for purposes of the penalties and remedies specified in this section. In such an event, civil penalties begin to accrue from the date of the first notice of violation. For continuing violations, the initial citation and requirement that the civil penalty be paid within the time prescribed therein shall be the only notice required to be given; and shall be deemed to be an on-going citation and notice for continuing violations after the date of the citation.

D. Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this Ordinance.

E. Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall not constitute a misdemeanor as provided in G.S. 14-4, unless any specific penalty set forth elsewhere provides to the contrary.

F. In addition to the provisions of this Section, any provision of this Ordinance may be enforced by any one or more of the remedies authorized by G.S. 153A-123, excluding misdemeanor charges as provided in G.S. 14-4.

5. Prior Ordinance. The Pamlico County Mobile Home Park Ordinance is hereby superseded by this Ordinance as to all new and expanded Manufactured Home Parks from the effective date of this Ordinance. The Pamlico County Mobile Home Park Ordinance shall continue in effect as to all mobile home parks, as defined therein, existing as of the effective date of this Ordinance.

6. Appeals. Any decision of the Administrator under this ordinance may be appealed by an aggrieved party within thirty (30) days of such decision by filing a written request for an appeal with the County Clerk. Any such appeal of a decision of the Subdivision Administrator shall be considered and ruled upon by the Planning Board within sixty (60) days of the filing thereof.

Any decision of the Planning Board under this ordinance may be appealed by an aggrieved party within thirty (30) days of such decision by filing a written request for an appeal with the County Clerk. Any such appeal of a decision of the Planning Board shall be considered and ruled upon by the County Commissioners within sixty days of the filing thereof.

Any decision of the Board of Commissioners under this ordinance may be appealed by an aggrieved party within thirty (30) days of such decision by filing a petition with the Superior Court of Pamlico County for a review, which shall be in the nature of certiorari.

Article 10

Certificates on Final Plat

All final plats must include the following certificates, and any additional site-specific certificates required by the County, and any certificates required by The North Carolina Board of Examiners for Engineers and Surveyors.

1. Certificate of Ownership

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described here on and that I (we) hereby adopt this plan of the Manufactured Home Park with my (our) free consent. I (we) also certify that the land shown on this plat falls within the Manufactured Home Park jurisdiction of Pamlico County.

Date

Owner

2. Certificate of Approval by the Planning Board

The Pamlico County Planning Board hereby approves the final plat for the _____ Manufactured Home Park.

Date

Chairman, Planning Board

3. Certificate of Approval by the Board of County Commissioners

The Pamlico County Board of Commissioners hereby approves the final plat for the _____ Manufactured Home Park.

Date

Chairman, Board of Commissioners

Article 11

Enactment

The Pamlico County Board of Commissioners hereby adopts this Ordinance effective the 1st day of July, 2021.

PAMLICO COUNTY

DOUG BRINSON, Chairman

ATTEST:

COURTNEY L. NORFLEET, Clerk

BE IT FURTHER RESOLVED, the following Ordinance to Amend the Planning Board Ordinance, Subdivision Ordinance, Group housing Projects Ordinance, and Manufactured Home Park Ordinance is hereby approved.

AN ORDINANCE TO AMEND AND RESTATE

AN ORDINANCE TO ESTABLISH A PLANNING BOARD OF PAMLICO COUNTY

WHEREAS the General Statutes of North Carolina, Chapter 160D, Article 3, provides for the establishment and operation of County Planning Boards; and

WHEREAS it appears to be advantageous to the welfare of the County of Pamlico that a comprehensive and continuous planning program be undertaken; and

WHEREAS the Board of County Commissioners needs the active assistance and constant cooperation of many civic-minded, far-seeing citizens in their efforts to serve the best interests of the people and to direct the county's physical growth along good civic lines; therefore,

BE IT RESOLVED that the Board of county Commissioners hereby establishes the Pamlico County Planning Board, hereinafter referred to as the "Planning Board," and ordain that it be governed by the following provisions:

SECTION 1. Membership Terms and Vacancies

The Planning Board shall consist of seven members, one from each township in the County and two at large, all to be nominated by the respective Commissioners for each township and at-large position, and appointed by the Board of Commissioners for four-year terms beginning on the first Monday in July following each Commissioner's election. Initially, Planning Board members will be appointed for those terms set out below. Continuity of membership will be established by appointment of existing members residing in townships one through five and two at large positions for the following terms:

Township One	July 5, 1993 through July 4, 1997
Township Two	July 5, 1993 through July 4, 1997
Township Three	July 3, 1995 through July 2, 1999
Township Four	July 3, 1995 through July 2, 1999
Township Five	July 5, 1993 through July 4, 1997
At Large No. 1	July 3, 1995 through July 2, 1999
At Large No. 2	July 3, 1995 through July 2, 1999

Upon the expiration of the above terms, replacements or reappointments will be made for four year terms.

Vacancies occurring prior to the expiration of a member's term will be filled through nominations by the Commissioner for that township or at-large position, and appointments by the Board of Commissioners to complete the remainder of the term of the incumbent to the position.

Notwithstanding the fixed term of members identified herein, the Board of Commissioners shall have the right to remove or replace any member of the Planning Board for cause at any time.

SECTION 2. Organization, Rules, Meetings, and Records

The Planning Board shall meet and elect a chair, vice-chair, and create and fill such offices as it may determine necessary. The term of the chair and other officers shall be one year, with eligibility for re-election. The chair and vice-chair shall serve as such until a successor chair and successor vice-chair are appointed. The Board shall adopt rules for transaction of its business and shall keep a record of its members' attendance and of its resolutions, discussions, findings, and recommendations, which shall be a public record. The Board shall hold meetings at a frequency determined at the discretion of the chair or at the request of the Board of Commissioners, and all of its meetings shall be open to the public. A quorum of four members shall be required for the purpose of taking any official action required by this ordinance.

SECTION 3. Staffing

The Chief Building Inspector is assigned as the Secretary to the Planning Board. The staff of the Building Inspections Office will provide clerical and research support as desired by the Planning Board.

SECTION 4. General Powers and Duties

It shall be the duty of the Planning Board, in general:

(1) To acquire and maintain in current form such basic information and materials as are necessary to an understanding of past trends, present conditions, and forces at work to cause changes in these conditions; To prepare and from time to time amend and revise a comprehensive Land Use and Flood Damage Prevention Plans in compliance with the Coastal Area Management Act and other applicable regulations.

(2) To establish principles and policies for guiding action in the development of the area;

(3) To prepare and recommend to the Board of County Commissioners, ordinances promoting orderly development along the lines indicated in the comprehensive plan;

(4) To determine whether specific proposed developments conform to the principles and requirements of the comprehensive plan for the growth and improvement of the area;

(5) To keep the Board of County Commissioners and the general public informed and advised as to these matters;

(6) To perform any other duties which may lawfully be assigned to it.

(7) A member of the Planning Board may not vote and shall be excused from voting by a vote of the other members of the Planning Board on a matter if, as determined by the County Attorney, the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on said member.

SECTION 5. Basic Studies

As background for its comprehensive plan and any ordinances it may prepare, the Planning Board may gather maps and aerial photographs of man-made and natural physical features of the area, statistics on past trends and present conditions, the respect to population, property values, the economic base of the area, land use, and such other information as is important or likely to be important in determining the amount, direction, and kind of development to be expected in the area and its various parts.

In addition, the Planning Board may make, cause to be made, or obtain special studies on the location, condition and adequacy of specific facilities, which may include, but are not limited to, studies of housing; commercial and industrial facilities; parks, playgrounds and recreational facilities; public and private utilities; and traffic, transportation, and parking facilities.

All county officials shall, upon request, furnish to the Planning Board such available records or information as it may require in its work. The Board or its agents may, in the performance of its official duties, enter upon lands and make examinations or surveys and maintain necessary monuments thereon.

SECTION 6. Comprehensive Plan

The comprehensive plan, with the accompanying maps, plats, charts and descriptive matter, shall be and show the Planning Board's recommendations to the Board of County Commissioners for the development of said territory, including, among other things, the general location, character, and extent of streets, bridges, boulevards, parkways, playgrounds, squares, parks, aviation fields, and other public ways, grounds and open spaces; the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, lights, sanitation, transportation, communication, power and other purposes; the removal, relocation, widening, narrowing, vacating, abandonment, change of use, or extension of any of the foregoing ways, buildings, grounds open spaces, property, utilities, or terminals; the most desirable pattern of land use within the area, including areas for residential uses, for farming and forestry, for manufacturing and industrial uses, for commercial uses, for recreational uses, for open spaces, and for mixed uses.

The plan and any ordinances or other measures to effectuate it shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the county which will, in accordance with present and future needs, best promote health, safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities, services, and other public requirements.

SECTION 7. Development Ordinances

The Planning Board may prepare and submit to the Board of County Commissioners for its consideration and possible adoption, development ordinances for the control of the height, area, bulk, location, and use of buildings and premises in the area, in accordance with the provisions of Articles 6, 7, 8, and 9 of Chapter 160D of the General Statutes as amended.

The Planning Board may initiate, from time to time, proposals for amendment of development ordinances, based upon its studies and comprehensive plan. In addition, it shall review and made recommendations to the Board of County Commissioners concerning all proposed amendments to development ordinances.

SECTION 8. Miscellaneous Powers and Duties

The Planning Board may conduct such hearings as may be required to gather information necessary for the drafting, establishment, and maintenance of the comprehensive plan. Before adopting any such plan, it shall hold at least one public hearing thereon.

The Planning Board shall have power to promote public interest in and an understanding of its recommendations, and to that end, it may publish and distribute copies of its recommendations and may employ such other means of publicity and education as it may determine.

SECTION 9. Advisory Council and Special Committees

The Planning Board may seek from the Board of Commissioners the establishment of an Advisory Council and may cooperate with this Council to the end that its investigations and plans may receive fullest consideration, but the Board may not delegate to such Advisory Council, any of its

official prerogatives. The Planning Board may seek from the Board of Commissioners the establishment of special committees to assist it in the study of specific questions and problems.

SECTION 10. Repeal and Date of Effect

Any ordinance or parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effect as an ordinance of Pamlico County from and after the date of its adoption by the Board of County Commissioners.

SECTION 11. Validity

Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of the ordinance shall not be affected thereby.

Effective the 1st day of July, 2021.

PAMLICO COUNTY

DOUG BRINSON, Chairman

ATTEST:

COURTNEY L. NORFLEET, Clerk

On a motion made by Commissioner Candy Bohmert and seconded by Commissioner Missy Baskervill, the following resolution was unanimously approved.

BE IT RESOLVED, the public hearing for the FY 2021-2022 Budget is hereby declared open.

No members of the public were present to speak during public hearing.

On a motion made by Commissioner Candy Bohmert and seconded by Commissioner Missy Baskervill, the following resolution was unanimously approved.

BE IT RESOLVED, the public hearing for FY 2021-2022 Budget is hereby declared closed.

A motion made by Commissioner Missy Baskervill and seconded by Commissioner Candy Bohmert to remove \$100,000 for two proposed positions from the Health Department's budget was withdrawn.

On a motion made by Commissioner Missy Baskervill and seconded by Commissioner Candy Bohmert, the following resolution was unanimously approved.

BE IT RESOLVED, the FY 2021-2022 Budget is hereby approved as presented.

Chairman Doug Brinson asked if there were any additions and/or deletions. There were three (3) additions. On a motion made by Commissioner Missy Baskervill and seconded by Commissioner Ed Riggs, the following additions were approved.

- Request for approval of Budget Amendment **with Item #4**
- Request for approval of ARP Funds Project Ordinance and Resolution **Item #6**
- Request for approval to go into Closed Session – Personnel **Item #7**

The Board then turned their attention to the Correspondence Agenda.

On a motion made by Commissioner Missy Baskervill and seconded by Commissioner Candy Bohmert, the following resolutions were unanimously approved.

BE IT RESOLVED, the following Tax Reliefs and Releases are hereby approved.

Name:	Year	Tax/Ticket	Reason	Amount
Alan & Patricia Herlands	2020	6713038	Refund due to Property Tax Commission Ruling/ Interest due to taxpayer per NCGS 105-290(e)	\$ 166.38
Bufflehead Pointe	2020	6715941/6715942	Refund due to Property Tax Commission Ruling/ Interest due to taxpayer per NCGS 105-290(e)	\$ 3410.33
	2020	6715943/6715944		
	2020	6715945		
Linda Williams	2020	6730822	Refund due to Property Tax Commission Ruling/ Interest due to taxpayer per NCGS 105-290(e)	\$ 583.39
Greenlevel to Carpenter, LLC	2020	6716807	Refund due to Property Tax Commission Ruling/ Interest due to taxpayer per NCGS 105-290(e)	\$ 887.98
David & Patricia Sgambelluri	2020	6717268	Refund due to Property Tax Commission Ruling/ Interest due to taxpayer per NCGS 105-290(e)	\$ 86.83
Christopher Ashby	2020	6678477/6707811	Boat sunk in 2018 per the 2019 Marina Listing	\$ 14.15
Judy Hardison, Etals	2020	6718730	Clerical Error	\$ 570.31

BE IT RESOLVED, the following Budget Amendments are hereby approved.

Department: Tax Department

The original budget is being revised with this Budget Revision. A Budget Amendment will revise the total dollar amount, either increase or decrease, of the original Budget Ordinance. A Line Item Transfer will revise the dollar amounts allocated between different programs in a department with more than one budget code or different line items within a single department code but will not increase or decrease the Budget Ordinance.

FISCAL YEAR 2020-2021

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT(-) DECREASED
104140-531000	Travel	\$ 202.05	
104140-549100	Dues and Subscriptions		\$ 202.05

Reason for Budget Revision: To cover renewal dues.

Department: DSS

The original budget is being revised with this Budget Revision. A Budget Amendment will revise the total dollar amount, either increase or decrease, of the original Budget Ordinance. A Line Item Transfer will revise the dollar amounts allocated between different programs in a department with more than one budget code or different line items within a single department code but will not increase or decrease the Budget Ordinance.

FISCAL YEAR 2020-2021

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT(-) DECREASED
105373-529000	Departmental Supplies-CAP	\$ 300.00	
105373-519900CAPDA	Contracted Services		\$ 300.00

Reason for Budget Revision: To transfer funds to reflect spending.

Department: DSS

The original budget is being revised with this Budget Revision. A Budget Amendment will revise the total dollar amount, either increase or decrease, of the original Budget Ordinance. A Line Item Transfer will revise the dollar amounts allocated between different programs in a department with more than one budget code or different line items within a single department code but will not increase or decrease the Budget Ordinance.

FISCAL YEAR 2020-2021

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT(-) DECREASED
105491-500000	Expenditure- Duke Energy	\$ 269.96	
100212-435310	Administrative Reim DSS	\$ 269.96	

Reason for Budget Revision: To change budget to reflect actual additional money received from the State.

Department: DSS

The original budget is being revised with this Budget Revision. A Budget Amendment will revise the total dollar amount, either increase or decrease, of the original Budget Ordinance. A Line Item Transfer will revise the dollar amounts allocated between different programs in a department with more than one budget code or different line items within a single department code but will not increase or decrease the Budget Ordinance.

FISCAL YEAR 2020-2021

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT(-) DECREASED
750600-437574		\$ 32,954.50	
757130-583024		\$ 32,954.50	

Reason for Budget Revision: To record budget for new trustee revenue and expense accounts per new GASB-84 Regs.

Department: DSS

The original budget is being revised with this Budget Revision. A Budget Amendment will revise the total dollar amount, either increase or decrease, of the original Budget Ordinance. A Line Item Transfer will revise the dollar amounts allocated between different programs in a department with more than one budget code or different line items within a single department code but will not increase or decrease the Budget Ordinance.

FISCAL YEAR 2020-2021

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT(-) DECREASED
750600-437577		\$ 32,954.50	
757130-583027		\$ 32,954.50	

Reason for Budget Revision: To record budget for new trustee revenue and expense accounts per new GASB-84 Regs.

Department: **DSS**

The original budget is being revised with this Budget Revision. A Budget Amendment will revise the total dollar amount, either increase or decrease, of the original Budget Ordinance. A Line Item Transfer will revise the dollar amounts allocated between different programs in a department with more than one budget code or different line items within a single department code but will not increase or decrease the Budget Ordinance.

FISCAL YEAR 2020-2021

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT(-) DECREASED
750600-437578		\$ 16,196.56	
757130-583028		\$ 16,196.56	

Reason for Budget Revision: To record budget for new trustee revenue and expense accounts per new GASB-84 Regs.

Department: **DSS**

The original budget is being revised with this Budget Revision. A Budget Amendment will revise the total dollar amount, either increase or decrease, of the original Budget Ordinance. A Line Item Transfer will revise the dollar amounts allocated between different programs in a department with more than one budget code or different line items within a single department code but will not increase or decrease the Budget Ordinance.

FISCAL YEAR 2020-2021

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT(-) DECREASED
750600-437582		\$ 13,460.76	
757130-583029		\$ 13,460.76	

Reason for Budget Revision: To record budget for new trustee revenue and expense accounts per new GASB-84 Regs.

Department: **DSS**

The original budget is being revised with this Budget Revision. A Budget Amendment will revise the total dollar amount, either increase or decrease, of the original Budget Ordinance. A Line Item Transfer will revise the dollar amounts allocated between different programs in a department with more than one budget code or different line items within a single department code but will not increase or decrease the Budget Ordinance.

FISCAL YEAR 2020-2021

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT(-) DECREASED
750600-437584		\$ 9,955.43	
757130-583030		\$ 9,955.43	

Reason for Budget Revision: To record budget for new trustee revenue and expense accounts per new GASB-84 Regs.

Department: **Animal Control**

The original budget is being revised with this Budget Revision. A Budget Amendment will revise the total dollar amount, either increase or decrease, of the original Budget Ordinance. A Line Item Transfer will revise the dollar amounts allocated

between different programs in a department with more than one budget code or different line items within a single department code but will not increase or decrease the Budget Ordinance.

FISCAL YEAR 2020-2021

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT(-) DECREASED
100600-400000	Miscellaneous Revenue	\$ 500.79	
104380-519900	Contracted Services	\$ 500.79	

Reason for Budget Revision: To recognize restitution funds received by Animal Control and increase contracted services line.

Department: DSS

The original budget is being revised with this Budget Revision. A Budget Amendment will revise the total dollar amount, either increase or decrease, of the original Budget Ordinance. A Line Item Transfer will revise the dollar amounts allocated between different programs in a department with more than one budget code or different line items within a single department code but will not increase or decrease the Budget Ordinance.

FISCAL YEAR 2020-2021

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT(-) DECREASED
750600-437592		\$ 2,181.76	
757130-583034		\$ 2,181.76	

Reason for Budget Revision: To record budget for new trustee revenue and expense accounts per new GASB-84 Regs.

Department: DSS

The original budget is being revised with this Budget Revision. A Budget Amendment will revise the total dollar amount, either increase or decrease, of the original Budget Ordinance. A Line Item Transfer will revise the dollar amounts allocated between different programs in a department with more than one budget code or different line items within a single department code but will not increase or decrease the Budget Ordinance.

FISCAL YEAR 2020-2021

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT(-) DECREASED
750600-437589		\$ 21,152.04	
757130-583031		\$ 21,152.04	

Reason for Budget Revision: To record budget for new trustee revenue and expense accounts per new GASB 84 Regs.

Department: DSS

The original budget is being revised with this Budget Revision. A Budget Amendment will revise the total dollar amount, either increase or decrease, of the original Budget Ordinance. A Line Item Transfer will revise the dollar amounts allocated between different programs in a department with more than one budget code or different line items within a single department code but will not increase or decrease the Budget Ordinance.

FISCAL YEAR 2020-2021

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT(-) DECREASED
750600-437591		\$ 13,641.93	
757130-583033		\$ 13,641.93	

Reason for Budget Revision: To record budget for new trustee revenue and expense accounts per new GASB 84 Regs.

Department: **Various**

The original budget is being revised with this Budget Revision. A Budget Amendment will revise the total dollar amount, either increase or decrease, of the original Budget Ordinance. A Line Item Transfer will revise the dollar amounts allocated between different programs in a department with more than one budget code or different line items within a single department code but will not increase or decrease the Budget Ordinance.

FISCAL YEAR 2020-2021

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT(-) DECREASED
104320-522000	Food and Provisions- Jail	\$ 50,000.00	
104320-512200	Overtime- Jail	\$ 20,000.00	
104320-519900	Contracted Services- Jail	\$ 25,000.00	
104320-512100	Salaries & Wages- Jail	\$ 100,000.00	
100200-434326	Jail Fees- Other	\$ 195,000.00	
104310-525100	Auto Supplies- Sheriff	\$ 20,000.00	
104310-512100	Salaries & Wages- Sheriff	\$ 200,000.00	
100110-402019	2019 Ad Valorem Taxes	\$ 160,000.00	
100200-403251	ABC Net Revenues	\$ 20,000.00	
100400-438311	Jail Misc Phone/ Per Hygiene	\$ 40,000.00	
100110-402019	2019 Ad Valorem Taxes	\$ 37,000.00	
104140-512100	Salaries & Wages- Tax	\$ 37,000.00	
104140-519900	Contracted Services- Tax	\$ 50,000.00	
100110-402019	2019 Ad Valorem Taxes	\$ 40,000.00	
100150-403231	Local Option Sales & Use Tax	\$ 10,000.00	
106600-549920	Corona Virus 2020- Nonn-Dept	\$ 20,000.00	
100150-403231	Local Option Sales & Use Tax	\$ 20,000.00	
104210-538100	Programming- Data Proc.	\$ 25,000.00	
100150-403231	Local Option Sales & Use Tax	\$ 25,000.00	
104920-512100	Salaries & Wages- Planning	\$ 50,000.00	
100150-403231	Local Option Sales & Use Tax	\$ 50,000.00	
105000-533001	Water and Sewer- Public Buildings	\$ 20,000.00	
105000-512100	Salaries & Wages- Public Buildings	\$ 150,000.00	
100150-403231	Local Option Sales & Use Tax	\$ 170,000.00	
109910-599047	Transfer to E-911	\$ 5,000.00	
100150-403231	Local Option Sales & Use Tax	\$ 5,000.00	
104121-518601	Worker's Compensation-Premium- Personnel	\$ 25,000.00	
104121-518100	FICA Expense- Personnel	\$ 25,000.00	
100150-403232	½ Cent Losut Article 40- Sales Tax	\$ 50,000.00	
104110-517000	Per Diem- BCC	\$ 30,000.00	
100150-403232	½ Cent Losut Article 40- Sales Tax	\$ 30,000.00	
104120-512100	Salaries & Wages- Manager	\$ 60,000.00	
100150-403232	½ Cent Losut Article 40- Sales Tax	\$ 60,000.00	
104130-512100	Salaries & Wages- Finance	\$ 50,000.00	

100150-403232	½ Cent Losut Article 40- Sales Tax	\$ 50,000.00
104180-512100	Salaries & Wages- Reg. Deeds	\$ 40,000.00
100150-403232	½ Cent Losut Article 40- Sales Tax	\$ 40,000.00
104170-512100	Salaries & Wages- Elections	\$ 40,000.00
100150-403232	½ Cent Losut Article 40- Sales Tax	\$ 40,000.00
104321-512100	Salaries & Wages- Dispatch	\$ 40,000.00
100150-403232	½ Cent Losut Article 40- Sales Tax	\$ 40,000.00
104330-512200	Overtime- Emg. Mgmt.	\$ 10,000.00
104330-512100	Salaries & Wages- Emg. Mgmt.	\$ 40,000.00
100150-403232	½ Cent Losut Article 40- Sales Tax	\$ 50,000.00
104380-512100	Salaries & Wages- Animal Control	\$ 35,000.00
100150-403232	½ Cent Losut Article 40- Sales Tax	\$ 35,000.00
104721-512100	Salaries & Wages- Recycling	\$ 50,000.00
100150-403232	½ Cent Losut Article 40- Sales Tax	\$ 50,000.00
104930-529925	Home Del Meals Exp-FFRCA- Senior Center	\$ 9,000.00
104930-512100	Salaries & Wages- Senior Center	\$ 25,000.00
100150-400000	Medicaid Hold Harmless- Sales Tax	\$ 34,000.00
104931-512600	Salaries & Wages P/T- HCCBG	\$ 20,000.00
100150-400000	Medicaid Hold Harmless- Sales Tax	\$ 20,000.00
104934-512100	Salaries & Wages- NRCOG Nut	\$ 40,000.00
100150-400000	Medicaid Hold Harmless- Sales Tax	\$ 40,000.00
104945-512100	Salaries & Wages- Senior Center	\$ 40,000.00
100150-400000	Medicaid Hold Harmless- Sales Tax	\$ 40,000.00

Reason for Budget Revision: To ensure budget continuity at year-end.

Department: **DSS**

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FISCAL YEAR 2020-2021

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT(-) DECREASED
750600-437577			\$ 19,803.34
757130-583027			\$ 19,803.34

Reason for Budget Revision: To adjust budget to actual reference BUA 21-208.

Department: Animal Control

The original budget is being revised with this Budget Revision. A Budget Amendment will revise the total dollar amount, either increase or decrease, of the original Budget Ordinance. A Line Item Transfer will revise the dollar amounts allocated between different programs in a department with more than one budget code or different line items within a single department code but will not increase or decrease the Budget Ordinance.

FISCAL YEAR 2020-2021

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT(-) DECREASED
100600-400000	Miscellaneous Revenues	\$ 41.66	
104380-519900	Contracted Services	\$ 41.66	

Reason for Budget Revision: To recognize revenue for Animal Control and increase contracted services line.

BE IT RESOLVED, Ms. Carla Byrnes and Dr. Jim Ross are hereby reappointed to Eastern Carolina Workforce Development Board, Inc for a term of two (2) years.

BE IT RESOLVED, the following ARP Funds Project Ordinance and Resolution are hereby approved.

**GRANT PROJECT BUDGET ORDINANCE
American Rescue Plan Fund**

BE IT ORDAINED by the Board of Commissioners of the County of Pamlico, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following **American Rescue Plan Fund** is hereby adopted

Section I. The **project** authorized is the **American Rescue Plan Fund** Project.

Section II. The amount appropriated for the project will be \$2,471,876.00
Consisting of:

Contingency Expense \$2,471,876.00

Section III. The following revenues are anticipated to be available to Pamlico County:

Grant Proceeds \$2,471,876.00
TOTAL AVAILABLE \$2,471,876.00

ADOPTED this the 21st day of June 2021.

On a motion made by Commissioner Missy Baskervill and seconded by Commissioner Candy Bohmert, the Board went into Closed Session pursuant to NCGS 143-318.11(a)(3) to discuss a personnel issue.

On a motion made by Commissioner Kari Forrest and seconded by Commissioner Candy Bohmert, the Board went back into open session.

No action was taken in closed session.

There being no further business, on a motion made by Commissioner Candy Bohmert and seconded by Commissioner Kari Forrest, the Board adjourned until Tuesday, July 06, 2021 at 7:00 pm.

Chairman

Clerk to the Board