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**Clerk to the Board**  
Kathy P. Cayton

**County Attorney**  
Jimmie B. Hicks, Jr.

**COUNTY OF PAMLICO**

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**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 153A, Articles 6 and 18.

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 which proposes the development, construction, erection, improvement, enlargement, conversion, modification and/or betterment of one or more buildings for multifamily use, whether permanent or transient or temporary in nature, including but not limited to condominiums, townhouses, 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 shall specifically exclude 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 **“Group Housing Project Board”** shall mean the duly constituted Pamlico County Group Housing Project Board. Individuals appointed to the Pamlico County Planning Board shall by virtue of their appointment to said Planning Board automatically be appointed as members of the Group Housing Project Board, and meetings of the Group Housing Project Board shall occur immediately at the conclusion of the meetings of the Pamlico County Planning

Board.

3.7 **“County”** shall mean Pamlico County, a body politic and corporate of the State of North Carolina.

3.8 **“Enforcement Officer”** shall mean the individual designated by the Board of Commissioners for the administration and enforcement of this ordinance.

3.9 **“Ordinance”** shall mean this Pamlico County Group Housing Projects Ordinance and any amendments hereto.

3.10 **“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.

3.11 **“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.

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 Group Housing 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 Group Housing Project 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 Group Housing Project 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 Group Housing Project Board Review of Construction Permit Application.** Upon recommendation by the Enforcement Officer of approval of an application for a construction permit hereunder, the Group Housing Board shall review said application at its next regularly scheduled meeting. If the Group Housing Project Board determines that the provisions of this Ordinance have been complied with, it shall, subject to ratification by the Board of Commissioners in accordance with section 5.5, direct the Enforcement Officer to issue a construction permit subject to the terms and conditions of this Ordinance. If the Group Housing Project Board determines that the provisions of this Ordinance have not been complied with, the Group Housing Project 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.

**5.5 Board of Commissioners Review of Construction Permit Application.** Upon approval by the Group Housing 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 ratify the decision of the Group Housing Board directing 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 decline to ratify the Group Housing Board's decision, and the application for a construction permit shall be considered 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.

**5.6 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 without the express written permission of the Enforcement Officer, in the case of minor or technical modifications, changes or amendments which in the opinion of the Enforcement Officer do not significantly impact the intended development of the Group Housing Project as contained in the operating permit, as issued, and do not otherwise violate this Ordinance, or of

he Group Housing Board in the case of modifications, changes or amendments which do not qualify for approval by the Enforcement Officer hereunder.

**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 Group Housing Project 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 Group Housing Project 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 Group Housing Project Board Review of Operating Permit Application.** Upon recommendation by the Enforcement Officer of approval of an application for an operating permit hereunder, the Group Housing Board shall review said application at its next regularly scheduled meeting. If the Group Housing Project 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 Group Housing Project Board determines that the provisions of this Ordinance have not been complied with, the Group Housing Project 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 Quasi-Judicial Process for 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, a notice of a revocation hearing shall be sent to the operating permit holder. The revocation hearing notice shall indicate 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 Group Housing Project Board. At the hearing the burden of proof shall be on the Enforcement Officer. Evidence shall be presented and cross-examination shall be allowed. Minutes of the hearing shall be kept. The decision of the Group Housing Board shall be stated in writing and supported by a statement of its findings of facts and conclusions. In the event that the Group Housing Project is found to be in violation, the operating permit shall be revoked. If the operating permit holder later wishes to correct the violation, he shall apply for a new construction permit and operating permit.

## **ARTICLE 8**

### **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.

## **ARTICLE 9**

### **Appeals**

Any decision of the Enforcement Officer 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 Group Housing Board within sixty days of the filing thereof.

Any decision of the Group Housing 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 Group Housing 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**

### **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 this the 19<sup>th</sup> day of June, 2006.

PAMLICO COUNTY

BY:

*Alan A. Holton*  
Chairman,  
Pamlico County Board of Commissioners

ATTEST:

*Kathy P. Cayton*  
Clerk,  
Pamlico County Board of Commissioners

Ratified and adopted on its first reading, the 19<sup>th</sup> day of June, 2006, with 6 ( ) for, 1 ( ) against, and -0- ( ) abstentions.

Ratified and adopted on its second reading the \_\_\_ day of \_\_\_\_\_, 2006, with \_\_\_\_\_ ( ) votes for, \_\_\_\_\_ ( ) votes against, and \_\_\_\_\_ ( ) abstentions.

Kathy P. Cayton, hereby certify the above Ordinance was duly adopted by the Pamlico County Board of Commissioners at its regular meeting on the 19<sup>th</sup> day of June, 2006.

BY: Kathy P. Cayton (SEAL)  
Clerk to the Board of Commissioners

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 Group Housing Project Board

The Pamlico County Group Housing Project Board hereby approves the final Site Plan for the \_\_\_\_\_ Group Housing Project.

\_\_\_\_\_  
Date

\_\_\_\_\_  
CHAIRMAN, GROUP HOUSING PROJECT 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.

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LOCAL PERMIT OFFICER

APPENDIX B

| <u>Information</u>   | <u>Preliminary<br/>Site Plan</u> | <u>Final<br/>Site Plan</u> |
|--|----------------------------------|----------------------------|
| - Title Block Containing:  |                                  |                            |
| - Name of the Project  | x                                | x                          |
| - Name and Address of owner  | x                                | x                          |
| - Location (including township,<br>County and state)   | x                                | x                          |
| - Date or dates survey was conducted<br>and Site Plan prepared   | x                                | x                          |
| - A scale of drawing in feet per inch<br>listed in words or figures  | x                                | x                          |
| - A bar graph  | x                                | x                          |
| - Name, address, registration number<br>and seal of the Registered Land<br>Surveyor  | x                                | x                          |
| - A sketch vicinity map showing the<br>relationship between the proposed<br>project and surrounding area   | x                                | x                          |
| - Corporate limits, township boundaries,<br>county lines if on the project tract   | x                                | x                          |
| - The registration numbers and seals of<br>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<br>thereof to be developed, distinctly<br>and accurately represented with all<br>bearings and distances shown |                                  | x                          |
| - The location of existing boundary<br>lines of adjoining lands  | x                                | x                          |
| - The names of owners of adjoining<br>properties   |                                  | x                          |
| - The names of any adjoining subdivisions<br>of record or proposed and under review  | x                                | x                          |

| <u>Information</u>  | <u>Preliminary<br/>Site Plan</u> | <u>Final<br/>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                          |

| <u>Information</u>   | <u>Preliminary Site Plan</u> | <u>Final 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                      |

| <u>Information</u>  | <u>Preliminary<br/>Site Plan</u>     | <u>Final<br/>Site Plan</u>     |
|---|--------------------------------------|--------------------------------|
| - 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                              |
| <br><u>Information</u>  | <br><u>Preliminary<br/>Site Plan</u> | <br><u>Final<br/>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 areas x x
- All certifications required by this ordinance x



**A RESOLUTION TO  
CLARIFY THAT THE DEFINITION OF "GROUP HOUSING PROJECT" DOES  
INCLUDE SINGLE FAMILY UNITS THAT ARE PART OF A PROJECT THAT  
OTHERWISE MEETS THE DEFINITION OF "GROUP HOUSING PROJECT"**

**PAMLICO COUNTY  
GROUP HOUSING PROJECTS ORDINANCE**

WHEREAS, on June 19, 2006, the Board of Commissioners ("Commissioners") of Pamlico County ("County") adopted the Pamlico County Group Housing Projects Ordinance ("Ordinance"); and,

WHEREAS, as stated in the Ordinance, the purpose of the Ordinance is "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", and which "should be consistent with good land use planning, protection of the environment, and conformity with the Pamlico County Land Use Plan;" and,

WHEREAS, prior to adoption of the Ordinance, the Commissioners undertook a long term study and analysis of the need to enact land use regulations governing projects and developments that resulted in more than one (1) unit of ownership, habitation or occupation therein; and,

WHEREAS, the Pamlico County Planning Board ("Planning Board") was substantially involved in the drafting and adoption of the Ordinance; and,

WHEREAS, numerous separate meetings were held by both the Commissioners and the Planning Board to discuss the content, intent and scope of the Ordinance; and,

WHEREAS, the Commissioners and Planning Board had multiple joint meetings to discuss the content, intent and scope of the Ordinance; and,

WHEREAS, excluded from the regulations of the Ordinance was any tract or tracts of land subject to the Pamlico County Subdivision Ordinance, as well as 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; and,

WHEREAS, the express language of the Ordinance includes condominiums as being regulated under the Ordinance; and,

WHEREAS, the definition of "Group Housing Project" erroneously included the term "townhome", which is type of legal ownership that is regulated by the Pamlico County Subdivision Ordinance, and as such does not fall within the intent and purpose of the Ordinance; and,

WHEREAS, it was the intent of the Commissioners that the Ordinance apply to all projects containing more than one unit or space of ownership, habitation or occupation, regardless of the number of units or spaces of ownership, habitation or occupation per building in the project, so long as the project in its entirety had more than one such unit or space of ownership, habitation or occupation; and,

WHEREAS, the Planning Board, at its meeting on November 28, 2006 confirmed that it was the intent of the Planning Board that the Ordinance apply to all projects containing more than one unit or space of ownership, habitation or occupation, regardless of the number of units or spaces of ownership, habitation or occupation per building in the project, so long as the project in its entirety had more than one such unit or space of ownership, habitation or occupation; and,

WHEREAS, the Commissioners wish to clarify what activities are subject to the terms of the Ordinance.

NOW, THEREFORE, be it resolved by the Commissioners as follows:

1. That Section 3.5, definition of "Group Housing Project" in the Ordinance is clarified to read as follows:

**"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.

2. As this action is a clarification of the original intent and purpose of the definition of "Group Housing Project" under the Ordinance, it is adopted retroactively to June 19, 2006, which is the date the Ordinance was adopted.

*Alan A. Halton*

Chairman

*Athy P. Cayton*

Clerk to the Board