

ARTICLE XVII. PARKING

Section 27-184. Purpose

- (a) In order to assure proper and uniform development of public and private loading areas in the City of Washington and its extraterritorial area, to relieve traffic congestion in the streets, and to minimize any detrimental effects of off-street parking areas on adjacent properties, the procedures and standards set forth in this Article shall apply.
- (b) The requirements contained in these regulations shall be considered as the minimum standards.
- (c) The owner, developer, or operator of any existing or proposed use, along with the Director of Planning and Development shall evaluate anticipated needs to determine if they are greater than the minimum requirements herein specified.

Section 27-185. Off-street parking and loading required.

No permit for new construction, expansion, development, occupancy, or related activity shall be issued for any use unless such use is in accordance with the provisions of this Article.

Section 27-186. Exemptions

The provisions of this article shall not apply to nonresidential land uses within the B1H district.

Section 27-187. Parking plan required.

- (a) A parking plan which conforms to the provisions of this Article shall be submitted to the Department of Planning and Development for site plan review in accordance with the specific submission standards of Article XVIII.
- (b) Parking plan approval shall be required prior to the approval of any site plan, building permit, use permit, privilege license, change of use permit, zoning compliance permit, temporary use permit, or occupancy permit.
- (c) The Director of Planning and Development shall have final approval authority concerning the site design and construction standards of all off-street parking lots.

Section 27-188. Compliance with bufferyards.

Off-street parking lots and drives shall comply with the provisions of Article VII, Bufferyards and Landscaping Requirements. Bufferyard vegetation improvements may be phased to coincide with the construction of buildings, provided such phasing is set forth on the approved bufferyard plan.

Section 27-189. Combination of required parking spaces.

- (a) The required parking space for any number of separate be combined in one (1) lot, but the required space assigned to one (1) use may not be assigned to another use, except that one-half (.5) of the parking spaces required for churches, theaters, stadiums, assembly halls, or any other use whose peak attendance will be at night or on Sundays, may be combined with a use which will be closed or which will guarantee significantly less parking demands at night and on Sundays than during normal business hours with prior approval by the Director of Planning and Development.

- (b) A use which is deficient in required parking spaces shall not designate existing parking to any other use.
- (c) When more than one (1) use is included within any one (1) lot or building, the minimum number of required spaces shall be the sum total of all the individual uses.

Section 27-190. Nonconforming parking; expansion of floor area, other units of measurement.

- (a) When a building or use deficient in off-street parking spaces as defined by these regulations is increased in floor area, number of dwelling units, seating capacity, number of participants or employees, addition of secondary principal or accessory use, or any other unit of measurement used to calculate required parking, one (1) of the following shall apply:
 - (1) Where such increase is fifty (50) percent or less of the original measurement, additional parking spaces shall be provided to meet the requirements of this Article as if the increase were a new and separate use.
 - (2) Where such increase is more than fifty (50) percent of the original measurement, additional parking spaces shall be provided to make all combined existing and proposed uses conform to the requirements of this Article.

Section 27-191. Surface material.

- (a) All parking spaces and lots associated with multi-family residences or businesses, except as provided herein, shall be constructed with a hard surfaced all weather material such as asphalt, concrete, brick, CABC or any other approved materials. Grass and bare earth areas shall not be acceptable. The parking area shall be maintained in a safe, sanitary, and neat condition. All spaces shall be marked clearly to be recognizable to the general public.
- (b) Parking areas serving individual single family dwellings, churches, and seasonal, recreational, or temporary activities shall be exempt from the surface material requirement of this section.

Section 27-192. Cross district parking.

- (a) Pursuant to Section 27-193(a), any parking area(s) and/or driveway(s) utilized in conjunction with any use, whether required or otherwise, which is located wholly or partly within a zoning district which is different than the zoning district in which the principal use is located, may be permitted in accordance with the following:
 - (1) Parking and driveways for residential uses and nonresidential uses permitted in residential zoning districts shall be permitted in residential zoning districts which allow the specific use and in all nonresidential zoning districts.
 - (2) Parking and driveways for nonresidential uses shall be permitted in all nonresidential zoning districts and prohibited in all residential zoning districts, except as provided in subsection (1) above.

Section 27-193. Parking area location criteria.

- (a) All uses, except as provided in subsections (b) and (c) below, shall provide off-street parking on the same parcel of land as the use it is intended to serve. For purposes of this section, common areas within townhouses, condominiums, or planned unit projects shall be construed as meaning "the same parcel of land." Parking permitted within the right-of-way of a public street shall not be considered to fulfill or partially fulfill the minimum parking requirements.
- (b) Remote parking may be allowed for any use which cannot provide parking on the same parcel of land as the principal use, provided such use complies with all of the following requirements:
 - (1) The use does not comply with the current on-site parking requirement.
 - (2) No new construction, expansion, or enlargement of the existing or proposed use is requested which would intensify or create an on-site nonconforming parking situation.
 - (3) The existing on-site parking facility cannot be improved to conform with current requirements.
 - (4) The remote parking facility shall comply with subsection (d) below.
- (c) Churches may be exempt from subsection (b)(2) above, provided that:
 - (1) 50 percent of the required parking spaces shall be located on the same parcel of land as the principal use; and
 - (2) Any remote parking facility shall comply with subsection (d) below.
- (d) Remote parking facilities shall conform to the following standards:
 - (1) No portion of the remote parking facility shall be located more than (400) feet from the associated principal use site.
 - (2) Use of a remote parking facility not under the same ownership shall require a parking encumbrance agreement approved by the Director of Planning and Development, with a copy of the agreement filed with the Department of Planning and Development and with the Beaufort County Register of Deeds Office.
 - (3) The remote parking facility shall not be utilized or occupied by any other use or for any other purpose other than as parking for the associated principal use(s).
 - (4) The remote parking facility shall be located within a district which permits the associated principal use(s) or within a district which allows principal use parking lots.
 - (5) Where the associated principal use(s) is listed as being subject to special use permit approval of the Planning Board and Board of Adjustment, the proposed remote parking facility for the principal use(s) shall be considered an expansion of the principal use(s) and the expansion shall be subject to such approval.
 - (6) If the parcel which contains the remote parking facility is disposed of, or committed to some other use which displaces the parking required by this Article, then the Certificate of Occupancy for the principal use shall be revoked.
 - (7) The remote parking facility shall not be located across a major or minor thoroughfare from the associated principal use.

Section 27-194. Improvement standards.

- (a) All off-street parking areas designed for two (2) or less spaces shall meet the following requirements:
 - (1) Shall be surfaced in accordance with Section 27-191.

- (2) Shall have adequate ingress and egress. All uses, excluding single family detached and two-family attached (duplex), shall be subject to Section 27-194(b) below.
 - (3) All entrances and exits shall conform to the driveway regulations of the City of Washington or the North Carolina Department of Transportation, whichever is more restrictive.
 - (4) Shall be in accordance with Article VII, Bufferyards and Article XV, Special Districts.
 - (5) Driveways, in the absence of a garage or carport, shall be considered as providing off-street parking for single family and two family dwellings. The area to which the driveway approach provides access shall be sufficiently large to store any vehicles using the driveway completely off the right-of-way, on private property. Parking of vehicles shall not be permitted on sidewalks.
 - (6) All off-street parking areas shall be separated from walkways, sidewalks, bikeways, streets or any dedicated right-of-way. To prevent vehicles from driving across these areas, except at an approved driveway approach, and to prevent parking or maneuvering vehicles from overhanging upon such areas, there shall be a six (6) inch raised curb or stop bar constructed between such areas and the parking area.
- (b) All off-street parking areas designed for three (3) or more spaces shall meet the following requirements. These requirements shall not apply to single family dwellings.
- (1) Shall be surfaced in accordance with Section 27-191.
 - (2) Shall conform to the minimum standards found in the City of Washington Manual of Standard Designs, Article VI, Parking.
 - (3) Shall be in accordance with Article VII, Bufferyards and Article XV, Special Districts.
 - (4) Sight distance requirements as established by the Director of Public Works shall be observed.
 - (5) All entrances and exits shall conform to the driveway regulations of the City of Washington or the North Carolina Department of Transportation, whichever is more restrictive.
 - (6) All parking areas will be adequately drained in accordance with the storm drainage regulations set forth by the City of Washington.
 - (7) All parking areas shall be arranged that ingress and egress is by forward motion of the vehicle only.
 - (8) Each off-street parking space for each use shall be within one hundred fifty (150) feet of the use it is intended to serve, except as provided by the "remote parking facility standards" listed under Section 27193(d) above.
 - (9) No parking space shall be closer than fifteen (15) feet to a multifamily dwelling structure.
 - (10) Parking areas shall be designed with careful regard to orderly arrangement and topography, and shall, to the greatest extent possible, be integrated naturally into its physical setting.
 - (11) All uses shall provide off-street parking on the same parcel of land as the use it is intended to serve, except as provided by the "remote parking facility standards" listed under Section 27-193(d) above. Parking may be allowed within parking bays located on private streets.
 - (12) One-third (1/3) of the required spaces may be in parking bays within the easements of private streets, except on the turnaround portion of a cul-de-sac provided that:
 - a. Any bay shall contain no more than ten (10) spaces; and

- b. Each bay shall be separated from any other bay by a distance of at least ten (10) feet; and
 - c. No more than one-fourth (1/4) of the total frontage on any private street shall be devoted to parking bays.
 - d. Parking bays directly adjoining private streets will be permitted on one (1) side of the street at a time only. Such parking areas may be alternated from one (1) side of the street to the other.
- (13) No parking space shall be utilized for dead storage, repair work, or other similar activity.
- (14) All off-street parking areas shall be separated from walkways, sidewalks, bikeways, streets or any dedicated right-of-way. To prevent vehicles from driving across these areas, except at an approved driveway approach, and to prevent parking or maneuvering vehicles from overhanging upon such areas, there shall be a six (6) inch raised curb or stop bar constructed between such areas and the parking area.
- (15) Parking areas so designed to serve ten (10) or more vehicles may designate a maximum of twenty-five (25) percent of the spaces for use by compact cars only. These spaces shall conform to the minimum standards found in the City of Washington Manual of Standard Design and Details. These spaces shall be identified in a manner which will prohibit its occupancy by any larger vehicle.
- (16) Parking areas shall provide internal vegetation in an amount equal to five (5) percent of the impervious surface area and a perimeter planting area. Such vegetation shall be in the form of islands or peninsulas and shall contain minimum vegetation in accordance with Article VII. Each island shall contain a minimum of thirty (30) square feet of soil or other permeable surface, shall not be less than five (5) feet in length, and shall be surrounded by a six (6) inch raised curb or stop bar. Required bufferyards, pursuant to Article VII, Bufferyards, shall not be counted for meeting the five (5) percent requirement for interior landscaped areas.
- (17) Parking aisles shall contain no more than fifteen (15) consecutive parking spaces without the introduction of an additional interior planted area, in order to avoid long, uninterrupted parking aisles. This requirement is not applicable if a single parking aisle abuts a required bufferyard or an interior landscaped area separates the aisle from a primary traffic lane.
- (18) The ends of parking aisles shall be clearly separated and defined by interior planted areas when they abut and are perpendicular to a primary traffic lane. The use of interior planted areas at the end of parking aisles are not required when the aisles abut and are perpendicular to required bufferyards.
- (19) Primary traffic lanes are to be clearly defined and shall not provide direct access from individual parking spaces or parking aisles.
- (20) No access shall be provided from a secondary traffic lane into a primary traffic lane at any point closer to the street right-of-way than twenty (20) feet in addition to the required bufferyard.
- (21) Mechanical equipment, dumpsters, delivery or service entrances, and similar site elements shall be screened with plant material, by fencing, and/or by site location in such a manner that their visual impact from adjacent street right-of-ways is minimal.
- (22) Appropriate directional painting and/or traffic control signage shall be used to encourage reasonable vehicular flow. Stop signs shall be required at all points where traffic lanes exit a parking lot greater than 25,000 square feet in area into a public street, unless controlled by other devices. All internal and external

traffic signs, markings, and devices shall be clearly displayed and conform to North Carolina Department of Transportation standards.

- (23) Primary traffic lanes shall be required as follows:
 - a. One (1) lane for each lot containing one hundred (100) to one hundred ninety-nine (199) parking spaces.
 - b. A minimum of two (2) primary lanes for lots containing in excess of two hundred (200) parking spaces.
 - c. Where the parking lot abuts two (2) or more streets, a minimum of one (1) primary lane shall exit the parking lot into each street.
- (24) When the front footage of any building exceeds two hundred fifty (250) feet, a fire lane shall be provided along this frontage. The fire lane shall not be considered as part of the traffic lane, shall be a minimum of ten (10) feet in width and shall be clearly marked.
- (25) All off-street parking area for buildings that are subject to the North Carolina State Building Code, Volume I, General Construction, shall comply with all of the requirements set forth therein including those for parking spaces for the physically handicapped.
- (26) Driveways. No centerline of any entrance driveway leading from a major thoroughfare shall be closer than twenty-five (25) feet to a side lot line. Driveway center lines on any one (1) lot must be separated by at least fifty (50) feet. The width of any driveway leading from a public street shall not exceed forty (40) feet at its intersection with the curb or street line. The Board of Adjustment may not grant a variance from the width provision.
- (c) Off-street loading areas shall be provided as follows:
 - (1) Every commercial, office, and industrial use, except those located in the B1H district, shall provide space for off-street loading and unloading of delivery, shipment, or transport vehicles.
 - (2) Space designated for compliance with off-street parking requirements shall not be used to comply with these requirements and vice-versa.
 - (3) Off-street loading areas shall be, at minimum, twelve (12) feet by thirty (30) feet with a vertical clearance of sixteen (16) feet above the finished grade of the space.
 - (4) All off-street loading areas shall be arranged and marked to provide for orderly and safe unloading and loading, and shall not hinder the free movement of vehicles and pedestrians. All loading and unloading maneuvers shall take place on private property. All loading areas shall be designed to prevent backing maneuvers from or into the street unless otherwise approved by the Director of Public Works.
 - (5) Design Standards - Minimum Number of Loading Spaces Required
 - a. Retail operations, including restaurant and dining facilities within hotels and office buildings: 1 space for each 5,000 square feet of floor space or major fraction (51 percent or greater) thereof, not to exceed 2 spaces.
 - b. Office buildings and hotels: 1 space per 100,000 square feet of space or major fraction thereof, not to exceed 2 spaces.
 - c. Industrial and Wholesale Operations: 1 space for each 10,000 square feet of floor space or major fraction thereof, not to exceed 4 spaces.

Section 27-195. Schedule of Required Parking Spaces.

Off-street parking spaces shall be provided for all land uses in the following proportions:

USES		SPACES REQUIRED
<u>Residential Uses</u>		
a.	Boarding and rooming houses, bed & breakfasts, fraternities or sororities, dormitories	1 per bedroom plus 1 per employee on largest shift plus residential requirements. No more than 2 spaces may be in front yard.
b.	Congregate care facilities, family care homes, group care facilities	1 per 4 beds plus 1 per employee and visiting specialist plus 1 per vehicle used in operation
c.	Land use intensity (LUI) developments	Per Article XIII
d.	Multifamily Dwellings (including condominiums) 0-1 bedroom units 2 bedroom units 3+ bedroom units	1.50 per unit 1.75 per unit 2.50 per unit
e.	Planned Unit Development (PUD) - residential, social, or recreational and residential accessory	Per Article XII
f.	Planned Unit Development (PUD) - nonresidential	Per this Article in accordance with the specific use
g.	Shelters for the homeless	1 per resident staff member plus 1 per nonresident staff member on largest shift plus 1 per vehicle used in operation
h.	Single family detached, duplexes, two-family dwellings, and manufactured dwellings	2 per dwelling unit, on the same zone lot
i.	Townhouse dwellings	2.6 per dwelling unit, on the same zone lot
<u>Accessory Uses</u>		
a.	Accessory dwelling units	1 additional space, on the same zone lot
b.	Home occupations	Minimum 1 space, maximum 3 spaces in addition to required residential spaces except for barber or beauty shops
c.	Migrant labor housing	1 per 4 workers
<u>Recreational Uses</u>		
a.	Amusement parks, fairgrounds, skating rinks	1 per 200 sq. ft. of activity area
b.	Athletic fields	25 per field
c.	Batting cages, driving ranges, miniature golf, shooting ranges	1 per cage, tee, or firing point
d.	Billiard parlors, tennis courts	3 per table or court
e.	Bowling centers	4 per lane
f.	Day care, child or adult	1 per employee plus 1 per 10 attendees, on the same zone lot

g.	Elementary and middle schools, kindergartens	3 per room used for offices plus 3 per classroom
h.	Government offices, post offices	1 per 150 sq. ft. of public service area plus 1 per employee on largest shift
l.	Hospitals	1 per 4 in-patient or out-patient beds plus 1 per employee on largest shift plus 1 per staff doctor
j.	Libraries, museums, and art galleries	1 per 450 sq. ft. gross floor area for public use plus 1 per employee on largest shift
k.	Nursing and convalescent homes	1 per 4 beds plus 1 per employee plus 1 per vehicle used in operation
l.	Senior high schools	3 per room used for offices plus 7 per classroom

Business, Professional, and Personal Services

a.	Automobile repairs and service	3 per service bay plus 1 per wrecker or service vehicle plus 1 per employee on largest shift
b.	Banks and financial institutions	1 per 200 sq. ft. gross floor area plus stacking for 4 vehicles at each drive-thru window or automated teller machine
c.	Barber and beauty shops	3 per operator plus 1 per other employees
d.	Car washes: 1. Full-service 2. Self-service	Stacking for 30 vehicles or 10 per approach lane, whichever is greater, plus 3 spaces per bay for manual drying plus 1 per employee on largest shift 3 stacking spaces per approach lane plus 2 drying spaces per stall
e.	Delivery services	1 per employee on largest shift plus 1 per vehicle used in operation
f.	Equipment rental and leasing	1 per 200 sq. ft. gross floor area
g.	Funeral homes or crematoria	1 per 4 seats in main chapel plus 1 per employee on largest shift plus 1 per vehicle used in operation
h.	Hotels and motels	1 per rental unit plus 1 space per employee, plus requirements for any other associated use, such as a restaurant or lounge
l.	Kennels or pet grooming	1 per 300 sq. ft. of sales, grooming, or customer waiting area plus 1 per employee on largest shift
j.	Laboratories	1 per employee on largest shift plus 1 per 250 sq. ft. of office space
k.	Laundromats, coin-operated	1 per 4 washing machines and dryers
l.	Laundry and dry cleaning plants or substations	1 per employees on largest shift plus 1 per vehicle used in operation plus stacking for 4 vehicles per pickup door or window

m.	Medical, dental, or related offices	3 per examining room plus 1 per employee including doctors
n.	Motion picture productions	1 per 1000 sq. ft. gross floor area
o.	Office uses not otherwise classified	1 per 250 sq. ft. gross floor area
p.	Recreational vehicle parks or campsites	Refer to development standards recreational vehicle parks
q.	Repair of bulky items (appliances, furniture, boats, etc.)	1 per employee on largest shift plus 1 per vehicle used in operation
r.	Theaters (indoor)	1 per 4 seats
s.	Truck washes	3 stacking spaces per stall
t.	Veterinary services (other)	4 per doctor plus 1 per employee
u.	Vocational, business, or secretarial schools	1 per 100 feet of classroom space plus 1 per 250 sq. ft. of office space
v.	Services and repairs (not otherwise classified)	1 per 250 sq. ft. gross floor area plus 1 per vehicle used in operation
w.	Drive-thrus (not otherwise classified)	Stacking for 4 vehicles at each bay, window, lane, ordering station, or machine in addition to use requirement

Retail Trade

a.	Bars, dance halls	1 per 3 persons in designed capacity of building plus 1 per employee on largest shift, on the same zone lot
b.	Convenience stores	1 per 200 sq. ft. gross floor area plus 4 stacking spaces per side of each pump island
c.	Department stores, food stores	1 per 200 sq. ft. gross floor area
d.	Fuel oil sales	1 per employee on largest shift plus 1 per vehicle used in operation
e.	Furniture, floor covering sales	1 per 500 sq. ft. gross floor area
f.	Motor vehicle, motorcycle, or recreational vehicle sales or rental; manufactured homes sales	5 spaces plus 1 per 10,000 sq. ft. of display area plus 1 per employee on largest shift
g.	Restaurants with drive-thru service Restaurants without drive-thru service	1 per 4 seats plus 1 per employees on largest shift plus 11 total stacking spaces with minimum 5 spaces at or before ordering station 1 per every 3 seats plus 1 for every 2 employees on largest shift
h.	Retail sales (not otherwise classified)	1 per 200 sq. ft. gross floor area
i.	Retail sales of bulky items (appliances, building materials, etc.)	1 per 200 sq. ft. gross floor area
j.	Service stations, gasoline	3 per service bay plus 1 per wrecker or service vehicle plus 1 per employee on largest shift plus 4 stacking spaces per side of each pump island

k.	Shopping centers	1 per 200 sq. ft. of nonstorage retail area
<u>Wholesale Trade</u>		
a.	Market showrooms (furniture, apparel, etc.)	1 per 2000 sq. ft. gross floor area
b.	Wholesale uses	1 per employee on largest shift plus 1 per 200 sq. ft. of retail sales or customer service area plus 1 per vehicle used in operation
<u>Transportation, Warehousing, and Utilities</u>		
a.	Airport, bus and train terminals	1 per 4 seats for waiting passengers plus 1 per employee on largest shift
b.	Communication towers, demolition debris landfills, heliports, utility lines or substations	No required parking
c.	Self-storage warehouses	1 space per 4 storage units
d.	Transportation, warehousing, and utility uses (not otherwise classified)	1 per employee on largest shift plus 1 per vehicle used in operation
<u>Manufacturing and Industrial Uses</u>		1 per employee on largest shift plus 1 per 200 sq. ft. of retail sales or customer service area plus 1 per vehicle used in operation

(Ord. No. 98-8, 5-11-98)

Section 27-196. Unlisted Uses.

- (a) Where a particular use or class of use is not listed under Section 27-195, the Department of Planning and Development shall determine the minimum number of spaces to be required in each individual case. In reaching such determination, the Department of Planning and Development shall be guided by the requirements for similar uses, the number and type of vehicles and/or persons likely to be attracted to the proposed use and studies of the parking requirements in other jurisdictions.
- (b) Appeal from such decisions shall be made to the Board of Adjustment.

ARTICLE XVIII. SITE PLAN REVIEW

Section 27-197. Purpose.

- (a) The purpose of site plan review is to:
 - (1) Provide site-specific information on a particular site's capacity to support a proposed development.
 - (2) Insure compliance with the standards and requirements of the City of Washington as they relate to individual cases.
 - (3) Provide a coordinated and timely review procedure by which to insure comprehensive and equitable enforcement of the minimum standards of the City of Washington.
 - (4) Promote and preserve the health, safety, and general welfare of the people.

Section 27-198. Applicability.

- (a) Plot Plan Required. No building permit for a single-family or two-family dwelling and accessory buildings on a single lot shall be issued until a Plot Plan, in accordance with the standards of the Department of Planning and Development, has been approved.
- (b) Site Plan Required. No other building permit shall be issued on a lot until a Site Plan, in accordance with the standards of Section 27-199, has been approved for the development. No new or amended site plan shall be required if an adequate Site Plan is already on file, no increase in or rearrangement of parking is proposed or required, and no increase in impervious surface is proposed or required.

Section 27-199. Procedures; required review, contents.

- (a) Required review. No person shall construct or engage in the construction of any development listed in Section 27-198 or make any additions or alterations to any development listed in Section 27-198 until such construction, addition, or alteration has been approved and a building permit issued, subject to the following process:
 - (1) A site plan, following the requirements of subsection (b) below, is submitted to the Department of Planning and Development.
 - (2) A Technical Review Committee (TRC), made up of department heads or their designees from the Department of Planning and Development, the Electric Department, the Public Works Department, the Police Department, and the Fire and Rescue Department, reviews the plan. Other City of Washington departments may also be represented on the TRC, including the Parks and Recreation Department. Other governmental agencies, including the North Carolina Department of Transportation, the North Carolina Department of Environment, Health, and Natural Resources, Division of Coastal Management, and the United States Army Corps of Engineers, may be represented on the TRC from time to time. The Director of Planning and Development, or his designee, shall coordinate and preside over the TRC. The TRC may take any of the following actions:
 - a. Approve the plan as submitted.
 - b. Require that the plan be resubmitted for evaluation where revision of the plan is necessary to meet with applicable City of Washington ordinances, policies, and standards.
 - c. Disapprove the plan if it cannot be approved with reasonable conditions of compliance. The reasons for such disapproval shall be set forth by the TRC. Disapproval by the TRC may be appealed to the City Manager and ultimately to the City Council, unless otherwise required to be first submitted to the Planning Board for their recommendation.
 - (3) The plan is submitted to the Planning Board for approval. Unless otherwise specified in this chapter, the following development plans may be approved by the TRC without going before the City Council or Planning Board:
 - a. Final planned unit development (PUD) plans.
 - b. Development plans for development in all business districts, all industrial districts, all residential districts, and all office and institutional districts, except the following:
 - 1. Recreation vehicle parks or campsites
 - 2. Mobile home parks

3. Shopping centers
 4. Industrial parks
 5. Group housing developments
- (4) If required, the Planning Board shall forward a copy of the plan with its recommendations to the City Council for their review and approval.
 - (5) If the plan is approved by the TRC, or by the City Council, if required, the building inspector shall issue a permit for the construction, additions, or alterations as shown on the approved plan.
 - (6) The Department of Planning and Development shall make an examination of the construction at any reasonable time to determine whether the work is being done in accordance with the approved plan and the specifications and requirements of this article. The owner and/or developer of the development shall make available any records, test data, or other information essential to such determination.
 - (7) Where any land in the development is to be dedicated for public use, the City of Washington subdivision regulations shall be followed.
- (b) Site plan requirements. Site plans submitted for approval must be drawn to a scale of not less than one (1) inch equals one hundred (100) feet by a registered engineer, land surveyor, or and shall show the following information on one (1) or more sheets:
- (1) A title, date, north arrow, engineer's scale, graphic scale, and the names and addresses of the developer and the person or firm preparing the plan;
 - (2) Name of the development;
 - (3) A vicinity sketch with a scale no less than one (1) inch equals one thousand (1000) feet showing the site and its relationship to the surrounding area and the nearest intersection of two (2) public streets;
 - (4) Location, arrangement, and dimensions of automobile parking spaces and truck loading/unloading spaces and docks, including width of aisles and bays, proposed angle of parking, number of spaces, handicapped spaces, circulation patterns, and required buffers;
 - (5) That the plan conforms with applicable development standards, including United States mail delivery and pickup stations;
 - (6) Show existing and finished contours at intervals of two (2) feet (in parking or paved areas the finished grade elevation may be shown instead of contours);
 - (7) Proposed street lighting for private drives and parking areas;
 - (8) Location of recreational facilities and open space;
 - (9) Names and locations of all proposed public or private drives, dedicated streets, and vehicular entrances and exits showing width, rights-of-way, street names, sight distance triangles at intersections, curb and gutter alignments, and location and dimensions of sidewalks, alleys, and pedestrian ways where required (curb, gutter, and storm drainage shall be installed per City of Washington specifications) with all width dimensions and improvements shown;
 - (10) Provide site data regarding total acres, gross floor area of each building and/or addition (existing and proposed), proposed use of buildings, and parking tables showing both the required number of parking spaces for each use and the total number of parking spaces provided in the development plan.
 - (11) Indicate type of screening to be provided;
 - (12) If planting, landscaping, and/or buffering is required, show locations, sizes, common names, and number of existing and proposed plants and trees and provide a schedule for planting;
 - (13) Show locations and dimensions of property lines, zoning setback lines (front, side, rear), public utility easements, and all buildings (existing and proposed);

- (14) Location of adjoining properties and buildings, with names and addresses of owners of record, and current zoning classifications;
 - (15) Location of water taps, sewer taps, septic tank locations, septic tank drain fields, and fire hydrants, showing size of lines and meters;
 - (16) Location and dimensions of proposed and existing water lines, sanitary sewer lines, and storm sewer lines;
 - (17) Location of electrical service connections, meters, and poles;
 - (18) Location and dimensions of bridges, culverts, railroads, and watercourses, including ditches;
 - (19) Drainage plans including locations and dimensions of pipes, yard drains, catch basins, and curb inlets;
 - (20) Location and dimension of gas lines;
 - (21) Locations and dimensions of any required refuse collection container spaces;
 - (22) Locations, dimensions, and materials of walls and fences;
 - (23) Where public water or public sewer is not available, a written statement from the Beaufort County Health Department shall be submitted indicating that the development has adequate land area and suitable topography to accommodate the proposed methods of water supply and sewage disposal.
- (c) Site plans for mobile home parks must meet the additional requirements of Article VIII, Mobile Home Parks, as well as the requirements of subsection (b) above.
 - (d) Site plans for group housing projects must meet the additional requirements of Article XI, Multi-Family Development, as well as the requirements of subsection (b) above.
 - (e) Site plans for Planned Unit Developments (PUD) must meet the additional requirements of Article XII, Planned Unit Development, as well as the requirements of subsection (b) above.
 - (f) Additional approvals, permits. The following additional approvals and/or permits shall be required, where applicable:
 - (1) Construction permit approval for all water, sewer, drainage, and street facilities shall be obtained from the City of Washington. These facilities may also require approval by the North Carolina Department of Transportation.
 - (2) Sewer line permit approval for new sewer line construction shall be obtained from the North Carolina Department of Environment, Health, and Natural Resources, Division of Environmental Management.
 - (3) Water line permit approval for new water line construction shall be obtained from the North Carolina Department of Environment, Health, and Natural Resources, Division of Health Services.
 - (4) Driveway permit approval for construction of driveways shall be obtained from the Director of Public Works. If a state-maintained street is involved, the North Carolina Department of Transportation approval is also required.
 - (5) Encroachment agreement shall be obtained from the North Carolina Department of Transportation for all encroachments into the right-of-ways of a state maintained road.
 - (6) Pretreatment sewer facilities shall require permit approval by the North Carolina Department of Environment, Health, and Natural Resources, Division of Environmental Management.
 - (7) Erosion control permit approval shall be obtained from the North Carolina Department of Environment, Health, and Natural Resources, Division of Land Quality, for all land-disturbing activities consisting of one (1) acre or more.
 - (8) Permit approval for construction in coastal areas, pursuant to the Coastal Area Management Act (CAMA) must be obtained from the North Carolina

Department of Environment, Health, and Natural Resources, Division of Coastal Management.

- (9) Permit approval for construction in wetlands areas must be obtained from the United States Army Corps of Engineers.

All developments shall comply with all applicable County, State, and Federal permits. Where one of the preceding permits is required, or other general occupancy permit is necessary prior to the issuance of a building permit, the site plan approval shall be held pending receipt of such permit(s).

Section 27-200. Issuance of permits; enforcement.

- (a) No permits for any use or improvements shall be issued and no construction activities shall be allowed for any development subject to this chapter until a site plan has been approved as provided herein.
- (b) The Department of Planning and Development shall issue a building permit for development upon determining that the application for such permit complies with the approved site plan.

Section 27-201. Appeals.

Appeals from any regulation of this chapter shall be made to the Board of Adjustment in accordance with Article XIX.

Section 27-202. Compliance with subdivision standards.

All development regulated in accordance with this article shall be subject to the requirements, conditions, and restrictions of the subdivision ordinance, if applicable.

ARTICLE XIX. BOARD OF ADJUSTMENT

Section 27-203. Establishment, membership, appointment, and term.

There shall be and hereby is created a Board of Adjustment, hereinafter called the Board, consisting of five (5) members and two (2) alternates. Two (2) members of the Board and one (1) alternate shall be appointed by the Board of County Commissioners. The members of this Board serving on the effective date of the ordinance from which this article derives and under a zoning ordinance effective prior hereto shall be considered as the members to be appointed and each of these members shall serve the balance of the term to which they were appointed. At the next completion of the initial terms, the alternate appointed by the Board of County Commissioners and one (1) regular member appointed by the City Council shall serve two-year terms. Thereafter, all additional appointments to vacancies on the Board shall be for three-year terms.

Section 27-204. Vacancies and compensation.

Vacancies occurring for other than expiration of term shall be filled as they occur for the remainder of the unexpired term and such vacancy shall be filled by the body making the original appointment. Members shall serve without pay but may be reimbursed for any expenses incurred while representing the Board.

Section 27-205. Attendance.

Any member who has three (3) or more absences in a twelve (12) month period may be replaced at the discretion of the City Council.

Section 27-206. Rights, privileges, and duties of extraterritorial and alternate members.

The two (2) regular members and one (1) alternate members of the Board appointed by the Board of County Commissioners as representatives of the extraterritorial area outside of and contiguous to the City limits of the City of Washington as defined in Section 27-4 of this ordinance shall be residents of such area and residents of Beaufort County. All members of the Board, whether appointed by the City Council or by the Board of County Commissioners, shall have equal rights, privileges, and duties with all other members of the Board in all matters, regardless of whether the matters at issue arise within the City or within the extraterritorial area. Each alternate member, while attending any regular or special meeting of the Board and serving in the absence of any regular member, shall have and may exercise all of the rights, privileges, and duties of a regular member for whom he is substituting.

Section 27-207. Organization.

- (a) The Board shall adopt rules governing its organization and for all proceedings before it.
- (b) At the first meeting after the membership of the Board has been changed through the expiration of one or more terms, the Board shall elect a chairman and a vice-chairman from within its membership. The chairman, or the vice-chairman, in the absence of the chairman, shall preside at all meetings of the Board. The chairman of the Board or the vice-chairman is authorized in his official capacity to administer oaths to witnesses in any matter coming before the Board.
- (c) The Board shall appoint a secretary and such other officers as may be authorized by the City Council. Said secretary may be an employee of the City of Washington upon approval of the City Manager of the City of Washington.
- (d) The Director of Planning and Development, or his designee, shall serve as staff advisor to the Board.

Section 27-208. Minutes, written orders.

- (a) The Board shall keep minutes of its proceedings in a book maintained for the purpose of showing the vote of each member upon each question, and, if absent or failing to vote, an indication of such fact. Final disposition of all case shall be by written order with the findings of fact stated, and the reasons thereof, all of which shall be a matter of public record.
- (b) Unless otherwise specified, any order or decision of the Board shall expire and become void if a building permit or certificate for such use is not obtained within two (2) years from the date of said order or decision.

Section 27-209. Quorum.

No final action shall be taken unless a quorum be present. The quorum shall consist of four-fifths of the membership of the Board. To secure a quorum, an alternate member may be used in the absence of a regular member.

Section 27-210. Conduct of meetings.

- (a) All evidence and testimony shall be presented publicly, and the Board may consider all relevant facts within the personal knowledge of any member of the Board, but such facts should be stated publicly in the hearing.
- (b) All meetings of the Board shall be held at a regular time and place, and at such other times and places as the Board may determine. All meetings of the Board shall be open to the public. Due notice shall be given to all parties in interest and public hearings shall be advertised when required under the provisions of this ordinance. The staff advisor to the Board shall begin each request by offering staff comments regarding the request and answering any questions regarding the request or the procedure. After staff comments, persons speaking on behalf of the request and persons speaking against the request shall have the opportunity to speak and answer the questions of the Board and the staff.

Section 27-211. Appeals to the Board.

- (a) An appeal to the Board may be taken by any person aggrieved or by any officer, department, or board of the City from any order, requirement, decision, or determination made by the Department of Planning and Development which is based in whole or in part upon the provisions of this ordinance; or from any other decision for which the Board is authorized by law to hear appeals.
- (b) Such appeals shall be taken within a reasonable time as provided by the rules of the Board by filing with the Department of Planning and Development and with the Board a notice of appeal and specifying the grounds thereof. The Department of Planning and Development shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- (c) The Board shall refuse to consider an appeal or application previously denied, if it finds that there has been no substantial changes in conditions or circumstances bearing on the appeal or application.

Section 27-212. Stay of proceedings.

An appeal stays all proceedings in furtherance of the action appealed from unless the Department of Planning and Development certifies to the Board after the notice of the appeal shall have been filed with him, that by reason of the facts stated in the certificate a stay would, in his opinion, cause immediate peril to life or property or that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of this ordinance. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of record on application, on notice to the Department of Planning and Development from whom the appeal is taken and on due cause shown.

Section 27-213. Powers and duties of Board.

The Board of Adjustment shall have the following powers and duties:

- (a) Administrative review. Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Department of Planning and Development in the enforcement of this chapter.
- (b) Special use permits. To grant in particular cases and subject to appropriate conditions and safeguards permits for special uses as authorized by the Table of Permitted and Special Uses. The Board shall not grant a special use permit unless and until:

- (1) A written application for a special use permit is submitted indicating the section of this chapter under which the special use permit is sought.
- (2) The application referred to and a recommendation is received from the Planning Board.
- (3) A public hearing is held, with notice given pursuant to Section 27-216. A person may appear in person or by agent or attorney.
- (4) The Board finds that the circumstances of the particular application and the use for which the special use permit is sought will meet the criteria for special uses set out in Article V, Standards and Criteria for Special Uses, especially with respect to the effect of the request on the public health, safety and welfare, and the value of property.
- (5) The Board may place any restrictions and requirements it deems necessary on any special use permit granted.

If at any time after a special use permit has been issued for any special use, the Board finds that the conditions imposed and agreements made have not been or are not being fulfilled by the holder of a special use permit, the permit shall immediately be terminated and the operation of such a use discontinued. If a special use permit is terminated for any reason, it may be reinstated only after the steps listed above in subsections (b)(1) through (b)(5) of this section above have been met.

- (c) Variances. To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where owing to special conditions a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance from the terms of this chapter shall not be granted by the Board unless and until:
 - (1) A written application for a variance is submitted demonstrating:
 - a. that if the property owner complies with the provisions of this chapter he can secure no reasonable return from or make no reasonable use of his property;
 - b. that the hardship is not the result of the applicant's own actions; and
 - c. that the variance, if granted, will be in harmony with the general purpose and intent of this chapter and will preserve its spirit.
 - (2) A public hearing is held, with notice given pursuant to Section 27-216. A person may appear in person or by agent or attorney.
 - (3) The Board makes a finding that the requirements of subsection (c)(1) of this section have been met by the applicant for a variance.
 - (4) The Board shall further make findings that the variance to be granted is the minimum variance and that the granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
 - (5) In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this chapter. Violations of such conditions and safeguards when made a part of the terms under which the variance is granted shall be deemed a violation of this chapter, punishable according to the provisions of Article XXI.
 - (6) Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this chapter in the district involved or any use expressly or by implication prohibited by the terms of this chapter in such district.

Section 27-214. Decisions.

In exercising the powers listed in Section 27-213, the Board of Adjustment may, so long as such action is in conformity with the rest of this chapter, reverse or affirm wholly or partly or may modify the order, requirement, division, or determination as ought to be made, and to that end shall have powers of the administrative official from whom the appeal is taken.

Section 27-215. Voting.

- (a) The concurring vote of four-fifths of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official charged with the enforcement of this ordinance, or to decide in favor of the applicant any matter upon which it is required to pass, such as the issuance of special use permits, or to grant a variance from the provisions of this ordinance.
- (b) The chairman, or the vice-chairman in his absence, shall vote in all matters coming before the Board.
- (c) No member shall be excused from voting except upon matters involving the consideration of his own personal or financial interests which preclude impartial consideration of the issue in question. In all other cases, a failure to vote by a member who is physically present or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.

Section 27-216. Notice of hearing before the Board of Adjustment.

Before conducting a public hearing to consider an appeal or the issuance or granting of a special use permit or a variance, notice of the public hearing shall be given at least five (5) days before the hearing in a newspaper having general circulation in the area. The said notice shall be published not less than five (5) days or more than eighteen (18) days before such public hearing.

Section 27-217. Appeals from decision of Board.

Any person or persons jointly or severally aggrieved by any decision of the Board, or any citizen or any officer, department, or board of the City of Washington, within thirty (30) days after the filing of the decision rendered by the Board of Adjustment in the Department of Planning and Development, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or the Chairman of the Board at the time of its hearing of the case, whichever is later, may present to Superior Court a petition for a writ of certiorari, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality, whereupon such decision of the Board shall be subject to review as provided by law.

ARTICLE XX. AMENDMENTS

Section 27-218. Who may petition for amendment.

A petition for an amendment to either the Zoning Ordinance of the City of Washington or the Official Zoning Map of the City of Washington may be initiated by the City Council, the Planning Board, any department of the City of Washington, or the owner or authorized agent of the owner of any property within the zoning jurisdiction of the City of Washington that

desires an amendment to either the Zoning Ordinance or Official Zoning Map which would affect property in which he has a vested property right recognized under existing law.

Section 27-219. Fee.

A fee shall be paid to the City of Washington for each proposed amendment, supplement, change, modification, or repeal to this chapter or the Official Zoning Map. Such fee shall be set as follows and shall be used to partially defray the public expense in keeping records relating to the petition, advertising a public hearing on the proposal, and performing other services in processing the petition:

(1) Request for Certificate of Appropriateness, Minor Works	No Fee
(2) Request for Certificate of Appropriateness, HPC action required	No Fee
(3) Appeal from Administrative Decision	\$100.00
(4) Amendment to the Zoning Ordinance	\$125.00
(5) Request for Rezoning	\$125.00
(6) Request for a Special Use Permit	\$125.00
(7) Request for a Variance	\$150.00

Section 27-220. Procedure.

- (a) Submittal of petition. All petitions for a change to the Official Zoning Map shall be on forms provided by the Department of Planning and Development and shall include a legal description and acreage of the property sought to be rezoned, the names or addresses of all property owners within one hundred (100) feet of the property, and such other and further information as may be required by the City of Washington to process the petition. Such petition must be received by the Department of Planning and Development no later than the 15th day of the month prior to the month the applicant wishes to have the request heard by the Planning Board.
All petitions for a change to the text of this chapter shall be submitted on forms provided by the Department of Planning and Development, and shall include any further information that may be required to process the petition.
- (b) Submittal to Planning Board for recommendation.
Every proposed amendment, supplement, change, modification, or repeal to this chapter or the Official Zoning Map shall be referred to the Planning Board for its recommendation and report. The Planning Board shall hold a public hearing and hear evidence from parties in interest and citizens regarding the petition. The Planning Board may delay its recommendation for no more than two (2) months if it desires additional time to study the matter and tables or continues a petition for further study. If after two (2) months after initial consideration of the petition, no recommendation has been made by the Planning Board, then the petition shall be presumed to have been approved by the Planning Board.
- (c) Public hearing. No part of this chapter or of the Official Zoning Map shall be amended, supplemented, changed, modified, or repealed until a public hearing has been held by the City Council, at which time parties in interest and citizens shall have an opportunity to be heard. Such public hearing shall automatically be set and held at a regularly scheduled meeting of the City Council during the month in which the petition to rezone or otherwise amend this ordinance is to be received and considered by the Planning Board. After hearing the evidence, the City Council may vote upon the request immediately following such public hearing or may delay action by continuing the public hearing as it deems necessary. In the event the Planning Board desires additional time

to study the matter and tables or continues a petition for further study, the City Council shall delay its public hearing until after a recommendation and report on the petition have been received from the Planning Board, subject to the provisions of subsection (b) above. The applicant, or his agent, must appear at the public hearing in order to have the request considered. (Ord. No. 97-2; 3-10-97)

- (d) Public notice. Whenever there is a request for an amendment to the Official Zoning Map, the owner of that parcel of land and the owners of all parcels of land adjoining and contiguous to that parcel of land as shown on the Beaufort County tax records shall be mailed a notice of the request, pursuant to N.C.G.S. 160A-384, except as provided otherwise in the North Carolina General Statutes.
- (1) Notice shall be by first class mail to the last addresses listed on the Beaufort County tax abstracts for such owners.
 - (2) The person or persons mailing such notices for zoning map amendments shall certify to the City Council that proper notice has been given. Such certification shall be deemed conclusive in the absence of fraud.
 - (3) Notice in the case of comprehensive rezoning of all property within the City of Washington shall be mailed where required by G.S. 160A-384.
 - (4) Notice of such proposed action shall also be published in a newspaper of general circulation in accordance with N.C.G.S. 160A-364.

Whenever there is a request for an action involving a text amendment to this Ordinance or an appeal of an interpretation of this Ordinance, a notice of such proposed action shall be published in a newspaper of general circulation in accordance with N.C.G.S. 160A-364.

- (e) Protest petitions.

In case of a protest against an amendment, supplement, change, modification, or repeal signed by the owners of twenty (20) percent or more either of the area of the lots included in a proposed change, or of those immediately adjacent thereto either in the rear thereof or on either side thereof extending one hundred (100) feet therefrom, or of those directly opposite thereto extending 100 feet from the street frontage of the opposite lots of the area included in the request, which protest petition is received by the City Clerk at least two (2) normal work days (excluding Saturdays, Sundays, and legal holidays) before the date established for the public hearing on the change, such amendment shall not become effective except by favorable vote of all the members of the City Council. The protest petition must be submitted on a form furnished by the Department of Planning and Development.

Section 27-221. Withdrawal of zoning amendment petition from Planning Board consideration.

- (a) Petition for zoning amendment may be withdrawn not less than ten (10) working days prior to the Planning Board meeting date. A petition that is withdrawn twice within any twelve (12) month period shall not be considered by the Planning Board until the expiration of twelve (12) months from the date of the last withdrawal.
- (b) All requests for withdrawal must be filed in writing with the Department of Planning and Development.
- (c) Reconsideration of withdrawn petitions shall be in accordance with original submission requirements.

Section 27-222. Withdrawal of zoning map or text amendment petition from consideration following Planning Board recommendation.

- (a) A petition for a zoning map or text amendment may be withdrawn from the City Council public hearing provided that such request is made at least seventy-two (72) hours prior to the public hearing date. If the public hearing is continued to a later date, the date of the original scheduled hearing shall control.
- (b) All requests for withdrawal must be filed in writing with the City Manager.
- (c) Petitions withdrawn in accordance with this section shall not be reconsidered by the Planning Board until the expiration of six (6) months following the date of withdrawal.
- (d) Reconsideration of withdrawn petitions shall be in accordance with original submission requirements.
- (e) Original requests referred back to the Planning Board for reconsideration shall not require a filing fee provided all other submission requirements are met.

Section 27-223. Effect of denial of zoning amendment petition on subsequent similar petition.

When the City Council has denied any petition for zoning amendment, a petition for the same amendment affecting the same property, or any portion thereof, shall not be accepted by the Planning Board, unless substantial changes are made to the petition, until the expiration of six (6) months from the date of such previous denial.

Section 27-224. Recordation of amendments.

All ordinances amending this chapter shall be recorded in the Beaufort County Register of Deeds office before such ordinance shall become effective.

Section 27-225. Appeal to decision of City Council.

Appeals from the decisions of City Council shall be made in accordance with applicable law.

ARTICLE XXI. ADMINISTRATION, ENFORCEMENT, PENALTIES

Section 27-226. Interpretation of Chapter.

- (a) It is the intent of this chapter that all questions of interpretation shall be the responsibility of the Director of Planning and Development.

Section 27-227. Duties of City Council.

- (a) It is further the intent of this chapter that the duties of the City Council in connection with this chapter shall be to:
 - (1) consider and act upon proposed amendments to this chapter; and
 - (2) establish a schedule of fees for this chapter.
- (b) The duties of the City Council shall not include hearing and deciding questions of interpretation and enforcement that arise.

Section 27-228. Permits Required.

- (a) No land, building, or structure shall be used, no building, sign, or structure shall be erected, and no existing building, sign, or structure shall be moved, expanded, enlarged, or altered until the Department of Planning and Development has approved such use or construction in accordance with the provisions of this chapter.
- (b) Unless stated otherwise on this ordinance, each application for a building permit shall be accompanied by a survey map drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact sizes and locations on the lot of the buildings and accessory buildings then existing, and the lines within which the proposed building shall be erected or altered, the existing or intended use of each building or part of a building, the number of families or housekeeping units the building is designed to accommodate, and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for enforcement of this ordinance.

Section 27-229. Certificate of Compliance.

- (a) A certificate of compliance issued by the Department of Planning and Development is required in advance of occupancy or use of a building hereafter erected, altered, or moved, and for a change of use of any building or land. It shall be unlawful to occupy any building or structure without a certificate of compliance. A certificate of compliance shall not be issued unless the proposed use of a building or structure conforms to the applicable provisions of these regulations.

Section 27-230. Enforcement and Appeals.

- (a) The Director of Planning and Development, or his designee, shall be responsible for the enforcement of this chapter. It shall be the responsibility of the Director of Planning and Development to provide for the enforcement of this chapter using the procedures established in Section 27-231. If a decision of the Department of Planning and Development is questioned, the aggrieved person may appeal such decision to the Board of Adjustment, and ultimately to a court of competent jurisdiction, in accordance with the procedures of Section 27-231.
- (b) The Director of Planning and Development, or his designee, shall also be authorized to enforce the conditions established by the City Council, Planning Board, Board of Adjustment, Historic Preservation Commission, or Technical Review Committee, as required and appropriate.

Section 27-231. Enforcement Procedure.

- (a) Notice of Violation. When the Director of Planning and Development or his designee finds a violation of this Ordinance, it shall be his duty to give the owner or occupant of the property in violation written notice (by certified or registered mail to his last known address, by personal service of the notice, or by posting the notice conspicuously on the property) of the following:
 - (1) that the land, building, structure, sign, or use is in violation of the Zoning Ordinance of the City of Washington;
 - (2) the nature of the violation(s), and citation of the Section(s) of this Ordinance violated;
 - (3) the measures necessary to remedy the violation; and
 - (4) the time period in which the violation must be corrected.

If applicable, a stop work order may be issued at this time.

- (b) Appeal. Any owner or occupant who has received a Notice of Violation may appeal in writing the decision of the Department of Planning and Development to the Board of Adjustment (unless this Ordinance has specified that another board shall hear the appeal of the violation) within fifteen (15) days following the date of the Notice of Violation. The Board of Adjustment, or other designated board, shall hear the appeal within sixty (60) days, and it may affirm, modify, or revoke the Notice of Violation. In the absence of an appeal, the decision of the Department of Planning and Development shall be final.
- (c) Notice of Decision. The decision of the Board of Adjustment may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.
- (d) Failure to Comply with Notice. If the owner or occupant of a property fails to comply with a Notice of Violation from which no appeal has been taken, or a final decision of the Board of Adjustment following an appeal, the owner or occupant shall be subject to such remedies and penalties as may be provided for by State law or by Section 27-232, Remedies, below.

Section 27-232. Remedies.

Any or all of the following procedures may be used to enforce the provisions of this Ordinance.

- (a) Injunction. Any violation of this Ordinance or of any condition, order, requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by other appropriate proceeding pursuant to State Law.
- (b) Civil Penalties. Any person who violates any provision of this Ordinance shall be subject to the assessment of a civil penalty.
- (c) Denial of Permit or Certificate. The Department of Planning and Development shall withhold or deny any permit, certificate, or other authorization on any land, building, structure, sign, or use in which there is an uncorrected violation of a provision of this Ordinance, or of a condition or qualification of a permit, certificate, or other authorization previously granted.
- (d) Conditional Permit or Temporary Certificate. The Department of Planning and Development may condition the authorization of any permit or certificate upon the correction of the deficiency, payment of civil penalties within a specified time, or the posting of a compliance security approved by the appropriate governmental authority.
- (e) Stop Work Orders. Whenever a building, structure, sign, or part thereof is being constructed, reconstructed, altered or repaired in violation of this Ordinance, the Department of Planning and Development may order the work to be immediately stopped. The stop work order shall be in writing and directed to the owner, occupant, or person doing the work. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Such action shall be in accordance with N.C.G.S. 160A-421 or the N.C. Building Code.
- (f) Revocation of Permits or Certificates. The Department of Planning and Development may revoke and require the return of a permit or certificate by notifying the permit holder in writing, stating the reason for the revocation. Permits or certificates shall be revoked for any substantial departure from the approved application, plans, or specifications; refusal or failure to comply with the requirements of State or local laws; or the false statements or misrepresentations made in securing the permit or certificate. Any permit or certificate mistakenly issued in violation of an applicable State or local law may also be revoked.

- (g) Criminal Penalties. Any violation of this Ordinance shall be a misdemeanor or infraction as provided by N.C.G.S. 14-4.

Section 27-233. Civil Penalties - Assessments and Procedures.

- (a) Responsible Parties. The owner or occupant of any land, building, structure, sign, use of land, or part thereof, any architect, builder, contractor, agent, or other person who participates or maintains any condition that is in violation of this Ordinance may be held responsible for the violation and subject to the civil penalties and remedies provided herein.
- (b) Notice. No civil penalty shall be assessed until the person alleged to be in violation has been notified in accordance with Section 27-231(a). If after receiving a notice of violation under Section 27-231(a), the owner or other violator fails to take corrective action, a civil penalty may be imposed under this Section in the form of a citation. The citation shall be served in the same manner as a Notice of Violation. The citation shall state the nature of the violation, shall state the civil penalty to be imposed upon the violator, and shall direct the violator to pay the civil penalty within fifteen (15) days of the date of the citation.
- (c) Continuing Violation. For each day the violation is not corrected, the violator will be guilty of an additional and separate offense and subject to additional civil penalty.
- (d) Penalties. Any person who violates any provision of this Ordinance shall be subject to assessment of a civil penalty in the amount of \$50.00 per violation, per day. The penalty would begin after the expiration of the notice of violation, or after an appeal from a notice of violation is denied.
- (e) Demand for Payment. The Department of Planning and Development shall make written demand for payment upon the owner or the person in violation and shall set forth in detail a description of the violation for which the civil penalty has been imposed.
- (f) Nonpayment. If payment is not received or equitable settlement reached within thirty (30) days after demand for payment is made, the matter shall be referred to the City Attorney to institute a civil action for recovery of the civil penalty. Moreover, if the civil penalty is not paid within the time prescribed, the Director of Planning and Development may have a criminal summons or warrant issued against the violator. Upon conviction, the violator shall be subject to any criminal penalty the court may impose pursuant to N.C.G.S. 14-4.

Section 27-234. Other Powers and Actions.

- (a) State and Common Law Remedies. In addition to other enforcement provisions contained in this Article, the City Council may exercise any and all enforcement powers granted to it by State or common law.
- (b) Previous Enforcement. Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions.

Section 27-235. Remedies - Cumulative and Continuous.

- (a) Cumulative Violations. All such remedies provided herein shall be cumulative. To the extent that North Carolina law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.
- (b) Repeat Violations. If an owner or occupant repeats the same violation within a five (5) year period from the date of the initial violation, it shall be considered to be a

continuation of the initial violation and shall be subject to additional penalties and remedies.

Section 27-236. Validity.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 27-237. Effective Date.

This ordinance shall be in full force and effect from and after its passage by the City Council of the City of Washington.