



# MEMORANDUM

---

**TO:** Mayor and Members of the City Council

**FROM:** Reginald Goodson, City Manager  
Carl Best, Development Services Director  
Dylan Lloyd, Planner II

**DATE:** April 8, 2026

**RE:** Hold a Public Hearing - CASE NO: TA 02-26

---

***BACKGROUND:***

On a Community Assistance Visit from the National Flood Insurance Program in May of 2023, State NFIP administrators found several deficiencies in our code, Section 154: Floods. We are required to amend these definitions in order to be in compliance.

***ANALYSIS:***

By order of NC Emergency Management on November 27, 2023, Sections 154.26, 154.41, 154.96, 154.97 and 154.98 of the Elizabeth City Ordinance must be revised. As is, these sections of the [Elizabeth City Municipal Code](#) found under Title XV need to be updated in order to comply with state law and be consistent with directives from NC Emergency Management and the North Carolina Department of Public Safety

Development Services asked that a Public Hearing be called for during the March 23, 2026 Work Session for the attached text amendments to City Code 154. The Council subsequently made this call, and the hearing is slated for the Regular Session of April 13, 2026.

***AT THE CONCLUSION OF THE PUBLIC HEARING:***

***STAFF RECOMMENDATION:***

By motion, adopt Ordinance #2026-04-01 to amend Section 154: Floods in the City's Code as detailed in TA 02-26.



**ORDINANCE # 2026-04-01**  
**Approving Text Amendment 02-26**  
**TO AMEND CHAPTER 154:**  
**FLOODS in the Elizabeth City**  
**Code of Ordinances**

**WHEREAS**, NC Emergency Management issued an order on November 27, 2023 requesting the amendment of Chapter 154: Floods, specifically sections 154.26, 154.41, 154.96, 154.97 and 154.98; and.

**WHEREAS**, these sections must be revised in order to comply with state law and to be consistent with directives from NCEM and the North Carolina Department of Safety; and

**WHEREAS**, the ordinance is used to regulate development in the floodplains in order to reduce flood damage and to maintain or reduce the risks associated with the other buildings in or next to the floodplain; and

**WHEREAS**, TA 02-26 appeared as a Call for a Public Hearing during the City Council's March 23, 2026 Work Session, which was subsequently held on April 13, 2026 during such time that a quorum of the City Council was present; and

**WHEREAS**, the following text is to be adopted (changes are in red):

**City Code Text Amendment:**

**Amend Title XV § 154.26 FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT, AND CERTIFICATION REQUIREMENTS - Section C, subsection (5)(c) as follows:**

(c) Accessory structures that are **600 150** square feet or less or \$3,000 or less in cost and which meet the requirements of § 154.41(H).

**Amend Title XV § 154.41 SPECIFIC STANDARDS as follows:**

(1) When accessory structures (sheds, detached garages, and the like) **with a footprint of no more than 600 square feet** are to be placed within **A, AO, AH, AE, and A99 flood zones** ~~a special flood hazard area~~, **wet floodproofing may be permitted when** the following criteria ~~shall be~~ are met:

**\*Subsections (a) through (f) to remain unchanged**

(g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with the provisions of **division § 154.41(D)(4)** above.

(2) **All other accessory structures must comply with the elevation or floodproofing standards and certification requirements in accordance with § 154.26(C)(5) and § 154.41(B).**

- (3) An accessory structure with a footprint less than ~~600~~150 square feet or less or that costs \$3,000 or less in A, AO, AH, AE, and A99 zones and satisfies the criteria outlined above in subsection (1) is not required to meet the elevation or floodproofing certification requirements standards of division (B) above of §154.26(C). Elevation or floodproofing certifications are required for all other accessory structures in accordance with § 154.26(C).

**Amend Title XV LEGAL STATUS PROVISIONS § 154.96 EFFECT ON RIGHTS AND LIABILITIES UNDER EXISTING FLOOD ORDINANCE as follows:**

This ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted January 1, 1975 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 City of Elizabeth City enacted on January 1, 1975, as amended, which are not reenacted herein, are repealed.

The date of the initial Floodplain Management Regulations for Pasquotank County is January 23, 1976.

The date of the initial Floodplain Management Regulations for Camden County is December 4, 1985.

**Amend Title XV § 154.97 EFFECT UPON OUSTANDING FLOODPLAIN DEVELOPMENT PERMITS as follows:**

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.

**Amend Title XV § 154.98 SEVERABILITY as follows:**

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 affect the validity of the remaining portions of this Ordinance.

**NOW THEREFORE, BE IT ORDAINED** that the City Council of the City of Elizabeth City does hereby amend Chapter 154 of the Elizabeth City Code of Ordinances as detailed above.

**ADOPTED** this the 13<sup>th</sup> day of April 2026.

---

E. Kirk Rivers  
Mayor

Attest:

---

April D. Onley, NCCMC  
City Clerk



**CITY OF ELIZABETH CITY**  
DEVELOPMENT SERVICES DEPARTMENT

---

**TEXT AMENDMENT**  
**STAFF ANALYSIS**

**Case No:**

TA 02-26

**Meeting Date:**

March 9, 2026

**Request:**

TA 01-26 is a proposal by Development Services Staff to amend Elizabeth City Code as well as the Unified Development Ordinance (UDO), specifically Title XV: Chapter 154 of the City Code of Ordinances, along with changes and corrections in UDO Article 12.2, in order to update Flood Hazard Prevention language to reflect the wording prescribed in state level legislation. Table of Permissible Uses and Article XI Development Standards, adding language to define and regulate the Flood Damage Prevention Ordinance in the City Code as well as the Flood Hazard District Overlay. This amendment, if approved by City Council, will replace the previous language in Title XV Chapter 154 of city code and update definitions for all zoning districts that are regulated under the Flood Hazard Overlay and bring it into compliance with state law.

**Amendment Need**

By order of NC Emergency Management on November 27, 2023, section 154.26, 154.41, 154.96, 154.97 and 154.98 of the Elizabeth City Ordinance must be revised. As is, these sections of the [Elizabeth City Municipal Code](#) found under Title XV need to be updated in order to comply with state law and be consistent with directives from NC Emergency Management and the North Carolina Department of Public Safety. In concurrence with these updates, as the UDO is updated by staff and the chosen consultant 'In Focus Planning', in the revision process as authorized by council, Article 12.2 will be made to reflect the changes in City Code Title XV: Chapter 154.

**Current City Code Regulations**

City Code Article XV, Section 154 defines the Flood Hazard regulations for the city of Elizabeth City. This serves as the Flood Hazard Ordinance for protecting people and property from the hazards of flooding in accordance with the authority provided in NCGS 160D-923, and as required by the North Carolina Department of Public Safety for participation in the National Flood Insurance Program. There are several changes to state and federal law made between 2018 and 2023 that are not reflected in Section 154. Therefore, the following text changes have been identified with assistance from the North Carolina Department of Public Safety for correction in our City Code

**Proposed City Code Text Amendment:**

**Amend Title XV § 154.26 FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT, AND CERTIFICATION REQUIREMENTS - Section C, subsection (5)(c) as follows:**

- (c) Accessory structures that are ~~600~~ 150 square feet or less or \$3,000 or less in cost and which meet the requirements of § 154.41(H).

**Amend Title XV § 154.41 SPECIFIC STANDARDS as follows:**

- (1) When accessory structures (sheds, detached garages, and the like) with a footprint of no more than 600 square feet are to be placed within A, AO, AH, AE, and A99 flood zones ~~a special flood hazard area~~, wet floodproofing may be permitted when the following criteria ~~shall be~~are met:

**\*Subsections (a) through (f) to remain unchanged**

- (g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with the provisions of ~~division~~ § 154.41(D)(4) above.
- (2) All other accessory structures must comply with the elevation or floodproofing standards and certification requirements in accordance with § 154.26(C)(5) and § 154.41(B).
- (3) An accessory structure with a footprint less than ~~600-150~~ square feet or less or that costs \$3,000 or less in A, AO, AH, AE, and A99 zones and satisfies the criteria outlined above in subsection (1) is not required to meet the elevation or floodproofing ~~certification requirements standards of division (B) above of §154.26(C)~~. Elevation or floodproofing certifications are required for all other accessory structures in accordance with § 154.26(C).

**Amend Title XV LEGAL STATUS PROVISIONS § 154.96 EFFECT ON RIGHTS AND LIABILITIES UNDER EXISTING FLOOD ORDINANCE as follows:**

This ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted January 1, 1975 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 City of Elizabeth City enacted on January 1, 1975, as amended, which are not reenacted herein, are repealed.

The date of the initial Floodplain Management Regulations for Pasquotank County is January 23, 1976.

The date of the initial Floodplain Management Regulations for Camden County is December 4, 1985.

**Amend Title XV § 154.97 EFFECT UPON OUSTANDING FLOODPLAIN DEVELOPMENT PERMITS as follows:**

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.

**Amend Title XV § 154.98 SEVERABILITY as follows:**

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 affect the validity of the remaining portions of this Ordinance.