



**WASHINGTON PLANNING BOARD**  
**Regular Scheduled Meeting**  
**Tuesday, April 22, 2014**  
**7:00 PM**

**I. Opening of the meeting**

**II. Invocation**

**III. Roll call**

**IV. Old Business**

None

**V. New Business**

1. Zoning Ordinance Text Amendment

Electronically Illuminated Signs/Screens

2. Flood Ordinance Text Amendment

**VI. Other Business**

1. Proposed Public Pier

2. Discussion – Itinerant Merchants

3. Discussion – Planning Board Role / Ordinance Enforcement

**VII. Approval of minutes – March 25, 2014**

**VIII. Adjourn**



**Zoning Ordinance  
Text Amendment  
Electronically Illuminated  
Signs/Screens**

**Action requested by Board:**  
Approval of Text Amendment

# DRAFT

## AMENDMENT TO CITY OF WASHINGTON ZONING ORDINANCE PERMITTING ELECTRONICALLY ILLUMINATED SIGNS/SCREENS

**Addition to Section 40-415. Electronically Illuminated Signs/Screens Regulations as follows:**

(j) Electronically illuminated signs that contain a fixed, non-flashing message screen are permitted provided that screen changes occur no more than once every hour. In addition, no more than fifty (50) percent of the maximum allowable sign area of any free-standing or wall sign may be designated as an electronic illuminated sign/screen, up to a maximum sign area of fifty (50) square feet. Brightness of said signs/screens shall not be at an intensity that would impair the vision, day or night, of oncoming traffic. All such signs shall be reviewed and approved by the zoning administrator prior to installation consistent with the requirements of this article.



# **Flood Ordinance Text Amendment**

**Action requested by Board:  
Approval of Text Amendment**



# City of Washington

---

## DEPARTMENT OF PLANNING AND DEVELOPMENT REQUEST FOR AN AMENDMENT TO THE ZONING ORDINANCE

Date April 16, 2014 Fee N/A

TO THE CITY OF WASHINGTON PLANNING BOARD AND CITY COUNCIL

I, Planning & Development hereby request that Section 40-261 (b)

Of the Zoning Ordinance be amended as follows:

See Attached

---

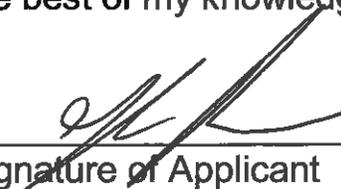
---

---

### Reason for Request:

New flood hazard data has been determined for Pitt County that will  
affect flood maps in the City of Washington's jurisdiction. The Flood  
Ordinance will need to be changed to reflect this data.

I certify that all the information presented by me in this application is accurate to the best of my knowledge, information, and belief.

  
\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Witness

## Text amendment for Flood Damage Prevention ordinance

New flood hazard data associated with the updates for Pitt County's flood map maintenance process will become "Effective" on July 7, 2014; at least one of the updated FIRM panels includes changes in SFHA to the City of Washington. Because these updated panels have data that will be changing in our jurisdiction, we will need to amend our Flood Damage Prevention ordinance (FDPO) to reflect this new data.

The existing text will be removed as indicated and replaced with the text in red according to the State model

## ARTICLE X. FLOOD DAMAGE PREVENTION

### Sec. 40-261. Provisions for flood management.

~~(b) *Basis for establishing the special flood hazard areas.* The special flood hazard areas are those identified by the Federal Emergency Management Agency (FEMA) or produced under the Cooperating Technical State (CTS) agreement between the state and FEMA in its Flood Hazard Boundary Map (FHBM) or Flood Insurance Study (FIS) and its accompanying flood maps such as the Flood Insurance Rate Map (FIRM) and/or the Flood Boundary Floodway Map (FBFM), for the city dated May 15, 2003, which with accompanying supporting data, and any revision thereto, including letters of map amendment or revision, are adopted by reference and declared to be a part of this article. The special flood hazard areas also include those defined through standard engineering analysis for private developments or by governmental agencies, but which have not yet been incorporated in the FIRM. This includes, but is not limited to, detailed flood data:~~

**(b) *Basis for establishing the special flood hazard areas.* The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated July 7, 2014 for Beaufort County and associated DFIRM panels, including any digital data developed as part of the Flood Insurance Study, which are adopted by reference and declared a part of this ordinance. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of the City of Washington are also adopted by reference and declared a part of this ordinance. This includes, but is not limited to, detailed flood data:**



## **Proposed Public Pier**

**Action requested by Board:**  
None

# City of Washington



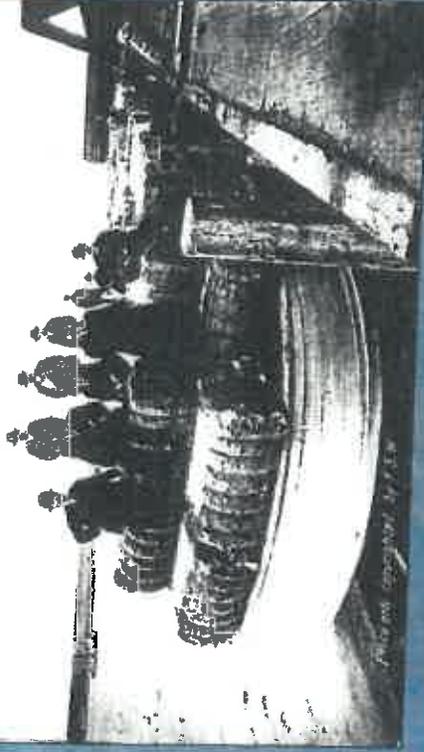
Public Pier  
(Peoples Pier)

# Public Pier

In the heyday of Washington's commercial waterfront, piers accomplished the efficient transfer of goods from boat to land and back again. Piers were also arrival and departure points for visitors. Boats often arrived at Fowles' Wharf at the foot of Respass Street.

When people glimpse a river from inland, it creates within them a wish to come closer to the water. Once they do, they like to continue out into the water - on a pier, bridge or boat - and turn to view the land from the river. The nearly universal desire for this type of experience can be met by adding some of the features to the Washington waterfront.

Commercial Scene in Harbor, Washington, N.C.



# Public Pier

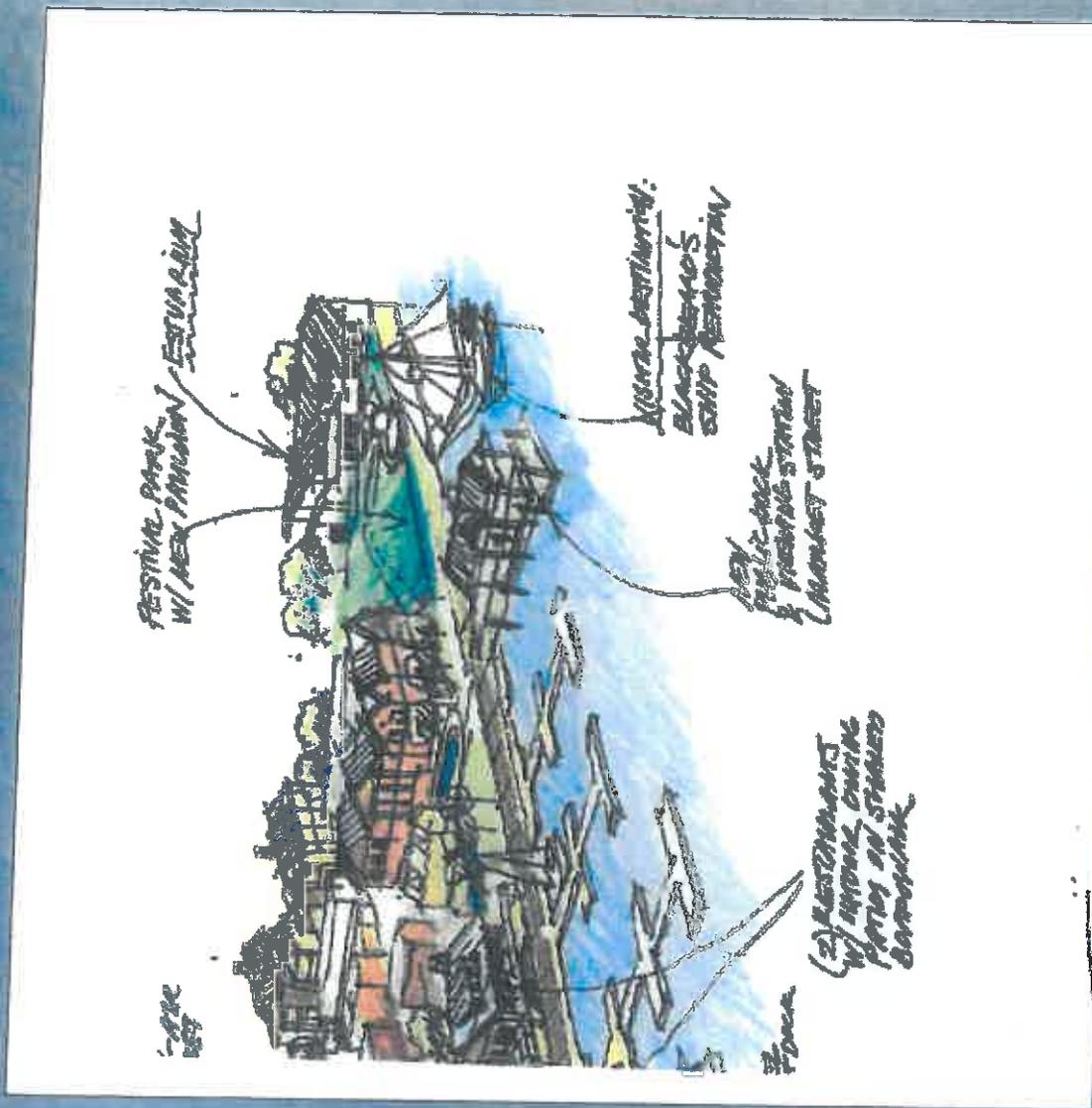
Provision of access to the water's edge is something that the City already does well. The consideration to improve these areas should be focused on places where access can be improved further, such as expanding the promenade in key locations and providing spaces where people can actually walk out onto the water.



# Public Pier

During the City's Waterfront Visualization and Reinvestment Strategy, completed in 2009, community visioning workshops were held. As part of these work sessions key comments and ideas were expressed:

1. Expand opportunities for boaters, provide basic services (restrooms, showers)
2. Maximize opportunities for green space & provide a park.
3. Explore the creation of a hotel along the waterfront.
4. Provide for a municipal pier for public access.



# Public Pier

The Project proposes to take advantage of the City's waterfront by creating a new pier at the foot of Market Street and Harding Square to extend the public space and celebrate Washington's relationship to the Pamlico River.

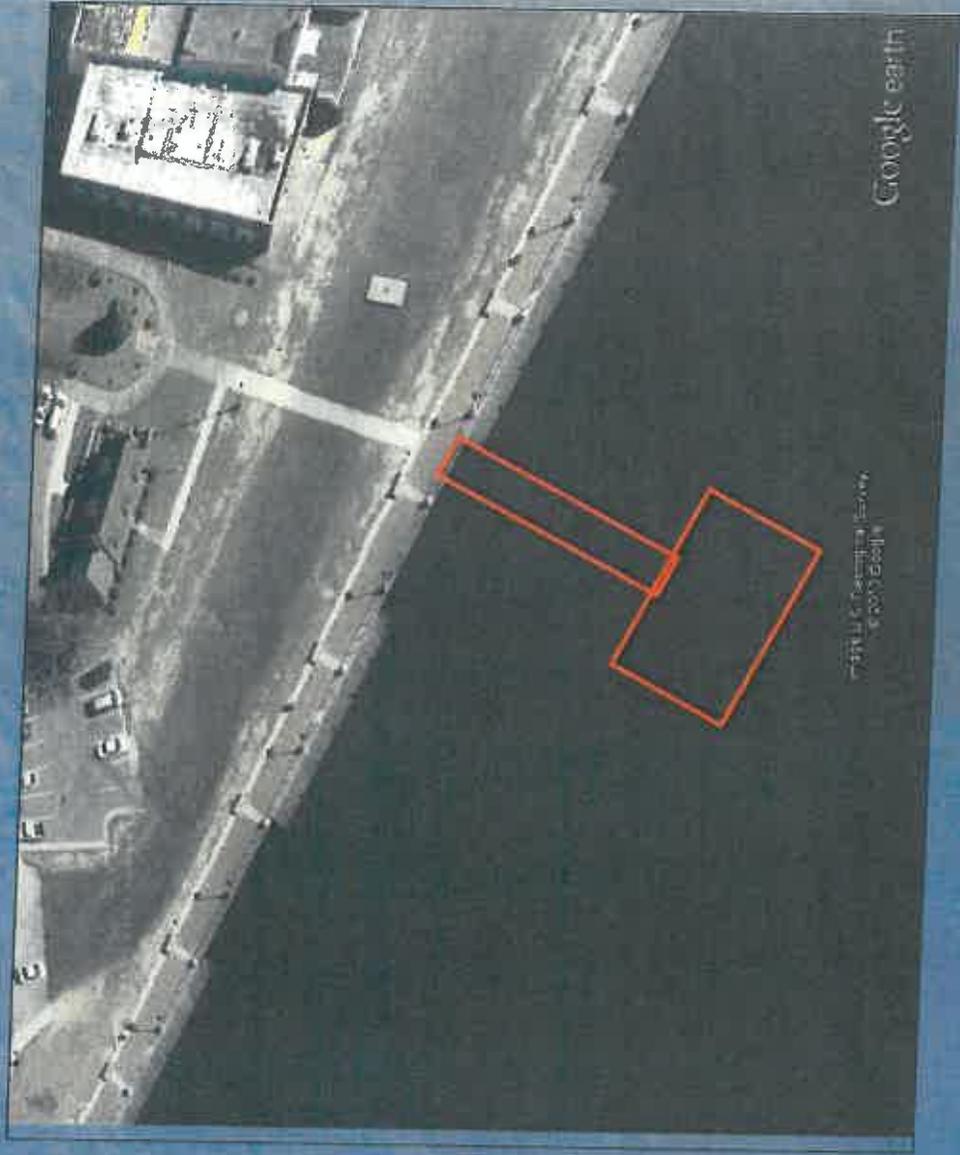


# Public Pier



# Public Pier

The new pier will create a signature public space that invites pedestrians from the promenade to walk out over the river and experience the Pamlico in a more satisfying way. Views would be considerably improved by a pier that extends beyond the current pier head line so that visitors would have uninterrupted views of the Washington shoreline.



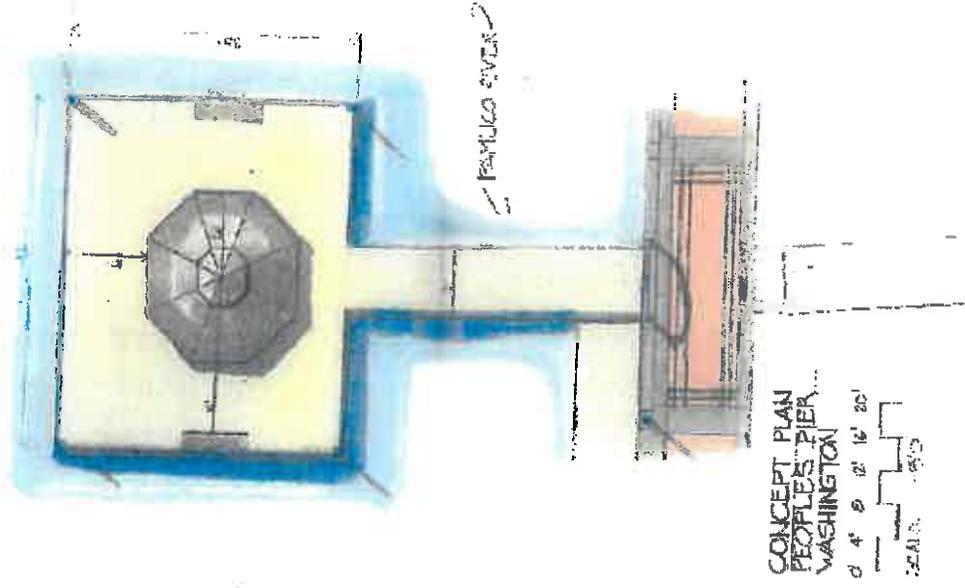
© 2005 Google

Google earth

# Public Pier

The plan shows a new pier extending from a line with Harding Square. (60'-70') It has a T platform, which has been indicated as a more practical design. The platform is designed to be 42' x 35' (1470 sq. ft.).

The walkway is approximately 35' long and 8' wide. The pier will contain railings to match the promenade.



# Public Pier

The platform will contain a gazebo or cabana style building in order to provide shade during the summer months and to provide a place for the public to gather. The shelter will be approximately 20' x 20' (400 sq. ft.) with plans for it to match the structures at Festival Park.

The location will provide a centrally located facility along the promenade close to parking, the downtown area, and historic neighborhoods.



# Public Pier

## Phases of Feasibility of a pier

1. City Council knowledge and approval.
2. The Assessment of Permit Issues and Requirements.
3. The Assessment of Geotechnical and Site Conditions.
4. Public input and development of conceptual designs, culminating in a public presentation of a proposed pier concept.
5. Probable cost and funding for constructing the pier depicted in the final concept.



# Public Pier

DCM is pleased to notify local governments in the 20-county coastal area that the Division of Coastal Management (DCM) has an estimated \$950,000 in grant monies available for awards in April 2014.

The 2014 Fast Track Cycle Application Package and the 2014 Fast Track Cycle Application Form are attached.

The 2014 Fast Track Cycle will have a single application step. Local governments interested in receiving financial assistance must complete and submit 2 printed copies of the attached Application form with attachments and graphics and 1 cd or USB drive with digital files. Your local DCM District Planner must receive applications before **5:00 pm on Friday, February 28, 2014.**

*This is a Fast Track application process separate from our regular annual pre- and final application process. We will be sending out notices of the pre-application process for our regular Public Beach and Waterfront Access Grant round in February 2014.*

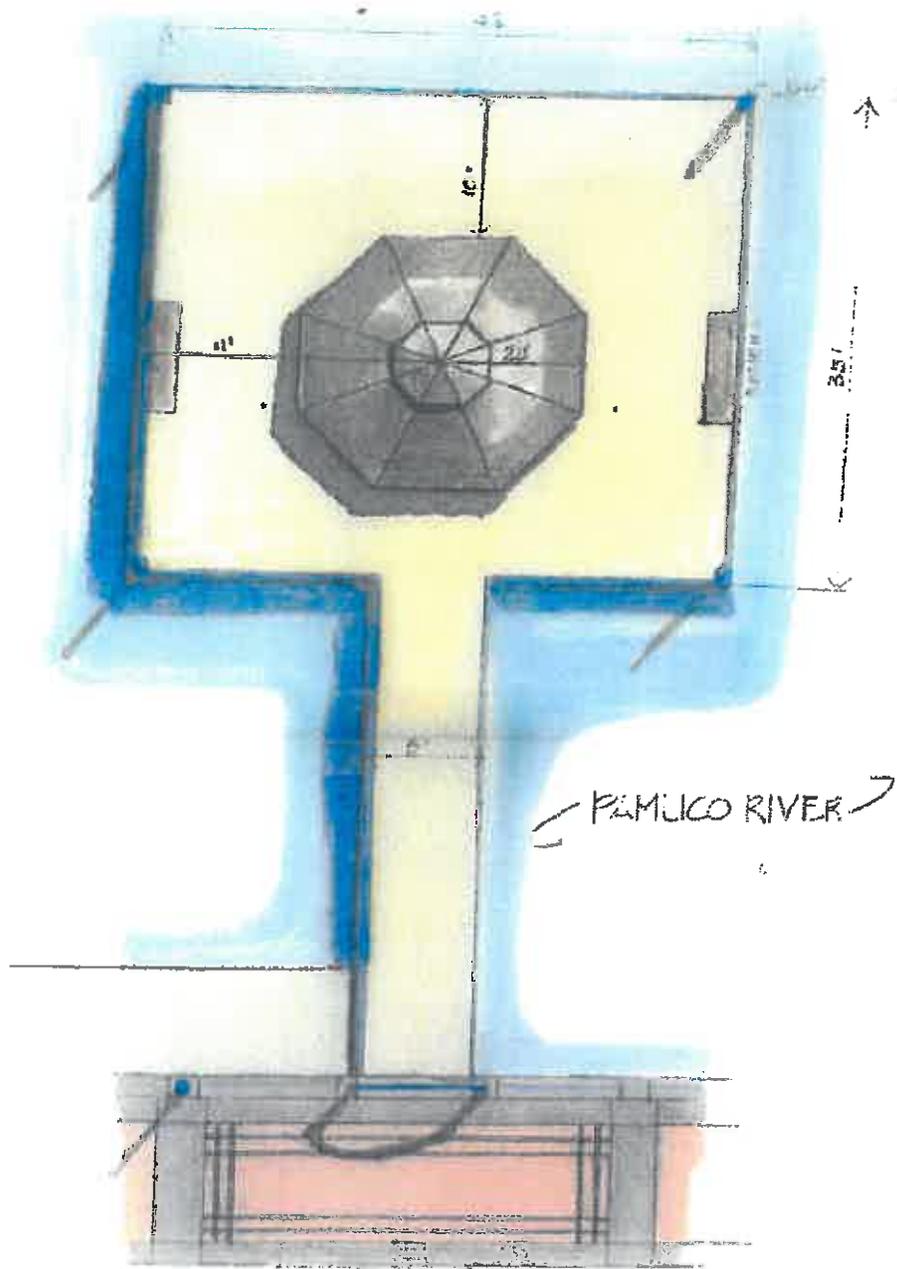
# Public Pier

Application Budget Total:

1. DCM Grant Assistance Requested	\$ 120,000	
2. Local Contribution	\$ 30,000	75%/25%
Local Cash	\$ 15,000	
Local In-Kind	\$ 15,000	
Local Cash (Grant Assistance):	\$	Funding Source:
Local Cash (Grant Assistance):	\$	Funding Source:

TOTAL PROJECT COST

\$ 150,000



CONCEPT PLAN  
 PEOPLE'S PIER  
 WASHINGTON

0 4' 8' 12' 16' 20'



SCALE: 1" = 8'0"



# **Discussion Itinerant Merchants**

**Action requested by Board:**  
None

**ARTICLE V. TRANSIENT MERCHANTS, ITINERANT MERCHANTS AND VENDORS\*****Sec. 16-139. License required.**

It shall be unlawful for a transient merchant, itinerant merchant or itinerant vendor, as defined in section 16-140, to engage in such business within the city without first obtaining a license in compliance with the provisions of this article.

(Code 1993, § 8-190; Ord. No. 93-12, § 1, 9-13-1993)

**Sec. 16-140. Definitions.**

(a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Transient merchant or itinerant vendor* means any person, firm or corporation, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the city, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, or boat, public room in hotels, lodginghouses, apartments, shops, or any street, alley, or other place within the city, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction provided that such definition shall not be construed to include:

- (1) Any person selling at a flea market taxed under state law.
- (2) Any auctioneer licensed and acting under the provisions of G.S. ch. 85B.
- (3) Any person who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only.
- (4) Any person selling at the farmer's market sponsored by the county or the city.
- (5) Any person who otherwise meets the definitions of this section but who is part of a group of ten (10) or more merchants selling at the invitation of the shopping area or trade show, and where such sales activities do not last longer than seven (7) days.
- (6) Any person selling Christmas trees and holiday decorations.
- (7) Licensed automobile dealers selling new automobiles.

\*State law reference—Regulation of solicitation campaigns, flea markets, and itinerant merchants, G.S. 160A-178.

(b) No person so engaged shall be relieved from complying with the provisions of this article merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

(Code 1993, § 8-191; Ord. No. 93-12, § 1, 9-13-1993; Ord. No. 94-15, § 1, 7-11-1994)

**Sec. 16-141. Application.**

Applicants for licenses shall file a written sworn application, signed by the applicant, if an individual, by all partners if a partnership, and by the president if a corporation, with the City Clerk, showing:

- (a) The name of the person having the management or supervision of applicant's business during the time that it is proposed that it will be carried on in the city; the local address of such person while engaged in such business; the permanent address or address of such person; the capacity in which such person will act (that is, whether as proprietor, agent or otherwise); the name and address of the person for whose account the business will be carried on, if any; and if a corporation, under the laws of what state the corporation is incorporated;
- (b) Proof of a state sales tax reporting number issued by the state department of revenue;
- (c) The place in the city where the applicant proposed to conduct business; the length of time during which it is proposed that the business shall be conducted; proof of permission from the owner or lessee of the property to be used allowing the applicant to conduct business at the proposed location; and a zoning compliance permit from the planning department of the city stating that the proposed sales activity is a permitted use in the proposed location;
- (d) The place, other than the permanent place of business of the applicant, where the applicant was conducting business within the last six (6) months;
- (e) A statement of the nature, character and quality of the goods, wares or merchandise to be sold or offered for sale by the applicant; the invoice value and quality of such goods, wares and merchandise, whether the same are proposed to be sold from stock in possession or from stock in possession and by sample, at auction, by direct sale and by taking orders for future delivery; where the goods or property proposed to be sold are manufactured or produced; and where such goods or products are located at the time the application is filed;
- (f) The brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers, and copies of all advertising whether by handbills, circular, newspaper advertising, or otherwise, shall be attached to the application;
- (g) Whether or not the person having the management or supervision of the applicant's business has been convicted of a crime or the violation of any municipal ordinance, the nature of such offense and the punishment assessed thereof;

- (h) Credentials from the person for which the applicant proposes to do business, authorizing the applicant to act as such representative; and
  - (i) Such other reasonable information as to the identity of character of the person having the management or supervision of applicant's business, as the City Clerk may deem proper to fulfill the purpose of this article in the protection of the public good.
- (Code 1993, § 8-192; Ord. No. 93-12, § 1, 9-13-1993)

**Sec. 16-142. Investigation and issuance of license.**

Upon receipt of the application, the Finance Department shall forward it to the Police Department for investigation. The Chief of Police shall complete the investigation within twenty-one (21) days. If, as a result of such investigation, the applicant's character and business responsibility are found to be unsatisfactory, the application shall be denied. If, as a result of the investigation, the applicant's character and business reputation appear to be satisfactory, the Finance Department shall so certify in writing, and a license shall be issued by the Finance Department. The Finance Department shall keep a full record of all licenses issued. Such license shall contain the number of the license, the date it is issued, the nature of the business authorized to be carried on, the amount of the license fee paid, the expiration date of the license, the place where the business may be carried on under the license, and the names of the persons authorized to carry on the business.

(Code 1993, § 8-193; Ord. No. 93-12, § 1, 9-13-1993)

**Sec. 16-143. Bond.**

Before any license shall be issued under the provisions of section 16-142 for engaging in a transient business as defined in section 16-140, an applicant shall file with the Finance Department a bond running to the city, in the sum of one thousand dollars (\$1,000.00), executed by the applicant as a principal, or a surety upon which service of process may be made in the state; the bond to be approved by the office of the City Attorney, conditioned that the applicant shall comply fully with all provisions of the ordinances of the city, and the statutes of the state, regulating and concerning the sale of goods, wares and merchandise, and will pay all judgments rendered against the applicant for any violation of such ordinances and statutes, together with all judgments and costs that may be recovered against him by any person for damages arising out of any misrepresentation or deceptive practices on any person transacting such business with the applicant, whether the misrepresentations or deceptions were made or practices by the owners or by their servants, agents, or employees, either at the time of making the sale or through any advertisement of any character whatsoever, printed or calculated with reference to the goods, wares and merchandise sold or any part thereof. Action on the bond may be brought in the name to the use of the aggrieved person. The bond required by this section shall be posted and remain in effect for a period of one (1) year from the date a license is issued, and one (1) year from the date of any renewal of any license issued under this article. Such bond must be approved by the office of the City Attorney, both as to form, and as to the responsibility of the surety.

(Code 1993, § 8-194; Ord. No. 93-12, § 1, 9-13-1993)

**Sec. 16-144. Service of process.**

Before any license may be issued for engaging in business as an itinerant merchant, the applicant shall file with the Finance Department an instrument appointing a person located in the county to be the agent of the applicant for service of process with respect to any matters connected with or arising out of the business transacted under the license given and the bond required by this article. The Finance Director may be named as the agent for the service of process by the applicant.

(Code 1993, § 8-195; Ord. No. 93-12, § 1, 9-13-1993)

**Sec. 16-145. Exhibition of license.**

The license issued under this article shall be posted conspicuously in the place of business named therein. In the event that the applicant desires to do business in more than one (1) place within the city, separate licenses may be issued for each place of business, and shall be posted conspicuously in each place of business.

(Code 1993, § 8-196; Ord. No. 93-12, § 1, 9-13-1993)

**Sec. 16-146. Display area.**

Any itinerant merchant conducting business shall have a display area with a tent not less than ten (10) feet by ten (10) feet. No items are to be displayed on automobiles, trucks, tractors or the ground.

(Code 1993, § 8-197; Ord. No. 93-12, § 1, 9-13-1993)

**Sec. 16-147. Fees.**

(a) Before issuing a license under this article, the Finance Department shall collect an administrative processing fee at an amount set by the City Council. This fee is to cover the administrative costs of processing the application required by this article and shall not be considered a tax, nor shall it relieve the applicant of paying any other state or local taxes required by law.

(b) The Finance Department shall collect an administrative processing fee for each renewal issued under section 16-152 at an amount set by the City Council.

(c) Notwithstanding subsection (a) of this section, any person selling edible farm produce, such as fruits and vegetables, shall pay an annual application fee, in an amount as established from time to time, per location, in addition to a fee for a peddlers license, as set out in G.S. 105-53.

(Code 1993, § 8-198; Ord. No. 93-12, § 1, 9-13-1993; Ord. No. 94-18, § 1, 9-12-1994)

**Sec. 16-148. License not transferable.**

No license issued under this article shall be transferable.

(Code 1993, § 8-199; Ord. No. 93-12, § 1, 9-13-1993)

**Sec. 16-149. Duty of police to enforce.**

It shall be the duty of the police officers of the city to enforce the provisions of this article.  
(Code 1993, § 8-200)

**Sec. 16-150. Revocation of license.**

(a) Any license issued pursuant to this article may be revoked by the Finance Department after notice and hearing, for any of the following causes:

- (1) Any fraud, misrepresentation or false statement contained in the application for license;
- (2) Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares or merchandise;
- (3) Any violation of this article;
- (4) Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude; or
- (5) Conducting the business licensed under this article in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(b) Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed postage prepaid to the licensee, at his last known address, at least five (5) days prior to the date set for hearing.

(Code 1993, § 8-201; Ord. No. 93-12, § 1, 9-13-1993)

**Sec. 16-151. Appeal.**

Any person aggrieved by a decision of the Finance Department to deny an application for a license or to remove a license may appeal to the City Council. Such appeal shall be taken by filing with the Council within fourteen (14) days after notice of the decision by the Finance Department has been mailed to such person's last known address, a written statement setting forth the grounds for the appeal. The Council shall set the time and place for a hearing on such appeal and notice of such hearing shall be given to such persons in the same manner as provided in section 16-150 for notice of hearing for revocation. The order of this Council on such appeal shall be final.

(Code 1993, § 8-202; Ord. No. 93-12, § 1, 9-13-1993)

**Sec. 16-152. Expiration and renewal of license.**

(a) All licenses issued under the provisions of this article shall expire ninety (90) days after the date of issuance unless an earlier date is stated on the license.

(b) Any license issued under the provisions of this article may be renewed any number of times upon the following conditions:

- (1) The applicant makes a written application for renewal stating that the person managing the business is the same as those listed in the original application, that the place where the applicant proposes to conduct business have not changed, and a statement explaining any material change in circumstances from the information given in the original application.
- (2) The applicant must show to the satisfaction of the office of the City Attorney that the bond covering the applicant's business will be valid for at least one (1) year from the date of any license renewal.
- (3) The Finance Department be satisfied that there is not cause for revocation under section 16-150.

(Code 1993, § 8-203; Ord. No. 93-12, § 1, 9-13-1993)

**Sec. 16-153. Penalty.**

(a) Any violation of this article shall subject the offender to a civil penalty in the amount of two hundred fifty dollars (\$250.00). Violators shall be issued a written citation which must be paid within seventy-two (72) hours.

(b) Each day's continuing violation shall be a separate and distinct offense.

(c) Notwithstanding subsection (a) of this section, provisions of this article may be enforced through equitable remedies issued by a court of competent jurisdiction.

(d) In addition to or in lieu of remedies authorized in subsections (a) and (c) of this section, violations of this article may be prosecuted as a misdemeanor in accordance with G.S. 160A-175. Conviction of a misdemeanor prosecution under this article shall subject the offender to a fine of fifty dollars (\$50.00).

(Code 1993, § 8-204; Ord. No. 93-12, § 1, 9-13-1993)



# Minutes

**WASHINGTON PLANNING BOARD**  
**Regular Scheduled Meeting**  
**Tuesday, March 25, 2014**  
**7:00 pm**

**Members Present**  
Jane Alligood Dot Moate  
Marie Barber John Tate  
Dan McNeil

**Members Absent**  
All members were present

**Others Present**  
Glen Moore, Planning Administrator  
Jessica Green, Administrative Support

---

**I. Opening of the meeting**

The Chairman called the meeting to order.

**II. Invocation**

Jane Alligood led in prayer.

**III. Roll Call**

A silent roll call was taken by staff.

**IV. Old Business**

None

**V. New Business**

**1. Bay Lake Estates, Section 3 Subdivision**

Glen Moore came forward and presented the subdivision section. He explained that this is the final plate for the Bay Lake Estates subdivision. Mr. Moore stated that this area is in the City's ETJ and is currently zoned residential. Jane Alligood asked if the subdivision would be required to provide recreational facilities. Mr. Moore stated that with the number of lots they would not be required to include recreational facilities. John Tate then asked about sidewalks. Mr. Moore

stated that sidewalks are not really pushed in areas of the ETJ that will probably never be taken into the City limits.

Mr. Whichard, owner, came forward and spoke about all the improvements they have made to the plot within the last year. Dot Moate asked if septic tanks were on the lots or if they would have sewer. Mr. Whichard explained that all the lots would have septic tanks and 12 of the lots have already been approved. He stated that all the lots will perk, so septic tanks should not be a problem. Mr. Whichard stated that all the roads in the subdivision are paved.

John Tate made a motion to except the subdivision plat as presented and recommend approval. His motion was seconded by Jane Alligood. All voted in favor and the motion carried.

## 2. Zoning – Washington Montessori School property

Glen Moore explained to the Board and that they had already annexed the property, so now the property needs zoning. He stated that this petition is from the Planning Department and they are requesting to zone the property O&I, which is the same as the parcel next to it.

Jane Alligood made a motion to approve the request as presented. John Tate seconded the motion and all voted in favor.

## 3. Proposed widening of 15<sup>th</sup> Street

Mr. Moore came forward and presented the Board with a map of the proposed widening that was provided by the DOT. He then went through the map and pointed out key points and changes. He stated that one of the concerns from the Planning Department that they would like to express to DOT is that there will be some parking issues. He explained that widen the street will cause some parking requirement issues with some of the stores along that street, but since it is out of the tenants control their new parking will be grandfathered in. Mr. Moore stated that other than that concern this widening should have been done years ago. Jane Alligood spoke about her concerns with the drainage and stated that she would like to see the drainage plan. Mr. Moore explained that they are not asking for the Board to approve the plan, they are only asking for the Board's concerns so they can be taken to the City Council. The Board also stated that sidewalks, traffic congestion, and medians are all issues that they would like to see addressed.

## VI. Other Business

### 1. Proposed Public Pier

Item was moved to next meeting.

### 2. Discussion – Itinerant Merchants

Item was moved to next meeting.

### 3. Discussion – Solar Farms

Mr. Moore stated that solar farms and solar use is becoming a bigger and bigger use all over the state. He presented a sample template ordinance that was developed by the North Carolina Sustainable Energy Association and the NC Solar Center for cities and counties to use when adopting regulations regarding solar farms. He explained that so far 24 cities and 18 counties in North Carolina have incorporated solar development into their codes. Mr. Moore then explained the three levels of solar development that the ordinance addresses. He stated that with the size of Washington they probably would not do a standalone solar ordinance, they would add a section to the current zoning ordinance. He asked the Board members to review the template and be prepared at the next meeting to point out things that they like and dislike so that staff can start drafting an amendment to the zoning ordinance to address the issue.

### 4. Discussion – Planning Board Role

Item was moved to next meeting.

## **VII. Approval of minutes – October 22, 2013**

Jane Alligood made motion to approve the October minutes. Her motion was seconded by Dan McNeil. All voted in favor and the motion carried.

## **VIII. Adjourn**

There being no other business the meeting was adjourned.