



AGENDA | BOARD OF COMMISSIONERS REGULAR MEETING

December 10, 2024 at 4:30 PM

Burgaw Town Center
108 E Wilmington St

1. Call to Order

2. Invocation

3. Pledge of Allegiance

4. Approval of Agenda

5. Approval of Consent Agenda

*Items under Consent are generally of a routine nature. The Board may take action to approve/disapprove all items in a single vote. Any item may be withheld from a general action, to be discussed and voted upon separately at the discretion of the Board.

A. Approval of the November 12, 2024 Regular Meeting Minutes

B. Ordinance 2024-33 Amending the FY 2024-2025 budget to include a Fund Balance Appropriation for the work by Duke Energy

C. Ordinance 2024-34 Amending the FY 2024-2025 budget to include the recognition of insurance proceeds

6. Special Requests/Presentations

A. New Employee Introductions

B. Recognition of Pender High JROTC

7. Departmental Items

A. **Information Technology Department**
Dustin McCullen, IT Manager

B. Public Works Department

Alan Moore, Public Works Director

C. Fire Department

Johnathan Prevatte, Fire Chief

D. Facilities & Grounds Department

Damon Stanley, Facilities & Grounds Director

E. Parks, Recreation & Tourism Department

Cody Suggs, Parks & Recreation Director

I. Adoption of Parks and Recreation Comprehensive Master Plan

F. Planning Department

Ron Meredith, Planning Director

G. Building Inspections Department

Louis Hesse, Building Code Administrator

H. Human Resources Department

Kimberly Rivenbark, Human Resources Director/Deputy Town Clerk

I. Police Department

Jim Hock, Police Chief

8. Public Forum

9. Public Hearings

A. Consideration of a text amendment to update the current Unified Development Ordinance (UDO), the request by planning staff is proposed to amend Chapter 14, Flood Damage Prevention Ordinance

I. Resolution 2024-32 Adopting a statement of consistency regarding text amendments of the Town of Burgaw Unified Development Ordinance requested by staff of the Town of Burgaw to amend Chapter 14, Flood Damage Prevention Ordinance

II. Ordinance 2024-35 A text change amendment to the Town of Burgaw Unified Development Ordinance (UDO) requested by staff of the Town of Burgaw to amend Chapter 14, Flood Damage Prevention Ordinance

B. Consideration for adoption of the updated Flood Insurance Rate Maps (FIRMs) from the National Flood Insurance Program (NFIP)

- I. Resolution 2024-33 Adopting a statement of consistency regarding flood map modification for the Town of Burgaw requested by staff of the Town of Burgaw for adoption of the updated Flood Insurance Rate Maps (FIRMs) from the National Flood Insurance Program (NFIP)
- II. Ordinance 2024-36 A text amendment to adopt the updated Flood Insurance Rate Maps (FIRMs) from the National Flood Insurance Program (NFIP)

10. Items from Assistant Manager

- A. Updates on current projects

11. Items from Manager

- A. Proposed FY 2025-26 Budget Calendar
- B. Updates on current projects

12. Items from Attorney

13. Items from Mayor and Board of Commissioners

- A. Resolution 2024-34 Resolution to adopt the regular meeting schedule of the Burgaw Town Board of Commissioners for year 2025
- B. Appointment of Council of Governments (COG) Representative and Alternate Representative

14. Closed Session

- A. Pursuant to NC GS 143-318.11(a)(3) Attorney/Client Privilege and NC GS 143-318.11(a)(6) Personnel

15. Adjournment

**TOWN OF BURGAW BOARD OF COMMISSIONERS
REGULAR MEETING**

DATE: November 12, 2024
TIME: 4:30 PM
PLACE: Burgaw Town Center
108 E Wilmington St
BOARD MEMBERS PRESENT: Mayor Olivia Dawson
Mayor Pro-tem James Malloy
Commissioner Jan Dawson
Commissioner Bill George
Commissioner Michael Pearsall
Commissioner William Rivenbark
BOARD MEMBERS ABSENT:

1. Call to Order

The meeting was called to order by Mayor Dawson at 4:30 PM.

2. Invocation

The invocation was led by Commissioner Malloy.

3. Pledge of Allegiance

The Pledge of Allegiance was said by all.

4. Approval of Agenda

Commissioner Malloy made a motion to approve the agenda as presented. The motion was seconded by Commissioner George and carried by unanimous vote.

5. Approval of Consent Agenda

*Items under Consent are generally of a routine nature. The Board may take action to approve/disapprove all items in a single vote. Any item may be withheld from a general action, to be discussed and voted upon separately at the discretion of the Board.

Commissioner Pearsall made a motion to approve the consent agenda as presented. The motion was seconded by Commissioner George and carried by unanimous vote.

A. Approval of the September 10, 2024 Regular Meeting Minutes

- B. Approval of the September 10, 2024 Closed Session Minutes
- C. Approval of the October 8, 2024 Regular Meeting Minutes
- D. Approval of the October 8, 2024 Closed Session Minutes
- E. Ordinance 2024-28 Amending the FY 2024-2025 Annual Budget to recognize additional Building Permit revenue and Inspections departmental expenditures.
- F. Ordinance 2024-29 Amending the FY 2024-2025 Annual Budget to reflect changes to the Schedule of Fees

6. Special Requests/Presentations

- A. Employee Introductions

Jim Hock, Police Chief, introduced the newest Patrol Officer, Jacob Valade.

Louis Hesse, Building Code Administrator, introduced Ivey English as a new Building Inspector for the town.

Johnathan Prevatte, Fire Chief, introduced Michael Willingmyre, Joseph Williams, Jr., and Parker Brown as new full-time Firefighters.

- B. Swearing In of Burgaw Firefighters Michael Willingmyre, Joseph Williams Jr., and Parker Brown - Mayor Dawson

Mayor Dawson administered the oath of office to Firefighters Parker Brown, Michael Willingmyre, and Joseph Williams, Jr.

- C. Life Saving Award and Citizens Commendation Award - Johnathan Prevatte, Fire Chief

Chief Prevatte recognized Firefighter/Apparatus Operator Joseph Smith, Jr., former Firefighter Landon Harrell, part-time Firefighter Brent Stophel, and Volunteer Firefighter Hagan Blake for their life-saving efforts during a recent fire call. Chief Prevatte also recognized Donald "Skip" Johnson with Pender EMS & Fire. Timothy Bourque was given a Citizen Commendation Award for his life-saving efforts, as well.

D. Recognition of the Promotion of Sergeant Kennedy, Burgaw Police Department - Jim Hock, Police Chief

Chief Hock recognized Sergeant Ronnie Kennedy with the Burgaw Police Department on his recent promotion.

E. FY 2023-2024 Audit Presentation - Lee Grissom, S. Preston Douglas & Associates

Lee Grissom with S. Preston Douglas & Associates was in attendance virtually and gave an overview of the FY 2023-2024 audit. Finance Officer Wendy Pope and Mr. Grissom commented on a few items regarding the audit. There were no questions or concerns voiced from the board.

F. Burgaw Rotary Club - Fee Waiver Request

Ruth Glaser, President of the Burgaw Rotary Club, requested the usage fee be waived for use of the Community House on December 4, 2024 for a Rotary event to be held between 6:00 PM and 8:00 PM. After brief discussion, Commissioner George made a motion to approve the fee waiver request, but require the payment of the cleaning fee. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

G. Burgaw Area Chamber of Commerce - Street Closure Request for Annual Christmas Parade

Jeana Lindbert, Interim Director of the Burgaw Area Chamber of Commerce, requested street closures for the Annual Christmas Parade to be held on December 14, 2024. She advised the closures are the same as in years past. There being no questions or concerns, Commissioner Rivenbark made a motion to approve the request. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

7. Departmental Items

A. **Information Technology Department**
Dustin McCullen, IT Manager

Dustin McCullen, IT Manager, advised there were approximately thirty (30) service tickets resolved over the past month. He said the website update project is underway,

and is working on replacing some of the laptops in the Police Department.

B. Public Works Department

Alan Moore, Public Works Director

Alan Moore, Public Works Director, advised his department has been working on getting Christmas decorations up around town, along with normal daily activities. Mayor Dawson and Commissioner Dawson said the decorations are looking nice and appreciated Public Works assistance.

There was brief discussion regarding the dead tree that still remains in the parking area at South Wright Street/Williams Street near Burgaw Middle School, due to a storm during the fall. Mr. Gantt advised it is located on private property because the property line extends into the paved area. Planning staff will send a letter to the property owner.

C. Fire Department

Johnathan Prevatte, Fire Chief

Jonathan Prevatte, Fire Chief, advised there were 77 calls for service during the month of October, and 311 training hours for the month. He said there were several fire prevention events over the last month as well. Chief Prevatte said a Junior Volunteer Firefighter has joined the department with the new program, as well as a new volunteer Firefighter. Commissioner Dawson asked what the minimum age is for the Junior Firefighter program. Chief Prevatte advised it was age 16 and explained the program.

D. Facilities & Grounds Department

Damon Stanley, Facilities & Grounds Director

Damon Stanley, Facilities & Grounds Director, said his department has been very busy and is currently working along with Security Plus on the electrical project around Courthouse Square. He said Duke Energy is also involved with assessing areas as well. Mr. Stanley said remediation at the inspections building is underway. Attorney Rivenbark asked if Mr. Stanley was planning to put lights or reflective tape on the electrical boxes at the holly trees along Fremont Street/Courthouse Square. He said they are a trip hazard. There was brief discussion and Commissioner Rivenbark suggested to get a cost of small solar lights for the top of the boxes.

E. Parks, Recreation & Tourism Department

Cody Suggs, Parks & Recreation Director

Cody Suggs, Parks & Recreation Director, advised the NC Blueberry Festival Association will be hosting a Chili Cook-off event on Courthouse Avenue on November 16, 2024. Mr. Suggs said he is busy with the upcoming Christmas events, as well as the Parks & Recreation Master Plan that will be presented to the board in the coming months. He also said the Parks Foundation continues fundraising efforts for the splash pad project. Mr. Suggs also gave a brief update on the West Side Trail Project and

said the design and engineering should be completed by the end of November with permitting complete in April 2025. The project should be completed by October 2025.

F. Planning Department

Ron Meredith, Planning Director

Ron Meredith, Planning Director, advised his department in working on updating the UDO, Tree City USA resubmittal, RCCP grant and training Ms. Sayre, the new Community Development Coordinator. He said the tree given by Mr. Westbrook will be placed soon.

G. Building Inspections Department

Louis Hesse, Building Code Administrator

Louis Hesse, Building Code Administrator, gave an update on the current projects and said all is moving smoothly. He thanked the board for recently approving the Building Inspector position. Commissioner George asked about the status of the Wolfe Building on the corner of Wright Street and Wilmington Street. Mr. Hesse said the owner is planning to demolish the building and rebuild with commercial on the first floor and residential on the second floor.

H. Finance Department

Wendy Pope, Finance Officer

Wendy Pope, Finance Officer, said she is working on routine reporting and advised she will be working on bidding out banking services and audit services beginning in January.

I. Human Resources Department

Kimberly Rivenbark, Human Resources Director/Deputy Town Clerk

Kimberly Rivenbark, Human Resources Director, advised of current employment positions available.

J. Police Department

Jim Hock, Police Chief

Jim Hock, Police Chief, advised the department is working on firearms training. He also said the K9 Kane has been recertified for the year. Chief Hock also said some members of the department will be participating in 'No Shave November'.

8. Public Forum

Prior to Public Forum, Mayor Dawson called for a break between 5:23 PM and 5:36 PM.

Sharon Schoneman, 507 N. Wright Street, was present and commented on the condition of the house next to her residence, at 505 N. Wright Street. She said there are rodents and no one has lived there in 20 plus years. Mr. Hesse said very minimal has been done, but the heirs of the property owner are making slow progress.

9. Public Hearing

A. Consideration of a text amendment to the Unified Development Ordinance requested by Planning Staff to amend Section 8.14, to add Auction Houses (excluding livestock) as a use in the I-1.

Mayor Dawson declared the public hearing open at 5:40 PM.

Mr. Meredith gave an overview of the request as described in Ordinance 2024-30.

There being no questions by the board and no speakers, Mayor Dawson closed the public hearing at 5:43 PM.

- I. Resolution 2024-29 Adopting a statement of consistency regarding text amendments of the Town of Burgaw Unified Development Ordinance requested by staff of the Town of Burgaw to amend Chapter 8 Zoning, Section 8.14. Table of Permitted Uses, to add Auction Houses (excluding livestock) as a by-right use in the I-1 zoning district.

Commissioner Dawson made a motion to approve Resolution 2024-29 as presented. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

- II. Ordinance 2024-30 A text change amendment to the Town of Burgaw Unified Development Ordinance requested by staff of the Town of Burgaw to amend Chapter 8, Section 8.14. Table of Permitted Uses, to add Auction Houses (excluding livestock) as a by-right use in the I-1 zoning district.

Commissioner Malloy made a motion to approve Ordinance 2024-30 as presented. The motion was seconded by Commissioner Rivenbark and carried by unanimous vote.

B. Consideration of a text amendment to the Unified Development Ordinance requested by Planning Staff to amend Section 9.27.3, to

modify tree mitigation requirements and tree removal requirements of public property.

Mayor Dawson declared the public hearing open at 5:44 PM.

Mr. Meredith gave an overview of the request as described in Ordinance 2024-31.

Commissioner Pearsall asked if there was a diameter limit for the tree. Mr. Meredith said the ordinance is not very specific.

Mayor Dawson closed the public hearing at 5:50 PM.

- I. Resolution 2024-30 Adopting a statement of consistency regarding text amendments of the Town of Burgaw Unified Development Ordinance requested by staff of the Town of Burgaw to amend Chapter 9, Sections 9.27.3 to add language related tree mitigation requirements and tree removal requirements of public property.

Commissioner Dawson made a motion to approve Resolution 2024-30 as presented. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

- II. Ordinance 2024-31 A text change amendment to the Town of Burgaw Unified Development Ordinance requested by staff of the Town of Burgaw to amend Chapter 9, Sections 9.27.3 to add language related tree mitigation requirements and tree removal requirements of public property.

Commissioner Pearsall made a motion to approve Ordinance 2024-31 as presented. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

C. Consideration of a text amendment to the Unified Development Ordinance requested by Planning Staff to amend Section 9.27.3, to modify the tree inventory requirements.

Mayor Dawson declared the public hearing open at 5:50 PM.

Mr. Meredith gave an overview of the request as described in Ordinance 2024-32.

There being no questions by the board and no speakers, Mayor Dawson closed the public hearing at 5:54 PM.

- I. Resolution 2024-31 Adopting a statement of consistency regarding text amendments of the Town of Burgaw Unified Development Ordinance requested by staff of the Town of Burgaw to amend Chapter 9, Sections 9.27.3. to add language providing an additional option for the tree inventory.

Commissioner Rivenbark made a motion to approve Resolution 2024-31 as presented. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

- II. Ordinance 2024-32 A text change amendment to the Town of Burgaw Unified Development Ordinance requested by staff of the Town of Burgaw to amend Chapter 9, Sections 9.27.3. to add language providing an additional option for the tree inventory.

Commissioner Malloy made a motion to approve Ordinance 2024-32 as presented. The motion was seconded by Commissioner Rivenbark and carried by unanimous vote.

10. Items from Assistant Manager

A. Project Updates

Chief Hock advised new replacement vehicles have recently been striped and are currently waiting on more vehicles to come in. Chief Hock also advised some staff have been taking the drone training course to fly the drone purchased by the town with the directive grant. He also reminded the board that the Police Department UTV and Fire Department UTV were also purchased with the grant funding. There was discussion and display of the drone by Mr. Gantt.

Commissioner Rivenbark commented on a concern from Halloween regarding the road closure in front of the Methodist Church. He said barricades rather than cones alone would be helpful. There was also brief discussion regarding the child hit and run incident on Halloween night.

11. Items from Manager

A. Burgaw Business Improvement District (BID) Extension

In 2014, the Town of Burgaw Board of Commissioners established a Business Improvement District (BID) / Municipal Service District (MSD) in the Downtown area to be able to offer incentives for the Downtown business and property owners. The approved BID ordinance had a sunset date for 5 years from the adoption. The BID was extended for an additional 5 years in 2019 with it expiring in 2024. Mr. Gantt recommended to remove the 5-year sunset period from the program and change the language to "The Downtown Burgaw Business Improvement District and associated rights and privileges shall remain in effect from July 1, 2014 until abolished by the Board of Commissioners pursuant to G.S. 160A-541." Commissioner Dawson asked if we need to look at the boundaries. Mr. Gantt explained that public hearings would

need to be held to expand the district. There being no further discussion, Commissioner Malloy made a motion to approve the extension as recommended by Mr. Gantt. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

B. Project Updates

Mr. Gantt gave an update on the Storm Water Master Plan and said there will be about 300 out of 800 structures that will be surveyed. He also advised there was a meeting with Duke Energy regarding future electrical plans for Wright Street and Courthouse Avenue. Mr. Gantt shared the presentation from the meeting with the board. The project includes underground utilities along Courthouse Avenue and Wright Street between Wilmington Street and Fremont Street. The proposed price for the project would be approximately \$242k with a time frame of completion by May 2025.

Commissioner Dawson asked about decorative lamp posts along Wright Street. Mr. Gantt said the sidewalk would have to be cut in order to place these type lamp posts along Wright Street because we are not planning to replace the sidewalk in this area right now. He said lamp posts could be added along Courthouse Avenue because that is where the board decided to start with sidewalk replacement. After discussion, Commissioner Dawson made a motion to appropriate \$250k for the underground utilities project. The motion was seconded by Commissioner Pearsall and carried by unanimous vote. Ms. Pope will include a budget appropriation ordinance at the next regular meeting.

12. Items from Attorney

Attorney Rivenbark advised there was no need for a closed session, and stated he understood from Mayor Dawson from the last meeting (Attorney Rivenbark not present) that the board wanted to push the easements for the Highway 117 Sewer Project. Attorney Rivenbark advised there has been a lot of talking progress, but not much document signing completed. He said he would provide the board with an update in approximately two weeks before the December meeting. He will have a list for the December meeting of properties we do not have easements for, so the board can consider moving forward with litigation.

13. Items from Mayor and Board of Commissioners

Commissioner Dawson said downtown parking continues to be an issue and would like to move forward with some sort of solution for parking, such as placing parking along the railroad right-of-way as previously discussed.

Commissioner Malloy asked Mr. Meredith about the rules on having chickens in town. Mr. Meredith said it depends on the zoning district. Attorney Rivenbark stated the rules for residential are no more than five chickens, no roosters and they can not be free

range.

Commissioner Malloy asked if the board could set ground rules for allowing the public to speak during work sessions.

Mayor Dawson said she appreciates the board's support in moving forward with the Duke Energy proposal for underground utilities. She also stated she would like staff to work more efficiently on the process for press releases and public information. Mayor Dawson also reminded the board that the next work session is scheduled for January 29, 2025. She said the work sessions are for going more in depth for the planning needs and project discussions of the town. Commissioner Malloy asked if the board can get ground rules for the work sessions on allowing the public to speak. He understands the public is invited and welcome to attend, but the work sessions are for conversations between the board. The board agrees this time is for discussion among the board only and to limit the public to speak at regular meetings only. Mayor Dawson said we will set this rule from this point forward at the work sessions.

14. Adjournment

Commissioner Rivenbark made a motion to adjourn the meeting at 6:48 PM. The motion was seconded by Commissioner Malloy and carried by unanimous vote.



**Town of Burgaw
ITEM REPORT**

Item: 5B

DATE OF MEETING: December 10, 2024 DEPARTMENT OF ORIGIN: Finance	DATE SUBMITTED: 12/02/2024 SUBMITTED BY: Wendy Pope, Finance Director
AGENDA ITEM DESCRIPTION: Ordinance 2024-33 Amending the FY 2024-2025 budget to include a Fund Balance Appropriation for the work by Duke Energy	
SUMMARY STATEMENT: Duke Energy and Pike Engineering have created a plan to reduce/eliminate the sightly power lines and poles along Wright St. and Courthouse Ave. The plan presented to the Town was accepted at the November Board of Commissioners' meeting.	
STAFF RECOMMENDATION AND REQUESTED ACTION: Approval of Fund Balance Appropriation to fund the project	
FINANCIAL IMPACT INCLUDING FUNDING SOURCE:	
FINANCE DIRECTOR COMMENTS:	
ATTACHMENTS (IF ANY): BOA Duke Energy Wright St & Courthouse Ave - FBA	

ORDINANCE 2024-33

AMENDING FISCAL YEAR 2024-2025 ANNUAL BUDGET Increasing Revenues and Expenditures

WHEREAS, the Town of Burgaw Board of Commissioners passed an ordinance adopting a budget for FY 2024-2025 on June 26, 2024; and

WHEREAS, the Town of Burgaw Board of Commissioners obligated fund balance for the funding of electric work on Wright St. and Courthouse Ave. as discussed on November 12, 2024, in the Board of Commissioners meeting; and

WHEREAS, a general fund fund balance appropriation is needed to authorize these expenses in FY 24-25.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT:

The FY 2024-2025 budget will be altered to reflect the following changes:

INCREASE BUDGETED REVENUE

<u>Account Number</u>	<u>Account Description</u>	<u>Amount</u>
10-3900-00-900	Fund Balance Appropriation	\$ 250,000

INCREASE BUDGETED EXPENDITURE

<u>Account Number</u>	<u>Account Description</u>	<u>Amount</u>
10-5700-20-450	Streets Contract Services	\$ 250,000

Adopted this the 10th day of December, 2024.

Attest: _____
Kristin J. Wells, Town Clerk

Signed: _____
G. Olivia Dawson, Mayor



**Town of Burgaw
ITEM REPORT**

Item: 5C

DATE OF MEETING: December 10, 2024 DEPARTMENT OF ORIGIN: Finance	DATE SUBMITTED: 12/02/2024 SUBMITTED BY: Wendy Pope, Finance Director
AGENDA ITEM DESCRIPTION: Ordinance 2024-34 Amending the FY 2024-2025 budget to include the recognition of insurance proceeds	
SUMMARY STATEMENT: The Town has received reimbursement from our Insurance carrier for repairs to BPD vehicles. The reimbursement will be recognized as revenue to offset the expense in the Police department.	
STAFF RECOMMENDATION AND REQUESTED ACTION: Approval of request to recognize the insurance proceeds into revenue and the associated M&R vehicle expenditure accounts.	
FINANCIAL IMPACT INCLUDING FUNDING SOURCE:	
FINANCE DIRECTOR COMMENTS:	
ATTACHMENTS (IF ANY): BOA insurance proceeds - BPD vehicles	

ORDINANCE 2024-34

AMENDING FISCAL YEAR 2024-2025 ANNUAL BUDGET Increasing Revenues and Expenditures

WHEREAS, the Town of Burgaw Board of Commissioners passed an ordinance adopting a budget for FY 2024-2025 on June 26, 2024; and

WHEREAS, there have been two accidents involving police vehicles colliding with deer and one incident where a truck backed into a parked police vehicle; and

WHEREAS, due to the accidents, the vehicles have been or are being repaired by Caliber Collision; and

WHEREAS, the Town has received \$15,213.05 from NCLM Property and Liability insurance to reimburse the Town for our cost of repairs; and

WHEREAS, the Town of Burgaw would like to recognize \$15,213.05 of insurance proceeds, therefore additional revenue and expenditure must be recognized.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT:

The FY 2024-2025 budget will be altered to reflect the following changes:

INCREASE BUDGETED REVENUE

<u>Account Number</u>	<u>Account Description</u>	<u>Amount</u>
10-3730-00-800	Insurance Proceeds	\$ 15,213.05

INCREASE BUDGETED EXPENDITURE

<u>Account Number</u>	<u>Account Description</u>	<u>Amount</u>
10-5100-10-170	Police M&R Vehicles	\$ 15,213.05

Adopted this the 10th day of December 2024.

Attest: _____
Kristin J. Wells, Town Clerk

Signed: _____
G. Olivia Dawson, Mayor



**Town of Burgaw
ITEM REPORT**

Item: 7EI

DATE OF MEETING: December 10, 2024 DEPARTMENT OF ORIGIN: Parks, Recreation, & Tourism	DATE SUBMITTED: 11/25/2024 SUBMITTED BY: Cody Suggs, Parks & Recreation Director
AGENDA ITEM DESCRIPTION: Adoption of Parks and Recreation Comprehensive Master Plan	
SUMMARY STATEMENT: The Parks, Recreation, and Tourism Department, in conjunction with the Parks and Recreation Advisory Board and the Parks Foundation of Burgaw, has recently completed the 10-year update to the Parks and Recreation Master Plan. Parks and Recreation staff is requesting feedback and adoption of the plan.	
STAFF RECOMMENDATION AND REQUESTED ACTION: Adoption of Parks and Recreation Master Plan	
FINANCIAL IMPACT INCLUDING FUNDING SOURCE:	
FINANCE DIRECTOR COMMENTS:	
ATTACHMENTS (IF ANY): 2024 Parks and Recreation Master Plan Draft	

2024-2034

TOWN OF BURGAW PARKS & RECREATION

COMPREHENSIVE MASTER PLAN



TABLE OF CONTENTS

Preface	2
Acknowledgments	3
Section I: Executive Summary.....	4
❖ Why are we planning for parks and recreation in Burgaw?	4
❖ How was this plan developed?	4
❖ What does Burgaw already have?	4
❖ What do we want parks and recreation to be like in Burgaw?	5
❖ Where do we go from here?	5
Section II: Background and History	8
❖ General Location of Burgaw	8
❖ History	8
❖ Municipal Government	8
❖ Population	9
Section III: Introduction	10
❖ General Public Interest Purpose	10
❖ Relationship with other plans	10
❖ 2016 Town of Burgaw Parks & Recreation Master Plan	10
❖ Phase II West Side of Osgood Canal Greenway & Urban Trail Development Plan	11
❖ Town of Burgaw Resilience Strategy	11
❖ Burgaw 2030 Comprehensive Land Use Plan	11
❖ 2015 Town of Burgaw Bicycle and Pedestrian Plan	12
❖ Park Functions	12
❖ Healthy Lives	12
❖ Community Cohesion and Safety	13
❖ Economic Growth	13
❖ Increased Environmental Quality	13
❖ Purpose and Scope of Plan	14
❖ Planning Process	14
Section IV: Existing Conditions	15

TOWN OF BURGAW PARKS & RECREATION

Comprehensive Master Plan

❖ Demographic Profile	15
❖ Demographic Summary	16
❖ Housing and Education	16
❖ Population Projections	16
❖ Land Use	17
❖ Transportation	18
❖ Flood Prone Areas	18
❖ Natural Resources	19
❖ Arts and Culture	23
Section V: Facility and Program Inventory	24
❖ Sidewalk and Bicycle Infrastructure	24
❖ Greenways and Trails	24
❖ Municipal Parks	27
❖ Town Facilities	30
❖ Other Recreational Facilities	31
❖ Programs	32
❖ Non-Profits and Miscellaneous Recreation Providers	32
❖ Adoption Programs	33
❖ Additional Operations and Duties of the Department	34
❖ Management and Operations	34
Section VI: Recreation Needs Assessment	36
❖ Public Input	36
❖ Community Meetings	36
❖ Community Survey	36
❖ Town of Burgaw Staff	36
❖ Steering Committee	37
❖ Community Survey – Results	38
❖ Response Rate	38
❖ Demographics	38
❖ Current Use of Facilities and Parks	40
❖ Preferred Recreation Activities	42
❖ Most Needed Recreational Facilities	43

TOWN OF BURGAW PARKS & RECREATION

Comprehensive Master Plan

❖ Most Important Purposes for Parks and Recreation	44
❖ Level of Community Support	44
❖ Existing Acreage	48
❖ Community Demand	49
❖ Internal Needs	52
❖ Parks and Recreation Trends	54
❖ Identified Needs	55
Section VII: Vision, Goals, and Objectives	56
❖ Goal 1: Build and Maintain Program and Park Capacity	57
❖ Goal 2: Connect People and Neighborhoods	58
❖ Goal 3: Support All Residents Healthy, Active Lifestyles	60
❖ Goal 4: Enhance the Town’s Character and Sense of Place	62
❖ Goal 5: Protect, Preserve, and Restore Natural Areas	63
Section VIII: Implementation	65
❖ Short-Term Recommendations	65
❖ Medium-Term Recommendations	66
❖ Long-Term Recommendations	67
Section IX: Funding and Acquisition Sources	68
❖ Grants	68
Section X: Conclusion	71
Appendix A : Capital Improvement Plan	72
Appendix B : Park Types	78

PREFACE



Town of Burgaw
109 North Walker Street
Burgaw, NC 28425
www.BurgawNC.gov

This document has been prepared by Town of Burgaw staff on behalf of the Parks, Recreation, and Tourism Department. Reproduction or distribution of this document and its contents are prohibited without approval of the Town of Burgaw. All contents of this document are the property of the Town of Burgaw.



ACKNOWLEDGMENTS

Mayor

Olivia Dawson

Board of Commissioners

James Malloy, Mayor Pro-Tem

William Rivenbark

Jan Dawson

Bill George

Michael Pearsall

Town Manager

James Gantt

Town Clerk

Kristin Wells

Parks & Recreation Staff

Cody Suggs, Director

Jayna Augst, Recreation Coordinator

Parks & Recreation Advisory Board

Parks Foundation of Burgaw, Inc

Burgaw Planning Board

Burgaw Planning Department

Citizens of Burgaw, North Carolina

SECTION I: EXECUTIVE SUMMARY

Why are we planning for parks and recreation in Burgaw?

The Town of Burgaw has identified public parks and recreational programming as effective tools for meeting town residents' social, health, and economic needs. In addition, residents' demand for those types of amenities is growing. This plan is intended to take a 10-year view of park facilities and recreational program needs to prioritize resident requests and to direct regulatory amendments and capital projects.

How was this plan developed?

While this plan incorporates recommendations of past planning efforts, over the past year, staff has worked with the Parks and Recreation Advisory Board, Parks Foundation of Burgaw, Planning Board, Town staff, and citizens of Burgaw to develop the goals and recommendations of this plan.

What does Burgaw already have?

The Town currently has 10 municipal parks and the Osgood Canal Greenway and Urban Trail, a 2.2-mile loop of walking trails that links downtown, three schools, and all municipal parks. It also owns and operates the Historic Burgaw Train Depot, Burgaw Community House, Burgaw Incubator Kitchen, and Burgaw Town Center. The Town has multiple annual and seasonal programs for families, children, and adults. Programs and facilities are managed by Parks and Recreation staff with assistance from Town-initiated advisory boards and non-profit organizations.



What do we want parks and recreation to be like in Burgaw?

The Town of Burgaw envisions a system of parks and recreation facilities that connects neighborhoods physically, socially, and culturally; enables all residents to reach their potential through healthy, active, and balanced lifestyles; provides a sense of place and identification for the community; and protects, preserves, and restores significant natural areas and resources.

To achieve that vision, five goals have been established:

1. **Build and Maintain Program and Park Capacity**
2. **Connect People and Neighborhoods**
3. **Support All Residents' Healthy Active Lifestyles**
4. **Enhance the Town's Character and Sense of Place**
5. **Protect, Preserve, and Restore Natural Areas**

Where do we go from here?

Using National Parks and Recreation Association benchmarks and a community demand survey, the Town determined that programming and new park amenities or facilities were needed, especially in areas not covered by existing neighborhood or pocket parks.

To meet these needs and address the Town's parks and recreation vision and goals, short-term, medium-term, and long-term recommendations were made.

Some medium-term and long-term projects include interim action steps that require fewer resources, so the town can begin to meet residents' needs with existing resources.

Top Ten Needed Facilities – Community Demand

<i>Swimming Pool</i>	<i>Amphitheater</i>	<i>Dog Park</i>
<i>Splash Pad</i>	<i>Bicycle Trails</i>	<i>Playgrounds</i>
<i>Walking Trail</i>	<i>Recreation Center</i>	
<i>Natural Areas</i>	<i>Picnic Areas</i>	

Capital Project Recommendations

Short-Term:

- ❖ Develop a splash pad
- ❖ Increase the town's park acreage to meet the NRPA benchmark
- ❖ Require new development to provide recreation amenities or fee-in-lieu

Medium-Term:

- ❖ Assess and improve accessibility for existing parks and equipment (ADA access)
- ❖ Install signs and a mobile app with a map of the entire greenway
- ❖ Install a variety of equipment for children in designated park areas
- ❖ Install equipment for adults along the trail and implement it in children's playground areas

Long-Term:

- ❖ Establish a community recreation center
- ❖ Install a swimming pool
- ❖ Develop a trail and park corridor on the east side of Highway 117

SECTION II: BACKGROUND AND HISTORY

General Location of Burgaw

Located in the center of Pender County, the Town of Burgaw has served as the county seat since 1877. Two major regional highways, NC-53 and US-117 run through the town, and Interstate 40 is located within a mile of the town limits.

The Town is approximately 25 miles from the closest metropolitan center, Wilmington, and 100 miles from the state capital, Raleigh. Several beaches are also within a 30-minute drive, and recreation activities on the Black River and Northeast Cape Fear River are only a short drive away.



History

Burgaw was originally developed as an important railroad junction on the Wilmington and Weldon Railroad. The town still has the oldest existing train depot in North Carolina. After becoming the county seat under the name “Stanford,” the community was officially incorporated as the town of “Burghaw” on February 25, 1879, in honor of the Burghaw Indians who first lived in the area.

Many of the town’s oldest and most recognizable structures are due to its function as the county seat. The Pender County Courthouse, a National Register landmark, serves as the physical and cultural center of the town and is flanked by the former Pender County Jail, historic downtown, Town of Burgaw offices, and the historic train depot.

Municipal Government

The Town of Burgaw operates under a council-manager form of government. The Board of Commissioners consists of a mayor and five board members, all with four-year terms. A town manager, appointed by the Board of Commissioners, is the administrative head of the Town’s government. The town clerk, also appointed by the Board, serves as the liaison between the governing board and town citizens.

Population

The Town of Burgaw experienced high growth in the 2000s due to a housing boom; however, that rate of growth proved unsustainable after the economic recession began in late 2007. According to the 2020 Census data, Burgaw has a total population of 3,088. Roughly 768 of those counted (24.9% of the population) were prisoners incarcerated in Pender Correction Institution, a male-only facility, skewing data on gender and other demographic descriptions of the town.



Bishop Rayford Hankins Memorial Park

SECTION III: INTRODUCTION

General Public Interest Purpose

The Town of Burgaw has identified public parks and recreational programming as an effective tool for meeting the social, health, and economic needs of town residents. Parks and recreational programs can connect neighborhoods; help individuals reach their potential by enabling healthy, active, and balanced lifestyles; and provide a sense of place and identification for the community. In addition, parks can also function to protect the viability of natural lands and important resources. The Town strives to serve as a steward of public lands and to provide the recreational opportunities most needed by its citizens.

Relationship with Other Plans

Over the past ten years, five plans have been adopted by the Town that have at least partially addressed parks and recreation. This planning initiative is meant to update the goals and objectives of these plans, as appropriate in the face of growing resident demand for parks and recreation facilities and programming. This plan will also expand on some of the recommendations of these plans, include recommendations for the administration of programs, and analyze the level of service of current parks and recreation offerings.

2016 Town of Burgaw Parks & Recreation Master Plan

In 2016, the second Town of Burgaw Parks and Recreation Master Plan was adopted by the Board of Commissioners. This plan established five goals and is further expanded in this plan to update the department and citizens on current trends and what is expected during the next 10 years of operation.

- ❖ Build and Maintain Program and Park Capacity
- ❖ Connect People and Neighborhoods
- ❖ Support all Residents' Healthy, Active Lifestyles
- ❖ Enhance the Town's Character and Sense of Place
- ❖ Protect, Preserve, and Restore Natural Areas

As a result of these goals, the Town expanded the Osgood Canal Greenway and Urban Trail to the west side of town, installed community basketball and volleyball courts, and built two additional pocket parks in the Central Business District.

In addition, in 2023, the Parks Foundation of Burgaw, a nonprofit organization, was established. This nine-member volunteer board is charged with raising funds for the expansion and betterment of the Burgaw community and to aid in the growth and maintenance of the local park systems within the corporate limits of Burgaw, NC.

Phase II West Side of Osgood Canal Greenway and Urban Trail Development Plan

This 2022 adopted plan outlines the envisioned system of sidewalks, trails, and pocket parks that would mirror the Osgood Canal Greenway and Urban Trail on the west side of the railroad right-of-way, lengthening routes for active reaction and mitigating existing issues of spatial inequity.

This plan was developed after town residents expressed an interest in new and longer walking and bicycling routes. The west side corridor of town had no existing walking or bicycling infrastructure and only one county-owned park prior to the establishment of this plan.

Once adopted, the Town Parks and Recreation applied and was awarded \$850,000 through the North Carolina Parks and Recreation Trust Fund for the establishment of the West Side Expansion of the Osgood Canal Greenway and Urban Trail. These awarded funds added 2.2 miles of additional trail and the installation of a new outdoor fitness park.

Town of Burgaw Resilience Strategy

The Town of Burgaw Resilience Strategy plan was developed around the establishment of the North Carolina Climate Risk Assessment and Resilience Plan (June 2020) forming the North Carolina Resilient Communities Program. The plan utilizes a Risk and Vulnerability Assessment to further outline best management practices for employing natural and nature-based solutions to mitigate the risk of flooding.

The plan briefly outlines town Parks and Recreation open spaces and parks that can serve as natural areas suitable for nature-based solutions or green infrastructure projects. The Resilience Strategy Plan is utilized in goal five of this Parks and Recreation plan in aiding in the development of action steps to “Protect, Preserve and Restore Natural Areas.”

Burgaw 2030 Comprehensive Land Use Plan

This plan was adopted by the Board of Commissioners in July 2013 and includes a section on parks and recreation goals, policies, and recommended actions that were meant to update and supersede the 2008 Parks and Recreation Master Plan, which had been largely fulfilled. This plan took a wide view of parks and recreation planning and did not specifically address park features and amenities or analyze the level of parks and recreation services given the completion of the Osgood Canal Greenway and Urban Trail.

The three goals of the parks and recreation portion of the comprehensive plan aimed to:

- ❖ Encourage and protect citizens’ health and well-being through a well-connected system of trails, sidewalks, and neighborhood parks.
- ❖ Provide recreational opportunities for the town citizens, regardless of age, physical condition, or location of residence; and
- ❖ Increase marketing efforts to achieve public awareness of, appreciation for, and usage of our parks and facilities.

In addition, specific actions were recommended to support equity of parks and recreation provisions for all resident populations. Any recommendations for a comprehensive plan that have not been achieved will be included and expanded upon in this planning document.

2015 Town of Burgaw Bicycle and Pedestrian Plan

At their 2014 strategic planning session, the Board of Commissioners authorized staff to begin work on the town-wide bicycle and pedestrian plan. The Town had received requests from residents for more and safer walking and biking amenities. Because funding for these projects is limited, the Bicycle and Pedestrian Plan was intended to outline community priorities so the Town could coordinate bicycle and pedestrian infrastructure projects with road maintenance projects to increase safety and mobility while saving money.

Because of the close relationship between transportation and parks and recreation in trail projects and walking and bicycling amenities, portions of this plan touched on parks and recreation. For instance, one of the plan's goals was to increase the number of residents who bike and walk for recreational and transportation purposes. An objective of this goal was to expand the recreational multi-use trails through town, and two projects were recommended: a new loop with a trail along Burgaw Creek and a sidewalk along North Timberly Lane and a trail and parks project for the west side of town.

The recommendations of the bicycle and pedestrian plan that have recreational components will be included in this planning document.

Park Functions

Parks serve functions; as stated earlier, they can help residents live healthier lives, bring together diverse sectors of the community, strengthen property values, and protect the ecological function of land and waters.

Healthy Lives

One of the most recognized benefits of parks is their effect on increased physical activity, leading to greater fitness levels and lower obesity rates for residents. According to a study conducted in Cleveland regarding older adults, active park users were less likely to be overweight, less likely to visit the doctor for more than routine check-ups, and more likely to have healthy blood pressure levels.

Parks also have other health benefits. Studies have shown that increased contact with nature can provide a variety of advantages, including fewer mental health problems, lower blood pressure and cholesterol levels, and even improved eyesight. Children especially benefit from these natural spaces – research has shown that outdoor recreation can reduce the risk of childhood obesity and even improve learning skills. Outdoor play is necessary for proper brain development, contributing to fine motor skills, gross motor skills, and coordination, which affects the ability of students to be able to achieve academic proficiency

later in life. Some studies have shown that time spent in nature, especially pursuing active play, can reduce symptoms of ADHD.

Community Cohesion and Safety

Another benefit of public parks is the function they serve to provide a neutral space for a variety of residents. They act as a place for people of diverse backgrounds to connect and interact. Planned and maintained properly, parks can also change the way people view their community, supporting pride of place and encouraging reinvestment in a neighborhood or commercial area.

The psychological benefits offered by parks also contribute to greater community cohesion. According to the American Planning Association, “University of Illinois scientists have concluded that park life surroundings increase neighborhood safety by relieving mental fatigue and feelings of violence and aggression that can occur as an outcome of fatigue. The three classic symptoms of mental fatigue are inattentiveness, irritability, and poor impulse control, each of which has been previously linked to aggression.”

In addition, the stronger social ties that are linked with public parks can result in safer neighborhoods. Neighbors with frequent, informal interactions are more likely to help and protect each other. More people outdoors also increase the number of “eyes on the street,” decreasing the level of crime in an area, as potential criminals know they are more likely to be observed.

Economic Growth

Various surveys conducted over the past 150 years have shown that parks can improve and stabilize property values. Parks can also be a site for special events and community gatherings that attract residents and visitors to the town. Even without special events, parks can serve as “tourist” destinations and in a town like Burgaw, can attract people from surrounding areas to come into town for recreation, increasing the likelihood of their supporting local businesses. Neighborhoods near parks have also been shown to be more attractive to more affluent and better-educated homebuyers.

Parks can also be used to improve the community’s aesthetics and can buffer incompatible land uses. In areas of town where residential uses closely abut industrial or commercial uses, parks are one tool to protect neighborhoods and property values while allowing residents proximity to shopping and jobs.

Increased Environmental Quality

One of the most important functions of public parks is to improve the quality of the natural environment. Many communities have worked to connect their parks to protect the biological diversity of local plants and animals. Corridors of natural areas can continue to serve as wildlife habitats, which are dependent on both native plants and animals to function properly, even while development occurs.

Parks, like the Osgood Canal Greenway and Urban Trail help protect natural water features, helping to manage stormwater and provide flood control. Trail projects can also serve as transportation corridors, reducing the amount of air pollution, carbon emissions, and oil consumption needed for automobile traffic.

In addition, as communities develop, air can become warmer due to excessive concentrations of paved and reflective surfaces from both buildings and grounds. This temperature anomaly, known as the urban heat island effect, can result in reduced breezes and irregular precipitation, such as sudden thunderstorms, in addition to higher air temperatures. Parks infrastructure can mitigate these effects, moderating temperature, encouraging air circulation (cool breezes), and alleviating potential flooding from summer thunderstorms.

Purpose and Scope of Plan

This Parks and Recreation Master Plan is intended to take a 10-year view of park facilities and recreational program needs to prioritize resident requests and to direct regulatory amendment and capital projects. The plan is still intended to be updated on a five-year basis to allow for adjustments caused by changing population trends, private sector amenities, and completion of projects.

Planning Process

The recommendations of this project rely heavily on the public input provided during the Burgaw 2030 Comprehensive Land Use Plan, 2015 Bicycle and Pedestrian Plan, Phase II West Side of Osgood Canal Greenway and Urban Trail Development Plan, and 2016 Parks and Recreation Master Plan. All the previous plans include surveys, public meetings, workshops, focus groups, and planning board reviews.

To ensure the public participation process for this plan was as comprehensive as possible, a full public participation process was developed and completed throughout the fiscal year 2023.

The Town of Burgaw Parks and Recreation Advisory Board assisted the department with revising the survey and planning community meetings for the implementation of this plan. Public meetings were scheduled by the Advisory Board for September 25th and October 5th, 2023.

In addition, the department formed a steering committee made up of the Parks and Recreation Advisory Board, Parks Foundation of Burgaw, and the Burgaw Planning Board to assist with the development of the vision, goals, and objectives of the department as related to the community survey results.

Findings of the community survey were presented to the Parks and Recreation Advisory Board, Parks Foundation of Burgaw, and the Town of Burgaw Board of Commissioners during regularly scheduled public meetings.

Using the information collected, this plan was developed and updated by the Town of Burgaw Parks, Recreation, and Tourism staff. All draft documents were presented to Town boards before being proposed for adoption.

SECTION IV: EXISTING CONDITIONS

Since the 2016 Parks and Recreation Master Plan, the town has replaced the Harrell Park playground, received funding for the West Side Trail Project, and added two new pocket parks. Further, the town has made significant improvements and investments in existing park facilities. Overall, town residents enjoy and support these efforts but demands for new and different facilities and recreation programs remain prevalent.

Demographic Profile

A review of the demographic information of the Town of Burgaw has been evaluated to understand the characteristics of the community better and to identify future trends and projections that may influence recreation and park planning. Information concerning the age and gender of the population is an important factor in determining the need for recreation in the community. Statistics from the US Census Bureau and Town staff indicate that there will be a period of stable growth in Burgaw over the next few years. The table below contains the general demographic characteristics for full-time residents of Burgaw as ascertained by the 2022 American Community Survey estimates.

Category	Number	Percent
Sex		
Male	1,811	56.5%
Female	1,396	43.5%
Age		
Under 18 years	586	18.3%
18 to 64 years	1,950	60.8%
65 and over	671	20.9%
Race		
White	1,675	52.2%
Black	1,140	35.6%
American Indian and Alaskan	18	0.6%
Asian	4	0.1%
Hispanic	202	6.3%
Other	168	5.2%

Demographics Summary

The 2022 population estimates from the American Community Survey reveal significant characteristics of Burgaw’s population. Of note is that persons between the ages of 18 and 64 make up most of the population at 60.8%, followed by 65 years and over at 20.9%, and under 18 years of age at 18.3%. The largest racial segment of the population identifies as White (52.2%) and the next highest is the Black population at 35.6%.

Housing and Education

2022 American Community Survey data indicates that 58.5% of Burgaw residents are homeowners, with the other 41.5% of residents occupying their place of residence as renters. The median value of owner-occupied housing units in Burgaw in 2022 was \$194,100. 82% of adult residents of Burgaw were a high school graduate or higher and 20.8% graduated from a four-year university with a bachelor's degree or higher.

Population Projections

According to the 2022 American Community Survey 5-year estimates, the population of Burgaw was 3,207 individuals. Based on the 2022 projections of 3,207, there has been a 3.07% growth rate over four years, putting the estimated 2024 population at around 3,520. Using this rate of growth rate for future population size estimates can help when planning on meeting a growing demand for recreational services. The population projections for Burgaw have been compiled in the table below.

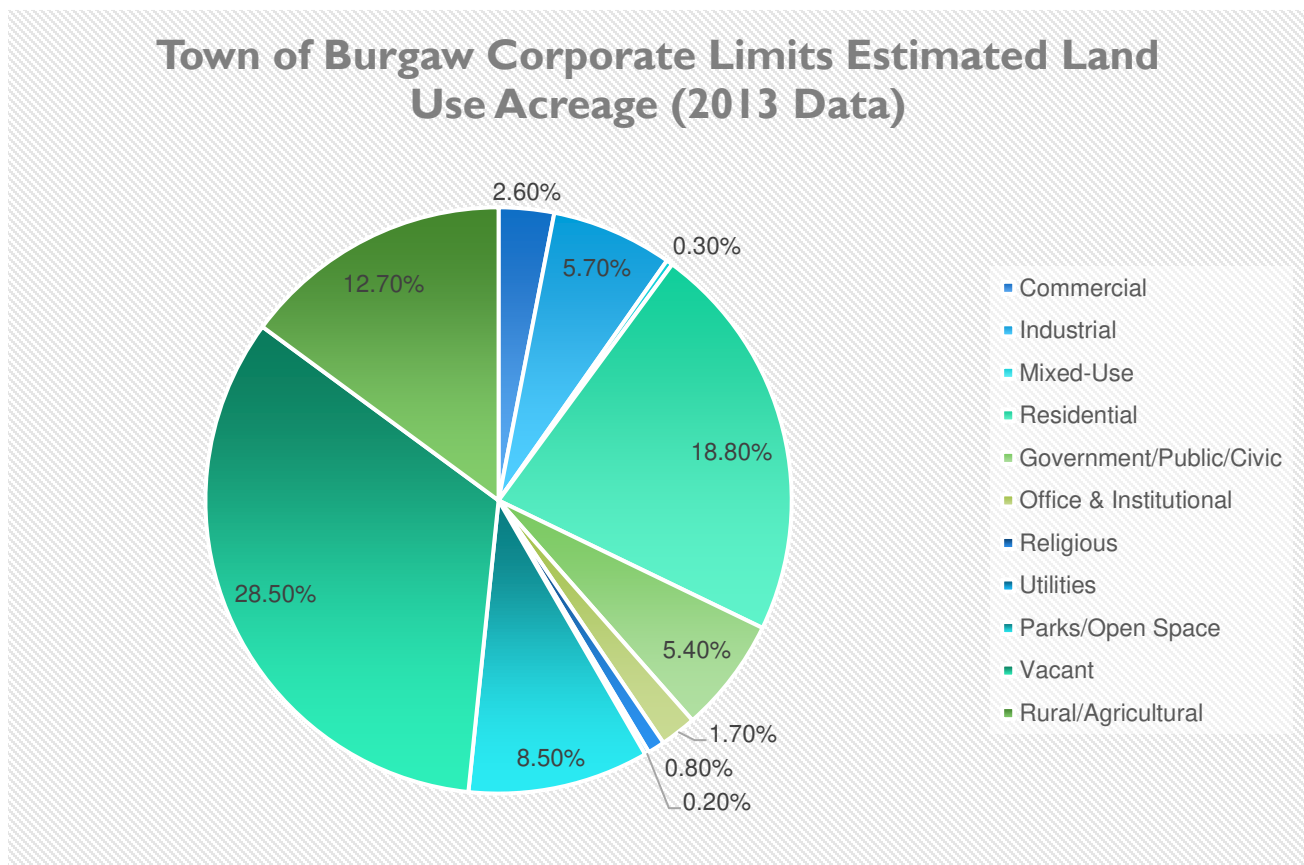
Year	Population Estimate
2020	3,207
2030	4,047
2040	4,073
2050	4,099

There have been both times of rapid growth and a slight decline in Burgaw’s population since the year 2010; however, the population has been growing at a steady rate with an improved national economy. Burgaw population estimates (in ten-year increments) can be seen above.

A population growth occurred from 2010 to 2019 with Burgaw residents. This was primarily due to Burgaw’s location concerning the thriving City of Wilmington and the amenities offered by the Metropolitan Statistical Area (MSA) in terms of housing, schools, hospitals, churches, employment, entertainment, etc. The population and growth rates of the Town should be re-evaluated in future years and adjustments should be made to Plan Recommendations, as necessary.

Land Use

According to the town's most recent existing land use survey, much of the land within the town's corporate limits is vacant (28.5%). The amount of vacant land remaining in the town limits is beneficial for park facilities planning. In addition, much of the vacant land is zoned for further residential use, allowing the town to place standards for new residential subdivisions requiring park facilities. The town's development ordinances already require open space areas and recreational areas for many types of residential developments, but these are all privately held. Private recreation facilities are beneficial because they require no funding or management by the town, but they do not serve the entire community. Since the previous 2016 Master Plan and 2030 Land Use Plan, the Town has adopted a fee-in-lieu process to further help with the impacts that new development brings to Town-owned parks. The data below represents the land use data as adopted in the previous 2030 Land Use Plan (October 2013). Some data may be unrepresentative of the current conditions, as new developments have been established. An updated land use plan is scheduled for implementation by the Town in the upcoming fiscal years. This section shall be updated upon completion of that plan.

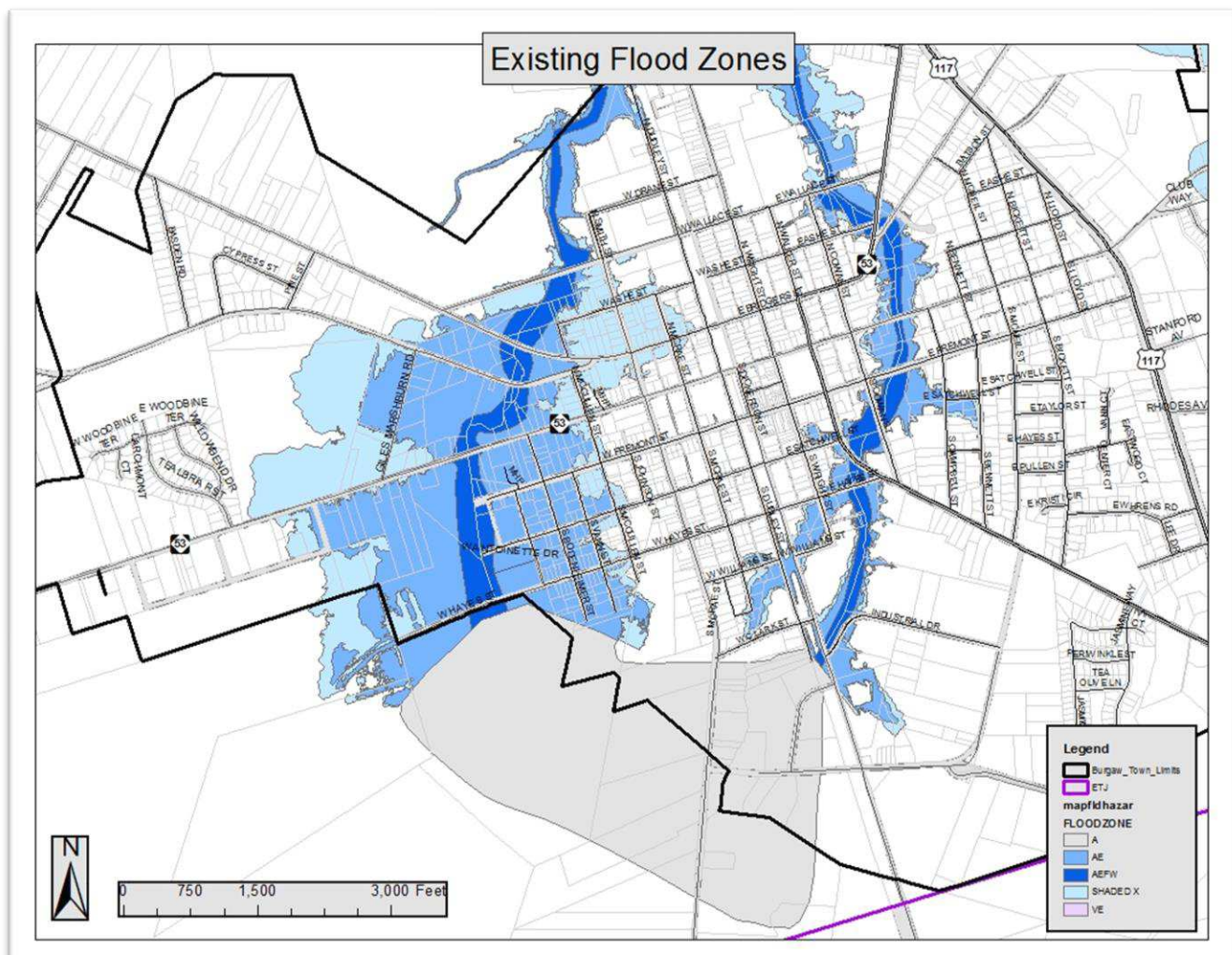


Transportation

The most common form of transportation for the residents of Burgaw is the personal automobile. According to the 2020 Census, 87% of occupied housing units used an automobile as a mode of transportation for commuting to and from the workplace. The remaining portions indicated that they either worked from home or indicated “other” on the American Community Survey. The average commute time for working residents within Burgaw was 24.5 minutes as compared to the national average of 26.7 minutes. 98% of the workforce in Burgaw have “super commutes,” according to the US Census, over 90 minutes. Lastly, it was indicated that the largest share of households in Burgaw have 2 cars per residence.

Flood Prone Areas

The portions of the town with the greatest identified flood risk are immediately adjacent to the natural streams. The floodway (zone AEFW in dark blue) follows the streams. Nearby areas are generally designated as AE (100-year flood zone in medium blue), and some 500-year flooding areas (light blue)



lie further out. The major difference between the existing and preliminary flood maps, under review at the time of the preparation of this plan, is the removal of the A zone from much of this area.

Natural Resources

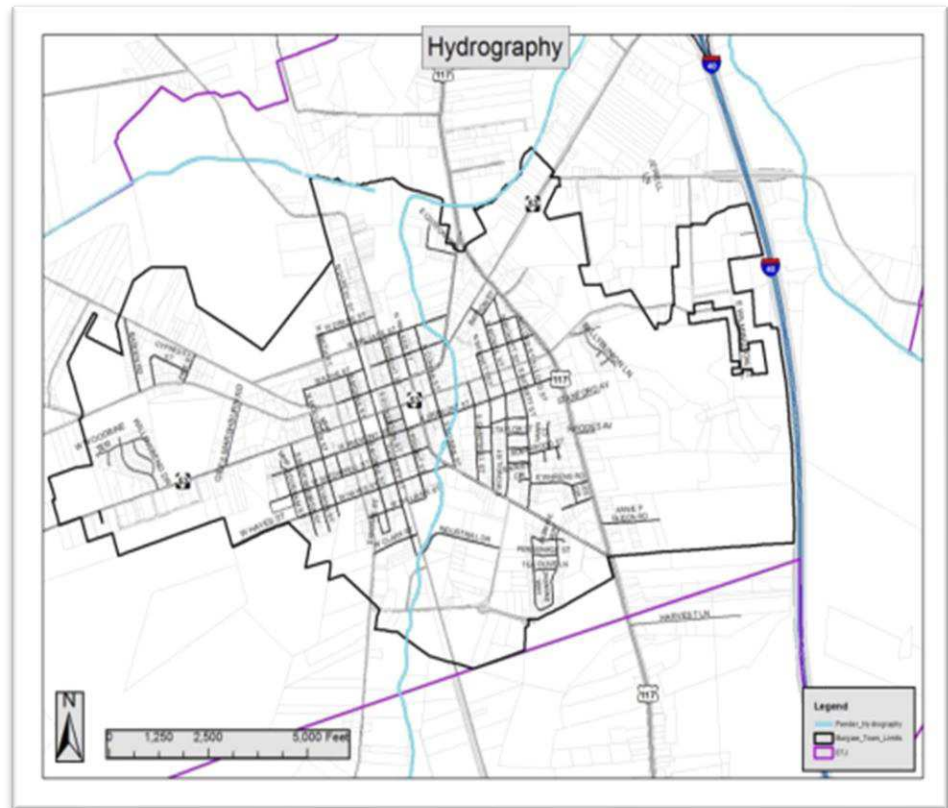
The Town of Burgaw is located within the Cape Fear River Watershed Sub-basin, which includes the Northeast Cape Fear River and Burgaw Creek. Within the Town of Burgaw planning area, the Osgood Branch drains into the Burgaw Creek, which drains the rest of the town and surrounding lands. Burgaw Creek then flows into the Northeast Cape Fear River about 4 miles to the east of town.

The Osgood Branch is a tributary of Burgaw Creek that flows south to north, through the east side of the town, and drains into Burgaw Creek at the north end of town. The main stem of the Osgood Branch has been channeled through town and is referred to as the Osgood Canal. Tributaries of the Osgood Branch have historically been converted into a series of ditches located along town roads.

Burgaw Creek also flows south to north through the west side of the town, then drains directly east toward the Northeast Cape Fear River. It is also channelized through town and captures many roadside ditches. North of town, the creek retains a more natural condition as it flows through woods and farms.

Flood Insurance Rate Maps (FIRMs) for the Town of Burgaw show Burgaw Creek and its tributaries, including the Osgood Branch, as high-risk flood areas, floodways, and 100-year flood zones. These areas are the most vulnerable to flooding and drainage issues. Due to the historic ditching and channelization of streams, water flows at an accelerated rate during storms. In natural stream systems, wetlands and dense vegetation in the floodplain slow water, thereby reducing the risk of erosion and stream instability. Wetlands also provide valuable wildlife habitat, protect water quality, prevent floods and erosion, and maintain fish populations further downstream.

Wetland, especially the 404-wetland areas, are the most significant fragile areas in Burgaw. 404-wetlands are lands that are wet at least part of the year because their soils are either saturated or covered with a



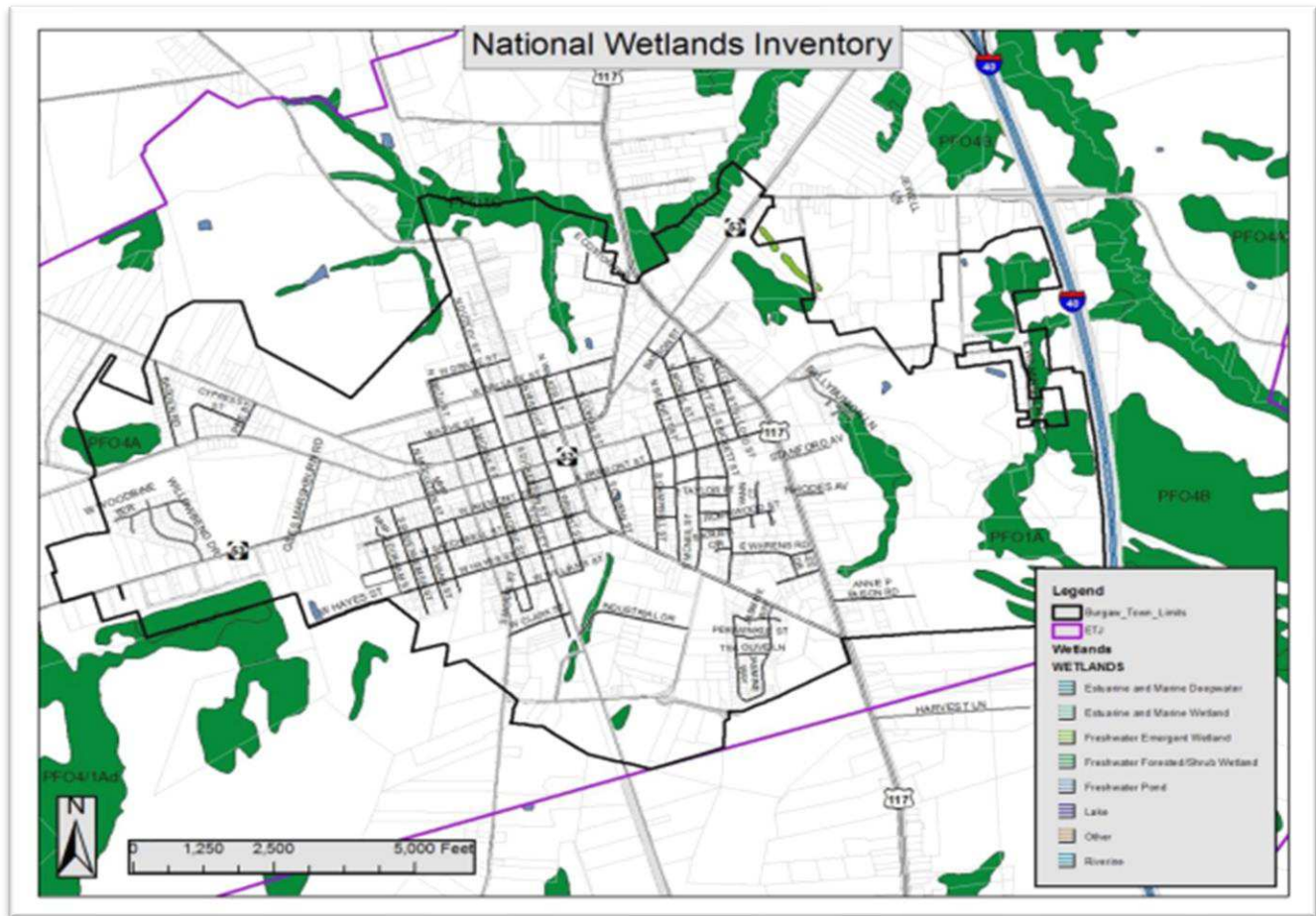
Comprehensive Master Plan

The following maps show the location of hydric soils in Burgaw and probable wetlands identified by the National Wetlands Inventory, but precise determinations of 404 wetland areas must be made through “in-field” site analysis by a representative of the US Army Corps of Engineers, Wilmington District. Because of the extensive areas of hydric soils in Burgaw’s planning jurisdiction, public and private development should only be undertaken after an on-site investigation for 404 wetland areas has been conducted.



TOWN OF BURGAW PARKS & RECREATION

Comprehensive Master Plan



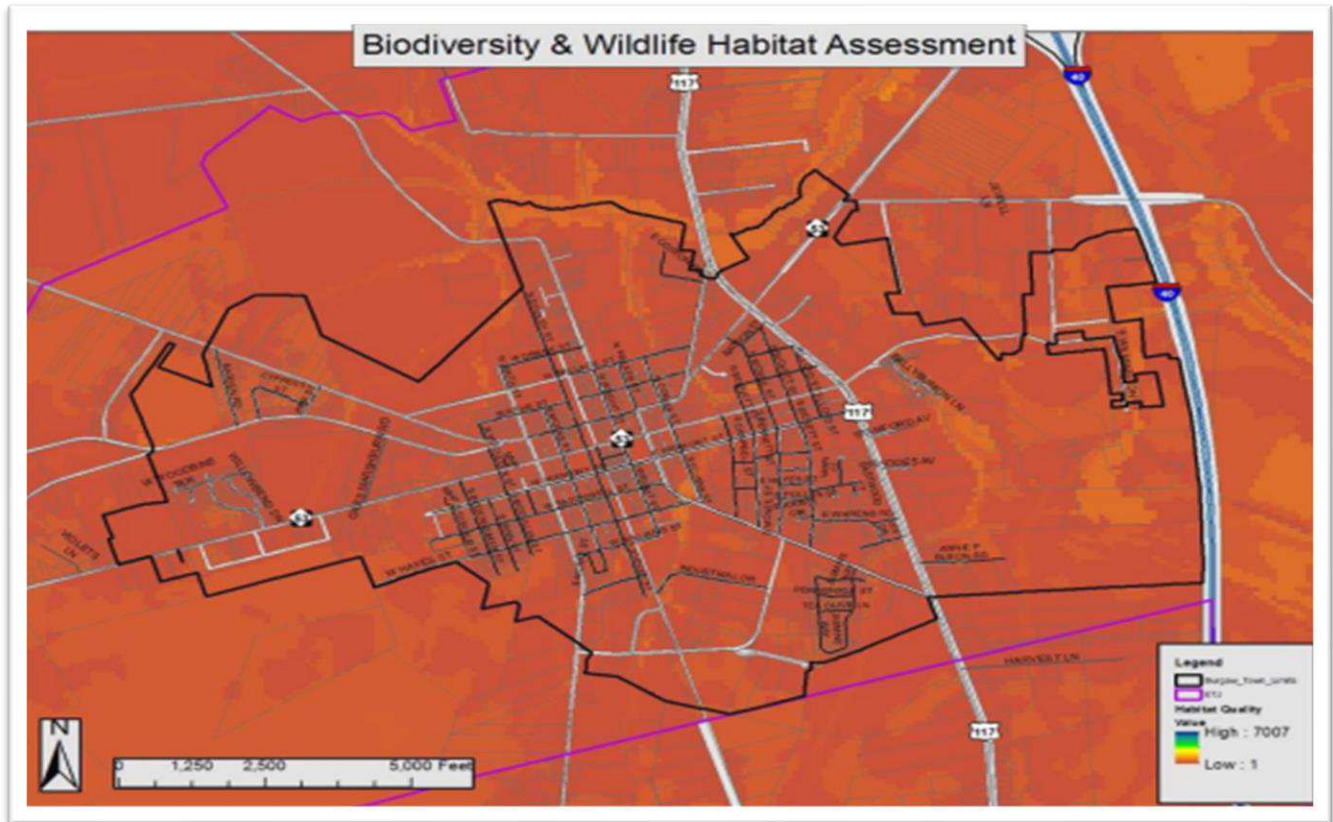
There are also fragile natural areas located within the hardwood swamps along Burgaw Creek and Osgood Branch (including the east prong). These areas are important to the environmental integrity of the water features, and the swamp forest provides valuable open space adjacent to the developed area of Burgaw. As shown on the map to the right, portions of Burgaw and its planning jurisdiction have been identified as areas where forestry is an especially significant part of the landscape and provides benefits such as water quality protection, wildlife habitat, and commercial forestry options. The green portion of the map shows significant rural forestland. Urban forestland is identified in the center of town, but it has been rated as a low priority.

The biodiversity and wildlife habitat offered by the lands within Burgaw have been assessed, but no high-priority habitats have been identified. Areas with higher value should be considered during the parks planning process, however, to ensure as high a quality of habitat as possible. These areas are shown on the map to the left in the lighter orange colors, primarily along the creek corridors and to the west and east of town.

TOWN OF BURGAW PARKS & RECREATION

Comprehensive Master Plan

Soil type, beyond its indication of whether the land includes wetlands, should also be considered when determining the location of park facilities. Different soil types are rated for different types of use, whether it be recreational, residential, or commercial.



Arts and Culture

Burgaw's most important cultural resources are tied to its role as the county seat of Pender County. The historic Burgaw Depot, Pender County Courthouse, Pender County Museum, Pender County Jail, Burgaw Community House, and the main branch of the Pender County Library are all located downtown. This area is a National Register Historic District and includes fifty-four historic structures, several of which are featured in the town's Historic Walking tour.

Tourism has become an increasingly important activity. Multiple festivals attract visitors from throughout the state and are listed below. Further details on these festivals are listed in the next section of this document.

- ❖ North Carolina Blueberry Festival – Summer Festival
- ❖ Juneteenth Celebration – Summer Festival
- ❖ Spring Fest – Spring Festival
- ❖ Autumn Fest – Fall Festival

Tourism has been further improved by the Town of Burgaw through the creation of the Burgaw Tourism Development Authority which utilizes local occupancy tax to fund, sponsor, and host local festivals, programs, and events. The Pender County Tourism Department is also located in downtown Burgaw inside the Historic Pender County Jail. The organization further supports the town through monetary support and marketing.

The Pender County Arts Council currently operates an arts-based community center downtown that offers classes, stages performances and organizes special events for community members of all ages. Their activities continue the town's artistic and creative traditions.

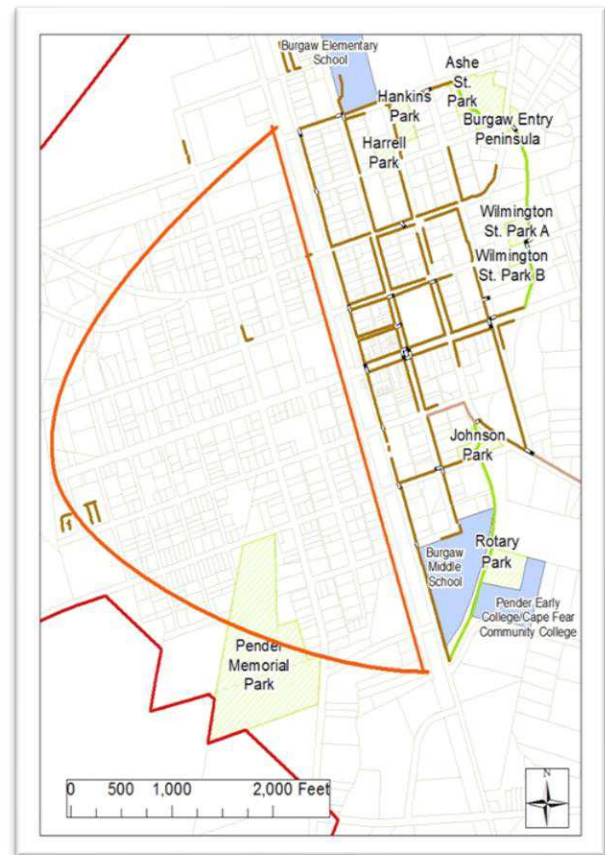
SECTION V: FACILITY AND PROGRAM INVENTORY

Sidewalk and Bicycle Infrastructure

The town's sidewalk and infrastructure are located primarily in areas adjacent to the central business district and on the east side of the railroad right of way running through the center of town. Overall, the town has over 8 miles of sidewalks.

While some town residents currently use sidewalks for bicycle traffic, bicycles are prohibited from using downtown sidewalks other than those on the Osgood Canal Greenway and Urban Trail. There are currently no bicycle lanes, share-the-road markings (sharrows), or designated bicycle routes in Burgaw's planning jurisdiction.

Some major aims of the 2015 Bicycle and Pedestrian Plan and 2022 Phase II West Side of Osgood Canal Greenway and Urban Trail Development Plan look to extend the town's sidewalk infrastructure to the west side of the railroad right of way and to begin implementing bicycle infrastructure to support the members of the community to bike for transportation and/or recreation.



Greenways and Trails

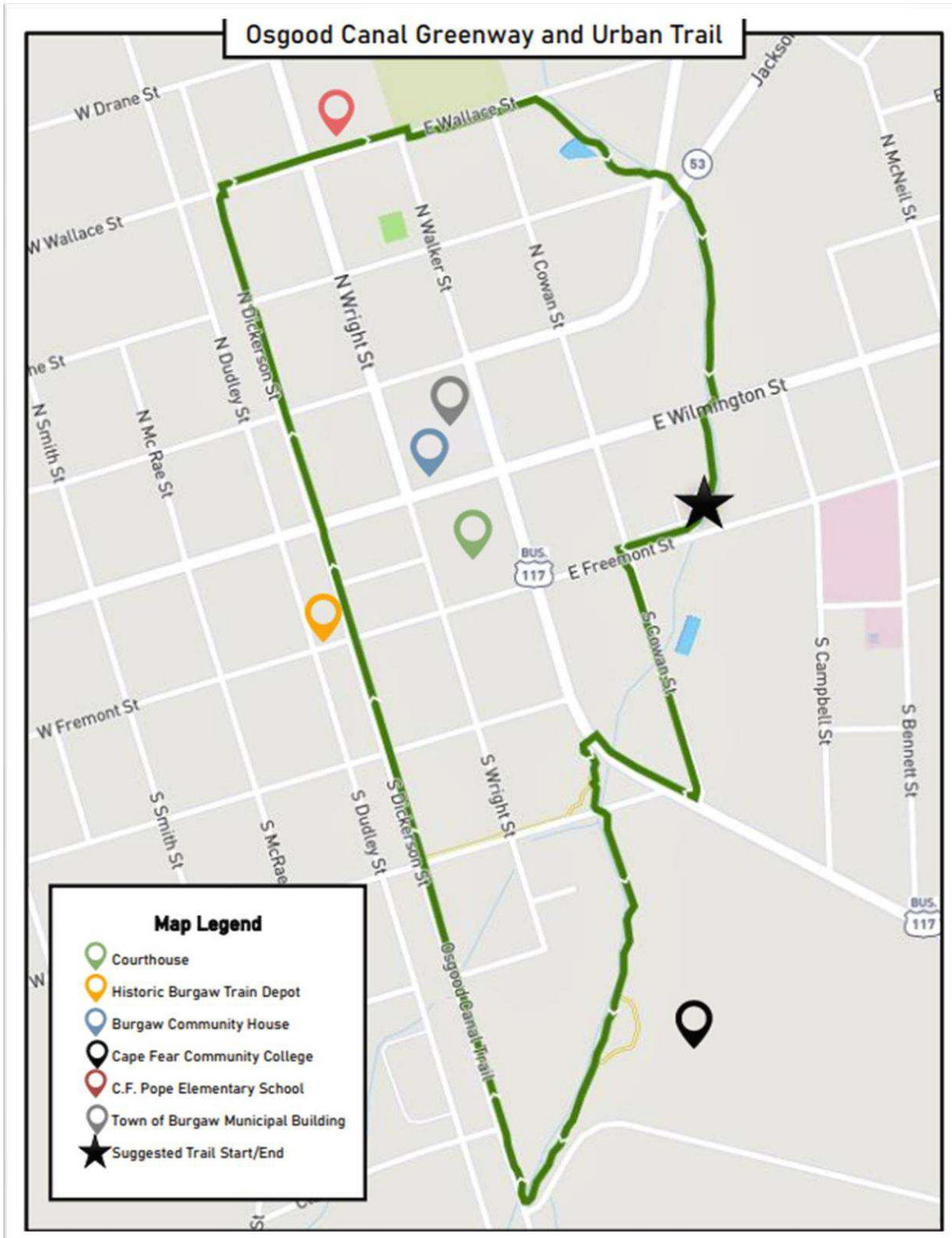
The only current greenway or trail in the Town of Burgaw is the Osgood Canal Greenway and Urban Trail, a 2.2-mile loop of walking trail in and around the central portion of the town limits. The trail follows the Osgood Canal through town and includes wooded areas along the canal and urban areas downtown. It connects to the three schools located in the town and links both passive and playground parks.

In 2022, the town developed the Phase II West Side of Osgood Canal Greenway and Urban Trail Development Plan for the expansion of the trail to the west side portion of town. \$350,000 was allocated from the American Rescue Plan Act fund to be used to match an application submitted to the state Parks and Recreation Trust Fund. A successful grant was awarded adding 2.2 miles of additional trail to the town. The additional trail consists of a multi-purpose trail, concrete sidewalks, and a fitness park located adjacent to Pender Memorial Park.

TOWN OF BURGAW PARKS & RECREATION

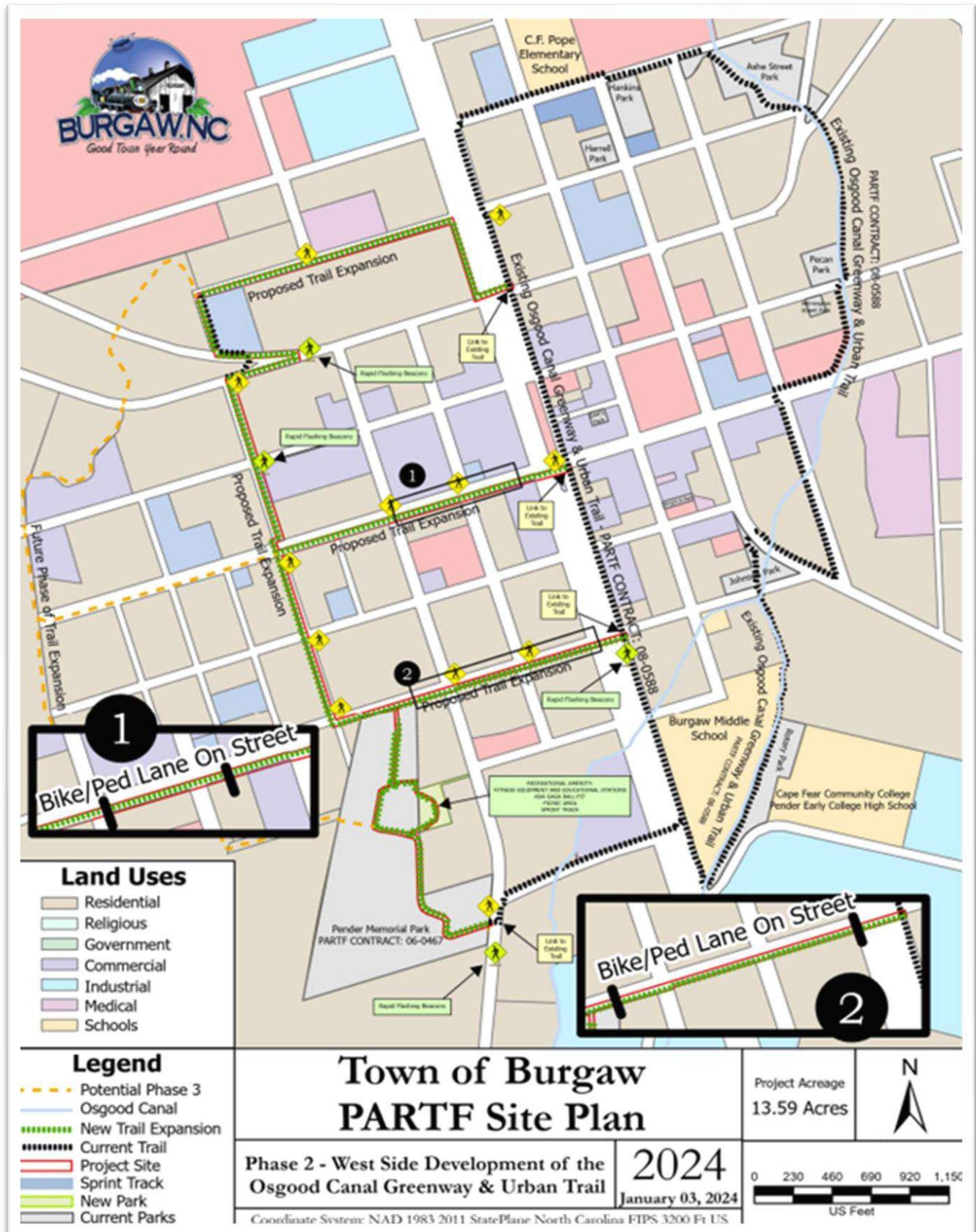
Comprehensive Master Plan

Plans call for the development of additional trails inside the town limits. An additional Phase 3 route has been mapped to account for additional sidewalks on the west side portion of town as well as the development of a multi-purpose walkway along NC Highway 117 corridors.



TOWN OF BURGAW PARKS & RECREATION

Comprehensive Master Plan



Municipal Parks

The town has ten municipal parks, several of which have undetermined functions or serve as passive areas.

W. Ross Harrell Memorial Park

This 0.75-acre neighborhood park includes children's playground equipment, tennis courts, a gazebo, picnic tables, benches, and off-street parking. There are no restrooms on-site, but the park is diagonally across the street from Hankins Park, so bathroom facilities are within walking distance.



Bishop Rayford Hankins Memorial Park

Hankins Park is a passive 1.49-acre neighborhood park immediately adjacent to the Osgood Canal Greenway and Urban Trail. This site includes a picnic pavilion, picnic tables, benches, water fountains, restrooms, and open space. The pavilion can be reserved for parties, but the remaining open space always remains open to the public.



Ashe St. Park

The function of this 4.34-acre park on the corner of Ashe St. and Timberly Lane is currently undetermined. Osgood Canal Greenway and Urban Trail meanders through the property adjacent to the Osgood Canal. The park includes property on both sides of the canal, but the two sections are not currently connected. Trees and benches are the only items located on the property.



Burgaw Entry Peninsula

Only 0.36 acres, this green space area marks the transition to the town's historic downtown area. It is linked with the other town parks by the Osgood Canal Greenway and Urban Trail. It is not currently used for much recreational activity due to its proximity to two busy roads and small size. A blueberry statue is located inside the park to represent the annual North Carolina Blueberry Festival.



Wilmington Street Park

Originally slated for a children's playground area with bathrooms, this 1.03-acre park is currently considered a space best used for more passive activities due to neighborhood concerns. No official function for the park has been designated. The town has planted trees on the lot for beautification. This lot is currently located within the floodway.



Rotary Park

This park is immediately adjacent to Cape Fear Community College and provides the playground and pavilion amenities originally planned for Wilmington Steet Park. Playground equipment includes both a tot lot and equipment for older children, and the pavilion includes picnic tables and restrooms. There are also regulation-size basketball and volleyball courts. The park is immediately adjacent to the Osgood Canal Greenway and Urban Trail.

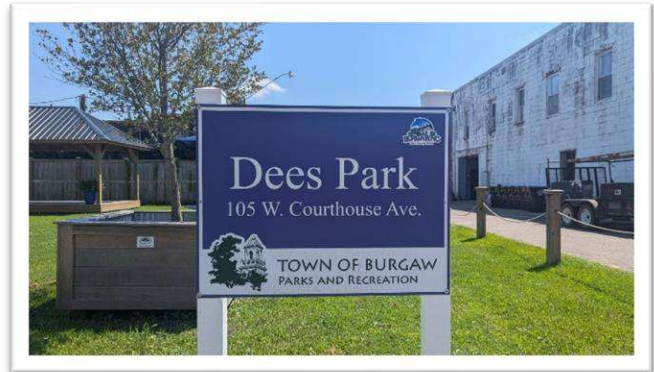


TOWN OF BURGAW PARKS & RECREATION

Comprehensive Master Plan

Dees Park

This park is located downtown on Courthouse Avenue between the Historic Burgaw Train Depot and Pender County Courthouse. The area includes picnic tables and a stage for entertainment. The park is currently being utilized for outdoor movies and concerts. Plans for the park include the construction of public restrooms and a gazebo.



Wright Street Pocket Park

This park is located on Wright Street next to the post office. The park is passive in nature and has no active use regarding recreational activities. The park includes landscaping and a swing.



Johnson Park

This 1.38-acre park sits on the corner of South Walker and East Hayes streets. It is currently being used for passive activities and amenities. The Osgood Canal Greenway and Urban Trail run through the site.



Pecan Park

Across the street from Wilmington Street Park, this 0.25-acre site is a passive pocket park with pecan trees. There are no amenities on the lot.



Town Facilities

The town has several facilities located within town limits. Each facility is operated in conjunction with the Parks and Recreation Department and Facilities and Grounds Department. The Parks and Recreation Department is responsible for the reservations and usage of these facilities on a day-to-day basis.

- ❖ **Historic Burgaw Train Depot:** The first structure built in Burgaw, constructed in 1850, the depot is the oldest standing train depot in the state. It houses the offices of the Burgaw Area Chamber of Commerce and Feast Down East. The facility's banquet room, dock area, and conference room are rented to the public for private events, festivals, and other related functions.
- ❖ **Burgaw Incubator Kitchen:** The Burgaw Incubator Kitchen (BIK) is a shared-use commercial kitchen facility located in the historic Burgaw Depot. The BIK provides Pender County Health Department and North Carolina Department of Agriculture-approved kitchen space and equipment to specialty food makers. This helps offset many of the start-up costs for culinary programs.
- ❖ **Burgaw Community House:** The facility is rented to area residents and visitors for a variety of special events. The space includes a front deck, banquet room, kitchen space, and restrooms. The facility is located adjacent to the Historic Pender County Courthouse and Historic Pender County Jail.
- ❖ **Burgaw Town Center:** Recently renovated from the former Pender County Rescue Center, the Burgaw Town Center houses the Burgaw Parks and Recreation Department with office spaces at the rear of the building. The remaining facility is used for monthly board meetings, special events, and natural disasters. The facility includes restrooms and showers, a banquet room, a conference room, and office space.
- ❖ **Pender County Jail:** The Town of Burgaw also owns the former Pender County Jail, which provides office space for Pender County Tourism and the North Carolina Blueberry Festival.

Other Recreational Facilities

- ❖ **Pender Memorial Park:** The largest park within the town, Pender Memorial Park is owned and operated by Pender County. This 25.75-acre complex includes athletic fields, a playground area, and a restroom/concession facility and is the home of local youth soccer, football, and baseball teams. Athletics from Pender Middle School also use the facility for their practices.
- ❖ **Central Pender Park:** Central Pender Park is a new recreational complex to be constructed by Pender County Parks and Recreation. The facility is to include five baseball and softball fields, four multi-purpose fields, playgrounds, concession areas, and parking. The park is located just outside of town limits and is scheduled to be completed in the Fall of 2025.
- ❖ **Heritage Place/Fitness Fusion – Pender Adult Services:** This is a private facility, operated by the non-profit organization Pender Adult Services. The facility offers a wide range of group and individual activities for older adults, families, and caregivers. Programs include classes, services, planned activities, and fitness.
- ❖ **Lions Crest Martial Arts/Burgaw's Best After School & Summer Camp:** This private facility offers martial arts lessons for children and adults as well as summer and after-school programs for youth within the area.
- ❖ **Private Gyms:** There are numerous private gyms or workout facilities within town limits, including House of Gains and Populus Personal Training.
- ❖ **Local Schools:** C.F. Pope Elementary and Burgaw Middle School include gyms and outdoor recreation areas. Use of these properties is limited to avoid conflicts with school events. The Town can utilize it through a special agreement with the school board.

Programs

The town Parks and Recreation Department offers numerous annual events to residents and visitors. Below is a comprehensive list of programs and activities offered.

Family Bingo Night	Tea Party in the Park
Art Classes	Easter Egg Scramble
Fitness Classes	Christmas Tree Lighting
TDA Markets/Events	Coffee and Games
Daddy-Daughter/Mother-Son Dances	Tennis Programs
Senior Lunch and Learn	Christmas on the Square
Valentines Tea Party	Breakfast with Santa
Adult Prom	Murder Mystery Dinner
New Year's Eve Blueberry Drop	Autumn Fest
Summer on the Square Concert Series	Kids Night Out
Summer Camp	Arbor Day Ceremony and Tree Giveaway
Autumn Concerts	After School Camps

While most of these programs are offered exclusively by the Parks and Recreation Department for the Town, a handful of programs are coordinated through partnerships with Pender County and private organizations to reduce costs and maintain public relations.

While successful, the programs offered should continue to be modified to meet community needs and current trends, as well as create and establish new programs to ensure all sectors of the community are being served. More details regarding program expansion shall be outlined in the needs assessment and vision, goals, and objectives sections of this document.

Non-Profits and Miscellaneous Recreation Providers

Burgaw is home to numerous annual festivals and events hosted by non-profit organizations and public agencies. Below is an outline of those annual programs. While not directly hosted by the Town of Burgaw Parks and Recreation, staff have numerous responsibilities for assisting and ensuring the events occur in a safe and successful manner.

- ❖ **North Carolina Blueberry Festival:** The North Carolina Festival is hosted each year during the month of June to celebrate the rich history of blueberry agriculture in the region. The festival is a Friday and Saturday festival and features music, craft vendors, and more. The festival is managed by its board of directors. The Parks and Recreation Director for the Town serves as the liaison for the Town to communicate operational details.
- ❖ **Pender County Spring Festival:** The Pender County Spring Festival is hosted during the Spring to highlight local artists and feature handmade, hand-crafted artisans. The event is family-based and is designed to showcase the talent and creativity that Pender County has to offer.
- ❖ **Burgaw Christmas Parade:** The Burgaw Christmas Parade is hosted during the second weekend of December. The event is one of the only parades in the region to be hosted during the evening hours, featuring lighted floats and much more. The event is hosted annually by the Burgaw Area Chamber of Commerce. Town staff are heavily involved in logistics and implementation of public safety.
- ❖ **Juneteenth Celebration:** The Juneteenth Celebration is hosted during the month of June by the 1865 Society of Pender County. The celebration offers a unique opportunity to delve into cultural heritage and community spirit. This event is designed to highlight the significance of Juneteenth and its crucial place in our history.
- ❖ **Pender County Parks and Recreation:** Pender County Parks and Recreation is a public governmental agency with Pender County. The department offers a wide variety of recreational programs throughout the county. Many of the public programs offered in Burgaw are in partnership with Burgaw Parks and Recreation.

Adoption Programs

In 2020, the Parks and Recreation Department working with the Town of Burgaw Board of Commissioners established multiple adoption programs designed to foster upkeep of the public park system while creating a sense of community that honors those that live and work within the Town of Burgaw. Below is a comprehensive list of those programs.

- ❖ **Adopt-A-Park Program:** The Adopt-A-Park Program is designed to promote community involvement while maintaining and beautifying neighborhood parks and recreation facilities. The program is designed to be a low-key, relaxed, and informal approach to involve people in the

community to keep an eye out for potential hazards, vandalism, and general park mistreatment. Through these partnerships, the Town can maintain and improve the park system and keep parks beautiful and safe for the enjoyment of park users. The idea is for residents of a neighborhood to take ownership of their local parks and improve the quality of the park through synergistic collaboration and creative activities as well as increased manpower. The adopted park is encouraged to be used as a focal point of neighborhood activities.

- ❖ **Adopt-A-Bench Program:** This program is designed to offer the citizens of Burgaw the opportunity to honor and remember their loved ones by donating a bench to a Town of Burgaw Park, greenway, or public sidewalk with Town limits.
- ❖ **Adopt-A-Tree Program:** This program is designed to offer the citizens of Burgaw the opportunity to honor a special person by donating a tree to a Burgaw Park, greenway within Town limits.

Additional Operations and Duties of the Department

The Parks and Recreation Department is also responsible for managing the following programs and reporting information back to upper-level management and the Board of Commissioners for the Town.

- ❖ **Special Event Permits:** Anyone interested in holding a special event in the Town of Burgaw town limits, such as a parade, fundraiser, festival, etc., is responsible for submitting a Special Event Permit Application to the department for review.
- ❖ **Food Truck Permits:** Food Trucks are required to obtain a Mobile Food Service Permit from the Parks and Recreation before operating in the town limits of Burgaw.
- ❖ **Public Funding Request:** During the annual budget process the Town of Burgaw Board of Commissioners considers requests for funding from nonprofit/public agencies. Applications are submitted to the department to be included in the annual budget request for each fiscal year.

Management & Operations

Day-to-day operations for the Parks and Recreation Department are managed by two full-time staff members for the department, the Parks and Recreation Director and the Recreation Coordinator. Part-time staff is limited for the department but are employed seasonally to assist with Summer Camp, larger festivals, and holiday events. The department also has multiple committees that work in conjunction with staff for the development of new programs and offerings.

- ❖ **Parks and Recreation Director:** Oversees all operations for the department including finance, budget, capital projects, park improvements and maintenance, special event applications, permitting for Burgaw Incubator Kitchen, coordination with Recreation committee and Foundation board, as well as all other operations for the department.
- ❖ **Recreation Coordinator:** Oversees all planning and implementation of special programs, rental of town facilities, Tourism board liaison, marketing, website, and social media coordinator, as well as other operations for the department.
- ❖ **Parks and Recreation Advisory Committee:** Members of this board shall have the primary responsibility of collaboration with the Parks and Recreation Director for future capital projects as well as special events related to parks and recreation. In addition, this Board shall be responsible for aiding the Parks and Recreation Director in developing and administering recreational programs for town residents.
- ❖ **Parks Foundation of Burgaw, Inc.:** This non-profit organization was formed in 2023 for the specific purpose of raising funds for the expansion and betterment of the Burgaw community and to aid in the growth and maintenance of the local park systems within the corporate limits of Burgaw, NC. The Parks and Recreation Director serves as the Executive Director to this organization.
- ❖ **Burgaw Tourism Development Authority:** The Town of Burgaw Tourism Development Authority was established to promote travel, tourism, and conventions in the Town of Burgaw, sponsor tourist-related activities and events, and finance tourism-related capital projects in the Town of Burgaw. The Authority Board adheres to Senate Bill 1431 (establishment of Town of Burgaw Occupancy Tax) of the 2006 Session of the North Carolina General Assembly in the expenditure of funds allocated to it. The Board is managed by the Recreation Coordinator for the Department.

The town also has a Facilities and Grounds Department and a Public Works Department. Each department assists the town and Recreation department with the maintenance and upkeep of town parks and facilities.

SECTION VI: RECREATION NEEDS ASSESSMENT

Public Input

The methodology used in establishing a Parks and Recreation Master Plan should always include citizen input. To ensure a successful study, the public must be able to share their concerns, needs, and desires. For this effort public input was gathered through 1) Community Meetings; 2) Community Surveys; 3) Town of Burgaw staff; and 4) A steering committee was used with the Parks and Recreation Advisory Committee, Parks Foundation of Burgaw, and the Burgaw Planning Board, all made up of Town of Burgaw Residents and Business owners.

Community Meetings

The Parks, Recreation, and Tourism Department in conjunction with the Parks and Recreation Advisory Committee, hosted two community meetings on September 25th and October 5th of 2023. The meetings were held at the Burgaw Town Center located at 108 E. Wilmington Street. Participants were able to complete the community survey in person, vote on their top five most needed facilities, and provide feedback on active programs. Lastly, participants were able to view and discuss the West Side Trail and Parks project being installed in 2025 and provide active feedback.

Community Survey

The Community Survey was available to the public from September 2023 to July 2024. Community members could participate in the survey by visiting the Town Hall or attending a community event hosted by the Town. In addition, the survey was available electronically on the Town of Burgaw website and social media. Town staff further distributed the survey through the town newsletter, local newspaper, emails, radio ads, and local television stations. Community survey results are listed in the next section of this plan.

Town of Burgaw Staff

Staff were consulted during this process to better gauge the needs and desires of the community and the Parks and Recreation Department as a whole. Staff was able to provide insight into the shortcomings of needed amenities and the outlook for the future. Staff recommendations are addressed in this section of the plan.

Steering Committee

Parks, Recreation, and Tourism Staff formed a steering committee made up of the Parks and Recreation Advisory Board, the Parks Foundation of Burgaw, and the Burgaw Planning Board. Staff visited each respective group to receive feedback to formulate an overall vision for the department. These suggestions were then categorized into short-, medium-, or long-term action items. These items have been documented in the vision, goals, and objectives portion of this plan.

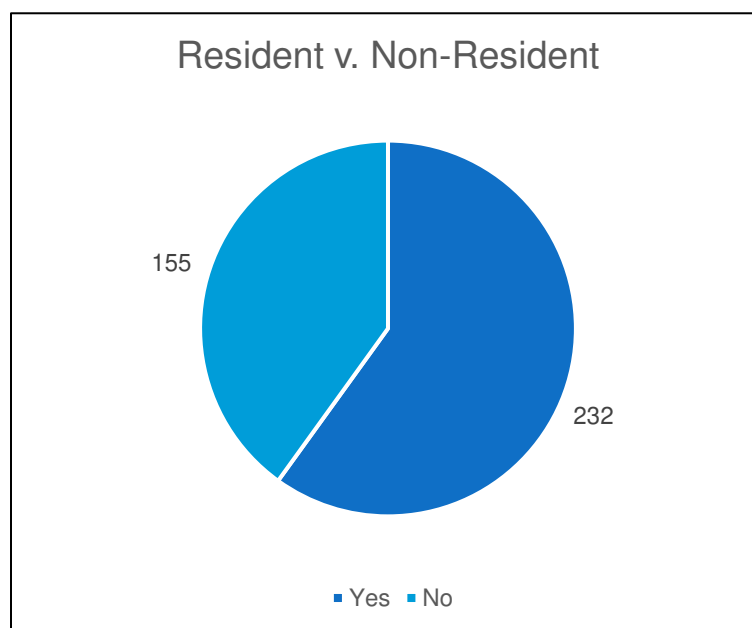


Community Survey - Results

From September 2023 – July 2024 the Parks and Recreation Master Plan Survey was distributed to the residents and visitors of Burgaw, North Carolina. The survey was available electronically and in paper form at the Town Hall facility. Two public meetings were also held on September 25th and October 5th 2023. All advertisement for the survey was conducted on the Town website, social media, signage, town newsletter, emails, newspaper ads, and local television stations. Information was used to gauge residents' facility needs, recreational preferences, and support for parks and recreation activities. This document outlines the findings of this survey, which are discussed and analyzed in the plan's Needs Assessment.

Response Rate

Four hundred and eighty-two (482) responses were returned representing one thousand five hundred and ninety-six (1,596) individuals. Two hundred and thirty-two (232) respondents indicated that they lived within the corporate limits of the Town, and one hundred and fifty-five (155) indicated that they did not live within the corporate limits. Ninety-five (95) individuals did not respond to these questions, leaving a total response rate of three hundred and eighty-seven (387).



Demographics

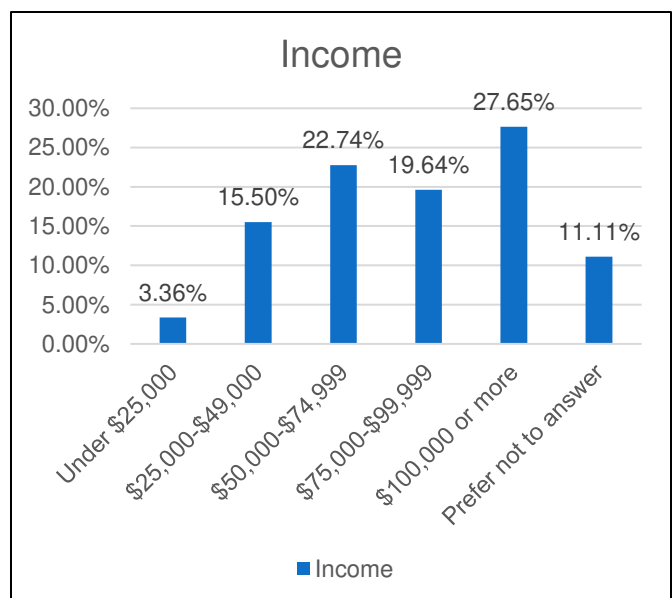
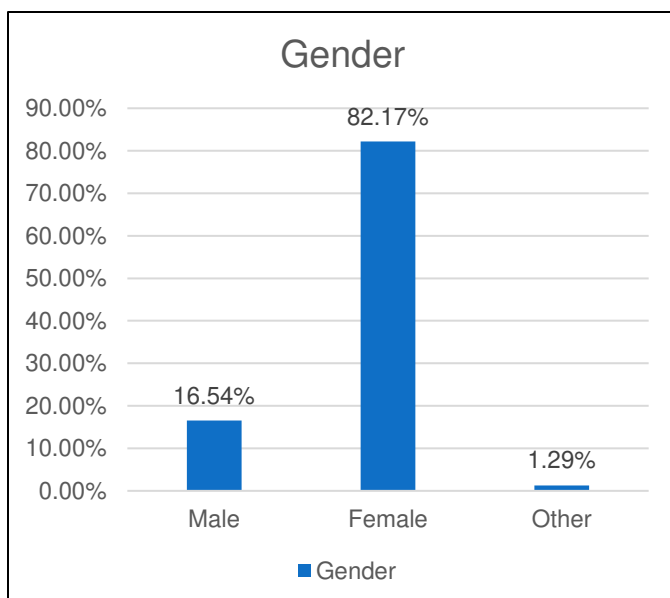
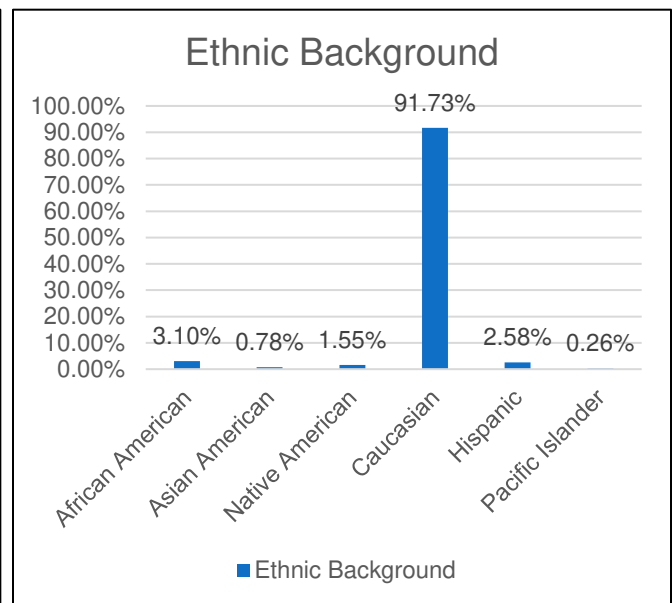
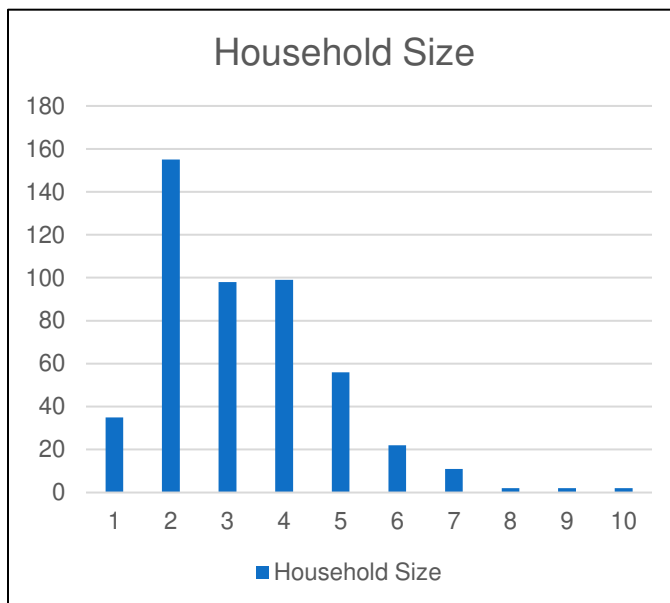
Demographic information was included as part of the survey primarily to determine whether the respondents were representative of the entire community. Because there were questions regarding the spending of property taxes, respondents were also asked whether they were property owners. Around two hundred and twenty-three (223) respondents owned property within the Town of Burgaw, making up 57.62% of the response rate. The average family size per resident was around two (2) people per household. 2020 census data reports 2.4 persons per 1,078 households in Burgaw, NC. The ethnic background of survey respondents was less representative of the population, in comparison with census findings. According to the 2022 census, the town's population was 52% Caucasian and 36% African American. However, 91.7% of survey respondents were Caucasian, and only 3.10% were African American. In both the census and the survey, the number of people of other backgrounds was small enough as to not be statistically significant. Survey responses were filtered by ethnic background to determine where responses may be affected by the undercounting of the African American population, and those

TOWN OF BURGAW PARKS & RECREATION

Comprehensive Master Plan

discrepancies are noted in this document and the Needs Assessment. Ninety-five (95) individuals skipped the question altogether. Based on gender, 82.17% of the survey respondents were Female and 16.54% were Male. Ninety-five (95) respondents elected to skip this question together and 1.29% indicated their gender as “Other”.

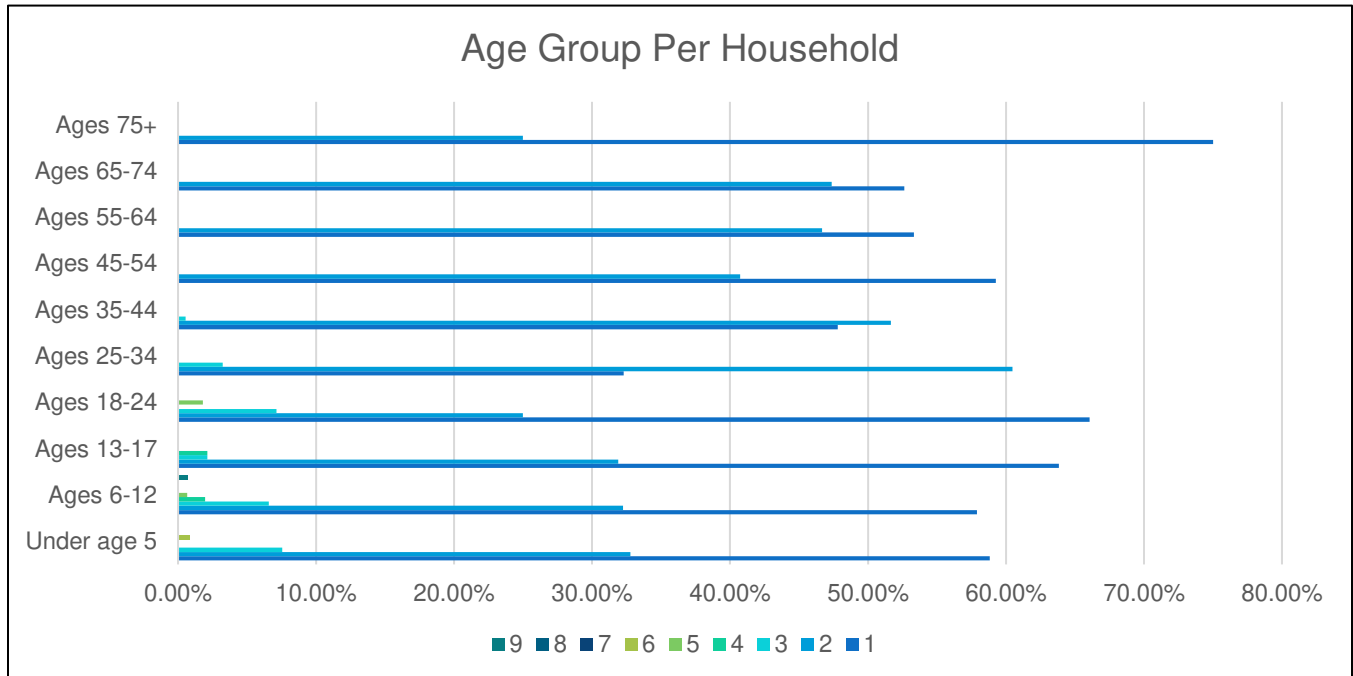
Survey respondents were also asked about their household income levels. Survey responses were filtered by income to determine where responses may be affected by the undercounting. Discrepancies are noted in this document and the Needs Assessment. 27.65% of responses indicated that their average household income was greater than \$100,000. Ninety-five (95) individuals skipped the questions altogether and 11.11% of individuals preferred not to share this information.



TOWN OF BURGAW PARKS & RECREATION

Comprehensive Master Plan

Respondents were also requested to indicate the number of people in each group in their households. All four hundred and eighty-two respondents participated in this portion of the survey. The largest age groups reported were the age 35-44 and 6-12 years of age groups. The 35-44 (182 responses) age group reported an average of two (2) individuals (51.65%) per household within this age bracket and the 6-12 (152 responses) age group reported at least one (1) individual (57.89%) with this age bracket.



Current Use of Facilities and Parks

Respondents were asked about their current use of town parks and recreation offerings. Three hundred and eighty-three (383) participants indicated that they use recreational facilities and parks in Burgaw. Forty-eight (48) indicated they do use parks in Burgaw and fifty-one (51) participants skipped the questions altogether.

Participants were then asked which facilities and parks their families had visited in the past fiscal year. Four hundred and thirty-one (431) participants indicated that they have visited at least one parks and recreation facility. Fifty-one (51) participants chose to skip this question.

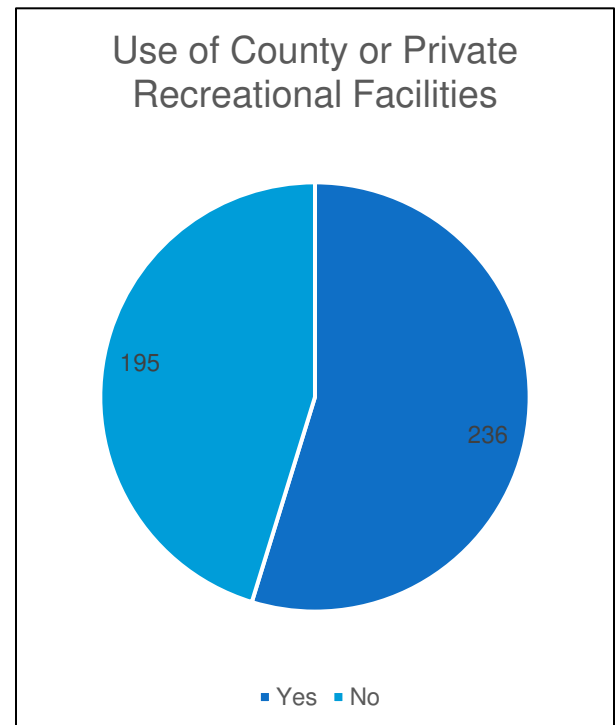
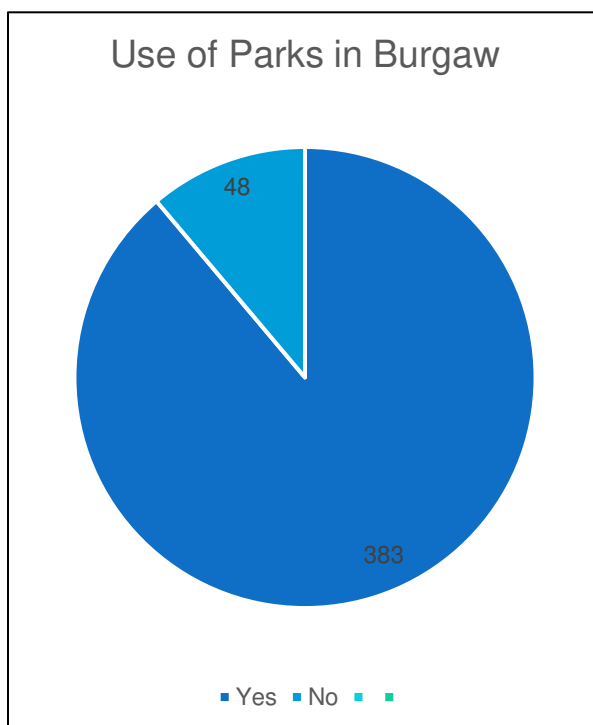
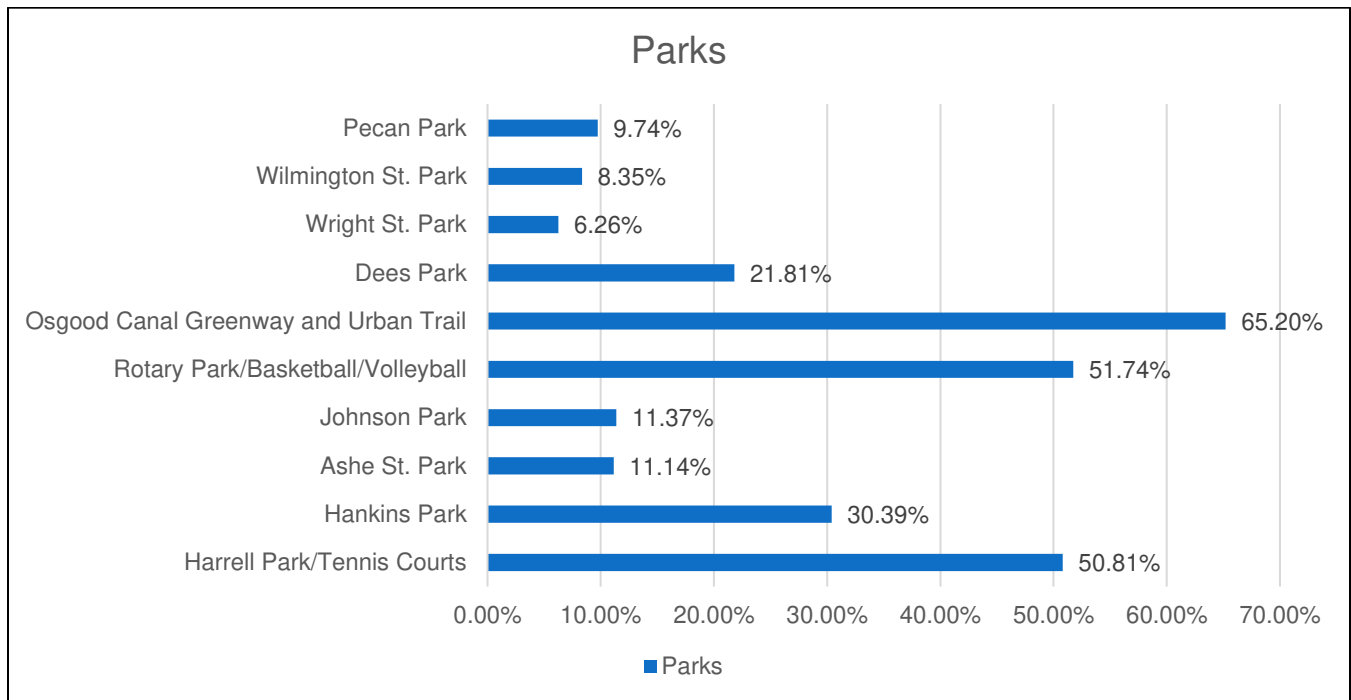
The most popular current parks being used included the Osgood Canal Greenway & Urban Trail (65.20%), Rotary Park/Basketball/Volleyball Facility (51.74%), and W. Ross Harrell Memorial Park/Tennis Courts (50.81%). The least used or visited parks included Wilmington Street Park (8.35%) and Wright Street Pocket Park (6.26%).

Respondents did note that they did not use some parks and offerings because they were not aware of them. This reason was frequently given for the parks with unspecified functions: Ashe Street Park, Johnson Park, Dees Park, and Pecan Park.

TOWN OF BURGAW PARKS & RECREATION

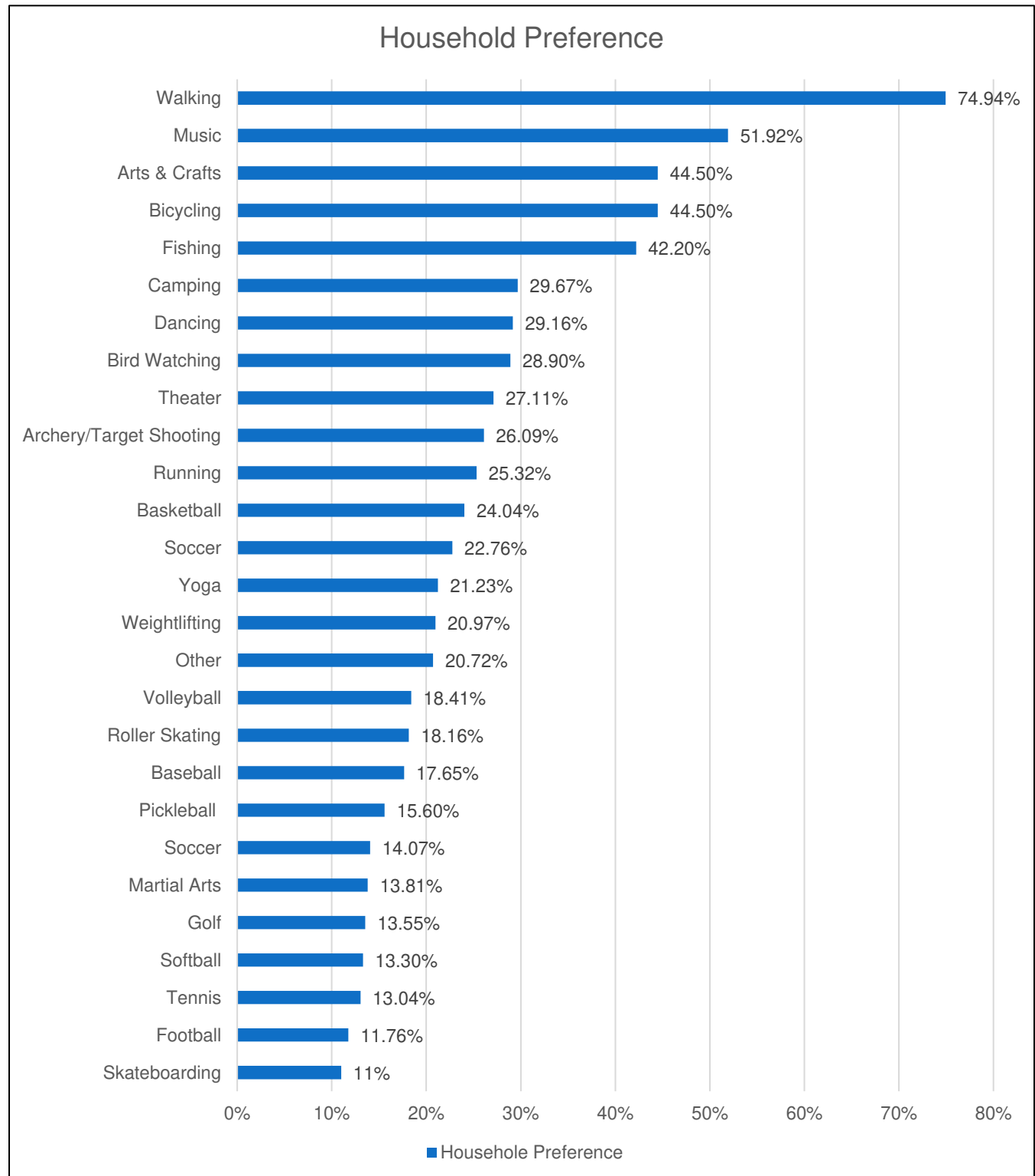
Comprehensive Master Plan

Respondents were also asked if their family had used any County or privately owned recreational facilities in Burgaw during the most recent fiscal year. Two-hundred and thirty-six (236) participants indicated that they had used a County or private facility and one hundred and ninety-five (195) indicated that they had not used this type of facility. Examples of these facilities included county-owned parks, martial arts centers, private gyms, and senior centers.



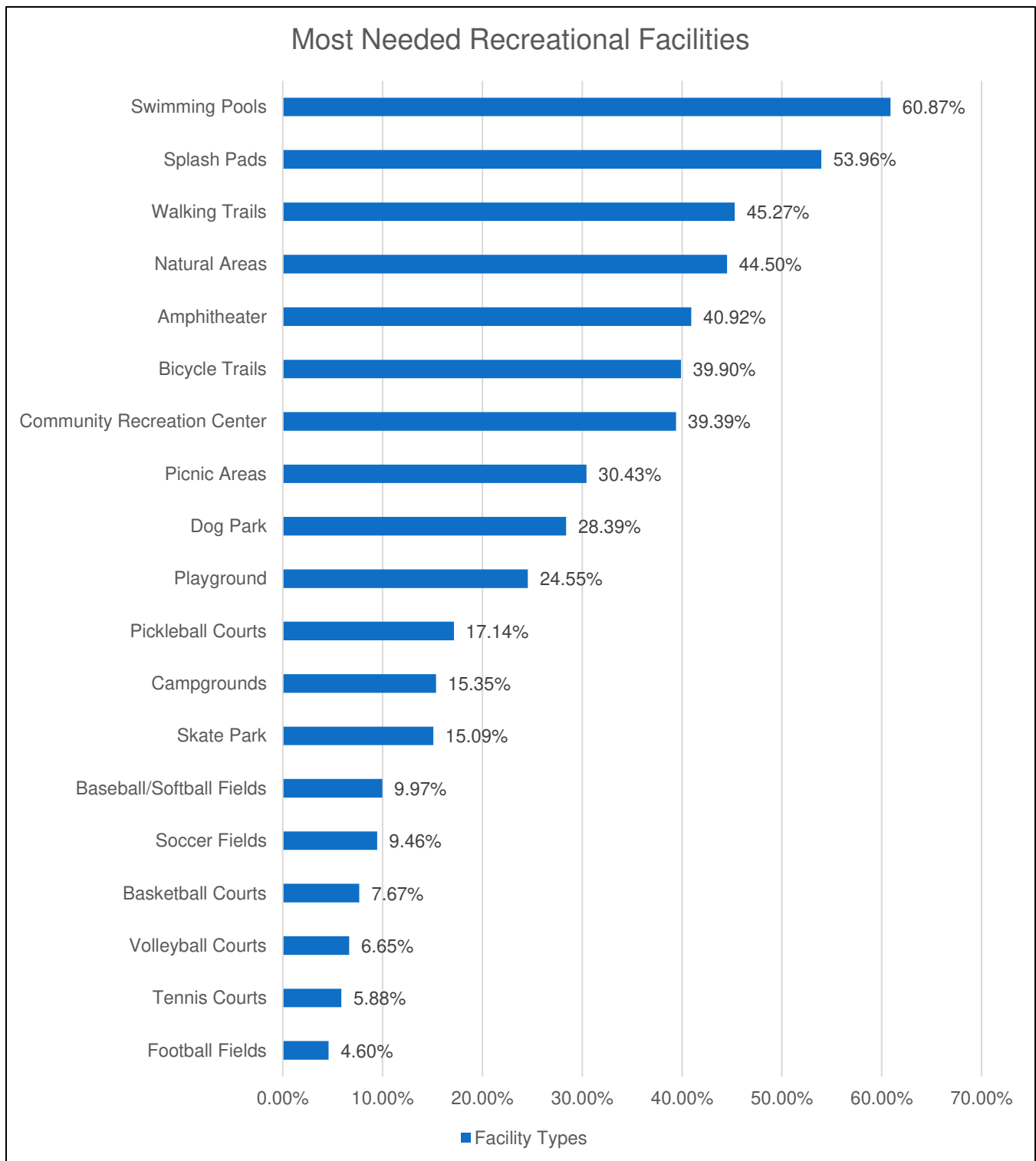
Preferred Recreation Activities

The most popular activities included walking, music, arts and crafts, bicycling, and fishing. The activities most likely to have been undercounted included swimming, pickleball, hiking, and dog walking.



Most Needed Recreational Facilities

The top ten facilities noted were needed including swimming pools, splash pads, walking trails, natural areas, amphitheater, bicycle trails, community recreation centers, picnic areas, dog parks, and playgrounds.



Most Important Purposes for Parks and Recreation

Survey respondents were asked to rate whether specified parks and recreation purposes were essential, very valuable, somewhat valuable, or not at all valuable. When these ratings were weighted, the most important functions of parks and recreation cited were:

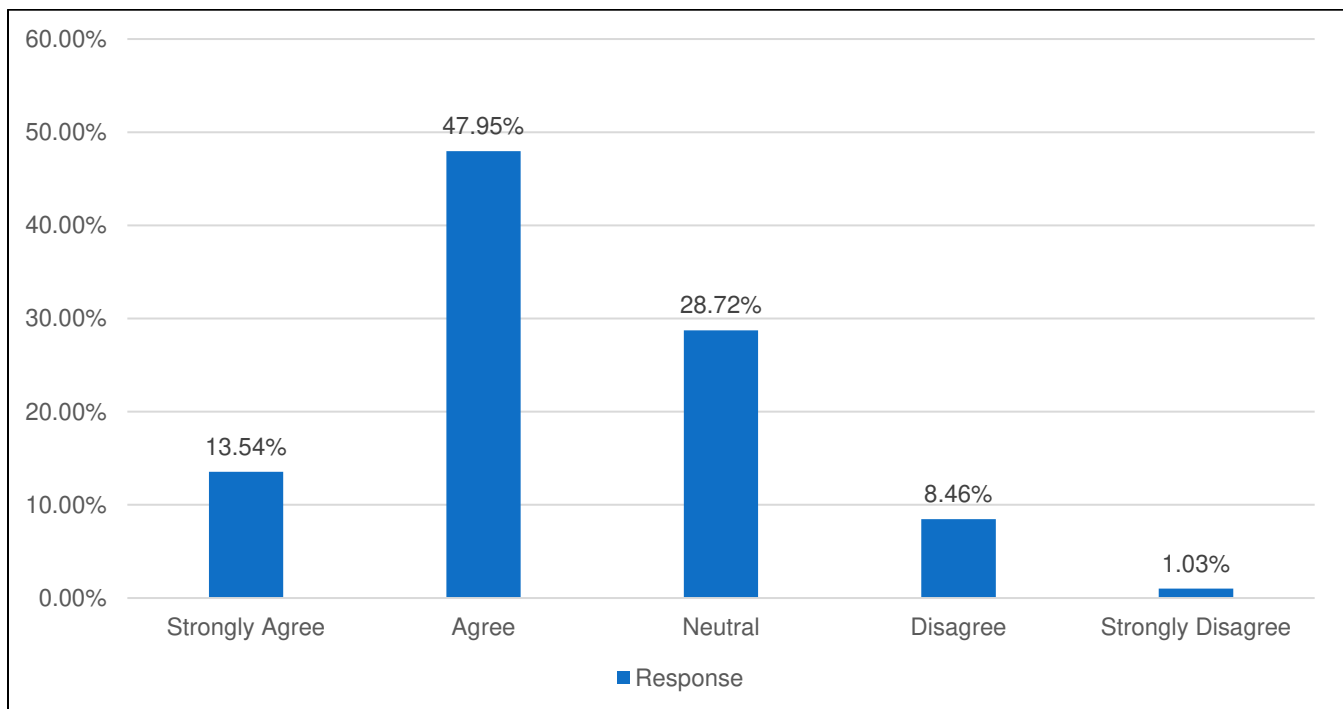
- ❖ **Providing recreational opportunities for adults.**
- ❖ **Providing recreational opportunities for Seniors.**
- ❖ **Protecting and preserving wildlife and natural areas.**

Level of Community Support

Survey respondents were supportive of parks and recreation programming in general, the town's current parks and maintenance activities, and strongly supportive of the development of new parks and facilities. Respondents are supportive of paying additional taxes to pay for parks and facilities.

Respondents were asked to answer the following questions that best represent the opinion of each statement.

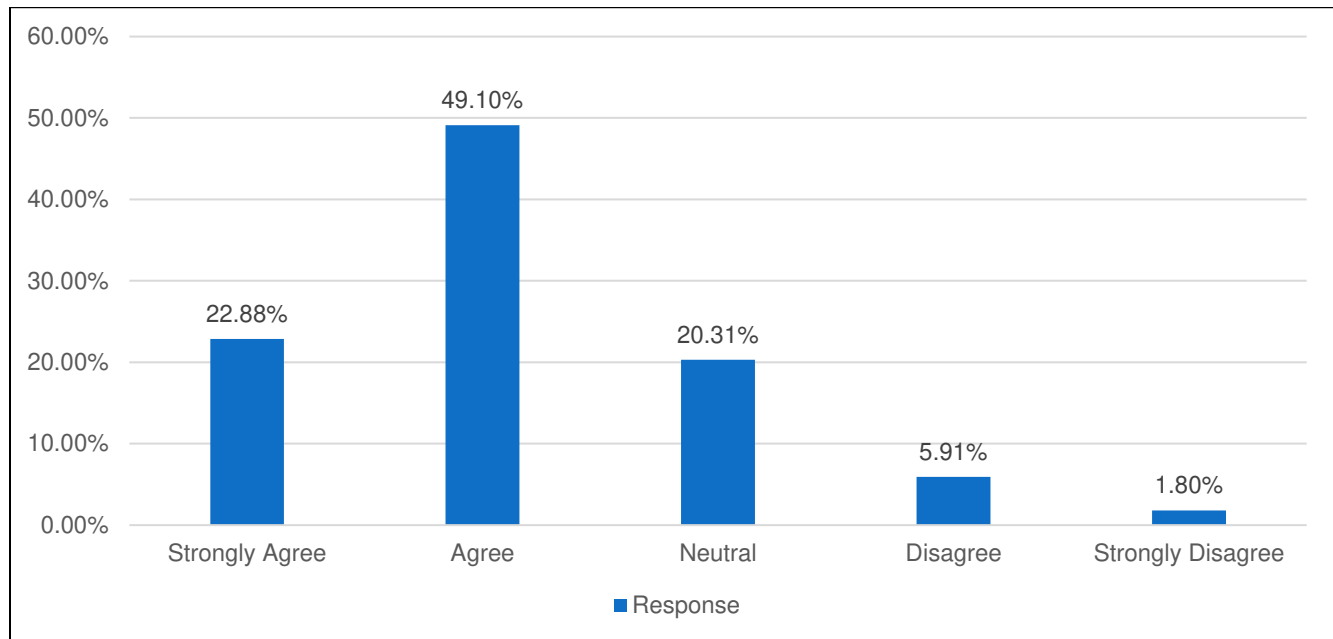
The Town of Burgaw offers excellent parks and facilities.



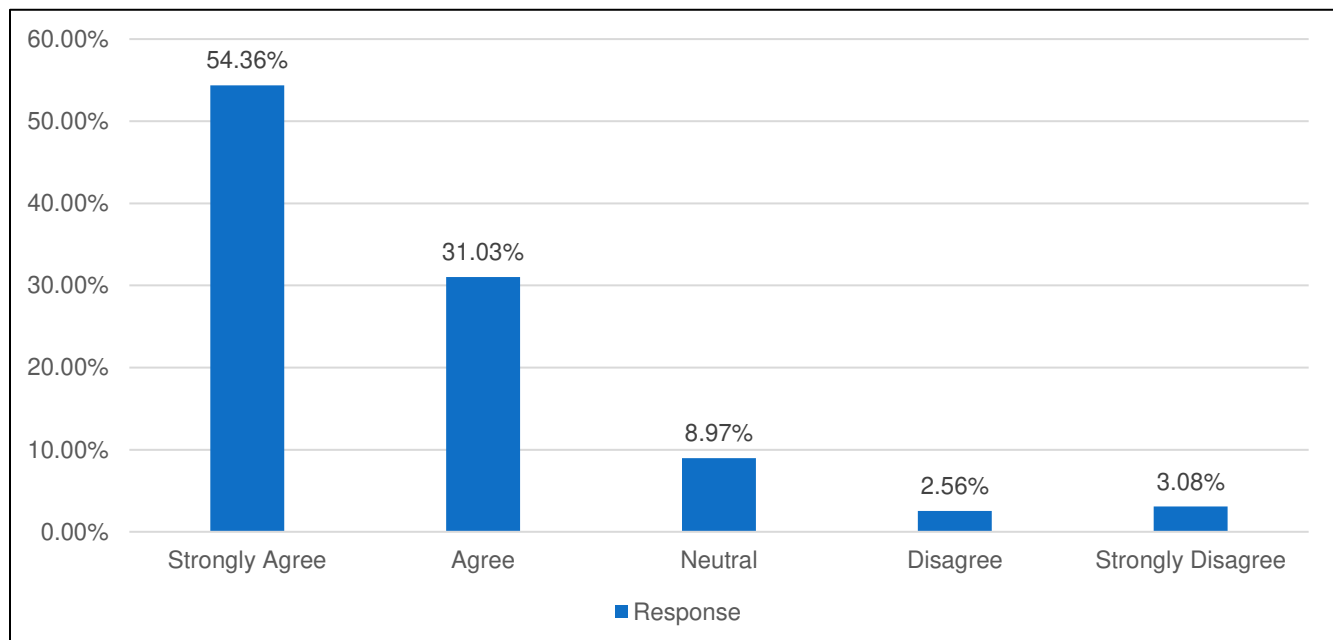
TOWN OF BURGAW PARKS & RECREATION

Comprehensive Master Plan

Burgaw does an excellent job of maintaining its parks and facilities.



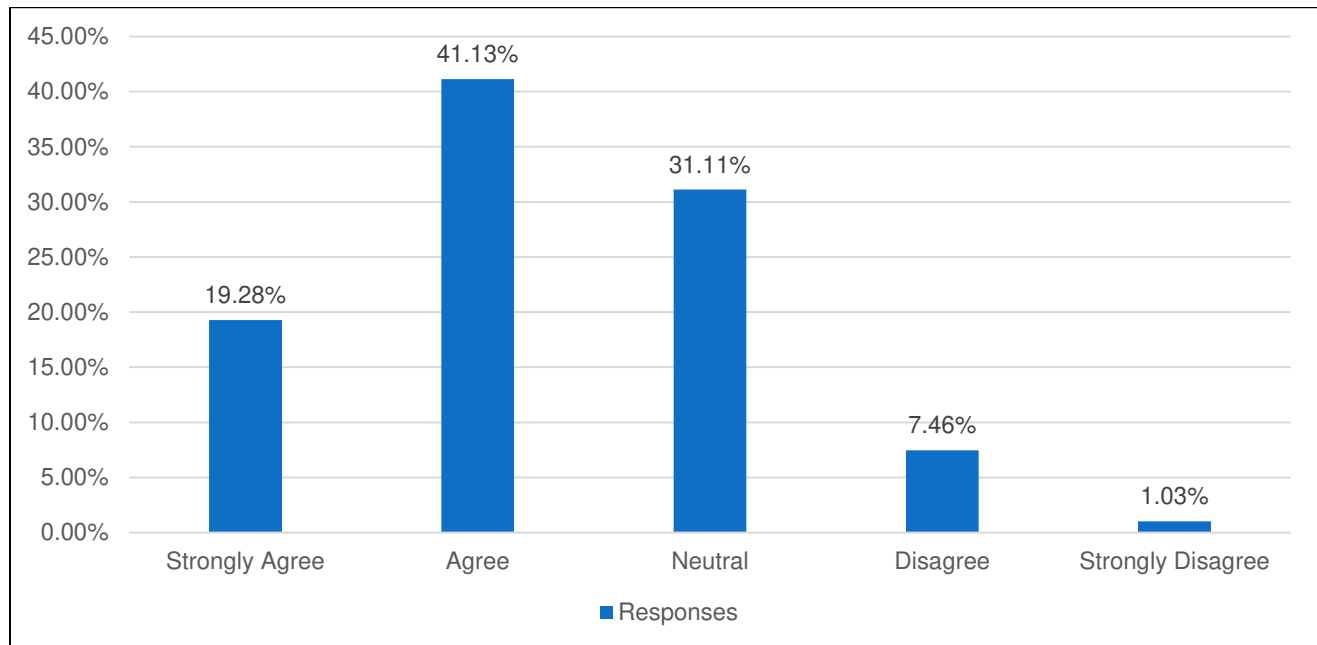
In addition to the current parks, Burgaw should develop additional facilities and parks.



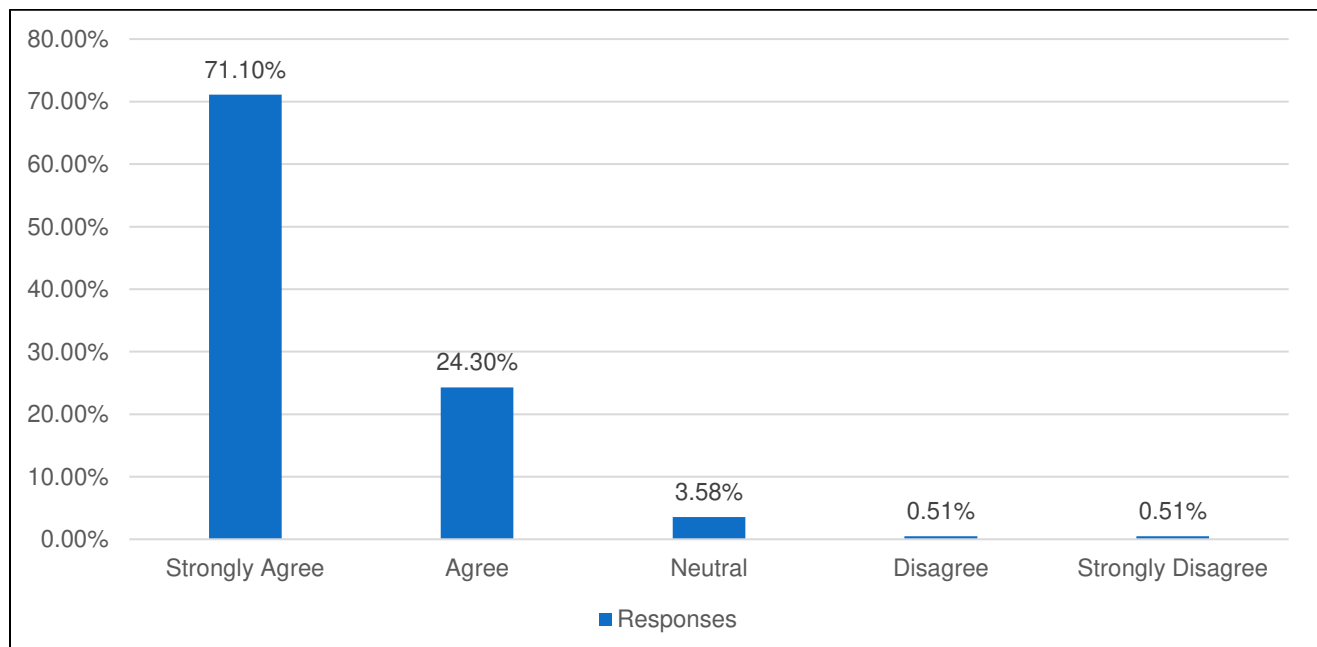
TOWN OF BURGAW PARKS & RECREATION

Comprehensive Master Plan

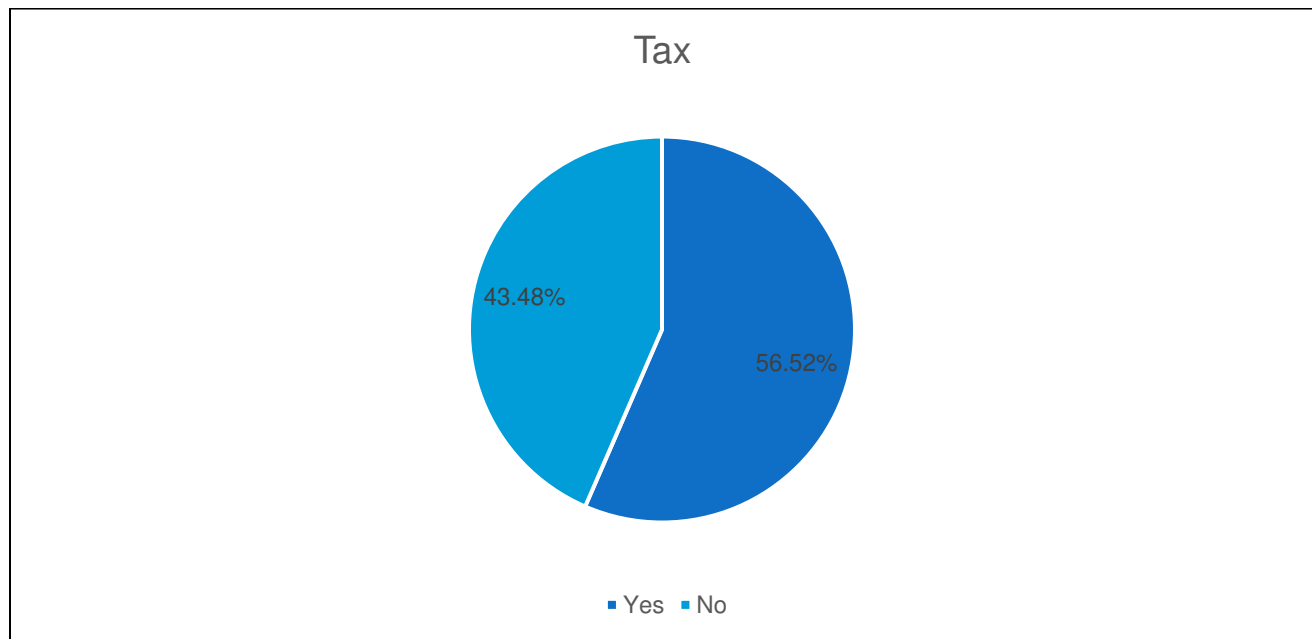
Burgaw's top priority should be to maintain its existing parks and facilities.



Parks, facilities, and recreation are an important part of the town's quality of life.



I would support creating a recreation tax for purchasing and developing Town parks and recreation facilities and would further support this tax being presented on an electoral ballot in an upcoming election.



Existing Acreage

The National Recreation and Park Association (NRPA) developed standards that were intended as guidelines for use at the local level. However, there has recently been a change in how standards of service are calculated. There is no longer a national standard of “X” number of acres of parkland per 1,000 persons, as this method of calculation is now recognized as deficient. The current NRPA methodology calls on each community to determine its defining blend of natural, social, and economic characteristics. Each community is allowed to develop its standard, or Level of Service (LOS), tailored to an appropriate range, quantity, and quality of recreational facilities within its fiscal limits. However, it is cumbersome and expensive for every community to develop an individual standard. Therefore, the previous national standards are still used by most communities as a general way to establish a standard.

When comparing a park system to national standards, one method is to examine the total acreage of the park system. The NRPA Park land guidelines (in acres) for the total service population of the Town of Burgaw are provided in the table below. The acreage requirement is based on the population ratio method (acres of parkland per population of 1,000) pre-established for each classification of parks.

Type of Park	Existing Acreage	Recommended for 2024 Population 3,207	Recommended for 2034 Population 4,062
Regional Park 10 acres/1,000 persons	NA	NA	NA
District Park 5 acres/1,000 persons	0 acres	16.03 acres	20.31 acres
Community Park 2.5 acres/1,000 persons	0 acres	8.01 acres	10.15 acres
Neighborhood Park 2 acres/1,000 persons	11.73 acres	6.41 acres	8.1 acres
Mini Park 0.5 acres/1,000 persons	1.71 acres	1.60 acres	2.03 acres
Does not include 2.5 miles of linear park (Osgood Canal Greenway and Urban Trail)			

Following a summation of park acreage, it has been determined that the Town of Burgaw does not meet the national and state acreage guidelines for comprehensive park systems (see the total existing acreage as compared to the total recommended acreage in the table above). The Town does not currently operate a Regional, District, or Community Park. Usually, those types of larger parks are operated by large cities and/or counties, or State Park systems and these categories do not directly apply to this study. It should be noted that other, non-town-owned parks and recreation facilities located within the County or nearby offer residents additional leisure and recreation opportunities.

Community Demand

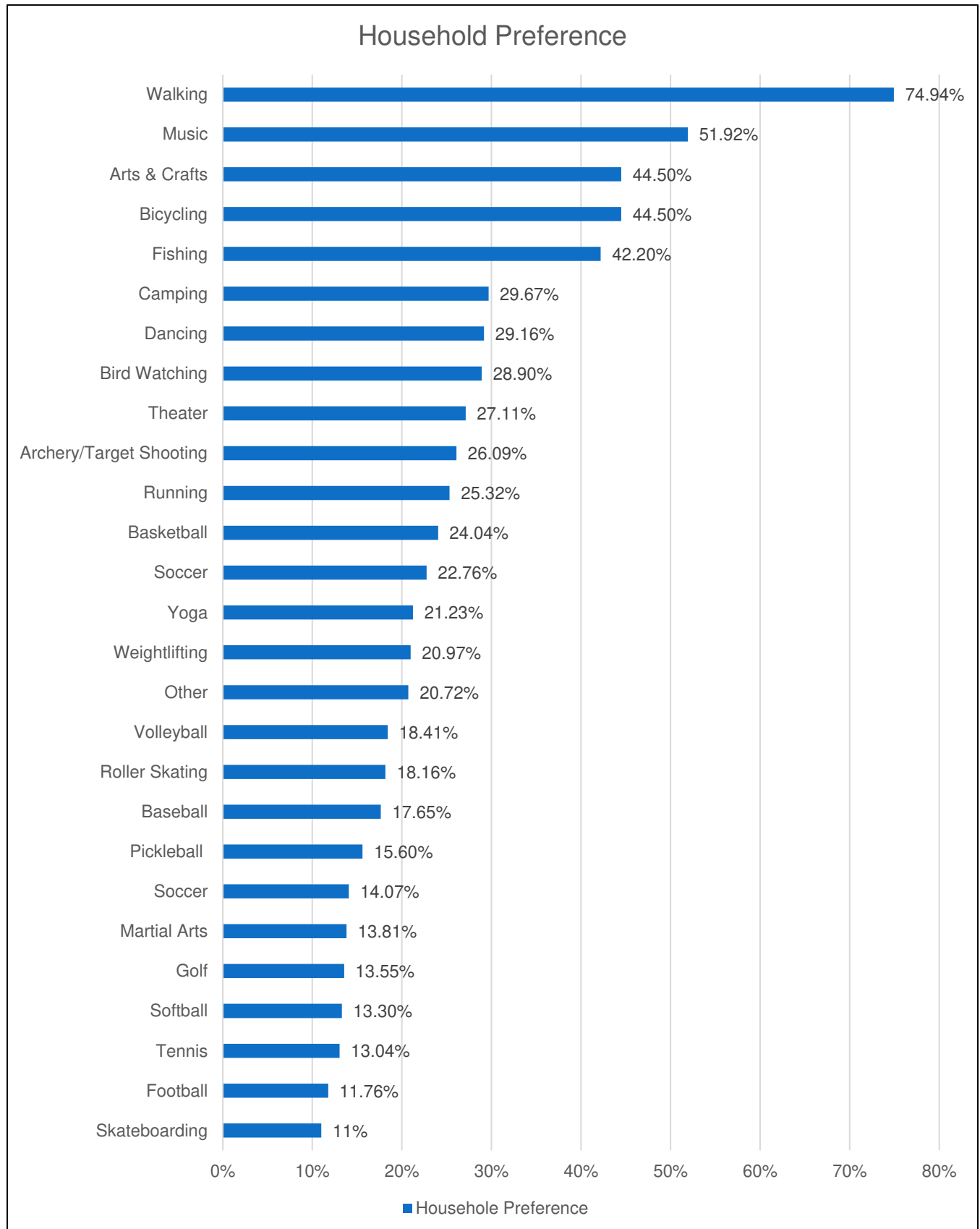
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Respondents provided information regarding their household's preferred recreational activities, current use of the town's parks system, support for parks and recreation services, and demand for additional facilities and programs. Full results of this survey and more information on the sample and its demographics are included in the previous section.

According to the 2024 Parks and Recreation Master Plan survey, the most popular recreational activities for Burgaw's residents include walking, music, arts and crafts, bicycling, fishing, and camping. Of the top ten preferred recreational activities, only fishing and camping are not currently accommodated within the town's planning jurisdiction by either a public or private entity, and both are supported by nearby rivers and natural areas

TOWN OF BURGAW PARKS & RECREATION

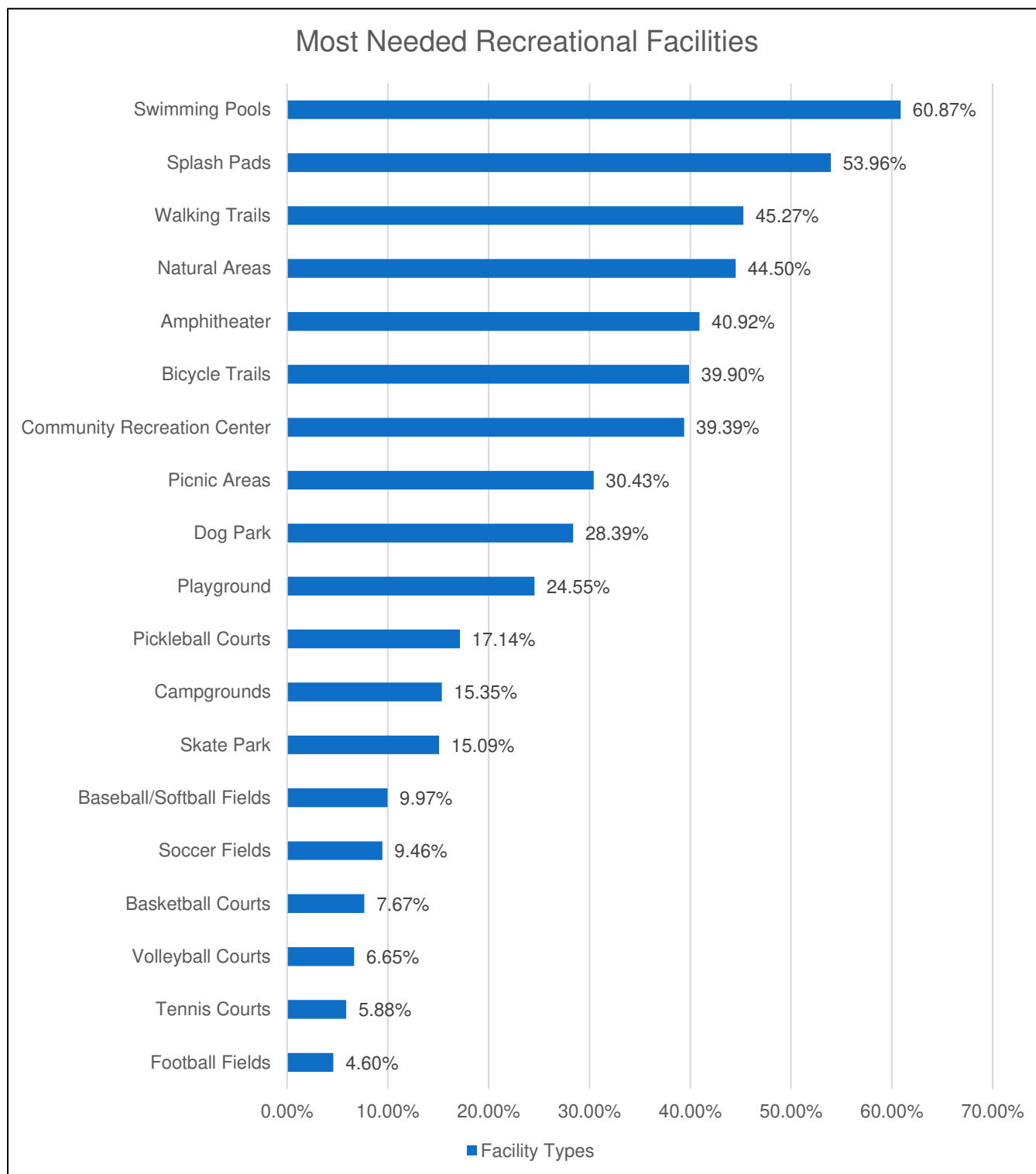
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TOWN OF BURGAW PARKS & RECREATION

Comprehensive Master Plan

The facilities most needed for the preferred recreation types were swimming pools, splash pads, and walking trails.



Survey respondents identified the top ten needed facilities as:

1. Swimming pools
2. Splash pads
3. Walking trails
4. Natural areas
5. Amphitheater
6. Bicycle trails
7. Community Recreation Center
8. Picnic Areas
9. Dog Park
10. Playgrounds

However, a few sectors of the population were underrepresented by the survey responses, and demand for specific facilities may have been undercounted.

Respondents were also asked to prioritize their top five facility needs, and those rankings were weighted to determine the highest-priority facilities. When weighted, the highest demand was overwhelmingly for swimming pools, splash pads, walking trails, natural areas, amphitheaters, bicycle trails, community recreation centers, picnic areas, dog parks, and playground areas rounding out the top ten.

Internal Needs

To better gauge the needs of the department and to help prepare for growth within the community, this plan analyzed the suggestions from internal boards, committees, and staff members. The following areas were highlighted as key areas to improve services and better manage day-to-day operations.

These needs are based in part on the yearly update of the Town of Burgaw 10-year Capital Improvement Plan (Appendix A). The Town of Burgaw Capital Improvement Plan (CIP) is a strategic document designed to guide the town's investment in infrastructure projects over ten years. It serves as a comprehensive roadmap outlining the town's priorities, objectives, and proposed projects for enhancing and maintaining essential public facilities and services. The CIP reflects the town's long-term vision for sustainable development, economic growth, and community resilience. By systematically identifying capital needs, prioritizing projects, and allocating resources, the plan aims to ensure efficient and effective utilization of public funds while meeting the evolving needs of residents and businesses. Through collaboration with stakeholders, data-driven analysis, and community engagement, the Town of Burgaw CIP lays the foundation for strategic decision-making and investment in critical infrastructure to support the town's continued prosperity and well-being.

- ❖ **Programs (Healthy & Engaged Community):** While the town offers great holiday events and festivals, it has been suggested by town boards to focus more on frequently occurring smaller programs for adults, children, and seniors. Adding additional programming will promote the overall well-being of Burgaw residents and visitors with welcoming public spaces and high-quality recreational facilities and cultural activities that fulfill a range of community needs.
- ❖ **Staffing (High Performing Government):** To continue to offer more special events and festivals, staffing will need to be added to cut down on the overuse of current staff and spread-out resources. Additional staffing will maintain a commitment to and support an adequate well-trained staff to serve the current and future needs of the community, to cooperate regionally and with other local governments and, where appropriate, share ideas and resources, and to conduct the business of the Town with complete transparency and integrity.
- ❖ **Finance:** To maintain parks and continue to offer public events, staff must be able to advocate for further funding during fiscal cycles and continue to fundraise through collaboration with the Parks Foundation of Burgaw. A focus on finance will employ sound fiscal management practices to ensure the long-term financial viability of the Town by building partnerships to create a supportive environment for our current businesses, and form relationships that foster new and continued economic opportunities in Burgaw.



Parks and Recreation Trends

The National Recreation and Park Association (NRPA) has identified five national parks and recreation trends that may affect the Town of Burgaw and should be considered as the town plans for future parks, facilities, and programming.

Programs are key to great park attendance. According to NRPA, evidence shows that the public is less likely to visit and support parks without programming. Currently, the town offers numerous programs in the downtown area, more park-based programs should be considered as planning efforts continue.

The perceived value of distributed services results in agency functions assigned to various departments. This trend is still observed in Burgaw, as multiple committees and departments have taken on various parks and recreation functions. The Facilities and Grounds Department shares facility maintenance and landscape activities with the Recreation Department, as well as assistance from the Beautification Committee. The Tourism Board and the Parks Foundation also assist with creating programs and sharing the budget expenses.

Agencies are pioneering new funding methods. Nation-wide, public support for parks remains high, but funding opportunities have dwindled, including municipal funding. Some agencies have found new revenue sources through special tax districts and dedicated sales tax on recreation-related goods and equipment. The ability of the town of the town to find these sources is small due to state restrictions and the existing tax burden of residents and property owners. The town has since formed the Parks Foundation of Burgaw to assist with this endeavor.

The infrastructure deficit means parks will have to fight harder for public dollars. Public infrastructure, including water and sewer lines and roads, has been underfunded for many years, and the need for improvements and maintenance has increased both locally and nationally. NRPA recommends discussing park needs along with infrastructure needs to combine infrastructure and park projects to lower costs. For instance, in some areas, parks have been used for stormwater retention. The association does note that opportunities for cross-functionality are most likely to occur early in the planning process.

Walkable cities draw millennials, fueling a suburban exodus. This trend could work both for and against Burgaw. By increasing the town's walkability, millennials could be retained or recruited, but due to the town's proximity to larger cities, without attractive amenities, we may be more likely to draw the population displaced by urban gentrification, which is usually less able to pay for services.

Identified Needs

The needs identified by this process are closely aligned with those recognized by the 2016 Parks and Recreation Master Plan and other previous plans conducted by the Town of Burgaw. Residents indicated that desired new facilities, including swimming pools, splash pads, and walking trails. In addition, the 2015 Town of Burgaw Bicycle and Pedestrian Plan recognized that certain areas of town were not currently served by parks and pedestrian amenities and recommended an extension of the Osgood Canal Greenway and Urban Trail to the west side of the railroad right-of-way, this process is currently being conducted by the recreation department to be completed by 2025.

Current town parks and recreation needs include:

- ❖ Additional Park acreage to meet NRPA acreage benchmarks.
- ❖ New parks and facilities to serve the areas of town not covered by existing neighborhood or pocket parks.
- ❖ More programming, especially for children, teens, and adults.
- ❖ Better marketing of existing parks, facilities, and programs.
- ❖ More staffing for the department.
- ❖ Coordination with other agencies so parks can be coordinated with infrastructure needs and projects; and
- ❖ Additional facilities, according to resident input, including
 - Swimming pools
 - Splash pads
 - Walking trails
 - Natural areas
 - Amphitheater
 - Bicycle trails
 - Community Recreation Centers
 - Picnic areas
 - Dog parks
 - Playgrounds

SECTION VII: VISION, GOALS, AND OBJECTIVES

To guide the recommendations of this plan, the Town of Burgaw established the following mission and vision statement in the 2016 Master Plan. The following statements and goals still currently serve the Parks and Recreation and the goals of the 2024 Master Plan:

Mission Statement: *The Parks, Recreation, and Tourism Department seeks to enhance the quality of lives of the citizens of Burgaw by offering both active and passive recreation opportunities. The department includes a comprehensive system of parks, greenways, facilities, and open spaces that help promote health and enjoyment of outdoor activity in Burgaw.*

Vision Statement: *The Town of Burgaw envisions a system of parks and recreation facilities that connect neighborhoods physically, socially, and culturally; enable all residents to reach their potential through healthy, active, and balanced lifestyles; provide a sense of place and identification for the community; and protect, preserve, and restore significant natural areas and resources.*

To further aid in the establishment of the goals and objectives of this plan. The Town of Burgaw formed a sub-committee to aid in the development of short-term, medium-term, and long-term goals of the department and this plan. The committee consisted of the Parks and Recreation Advisory Board, the Parks Foundation of Burgaw, and the Burgaw Planning Board.

Parks & Recreation Departmental Goals



Goal 1: Build and Maintain Program and Park Capacity

The town's parks and recreation assets consist primarily of Harrell's Park, Hankins Park, Rotary Park, and the Osgood Canal Greenway and Urban Trail. There are also eight other pocket parks and passive green spaces throughout town, the newest being Dees Park (2022) and Wright Street Pocket Park (2020). In 2025, the department will be adding 2.2 miles of additional multi-purpose trails to the Osgood Canal Greenway and Urban Trail and a fitness park to the West side portion of town, the number one suggested improvement in the 2016 Master Plan.

The Town also has three facilities managed by the department: The Historic Burgaw Train Depot, Burgaw Community House, and the Burgaw Town Center. To add to the growth and expansion of town facilities and parks, the Town has since created the Parks Foundation of Burgaw, Inc. to aid in the department's goals and visions of this plan as well as continued collaboration with the Parks and Recreation Advisory Board.

Programming has become more frequent since the previous 2016 Master Plan, bringing on one additional staff member to assist with the development and continued implementation of the department's offerings. If the town's parks and recreation program is going to continue to grow to meet resident demands, the program's capacity and staff support will also have to grow and develop.

Objectives

- ❖ **Develop and maintain recreational programs for town residents.**
- ❖ **Increase public awareness of, appreciation for, and usage of our parks and facilities.**
- ❖ **Ensure parks and recreation maintenance and programming are adequately funded.**

Recommendations

- ❖ ***Continue tracking parks and recreation operating expenditures. (Short, Medium, Long Term):*** To determine whether parks and recreation facilities and activities are funded adequately, existing operational costs should continue to be tracked.
- ❖ ***Partner with other local organizations to provide, organize, and advertise recreation programs (Short-Term):*** Efforts should be conducted in conjunction with outside agencies and non-profit organizations to update and keep the public informed on upcoming events, fundraising, and informational functions. Social media and public calendars should be considered.
- ❖ ***Install signs/mobile app with a map of the entire trail way (Medium-term):*** This action was originally recommended in the Burgaw 2030 Comprehensive Land Use Plan to help orient users of the Osgood Canal Greenway and Urban Trail. Because new trail projects are already being planned, this action is recommended for the medium term so new trail routes can be included on maps.

- ❖ ***Maintain appeal through weekly maintenance and partnership with local organizations (Short-term):*** To maintain the façade and attractiveness of parks and green spaces, the department should continue to maintain a cleaning log and weekly maintenance of public restrooms, open spaces, and play areas. The department should continue to promote the Adopt-A-Park program to seek outside assistance from local organizations and businesses.
- ❖ ***Increase “regular programming” for public enjoyment & recreation (Medium-term):*** While the department does a good job in providing a variety of stand-alone festivals and holiday events, staff should look to provide frequent weekly programs for youth, adults, and senior citizens. This goal is recommended as a medium-term as staff and resources are dependent on yearly fiscal operations.
- ❖ ***Keep the Parks and Recreation Page on the Town of Burgaw website up to date (Short-Term):*** One staff person should be designated for the department to keep the website up to date with programs and facilities offerings.
- ❖ ***Consider ongoing maintenance expenditures and existing capacity when making decisions regarding new parks, facilities, and programming (Short-term):*** Capital expenditures are most closely considered during the capital improvement process, staff responsible for the department should track and present information to continue to grow the offerings of the department and maintain the day-to-day operations of parks and facilities.
- ❖ ***Update the department's 10-year vision, goals, and objectives (Long-Term):*** Stay up to date with services to the community by updating 10-year visions, goals, and objectives.

Goal 2: Connect People and Neighborhoods

Not all of Burgaw’s neighborhoods currently have safe and convenient access to town parks and facilities. These areas need literal connections to parks and recreation; however, connections can also be more figurative. Parks and recreation have been used throughout history to provide spaces for residents of different lifestyles and backgrounds to connect in safe, neutral spaces and through recreational activities. The department should seek to continue to provide residents with opportunities to build community connections through recreational programming for both adults and children.

Objectives

- ❖ **Establish recreational programs to bring people of all ages, ethnic backgrounds, and socioeconomic levels together.**
- ❖ **Design parks to accommodate all sectors of the town’s population and support their physical, mental, and social needs.**
- ❖ **Develop a network of parks connected by trails and greenways throughout the town’s corporate limits.**

Recommendations

- ❖ ***Expand sidewalks and trails to connect existing neighborhoods to park systems. (Medium-Term):*** While most residences between the railroad right-of-way and HWY 117 have convenient access to area parks, portions of the town do not have access to parks via sidewalks or trails. The western side of the railroad right-of-way was highlighted in the 2015 Bicycle and Pedestrian Plan, and recommendations have been implemented as further developed through 2022 Phase Two West Side of Osgood Canal Greenway and Urban Trail Development Plan. As new parks and facilities are planned, however, the town should also ensure that residents west of Giles Marshburn Rd. and east HWY 117 also have convenient access to parks via trails and sidewalks. This can be accomplished through either town implementation or regulatory requirements as park of new development.
 - ***Interim Actions:*** Development of the West Side Trail and Parks Project is currently active at the time of this plan and looks to add 2.2 miles of additional trail on Western portion of town. This project is to be completed in the Fall of 2025. The phase three design should be considered in future years.
- ❖ ***Require new neighborhoods to provide sidewalks or trails that will allow residents to connect with parks. (Short-Term):*** As indicated above, some of the parks and recreation needs of far western and eastern portions of the town can be accommodated as a park of new development. Staff should continue to work with the Technical Review Committee to implement these recommendations.
- ❖ ***Install a variety of equipment for children in designated park areas (Medium-Term):*** Survey respondents identified children's playgrounds as needed facilities. Because the town already has several playgrounds, this recommended action is not an immediate town priority. When new equipment is installed, it should be distinct from existing play structures to avoid system redundancy and should be chosen to develop specific skills, rather than chosen primarily due to price point. Further, playground structures should be chosen to accommodate those with specific needs related to ADA.
- ❖ ***Assess and improve accessibility for existing parks and equipment (Medium-Term):*** Not all of the Town's existing park facilities are constructed to accommodate people with disabilities. Further, there is limited playground equipment currently available other than Harrell Park and Pender Memorial Park. To provide recreational opportunities for all sectors of the community, new parks, and playgrounds should be designed to be accessible for people with a variety of disabilities, and existing facilities should be assessed to determine where improvements are necessary.

- **Interim Action:** The town should continue to implement the ADA Transition Plan completed in the 2022-2023 Fiscal Year.
- ❖ **Install equipment for adults along trails and implement with children's playgrounds (Medium-Term):** Town staff should look to add additional fitness stations along the Osgood Canal Greenway and Urban Trail, while further looking into the idea of incorporating equipment inside the playground areas.
 - **Interim Action:** A fitness park is currently being developed near Pender Memorial Park as part of the West Side Trail Project. This park is planned to be completed in the Fall of 2025.
- ❖ **Connect the two portions of Ashe St. Park via bridge and trail (Medium-Term):** This existing park is halved by the Osgood Canal Greenway and Urban Trail, limiting the use of a large portion of the property. While engineering will be performed because of the property's floodway status, a bridge or raised walkway should be constructed to provide residents with access to the full park.

Goal 3: Support All Residents' Healthy, Active Lifestyles

One of the government's most important responsibilities is to promote public health and safety, and individuals and organizations across the nation are beginning to recognize the importance that the built environment plays in encouraging and accommodating citizens' healthy lifestyles. While the town's existing parks and facilities contribute greatly to an active lifestyle, not all citizens have sufficient access to them. The town should make investments in areas of town already developed and should require future developments to accommodate needed park facilities.

Objectives

- ❖ **Provide parks and common open spaces adequate in size, condition, and safety to serve all citizens and create a more livable community.**
- ❖ **Provide recreational opportunities for town citizens of all ages, physical conditions, and locations of residence.**

Recommendations

- ❖ **Increase the town's park acreage to meet the NRPA benchmark (Short-Term):** Staff should continue to pursue expansion of the park system through a partnership with the Parks Foundation of Burgaw, Inc. and the Town of Burgaw Board of Commissioners. Expansion is needed to accommodate new features, as current parks have reached expansion limits.

- **Interim Action:** Expansion of the Osgood Canal Greenway and Urban Trail to the Western Portion of town will contribute to increasing the park acreage for the Town.
- ❖ **Finish development of West Side Trail and Parks Project to expand amenities to neighborhoods not currently served (Short-Term):** This project is currently active and will be complete in the Fall of 2025.
- ❖ **Continue to work with the Planning Department to require new developments to provide recreation amenities that can be dedicated to the public or a fee-in-lieu (Short-Term):** This regulation has been adopted in the Unified Development Ordinance and should continue to be implemented to provide new park facilities in areas of town prime for new development.
- ❖ **Develop a trail and park corridor on the east side of HWY 117 utilizing the power line utility easement (Long-Term):** Behind the commercially zoned properties on the east side of HWY 117 is a Duke Energy power line easement. Subject to their limitations and approval, this area may be a cost-effective way for the town to provide parks and recreation land for residents in that area once it becomes developed.
- ❖ **Establish a Community Recreation Center (Long-Term):** A community recreation center has been discussed by the Board of Commissioners in the past and was prioritized highly in the survey for this plan. This project would require a large capital investment, additional staff, and ongoing operational costs, however, and the town does not have the resources to complete and run this type of facility on current tax revenue.
- ❖ **Offer adult sports leagues when new facilities become available in town (long-term):** Develop leagues when resources become available to staff.
- ❖ **Provide access to parks and facilities not currently available, namely swimming pool, splash pad, amphitheater, dog park, and natural picnic areas.**
 - **Swimming Pool (Long-Term):** Like the community recreation facility, this type of amenity is costly both upfront and in terms of ongoing staffing and operations.
 - **Splash Pad (Short-Term):** Both of top survey response and an interim action for a swimming pool, this type of water amenity should also be able to be accommodated on one of the town's current parks.

Interim Action: The Parks Foundation of Burgaw, Inc. is coordinating a community-wide fundraising effort on behalf of the Town of Burgaw for the installation of a splash pad at Bishop Rayford Hankins Memorial Park.

- ***Amphitheaters (Medium-Term):*** Survey respondents prioritized a performing arts facility, specifically an amphitheater, as a park facility priority. This type of facility can depend heavily on natural topography and need not be a major structural investment. As a result, cost is dependent on the park's natural features, and existing parks do not have the needed topography to reduce capital investment.

Interim Action: The town has had a discussion with Pender County on installing a permanent stage on the Courthouse Square to accommodate the Summer on the Square Concert Series as well as local festivals and events. Further, the town has pursued engineering and pricing for installing a performance stage at the Dees Park location.

- ***Dog Park (Short-Term):*** This action came out of the survey responses for this plan and was also included in the Burgaw 2030 Comprehensive Land Use Plan. This type of facility should be able to be accommodated in one of the town's current parks.
- ***Natural Picnic Areas (Long-Term):*** This type of facility was of high priority for residents in the needs survey. However, because the town already has multiple existing parks with passive green space, this project would be considered as a long-term item for the department.

Goal 4: Enhance the Town's Character and Sense of Place

Parks not only provide a location for recreational activities, but they also contribute to a sense of place and enhance a community's character. They can also serve to maintain greenspace as new land is developed. Burgaw's residents have indicated that they value the natural features of the town's existing parks, and new parks can further enhance the town's "green" image as a Tree City USA. However, care must be taken to ensure that staff can maintain the park system, as parks without adequate maintenance can degrade the community's well-maintained properties and boost its quality of life.

Objectives

- ❖ **Develop parks and facilities that boost the attractiveness of downtown and other commercial areas.**
- ❖ **Incorporate common design and landscaping elements throughout the park system.**
- ❖ **Design parks so they will enhance the town's image as a livable, green community.**

Recommendations

- ❖ ***Continue to establish pocket parks to increase the natural, landscaped areas in these districts (Medium-Term):*** Integrating greenspace in commercial areas increases the amount of time residents and visitors want to spend in these places and can be an economic development tool for local businesses. Small, “pocket” parks are an inviting way to encourage economic activity in the town’s commercial areas.
- ❖ ***Develop Dees Park to increase the appeal of downtown and create a welcoming environment (Short-Term):*** Dees Park is a new addition to the park system and is actively being pursued by the Town Board of Commissioners for development. This space would serve as an entertainment venue as well as a passive gateway park for the downtown area.
- ❖ ***Partner with the town Beautification Committee to design park landscaping that is visually appealing and easy to maintain (Short-Term):*** Using common design and landscaping features throughout the town unifies the visual character of the community and can make learning features to care for the ongoing maintenance of town properties easier for staff.
- ❖ ***Develop a variety of community gardens to provide passive and educational park opportunities for residents (Medium-Term):*** Survey respondents prioritized both landscaped gardens and mentioned community planting gardens. Existing parks with undetermined functions would be appropriate for landscaped passive gardens.
- ❖ ***Continue to participate in annual Arbor Day and Tree City USA activities as well as continue to implement the town canopy replacement program (Short-Term):*** This annual program should continue to run each fiscal year to replace removed trees due to health or safety concerns as well as beautify the park and facilities landscape.
- ❖ ***Continue to work with boards and committees to recommend sidewalk replacement and cleaning around town parks and facilities (Short-Term):*** Staff should advocate each year for further funding to improve out-of-date sidewalks and to make needed repairs to keep the area functional and safe for park visitors. This will reduce the number of unforeseeable accidents and keep the area looking inviting for visitors.

Goal 5: Protect, Preserve, and Restore Natural Areas

Parks can also serve to protect natural areas, including waterways, while maximizing public use and enjoyment. In addition, parks can be a part of a town’s green infrastructure system, which can help protect, restore, or mimic the natural water cycle. Given the town’s existing drainage issues and the potential flooding of existing parks, embracing this role for the town’s park systems can provide the greatest benefit to the town’s citizens.

Objectives

- ❖ **Balance natural and developed areas in parks to improve exposure to the outdoors.**
- ❖ **Preserve open space around critical water resources through parks and recreation projects.**
- ❖ **Establish parks in sensitive areas to protect them from development.**

Recommendations

- ❖ ***Develop greenways and trails along the Burgaw Creek and Osgood Canal (Long-Term):*** Due to the popularity of the Osgood Canal Greenway and Urban Trail, additional trails are a high priority for town residents. Use of the property immediately adjacent to these waterways is already limited due to flooding concerns, so greenways can improve the functionality of these lands while providing a benefit to town residents.
- ❖ ***Develop parks and greenways that can be used for stormwater detention during heavy rain events, especially in floodways (Long-Term):*** As Burgaw continues to develop, issues with drainage and stormwater will become a greater concern. Cities with historic flooding issues, such as New Orleans and Copenhagen, have initiated projects to use public parks as green infrastructure to handle stormwater during heavy rain events, reducing flooding in developed areas.
- ❖ ***Protect potential wetlands and priority forest lands by requiring conservation subdivisions throughout the town's jurisdiction (Short-Term):*** Conservation subdivisions protect high-priority natural areas by allowing developers to build at higher densities in return for permanently conserving or limiting the use of specified natural features.
- ❖ ***Continue to work with town staff to schedule community clean-up days and keep ditches clean along Osgood Canal Greenway and Urban Trail (Short-Term):*** Staff should look to continue to work with volunteers to keep areas clean to avoid ditches being backed up around park areas due to trash.
- ❖ ***Continue to implement the town canopy replacement program by planting trees along canal banks to encourage stabilization (Short-Term):*** Staff should continue to explore native trees that can be planted near water sources to aid in the control of water and bank stabilization around canals. Bald Cypress and other species are creating features for areas like the Osgood Canal Greenway and Urban Trail.

SECTION VIII: IMPLEMENTATION

The recommendations of this plan are divided into short-term, medium-term, and long-term priorities. While there is no specific timeframe for the completion of projects, as many will depend on the level of staff resources, grant availability, etc., this implementation plan is meant to provide a guide for how staff and the board will focus resources.

Short-Term Recommendations

These actions are ongoing or can potentially be implemented within the next five years.

<i>Administration</i>	❖ Continue tracking parks and recreation operating expenditures. ❖ Require new developments to provide recreation amenities or fee-in-lieu. ❖ Continue to work with boards and committees to recommend sidewalk replacement and cleaning around town
<i>Programming & Marketing</i>	❖ Partner with local organizations to provide and advertise programs. ❖ Keep the Parks and Recreation website up to date. ❖ Community clean-up days and keep ditches clean along the trail. ❖ Participate in Arbor Day and Tree City USA. ❖ Continue to implement the town tree canopy replacement program.
<i>Regulation</i>	❖ Protect potential wetlands and prioritize forest lands by requiring conservation subdivisions.
<i>Capital Projects</i>	❖ Finish development of the West Side Trail and Parks project. ❖ Splash Pad Development ❖ Dog Park Development ❖ Develop Dees Park ❖ Increase the town’s park acreage to meet the NRPA benchmark.
<i>Design & Maintenance</i>	❖ Maintain the appeal of parks through weekly maintenance. ❖ Consider ongoing maintenance expenditures and existing capacity when making decisions regarding new parks, facilities, and programming. ❖ Continue to work with boards and committees to recommend sidewalk replacement and cleaning around town parks and facilities.

Medium-Term Recommendations

These recommendations are slated for implementation over the next 5 to 10 years. Many of these actions have had interim actions identified that could be undertaken to meet existing needs in a shorter period. Completion of interim actions is dependent on staff resources.

<i>Administration</i>	❖ Access and improve accessibility for existing parks and equipment.
<i>Programming & Marketing</i>	❖ Install signs/mobile app with a map of the entire trailway.
<i>Regulation</i>	❖ Require new neighborhoods to provide sidewalks or trails that allow residents to connect with parks.
<i>Capital Projects</i>	❖ Expand sidewalks and trails to connect existing neighborhoods to park systems. ❖ Install a variety of equipment for children in designated park areas. ❖ Connect the two portions of Ashe St. Park via bridge and trail. ❖ Install equipment for adults along trails and implement it with children's playgrounds. ❖ Amphitheaters
<i>Design & Maintenance</i>	❖ Continue to establish pocket parks to increase the natural, landscaped areas. ❖ Develop a variety of community gardens to provide passive and educational park opportunities for residents.

Long-Term Recommendations

While some of these recommendations may be of high community priority, they are unable to be accomplished given current staffing and funding levels. They are not anticipated to be implemented in the next 10 years. Further staff recommendations are included in this section as part of the adopted Town of Burgaw Capital Improvement Plan and 10-year vision for the Parks and Recreation Department.

<i>Administration</i>	❖ Continue tracking parks and recreation operating expenditures. ❖ Update Parks and Recreation Vision, Goals, and Objectives (Master Plan)
<i>Programming & Marketing</i>	❖ Offer adult sports leagues when facilities become available. ❖ Continue advocating for further funding for new community programs.
<i>Regulation</i>	❖ Require new neighborhoods to provide sidewalks or trails that allow residents to connect with parks.
<i>Capital Projects</i>	❖ Develop greenways and trails along the Burgaw Creek and Osgood Canal. ❖ Swimming Pool. ❖ Natural Picnic Areas. ❖ Establish a Community Recreation Center.
<i>Design & Maintenance</i>	❖ Develop parks and greenways that can be used for stormwater detention during heavy rain events, especially in floodways. ❖ Develop a trail and park corridor on the east side of HWY 117 utilizing the power line utility easement.

SECTION IX: FUNDING AND ACQUISITION SOURCES

Implementing the recommendations of this Master Plan will require a combination of funding sources that include local, state, federal, and private money. This section provides a listing of the most used funds for park and greenway facility projects in North Carolina. Fortunately, the benefits of protected greenways and parks are many and varied. This allows programs in Burgaw to access money earmarked for a variety of purposes – including water quality, hazard mitigation, recreation, air quality, alternative transportation, wildlife protection, community health, and economic development. Competition is rigorous for state and federal funds. It becomes imperative that local governments work together to create multi-jurisdictional partnerships and develop their local sources of funding. These sources can be used to leverage outside assistance. The long-term success of this plan will almost certainly depend on the dedication of the local revenue stream for park and greenway projects.

It is important that the Town of Burgaw fully evaluate its available options and develop a funding strategy that can meet community needs, maximize local resources, improve their quality of life, and leverage outside funding. Financing will be needed to administer the continued planning and implementation process, to acquire parcels or easements, and to manage and maintain future facilities. Further research into these programs is recommended to determine the requirements for specific grants.

Below is a list of park and greenway funding opportunities that communities typically seek. Creative planning and consistent monitoring of funding options could also create new opportunities that are not listed here.

Grants

State and federal agencies offer numerous grants to assist municipalities in the financing of their parks and recreation projects. This source of funding should be investigated and pursued by the Town of Burgaw for present and future park and recreation improvements.

The Parks and Recreation Trust Fund (PARTF)

A state-funded program with a maximum match amount of \$500,000, PARTF was established for local governments and the North Carolina Division of Parks and Recreation to fund at a 50% local match the development and/or improvement of parks and recreation facilities and land acquisition.

The Recreation Trails Program (RTP)

A \$1.5-million federal program, administered by the United States Department of Transportation's Federal Highway Administration, RTP is a reimbursement grant program designed to help state, federal, or local government agencies provide and maintain recreation trails.

Federal Aid Construction Funds

National Highway System (NHS), Surface Transportation Block Grant Program (STBG), and Congestion Mitigation and Air Quality (CMAQ) funds support the construction of pedestrian and bicycle transportation facilities.

The Land and Water Conservation Fund (LWCF)

A federal program was established for local and state governments to fund outdoor recreational development and land acquisition at a 50% match.

The Safe Routes to Schools Program

A federal program of the United States Department of Transportation's Federal Highway Administration (FHWA) for projects that improve the ability of primary and middle school students to walk and bicycle to school safely funded at an 80/20 match.

The Environmental Enhancement Grant Program (EEG)

Funding for projects that address environmental need of North Carolina, specifically to protect water quality as well as conserve natural areas, this program supports land acquisitions and easements, construction, remediation, restoration, and research, planning, education. The maximum award is \$500,000.

The North Carolina Land and Water Fund (NCLWF)

Funding to help finance projects that address water pollution issues, NCLWF will fund projects that contribute toward a network of riparian buffers and greenways for environmental, educational, and recreational benefits.

State Construction Funds

Funds are used for the construction of sidewalks and bicycle accommodations that are part of roadway improvement projects.

Donations

The solicitation of contributions is an acceptable method of fundraising for recreation departments. Donations, typically in the form of land, cash, labor, and materials, could be solicited to assist the Town of Burgaw. Corporations, civic organizations, individuals, and other groups generally donate to a specific park project; however, donations may also be solicited for multiple project improvements or additions. NRPA recommends the use of private, not-for-profit, tax-exempt foundations as a means of accepting and administering private gifts to a public park system.

It should be noted that the Parks Foundation of Burgaw, Inc. is a 501(c)3 nonprofit organization and is considered a public charity under the Internal Revenue Code. Donations can be accepted through the Parks Foundation, and the Foundation can raise funds for the Town Parks and Recreation initiatives.

Alternative Funding

Implementing the recommendations of this Master Plan will require a combination of funding sources that include local, state, federal, and private money. This section provides a listing of the most used funds for park and greenway projects in North Carolina.

- ❖ Dedicated Source of Local Funding
- ❖ Property/Sales Tax Revenues
- ❖ General Obligation Bonds
- ❖ Fee Simple Purchase
- ❖ Fee Simple with Lease-Back or Resale
- ❖ Life Estate
- ❖ Local Gifts
- ❖ Long-Term Option
- ❖ Easement

SECTION X: CONCLUSION

This Master Plan has laid out a set of strategies for expanding and developing a safe, convenient, and usable park system as reflected in the following:

- ❖ Build and Maintain Program and Park Capacity
- ❖ Connect People and Neighborhoods
- ❖ Support all residents' healthy active lifestyles.
- ❖ Enhance the town's character and sense of place.
- ❖ Protect, preserve, and restore natural areas.

The Plan has assessed the study area, analyzed the existing facilities, received community input, reviewed recreation standards, developed recommendations, and provided strategies for implementing the plan. The Comprehensive Master Plan is a comprehensive guide to be used in the improvement and enhancement of the park systems for the Town of Burgaw Parks, Recreation, and Tourism Department.



APPENDIX A: CAPITAL IMPROVEMENT PLAN

The following Capital Improvement Plan was adopted by the Town of Burgaw Board of Commissioners on July 1, 2024. The plan represents a 10-year vision for the Parks and Recreation Department. The plan incorporates the long-term vision for sustainable development, economic growth, and community resilience. This plan is updated yearly and remains subject to changes based on evolving needs, financing opportunities, emergencies, or Board directives.

FY 2024-25

West Side Expansion of Osgood Canal Urban Trail & Greenway..... \$200,000

Due to additional requirements mandated by the North Carolina Stormwater Program, the Parks, Recreation, and Tourism Department is requesting additional funding to cover the expense of design, engineering, survey, permitting, and construction administration of West Side Trail. The original budget for PARTF did not cover these expenses and would be a massive detriment to the overall project budget if not allocated. The Town is currently obligated under contract with the North Carolina Parks Division to provide the state recreation amenities of West Side Trail. The Parks, Recreation, and Tourism Department believes it is vital to fulfill our obligation to the State and the residents of Burgaw, who voted and advocated for multiple years to have this project built.

FY 2025-26

Dees Park Pavilion..... \$TBD

The development and construction of the Dees Park Pavilion, a landmark addition to the Historic Downtown area. This project will be designed to enhance community engagement and outdoor leisure, with a focus on providing essential amenities for residents and visitors alike. The Dees Park Pavilion will feature a picnic area, thoughtfully integrated into the downtown landscape to complement the vibrant array of local restaurants. This inviting space will offer a setting for individuals and families to enjoy outside dining, fostering a sense of connection and enjoyment within the downtown community. In addition to its picnic area, the Dees Park Pavilion will include public restrooms strategically positioned to provide convenient access for downtown patrons. These facilities will serve as a vital amenity, offering essential comfort and accessibility while shopping, dining, or attending events in the downtown area. Whether exploring the bustling streets or participating in community gatherings, visitors can rely on the Dees Park Pavilion to provide a welcoming and convenient retreat in the heart of Burgaw's Historic Downtown. The

development and construction of the Dees Park Pavilion underscore Burgaw's commitment to enhancing the downtown experience and fostering community engagement. Through thoughtful planning and execution, this project will contribute to the continued revitalization and prosperity of Burgaw's Historic Downtown area, ensuring a vibrant and inviting environment for generations to come.

Repaving of Osgood Canal Greenway (Multi-Year) \$10,000

Repaving project for the Osgood Canal Urban Trail & Greenway, originally installed in 2010/2011. Over the years, the Osgood Canal Urban Trail & Greenway has served as a beloved pathway for residents and visitors, offering a scenic route for walking, jogging, and cycling. However, as with any well-loved infrastructure, wear and tear have become evident, prompting the need for maintenance and improvements. The repaving project, completed in phases, will address various safety concerns to ensure that the walking trail remains free of any trip hazards, cracks, roots, or other potential safety hazards. By resurfacing the trail, we aim to enhance the overall experience for users Capital Improvement Plan Town of Burgaw Page | 15 while prioritizing their safety and well-being. This initiative aligns with our commitment to providing accessible and well-maintained outdoor spaces that promote active lifestyles and community engagement. The repaved Osgood Canal Urban Trail & Greenway will continue to serve as a vital asset for recreation, transportation, and leisure, enriching the quality of life for residents of Burgaw and beyond.

Resurface Tennis Courts.....\$40,000

Resurfacing of the tennis courts at the W. Ross Harrell Memorial Park will ensure they meet the national standards for safety and athletic performance set by the United States Tennis Association. Resurfacing is recommended every 4-8 years to maintain the quality and integrity of the courts. Currently, the tennis courts are showing signs of wear and tear, including stress cracks and small holes, indicating the need for refurbishment. By investing in the resurfacing of the tennis courts, Burgaw aims to prolong the lifespan of this recreational facility, providing residents with a safe and enjoyable environment for playing tennis. This project aligns with the town's commitment to maintaining high-quality recreational amenities and promoting an active and healthy lifestyle within the community.

Shade Structures at W. Ross Harrell Memorial Park.....\$8,000

Proposal to install two cantilever umbrella shade structures at W. Ross Harrell Memorial Park. These shade structures are designed to provide much-needed protection from the sun in areas with high exposure. The installation of shade structures aligns with recommendations from the National Recreation and Park Association, which emphasizes the importance of providing shade to protect park visitors from harmful UV rays. Exposure to prolonged sunlight can lead to heat-related illnesses and increase the risk of skin cancer. By installing shade structures, Burgaw aims to create a safer and more comfortable environment

for park users, encouraging them to spend more time outdoors while minimizing the potential health risks associated with sun exposure. Furthermore, shade structures promote inclusivity and accessibility by ensuring that all members of the community, regardless of age or sensitivity to sunlight, can enjoy the park's amenities. Overall, this project reflects Burgaw's commitment to promoting health, wellness, and community engagement through the enhancement of its public spaces.

FY 2026-27

Repaving of Osgood Canal Greenway (Multi-Year) \$10,000

Repaving project for the Osgood Canal Urban Trail & Greenway, originally installed in 2010/2011. Over the years, the Osgood Canal Urban Trail & Greenway has served as a beloved pathway for residents and visitors, offering a scenic route for walking, jogging, and cycling. However, as with any well-loved infrastructure, wear and tear have become evident, prompting the need for maintenance and improvements. The repaving project, completed in phases, will address various safety concerns to ensure that the walking trail remains free of any trip hazards, cracks, roots, or other potential safety hazards. By resurfacing the trail, we aim to enhance the overall experience for users while prioritizing their safety and well-being. This initiative aligns with our commitment to providing accessible and well-maintained outdoor spaces that promote active lifestyles and community engagement. The repaved Osgood Canal Urban Trail & Greenway will continue to serve as a vital asset for recreation, transportation, and leisure, enriching the quality of life for residents of Burgaw and beyond.

Dog Park..... \$30,000

Proposal for the design and development of a dog park, in accordance with the Parks and Recreation Master Plan. This initiative aims to fulfill the community's growing demand for dedicated spaces where residents can safely and responsibly exercise and socialize their canine companions. The design and development of the dog park will involve careful consideration of various factors, including suitable location, amenities, and landscaping to create an inviting and functional space for both dogs and their owners. This project aligns with the town's commitment to enhancing recreational opportunities and promoting a healthy and active lifestyle among its residents. By providing a designated area for dog recreation, Burgaw seeks to foster a sense of community, strengthen social connections, and improve the overall quality of life for its residents and their furry friends. Additionally, the dog park will contribute to the beautification of public spaces and serve as a valuable asset for attracting visitors and potential new residents to the area.

FY 2027-28

Repaving of Osgood Canal Greenway (Multi-Year) \$10,000

Repaving project for the Osgood Canal Urban Trail & Greenway, originally installed in 2010/2011. Over the years, the Osgood Canal Urban Trail & Greenway has served as a beloved pathway for residents and visitors, offering a scenic route for walking, jogging, and cycling. However, as with any well-loved infrastructure, wear and tear have become evident, prompting the need for maintenance and improvements. The repaving project, completed in phases, will address various safety concerns to ensure that the walking trail remains free of any trip hazards, cracks, roots, or other potential safety hazards. By resurfacing the trail, we aim to enhance the overall experience for users while prioritizing their safety and well-being. This initiative aligns with our commitment to providing accessible and well-maintained outdoor spaces that promote active lifestyles and community engagement. The repaved Osgood Canal Urban Trail & Greenway will continue to serve as a vital asset for recreation, transportation, and leisure, enriching the quality of life for residents of Burgaw and beyond.

Land Acquisition..... \$TBD

Land acquisition to expand the park system and accommodate new amenities requested by residents and visitors. Currently, there are no available Town-owned properties suitable for developing new facilities or parks. Without acquiring new land, the Parks Department is unable to implement the desired features outlined in the Parks and Recreation Master Plan as requested by the community. By purchasing additional land, Burgaw aims to enhance its park system, address the growing recreational needs of its residents, and improve overall quality of life. This initiative reflects the town's commitment to providing accessible and diverse outdoor spaces that promote health, wellness, and community engagement. Acquiring new property will enable Burgaw to fulfill its long-term vision for the development and expansion of its parks, ensuring that they remain vibrant, inclusive, and well-equipped to meet the evolving needs of the community for generations to come. No cost is available at this time.

LED Lighting at Tennis Courts..... \$12,000

This project includes the replacement of existing lighting at the tennis courts with energy-efficient LED lighting, which will improve overall illumination and reduce glare around the playing surface. LED lighting not only enhances visibility for players but also offers significant energy savings compared to traditional bulbs. By switching to LED, Burgaw aims to lower energy consumption and operating costs associated with maintaining the tennis court lighting. Additionally, LED technology offers long-lasting performance, reducing the need for frequent maintenance and replacement of bulbs. Overall, this project aligns with Burgaw's commitment to sustainability and providing high-quality recreational facilities for

its residents. Upgrading to LED lighting at the tennis courts will enhance player experience, promote energy efficiency, and contribute to the town's efforts to reduce its environmental footprint.

Pickleball Court..... \$30,000

Proposes to install a new pickleball court at W. Ross Harrell Memorial Park in response to resident requests and the growing popularity of the sport. Pickleball, a fast-growing activity, has been identified as a desired addition to the town's recreational offerings through the Parks and Recreation Master Plan. With sufficient space available at the park, there is an opportunity to accommodate one pickleball court to meet current demand. However, should the need for additional courts arise in the future, the Town may need to explore options for acquiring additional land to accommodate further expansion. By introducing a pickleball court at W. Ross Harrell Memorial Park, Burgaw aims to enhance recreational opportunities for residents of all ages and abilities. This project reflects the town's commitment to providing diverse and inclusive recreational amenities that promote active and healthy lifestyles within the community.

FY 2028-29

Repaving of Osgood Canal Greenway (Multi-Year) \$10,000

Repaving project for the Osgood Canal Urban Trail & Greenway, originally installed in 2010/2011. Over the years, the Osgood Canal Urban Trail & Greenway has served as a beloved pathway for residents and visitors, offering a scenic route for walking, jogging, and cycling. However, as with any well-loved infrastructure, wear and tear have become evident, prompting the need for maintenance and improvements. The repaving project, completed in phases, will address various safety concerns to ensure that the walking trail remains free of any trip hazards, cracks, roots, or other potential safety hazards. By resurfacing the trail, we aim to enhance the overall experience for users while prioritizing their safety and well-being. This initiative aligns with our commitment to providing accessible and well-maintained outdoor spaces that promote active lifestyles and community engagement. The repaved Osgood Canal Urban Trail & Greenway will continue to serve as a vital asset for recreation, transportation, and leisure, enriching the quality of life for residents of Burgaw and beyond.

Splash Pad..... \$100,000

Construction of a splash pad, fulfilling a longstanding request outlined in the Parks and Recreation Master Plan over the past 10-12 years. Recognizing the importance of providing recreational amenities for families and younger Capital Improvement Plan Town of Burgaw Page | 18 children, the Parks, Recreation & Tourism Department is seeking to address this need by introducing a splash pad to the town. Due to space constraints, the construction of a splash pad would necessitate the purchase of additional properties

to accommodate the facility. This investment reflects Burgaw's commitment to enhancing the quality of life for its residents and fostering a sense of community by providing inclusive recreational opportunities. The introduction of a splash pad will not only offer a safe and enjoyable water play experience for children but also serve as a gathering place for families to socialize and connect. This project aligns with the town's vision for creating vibrant and family-friendly public spaces that promote health, wellness, and community engagement.

FY 2029-30

Gazebo at W. Ross Harrell Memorial Park..... \$20,000

Replace the current wood structure with a new metal pavilion at W. Ross Harrell Memorial Park. The Parks Department has identified the need for this upgrade due to the ongoing maintenance issues with the existing gazebo, which has required multiple repairs over the years. Transitioning to a metal pavilion will reduce upkeep and maintenance costs associated with the structure, providing a more durable and long-lasting solution. Additionally, the new pavilion will be larger in size and available for rent, offering opportunities for revenue generation. By investing in this project, Burgaw aims to improve the quality and functionality of its park facilities, providing residents and visitors with enhanced amenities for gatherings, events, and recreation. This initiative reflects the town's commitment to maintaining and enhancing its public spaces to meet the evolving needs of the community.

Recreation Center \$3,000,000

Proposal to construct a recreation center in response to longstanding requests outlined in the Parks and Recreation Master Plan over the past 10-12 years. Recognizing the importance of providing recreational facilities for families and younger children, the Parks, Recreation & Tourism Department is seeking to address this need by establishing a dedicated space for indoor activities and programming. The construction of a recreation center will offer a wide range of benefits to residents, including access to fitness facilities, indoor sports courts, meeting rooms, and programming for all ages. This initiative aligns with Burgaw's commitment to promoting health, wellness, and community engagement by providing inclusive recreational opportunities. By investing in the construction of a recreation center, Burgaw aims to create a vibrant hub for residents to gather, socialize, and participate in recreational activities year-round. This project reflects the town's dedication to enhancing the quality of life for its residents and ensuring that all members of the community have access to diverse and enriching recreational amenities.

APPENDIX B: PARK TYPES

Regional Parks

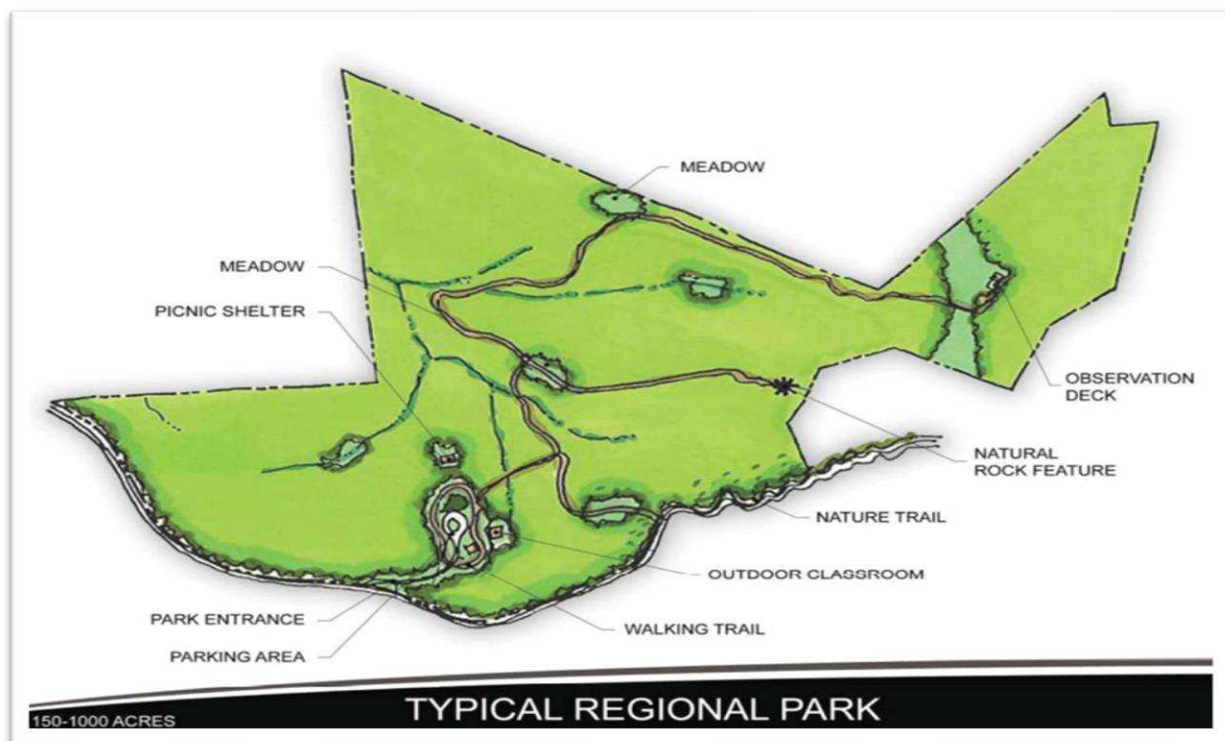
Regional parks are typically very large sites. On these sites, the unique qualities that exemplify the natural features found there, such as diverse land formations, vegetation, and wildlife, are preserved. Most regional park facilities contain environmental centers, campsites, nature trails, observation decks, and picnic areas. In addition, open fields for non-structured activities, such as frisbee throwing or kite flying, are also generally found there.

When land is acquired for the development of regional parks (or the expansion of existing sites), the land should be comprised of the previously mentioned characteristics and, whenever it is possible, accompanied by natural water features, such as lakes, rivers, or creeks. Most of this site should be reserved for passive recreation, with the remaining acreage used for active recreation. Both the acquisition and the development of regional parks are typically undertaken by a federal or state agency.

Service Area: Region-wide

Acreage/Population Ratio: 10 acres per 1,000 residents

Size: 150-1,000 acres minimum with sufficient area to encompass the resources to be preserved and managed (10% of the site may be developed with facilities found in community parks).



TOWN OF BURGAW PARKS & RECREATION

Comprehensive Master Plan

District Parks

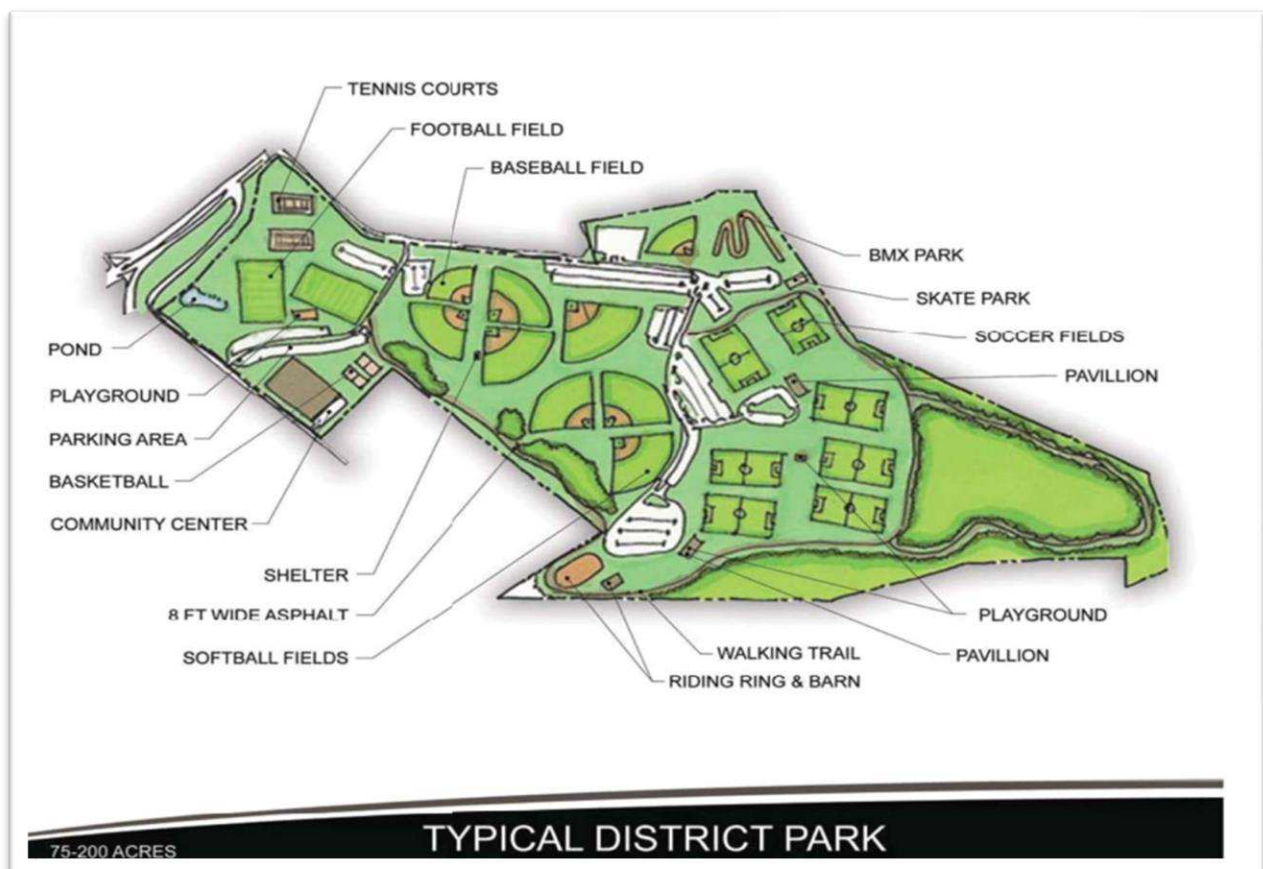
A district park functions as a major source of active recreation for several neighborhoods within a community. District parks are intensely developed, offering a multitude of facilities to serve their intended geographic user area. Activities are balanced between active and passive recreation. District parks are typically developed to accommodate athletic league sporting events and tournament competitions. Passive recreation opportunities, such as walking for pleasure, wildlife observation and picnicking are found in the undisturbed areas. Preferably within surrounding buffers. District parks present great opportunities for non-traditional types of recreation.

Sites for district parks should be relatively level to alleviate excessive grading for the active facilities. When possible, there should be an equal balance of wooded and cleared areas. If a natural water feature is present, the adjoining land should be developed primarily as passive recreation. Accessibility to neighborhoods should be an important consideration when choosing sites. The development of district parks is typically the responsibility of county or municipal agencies.

Service Area: 1-2 ½ mile radius

Acreage/Population Ratio: 5 acres per 1,000 persons

Size: 100+ acres



Community Parks

Community parks focus on meeting community-based recreational needs, as well as preserving unique landscapes and open spaces. Compared to district parks, community parks have a smaller range of recreation facilities. They may host athletic league sports events and provide passive recreation. Fifty percent of the community park property should be developed for only passive recreation, with these relatively undisturbed areas serving as buffers around the park and/or acting as buffers between active facilities.

Community Park sites should have varying topography and vegetation. Several different tree species should also be present in forested areas. Community parks should contain cleared areas to locate active recreation facilities. At least one natural water feature (lake, river, or creek) is desirable in community parks. The land acquired for use as a community park should be contiguous in nature and strategically located to serve all users within the designated community. The development of community parks typically falls within the realm of municipal responsibilities.

Service Area: 1 to 2-mile radius

Acreage/Population Ratio: 2-5 acres per 1,000 persons

Size: 25 acres



Neighborhood Parks

Neighborhood parks offer the public a convenient source of recreation while serving as the social focus point of neighborhoods. Usually located within walking distance of the area serviced, neighborhood parks provide both active and passive recreation opportunities that are of interest to all age groups. The smaller size of neighborhood parks, as compared to those previously mentioned, requires intense development with fifty percent of each site remaining undisturbed to serve as a buffer between the park and adjacent property owners.

Service Area: $\frac{3}{4}$ to 1-mile radius

Acreage/Population Ratio: 2 acres per 1,000 residents

Size: 7-15 acres



Mini Parks – Pocket Park

The function of a mini park is to provide very limited, isolated, or unique recreational needs. Mini parks are the smallest classification of parks. They are often provided by school and church playgrounds. These parks are located within walking distance of the area served and they provide limited recreational activities. Their very small size requires intense development and there is little or no buffer between mini parks and adjacent property owners.

Service Area: $\frac{1}{4}$ to $\frac{1}{2}$ mile radius

Acreage/Population Ratio: 0.5 acres per 1,000 residents

Size: +1 acre



Linear Parks - Greenways

A linear park is an area developed for one or more varying modes of recreational travel, such as hiking, biking, and driving. Linear parks are developed for several reasons.

- ❖ To connect existing recreational facilities.
- ❖ To facilitate public rights-of-way.
- ❖ To connect destination points.
- ❖ For scenic views and leisure touring.

The length and size of linear parks vary considerably, depending on their intended use, the terrain of the parkland and the distance between entities to be connected as parks, schools, cultural/historical resources, residential areas, and businesses. Often, these linear parks are developed within a large land area designated for the protection and management of the natural environment, with recreation opportunities as a secondary objective.

Unique or Special-Use Facilities

The unique or special-use facilities are park types that exist for the sole purpose of enhancing or utilizing a special man-made or natural feature. They can include beaches, parkways, historical sites, sites of archeological significance, swimming pools, conservation easements, and flood plains. Minimum standards relating to acreage or population have not been established by the park and recreation industry for this category of park. A size that is sufficient to protect and interpret the resource, while providing optimum use, is considered desirable.

Open Space

While it is realistic and appropriate to adopt population-based standards for parkland and facilities, it is not realistic to establish open space standards. The more reasonable method of establishing appropriate standards for open space is to determine the criteria necessary for the protection of significant natural areas contained therein.

- ❖ Preservation of drainage areas for water supplies (watersheds)
- ❖ Protection of areas which are particularly well suited for growing crops (farmland preservation)
- ❖ Protection of communities to prevent urban sprawl (greenbelts)
- ❖ Protection of wildlife habitat (sanctuaries)
- ❖ Protection of approach and take-off areas near airports (clear zones)
- ❖ Protection of undevelopable land (landfills)
- ❖ Protection of area aesthetically pleasing for a corridor (viewshed)



CASE SUMMARY Board of Commissioners

UDO Text Amendment December 10, 2024

Ron Meredith, 910-663-3451, rmeredith@burgawnc.gov

Staff Recommendation	Approval
Planning Board	11/21/2024; Scheduled
Board of Commissioners	12/10/2024

Request

<i>Code Chapter(s)</i>	Chapter 14. Flood Damage Prevention	
<i>Request</i>	Updating of the Flood Damage Prevention Ordinance	
<i>Applicant</i>	Staff	rmeredith@burgawnc.gov 910.663.3451

REQUEST

The town proposes a zoning ordinance modification of Chapter 14. Flood Damage Prevention. These changes aim to improve flood risk management, ensure compliance with flood standards, and enhance community resilience to flooding.

1. Background

The revised flood maps have been finalized and are now ready for consideration. Although there was a slight delay in the process, the maps have been officially approved and are prepared for local action. A motion will be presented to approve the maps at the next Board of Commissioners' meeting.

2. Analysis

Floodplain maps are updated to show the latest data, such as improved flood modeling, and enhanced rainfall data. These updates account for changes in the landscape, including new development, land use changes, and alterations to rivers and waterways, which can affect flood risks.

Updated maps help local governments make informed decisions about zoning, building codes, and flood mitigation. Ultimately, the goal is to improve public safety, reduce flood damage, and support effective flood risk management by providing a more accurate picture of current flood hazards.



3. Proposed Amendment

The following is the proposed amendment to the Unified Development Ordinance. Additions are included as attachment 1.

CONSISTENCY WITH APPROVED PLANS

Town of Burgaw Comprehensive Land Use Plan

The proposed amendment is consistent with the policy intent of the Town of Burgaw's Comprehensive Land Use Plan. Policies that are most pertinent to the proposed amendment are below. Not all policies carry equal weight and may depend on the specifics of the proposal. The following symbology is employed:

				
	Strong Support	Modest Support	Modest Non-support	Strong Non-support
Land Use				
Goal 2: To establish regulations that protect and acknowledge the topographical and hydrological features of the town				
Promote and set-aside environmentally sensitive areas, including riparian buffers and stream corridors, wetlands, and floodplains, within new developments				
Consider floodplain and wetland information when making infrastructure, rezoning, and development regulation decisions				
Avoid the placement of infrastructure that may encourage future development in the floodway				
ECONOMIC DEVELOPMENT				
Goal 1: To support the profitability and sustainability of existing businesses and industries				
Consider the impacts of the town's policies on Burgaw's economic vitality when making decisions regarding taxes, fees, utility rates, development ordinances, etc., while recognizing the balance between economic development, the maintenance of high-quality services, and the financial health of town government				

AT THE PLANNING BOARD

The planning staff presented the proposal. The Planning Board deliberated on a UDO modification of Chapter 14. Flood Damage Prevention to update per the state required modifications. A motion was made in favor of the text amendment, and a unanimous vote was made to recommend approval.

CONCLUSIONS AND RECOMMENDATION

The proposed modifications to the UDO would allow for approval of the Flood Damage Prevention Ordinance per the revised 2014 flood maps. This use will update Burgaw's flood standards to reflect the best available flood data to accommodate appropriate residential, commercial, and industrial development to assist in the process.

The Town of Burgaw Comprehensive Land Use Plan (LUP) supports this proposal by streamlining the delivery of services to all customers and ensuring the town's zoning and development codes can accommodate appropriate businesses and industries and a variety of development forms.



As a result, Staff recommends approval of the request and suggests the following motion:

I am moving to **RECOMMEND APPROVAL** of the proposed amendment to the Town of Burgaw Unified Development Ordinance to allow updating of Burgaw Flood Damage Prevention Ordinance. I find it to be **CONSISTENT** with the purpose and intent of the Comprehensive Land Use Plan because it ensures the town's zoning and development codes can establish regulation to reflect floodplain information when making infrastructure, rezoning, and development regulation decisions, I also find **RECOMMENDING APPROVAL** of the proposed amendment reasonable and in the public interest because it aligns with the overall goals and standards of the Comprehensive Land Use Plan.

Alternative Motion for Denial (If based on information presented at the public hearing or other consideration beyond the scope of staff review, the board finds denial appropriate.)

I move to recommend **DENIAL** of the proposed amendment. While I find it to be **CONSISTENT** with the purpose and intent of the Comprehensive Land Use Plan because it ensures the town's zoning and development codes can establish regulation to reflect floodplain information when making infrastructure, rezoning, and development regulation decisions, I find recommending **DENIAL** of the amendment request is reasonable and in the public interest because the proposed floodplain regulations do not align with the Comprehensive Land Use Plan goals and policies.

ACTIONS TO DATE

<i>Planning Board</i>	11/21/2024; A unanimous vote was made to recommend approval.
<i>Board of Commissioners</i>	12/10/2024

Attachments

1. Application
2. Consistency Statement
3. Resolution
4. Ordinance



Request: Chapter 14. Updating of the Flood Damage Prevention Ordinance

Hearing Date:12/10/2024

Board of Commissioners Consistency Statement
(To be read into the record as a motion, seconded and voted upon)

I am moving to **RECOMMEND APPROVAL** of the proposed amendment to the Town of Burgaw Unified Development Ordinance to allow updating of Burgaw Flood Damage Prevention Ordinance. I find it to be **CONSISTENT** with the purpose and intent of the Comprehensive Land Use Plan because it ensures the town's zoning and development codes can establish regulation to reflect floodplain information when making infrastructure, rezoning, and development regulation decisions.

____ Approval – this request is consistent with the goals and policies of the following plan(s) adopted by the Town of Burgaw:

- () Burgaw 2030: Town of Burgaw Comprehensive Land Use Plan
() Other: _____

The Board of Commissioners considers its approval to be reasonable and in the public interest because: (Please provide reasons which can be found in the staff report)

I also find **RECOMMENDING APPROVAL** of the proposed amendment reasonable and in the public interest because it aligns with the overall goals and standards of the Comprehensive Land Use Plan.

____ Rejected – this request is not consistent with the goals and policies of the following plan(s) adopted by the Town of Burgaw:

- () Burgaw 2030: Town of Burgaw Comprehensive Land Use Plan
() Other: _____

I move to recommend **DENIAL** of the proposed amendment. While I find it to be **CONSISTENT** with the purpose and intent of the Comprehensive Land Use Plan because it ensures the town's zoning and development codes can establish regulation to reflect floodplain information when making infrastructure, rezoning, and development regulation decisions, I find recommending **DENIAL** of the amendment request is reasonable and in the public interest because the proposed floodplain regulations do not align with the Comprehensive Land Use Plan goals and policies.

Therefore, The Board of Commissioners recommends rejection of this request.

Comments:

This report reflects the recommendation of the Town of Burgaw Board of Commissioners, this the 10th day of December, 2024.

Attest:

Mayor

CHAPTER 14. Flood Damage Prevention

Article I: Statutory Authorization, Findings of Fact, Purpose, and Objectives

Section 14.1 Statutory Authorization

(A) Municipal

~~Any local government may enact and enforce floodplain regulation or flood damage prevention regulations as enabled by NC G.S. 160D-923.~~

Therefore, the ~~Board of Commissioners~~ of the ~~Town of Burgaw~~, North Carolina, does ordain as follows:

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

Therefore, the Board of Commissioners of the Town of Burgaw, North Carolina, does ordain as follows:

(B) Findings of Fact

The flood prone areas within the jurisdiction of the Town of Burgaw are subject to periodic inundation which results in loss of life, property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

(C) Statement of Purpose

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

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

(D) Objectives

The objectives of this ordinance are:

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

Article II. Definitions

Section 14.2 Definitions

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

“Accessory Structure (Appurtenant Structure)” means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports, and storage sheds are common urban accessory structures. Pole barns, hay shed, and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

“Addition (to an existing structure)” means an extension or increase in the floor area or height of a building or structure.

“Appeal” means a request for a review of the floodplain administrator’s interpretation of any provision of this ordinance.

“Alteration of a Watercourse” means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

“Area of Shallow Flooding” means a designated Zone AO on a community’s Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

“Area of Special Flood Hazard” see “Special Flood Hazard area (SFHA)”

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

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

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

“Base Flood Elevation (BFE)” means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area,” it may be obtained from engineering studies available from a Federal or State or other sources using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard,” establishes the “Regulatory Flood Protection Elevation.”

“Building” see “Structure”

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

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

“Development Activity” means any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

“Digital Flood Insurance Rate Map (DFIRM)” means the digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

“Disposal” means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

“Elevated Building” means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

“Encroachment” means the advance or infringement of uses, fill, excavation, buildings, structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

“Existing building and existing structure” means any building and/or structure for which the “start of construction” commenced before January 19, 2000.

Existing Construction: For the purposes of determining rates, structures for which the start of construction

Attachment 1

commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective prior to that date. “Existing construction” may also be referred to as “existing structures.”

Attachment 1

“Existing Manufactured Home Park or Manufactured Home Division” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the original effective date of the floodplain management regulations adopted by the community, dated December 12, 2000.

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

(A) the overflow of inland or tidal waters; and/or

(B) the unusual and rapid accumulation of runoff surface waters from any source.

“Flood Boundary and Floodway Map (FBFM)” means an official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).”

“Flood Hazard Boundary Map (FHBM)” means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

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

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

“Flood Insurance Study (FIS)” mean an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance study report includes Flood Insurance Rate Maps (FIRMs) and the Flood Boundary and Floodway Maps (FBFMs), if published.

“Flood Prone Area” see “Floodplain”

“Floodplain” means any land area susceptible to being inundated by water from any source.

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

“Floodplain Development Permit” means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

“Floodplain Management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

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

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

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

Attachment 1

available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

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

“Floodway encroachment analysis” means an engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and models.

“Flood Zone” means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

“Freeboard” means the height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization on the watershed. The Base Flood Elevation plus the freeboard establishes the “Regulatory Flood Protection Elevation.”

“Functionally Dependent Facility” means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

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

“Highest Adjacent Grade (HAG)” means the highest natural elevation of the ground surface prior to construction, immediately next to the proposed walls of the structure.

“Historic Structure” means any structure that is:

- (A) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (B) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (C) Individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program;” or
- (D) Certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program.”

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

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

- (A) Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- (B) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- (C) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land

Attachment 1

has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

(D) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

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

(A) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or

(B) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or

(C) Available with special features enabling off-street or off-highway operation and use.

“Lowest Adjacent Grade (LAG)” means the lowest elevation of the ground, sidewalk, or patio slab immediately next to the building, or deck support, after completion of the building.

“Lowest Floor” means lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

“Manufactured Home” means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include “recreational vehicle.”

“Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

“Market Value” means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

“New Construction” means structures for which the “start of construction” commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

“Non-Encroachment Area” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

“Post-FIRM” means construction or other development for which the “start of construction” occurred on or after January 19, 2000, the effective date of the initial Flood Insurance Rate Map.

“Pre-FIRM” means construction or other development for which the “start of construction” occurred before January 19, 2000, the effective date of the initial Flood Insurance Rate Map.

“Principally Above Ground” means that at least fifty-one percent (51%) of the actual cash value of the structure is above ground.

“Public Safety” and/or **“Nuisance”** means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

“Recreational Vehicle (RV)” means a vehicle, which is:

(A) Built on a single chassis;

(B) 400 square feet or less when measured at the largest horizontal projection;

(C) Designed to be self-propelled or permanently towable by a light duty truck;

Attachment 1

(D) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use, and

(E) Is fully licensed and ready for highway use.

“Reference Level” is the top of the lowest floor for structures with Special Flood Hazard Areas designated as Zone A1-A30, AE, A, A99 or AO.

“Regulatory Flood Protection Elevation” means the “Base Flood Elevation” plus the “Freeboard.” In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least four (4) feet above the highest adjacent grade.

“Remedy a Violation” means to bring the structure or other development into compliance with State and community floodplain management regulations or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

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

“Salvage Yard” means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances, and related machinery.

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

“Solid Waste Disposal Site” means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

“Special Flood Hazard Area (SFHA)” means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Section 14.4 of this ordinance.

“Start of Construction” includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

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

“Substantial Damage” means damage of any origin sustained by a structure during any five-year (5) cumulative period whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. See definition of “substantial improvement.” Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

“Substantial Improvement” means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any five-year (5) cumulative period for which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

Attachment 1

- (A) Any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (B) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Section 14.15 of this ordinance.

“Technical Bulletin and Technical Fact Sheet” means a FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations. It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.

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

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

“Violation” means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Chapters IV and V of this ordinance is presumed to be in violation until such time as that documentation is provided.

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

“Watercourse” means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Article III. General Provisions

Section 14.3 Lands to Which this Ordinance Applies

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdiction (ETJ) if applicable, of the **Town of Burgaw** and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

Section 14.4 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 Flood Insurance Study (FIS) dated ~~February 16, 2007~~ **January 17, 2025** for Pender County including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this **ordinance and all revisions thereto**. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of The Town of Burgaw are also adopted by reference ~~and declared a part of this ordinance.~~

~~In addition, upon annexation to the Town of Burgaw or inclusion in the Extra-Territorial Jurisdiction (ETJ), the Special Flood Hazard Areas identified by the Federal Emergency Management Agency (FEMA) and/or produced under the Cooperating Technical State Agreement between the State of North Carolina and FEMA as stated above, for the Unincorporated Areas of Pender County, with accompanying maps and other supporting data are adopted by reference and declared to be a part of this ordinance.~~

Attachment 1

Section 14.5 Establishment of a Floodplain Development Permit

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with Section 14.4 of this ordinance.

Section 14.6 Compliance

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

Section 14.7 Abrogation and Greater Restriction

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 14.8 Interpretation

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

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

Section 14.9 Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability of the part of the **Town of Burgaw** or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

Section 14.10 Penalties for Violations

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

Article IV. Administration

Section 14.11 Designation of Floodplain Administrator

The **Director of Inspections and/or Town Planner, or their designated agent**, hereinafter referred to as the "Floodplain Administrator," is hereby appointed to administer and implement the provisions of this ordinance.

Section 14.12 Floodplain Development Application, Permit, and Certification Requirements

Application Requirements. Application for a Floodplain Development Permit shall be made to the floodplain administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the floodplain administrator to apply for a floodplain development permit:

- (A) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - (1) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - (2) The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Section 14.4, or a statement that the entire lot is within the Special Flood Hazard Area;

Attachment 1

- (3) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 14.4;
 - (4) The boundary of the floodway(s) or non-encroachment area(s) as determined in Section 14-14;
 - (5) The Base Flood Elevations (BFE) where provided as set forth in Section 14-4; Section 14-13; or Section 14-19;
 - (6) The old and new location of any watercourse that will be altered or relocated as a result of proposed development;
 - (7) The easement dedication, as determined to be necessary by the Flood Plain Administrator, in order to ensure the proper drainage of land and unobstructed flow along ditches and/or water courses as defined herein.
- (B) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
- (1) Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;
 - (2) Elevation in relation to NAVD 1988 to which any non-residential structure in Zone AE, A, or AO will be flood-proofed; and
 - (3) Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed.
- (C) If floodproofing, a Floodproofing Certificate (*FEMA Form FF-206-FY-22-153*) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.
- (D) A Foundation Plan, drawn to scale, which shall include details of the proposed system to ensure all provisions of this ordinance are met. These details include but are not limited to:
- (1) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/ posts/piers/piles/shear walls)
 - (2) Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with this Ordinance, when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30.
- (E) Usage details of any enclosed areas below the regulatory flood protection elevation.
- (F) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
- (G) Signed disclosure statement and release of liability: “I, _____, certify that all activities proposed within the Special Flood Hazard Area comply with all regulations of the following Local, State, and Federal agencies/permits relevant to floodplain development (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.).”
- (H) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure Section 14-17 (F and G) of this ordinance are met.
- (I) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

Permit Requirements.

The Floodplain Development Permit shall include, but not be limited to:

- (A) A description of all the development to be permitted under the floodplain development permit e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).
- (B) The Special Flood Hazard Area determination for the proposed development per available data specified in this Chapter.
- (C) The regulatory flood protection elevation required for the reference level and all attendant utilities.
- (D) The regulatory flood protection elevation required for the protection of all public utilities.
- (E) All certification submittal requirements with timelines.

Attachment 1

- (F) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the requirements of Section 14-21 have been met.
- (G) The flood openings requirements, if in Zones A, AO, AE, or A1-30.
- (H) Limitations of below BFE enclosure uses (if applicable) (i.e., Parking, Building Access, and Limited Storage only).

Certification Requirements.

(A) Elevation Certificates

- (1) An Elevation Certificate (*FEMA Form FF-206-FY-22-152*) may be required as determined by the Floodplain Administrator prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of the elevation of the reference level, in relation to NAVD 1988. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

An Elevation Certificate (*FEMA Form FF-206-FY-22-152*) may be required as determined by the Floodplain Administrator after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the floodplain administrator a certification of the elevation of the reference level, in relation to NAVD 1988. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project. Violators of stop work orders shall be subject to misdemeanor charges and may be subject to a civil citation carrying a \$50.00 a day fine, with each day of violations constituting a separate offense.

- (2) A final as-built Elevation Certificate (*FEMA Form FF-206-FY-22-152*) is required after construction is completed and prior to certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(B) Floodproofing Certificate

- (1) If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (*FEMA Form FF-206-FY-22-153*), with supporting data, operational plan, and inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The floodplain administrator shall review the certificate data, the operational plan and inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

Attachment 1

- (2) A final Finished Construction Floodproofing Certificate (FEMA Form **FF-206-FY-22-153**), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation of NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by the same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.
- (C) If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than thirty-six (36) inches in height above grade, an engineered foundation certification is required per Section 14.17 (C).
- (D) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.
- (E) Certification Exemptions. The following structures, if located within Zone A, AO, AE, or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
- (1) Recreational Vehicles meeting requirements of Section 14.17 (F)(a);
 - (2) Temporary Structures meeting requirements of Section 14.17 (G); and
 - (3) Accessory Structures less than one hundred fifty (150) square feet and meeting requirements of Section 14.17 (H).

Section 14.13 Duties and Responsibilities of Floodplain Administrator

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

- (A) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
- (B) Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State, and Federal permits have been received.
- (C) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (D) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (E) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Section 14.21 are met.
- (F) Obtain actual elevation (in relation to NAVD 1988) of the reference level (including basement) and all attendant utilities of all new or substantially improved structures, in accordance with Section 14.12.
- (G) Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with Section 14.12.
- (H) Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with Section 14.12.
- (I) When floodproofing is utilized for a particular structure, obtain certification from a registered professional engineer or architect in accordance with Section 14.12 and Section 14.17 (B).
- (J) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas (for example, where there appears to be a conflict between a mapped boundary and actual field

Attachment 1

conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

- (K) When Base Flood Elevation (BFE) data has not been provided in accordance with Section 14.4, obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Section 14.19, in order to administer the provisions of this ordinance.
- (L) When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with Section 14.4, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other local source in order to administer the provisions of this ordinance.
- (M) When the lowest ground elevation of a parcel or structure in a Special Flood Hazard Area is above the Base Flood Elevation, may advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the floodplain development permit file.
- (N) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- (O) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- (P) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the floodplain administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor. Violators shall be subject to civil citation and fine not to exceed \$50 a day with each day constituting a separate offense.
- (Q) Revoke floodplain development permits as required. The floodplain administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specification; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- (R) Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The floodplain administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (S) Follow through with corrective procedures of Section 14.14.
- (T) Review, provide input, and make recommendations for variance requests.
- (U) Maintain a current map repository to include, but not limited to, historical and effective FIS Report, historical and effective FIRM, and other official flood maps and studies adopted in accordance with Section 14-4 of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- (V) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revisions (LOMR).

Attachment 1

Section 14.14 Corrective Procedures

- (A) **Violations to Be Corrected.** When the floodplain administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notifications.
- (B) **Actions in Event of Failure to Take Corrective Actions.** If the owner of a building or property shall fail to take prompt corrective action, the floodplain administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
- (1) that the building or property is in violation of the Flood Damage Prevention Ordinance;
 - (2) that a hearing will be held before the floodplain administrator and town manager at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - (3) that following the hearing, the floodplain administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.
- (C) **Order to Take Corrective Action.** If, upon a hearing held pursuant to the notice prescribed above, the floodplain administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than (180) calendar days. Where the floodplain administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.
- (D) **Appeal.** Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the floodplain administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the floodplain administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (E) **Failure to Comply with Order.** If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a Class I misdemeanor pursuant to NC G.S. 143-215.58 and shall be punished at the discretion of the court.

Section 14.15 Variance Procedures

- (A) The Board of Adjustment as established by Town of Burgaw, hereinafter referred to as the "appeal board," shall hear and decide requests for variances from the requirements of this ordinance.
- (B) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes
- (C) Variances may be issued for:
- (1) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.
 - (2) Functionally dependent facilities if determined to meet the definition as stated in Section 14.2 of this ordinance, provided provisions of Section 14.15 (I)(b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages.
 - (3) Any other type of development provided it meets the requirements stated in this section.
- (D) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
- (1) the danger that materials may be swept onto other lands to the injury of others;
 - (2) the danger of life and property due to flooding or erosion damage;
 - (3) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (4) the importance of the services provided by the proposed facility to the community;

Attachment 1

- (5) the necessity to the facility of a waterfront location as defined under Section 14.2 of this ordinance as a functionally dependent facility, where applicable;
 - (6) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (7) the compatibility of the proposed use with existing and anticipated development;
 - (8) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (9) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (10) the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (11) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges;
 - (12) the conditions established in Section 7.1 of the Town of Burgaw's Unified Development Ordinance.
- (E) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (F) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (G) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- (H) The floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
- (I) Conditions for Variances:
- (1) Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
 - (2) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
 - (3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (4) Variances shall only be issued prior to development permit approval.
 - (5) Variances shall only be issued upon:
 - (a) a showing of good and sufficient cause;
 - (b) a determination that failure to grant the variance would result in exceptional hardship; and
 - (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (J) A variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
- (1) The use serves a critical need in the community.
 - (2) No feasible location exists for the use outside the Special Flood Hazard Area.
 - (3) The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation.

Attachment 1

- (4) The use complies with all other applicable Federal, State, and local laws.
- (5) The **Town of Burgaw** has notified the Secretary of the North Carolina Department of ~~Crime Control and~~ Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

Article V. Provisions for Flood Hazard Reduction

Section 14.16 General Standards

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

- (A) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (B) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (C) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (D) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, appliances (washers, dryers, refrigerators, freezers, etc.), hot water heaters, and electric outlets/switches.
- (E) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (F) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- (G) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (H) Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.
- (I) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Section 14.15(J). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according to Section 14.12 *Certificate Requirements* of this ordinance.
- (J) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- (K) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (L) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (M) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (N) When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
- (O) When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and highest Base Flood Elevation (BFE) shall apply.

Section 14.17 Specific Standards

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Section 14.4, or Section 14.13, the following provisions, in addition to Section 14.16, are required:

Attachment 1

- (A) **Residential Construction.** New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Section 14.2 of this ordinance.
- (B) **Non-Residential Construction.** New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Section 14.2 of this ordinance. Structures located in A, AE, AH, AO, A99 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capacity of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Section 14.22. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 14.12 *Certificate Requirements*, along with the operational plan and the inspection and maintenance plan.
- (C) **Manufactured Homes.**
- (1) New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in Section 14.2 of this ordinance.
 - (2) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by engineer certification, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
 - (3) All enclosures or skirting below the lowest floor shall meet the requirements of Section 14.17(D)(a), (b), and (c).
 - (4) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved, or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the floodplain administrator and the local Emergency Management coordinator.
- (D) **Elevated Buildings.** Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor.
- (1) Shall not be designed or be used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
 - (2) Shall not be temperature-controlled or conditioned;
 - (3) Shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
 - (4) Shall include, in Zones A, AO, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - (a) A minimum of two (2) flood openings on different sides of each enclosed area subject to flooding;

Attachment 1

- (b) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
- (c) If a building has more than one (1) enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
- (d) The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;
- (e) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both direction; and
- (f) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

(E) Additions/Improvements.

- (1) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with an interior modification to the existing structure are:
 - (a) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more nonconforming than the existing structure.
 - (b) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (2) Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
- (3) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (a) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
 - (b) A substantial improvement, both the existing structure and the addition and/or improvement must comply with the standard for new construction.
- (4) Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a five-year (5) period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the five-year (5) period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:
 - (a) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.
 - (b) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

(F) Recreational Vehicles. Recreational vehicles shall either:

(1) Temporary Placement

- (a) be on site for fewer than one hundred eighty (180) consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its

Attachment 1

wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions);

- (2) **Permanent Placement.** Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction.

(G) **Temporary Non-Residential Structures.** Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the floodplain administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood, or other type of flood warning notification. The following information shall be submitted in writing to the floodplain administrator for review and written approval;

- (1) A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;
- (2) The name, address, and phone number of the individual responsible for the removal of the temporary structure;
- (3) The time frame prior to the event at which a structure will be removed (i.e., minimum of seventy-two (72) hours before landfall of a hurricane or immediately upon flood warning notification);
- (4) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
- (5) Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

(H) **Accessory Structures.** When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

- (1) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking, or restroom areas);
- (2) Accessory structures shall not be temperature-controlled;
- (3) Accessory structures shall be designed to have low flood damage potential;
- (4) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- (5) Accessory structures shall be firmly anchored in accordance with Section 14.16(A);
- (6) All service facilities such as electrical shall be installed in accordance with Section 14.16(D); and
- (7) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with Section 14.12(D).

An accessory structure with a footprint less than one hundred fifty (150) square feet that satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards of Section 14.17 (B). Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 14.12.

(I) **Tanks.** When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

- (1) **Underground Tanks.** Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
- (2) **Above ground tanks, elevated.** Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
- (3) **Above-ground tanks, not elevated.** Above-ground tanks that do not meet the elevation requirements of Section 14.17(B) of this ordinance shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks

Attachment 1

shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.

(4) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

- (a) At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- (b) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(J) Other Development.

- (1) Fences in regulated floodways and Non-Encroachment Areas that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 14.21.
- (2) Retaining walls, sidewalks and driveways in regulated floodways and Non-Encroachment Areas. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 14.21.
- (3) Roads and watercourse crossings in regulated floodways and Non-Encroachment Areas. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 14.21 of this ordinance.

Section 14.18 Reserved

Section 14.19 Standards for Floodplain without Established Base Flood Elevations

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Section 14.4, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to Section 14.16 and 14.17, shall apply:

- (A) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (B) The BFE used in determining the regulatory flood protection elevation shall be determined based on one of the following criteria set in priority order:
 - (1) If Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Sections 14.16 and 14.17.
 - (2) When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Chapter V, Section 14.17 and Section 14.21.
 - (3) All subdivision, manufactured home park, and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference per Section 14.4 to be utilized in implementing this ordinance.
 - (4) When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated to or above the regulatory flood protection elevation, as defined in Section 14.2.

Section 14.20 Standards for Riverine Floodplains with BFE without Established Floodways or Non-Encroachment Areas

Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- Standards outlined in Section 14.16 and 14.17; and

Attachment 1

Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community

Section 14.21 Floodways and Non-Encroachment Areas

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Section 14-4. The floodways and non-encroachment areas are extremely hazardous due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Sections 14.16 and 14.17, shall apply to all development within such areas:

- (A) No encroachments, including fill, new construction, substantial improvements, and other developments shall be permitted unless it has been demonstrated that:
 - (1) The proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the floodplain administrator prior to issuance of floodplain development permits, or
 - (2) A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.
- (B) If Section 14.21(A) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- (C) No manufactured homes shall be permitted, except replacement of manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
 - (1) the anchoring and the elevation standards of Section 14.17(C); and
 - (2) the no encroachment standard of Section 14.21(A).

Section 14.22 Standards for Areas of Shallow Flooding (Zone AO)

Located within the Special Flood Hazard Areas established in Section 14.4 are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Section 14.16, all new construction and substantial improvements shall meet the following requirements:

- (A) The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two (2) feet, above the highest adjacent grade;

or at least two (2) feet above the highest adjacent grade plus a freeboard of two (2) feet if no depth number is specified.

(B) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Section 14.22(A) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per Section 14.12 Certification Requirement and Section 14-1(B).

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

Article VI. Legal Status Provisions

Section 14.23: Effect on Rights and Liabilities Under the Existing Flood Hazard Prevention Ordinance

This ordinance in part comes forward by re-enactment of some of the flood damage prevention ordinance enacted December 12, 2000 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit, or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of the Town of Burgaw enacted on December 12, 2000, as amended, which are not reenacted herein, are repealed. The flood damage prevention ordinance enacted prior to the enactment of 160D remain the same and are only being re-adopted with this Ordinance. Please note the section numbers are the same but for example 14-24 below is now 14.24.

Section 14.24: Effect upon Outstanding Floodplain Development Permits

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

Section 14.25: Severability

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

Section 14.26: Effective Date

This ordinance shall become effective upon adoption by the Town of Burgaw Board of Commissioners.

Section 14.27: Re-Enactment Certification

I hereby certify that this is a true and correct copy of the flood damage prevention ordinance as adopted as part of the Unified Development Ordinance pursuant to NC G.S. 160D by the Board of Commissioners of **Town of Burgaw**, North Carolina, on the 10th day of December 10, 2024.

WITNESS my hand and the official seal of, _____ this the _____ Day
of _____, _____

(Signature)

RESOLUTION 2024-32

ADOPTING A STATEMENT OF CONSISTENCY REGARDING TEXT AMENDMENTS OF THE TOWN OF BURGAW UNIFIED DEVELOPMENT ORDINANCE REQUESTED BY STAFF OF THE TOWN OF BURGAW TO AMEND CHAPTER 14, FLOOD DAMAGE PREVENTION ORDINANCE.

WHEREAS, the applicant, staff of the Town of Burgaw, has requested to amend the Town of Burgaw's Unified Development Ordinance, Chapter 14, Flood Damage Prevention Ordinance; and

WHEREAS, Planning Staff has reviewed the proposed text change amendments for consistency with the Town of Burgaw 2030 Comprehensive Land Use Plan and has presented those findings to the Town of Burgaw Planning Board and the Town of Burgaw Board of Commissioners; and

WHEREAS, the Town of Burgaw Planning Board, at their November 21, 2024, meeting, recommended the adoption of the Draft Comprehensive Plan Consistency Statement to the Board of Commissioners; and

WHEREAS, the Town of Burgaw Board of Commissioners reviewed the Staff Report and Draft Comprehensive Plan Consistency Statement at their December 10, 2024, meeting and found the proposed text change amendments to be consistent with the Town of Burgaw's 2030 Comprehensive Land Use Plan, being reasonable, and in the public interest; and

NOW, THEREFORE BE IT ORDAINED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT the proposed Unified Development Ordinance text amendment is consistent with the Town of Burgaw 2030 Comprehensive Plan by ensuring the town's zoning and development code can ensure the town's zoning and development codes can establish regulation to reflect floodplain information when making infrastructure, rezoning, and development regulation decisions.

Adopted this 10th day of December 2024.

Attest: _____
Kristin J. Wells, Town Clerk

Signed: _____
G. Olivia Dawson, Mayor

ORDINANCE 2024-35

A TEXT CHANGE AMENDMENT TO THE TOWN OF BURGAW UNIFIED DEVELOPMENT ORDINANCE REQUESTED BY STAFF OF THE TOWN OF BURGAW TO AMEND CHAPTER 14, FLOOD DAMAGE PREVENTION ORDINANCE.

WHEREAS, the applicant, staff of the Town of Burgaw, has requested to amend the Town of Burgaw's Unified Development Ordinance, Chapter 14, Flood Damage Prevention Ordinance; and

WHEREAS, Planning Staff has reviewed the proposed text change amendments for consistency with the Town of Burgaw 2030 Comprehensive Land Use Plan and has presented those findings to the Town of Burgaw Planning Board and the Town of Burgaw Board of Commissioners; and

WHEREAS, the Town of Burgaw Planning Board, at their November 21, 2024, meeting, recommended the adoption of the Draft Comprehensive Plan Consistency Statement to the Board of Commissioners; and

WHEREAS, the Town of Burgaw Board of Commissioners reviewed the Staff Report and Draft Comprehensive Plan Consistency Statement at their December 10, 2024, meeting and found the proposed text change amendments to be consistent with the Town of Burgaw's 2030 Comprehensive Land Use Plan, being reasonable, and in the public interest; and

NOW, THEREFORE BE IT ORDAINED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT the proposed Unified Development Ordinance text amendment is consistent with the Town of Burgaw 2030 Comprehensive Plan by ensuring the town's zoning and development code can ensure the town's zoning and development codes can establish regulation to reflect floodplain information when making infrastructure, rezoning, and development regulation decisions.

CHAPTER 14. Flood Damage Prevention

Article I: Statutory Authorization, Findings of Fact, Purpose, and Objectives

Section 14.1 Statutory Authorization

Municipal

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

Therefore, the Board of Commissioners of the Town of Burgaw, North Carolina, does ordain as follows:

(A) Findings of Fact

The flood prone areas within the jurisdiction of the Town of Burgaw are subject to periodic inundation which results in loss of life, property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

(B) Statement of Purpose

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

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

(C) Objectives

The objectives of this ordinance are:

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

Article II. Definitions

Section 14.2 Definitions

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

“Accessory Structure (Appurtenant Structure)” means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports, and storage sheds are common urban accessory structures. Pole barns, hay shed, and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

“Addition (to an existing structure)” means an extension or increase in the floor area or height of a building or structure.

“Appeal” means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance.

“Alteration of a Watercourse” means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

“Area of Shallow Flooding” means a designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located

where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

“Area of Special Flood Hazard” see “Special Flood Hazard area (SFHA)”

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

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

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

“Base Flood Elevation (BFE)” means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area,” it may be obtained from engineering studies available from a Federal or State or other sources using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard,” establishes the “Regulatory Flood Protection Elevation.”

“Building” see “Structure”

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

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

“Development Activity” means any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

“Digital Flood Insurance Rate Map (DFIRM)” means the digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

“Disposal” means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

“Elevated Building” means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

“Encroachment” means the advance or infringement of uses, fill, excavation, buildings, structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

“Existing building and existing structure” means any building and/or structure for which the “start of construction” commenced before January 19, 2000.

Existing Construction: For the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective prior to that date. “Existing construction” may also be referred to as “existing structures.”

“Existing Manufactured Home Park or Manufactured Home Division” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the original effective date of the floodplain management regulations adopted by the community, dated December 12, 2000.

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

(A) the overflow of inland or tidal waters; and/or

(B) the unusual and rapid accumulation of runoff surface waters from any source.

“Flood Boundary and Floodway Map (FBFM)” means an official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).”

“Flood Hazard Boundary Map (FHBm)” means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been

defined as Zone A.

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

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

“Flood Insurance Study (FIS)” mean an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance study report includes Flood Insurance Rate Maps (FIRMs) and the Flood Boundary and Floodway Maps (FBFMs), if published.

“Flood Prone Area” see “Floodplain”

“Floodplain” means any land area susceptible to being inundated by water from any source.

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

“Floodplain Development Permit” means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

“Floodplain Management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

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

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

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

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

“Floodway encroachment analysis” means an engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and models.

“Flood Zone” means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

“Freeboard” means the height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization on the watershed. The Base Flood Elevation plus the freeboard establishes the “Regulatory Flood Protection Elevation.”

“Functionally Dependent Facility” means a facility which cannot be used for its intended purpose unless

it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

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

“Highest Adjacent Grade (HAG)” means the highest natural elevation of the ground surface prior to construction, immediately next to the proposed walls of the structure.

“Historic Structure” means any structure that is:

- (A) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (B) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (C) Individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program;” or
- (D) Certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program.”

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

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

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

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

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

“Lowest Adjacent Grade (LAG)” means the lowest elevation of the ground, sidewalk, or patio slab immediately next to the building, or deck support, after completion of the building.

“Lowest Floor” means lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area

other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include "recreational vehicle."

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

"Market Value" means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

"New Construction" means structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

"Non-Encroachment Area" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

"Post-FIRM" means construction or other development for which the "start of construction" occurred on or after January 19, 2000, the effective date of the initial Flood Insurance Rate Map.

"Pre-FIRM" means construction or other development for which the "start of construction" occurred before January 19, 2000, the effective date of the initial Flood Insurance Rate Map.

"Principally Above Ground" means that at least fifty-one percent (51%) of the actual cash value of the structure is above ground.

"Public Safety" and/or **"Nuisance"** means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

"Recreational Vehicle (RV)" means a vehicle, which is:

- (A) Built on a single chassis;
- (B) 400 square feet or less when measured at the largest horizontal projection;
- (C) Designed to be self-propelled or permanently towable by a light duty truck;
- (D) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use, and
- (E) Is fully licensed and ready for highway use.

"Reference Level" is the top of the lowest floor for structures with Special Flood Hazard Areas designated as Zone A1-A30, AE, A, A99 or AO.

"Regulatory Flood Protection Elevation" means the "Base Flood Elevation" plus the "Freeboard." In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least four (4) feet above the highest adjacent grade.

"Remedy a Violation" means to bring the structure or other development into compliance with State and community floodplain management regulations or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

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

"Salvage Yard" means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances, and related machinery.

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

"Solid Waste Disposal Site" means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

“Special Flood Hazard Area (SFHA)” means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Section 14.4 of this ordinance.

“Start of Construction” includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

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

“Substantial Damage” means damage of any origin sustained by a structure during any five-year (5) cumulative period whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. See definition of “substantial improvement.” Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

“Substantial Improvement” means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any five-year (5) cumulative period for which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

- (A) Any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (B) Any alteration of a historic structure provided that the alteration will not preclude the structure’s continued designation as a historic structure and the alteration is approved by variance issued pursuant to Section 14.15 of this ordinance.

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

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

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

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

“Violation” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Chapters IV and V of this ordinance is presumed to be in violation until such time as that documentation is provided.

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

“Watercourse” means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Article III. General Provisions

Section 14.3 Lands to Which this Ordinance Applies

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdiction (ETJ) if applicable, of the **Town of Burgaw** and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

Section 14.4 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 Flood Insurance Study (FIS) dated January 17, 2025 for Pender County including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this ordinance and all revisions thereto. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of The Town of Burgaw are also adopted by reference and declared a part of the Extra-Territorial Jurisdiction (ETJ), the Special Flood Hazard Areas identified by the Federal Emergency Management Agency (FEMA) and/or produced under the Cooperating Technical State Agreement between the State of North Carolina and FEMA as stated above, for the Unincorporated Areas of **Pender County**, with accompanying maps and other supporting data are adopted by reference and declared to be a part of this ordinance.

Section 14.5 Establishment of a Floodplain Development Permit

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with Section 14.4 of this ordinance.

Section 14.6 Compliance

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

Section 14.7 Abrogation and Greater Restriction

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 14.8 Interpretation

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

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

Section 14.9 Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability of the part of the **Town of Burgaw** or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

Section 14.10 Penalties for Violations

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

Article IV. Administration

Section 14.11 Designation of Floodplain Administrator

The **Director of Inspections and/or Town Planner, or their designated agent**, hereinafter referred to as the "Floodplain Administrator," is hereby appointed to administer and implement the provisions of this ordinance.

Section 14.12 Floodplain Development Application, Permit, and Certification Requirements

Application Requirements. Application for a Floodplain Development Permit shall be made to the floodplain administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the floodplain administrator to apply for a floodplain development permit:

- (A) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - (1) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - (2) The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Section 14.4, or a statement that the entire lot is within the Special Flood Hazard Area;
 - (3) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 14.4;
 - (4) The boundary of the floodway(s) or non-encroachment area(s) as determined in Section 14-14;
 - (5) The Base Flood Elevations (BFE) where provided as set forth in Section 14-4; Section 14-13; or Section 14-19;
 - (6) The old and new location of any watercourse that will be altered or relocated as a result of proposed development;
 - (7) The easement dedication, as determined to be necessary by the Flood Plain Administrator, in order to ensure the proper drainage of land and unobstructed flow along ditches and/or water courses as defined herein.
- (B) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
 - (1) Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;
 - (2) Elevation in relation to NAVD 1988 to which any non-residential structure in Zone AE, A, or AO will be flood-proofed; and
 - (3) Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed.
- (C) If floodproofing, a Floodproofing Certificate (*FEMA Form FF-206-FY-22-153*) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.
- (D) A Foundation Plan, drawn to scale, which shall include details of the proposed system to ensure all provisions of this ordinance are met. These details include but are not limited to:
 - (1) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/ posts/piers/piles/shear walls)
 - (2) Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with this Ordinance, when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30.
- (E) Usage details of any enclosed areas below the regulatory flood protection elevation.

- (F) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
- (G) Signed disclosure statement and release of liability: "I, _____, certify that all activities proposed within the Special Flood Hazard Area comply with all regulations of the following Local, State, and Federal agencies/permits relevant to floodplain development (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.)."
- (H) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure Section 14-17 (F and G) of this ordinance are met.
- (I) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

Permit Requirements.

The Floodplain Development Permit shall include, but not be limited to:

- (A) A description of all the development to be permitted under the floodplain development permit e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).
- (B) The Special Flood Hazard Area determination for the proposed development per available data specified in this Chapter.
- (C) The regulatory flood protection elevation required for the reference level and all attendant utilities.
- (D) The regulatory flood protection elevation required for the protection of all public utilities.
- (E) All certification submittal requirements with timelines.
- (F) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the requirements of Section 14-21 have been met.
- (G) The flood openings requirements, if in Zones A, AO, AE, or A1-30.
- (H) Limitations of below BFE enclosure uses (if applicable) (i.e., Parking, Building Access, and Limited Storage only).

Certification Requirements.

(A) Elevation Certificates

- (1) An Elevation Certificate (*FEMA Form FF-206-FY-22-152*) may be required as determined by the Floodplain Administrator prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of the elevation of the reference level, in relation to NAVD 1988. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

An Elevation Certificate (*FEMA Form FF-206-FY-22-152*) may be required as determined by the Floodplain Administrator after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the floodplain administrator a certification of the elevation of the reference level, in relation to NAVD 1988. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project. Violators of stop work orders shall be subject to misdemeanor charges and may be subject to a civil citation carrying a \$50.00 a day fine, with each day of violations constituting a separate offense.

- (2) A final as-built Elevation Certificate (*FEMA Form FF-206-FY-22-152*) is required after construction is completed and prior to certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The floodplain

administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(B) Floodproofing Certificate

- (1) If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (*FEMA Form FF-206-FY-22-153*), with supporting data, operational plan, and inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The floodplain administrator shall review the certificate data, the operational plan and inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

- (2) A final Finished Construction Floodproofing Certificate (FEMA Form *FF-206-FY-22-153*), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation of NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by the same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.
- (C) If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than thirty-six (36) inches in height above grade, an engineered foundation certification is required per Section 14.17 (C).
- (D) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.
- (E) Certification Exemptions. The following structures, if located within Zone A, AO, AE, or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
- (1) Recreational Vehicles meeting requirements of Section 14.17 (F)(a);
 - (2) Temporary Structures meeting requirements of Section 14.17 (G); and
 - (3) Accessory Structures less than one hundred fifty (150) square feet and meeting requirements of Section 14.17 (H).

Section 14.13 Duties and Responsibilities of Floodplain Administrator

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

- (A) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
- (B) Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State, and Federal permits have been received.
- (C) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (D) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (E) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Section 14.21 are met.
- (F) Obtain actual elevation (in relation to NAVD 1988) of the reference level (including basement) and all attendant utilities of all new or substantially improved structures, in accordance with Section 14.12.
- (G) Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with Section 14.12.
- (H) Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with Section 14-12.
- (I) When floodproofing is utilized for a particular structure, obtain certification from a registered professional engineer or architect in accordance with Section 14.12 and Section 14.17 (B).
- (J) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas (for example, where there appears to be a conflict between a mapped boundary and actual field

conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

- (K) When Base Flood Elevation (BFE) data has not been provided in accordance with Section 14.4, obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Section 14.19, in order to administer the provisions of this ordinance.
- (L) When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with Section 14.4, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other local source in order to administer the provisions of this ordinance.
- (M) When the lowest ground elevation of a parcel or structure in a Special Flood Hazard Area is above the Base Flood Elevation, may advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the floodplain development permit file.
- (N) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- (O) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- (P) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the floodplain administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor. Violators shall be subject to civil citation and fine not to exceed \$50 a day with each day constituting a separate offense.
- (Q) Revoke floodplain development permits as required. The floodplain administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specification; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- (R) Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The floodplain administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (S) Follow through with corrective procedures of Section 14.14.
- (T) Review, provide input, and make recommendations for variance requests.
- (U) Maintain a current map repository to include, but not limited to, historical and effective FIS Report, historical and effective FIRM, and other official flood maps and studies adopted in accordance with Section 14-4 of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- (V) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revisions (LOMR).

Section 14.14 Corrective Procedures

- (A) **Violations to Be Corrected.** When the floodplain administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notifications.
- (B) **Actions in Event of Failure to Take Corrective Actions.** If the owner of a building or property shall fail to take prompt corrective action, the floodplain administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
- (1) that the building or property is in violation of the Flood Damage Prevention Ordinance;
 - (2) that a hearing will be held before the floodplain administrator and town manager at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - (3) that following the hearing, the floodplain administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.
- (C) **Order to Take Corrective Action.** If, upon a hearing held pursuant to the notice prescribed above, the floodplain administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than (180) calendar days. Where the floodplain administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.
- (D) **Appeal.** Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the floodplain administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the floodplain administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (E) **Failure to Comply with Order.** If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a Class I misdemeanor pursuant to NC G.S. 143-215.58 and shall be punished at the discretion of the court.

Section 14.15 Variance Procedures

- (A) The Board of Adjustment as established by Town of Burgaw, hereinafter referred to as the "appeal board," shall hear and decide requests for variances from the requirements of this ordinance.
- (B) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes
- (C) Variances may be issued for:
- (1) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.
 - (2) Functionally dependent facilities if determined to meet the definition as stated in Section 14.2 of this ordinance, provided provisions of Section 14.15 (I)(b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages.
 - (3) Any other type of development provided it meets the requirements stated in this section.
- (D) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
- (1) the danger that materials may be swept onto other lands to the injury of others;
 - (2) the danger of life and property due to flooding or erosion damage;
 - (3) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (4) the importance of the services provided by the proposed facility to the community;

- (5) the necessity to the facility of a waterfront location as defined under Section 14.2 of this ordinance as a functionally dependent facility, where applicable;
 - (6) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (7) the compatibility of the proposed use with existing and anticipated development;
 - (8) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (9) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (10) the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (11) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges;
 - (12) the conditions established in Section 7.1 of the Town of Burgaw's Unified Development Ordinance.
- (E) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (F) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (G) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- (H) The floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
- (I) Conditions for Variances:
- (1) Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
 - (2) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
 - (3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (4) Variances shall only be issued prior to development permit approval.
 - (5) Variances shall only be issued upon:
 - (a) a showing of good and sufficient cause;
 - (b) a determination that failure to grant the variance would result in exceptional hardship; and
 - (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (J) A variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
- (1) The use serves a critical need in the community.
 - (2) No feasible location exists for the use outside the Special Flood Hazard Area.
 - (3) The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation.

- (4) The use complies with all other applicable Federal, State, and local laws.
- (5) The **Town of Burgaw** has notified the Secretary of the North Carolina Department of ~~Crime Control and~~ Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

Article V. Provisions for Flood Hazard Reduction

Section 14.16 General Standards

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

- (A) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (B) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (C) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (D) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, appliances (washers, dryers, refrigerators, freezers, etc.), hot water heaters, and electric outlets/switches.
- (E) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (F) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- (G) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (H) Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.
- (I) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Section 14.15(J). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according to Section 14.12 *Certificate Requirements* of this ordinance.
- (J) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- (K) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (L) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (M) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (N) When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
- (O) When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and highest Base Flood Elevation (BFE) shall apply.

Section 14.17 Specific Standards

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Section 14.4, or Section 14.13, the following provisions, in addition to Section 14.16, are required:

- (A) **Residential Construction.** New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Section 14.2 of this ordinance.
- (B) **Non-Residential Construction.** New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Section 14.2 of this ordinance. Structures located in A, AE, AH, AO, A99 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capacity of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Section 14.22. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 14.12 *Certificate Requirements*, along with the operational plan and the inspection and maintenance plan.
- (C) **Manufactured Homes.**
- (1) New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in Section 14.2 of this ordinance.
 - (2) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by engineer certification, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
 - (3) All enclosures or skirting below the lowest floor shall meet the requirements of Section 14.17(D)(a), (b), and (c).
 - (4) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved, or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the floodplain administrator and the local Emergency Management coordinator.
- (D) **Elevated Buildings.** Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor.
- (1) Shall not be designed or be used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
 - (2) Shall not be temperature-controlled or conditioned;
 - (3) Shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
 - (4) Shall include, in Zones A, AO, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - (a) A minimum of two (2) flood openings on different sides of each enclosed area subject to flooding;

- (b) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
- (c) If a building has more than one (1) enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
- (d) The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;
- (e) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both direction; and
- (f) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

(E) Additions/Improvements.

- (1) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with an interior modification to the existing structure are:
 - (a) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more nonconforming than the existing structure.
 - (b) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (2) Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
- (3) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (a) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
 - (b) A substantial improvement, both the existing structure and the addition and/or improvement must comply with the standard for new construction.
- (4) Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a five-year (5) period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the five-year (5) period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:
 - (a) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.
 - (b) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

(F) Recreational Vehicles. Recreational vehicles shall either:

(1) Temporary Placement

- (a) be on site for fewer than one hundred eighty (180) consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its

wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions);

- (2) **Permanent Placement.** Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction.

(G) **Temporary Non-Residential Structures.** Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the floodplain administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood, or other type of flood warning notification. The following information shall be submitted in writing to the floodplain administrator for review and written approval;

- (1) A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;
- (2) The name, address, and phone number of the individual responsible for the removal of the temporary structure;
- (3) The time frame prior to the event at which a structure will be removed (i.e., minimum of seventy-two (72) hours before landfall of a hurricane or immediately upon flood warning notification);
- (4) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
- (5) Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

(H) **Accessory Structures.** When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

- (1) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking, or restroom areas);
- (2) Accessory structures shall not be temperature-controlled;
- (3) Accessory structures shall be designed to have low flood damage potential;
- (4) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- (5) Accessory structures shall be firmly anchored in accordance with Section 14.16(A);
- (6) All service facilities such as electrical shall be installed in accordance with Section 14.16(D); and
- (7) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with Section 14.12(D).

An accessory structure with a footprint less than one hundred fifty (150) square feet that satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards of Section 14.17 (B). Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 14.12.

(I) **Tanks.** When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

- (1) **Underground Tanks.** Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
- (2) **Above ground tanks, elevated.** Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
- (3) **Above-ground tanks, not elevated.** Above-ground tanks that do not meet the elevation requirements of Section 14.17(B) of this ordinance shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks

shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.

(4) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

- (a) At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- (b) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(J) Other Development.

- (1) Fences in regulated floodways and Non-Encroachment Areas that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 14.21.
- (2) Retaining walls, sidewalks and driveways in regulated floodways and Non-Encroachment Areas. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 14.21.
- (3) Roads and watercourse crossings in regulated floodways and Non-Encroachment Areas. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 14.21 of this ordinance.

Section 14.18 Reserved

Section 14.19 Standards for Floodplain without Established Base Flood Elevations

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Section 14.4, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to Section 14.16 and 14.17, shall apply:

- (A) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (B) The BFE used in determining the regulatory flood protection elevation shall be determined based on one of the following criteria set in priority order:
 - (1) If Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Sections 14.16 and 14.17.
 - (2) When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Chapter V, Section 14.17 and Section 14.21.
 - (3) All subdivision, manufactured home park, and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference per Section 14.4 to be utilized in implementing this ordinance.
 - (4) When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated to or above the regulatory flood protection elevation, as defined in Section 14.2.

Section 14.20 Standards for Riverine Floodplains with BFE without Established Floodways or Non-Encroachment Areas

Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- Standards outlined in Section 14.16 and 14.17; and

Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community

Section 14.21 Floodways and Non-Encroachment Areas

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Section 14.4. The floodways and non-encroachment areas are extremely hazardous due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Sections 14.16 and 14.17, shall apply to all development within such areas:

- (A) No encroachments, including fill, new construction, substantial improvements, and other developments shall be permitted unless it has been demonstrated that:
 - (1) The proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the floodplain administrator prior to issuance of floodplain development permits, or
 - (2) A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.
- (B) If Section 14.21(A) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- (C) No manufactured homes shall be permitted, except replacement of manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
 - (1) the anchoring and the elevation standards of Section 14.17(C); and
 - (2) the no encroachment standard of Section 14.21(A).

Section 14.22 Standards for Areas of Shallow Flooding (Zone AO)

Located within the Special Flood Hazard Areas established in Section 14.4 are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Section 14.16, all new construction and substantial improvements shall meet the following requirements:

- (A) The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two (2) feet, above the highest adjacent grade; or at least two (2) feet above the highest adjacent grade plus a freeboard of two (2) feet if no depth number is specified.
- (B) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Section 14.22(A) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per Section 14.12 Certification Requirement and Section 14-17(B).
- (C) Adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures.

Article VI. Legal Status Provisions

Section 14.23: Effect on Rights and Liabilities Under the Existing Flood Hazard Prevention Ordinance

This ordinance in part comes forward by re-enactment of some of the flood damage prevention ordinance enacted December 12, 2000 as amended, and it is not the intention to

repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit, or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of the Town of Burgaw enacted on December 12, 2000, as amended, which are not reenacted herein, are repealed. The flood damage prevention ordinance enacted prior to the enactment of 160D remain the same and are only being re-adopted with this Ordinance. Please note the section numbers are the same but for example 14-24 below is now 14.24.

Section 14.24: Effect upon Outstanding Floodplain Development Permits

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

Section 14.25: Severability

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

Section 14.26: Effective Date

This ordinance shall become effective upon adoption by the Town of Burgaw Board of Commissioners.

Section 14.27: Re-Enactment Certification

I hereby certify that this is a true and correct copy of the flood damage prevention ordinance as adopted as part of the Unified Development Ordinance pursuant to NC G.S. 160D by the Board of Commissioners of **Town of Burgaw**, North Carolina, on the 10th day of December 10, 2024.

WITNESS my hand and the official seal of, _____ this the _____ Day of _____,

(Signature)

SECTION 2. These amendments become effective immediately upon adoption of this ordinance on this, 10th day of December 2024.

Attest: _____
Kristin J. Wells, Town Clerk

Signed: _____
G. Olivia Dawson, Mayor



CASE SUMMARY Board of Commissioners

UDO Text Amendment December 10, 2024

Ron Meredith, 910-663-3451, rmeredith@burgawnc.gov

Staff Recommendation	Approval
Board of Commissioners	12/10/2024

Request

<i>Request</i>	Consideration for adoption of the updated Flood Insurance Rate Maps (FIRMs) from the National Flood Insurance Program (NFIP).	
<i>Applicant</i>	Staff	rmeredith@burgawnc.gov 910.663.3451

REQUEST

Consideration for adoption of the updated Flood Insurance Rate Maps (FIRMs) from the state for review and approval. After adopting the updated UDO Chapter 14, Flood Prevention Ordinance with the state's required edits, the next step is to approve the updated flood maps in the agenda item.

Key Points:

- **Updated Flood Insurance Rate Maps (FIRMs):** The state has provided us with the latest FIRMs, which are critical for accurate flood risk assessment and management.
- **Ordinance Adoption:** We have successfully adopted the updated flood prevention ordinance, incorporating all the required state edits.
- **Next Steps:** Approval of the updated flood maps is essential to ensure we comply with state regulations and provide accurate flood risk information to our community.

Importance of Approval:

- **Compliance with State Requirements:** Approving the updated FIRMs will ensure that we remain in compliance with state and federal regulations, which is crucial for maintaining our eligibility for various state and federal funding programs.
- **Accurate Flood Risk Assessment:** The updated maps will provide more accurate information on flood risk areas, helping property owners and developers make informed decisions.
- **Community Safety:** By adopting the updated FIRMs, we can better protect our community from flood hazards and enhance our floodplain management efforts.

Action Required:

- **Review:** Please review the updated FIRMs provided in your packets.
- **Approval:** A motion to approve the updated FIRMs is required to move forward.



CONSISTENCY WITH APPROVED PLANS

Town of Burgaw Comprehensive Land Use Plan

The maps are consistent with the policy intent of the Town of Burgaw's Comprehensive Land Use Plan. Policies that are most pertinent to the proposed amendment are below. Not all policies carry equal weight and may depend on the specifics of the proposal. The following symbology is employed:

				
	Strong Support	Modest Support	Modest Non-support	Strong Non-support
Land Use				
Goal 2: To establish regulations that protect and acknowledge the topographical and hydrological features of the town				
Promote and set-aside environmentally sensitive areas, including riparian buffers and stream corridors, wetlands, and floodplains, within new developments				
Consider floodplain and wetland information when making infrastructure, rezoning, and development regulation decisions				
Avoid the placement of infrastructure that may encourage future development in the floodway				
ECONOMIC DEVELOPMENT				
Goal 1: To support the profitability and sustainability of existing businesses and industries				
Consider the impacts of the town's policies on Burgaw's economic vitality when making decisions regarding taxes, fees, utility rates, development ordinances, etc., while recognizing the balance between economic development, the maintenance of high-quality services, and the financial health of town government				

CONCLUSIONS AND RECOMMENDATION

Updated FIRMS will ensure our compliance with state and federal regulations, which is essential. This will update Burgaw's flood standards to reflect the best available flood data to accommodate appropriate residential, commercial, and industrial development to assist in the process.

As a result, Staff recommends approval of the request and suggests the following motion:

I am moving to **RECOMMEND APPROVAL** of the proposed map update and modification to the Town of Burgaw Unified Development Ordinance to allow adoption of the flood. I find it to be **CONSISTENT** with the purpose and intent of the Comprehensive Land Use Plan because it ensures the town's zoning and development codes can establish regulation to reflect floodplain information when making infrastructure, rezoning, and development regulation decisions, I also find **RECOMMENDING APPROVAL** of the proposed amendment reasonable and in the public interest because it aligns with the overall goals and standards of the Comprehensive Land Use Plan.



Alternative Motion for Denial (If based on information presented at the public hearing or other consideration beyond the scope of staff review, the board finds denial appropriate.)

I move to recommend **DENIAL** of the proposed amendment. While I find it to be **CONSISTENT** with the purpose and intent of the Comprehensive Land Use Plan because it ensures the town's zoning and development codes can establish regulation to reflect floodplain information when making infrastructure, rezoning, and development regulation decisions, I find recommending **DENIAL** of the amendment request is reasonable and in the public interest because the proposed floodplain regulations do not align with the Comprehensive Land Use Plan goals and policies.

ACTIONS TO DATE

<i>Board of Commissioners</i>	12/10/2024
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Attachments

1. Application
2. Consistency Statement
3. Resolution
4. Ordinance



Request: Consideration for adoption of the updated Flood Insurance Rate Maps (FIRMs) from the National Flood Insurance Program (NFIP).

Hearing Date:12/10/2024

Board of Commissioners Consistency Statement

(To be read into the record as a motion, seconded and voted upon)

I am moving to **RECOMMEND APPROVAL** of the proposed map update and modification to the Town of Burgaw Unified Development Ordinance to allow adoption of the flood. I find it to be **CONSISTENT** with the purpose and intent of the Comprehensive Land Use Plan because it ensures the town's zoning and development codes can establish regulation to reflect floodplain information when making infrastructure, rezoning, and development regulation decisions,

____ Approval – this request is consistent with the goals and policies of the following plan(s) adopted by the Town of Burgaw:

() Burgaw 2030: Town of Burgaw Comprehensive Land Use Plan

() Other: _____

The Board of Commissioners considers its approval to be reasonable and in the public interest because: (Please provide reasons which can be found in the staff report)

I also find **RECOMMENDING APPROVAL** of the proposed amendment reasonable and in the public interest because it aligns with the overall goals and standards of the Comprehensive Land Use Plan.

____ Rejected – this request is not consistent with the goals and policies of the following plan(s) adopted by the Town of Burgaw:

() Burgaw 2030: Town of Burgaw Comprehensive Land Use Plan

() Other: _____

I move to recommend **DENIAL** of the proposed amendment. While I find it to be **CONSISTENT** with the purpose and intent of the Comprehensive Land Use Plan because it ensures the town's zoning and development codes can establish regulation to reflect floodplain information when making infrastructure, rezoning, and development regulation decisions, I find recommending **DENIAL** of the amendment request is reasonable and in the public interest because the proposed floodplain regulations do not align with the Comprehensive Land Use Plan goals and policies.

Therefore, The Board of Commissioners recommends rejection of this request.

Comments:

This report reflects the recommendation of the Town of Burgaw Board of Commissioners, this the 10th day of December, 2024.

Attest:

Mayor

RESOLUTION 2024-33

ADOPTING A STATEMENT OF CONSISTENCY REGARDING FLOOD MAP MODIFICATION FOR THE TOWN OF BURGAW REQUESTED BY STAFF OF THE TOWN OF BURGAW FOR ADOPTION OF THE UPDATED FLOOD INSURANCE RATE MAPS (FIRMS) FROM THE NATIONAL FLOOD INSURANCE PROGRAM .

WHEREAS, the applicant, staff of the Town of Burgaw, has requested to adopt the revised Flood Insurance Rate Maps (FIRMS) from the National Flood Insurance Program, version number 2.3.3.2, map number 3720334000K Pannel 3340; and

WHEREAS, the Town of Burgaw Board of Commissioners reviewed the Staff Report and Draft Comprehensive Plan Consistency Statement at their December 10, 2024, meeting and found the proposed text change amendments to be consistent with the Town of Burgaw's 2030 Comprehensive Land Use Plan, being reasonable, and in the public interest; and

NOW, THEREFORE BE IT ORDAINED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT the adoption of the updated Flood Insurance Rate Maps (FIRMS) from the National Flood Insurance Program (NFIP) is Consistent with the Town of Burgaw 2030 Comprehensive Plan by ensuring the town's zoning and development code can ensure the town's zoning and development codes can establish regulation to reflect floodplain information when making infrastructure, rezoning, and development regulation decisions.

Adopted this 10th day of December 2024.

Attest: _____
Kristin J. Wells, Town Clerk

Signed: _____
G. Olivia Dawson, Mayor

ORDINANCE 2024-36

A TEXT AMENDMENT TO ADOPT THE UPDATED FLOOD INSURANCE RATE MAPS (FIRMS) FROM THE NATIONAL FLOOD INSURANCE PROGRAM.

WHEREAS, the applicant, staff of the Town of Burgaw, has requested to adopt the revised Flood Insurance Rate Maps (FIRMS) from the National Flood Insurance Program, version number 2.3.3.2, map number 3720334000K Pannel 3340; and

WHEREAS, the Town of Burgaw Board of Commissioners reviewed the Staff Report and Draft Comprehensive Plan Consistency Statement at their December 10, 2024, meeting and found the proposed text change amendments to be consistent with the Town of Burgaw's 2030 Comprehensive Land Use Plan, being reasonable, and in the public interest; and

NOW, THEREFORE BE IT ORDAINED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT the adoption of the updated Flood Insurance Rate Maps (FIRMS) from the National Flood Insurance Program (NFIP) is Consistent with the Town of Burgaw 2030 Comprehensive Plan by ensuring the town's zoning and development code can ensure the town's zoning and development codes can establish regulation to reflect floodplain information when making infrastructure, rezoning, and development regulation decisions.

Adopted this 10th day of December 2024.

SECTION 2. These amendments become effective immediately upon adoption of this ordinance on this, 10th day of December 2024.

Attest: _____
Kristin J. Wells, Town Clerk

Signed: _____
G. Olivia Dawson, Mayor



**Town of Burgaw
ITEM REPORT**

Item: 11A

DATE OF MEETING: December 10, 2024 DEPARTMENT OF ORIGIN: Administration	DATE SUBMITTED: 12/04/2024 SUBMITTED BY: James Gantt, Town Manager
AGENDA ITEM DESCRIPTION: Proposed FY 2025-26 Budget Calendar	
SUMMARY STATEMENT: Attached is the proposed FY 2025-26 Budget Calendar. We will discuss dates and times for the Budget Retreat and the Budget Work Session.	
STAFF RECOMMENDATION AND REQUESTED ACTION:	
FINANCIAL IMPACT INCLUDING FUNDING SOURCE:	
FINANCE DIRECTOR COMMENTS:	
ATTACHMENTS (IF ANY): FY 2025-26 Budget Calendar DRAFT	

TOWN OF BURGAW

FY 2025-26 BUDGET CALENDAR

December 5	Budget Team Meets with Department Heads to Begin Budget Process
December 13	NEW LINE-ITEM ADDITIONS DUE (CHART OF ACCOUNTS)
January 3	Preliminary Budget Workbooks Distributed with Current YTD Expenditures DEPARTMENT PRELIMINARY CAPITAL IMPROVEMENT PLAN (CIP) REQUESTS DUE
January 14	Public Hearing for Early Citizen Input on FY 2025-26 Budget
January 17	NEW POSITION REQUEST/JUSTIFICATION DUE TO HUMAN RESOURCES INTERNAL REQUESTS TO OTHER DEPARTMENTS DUE (IT, FACILITIES, ETC.)
January 20-24	PRELIMINARY DEPARTMENT BUDGET MEETINGS WITH BUDGET TEAM
January 24	Budget Team's Evaluation of CIP Projects/Draft CIP Completed
February 7	CIP to Commissioners for Project Evaluation & Ranking
February __ (____)	Commissioner's Strategic Planning Retreat / Department Presentations
February __ (____)	Commissioner's Strategic Planning Retreat / Prioritization of Projects for FY 2025-26
March 1	Non-Profit/Public Funding Request Applications Due
March 7	DEPARTMENT REQUESTS/WORKBOOKS COMPLETED PROPOSED RATE & FEE CHANGES DUE
March 14	Baseline Payroll/Benefit Projections Complete
March 17-28	DEPARTMENTAL BUDGET CONFERENCES WITH BUDGET TEAM (AS NEEDED)
March 28	YEAR END PROJECTIONS & ADJUSTMENTS COMPLETED
April 4	Preliminary Revenue Projections Completed
April 25	Draft Budget Distributed to Board of Commissioners
May __ (____)	Commissioners Budget Work Session
May 13	Public Hearing on Proposed Budget
June 10	Budget Ordinance/CIP Adopted
June 30	Statutory Deadline for Town Commissioners to Adopt FY 2025-26 Budget

January						
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

February						
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23	24	25	26	27	28	

March						
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30	31					

April						
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May						
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25	26	27	28	29	30	31

June						
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

■ COMMISSIONERS ■ STAFF

**ADDITIONAL MEETINGS WITH DEPARTMENT HEADS OR BOARD OF COMMISSIONERS MAY BE SCHEDULED DURING THE BUDGETING PROCESS.

RESOLUTION 2024-34

RESOLUTION TO ADOPT THE REGULAR MEETING SCHEDULE OF THE BURGAW TOWN BOARD OF COMMISSIONERS FOR YEAR 2025

WHEREAS, General Statute 160A-71 allows a board to fix a time and place for regular meetings; and

WHEREAS, General Statute 143-318.12 (a) requires the Board of Commissioners schedule of regular meetings to be kept on file with the Town Clerk.

NOW, THEREFORE, BE IT RESOLVED that the following meeting schedule for the calendar year of 2025 is hereby adopted by the Town of Burgaw Board of Commissioners:

Tuesday	January 14, 2025	4:30 PM
Tuesday	February 11, 2025	4:30 PM
Tuesday	March 11, 2025	4:30 PM
Tuesday	April 8, 2025	4:30 PM
Tuesday	May 13, 2025	4:30 PM
Tuesday	June 10, 2025	4:30 PM
Tuesday	July 8, 2025	4:30 PM
Tuesday	August 12, 2025	4:30 PM
Tuesday	September 9, 2025	4:30 PM
Tuesday	October 14, 2025	4:30 PM
Tuesday	November 18, 2025*	4:30 PM
Tuesday	December 9, 2025	4:30 PM

BE IT FURTHER RESOLVED THAT all meetings shall be held at the Burgaw Town Center, 108 E. Wilmington Street, unless otherwise posted.

Adopted this the 10th day of December 2024.

Signed: _____
G. Olivia Dawson, Mayor

Attest: _____
Kristin J. Wells, Town Clerk

**Note: The November meeting will be held on the third Tuesday due to Veterans Day on the second Tuesday.*



**Town of Burgaw
ITEM REPORT**

Item: 13B

DATE OF MEETING: December 10, 2024 DEPARTMENT OF ORIGIN: Administration	DATE SUBMITTED: 12/04/2024 SUBMITTED BY: Kristin Wells, Town Clerk
AGENDA ITEM DESCRIPTION: Appointment of Council of Governments (COG) Representative and Alternate Representative	
SUMMARY STATEMENT: These positions serve on the Cape Fear Council of Governments and are reappointed annually. Commissioner Dawson currently serves as the Delegate/CFCOG Executive Committee and Commissioner George currently serves as the Alternate.	
STAFF RECOMMENDATION AND REQUESTED ACTION:	
FINANCIAL IMPACT INCLUDING FUNDING SOURCE:	
FINANCE DIRECTOR COMMENTS:	
ATTACHMENTS (IF ANY): None	