

PAMLICO
COUNTY
SUBDIVISION
ORDINANCE

Effective Date: November 2, 2009

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**PAMLICO COUNTY, NORTH CAROLINA
SUBDIVISION ORDINANCE**

**ARTICLE 1
AUTHORITY**

**1.1
Title**

This ordinance shall be known and may be cited as the Pamlico County Subdivision Ordinance.

**1.2
Declaration of Purpose**

The procedures and standards for the development of real estate and for the surveying and platting thereof, adopted and prescribed in this ordinance, are found by the Board of Commissioners to be necessary and appropriate in order:

- (1) To provide for economical and sufficient streets with adequate widths and with proper alignment and grade.
- (2) To provide space for safe and sanitary accommodations.
- (3) To promote the elimination of unsafe conditions arising from the overcrowding and concentration of population, improper planning, lack of proper light, air and space, unsafe design and arrangements, and existence of conditions which endanger life or property by fire and other causes.
- (4) To provide for suitable neighborhoods with adequate streets and utilities and appropriate building sites.
- (5) To save unnecessary expenditure of public funds by reserving space for public lands and buildings and by initial proper construction of streets and utilities.
- (6) To provide proper land records for the convenience of the public and for the better identification and permanent location of real estate boundaries.
- (7) To provide for the orderly growth and development of the county.
- (8) To provide for the coordination of streets and highways within subdivisions with existing or planned streets and highways and with other public facilities.

1.3
Authority

This ordinance is adopted under the authority and provisions of the General Statutes of North Carolina, Chapter 153A, Articles 6 and 18.

1.4
Jurisdiction

The regulations contained herein, as provided in N.C.G.S. 153A, Articles 6 and 18 shall govern each and every subdivision of land within Pamlico County, and within the jurisdiction of any incorporated municipality which has requested that Pamlico County enforce this ordinance in that municipality's jurisdiction, but only if Pamlico County has consented to the same, all by a mutual resolution or interlocal agreement.

1.5
Compliance

After the effective date of this ordinance, each subdivision of land must be approved by the Board of Commissioners, after review and recommendation of the Planning Board.

ARTICLE 2
DEFINITIONS

For the purpose of this ordinance, certain words or terms used herein shall be defined as follows:

- 2.1 Apartments.** Attached multi-family units in a row or in a group project.
- 2.2 Block.** A piece of land bounded on all sides by streets or other transportation routes such as railroad lines, or by physical barriers such as water bodies or public open space, and not traversed by a through street.
- 2.3 Board of Commissioners.** The duly constituted Board of County Commissioners of Pamlico County, North Carolina.
- 2.4 Buffer Strip.** An area fifty feet in width measured from the perimeter of a lot or lots within a subdivision when such lot or lots are located adjacent to an office, institutional, commercial or industrial use area or railroad or highway right-of-way. No building or other structure shall be erected within the area of any such buffer strip, however, trees, shrubbery or

other landscaping design may be used therein.

2.5 Building Setback Line. A line parallel to the property line in front of which no structure shall be erected. Setbacks shall be measured from the property line, or the road right-of-way, whichever is more restrictive.

2.6 Commercial Use. Any use of property, subdivision, or site for business or commerce, excluding industrial use.

2.7 County. Pamlico County, North Carolina.

2.8 Dedication. A gift by the owner or a right for the use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument, and is completed with an acceptance. For the purpose of this ordinance, "dedication" shall also include the right to the use of a private road, whether located within or without the boundaries of the subdivision, by the owners of lots within the subdivision.

2.9 Development. Any subdivision, whether or not the recording of a plat is required; any horizontal condominium; and any multiple dwelling unit residential building, including, but not limited to apartments, condominiums, hotels, motels, special planned developments, planned unit development, and group development projects. Development shall also mean any commercial or industrial building or structure. The term shall, when appropriate to the context, include the act of establishing or creating any of the foregoing or the result of such activity.

2.10 Easement. A grant by the property owners of a strip of land for a specified purpose and use by the public, a corporation, or person. Explicitly excluded from this definition is a street or road, whether public or private.

2.11 Group Development. A group of two or more principal structures built on a single lot, tract, or parcel of land and designed for occupancy by separate families, business firms, or other enterprises. Sometimes referred to as a Planned Unit Development or Cluster Development.

2.12 Industrial Use. Any use of property engaged in the production or manufacture of goods, products, or materials.

2.13 Lot. A portion of a subdivision, or any other parcel of land, intended as a unit of transfer of ownership or for development or both.

2.14 Lot, Corner. A lot located at the intersection of two or more streets. A lot

abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

2.15 Lot, Double Frontage. A continuous, or “through,” lot which is accessible from both streets upon which it fronts.

2.16 Lot, Interior. A lot other than a corner lot with only one frontage on a street.

2.17 Lot, Single-Tier. A lot which backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.

2.18 Lot, Waterfront. A lot that is contiguous to a naturally occurring navigable body of water, or that is contiguous to the Intercoastal Waterway. Except as otherwise provided herein, this term shall not include lots that are contiguous to man-made bodies of water, navigable or otherwise. Where a lot is contiguous to minor, naturally occurring creeks or streams that transition from navigable to non-navigable water, the historical and customary use for navigation will be considered in determining whether such a lot is a “waterfront lot.”

2.19 Lot of Record. A lot which is part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of Pamlico County prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

2.20 Official Maps or Plans. Any maps or plans officially adopted by the Pamlico County Board of Commissioners.

2.21 Open Space. An area (land and/or water) generally lacking in man-made structures and reserved for enjoyment in its unaltered state.

2.22 Planning Board. The duly constituted Pamlico County Planning Board.

2.23 Plat. A map or plan of a parcel of land which is to be, or has been, subdivided.

2.24 Private Driveway. A roadway serving not more than two (2) lots, building sites or other division of land and not intended for public ingress or egress.

2.25 Private Street. An undedicated private right-of-way which affords access to abutting properties and requires a subdivision streets disclosure statement in accordance with G.S. 136-102.6.

2.26 Public Accessway. A piece of land transferred to public use for access to public areas. Public accessways may be dedicated by right-of-way, perpetual easement, or fee simple title transfer.

2.27 Public Sewage Disposal System. A system serving two (2) or more dwelling units and approved by the Pamlico County Health Department and the North Carolina Department of Natural Resources and Community Development.

2.28 Public Water Distribution System. A system serving two (2) or more dwelling units and approved by the Pamlico County Health Department and/or the North Carolina Department of Human Resources.

2.29 PUD or Planned Unit Development. A comprehensive development as established under Article 16 of this ordinance.

2.30 Recreation Area or Park. An area of land or combination of land and water resources that is developed for active and/or passive recreation pursuits with or without various man-made features that accommodate such activities.

2.31 Reservation. A reservation of land which does not involve any transfer of property rights.

2.32 Site Plan. A plan of a parcel of property showing proposed improvements, utilities, natural features, and other items as may be required to clearly indicate and define the intended development of the property. All site plans must be prepared by an engineer, architect or surveyor licensed to practice in the State of North Carolina.

2.33 Street or Road. A dedicated and accepted public right-of-way for vehicular traffic, or a private road as permitted by this ordinance, but explicitly excluding an easement. The following classifications shall apply:

- (a) **Local Residential Street.** Cul-de-sacs, loop streets less than 2,500 feet in length, or streets less than one mile in length that do not connect thoroughfares, or serve major traffic generators, and do not collect traffic from more that 100 dwelling units.
- (b) **Cul-de-sac Street.** A street having but one end open to traffic and the other end being permanently terminated and a vehicular turnaround provided.
- (c) **Access Street.** A local street or road that is parallel to a full or partial access

controlled facility and functions to provide access to adjacent land.

- (d) **Alley**. A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

2.34 Subdivider, Developer or Owner. Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined. A Subdivider, Developer or Owner shall be (i) the fee simple owner of land subdivided (or proposed to be subdivided), (ii) such fee simple owner's attorney-in-fact, agent or other authorized representative or (iii) a prospective purchaser from such fee simple owner under a written, executory contract for purchase of such land subdivided (or proposed to be subdivided) which gives such prospective purchaser the fee simple owner's consent to propose a subdivision hereunder. The Planning Board may, in its discretion, require such written or other confirmation deemed advisable to confirm that any person, firm or corporation presenting any plat for approval is a Subdivider or Owner as defined in this section 2.34.

2.35 Subdivision. All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a street, whether public or private, or a change in existing streets; but the following shall not be included within this definition nor be subject to any regulations enacted pursuant to this ordinance:

(1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown by the regulations prescribed by this ordinance;

(2) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;

(3) The public acquisition by purchase of strips of land for the widening or opening of streets;

(4) The division of a tract in single ownership, the entire area of which is no greater than two (2) acres into not more than three (3) lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the

County as shown by its subdivision regulations.

(5) The conveyance of a lot or tract to a grantee for purposes other than immediate sale who would have been an heir of the grantor if the grantor had died intestate under the intestate succession laws of North Carolina immediately prior to the conveyance. The deed conveying any parcel under this exception shall contain a recitation immediately after the description reciting that:

"The Grantor herein certifies that the Grantee herein, at the time of the execution of this deed, is currently entitled to inherit from the Grantor under the intestate succession laws of the State of North Carolina and, consequently, this conveyance is not governed by the subdivision regulations of Pamlico County."

(6) The conveyance of a lot or tract for the purpose of dividing lands among tenants in common, all of whom inherited the land by intestacy or by will from a common ancestor. The deed conveying any parcel under this exception shall contain a recitation immediately after the description reciting that:

"The Grantor and Grantee herein, by the execution, delivery, acceptance and recordation of this deed certifies that this conveyance evidences a division of land between the Grantor and Grantee as tenants in common of said land and that such tenancy in common was created through inheritance by the Grantor and Grantee from a common ancestor."

(7) A one time conveyance of a lot or tract less than or equal to one (1) acre in size to a grantee, if no street right-of-way dedication is involved and if the resultant lot is equal to or exceeds the standards of the county as shown by its subdivision regulations.

(8) Any project for which approval is required under County's Group Housing Project Ordinance.

2.36 Subdivision Administrator. The person designated by the Board of Commissioners to administer and enforce this ordinance, and where applicable his designee.

2.37 Town Houses. Single family dwellings attached where units may be for sale or rent.

ARTICLE 3

WORD INTERPRETATION

For the purpose of this ordinance, certain words shall be interpreted as follows:

- (a) Words used in the present tense include the future tense.
- (b) Words used in the singular number include the plural and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.
- (c) The word "person" includes a firm, association, corporation, trust, and company as well as an individual.
- (d) The word "used for" shall include the meaning "designed for."
- (e) The word "structure" shall include the word "building."
- (f) The word "lot" shall include the words "plot," "parcel," or "tract."
- (g) The word "shall" is always mandatory and not merely directory.

ARTICLE 4

LEGAL PROVISIONS

4.1

General Procedure for Plat Approval

After the effective date of this ordinance, no subdivision plat of land within the jurisdiction of Pamlico County shall be filed or recorded until it has been submitted to the Planning Board and approved by Board of Commissioners as set forth in this ordinance, and until this approval is entered in writing on the face of the plat by the Chairman of the Board of Commissioners and attested by the Clerk to the Board of Commissioners.

The Register of Deeds shall not file or record a plat of a subdivision of land located within the territorial jurisdiction of Pamlico County that has not been approved in accordance with the provisions of this ordinance, nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with this ordinance.

4.2

Statement By Owner

The Owner of the land shown on a subdivision plat submitted for recording, shall sign a statement on the plat stating whether or not any land shown thereon is within the subdivision

regulation jurisdiction of Pamlico County.

In the event that a plat is presented to the Register of Deeds for recording depicting a division of land which is not within the subdivision regulation jurisdiction of this ordinance, the owner shall specify in writing on the face of the plat and by sworn affidavit the reasons for any exemption or exception from the provisions of this ordinance.

4.3

Effect of Plat Approval on Dedications

The approval of a plat does not constitute the acceptance by Pamlico County or the public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. Further, any action by County to accept any such dedication will not impose upon Pamlico County any responsibility or liability for the same.

4.4

Penalties for Violation

After the effective date of this ordinance, any person who subdivides land in violation of this ordinance, transfers or sells land by reference to a plat showing a subdivision that has not received final approval hereunder and that has been recorded in the Office of the Register of Deeds, or otherwise violates any provision of this ordinance, including the recording of any plat in the Office of the Pamlico County Register of Deeds showing a subdivision of land before the plat has received final approval hereunder, shall be guilty of a Class 1 misdemeanor. The description by metes and bounds in an instrument of transfer or other document used in the process of selling or transferring land shall be a violation of this ordinance, and does not exempt the transaction from this penalty, whether or not the description by metes and bounds in the instrument of transfer refers to any recorded or unrecorded map. Violators of this ordinance shall also be subject, upon conviction, to fine and/or imprisonment as provided by N.C.G.S. §14-4, as well as any other remedy available to County, including the denial of a building permit. Provided, however, it is not a violation of this ordinance to enter into a contract for the sale or lease of real property which complies with N.C.G.S. §153A-334.

4.5

In addition to the penalties set forth in Section 4.4 above, the violation of any provision of

this ordinance shall subject the offender to a civil penalty in the amount of \$500.00 to be recovered by Pamlico County. Violators shall be issued a written notice which must be paid within ten (10) days of issuance of the notice. The violation of any provision of this ordinance shall be deemed to be committed on the date of recordation of an instrument of transfer or other document which transfers land in violation of this ordinance. Each day's violation shall be considered a separate offense.

4.6

Notwithstanding Subsections 4.4 and 4.5 above, this ordinance may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.

4.7

Nothing in this section shall be construed to limit the use of remedies available to County and County may seek to enforce this ordinance by using any one, all, or a combination of remedies.

4.8

Severability

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE 5
VARIANCES

5.1

Upon a request for final approval or upon a request for preliminary approval, the Planning Board may recommend to the Board of Commissioners that a variance be granted from these regulations, and the Board of Commissioner may grant such a variance, when, in each Board's opinion, undue hardship may result from strict compliance. In recommending or granting any variance, both Boards shall make the findings required below, taking into account the nature of the proposed subdivision, the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon

traffic conditions in the vicinity. No variance shall be granted unless both Boards find:

- (a) That there are special topographical or environmental circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land; and
- (b) That the granting of the variance will not be detrimental to the purpose of this ordinance, public health, safety and welfare or injurious to other property in the territory in which said property is situated.

5.2

In recommending or granting variances, the relevant Board may require such conditions as will secure, insofar as practicable, the objectives or requirements varied. Any variance thus recommended is required to be entered in writing in the minutes of the appropriate Board and the reasoning upon which departure was justified set forth.

5.3

In the event a variance is granted under the provisions of this Article, the fact that a variance has been granted shall be noted on the final plat together with the date of approval of the variance.

ARTICLE 6 **AMENDMENTS**

6.1

The Board of Commissioners may from time-to-time amend the terms of this ordinance, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation. The Planning Board shall have sixty (60) days or two regular meetings from the time the proposed amendment is submitted to it within which to submit its recommendation. If the Planning Board fails to submit a recommendation within the specified time, it shall be deemed to have recommended approval of the amendment.

No amendment shall be adopted by the Board of Commissioners until it has held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general

circulation in the Pamlico County area at least once a week for two (2) successive calendar weeks prior to the hearing. The initial notice shall appear not more than twenty-five (25) nor less than ten (10) days prior to the hearing date. In computing the ten (10) day period, the date of publication is not to be counted, but the date of the hearing is to be counted.

ARTICLE 7
ABROGATION

It is not intended that this ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

ARTICLE 8
ADMINISTRATOR

The Board of Commissioners shall designate a Subdivision Administrator who shall be charged with administering and enforcing this ordinance, and such other agents or officers as it deems appropriate.

ARTICLE 9
PROCEDURE FOR REVIEW AND APPROVAL
OF PRELIMINARY SUBDIVISION PLATS

9.1

For every subdivision within the territorial jurisdiction established by this ordinance, the owner shall submit a preliminary plat which shall be reviewed for approval by the Planning Board for compliance with the provisions of this ordinance.

9.2

Twelve (12) copies of the preliminary plat shall be submitted to the Subdivision Administrator of this ordinance at least thirty (30) days prior to the Planning Board meeting at which the owner desires the Board to review the preliminary plat. In the event the preliminary plat and the appropriate number of copies thereof are not submitted to the Subdivision Administrator at least thirty (30) days prior to the Planning Board meeting at which the Owner

desires the Board to review the preliminary plat, the Planning Board may decline to consider such preliminary plat and defer consideration of same to the next regularly scheduled meeting of the Planning Board after which the preliminary plat and the appropriate number of copies are timely submitted. Preliminary plats shall meet the specifications as set forth in this ordinance. Preliminary plats shall depict or contain, or be accompanied by, the information indicated in the table attached as Appendix B to this ordinance. An “x” indicates that the information is required.

9.3

The Planning Board shall review a timely submitted preliminary plat at or before its next regularly scheduled meeting and no more than sixty (60) days after the Subdivision Administrator receives the preliminary plat and the comments or authorized signatures on the certificates from the appropriate agencies.

9.4

The Planning Board shall approve, conditionally approve with required conditions or disapprove with specific reasons within forty-five (45) business days of its first consideration of the plat. If the Planning Board does not make a decision within forty five (45) business days after its first consideration of the plat, the plat shall be deemed approved without conditions.

9.5

The approval of the preliminary plat by the Planning Board shall be effective for a period of eighteen (18) months following the date of approval. In the event the final plat has not been submitted for approval prior to the expiration of said eighteen (18) month period, the preliminary plat shall be null and void unless extended by action of the Board of Commissioners upon the request of the Owner; provided, however, that such request for an extension will again be subject to the approval process set out in Sections 9.2 through 9.4 above.

9.6

If the Planning Board disapproves the preliminary plat, it shall retain one (1) copy of the plat for its minutes.

9.7

After having received the preliminary plat from the Subdivider but prior to consideration of the approval by the Planning Board as provided in this Article 9, the Subdivision Administrator may submit copies of the preliminary plat and any accompanying material to other officials and agencies concerned including, but not limited to:

- (a) Division of Environmental Health, Pamlico County Health Department; and
- (b) District Engineer, North Carolina Department of Transportation; and
- (c) Such other agencies and officials as the Planning Board may deem necessary.

ARTICLE 10
PROCEDURE FOR REVIEW AND APPROVAL
OF FINAL SUBDIVISION PLATS

10.1

Upon approval of the preliminary plat by the Planning Board, the Subdivider may proceed with the preparation of the final plat, and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this ordinance.

Prior to approval of the final plat, the Subdivider shall have installed the improvements specified in this ordinance or guaranteed their installation as provided herein. No final plat will be accepted for review by the Planning Board unless it has been reviewed by the Subdivision Administrator and found to be in compliance with requirements of this ordinance. The final plat shall constitute only that portion of the preliminary plat which the Subdivider proposes to record and develop at that time; such portion shall conform to all requirements of this ordinance.

10.2

The Planning Board shall review the final plat at or before its next regularly scheduled meeting which follows no more than forty-five (45) days after the Subdivision Administrator receives the final plat and shall recommend approval as submitted, recommend approval with modifications to bring the plat into compliance with this ordinance, or recommend disapproval of the final plat with specific reasons no more than forty-five (45) working days of its first consideration of the plat.

During its review of the final plat, the Planning Board may appoint a Registered Land

Surveyor or Registered Engineer to confirm the accuracy of the final plat. If errors or engineering problems with the design are found, the costs shall be charged to the Subdivider and the plat shall not be recommended for approval until such errors or problems have been corrected.

10.3

If the Planning Board recommends approval of the final plat, it shall transmit all copies of the plat and its recommendations to the Board of Commissioners.

10.4

If the final plat is disapproved by the Board of Commissioners, the reasons for such disapproval shall be stated in the minutes of the Board, specifying the provisions of this ordinance with which the final plat does not comply. If the final plat is disapproved, the Subdivider may make such changes as will bring the final plat into compliance and resubmit same for reconsideration by the Planning Board and the Board of Commissioners.

10.5

If the final plat is approved by the Board of Commissioners, the original tracing and one (1) print of the plat shall be retained by the Subdivider.

The Subdivider shall file the approved final plat with the Register of Deeds of Pamlico County within 30 days of the final approval of the Board of Commissioners, otherwise such approval shall be null and void.

10.6

The final plat shall be prepared by a Registered Land Surveyor or Engineer currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in N.C.G.S. 47-30 and the Manual of Practice for Land Surveying in North Carolina.

Twelve (12) copies of the final plat shall be submitted. Material drawing medium for the original shall be in accordance with the Manual of Practice for Land Surveying in North

Carolina, where applicable, and the requirements of the Pamlico County Register of Deeds.

The final plat shall be of a size suitable for recording with the Pamlico County Register of Deeds and shall be at a scale of not less than one (1) inch equals one hundred (100) feet, unless otherwise approved by the Subdivision Administrator. Maps may be placed on more than one sheet with appropriate match lines.

10.7

Submission of the final plat shall be accompanied by a filing fee per lot in the subdivision, and a fee for inspection of the improvements in the subdivision which will reflect County's cost. A schedule of such fees shall be approved by the Board of Commissioners and posted in the office of the Subdivision Administrator.

10.8

The signed certificates indicated on Appendix A to this ordinance shall appear on all plats and shall be executed on the original and one (1) copy.

10.9

Final plats shall depict or contain the information indicated in the table attached as Appendix B to this ordinance. An "x" indicates that the information is required.

ARTICLE 11
GUARANTEES IN LIEU OF COMPLETED IMPROVEMENTS

11.1

No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved, and all plans and specifications have been approved by the appropriate Pamlico County, State of North Carolina and Federal authorities, and evidence thereof presented to the Planning Board.

11.2

No building, zoning or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this ordinance until all the requirements of this ordinance have been met. The Subdivider, prior to commencing any work within the subdivision, shall

make arrangements with the Subdivision Administrator to provide for adequate inspection. The Subdivision Administrator or his representatives shall inspect and approve all completed work prior to release of the sureties. At its option, the Board of Commissioners may require that inspections be performed by a qualified person designated by it and at the Developer's cost.

11.3

The Board of Commissioners may require installation of certain oversized utilities or the extension of utilities to adjacent property when it is in the interest of future development. If the Board of Commissioners requires the installation of improvements in excess of the standards required in this ordinance, including all standards adopted by reference, the County shall pay the cost differential between the improvement required and the standards in this ordinance.

11.4

In lieu of requiring the completion, installation and dedication of all improvements prior to final plat approval, the Board of Commissioners may enter into an agreement with the Subdivider whereby the Subdivider shall agree to complete all required improvements no later than eighteen (18) months from the date of recordation of the final plat. The agreement to complete all required improvements shall be in substantially the same form as set forth in Appendix "C". Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Board of Commissioners, if all other requirements of this ordinance are met. To secure this agreement, the Subdivider shall provide, subject to the approval of the Board of Commissioners, either one, or a combination of, the following guarantees in an amount no less than 1.5 times the entire cost as provided herein. The Planning Board may approve a final plat without the performance agreement and security required herein, provided such approval is specifically contingent on the Subdivider's providing such agreement and security required herein to the Board of Commissioners prior to its consideration of the final plat.

At the time of submission of the guarantee required herein, the Subdivider shall furnish therewith a sealed statement by a licensed engineer, architect, surveyor or licensed contractor setting forth the estimated cost of the improvements required under this ordinance together with the estimated time of completion. The estimate of cost shall take into consideration the current

cost of the improvements as well as the effect of inflation on the cost, considering the estimated time of completion. The final estimate shall be multiplied by no less than 1.5 to determine the amount of the security required.

The Subdivider may elect which form of guarantee he shall submit to the County, but the guarantee must be of a type expressly authorized herein, and in any event such guarantee shall not expire prior to the expiration of the warranty described in Section 11.7.

11.5

The Subdivider may obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina. The bonds shall be payable to Pamlico County and shall be in an amount equal to 1.5 times the entire cost, as shown on the estimate required herein. The bond shall be approved by the Board of Commissioners. The bond shall be conditioned so that the required improvements may be constructed by Pamlico County without cost to the County in the event of default by the Subdivider. The duration of the bond(s) shall be until the expiration of the warranty described in Section 11.7. Such bond shall also contain a provision to the effect that in the event of any conflict between the terms of such bond and this ordinance, the provisions of this ordinance shall control.

11.6

The Subdivider may deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the County or in escrow with a financial institution designated as an official depository of the County. The amount of deposit shall be equal to 1.5 times the cost, as estimated under the requirements of this ordinance and approved by the Board of Commissioners, for installing all required improvements within the time period required under this ordinance. Such instrument shall also contain a provision to the effect that in the event of any conflict between the terms of such instrument and this ordinance, the provisions of this ordinance shall control.

If cash or other instrument is deposited in escrow with a financial institution as provided above, then the Subdivider shall file with the County an agreement between the financial institution and himself guaranteeing the following:

- (a) That said escrow account shall be held in trust until released by the Board of Commissioners and may not be used or pledged by the Subdivider in any other manner during the term of the escrow; and
- (b) That in case of a failure on the part of the Subdivider to complete said improvements, the financial institution shall, upon notification by the Board of Commissioners, immediately either pay to the County the funds estimated to complete the improvement, up to the full balance of the escrow account, or deliver to the County any other instruments fully endorsed or otherwise made payable in full to the County.

11.7

Submission of the guarantee of improvements as required herein or submission of a final plat for approval hereunder shall constitute a warranty from the Subdivider to the County, said warranty expiring on the date which is one (1) year from the time when all improvements required under this ordinance have been installed or constructed and approved or accepted by the unit of government having jurisdiction thereof, that (i) all improvements required under this ordinance have been installed or constructed in a workmanlike manner, (ii) all improvements required under this ordinance have been installed or constructed in accordance with the provisions of this ordinance and all federal, state or local permits issued to the Subdivider and (iii) all improvements required under this ordinance are adequate for the intended uses thereof.

If it is anticipated that the improvements shall be done by contract at a later date, the Subdivider, having submitted satisfactory guarantees in lieu of completed improvements, in such case, this requirement of this ordinance may be satisfied by an agreement between the Subdivider and the County, in manner and form satisfactory to the Board of Commissioners, by which the Subdivider warrants all such improvements, and agrees to provide the warranties at such time as the improvements are completed.

11.8

Upon default, meaning (i) failure on the part of the Subdivider to complete the required improvements in a timely manner as spelled out in the agreement as required by this ordinance or

(ii) the Subdivider's breach of its warranty stated in Section 11.7, then the surety, or the financial institution holding the escrow account shall, if requested by the County, pay all or any portion of the guarantee to Pamlico County up to the amount needed to complete the improvements, including all of the County's costs. Upon payment, the County, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements, including professional fees and consultants. The County shall return to the Subdivider and/or issuer of the guarantee, as the case may be, any funds not spent in completing the improvements.

11.9

The Board of Commissioners may release a portion of or all of the security when the improvements are completed and written confirmation of such is received from a licensed contractor, engineer or surveyor, but in any event the Board of Commissioners shall retain at least ten (10) percent of any security provided hereunder until the expiration of the warranty period described in Section 11.7.

11.10

In the event a Subdivider elects to install, after the approval of a preliminary plat but before the approval of a final plat, all improvements required by this ordinance, such Subdivider, upon submittal of a final plat for approval, shall provide, subject to the approval of the Board of Commissioners, either one, or a combination of, the financial guarantees described herein in an amount no less than ten percent (10%) of the entire actual cost of such improvements installed. Submission of such financial guarantees shall secure the terms of the Subdivider's warranty as described in section 11.7 and shall run for one (1) year from the date upon which the final plat is recorded. In all other respects, such financial guarantee(s) shall be controlled by and shall conform to the provisions of this ordinance governing financial guarantees intended to serve as security for the installation of improvements after approval of a final plat.

ARTICLE 12
REQUIRED IMPROVEMENTS, DEDICATION, RESERVATION,
MINIMUM STANDARDS OF DESIGN

12.1

Each subdivision shall contain the improvements specified in this article, which shall be installed in accordance with the requirements of this ordinance and paid for by the Subdivider, unless other means of financing is specifically stated in this ordinance. Land shall be dedicated and reserved in each subdivision as specified in this article. Each subdivision shall adhere to the minimum standards of design established by this article.

12.2

Land which has been determined by the Board of Commissioners on the basis of engineering or other expert surveys to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed shall not be platted for that purpose, unless and until the Subdivider has taken the necessary measures to correct said conditions and to eliminate said dangers.

12.3

All subdivision proposals shall be consistent with the need to minimize flood damage and shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage, and shall meet all requirements of the Pamlico County Flood Damage Prevention Ordinance.

12.4

All construction activities will be prohibited in Conservation I areas except for shoreline stabilization activities and structures allowed under CAMA permitting requirements, marinas, piers and other structures providing water access, clearing of vegetation, boat ramps, and paving for access which complies with the estuarine shoreline use standards as specified in 15 NCAC 7H.0209.

12.5

The lengths, widths, and shapes of blocks shall be determined with due regard to provision of adequate building sites suitable to the special needs of the type of use contemplated; needs for vehicular and pedestrian circulation; control and safety of street traffic; and limitations and opportunities of topography.

12.6

Block lengths shall not be less than 500 feet or more than 1500 feet unless otherwise waived by the Board of Commissioners after recommendation by the Planning Board.

12.7

Lot sizes, shapes and locations shall be made with due regard to topographic conditions, contemplated use, and the surrounding area. Land deemed by the Planning Board or Board of Commissioners to be uninhabitable for any reasons shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard; but such land may be set aside for such uses as will not be endangered by periodic or occasional inundation, or will not produce unsatisfactory living conditions.

12.8

Lot sizes shall be subject to the following minimum requirements:

- (1) Lots in areas served by community water and sewer systems shall have a minimum of 10,890 square feet of land per lot.
- (2) Lots served by either a community water or sewer system shall contain 14,520 square feet of land per lot.
- (3) Lots lacking both community water and sewer systems shall contain a minimum of 21,780 square feet of land per lot.
- (4) Lots in areas classified as "rural with service" by the most recent Pamlico County Land Use Plan shall contain a minimum of 21,780 square feet of land per Lot.
- (5) Wells shall be located at least 100 feet from any septic tank or filter field whether on the same lot or another adjoining lot, unless waived by the County Health

Department.

12.9

For purposes of determining minimum lot size, the following shall not be included in calculating the size of a lot:

- (a) Any portion of a lot that is subject to or encumbered by an access easement, right of way, street or road, whether public or private; or
- (b) Any portion of a lot containing public trust water.

Furthermore, if a lot is subject to an easement right of way, street or road, whether public or private, at least one continuous portion must meet minimum lot sizes required herein.

12.10

The following minimum lot dimensions shall apply:

<u>Lot Size</u>	<u>Minimum Bldg. Set Back Line</u>	<u>Width at Actual Set Back Line</u>	<u>Side Yard</u>	<u>Rear Yard</u>
21,780 sq. ft.	30'	60'	10'	15'
14,520 sq. ft.	30'	60'	10'	15'
10,890 sq. ft.	25'	60'	8'	15'

12.11

Corner lots for residential use shall have an extra width sufficient to permit adequate setback from side streets.

12.12

All lots shall have at least 35 feet of road frontage. Further, no portion of an irregularly shaped lot shall ever have a width or length less than 35 feet at its narrowest point, unless the Planning Board recommends the waiver of this requirement and the Board of Commissioners waives this requirement, which waiver may be conditioned upon specific requirements or conditions.

12.13

Double frontage lots shall be avoided wherever possible.

12.14

When subdivisions are located within areas classified as rural with services by the then current Pamlico County Land Use Plan and lots are also waterfront lots, the minimum lot size shall be one acre or larger with a minimum of seventy-five (75) linear feet of water frontage, provided that the average water frontage of all lots within a subdivision shall be a minimum of one hundred (100) linear feet or more. Non-waterfront lots in subdivisions classified as rural with service shall be 21,780 square feet or larger in size. Subdivision and platted lots used for single-family residential purposes in existence prior to January 29, 1990, are exempt from the rural with services density requirement.

12.15

Where a subdivision is traversed by a water course, drainage way, creek or stream, a drainage easement sufficient to provide adequate drainage shall be provided. Easements centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least six (6) feet wide.

12.16

In subdivisions with residential lots, a buffer strip at least 50 feet in depth in addition to the normal lot depth required shall be provided adjacent to all railroads and limited access highways. This strip shall be a part of the platted lots, but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees or shrubs by the owner and the building of structures hereon is prohibited."

12.17

All subdivisions shall be consistent with the then current Pamlico County Land Use Plan. In the event of inconsistencies between the Land Use Plan and this ordinance, the provisions of

the Land Use Plan shall control.

12.18

ADDITIONAL REQUIREMENTS

The Planning Board or Board of Commissioners may reasonably request additional information and reasonably impose additional requirements not otherwise expressly stated herein.

12.19

EXERCISE OF DISCRETION

Whenever any decision of the Subdivision Administrator, Planning Board or Board of Commissioners requires the exercise or application of judgment, those decisions shall be guided by the following standards and criteria:

- a) A proposed subdivision or the use thereof shall not be contrary to the public health, safety and welfare, and shall not violate the spirit and intent of this ordinance;
- b) A proposed subdivision or the use thereof shall not be contrary to the Pamlico County Land Use Plan; and,
- c) A proposed subdivision or the use thereof shall not be contrary to the Declaration of Purpose stated in Article 1.2 herein.

ARTICLE 13
STREETS

13.1

Streets shall be laid out so as to intersect as nearly as possible at right angles. Street jogs with center line offsets of less than three hundred (300) feet shall be avoided. All measurements shall be from center line to center line of street rights-of-way.

13.2

All subdivision lots shall abut for a distance of at least 35 feet on public streets, semi-improved private streets, or non-improved private streets.

13.3

All streets shall be built to the standards of this ordinance and all other applicable standards of the County and the North Carolina Department of Transportation. Public streets which are eligible for acceptance into the State Highway System shall be constructed to the standards necessary to be put on the State Highway System or the standards in this ordinance, whichever is more strict in regard to each particular item, and shall be put on such system. Public streets which are not eligible to be put on the State Highway System because there are too few lots or residences shall, nevertheless, be constructed in accordance with the standards in this ordinance or the standards necessary to be put on the State Highway System, whichever is stricter in regard to each particular item, so as to be eligible to be put on the system at a later date. A Subdivider constructing or installing streets intended for acceptance into the State Highway System shall maintain responsibility for the maintenance of such streets until such time as such streets are accepted into the State Highway System, provided that a Subdivider may transfer responsibility for the maintenance of such streets prior to such time as such streets are accepted into the State Highway System to a duly constituted and organized homeowners or property owners association if such Subdivider reserved the right to so transfer in restrictive covenants (or in a similar legal instrument) recorded in the Office of the Register of Deeds of Pamlico County, North Carolina prior to the conveyance of any lots in such subdivision.

13.4

Semi-Improved Private Streets

Subdivision streets may be designated private unpaved streets for the purpose of providing access from a public street or highway to not more than eight (8) residential lots regardless of size, which lots shall not be further subdivided by said owner or subsequent owners until such time as the said street is paved and such further subdivision complies with the terms of this ordinance. It is the intent and purpose of this section that at no time shall a private unpaved street serve more than eight (8) residential lots regardless of the location of the additional lots. Semi-improved private streets constructed under the provisions of this article shall conform to the same specifications of the Division of Highways, North Carolina Department of Transportation for construction of subdivision roads, including but not limited to right-of-way

width, except that paving shall not be required.

13.5

No semi-improved private or public streets shall be allowed under the provisions of this article if it is proposed that such private or public street shall connect to a previously approved unpaved private street.

13.6

All streets shown on the final plat shall be designated in accordance with N.C.G.S. 136-102.6 and those designated as public shall be conclusively presumed an offer of dedication to the public. Where streets are dedicated to the public but not accepted into the State system, before lots are sold, a statement explaining the status of the street shall be included with the final plat.

13.7

(a) Prior to entering any agreement or any conveyance with any prospective buyer, the Developer shall prepare and sign, and the buyer of the subject real estate shall receive and sign an acknowledgement of receipt of a separate instrument known as the Pamlico County Subdivision Streets Disclosure Statement which shall be made a part of the recorded deed of conveyance or recorded simultaneously with the recording of the deed of conveyance. Said statement shall be in substantially the following form, which shall be deemed sufficient for the purposes of this section:

PAMLICO COUNTY
Subdivision Street Disclosure Statement

Pursuant to N.C.G.S. 136-102.6(f), (Name of Developer), as the Developer and seller of Lot _____ in the subdivision known as (Name of Subdivision), Pamlico County, North Carolina, makes the following disclosures pertaining to the status and maintenance of (Name of Street):

(1) (Name of Street) is designated a SUBDIVISION STREET.

(2) After the initial installation and construction of (Name of Subdivision Street) by (Name of Developer), the responsibility of the maintenance of (Name of Subdivision Street) shall be upon the owners of the lots within the subdivision. In the event of failure of the lot owners to maintain said street there is no responsibility on the part of either the State of North Carolina or Pamlico County as to such maintenance. The street will not be constructed to minimum standards, sufficient to allow their inclusion on the State Highway System for maintenance.

(3) (Name of Developer) will not construct said road to meet the North Carolina Department of Transportation Subdivision Road Minimum Construction Standards, and as such, (Name of Subdivision Street) will not meet the standards sufficient to allow its inclusion in the State Highway System for maintenance.

Receipt of this disclosure is by the Developer and buyer acknowledged this day of ___ day of _____, 20__.

(b) The Developer shall include in the Disclosure Statement an explanation of the consequences and responsibility as to maintenance of the subdivision street, and shall fully and accurately disclose the party and parties upon whom responsibility for construction and maintenance of such street or streets shall rest.

(c) The Disclosure Statement shall further disclose that the street or streets will not be constructed to minimum standards, sufficient to allow their inclusion on the State Highway System for maintenance. However, there must be a 50 foot right-of-way on all subdivision roads.

(d) The Disclosure Statement shall contain a duplicate original which shall be given to the buyer. Written acknowledgement or receipt of the disclosure statement by the buyer shall be conclusive proof of the delivery thereof.

(e) As an alternative to providing the aforesaid disclosure separately and individually to each purchaser or prospective purchaser of a lot in a subdivision to be served by private streets, the Developer thereof may include language substantially similar to that required by this

Section on the final plat of the subdivision or within any restrictive covenants recorded for the subdivision before the conveyance of any lots therein.

13.8

All subdivision streets shall meet the following requirements:

- (a) Cul-de-sacs shall be provided at the end of all public and semi-improved roads if dead ending, unless the road is looped. All cul-de-sacs must have a minimum radius of fifty feet, and the outside edge of the pavement or stabilized road must be a minimum of fifteen feet from the right-of-way line.
- (b) All subdivision roads or street within Pamlico county, whether public or private, and which the terminus thereof does not abut a state maintained street or highway, shall be connected by a connecting street to a state maintained road or highway, which connecting road shall conform to the specifications of the Division of Highways, North Carolina Department of Transportation for subdivision Streets; provided, however, that pavement of such connecting road or street shall not be required in the event that such road or street connects with subdivision streets or roads designated as private, as herein provided, and disclosure that said road shall not be paved is made in accordance with provisions of this ordinance.

13.9

Where it is necessary to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turnaround provided.

13.10

The Subdivider of a nonresidential subdivision shall provide streets in accordance with the latest standard of the N.C. Department of Transportation, Division of Highways' Subdivision Roads Minimum Construction Standards; and the standards in this ordinance, whichever are more strict in regard to each particular item.

13.11

The design of all public streets and roads within the jurisdiction of this ordinance shall be in accordance with the accepted policies of the latest standard of the N.C. Department of Transportation, Division of Highways' Subdivision Roads Minimum Construction Standards.

13.12

Right-of-way widths shall not be less than those adopted by the North Carolina Department of Transportation and shall apply except in those cases where right-of-way requirements have been specifically set out in the thoroughfare plan.

13.13

Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names in the County irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be made in accordance with the Pamlico County Road Naming and Addressing Ordinance.

13.14

The Subdivider shall be required to provide and erect street name signs at all intersections within the subdivision. The signs must be of the same type currently erected unless otherwise approved by the Board of Commissioners and must be erected in compliance with State and County standards, whichever are more stringent. All street names shall be indicated on the final plat.

13.15

An approved driveway permit is required for connection to any existing state system road. This permit is required prior to any construction on the street or road. The application is available at the office of the nearest district engineer of the Division of Highways.

13.16

Offsets for Utility Poles and Utility Ground Terminals Poles for overhead utilities and utility ground terminals shall be set no greater than one foot inside the road right-of-way.

ARTICLE 14 UTILITIES

14.1

All lots in subdivision not connected to municipal or county water and/or sanitary sewer systems must have a suitable source of water supply and sanitary sewage disposal which complies with the regulations of the State of North Carolina or Pamlico County regulations, as applicable:

- a) No surface water shall be channeled or directed into a sanitary sewer.
- b) Where feasible, Subdivider shall connect to an existing storm drainage system.
- c) Where an existing storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to protect the proposed development from water damage.
- d) The proposed surface drainage design system shall meet all of the applicable rules and regulation of the North Carolina soil conservation authorities.
- e) Streambanks and channels downstream from any land disturbing activity shall be protected from increased degradation or accelerated bank erosion caused by increased velocity of runoff from the land disturbing activity in accordance with the North Carolina Sedimentation Pollution Control Act, G.S. 143-34.12, Chapter 113A, Article 4 and the North Carolina Administrative Code, Title 15, Chapter 4.
- f) All water valves, water meters and manholes shall be located outside the paved roadway.
- g) All utilities located within the 100-year flood plain will be designed and located to comply with requirements of the National Flood Insurance Program and the County's Flood Damage Prevention Ordinance.

14.2

If applicable to the lot, it is a requirement to give disclosure to prospective owners by the seller of the lot that a special sewage system will be required to allow usage of this property. The disclosure shall be signed by the owner, the prospective buyer of the lot, and recorded with the deed in the Office of the Register of Deeds of Pamlico County.

ARTICLE 15
MONUMENTS

Unless otherwise specified by this ordinance, the Manual of Practice for Land Surveying as adopted by the N.C. State Board of Registration for Professional Engineers and Land Surveyors, under the provisions of Title 21 of the North Carolina Administrative Code, Chapter 56 (21 NCAC 56), or as may be subsequently amended, shall apply when conducting surveys and placement of monuments, control corners, markers, and property corner ties; to determine the location, design, and material of monuments, markers, control corners, and property corner ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions.

ARTICLE 16
GROUP, CLUSTER, PLANNED UNIT DEVELOPMENT

16.1
Purpose

The purpose of this Article 16 is to encourage comprehensive planning for sizeable tracts of land under single ownership or control, so as to promote the construction and use of the appropriate commercial, retail, institutional, industrial and recreational areas. To this end, the standards and requirements of this ordinance may be modified by the Planning Board in the case of a plan and program for a group, cluster, or Plan Unit Development (“PUD”), which in the judgment in the Planning Board and Board of Commissioners, provides adequate public spaces and improvements for circulation, recreation, and service needs of the tract of land when fully developed and populated, and also provides such covenants, or other legal instruments, as will assure conformity to an achievement of such a development plan.

16.2
Permitted Uses

The following uses shall be permitted:

- A. Single family dwellings.
- B. Multi-family dwellings.
- C. Accessory buildings or uses for residential dwellings.
- D. Office and professional facilities.
- E. Retail commercial facilities.
- F. Recreational uses, including golf courses, parks, open spaces, walkways, marinas, and all other recreational uses, as well as services associated therewith.
- G. Utility structures and facilities.
- H. Hotels, inns, and other commercial establishments of transient or temporary lodging.

16.3
Minimum Tract Size

There shall be no minimum tract size for development under this Article 16.

16.4
Density of Development

There shall be no more than one dwelling unit or separate unit of ownership, on average, for each acre of the PUD property utilized.

16.5
Lot Size

The average lot size for single family lots within the PUD with frontage on a naturally occurring water shall be three-quarters (3/4) of an acre; otherwise, the average size of all single family lots within the PUD shall be one-half (1/2) acre.

16.6
Wastewater Treatment

All wastewater treatment of effluent generated within the PUD must be through a North Carolina DENR approved treatment and disposal system operated by either a unit of government or an approved licensed public utility with a franchise granted by the North Carolina Utilities Commission. In no event shall septic systems be allowed for treatment of wastewater effluent.

16.7
Water Supply

All water supplied to property within the PUD must be through an approved system operated by either a unit of government or an approved licensed public utility with a franchise granted by the North Carolina Utilities Commission.

16.8
Setbacks

The following minimum setbacks shall apply:

<u>Minimum Building Setback Line</u>	<u>Side Yard Setback Line</u>	<u>Rear Yard Setback Line</u>
25 feet	8 feet	15 feet

The minimum required setback established hereunder may be waived in the event that the public health, safety and welfare will not be negatively impacted by such waiver. Further, additional requirements may be imposed as a condition upon waiver of these setback requirements.

In addition to these minimum setbacks, those setbacks under the Pamlico County Land Use Plan established for districts entitled “Rural with Services” and “Conservation I” shall also apply.

16.9
Streets

Public streets must meet the requirements imposed by Article 13 of this ordinance.

Streets other than public streets shall have no minimum right of way or paving widths, and shall not be required to meet the provisions of Article 13 of this ordinance; provided, however, all base, material and paving must meet the then current secondary road standards of the State of North Carolina as if it were a public street.

Further, in the event that any street in a PUD shall not be constructed to minimum standards sufficient to allow its inclusion in the state highway system for maintenance, a street disclosure statement, in a format substantially similar to that contained in Article 13.7 above, shall be required.

16.10
Plat Submission

The owner of any property seeking to have such a property developed under this Article 16 shall submit a master site and development plan for all property designated (or requested to be designated) as a PUD at least thirty (30) days prior to the Planning Board meeting at which the owner desires the Board to review the master site and development plan. Twelve copies of such site development plan shall be submitted to the County Subdivision Administrator. The site development plan must show, at a minimum, the following items:

- A. All proposed public or private street rights-of-way and easements;
- B. The proposed location of all single family residences and developments;
- C. The proposed location of all multi-family developments;
- D. The proposed location of all recreational areas;
- E. The proposed location of all office and professional areas;
- F. The proposed location of all commercial areas;
- G. The proposed location of all utility areas;
- H. The proposed density of development for each site designated single-family

residential, for each site designated multi-family residential, for each site designated for office and professional utilization, and for each site designated for commercial utilization. Furthermore, the development plan shall include the gross acreage for the project, and each use therein, and the gross residential density (including recreational and open spaces); and

I. Any other information requested by the Planning Board or Board of Commissioners.

The Board of Commissioners, following review and recommendation by the Planning Board, may designate property as a PUD if the Board of Commissioners determine that the proposed development plan is in the best interest of Pamlico County because the plan meets the requirements of this Article 16, and represents a comprehensive and coordinated approach to land planning and use on the property so designated. Once the master plan is approved by the Board of Commissioners, the applicant may proceed under Section 16.12 below. A PUD may only be designated as such upon request of the owner of the property.

16.11 **Change In Plans**

The owner of each tract designated as a PUD shall be allowed to submit plats for subdivision approval that are inconsistent with particular site designations as shown on the master plan, but only if done prior to plat approval under Section 16.12; however, if any such changes are deemed material by the Subdivision Administrator, the applicant may be required to provide to the County an updated master development plan for the entire property, which updated plan must conform with all limitations contained within this ordinance, and approval of the updated plan shall then be a condition precedent to recordation of the plat.

16.12 **Plat Approval**

Within twelve (12) months (unless said time is extended by the Planning Board), one or more plats of some or all of the phases of a proposed PUD shall be submitted in accordance with Article 9 of this ordinance and said plat shall be reviewed in accordance with said section, and upon approval, Article 10 of this ordinance shall be applicable.

16.13
Waiver of General Subdivision Requirements

Except for Articles 2, 9, 10, and 11 above, and except as otherwise provided herein, property approved as a PUD shall be exempt from other provisions of this ordinance.

16.14
Permits

Before any building permit is issued within a PUD, a storm water management plan must be submitted to and be approved by the State of North Carolina in accordance with its Coastal Storm Water Rules and Regulations.

16.15
Off Street Parking Space Requirements

There shall be a minimum of two parking spaces (10ft. by 20ft. each) for every multi-family residential, retail, commercial, or institutional unit. Furthermore, additional spaces may be required to protect the public health safety and welfare, and such additional requirements will be determined by actual use. The number of parking spaces required for marina slips shall be as required by the Pamlico County Land Use Plan. Parking space requirements shall also be as required by federal, state and local laws and regulations.

ARTICLE 17
APPEALS

Any decision of the Subdivision Administrator under this ordinance may be appealed by an aggrieved party within thirty (30) days of such decision by filing a written request for an appeal with the County Clerk. Any such appeal of a decision of the Subdivision Administrator shall be considered and ruled upon by the Planning Board within sixty days of the filing thereof.

Any decision of the Planning Board under this ordinance may be appealed by an aggrieved party within thirty (30) days of such decision by filing a written request for an appeal with the County Clerk. Any such appeal of a decision of the Planning Board shall be considered and ruled upon by the County Commissioners within sixty days of the filing thereof.

Any decision of the Board of Commissioners under this ordinance may be appealed by an aggrieved party within thirty (30) days of such decision by filing a petition with the Superior Court of Pamlico County for a review, which shall be in the nature of certiorari.

ARTICLE 18
EFFECTIVE DATE

This ordinance is hereby adopted by the Pamlico County Board of Commissioners to be effective the 2nd day of November, 2009.

PAMLICO COUNTY BOARD OF COMMISSIONERS

BY: _____
CHAIRMAN

ATTESTED:

CLERK TO THE BOARD

APPENDIX A

a) Certificate of Ownership and Dedication

I (We) hereby certify that I (we are) am the owner(s) of the property shown and described hereon, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building lines, and dedicate all streets alleys, walks, parks, and private use as noted. I (we) also certify that the land shown on this plat falls within the subdivision jurisdiction of Pamlico County.

Date

Owner

Owner

b) (1) Certificate of Approval of Street Design - Public Streets

This is to certify that the street design specifications shown on this subdivision map have been examined and found to be in accordance with the minimum right-of-way and construction standards established by the Secondary Roads Council of the North Carolina Department of Transportation for acceptance on the State Highway System.

This ____ day of _____, 20____

District Engineer
N.C. Department of Transportation

AND

The subdivider or developer agrees to maintain responsibility for the maintenance of all streets depicted on this plat until such time as such streets are accepted into the State Highway System, provided that the subdivider may transfer responsibility for the maintenance of such streets prior to such time as such streets are accepted into the State Highway System to a duly constituted and organized homeowners or property owners association if the subdivider has reserved the right to so transfer in restrictive covenants (or in a similar legal instrument) recorded in the Office of the Register of Deeds of Pamlico County, North

Carolina prior to the conveyance of any lots in such subdivision.

b) (2) Certificate of Approval of Street Design – Private Streets

This is to certify that the street design specifications shown on this subdivision map have been examined by me are in accordance with the minimum requirements of Article 13 of the Pamlico County Subdivision Ordinance.

This ____ day of _____, 20__

Project Engineer/Surveyor

AND

After the initial installation and construction by the developer or subdivider of streets depicted on this plat, the responsibility for the maintenance of said streets shall be upon the owners of the lots within the subdivision. In the event of failure of the lot owners to maintain said streets there is no responsibility on the part of either the State of North Carolina or Pamlico County as to such maintenance. The streets will not be constructed to minimum standards sufficient to allow their inclusion on the State Highway System for maintenance, and in any event will not be maintained by any unit of government.

c) Certificate of Surveyor or Engineer

I, _____, certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (deed description recorded in Book _____, Page _____ etc.) (other) ; that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____, Page _____ that this plat was prepared in accordance with G.S. 47-30 as amended.

Witness my original signature, registration number and seal this ____ day of _____, A.D., 20__

SEAL OR
STAMP

Surveyor

Registration Number

d) Certificate of Approval by the Planning Board

The Pamlico County Planning Board hereby approves the final plat for the _____ Subdivision.

Date

CHAIRMAN, PLANNING BOARD

e) Certificate of Approval by the Board of County commissioners

The Pamlico County Board of Commissioners hereby approves the final plat for the
_____ Subdivision.

Date

CHAIRMAN, PAMLICO COUNTY
BOARD OF COMMISSIONERS

f) Certificate of Compliance with Area of Environmental Concern Standards

I hereby certify that this subdivision conforms to the standards of the North Carolina Coastal Management Act of 1974 and is not located within any Area of Environmental Concern.

-OR-

I hereby certify that this subdivision conforms to the standards of the North Carolina Coastal Management Act of 1974 and a portion(s) or all of the subdivision located within any Area of Environmental Concern is duly noted at the appropriate location on this plat.

LOCAL PERMIT OFFICER

g) Notice to Prospective Purchasers (Environmental Matters)

The Army Corps of Engineer, Coastal Area Management Act and Division of Water Quality areas of regulatory jurisdiction depicted on this map, if any, are for information purposes only. The exact location of these areas of regulatory jurisdiction are subject to future precise delineation by various state and federal agencies and may change over time due to changes in the

physical characteristic of the land depicted on this plat, or due to future statutory and regulatory amendments. Prior to purchasing any property shown on this plat, individuals are advised to independently verify that any particular lot is suitable for the planned or intended use, as subdivision approval by Pamlico County does not constitute any warranty (express or implied) that the land depicted on this plat is suitable for any particular use.

h) Notice to Prospective Purchasers (Waste Water Treatment Matters, plat must reflect *one* of the following notices)

(i) SERVICE BY GOVERNMENTAL ENTITY

Lots depicted on this plat are permitted for sewer service by [insert name of governmental sewer provider], permit/authorization number _____. Prior to purchasing any lot depicted on this plat, Purchasers are advised to verify the continuing validity of the aforesaid permit or authorization, as well as the costs to connect to such system as the continuing and indefinite availability of sewer service is not guaranteed by Pamlico County.

(ii) SERVICE BY PRIVATE PACKAGE/TREATMENT PLANT

Lots depicted on this plat are permitted for sewer service by a private package or treatment plant which will be owned and operated by the developer or another non-public person or entity. The private sewer plant has been permitted by the State of North Carolina, permit number _____, and after its construction will be operated as a utility subject to regulatory oversight by the State of North Carolina. Prior to purchasing any lot depicted on this plat, Purchasers are advised to verify the continuing validity of the aforesaid permit and the status of the construction of the private sewer plant by the developer as the construction and proper operation of the private sewer plant or the indefinite availability of sewer service is not guaranteed by Pamlico County.

(iii) SERVICE BY SEPTIC TANKS

Lots depicted on this plat are permitted for septic service by individual septic tank permits issued by the Pamlico County Health Department. Prior to purchasing any lot depicted on this plat, Purchasers are advised to verify the continuing validity of the septic permit for the lot to be purchased as septic permits expire five (5) years after issuance with no guarantee that new or future septic tank regulations will permit the installation of the system originally permitted.

-OR-

Lots depicted on this plat are intended to be served by individual septic tank permits to be issued by the Pamlico County Health Department; however, no such permits have been issued to the developer. Prior to purchasing any lot depicted on this plat, Purchasers are advised to verify whether a septic tank permit can be obtained for the lot to be purchased.

APPENDIX B

<u>Information</u>	<u>Preliminary Plat</u>	<u>Final Plat</u>
- Title Block Containing:		
- Name of the Subdivision	x	x
- Name and Address of owner	x	x
- Name and Address of applicant, if different from owner	x	x
- Location (including township, County and state)	x	x
- Date or dates survey was conducted and plat prepared	x	x
- A scale of drawing in feet per inch listed in words or figures	x	x
- A bar graph	x	x
- Name, address, registration number and seal of the Registered Land Surveyor	x	x
- A sketch vicinity map showing the relationship between the proposed subdivision and surrounding area	x	x
- Corporate limits, township boundaries, county lines if on the subdivision tract	x	x
- The registration numbers and seals of the professional engineers	x	x
- Date of plat preparation	x	x
- North arrow and orientation	x	x
- The boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented with all bearings and distances shown	x	x
- The location of existing boundary lines of adjoining lands	x	x
- The names of owners of adjoining properties	x	

Information

**Preliminary
Plat**

**Final
Plat**

- | | | |
|---|---|---|
| - The names of any adjoining subdivisions of record or proposed and under review | x | x |
| - All Voluntary Agricultural Districts and Enhanced Voluntary Agricultural Districts located within one-half (1/2) aerial mile of the proposed subdivision | x | x |
| - Minimum building setback lines | x | x |
| - Existing property lines on the tract to be subdivided | x | x |
| - Existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining | x | x |
| - Lot line, lot and block numbers, and approximate dimensions with lots being marked, identified or flagged showing the rough approximate lot line location | x | |
| - Lot lines, lot and block numbers, fully dimensioned by lengths and bearings | x | |
| - Marshes, swamps, ponds or lakes, streams or streambeds and any other natural features affecting the site | x | x |
| - The exact location of the flood hazard boundary area, floodway and floodway fringe areas from the community's Flood Hazard Boundary maps or other Federal Emergency Management Agencies maps or from accurate topographical elevations based on the geodetic survey data. | x | |
| - A note on the map if applicable that this area or a portion of this area lies within the flood hazard boundary area as shown on the U.S. Department of Housing and Urban Development Flood Hazard Boundary Maps of Pamlico County | x | |

<u>Information</u>	<u>Preliminary Plat</u>	<u>Final Plat</u>
- The following data concerning streets:		
- Proposed streets	x	x
- Existing and platted dedicated streets and rights-of-way on adjoining properties and within the proposed subdivision	x	x
- Rights-of-way, location and dimensions	x	x
- Pavement widths	x	
- Design engineering data for all corners and curves	x	
- Typical street cross sections	x	
- Street names	x	x
- Street sign locations according to standards of the County and State	x	
- Type of street dedication; all streets must be designated either "public" or "private." Where public streets are involved, the Subdivider must submit the subdivision map typical cross Section to the N.C. Department of Transportation District Highway office for review: A complete site layout, including any future expansion anticipated; horizontal alignment indicating general curve data on site layout plan; vertical alignment indicated by percent grade, PI station and vertical curve length on site plan layout; the District Engineer may require the plotting of the ground profile and grade line for roads where special conditions or problems exist; typical section indicating the pavement design and width and the slopes, widths and details for either the curb and gutter or the shoulder and ditch proposed; drainage facilities and-drainage area	x	x

<u>Information</u>	<u>Preliminary Plat</u>	<u>Final Plat</u>
- Where streets are dedicated to the public, but not accepted into the state system, a statement explaining the status of the street in accordance with Section 13.6 of this ordinance.	x	x
- If any street is proposed to intersect with a state maintained road, the Subdivider must receive driveway approval as required by the North Carolina Department of Transportation, Division of Highways Manual on Driveway Regulations	x	
- The location and dimensions of all the following:		
- Utility and other easements	x	x
- Any parks and recreation areas with specific type indicated	x	
- Areas to be dedicated or reserved for public use	x	x
- Areas to be used for purposes other than residential with the purpose of each stated	x	x
- The future ownership (dedication or reservation for public use to governmental body, to duly constituted homeowners association, or for tenants remaining in Subdivider' s ownership) of recreation and open space lands	x	x

<u>Information</u>	<u>Preliminary Plat</u>	<u>Final Plat</u>
- Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, central angles, and tangent distance for the center line of curved property lines that are not the boundary line of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute	x	x
- The plans for utility layouts including:		
- All easements for drainage, electric, water, sewerage, telephone, cable TV, natural gas, roads, etc.	x	x
- Sanitary sewers	x	
- Storm sewers	x	
- Other drainage facilities, if any	x	
- Water distribution lines	x	
- Natural gas lines	x	
- Telephone lines	x	
- Electric lines	x	
- Illustrations of connections to existing systems, showing line sizes, the location of fire hydrants, blowoffs, manholes, force mains and gate valves	x	
- A note on the plat that indicates if the proposed subdivision is to be served by central or individual water supply and central or individual sewage treatment systems	x	x

<u>Information</u>	<u>Preliminary Plat</u>	<u>Final Plat</u>
- Profiles based on Mean Sea Level data for sanitary sewers and storm sewers, when required by the Administrator	x	
- Site calculations including:		
- Acreage in total tract to be subdivided	x	x
- Acreage in parks and recreation areas and other nonresidential uses	x	x
- Total number of parcels created	x	x
- Acreage or square footage in each lot in the subdivision	x	x
- Linear feet in streets	x	x
- The accurate locations and descriptions of all monuments, markers and control points	x	x
- Topographic map with contour intervals as specified by the Subdivision Administrator on a scale of no less than 1 foot - 100 feet if required by the Subdivision Administrator	x	
- Boundaries of applicable Areas of Environmental Concern in accordance with the State Guidelines for AECs (15 NCAC pursuant to the Coastal Area Management Act of 1974 including Conservation I classified lands as defined By the Pamlico County 1990	x	x
- Land Use Plan Amendment. These areas are defined as all lands located within seventy-five (75) feet of all natural mean high water level along all shore-lines and shall be shown on all subdivision plats as Conservation I areas	x	x
- All certifications required by this ordinance		x

APPENDIX "C"

**PERFORMANCE AGREEMENT
TO COMPLETE REQUIRED IMPROVEMENTS**

NORTH CAROLINA
PAMLICO COUNTY

PERFORMANCE AGREEMENT

THIS AGREEMENT, made and entered into this ___ day of _____, 20___,
by and between _____, a(n)
_____ (hereinafter "Developer"); and PAMLICO COUNTY, a North
Carolina body politic and corporate (hereinafter "County");

WITNESSETH:

THAT WHEREAS, Developer is the owner of that certain tract or parcel of land lying
and being situate in Township __, Pamlico County, North Carolina, more commonly referred to
as _____ (hereinafter "Subdivision"), as is shown in the plat recorded in
Map Book __, Page __ in the office of the Register of Deeds of Pamlico County, North Carolina;
and,

WHEREAS, Developer has undertaken to subdivide said land in accordance with the
subdivision regulations as officially adopted by the County and to install streets and perform
other requirements as are set forth in said regulations; and,

WHEREAS, in order to secure the compliance of Developer with the subdivision,
regulations, Developer has given the County a [describe type of collateral] of even date herewith,
to serve in the place of and in substitution of, a bond for the performance of said work to be
performed by Developer in the Subdivision.

NOW THEREFORE, for and in consideration of the sum of TEN DOLLARS and the
covenants and agreements set forth herein, Developer does hereby obligate itself to the
installation of streets, utilities and other improvements as required by the County under it's
subdivision regulations in the subdivision as recorded in Map Book __, Page __; and if in the
event the Developer shall complete said subdivision improvements according to the

specifications as outlined by the county's subdivision regulations within eighteen (18) months of the date of this Agreement and upon the expiration of the warranty period stated in Section 11.7 of County's Subdivision Ordinance, then and in that event, this obligation shall become null and void, and upon completion and expiration of the same, the Pamlico County Board of Commissioners shall take all necessary actions to cancel this bond of record; otherwise this bond shall be and remain in full force and effect. In the event of the failure of Developer to complete said improvements in the time set forth above or any extensions thereof, in accordance with the subdivision regulations of County and the terms of this Agreement, or in the event of breach of the warranty stated in Section 11.7 of County's Subdivision Ordinance the County is hereby authorized to proceed upon the collateral given this day by Developer to secure the performance of this Agreement and to apply the proceeds thereof to the completion of said Subdivision in accordance with subdivision regulations of County or to the repair of said Subdivision in accordance with the warranty stated in Section 11.7 of County's Subdivision Ordinance, with any balance being applied first to any and all costs incurred by the County due to the default, and the remainder, if any, returned to Developer. Further, in the event of the failure of the Developer to comply with the terms of this Agreement, which shall constitute a default hereof, the County may employ an attorney to enforce the County's rights and remedies under the terms of any collateral securing this Agreement. County shall have the right to collect reasonable attorney's fees, plus all other reasonable expenses incurred by the County in exercising any of the County's rights and remedies upon default. The County's failure to exercise any such right or remedy shall not be a waiver or release of such rights or remedies or the right to exercise any of them at another time.

In the event County grants Developer any extension(s) of time in which to complete said subdivision improvements, this Agreement shall likewise be extended by the amount of such approved extension, without the necessity of a formal written amendment to this Agreement.

ALL TERMS, CONDITIONS AND PROVISIONS OF COUNTY'S SUBDIVISION ORDINANCE ARE INCORPORATED HEREIN BY REFERENCE AS IF FULLY SET FORTH HEREIN SEPARATELY, AND DEVELOPER AGREES TO BE BOUND BY SAME.

IN TESTIMONY WHEREOF, the Developer and County have caused this instrument to be duly executed, the day and year first above written.

[Developer Name]

_____ (SEAL)

PAMLICO COUNTY

BY: _____
CHAIRMAN

ATTESTED:

CLERK TO THE BOARD

[APPROPRIATE NOTARY LANGUAGE]