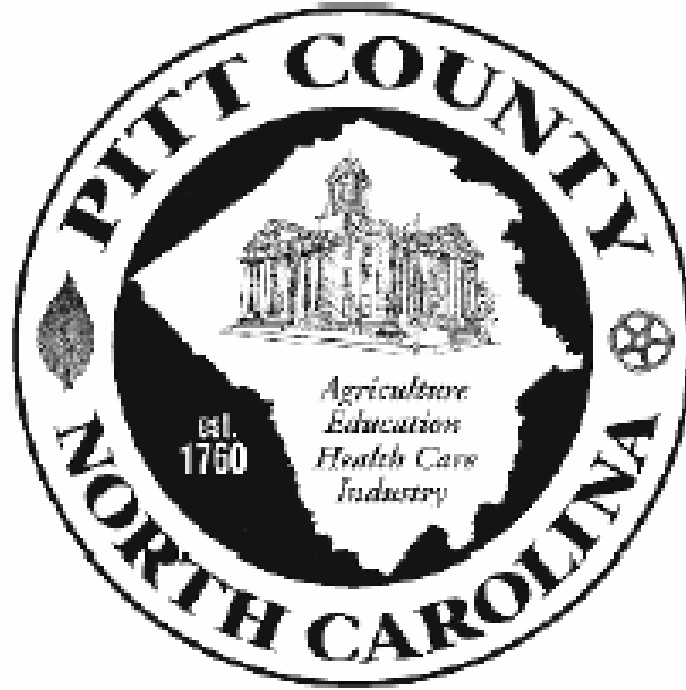


Pitt County, North Carolina Subdivision Ordinance



**ADOPTED
MAY 20, 1991**

**EFFECTIVE DATE
JULY 1, 1991**

**REVISED
October 1, 2006**

Chapter 11

Planning and Development

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ARTICLE I. IN GENERAL

Secs. 11-1 --- 11-19 Reserved.

ARTICLE II. PLANNING BOARD

Sec. 11-20. Created.

The board of commissioners hereby creates the Pitt County Planning Board, hereinafter referred to in this article as the “planning board”.

(Ord. of 10-3-88)

State law reference --- Authority, G.S. 153A-321.

Sec. 11-21. Membership; terms, vacancies.

- (a) The planning board shall be appointed by the board of commissioners and shall consist of eleven (11) members, with one (1) member from districts two (2) through (6) and combined districts B and C; two (2) members from combined district A; and two (2) members appointed at-large.
- (b) Each member shall serve a term of three (3) years and shall be eligible for reappointment for one (1) additional term. Should a member be appointed to fill an unexpired term, the member shall be considered eligible to serve two (2) full terms, if so appointed. A citizen who previously served as a member of the planning board may be considered for a new appointment following an absence of one (1) term.
- (c) Variances occurring for reasons other than the expiration of term shall be filled by the board of commissioners for the remainder of the unexpired term.
(Ord. of 10-3-88; Mo. Of 2-3-92; Mo. Of 10-4-93)

Sec. 11-22. Organization; rules of procedure, meetings, records.

- (a) The planning board shall annually elect a chairman and vice chairman. The planning director shall serve as the executive secretary of the planning board and shall administer its activities.
- (b) The planning board shall adopt rules of procedure for the transaction of official business.
- (c) The planning board shall hold at least one (1) monthly meeting; all meetings shall be open to the public. A quorum of six (6) members shall be required for the purpose of taking any official action.
- (d) The planning board shall keep a public record of attendance, resolutions, findings, and recommendations.
(Ord. of 10-3-88, § 2; Mo. Of 2-3-92)

Sec. 11-23. General powers and duties.

(a) The planning board shall act in an advisory capacity to the board of commissioners and shall:

- (1) Acquire and maintain basic land use, population, housing, economic, transportation, and other related data and information to allow an analysis and understanding of the county's development conditions and trends;
- (2) Prepare and keep current a comprehensive plan which is intended to govern the development of the county;
- (3) Establish goals, objectives, and policies for guiding development of the area;
- (4) Prepare and maintain regulatory ordinances determined necessary to implement the comprehensive plan;
- (5) Determine whether proposed developments conform to adopted plans, policies, and ordinances;
- (6) Inform and advise the general public and the board of commissioners regarding these matters; and
- (7) Cooperate with other jurisdictions' planning boards and commissions to ensure coordination of planning activities.

(b) Additionally, the planning board shall perform any other related duties which may be lawfully assigned or requested.

(Ord. of 10-3-88, § 3)

Sec. 11-24. Basic studies.

- (a) As background for any plans and ordinances it may prepare, the planning board may gather maps and aerial photographs of manmade and natural features of the area. It may also collect statistics on past trends and present conditions with respect to population, property values, the economy, land use, and other information important in determining the amount, direction and kind of development to be expected.
- (b) In addition, the planning board may make, cause to be made, or obtain special studies on the location, condition, and adequacy of specific facilities, which may include studies of housing; commercial and industrial facilities; parks, playgrounds, and recreational facilities; public and private utilities; and traffic, transportation, and parking facilities.

- (c) All county officials shall, upon request, furnish to the planning board such available records or information as it may require in its work. The board or its agents may, in the performance of official duties, enter upon lands to make examinations or surveys.
(Ord. of 10-3-88, § 4)

Sec. 11-25. Comprehensive plan.

(a) The comprehensive plan, with accompanying maps, policies, charts, and descriptive matter, shall be prepared to show the planning board's recommendations for development of the county. It shall include, among other things, the most desirable pattern of land use within the area, including areas for residential uses, farming and forestry, commercial uses, manufacturing and industrial uses, open spaces, and mixed uses; the general location, character, and extent of streets bridges, boulevards, parkways, playgrounds, squares, parks, airports, and other public ways, grounds and open spaces; the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, sanitation, transportation, communication, power and other purposes; and the removal, relocation, widening, narrowing, vacating, abandonment, change in use, or extension of any of the foregoing ways, buildings, grounds, open spaces, property, utilities, or terminals.

(b) The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the county which will, in accordance with present and future needs, best promote health, safety, and the general welfare, as well as efficiency and economy in the process of development. It shall provide safety from fire and other dangers; provide adequate light and air; promote the healthful and convenient distribution of population; promote good civic design; ensure wise and efficient expenditure of public funds; and provide adequate public utilities, services, and other public requirements.
(Ord. of 10-3-88, § 5)

Sec. 11-26. Zoning regulations.

(a) The planning board shall prepare zoning and other land use regulations for the control of the height, area, bulk, location, and use of buildings, structures, and land in the county.

(b) The planning board may initiate proposals for amendment of such regulations. In addition, it shall review and make recommendations to the board of commissioners concerning all proposed amendments to the regulations.
(Ord. of 10-3-88, § 6)

Sec. 11-27 Subdivision regulations.

(a) The planning board shall review amendments to the county subdivision regulations and submit to the board of commissioners its recommendations regarding any revisions of the subdivision regulations.

(b)The planning board shall review and approve or disapprove subdivision plats in accordance with the adopted subdivision regulations.
(Ord. of 10-3-88, § 7)

Cross reference – Subdivision regulations, App. A.

Sec. 11-28. Public meetings and hearings; education of public; conferences; appointing committees.

- (a) The planning board may conduct public meetings as required to gather information necessary for the drafting, adoption, and maintenance of the comprehensive plan. Before recommending adoption, it shall hold at least one (1) public hearing.
- (b) The planning board shall have power to promote public interest in an understanding of its recommendations, and to that end it may publish and distribute copies of its recommendations, and may employ other means of publicity and education as it may determine necessary.
- (c) Members of the planning board, when duly authorized by the planning board, may attend planning conferences or meetings of planning institutes or hearings upon pending planning legislation.
- (d) The planning board may appoint special committees to assist with the study of specific planning questions and problems.
(Ord. of 10-3-88, § 8)

Secs. 11-29 --- 11-99. Reserved.

Article III. SUBDIVISIONS*

DIVISION 1. GENERALLY

Sec. 11-100. Authority and responsibility.

Pitt County has adopted this subdivision ordinance under the authority of G.S. chapter 153A, article 18, part 2. The Pitt County Planning Board and its staff are responsible for the administration and enforcement of this article.

(Ord. of 5-20-91, § 1.1)

Sec. 11-101. Purpose.

In accordance with G.S. 153A-331 and county policies, the purpose of this article is to regulate land divisions so as to create and maintain conditions essential to protecting the public health, safety, and general welfare by:

- (1) Providing for the orderly growth and development of the county;
- (2) Coordinating proposed streets and roads within subdivisions with existing and planned streets, roads, highways, and other public facilities;
- (3) Ensuring the dedication or reservation of land, rights-of-way, and easements for public or private facilities, streets, drainage, utilities, common areas, or other related aspects of the subdivision;
- (4) Distributing population and traffic in a manner that will avoid congestion and overcrowding;

*Cross references: Multifamily dwelling regulations, § 4-40 et seq.; flood damage prevention, § 4-80 et seq.; soil erosion prevention, § 4-110 et seq.; planning board, § 11-20 et seq.; secondary road names, § 12-1 et seq.

State law references: "Subdivision" defined, G.S. 153A-335.

- (5) Ensuring proper recording of land divisions and subsequent revisions or modifications;
- (6) Providing mechanisms which will guarantee long-term maintenance of necessary improvements; and
- (7) Encouraging the appropriate design and layout of new development to protect and preserve natural, historical, and cultural features and resources.

(Ord. of 5-20-91, § 1.2)

Sec. 11-102. Definition of subdivision.

A subdivision shall include all divisions of a tract or parcel of land into lots, building sites, or other divisions for the purpose of sale or building development, whether immediate or future, and shall include all division of land involving the dedication of a new street or change in existing streets. However, the following is not included within this definition and is not subject to the regulations prescribed by this article:

- (1) The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots and required supporting infrastructure (including streets, utilities, open space, and recreation areas) are equal to or exceed the standards of the county, as required in this article;
- (2) The division of land into parcels greater than ten (10) acres if no street right-of-way dedication is involved;
- (3) The public acquisition by purchase of strips of land for widening or opening streets;
- (4) The division of a tract in single ownership, the entire area of which is not 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 and required supporting infrastructure (including streets, utilities, open space, and recreation areas) are equal to or exceed the standards contained in this article; or
- (5) The division of a tract among the heirs of a deceased person as part of settlement of the estate by action of a will or other legal proceeding.
- (6) The division of land by any method of transfer from a grantor to a grantee (or grantees) who is a member of the grantor's immediate family, solely for the residential use of the grantee (or grantees). For the purposes of this section, the term "immediate family" shall include only direct lineal descendants (children and grandchildren) and direct lineal ascendants (father, mother, grandfather, and grandmother).

(Ord. of 5-20-91, § 1.3; Ord. of 11-15-04(1))

Sec. 11-103. Uses permitted.

Notwithstanding any other regulations to the contrary, subdivisions are intended to be used for residential, including both site-built residences and manufactured homes, commercial, industrial, open space, and/or recreational purposes.

(Ord. of 5-20-91, § 1.4)

Sec. 11-104. Jurisdiction.

(a) This article shall govern the subdivision of land within the county outside the corporate or extraterritorial jurisdiction of any municipality.

(b) This article may also regulate subdivision activity within the jurisdiction of any municipality whose governing body agrees, by resolution, to such applicability. Unless otherwise specified in the resolution, the withdrawing party must provide written notice to the county two (2) years in advance of the withdrawal, as provided by G.S. 160A-360(g).

(Ord. of 5-20-91, § 1.5)

Sec. 11-105. Relationship with other laws.

(a) *Public laws.* Wherever the provisions of this article are either more restrictive or less restrictive than comparable provisions of any other law, ordinance, or regulation, the most restrictive provisions shall apply.

(b) *Private agreements.* It is not intended that this article interfere with or annul any easements, covenants, or other private agreements between parties.

(Ord. of 5-20-91, § 1.6)

Sec. 11-106. Severability.

Should any section, subsection, or provision of these regulations be held void or invalid by a court of law for any reason, all other sections, subsections, or provisions shall be considered valid and enforceable.

(Ord. of 5-20-91, § 1.7)

Sec. 11-107. Reenactment and repeal of existing ordinance.

This article is intended to reenact and continue in force some of the provisions of the existing ordinance previously enacted and amended by the county. All provisions which are not reenacted are hereby repealed.

(1) *Effect on pending litigation:* All suits at law or in equity and/or all prosecutions resulting from the violation of any ordinance heretofore in effect, which are now pending in any of the courts of this state or of the United States, shall not be abated or abandoned by reason of the adoption of this article, but shall be prosecuted to their finality the same as if this article had not been adopted; and any and all violations of the existing ordinance, prosecutions for which have not been instituted, may be hereafter filed and prosecuted; and nothing in this article shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending and/or which may heretofore have been instituted or prosecuted.

(2) *Effect on pending subdivisions:* Any preliminary or final subdivision plat properly submitted for review prior to the effective date of this article shall continue to be reviewed under the ordinance procedures and requirements in existence at the time of submittal. Any addition, expansion, resubdivision, or other new subdivision activity, however, shall follow the applicable procedures and requirements outlined in this article.

(Ord. of 5-20-91, § 1.8)

Sec. 11-108. Effective date.

This article shall take full force and effect on July 1, 1991, as adopted by the Pitt County Board of Commissioners on May 20, 1991.

(Ord. of 5-20-91, § 1.9)

Secs. 11-109--11-119. Reserved.

DIVISION 2. PLAT REVIEW AND APPROVAL PROCEDURE

Sec. 11-120. Approval required.

(a) From the time this article becomes effective, no subdivision plat may be filed or recorded with the county register of deeds until it has been reviewed and approved in accordance with these regulations. The register of deeds may request certification from the planning department that a proposed division of land is exempt from these subdivision regulations.

(b) The clerk of superior court may not order or direct the recording of a plat in conflict with these regulations.
(Ord. of 5-20-91, § 2.1)

Sec. 11-121. Unlawful subdivision.

The owner or the agent of the owner of any land who subdivides such land in violation of this article or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the provisions of these regulations, and recorded in the office of the county register of deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of transferring land does not exempt the transaction from this penalty. The county may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with these subdivision regulations. Building permits required pursuant to N.C.G.S. 153A-357 may be denied for lots that have been illegally subdivided. In addition to other remedies, the county may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.

The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease land by reference to an approved preliminary plat for which a final plat has not been properly approved under this ordinance or recorded with the register of deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential, commercial, or industrial buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved under the subdivision ordinance and recorded with the register of deeds, provided the contract is in accordance with N.C.G.S. 153A-334.

(Ord. of 5-20-91, § 2.2)

Sec. 11-122. Exemption procedure.

If, from existing information provided by the landowner, the subdivision administrator cannot make a determination that a proposed land division is exempt, as specifically permitted in section 11-102, a survey plat prepared by a surveyor shall be submitted to the subdivision administrator prior to any transfer of property.

(1) If an exemption applies, the subdivision administrator shall stamp the survey plat "Approved, Exempt from Subdivision Regulations," shall note the applicable ordinance reference to the specific exemption, and shall affix such administrator's signature and the date.

(2) If an exemption does not apply, the property owner shall follow the applicable procedures of this article.

(Ord. of 5-20-91, § 2.3)

Sec. 11-123. General subdivision review and approval process.

(a) Minor subdivisions: The review and approval process for minor subdivisions is designed to allow for staff review of plats by the subdivision administrator. The subdivider may submit a sketch plan for review to aid in the preparation of subsequent submittals. However, the review of minor subdivisions generally utilizes a two-step process of preliminary plats and final plats without regular submittal deadlines. In cases where construction of improvements is necessary, submittal of a construction plan will also be required.

(b) Major subdivisions: The review and approval process for major subdivisions consists of plat and plan review by the planning board, technical review committee, and the subdivision administrator. The subdivider may submit a sketch plan for review to aid in the preparation of subsequent submittals. However, the review of major subdivisions typically utilizes a three-step process of preliminary plats, construction plans, and final plats. Preliminary plats and construction plans must be submitted in accordance with their respective submittal deadlines. Submittal of a construction plan will not be required in cases where no improvements are necessary.

(Ord. of 5-20-91, § 2.4)

Sec. 11-124. Preliminary plat review for minor subdivisions.

These procedures allow for administrative review of minor subdivisions by the planning department; however, the subdivision administrator may require any preliminary minor plat to be reviewed by the planning board under the major subdivision procedure of this section, if warranted by unusual impacts or conditions. These procedures also apply to any reconfiguration of an approved preliminary plat or resubdivision of a recorded final plat previously reviewed as a minor subdivision. Preliminary plats submitted for review under this section shall conform to division 4 (Plat and Plan Requirements).

- (1) The subdivider is encouraged to discuss the project and applicable regulations with the subdivision administrator and other review agencies to determine the procedures and requirements to be met when preparing submittals.
- (2) The subdivider may submit five (5) copies of a sketch plan for the proposed subdivision to the planning department. Within five (5) working days, the subdivision administrator shall review the sketch plan and notify the subdivider of applicable regulations which may affect the preparation of the preliminary plat.
- (3) The subdivider shall submit the appropriate number of copies of the preliminary plat to the planning department.
- (4) The subdivision administrator shall then transmit copies of the preliminary plat to the applicable reviewing and regulatory agencies, generally including but not limited to the following:

North Carolina Department of Transportation, Division of Highways

Pitt County Health Department, Environmental Health Division

Pitt County Engineering Department

Pitt County Emergency Services Department

Pitt Soil and Water Conservation District/Soil Conservation Service

U.S. Army Corps of Engineers

U.S. Postal Service

Any applicable utility companies providing service to the proposed subdivision

Such agencies shall be given seven (7) working days to provide the subdivision administrator with written development requirements or conditions and comments concerning the proposed subdivision.

- (5) Upon receipt and compilation of reviewing agency requirements, comments, and recommendations, the subdivision administrator shall approve, conditionally approve, or disapprove the preliminary plat. Failure on the part of the subdivision administrator to act on the preliminary plat within forty-five (45) days of receipt of an acceptable plat shall constitute approval, except where the subdivider voluntarily withdraws the plat from consideration or requests that review be continued. Such requests shall be provided to the subdivision administrator in writing.
 - a. Approval of the preliminary plat is authorization for the subdivider to proceed with preparation of the final plat.

- b. Conditional approval of the preliminary plat is authorization for the subdivider to proceed with preparation of a construction plan or other submittals required by this article prior to submittal of the final plat, as permitted or limited by conditions or requirements. Submittal of a revised preliminary plat may be included as a condition of approval. As required by the provisions of this article, evidence that these conditions have been met shall be provided to the county concurrent with submittal of a construction plan or final plat.
 - c. Disapproval of the preliminary plat shall require submittal of a revised plat.
- (6) Preliminary plat approval shall remain valid provided that a construction plan or final plat for the first phase or section is submitted and approved within two (2) years in accordance with sections 11-127 and 11-129.
- (7) A copy of the preliminary plat shall be stamped and dated with the action taken and shall be returned to the subdivider with accompanying conditions, requirements, and comments.
- (Ord. of 5-20-91, § 2.5)

Sec. 11-125. Preliminary plat review for major subdivisions.

These procedures allow for review of major subdivisions by the planning board, technical review committee (TRC), and the subdivision administrator. These procedures also apply to any reconfiguration of an approved preliminary plat, resubdivision of a recorded final plat, or where the proposed plat will, in combination with other subdivisions of the same tract of land, yield a major subdivision. Preliminary plats submitted for review under this section shall conform to division 4 (Plat and Plan Requirements).

- (1) The subdivider is encouraged to discuss the project and all applicable regulations with the subdivision administrator and other review agencies to determine the procedures and requirements to be met when preparing submittals. In particular, the subdivider is advised to take into consideration those items specifically outlined in section 11-140(c) (Site Design Standards).
- (2) The subdivider may submit five (5) copies of a sketch plan for the proposed subdivision to the planning department. Within five (5) working days, the subdivision administrator shall review the sketch plan and notify the subdivider of applicable regulations which may affect the preparation of the preliminary plat.
- (3) The subdivider shall submit the appropriate number of copies of the preliminary plat to the planning department at least twenty (20) working days prior to the next regularly scheduled meeting of the planning board, if to be considered by the planning board at that time.
- (4) The preliminary plat shall then be transmitted to the appropriate reviewing and regulatory agencies, generally including but not limited to the following:

North Carolina Department of Transportation

Pitt County Environmental Health Division

Pitt County Engineering Department

Pitt County Emergency Services Department

Pitt Soil and Water Conservation District/Soil Conservation Service

U.S. Army Corps of Engineers

U.S. Postal Service

Any applicable utility companies providing service to the proposed subdivision

Such agencies shall be given seven (7) working days to provide the subdivision administrator with written development requirements or conditions and comments concerning the proposed subdivision.

- (5) Prior to the planning board meeting, the technical review committee shall conduct a meeting to review and discuss the proposed preliminary plat and recommended requirements, conditions, and comments, and to determine plat acceptability for presentation to the planning board.
- (6) The preliminary plat; written conditions, requirements, and comments; and a recommendation from the technical review committee shall then be forwarded to the planning board for consideration. The planning board shall approve, conditionally approve, or disapprove the plat. Failure on the part of the planning board to act on the preliminary plat within forty-five (45) days of first review at a regular meeting shall constitute approval, except where the subdivider voluntarily withdraws the plat from consideration or requests that review be continued. Such requests shall be provided to the subdivision administrator in writing.
 - a. Approval of the preliminary plat is authorization for the subdivider to prepare a final plat.
 - b. Conditional approval of the preliminary plat is authorization for the subdivider to proceed with preparation of the construction plan, if applicable, or other submittals prior to submission of the final plat, as permitted or limited by conditions or requirements. Submittal of a revised preliminary plat may be included as a condition of approval. As required by other provisions of this article, evidence that these conditions have been met shall be provided to the county concurrent with submittal of a construction plan, if required, or the final plat.
 - c. Disapproval of the preliminary plat shall require submittal of a revised plat.

(7) Preliminary plat approval shall remain valid provided that a construction plan or final plat for the first phase or section is submitted and approved within two (2) years in accordance with sections 11-127 and 11-129.

(8) A copy of the preliminary plat shall be stamped and dated with the action taken and shall be returned to the subdivider with accompanying conditions, requirements, and comments.

(Ord. of 5-20-91, § 2.6)

Sec. 11-126. Lot evaluations and soils information for onsite sewage disposal systems.

(a) With the submittal of a construction plan, if required, the subdivider shall either:

1. Apply to and receive the results from the county environmental health division for individual lot evaluations for the entire subdivision or a phase of the subdivision, if necessary, to allow utilization of onsite sewage disposal systems, or
2. Submit a soils report from a soil scientist licensed by the North Carolina Board for Licensing Soil Scientists for the corresponding lots shown on the plan. The proposed sewage system areas and 100% repair areas must be field staked by the consulting soil scientist prior to lot evaluations being conducted by the county environmental health division. The report must include the following:
 - i. A soils map of adequate scale delineating the suitability for various ground absorption systems with the proposed lot lines, building envelope for primary structure, proposed driveway(s) and other impervious surfaces, and the primary and 100% repair septic system areas;
 - ii. A description of the type of sewage system for all of the proposed primary and 100% repair septic system areas, as well as the dimensional requirements for each area;
 - iii. A statement indicating the soil scientist has developed the report and certifies, to the best of his/her knowledge, that all of the proposed lots shown are capable of supporting individual septic systems and 100% repair areas based on 15A NCAC 18A .1900, LAWS AND RULES FOR SEWAGE TREATMENT, AND DISPOSAL SYSTEMS. Otherwise, the proposed lot(s) must be labeled as "Non-buildable". The licensed soil scientist shall provide his/her signature on the report, as well as an impression of his/her seal provided by the North Carolina Board for Licensing Soil Scientists; and
 - iv. A signed and notarized hold harmless agreement, signed by the developer and notarized, releasing Pitt County from any liability from

discrepancies between the soils data and the environmental health division lot evaluation results.

(b) Based upon more detailed information from the lot evaluations by the county environmental health division, a construction plan illustrating drainage improvements may be required, although not previously identified during preliminary plat review. The construction plan shall then be prepared, submitted, and reviewed in accordance with section 11-127.

(c) Final plats will not be accepted for review until lot evaluation results are finalized by the county environmental health division.

Sec. 11-127. Construction plan review.

These procedures allow for review of construction plans by the technical review committee. Construction plans submitted for review under this section shall conform to division 4 (Plat and Plan Requirements).

- (1) The subdivider shall submit the appropriate number of copies of the construction plan for the entire subdivision or the first phase or section of the subdivision prepared in accordance with division 4 (Plat and Plan Requirements) to the subdivision administrator. Such construction plan shall be submitted at least twenty (20) working days prior to the next regularly scheduled meeting of the technical review committee, if to be considered by the committee at that time.
- (2) The construction plan shall be transmitted to the technical review committee, and the member representatives shall return requirements, conditions, and technical comments to the subdivision administrator within seven (7) working days.
- (3) The technical review committee shall conduct a meeting to review and discuss the proposed construction plan and recommended requirements, conditions, and comments. The TRC shall approve, conditionally approve, or disapprove the plan. Failure on the part of the TRC to act on the construction plan within forty-five (45) days of first review at a regular meeting shall constitute approval, except where the subdivider voluntarily withdraws the plan from consideration or requests that review be continued. Such requests shall be provided to the subdivision administrator in writing.
 - a. Approval of the construction plan is authorization for the subdivider to begin construction and/or provide a financial guarantee for improvements and prepare a final plat. Before construction of improvements (e.g., water and sewer facilities) which are to be owned and maintained by the service providers, construction plan approval also must be obtained from the respective service providers.
 - b. Conditional approval of the construction plan is authorization for the subdivider to proceed with construction and/or provide a financial guarantee for improvements and prepare a final plat, as permitted or limited by the conditions. Before construction of improvements (e.g., water and sewer facilities) which are to be owned and maintained by the service providers, construction plan approval also

must be obtained from the respective service providers. Submittal of a revised construction plan may be included as a condition of approval. As required by other provisions of this division, evidence that these conditions have been met shall be provided to the county concurrent with submittal of the final plat.

- c. Disapproval of the construction plan shall require submittal of a revised plan and/or other supplemental materials pertinent to the proposed improvements.
- (Ord. of 5-20-91, § 2.8)

Sec. 11-128. Improvements or guarantees.

Prior to acceptance of a final plat for review, a construction plan shall be approved, if applicable, all lot evaluations by the county environmental health department must be complete and improvements shall be installed or made, and/or an acceptable financial guarantee for their installation shall be provided to the county by the subdivider.

- (1) Improvements: All of the following onsite and offsite improvements, as applicable, shall be made or guaranteed: streets, including the roadway surface; storm drainage; subsurface drainage; water lines; erosion and sedimentation control measures; sanitary sewer lines; fire hydrants; traffic control signs; and any other physical improvements required as part of preliminary plat approval.
- (2) Certification of improvements:
 - a. If improvements are installed, the subdivider's engineer or surveyor shall, as part of the final plat submittal, furnish a letter certifying that the subdivision improvements have been completed in accordance with the approved construction plan. Where any variation from the approved construction plan occurs, a certified "as-built" plan shall be provided.
 - b. Upon verification by the subdivision administrator, county engineer, or other affected agencies that the improvements have been completed in substantial conformance with the approved construction plan, the subdivision administrator shall accept the final plat for review.
 - c. Approval of the improvements by the county shall not release the subdivider from the obligation to maintain the improvements, as required elsewhere by this article.
- (3) Financial guarantee:
 - a. Amount and duration: If the required improvements have not been made or will not be completed by the time of final plat submittal, the subdivider shall have the option of providing a financial guarantee or surety satisfactory to the county attorney and the county engineer in an amount not less than one hundred twenty (120) percent of the estimated cost of the improvements. The financial guarantee shall stipulate that the improvements will be made by the subdivider not later than twenty-four (24) months after approval of the final plat; that the surety will be valid for twenty-seven

(27) months or until the improvements are made, whichever is shorter; and shall ensure that these improvements can be made without cost to the county in the event of default by the subdivider.

- b. Acceptable forms: Acceptable forms of financial guarantee include letters of credit, performance bonds, cash escrows, first deeds of trust, and any others as approved by the county attorney. The estimated cost of improvements shall be reviewed by the county engineer and the arrangements for the financial guarantee shall be approved by the county attorney prior to final plat submittal. This option may be used in any combination with actual installation of improvements, and the face value of the surety may be reduced by the county as the improvements are made by the subdivider.
- c. Certification and release: Prior to full or partial release of the financial guarantee by the county, the subdivider's engineer or surveyor shall certify by letter that the subdivision improvements have been completed in accordance with the approved construction plan. Where any variation from the approved construction plan occurs, a certified "as-built" plan shall be provided. If this certification is not provided in accordance with this subsection (3), the county may proceed with necessary actions to ensure that the required improvements are completed.

(Ord. of 5-20-91, § 2.9)

Sec. 11-129. Final plat review.

(a) After approval of the preliminary plat or the construction plan, if one is required, the subdivider shall submit a final plat of the entire subdivision or the first phase or section of the subdivision, prepared in accordance with division 4 to the planning department, within twenty-four (24) months. If a soils report was submitted by a licensed soil scientist during the review of the construction plan, the lot evaluations must be approved by the Environmental Health Division prior to the submittal of the final plat. If a final plat or construction plan is not submitted and approved within this time period, preliminary plat approval shall become null and void, unless the subdivider is granted an extension of up to six (6) months in accordance with section 11-162.

(b) The subdivider shall submit the appropriate number of map copies and originals, recording fees, and all other required supplementary materials to the planning department prior to consideration of the final plat.

(c) The subdivision administrator shall review the final plat and other materials for completeness.

(d) The subdivision administrator shall act on all final plats. Failure on the part of the county to act within thirty (30) days of final plat submittal shall constitute approval, except where the subdivider voluntarily withdraws the plat from consideration or requests additional review time. Such requests shall be provided to the subdivision administrator in writing.

- (1) Approval of the final plat is authorization for the plat to be signed by the county manager and the subdivision administrator, and to be recorded. The action of the subdivision administrator shall be noted on the final plat. The subdivision administrator shall file the plat, and, in the case of private streets, all supplemental materials required by section 11-141(3) for recording with the register of deeds within thirty (30) days of final plat approval, and shall notify the subdivider of the recording information and date of filing.
- (2) Disapproval of the final plat shall require that the subdivision administrator state the reasons for disapproval and notify the subdivider of the action and reasons in writing. (Ord. of 5-20-91, § 2.10)

Sec. 11-130. Resubdivision.

(a) The resubdivision or replatting of land, except for combining or recombining of lots, as exempted by section 11-102(1), shall follow all of the procedures outlined by this article for a new subdivision, regardless of the number of divisions or lots to be created. The resubdivision process shall also be applicable to any revisions or modifications of an original plat, except that a preliminary plat may not be required if, in the opinion of the subdivision administrator, proposed changes are not substantial and do not affect any public rights or interests created by the original plat.

(b) The following items shall be taken into special consideration when a resubdivision occurs:

- (1) All affected landowners shall sign the certificate of ownership; and
- (2) The subdivision shall be appropriately identified on the plat as a resubdivision of a previously recorded plat, and all affected lots, blocks, or other land areas being resubdivided or replatted shall be properly identified in the title block on the replacement plat.

(Ord. of 5-20-91, § 2.11)

Sec. 11-131. Plat vacation.

(a) Prior to lot sale: Any recorded plat or any part of any plat may be vacated by the subdivider at any time before the sale of the first lot in the subdivision by a written instrument declaring the plat to be vacated, to which a copy of the recorded plat shall be attached.

(b) Subsequent to lot sale: When any lot has been sold, the plat may be vacated in accordance with this division only when all owners of the lot join in the execution of such instrument.

(c) Procedure: Such an instrument shall be approved by the planning board and shall be recorded and filed in the same manner as a final plat. The county may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, or streets.

(Ord. of 5-20-91, § 2.12)

Secs. 11-132--11-139. Reserved.

DIVISION 3. DESIGN AND IMPROVEMENT STANDARDS

Sec. 11-140. General.

(a) *Purpose:* The purpose of good subdivision design is to create functional and attractive developments, to minimize adverse impacts, and to ensure projects which will be an asset to the county.

(b) *Minimum standards:* These design and improvement standards shall be interpreted and applied as the minimum requirements. Specific conditions may be added to the approval of the preliminary plat by the subdivision administrator or planning board to ensure that the more general design and improvement standards are met.

(c) *Site design standards:*

(1) Subdivisions should be laid out to avoid an adverse effect on groundwater and aquifer recharge; to reduce site grading and cut and fill; to prevent accelerated erosion; to prevent flooding; to provide adequate access to lots and sites; and to mitigate adverse effects of noise, traffic, drainage, and utilities on neighboring properties.

(2) To the maximum extent practicable, development shall be located to preserve the natural features of the site, to address areas of environmental sensitivity, and to minimize alteration of natural features, except as otherwise permitted by this article. In particular, the following areas or items should be considered for protection or preservation:

- a. Unique or fragile areas, including wetlands, as defined in section 404, Federal Water Pollution Control Act Amendments of 1972, and field-verified by onsite inspection by the regulatory branch of the U.S. Army Corps of Engineers;
- b. Lands within flood hazard areas;
- c. Identified habitats of endangered wildlife; and
- d. Historically significant structures and sites, as listed on federal or state lists of historic places.

(Ord. of 5-20-91, § 3.1)

Sec. 11-141. Streets.

Residential subdivision streets shall be arranged to provide for a coordinated road and street network, to ensure appropriate extension of existing streets and development of new streets and highways, to discourage through traffic, to avoid hazardous situations, and to allow for adequate access to adjoining property. Where a tract of land is subdivided in phases, or is subdivided into large parcels or lots, adequate provisions should be made to allow for the development of future streets and logical resubdivisions.

- (1) *Street type:* Each street in a subdivision shall be either public or private. A combination of public and private streets may be acceptable. A disclosure statement as to the intended ownership status of the streets shall be included on the final plat, in addition to any other disclosure required by G.S. 136-102.6.

(2) *Public streets:*

- a. In accordance with G.S. 136-102.6, any street designated as a public street shall be designed and constructed in accordance with the "Minimum Construction Standards for Subdivision Roads" set forth by the state department of transportation, division of highways, except that the right-of-way for all streets without curb and gutter shall be at least sixty (60) feet and the pavement width shall be at least twenty (20) feet.
- b. Preliminary plats and construction plans shall be reviewed by the state department of transportation district office to ensure conformance with construction standards.
- c. A certification, signed by the district engineer, division of highways, that the plans for proposed public streets meet such minimum requirements shall be included on the final plat. In addition, there shall be a statement on the final plat that the subdivider will maintain proposed public streets and associated improvements until they are officially accepted by the state department of transportation.

(3) *Private streets:* Private streets may be utilized in lieu of public streets, provided the following requirements are met.

a. *Private street requirements:* Private streets shall be designed to meet the minimum standards of this subsection. All other aspects of private street design not addressed in this section shall be in accordance with state department of transportation requirements for public streets. The county engineer shall determine the adequacy of all private street designs.

1. Right-of-way width, 50 feet.
2. Pavement width, 18 feet.
3. Centerline radius, 150 feet.
4. Ditch section:
 - i. Front slope. Horizontal distance of eight feet with a slope of 6:1.
 - ii. Back slope. Slope of 6:1.
 - iii. Longitudinal slope. Three-tenths (3/10) of a percent.

b. *Homeowners association:* A homeowners association shall be incorporated in accordance with G.S. chapter 55, to provide for the maintenance of private

subdivision streets. As required, appropriate bylaws shall be prepared, and proposed covenants or deed restrictions which address maintenance, apportionment of financial responsibility, and enforcement shall be provided. The county attorney shall approve the adequacy of these materials prior to final plat review. These materials shall be recorded at the same time as the final plat and shall be appropriately cross-referenced in the county register of deeds office.

(4) *General street standards:*

a. *Improvement of traveled way:* All new subdivision streets shall be paved in accordance with the "Minimum Construction Standards for Subdivision Roads" set forth by the state department of transportation, division of highways.

b. *Cul-de-sacs:* Every permanent dead-end street shall be developed as a cul-de-sac and shall not exceed one thousand eight hundred (1,800) feet in length, measured from the centerline of the nearest intersecting street to the center of the turnaround, except where the shape of the tract of land being subdivided makes this requirement impractical. Temporary cul-de-sacs, constructed to state department of transportation base standards, but not necessarily paved, may be required by the technical review committee or subdivision administrator.

c. *Street offsets:* Whenever possible, proposed intersections on one (1) side of a street, road, or highway shall coincide with existing or proposed intersections on the opposite side of such street, road, or highway. In any event, however, street offsets, as measured between the centerlines of intersecting streets, shall meet the following requirements:

1. *Subdivision streets:* Street offsets within subdivisions shall be at least one hundred twenty-five (125) feet apart.

2. *Primary or secondary roads:* Street offsets created by subdivision streets intersecting with primary highways or secondary roads shall be at least two hundred fifty (250) feet apart.

d. *Street interconnectivity and multiple accesses:* A proposed road shall be extended to an adjacent property, or a connecting road shall be provided to the adjacent property, wherever such extension or connection is deemed desirable to the development of a local road network serving the general area.

1. If it is determined that the required road extension or connection should serve as part of a through road within a local road network, or as part of a non-through road that would provide access to an area with the potential for subdivision development, it shall be:

i. Designed and constructed as a public road to the adjacent property; and

- ii. Located so as to best ensure the safe, convenient, and efficient movement of traffic within a local road network as well as the orderly development of adjacent properties.
2. If the road to be extended or connected to an adjacent property cannot serve as part of a through road within a local road network because physiographical characteristics (for example, rivers, lakes, ponds, steep slopes, wetlands or flood hazard areas) or other intervening man-made characteristics (for example, railroads, highways, parks, or existing development) make it impractical to extend the road beyond the adjacent property, and it would provide access to an area without the potential for subdivision development, the subdivider shall grant an easement for the road to the benefit of the adjacent property. The easement shall:
- i. Give the current and future owner(s) of the adjacent property the right to construct the road as either a public or private road and to dedicate the easement as a public road right-of-way if the road is constructed as a public road; and
 - ii. Have a right-of-way width, and include adjacent construction easements, necessary to allow the construction of a public road meeting the standards of chapter 11.
- e. The following guidelines shall be used by the planning board in determining whether stub roads are required to adjoining properties.
1. Stub roads to adjacent properties shall be required in order to allow for orderly development of the road network. Therefore:
- i. The orderly development of the road network necessitates that at least two means of access will be provided where permissible to the subdivision and to all lots within the subdivision except where properties are accessed by a cul-de-sac conforming with subsection 11-141(4)(b).
 - ii. All adjacent properties must be considered when determining appropriate locations for stub roads. A minimum of one stub road shall be required for the sole purpose of providing access to a single landlocked parcel, but more than one may be required for the purpose of good traffic flow.
2. Stub roads to adjacent properties shall be required except when the planning board or subdivision administrator, as appropriate, determines that:
- i. Physical barriers or environmentally sensitive area should not be crossed (for example, railroads, watercourses, wetlands, steep topography, or flood areas).

- ii. The stub road would connect properties where the zoning or land uses are incompatible, and the connection would create traffic detrimental to residential land uses.
 - iii. There is a large discrepancy in the size of the adjacent parcel (A smaller parcel being subdivided may not have to provide a stub to a much larger parcel, if other, more desirable, interconnections are available to the large parcel).
 - iv. The stub road would eventually provide a direct connection between thoroughfares which would encourage through traffic at levels inappropriate for the type of road provided (for instance, it might be appropriate to provide such a connection with a collector road rather than with a local access road).
 - v. The stub road would connect to property for which development rights have been sold for a public purpose and access to the property is not desirable for orderly development of the road network.
3. Stub roads should be designed, constructed, and maintained according to applicable standards of the state department of transportation for the following reasons:
- i. To circumvent dispute regarding responsibility for maintenance and who has the right to use the road.
 - ii. To allow neighboring subdivisions to build adjoining public roads.
 - iii. To avoid legal issues of requiring a dedicated strip to be paved at a later date than subdivision approval.
 - iv. The existence of a road, which may be extended, is known to buyers and subsequent owners of neighboring properties.

(Ord. of 5-20-91, § 3.2; Ord. of 8-6-01, § 11; Ord. of 11-17-03(1))

Sec. 11-142. Lots.

(a) *Access.* Each lot shall have direct access to a public or private street. Private easements for providing ingress and egress to subdivided lots are not acceptable. Lots with non-accessible road frontage are not considered to have direct access to a public or private street. All lots must have accessible road frontage and developed according to lot width and/or flag lot standards regulated by the subdivision ordinance.

(b) *Lot size and lot width.* Each lot shall meet the minimum area and lot width requirements cited in the county zoning ordinance.

(Ord. of 5-20-91, § 3.3; Ord. of 8-6-01, §§ 5, 6, 9; Ord. of 11-17-03(1))

Sec. 11-143. Setbacks.

Minimum setback requirements must comply with those cited in the county zoning ordinance.

(Ord. of 5-20-91, § 3.4; Ord. of 11-17-03(1))

Sec. 11-144. Drainage.

(a) *Drainage objectives:* An adequate surface and subsurface drainage system shall be designed, installed, and maintained to meet the following objectives:

- (1) Each lot shall have a suitable building area safe from flooding and erosion, or shall conform to the flood damage prevention ordinance and/or the soil erosion and sedimentation control ordinance.
- (2) The drainage system shall be designed to minimize inundation of public and private land during the ten-year storm. It shall also prevent excess infiltration or inundation of surface water and/or groundwater into septic tank nitrification fields.
- (3) The system of drainage shall protect all roads, driveways, utilities, and other improvements from damage that may be caused by improper stormwater management.
- (4) Drainage ditches, underground tile, and swales shall be coordinated with the existing and proposed general drainage system.
- (5) Drainage ditches and swales shall be designed and constructed to avoid excessive rates of flow, erosion, or overflow into developed areas subject to potential damage. Underground tile shall be kept free from obstructions.
- (6) The drainage system shall be designed so as not to impede the natural drainage of water.

(b) *Drainage aspects of construction plan:* The proposed plan for managing drainage for all areas of the subdivision shall be shown on the construction plan. The plan shall show all pertinent information required to evaluate the proposed system, including the location, elevation, type, and size of all existing and proposed drainage improvements, including existing drain tile used for agricultural purposes. Any necessary drainage easements shall also be shown on the construction plan.

(c) *Drainage easements:* Drainage easements of appropriate widths and lengths, as deemed reasonably necessary by the environmental health division and/or the engineering department to allow for future drainage maintenance and improvements to effectively control surface and/or subsurface water, shall be identified on construction plans and final plats. Such easements may cross lots only where necessitated by topography, soil conditions, or improved flow, and where usable lot area will remain. Likewise, an offsite easement across property not being subdivided may be deemed necessary by the environmental health division and/or the

engineering department when no natural drainage outlet exists to effectively control surface and/or subsurface water. Evidence of a recorded easement, and agreement if applicable, shall be provided to the subdivision administrator at time of final plat submittal and may require review and approval by the county attorney. Any revisions to recorded drainage easements required by this article must be approved by the planning board or subdivision administrator. As an alternative to offsite drainage easements, the subdivider may proceed under the provisions of G.S. chapter 156, article 2, to drain the area proposed for subdivision.

(d) *Drainage maintenance:* The subdivider shall provide a letter to the subdivision administrator in conjunction with improvement certifications required by section 11-128 stating that the subdivider will maintain necessary drainage improvements for two (2) years after installation.
(Ord. of 5-20-91, § 3.5)

Sec. 11-145. Utilities.

(a) *Utility ownership and easements:* Where a subdivider installs or causes the installation of water, sewer, electrical power, telephone, natural gas, cable television, or other similar facilities and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity other than the subdivider, the subdivider shall transfer the necessary ownership or easement rights to enable operation and maintenance of such facilities.

(b) *Necessary utilities:* The subdivider shall ensure that every lot within a subdivision shall be served with or designed to allow for adequate utilities, including water, sewage disposal, electric power, and telephone service. The preliminary plat, construction plan, and final plat shall indicate the service provider and/or type of service to be provided.

(1) *Water supply and sewage disposal:*

- a. Where practicable, all new subdivisions shall be connected to an existing public water supply or sanitary sewer system. During preliminary plat review, the agency or entity which owns and operates such a system shall certify that the new development will be accepted for addition to the system.
- b. If a new public water and/or sewer system (e.g., community water system, package sewage treatment plant, etc.) is proposed to serve the subdivision, certification that a site has been approved for the proposed system from the health agency which has jurisdiction over the system shall be provided to the subdivision administrator as part of the construction plan submittal.
- c. Where individual, onsite water or sewage disposal systems are intended, all requirements of the county health department, environmental health division, shall be met. It is not the intent of the county to require the subdivider to install such improvements or facilities on each individual lot as part of the subdivision approval process.
- d. *Offsite septic system easements within planned developments:*

1. Prohibit certain types of offsite easement arrangements, particularly those located on other buildable lots or on nonbuildable lots which do not meet the provisions of the subdivision ordinance for access, etc.
2. Require additional access easements not less than twenty-five (25) feet wide to facilitate installation and repair of offsite systems.
3. Require installation of force mains by the developer at a minimum of one and one half (1 ½) feet apart and with necessary protection at street and stream crossings. Approval of force main configuration required during construction plan review.
4. Implement design requirements for accompanying force main easements as follows:

- Minimum easement width of ten (10) feet for individual force main line.
- When placing multiple force main lines within a common easement, the easement width must be sufficient to allow placement of the force mains one and one half (1 ½) feet within easement boundaries.

Note: Force main easement may also serve to fulfill all or part of the access easement provisions in subsection b. above.

- (2) *Electrical power and telephone service:* Electrical distribution lines and telephone lines shall be placed underground within easements or dedicated public rights-of-way. Extensions, relocations, and upgrades of existing overhead lines along existing public rights-of-way shall be permitted. All such facilities, either overhead or underground, shall be installed in accordance with the prevailing standards and practices of the utility or service company.
- (3) *Fire protection:* Every subdivision that is served by a public water supply system shall provide adequate fire protection according to the following standards, except subdivisions which qualify for an exemption under subsection (3)d. of this section. The emergency services coordinator may authorize or require deviations from the standards for this section, if other arrangements are more satisfactory.
 - a. *Hydrant spacing and location:* Each subdivision lot shall be no further than four hundred (400) feet from a hydrant, as measured along the road right-of-way. Hydrants shall be located just within the road right-of-way. If practicable, hydrants shall be located at street intersections or on lot lines, if located other than at an intersection.
 - b. *Minimum water line size:* New water lines serving hydrants shall be at least six-inch lines.

- c. *Design:* All hydrants shall have two (2) two and one-half inch and one (1) four and one-half inch hose connections which shall be located between eighteen (18) to twenty-four (24) inches from finished grade. All hydrant threads shall be national standard threads.
- d. *Exemptions:* Subdivisions which meet one (1) of the following conditions are exempt from the fire protection requirements of this subsection:
 - 1. Subdivisions in which all lots front on an existing public or private road and the furthest lot is within one (1) mile from an existing hydrant; or
 - 2. Existing service is provided to the site by water lines of four (4) inches or less.

(c) *Utility easements:* Utility easements shall be provided, where necessary, and ownership status shall be indicated. Such easements shall be a minimum of ten (10) feet in width, and are not required to be centered on lot lines. It is not the intent of the county to determine the terms or conditions of any easement negotiated between the subdivider and utility company or service provider.

(Ord. of 5-20-91, § 3.6; Ord. of 8-6-01, § 10)

Sec. 11-146. Other standards.

(a) *Subdivision name:* The name of the proposed subdivision shall not duplicate or be phonetically similar to the name of any other subdivision in the county.

(b) *Street names:* Proposed street or road names, regardless of the prefix or suffix used, shall not duplicate or be phonetically similar to the name of any other street or road name anywhere in the county. Extensions of existing streets shall use the existing street name, except where a new road name can be used to avoid further road name duplication.

(c) *Street signs and traffic control signs:* Street name signs which meet county specifications, and traffic control signs which conform to the manual of uniform traffic control devices and state department of transportation specifications shall be installed at the expense of the subdivider, or their installation guaranteed, prior to final plat approval.

(d) *Control corners:* In accordance with G.S. 39-32.1 through 39-32.4, as amended, survey control corners shall be properly shown on final plats, and suitable, permanent monuments shall be erected by the subdivider prior to final plat approval.

(e) *Entryway identification signs:* The use of permanent entryway identification signs at major entrances to a subdivision is encouraged. If lighted, such signs shall be illuminated by internal or reflected lights which do not cause glare or otherwise annoy motorists or adjacent property owners.

(f) *Street lighting:* Subdividers are encouraged to install streetlights and provide for perpetual maintenance and apportionment of financial responsibility either through a

homeowners association, covenants, or other means in accordance with the policies of the applicable electrical utility.
(Ord. of 5-20-91, § 3.7)

Sec. 11-147. Buffer rules.

All subdivision developments must comply with Tar-Pamlico Buffer Rules or Neuse River Buffer Rules as mandated by the NC Division of Water Quality as well as any other federal or state law regulating buffer requirements for perennial and intermittent streams.
(Ord. of 8-6-01, § 3)

Sec. 11-148--11-149. Reserved.

DIVISION 4. PLAT AND PLAN REQUIREMENTS

Sec. 11-150. Sketch plans.

The sketch plan shall be drawn by a surveyor or engineer at a suitable scale with sufficient detail to enable the subdivision administrator or other agencies to provide advice and information pertaining to the proposed subdivision. The sketch plan shall show the information indicated in section 11-155. Additional information may be included to aid in the sketch plan review.

(Ord. of 5-20-91, § 4.1)

Sec. 11-151. Preliminary plats.

The preliminary plat map shall be prepared by a surveyor, to the extent permitted by G.S. chapter 89C, or engineer at a scale of one (1) inch equals two hundred (200) feet or less, with sheet sizes not larger than twenty-four (24) inches by thirty-six (36) inches. The boundary shown on the plat shall conform with a "class C" rural land survey. Where multiple sheets are necessary, appropriate match lines shall be shown. The preliminary plat shall show the information indicated in section 11-155, table of map requirements. The subdivision administrator may reject any preliminary plat which does not conform to this section and shall return the deficient plat map to the subdivider for revision and resubmittal.

(Ord. of 5-20-91, § 4.2)

Sec. 11-152. Construction plans.

Construction plans shall be prepared by a surveyor, to the extent permitted by G.S. chapter 89C, or engineer at a scale of one (1) inch equals one hundred (100) feet or less with sheet sizes not larger than twenty-four (24) inches by thirty-six (36) inches. Where multiple sheets are necessary, appropriate match lines shall be shown. The construction plan shall show the information indicated in section 11-155, table of map requirements, and shall address conditions and requirements of preliminary plat approval. The subdivision administrator may reject any construction plan which does not conform to this section and shall return the deficient plan map to the subdivider for revision and resubmittal.

(Ord. of 5-20-91, § 4.3)

Sec. 11-153. Final plats.

The final plat map shall be prepared by a surveyor in conformance with a "class B" suburban land survey at a scale of one (1) inch equals one hundred (100) feet or less, and shall conform to the mapping requirements of G.S. 47-30. Where multiple sheets are necessary, appropriate match lines shall be shown. The final plat shall substantially conform to the approved preliminary plat and construction plan, and shall show the information indicated in section 11-155. When available, a digital version of the entire plan must be submitted. The digital version of the plan must be submitted to the Subdivision Administrator on a 3.5" floppy disk, CD, or by email. The subdivision administrator may reject any final plat which does not conform to this section and shall return the deficient plat map to the subdivider for revision and resubmittal. (Ord. of 5-20-91, § 4.4)

Sec. 11-154. General map standards.

All plats and plans submitted to the county for review under this article shall conform with the following map standards:

- (1) *Boundary line:* The area proposed to be subdivided shall be clearly shown and identified by a heavier weight line than all other plat map features. This line should not enclose any areas which are not to be improved, developed, or subdivided.
- (2) *Nonbuildable areas:* Areas within the subdivision that are not reviewed and approved for use as building lots during original review shall be labeled "nonbuildable." In addition, a note shall be included on the plat which states that before the status of such areas can be changed and building permits issued, the owner must comply with subdivision or resubdivision procedures, as applicable. Areas within the proposed subdivision determined to be "unsuitable" for on-site septic system by Pitt County Environmental Health shall be labeled as nonbuildable unless provisions are made for off-site septic systems approved by Pitt County Environmental Health.
- (3) *Future streets:* Areas anticipated for future streets shall be appropriately designated and labeled, but need not be included within the boundary line of the proposed subdivision. If not included, however, the subdivider is encouraged to reserve adequate land area for future right-of-way and identify appropriate sight distance triangles on affected property.
- (4) *External features:* Required reference features outside of the boundary line of the subdivision, such as adjoining subdivisions of record, adjacent property owners, easements, and streets, shall be shown with dashed lines.
- (5) *Consecutively numbered lots:* All lots within a subdivision shall be consecutively numbered, regardless of the number of phases or sections. Block letters or other references may be used in addition to consecutive lot numbers.
- (6) *Section and phase numbering:* All subdivision sections and phases shall be consecutively numbered using Arabic numbers only.

(Ord. of 5-20-91, § 4.5; Ord. of 8-6-01, § 8)

Sec. 11-155. Table of map requirements.

As listed in the table in this subsection, the necessary information indicated for each sketch plan ("S"), preliminary plat ("P"), construction plan ("C"), or final plat ("F") map submittal shall be shown.

(1) *Information block*, containing the following:

a. Subdivision name, including phase(s) or section(s), resubdivision or other action, and lot numbers	S	P	C	F
b. Landowner's name(s), address(es), and phone number(s)	S	P	C	F
c. Location (township, county, state)	S	P	C	F
d. Date of preparation of map	S	P	C	F
e. Map scale, in written and graphic form	S	P	C	F
f. Name, address, telephone number, registration number, and seal of surveyor or engineer	S	P	C	F
g. Type of map submittal (i.e., sketch, preliminary, construction, final)	S	P	C	F
h. Tax parcel number(s)		P	C	F

(2) *Locational information:*

a. Vicinity map, with an appropriate scale and sufficient accuracy, to show the subdivision's location in relation to the road network and existing development	S	P	C	F
b. North arrow, oriented to top of map unless impractical	S	P	C	F
c. Adjoining property owner(s), land use(s), and street(s)		P	C	F
d. Adjoining subdivisions of record, with names, streets, and lot lines		P	C	F
e. Fire district		P	C	F
f. Distance to nearest fire department from most distant lot in subdivision using public and/or approved private subdivision roads		P	C	
g. Distance from nearest existing fire hydrant, whether within or outside the subdivision boundaries, to the most distant subdivision lot		P		
h. Existing road names and state road numbers on plan and associated vicinity maps		P	C	F
i. Current zoning district for property being subdivided and adjacent properties		P	C	F

(3) *Property division information:*

- | | | | | |
|---|---|---|---|---|
| a. Approximate boundary line of proposed subdivision | S | P | | |
| b. Boundary lines of proposed subdivision, with bearings and distances, referenced to the centerline of the nearest public street intersection | | | C | F |
| c. Existing and proposed lot lines with scaled dimensions | S | P | | |
| d. Existing and proposed lot lines with bearings and distances and lot dimensions to the nearest one-hundredth of a foot and angles to the nearest minute | | | | F |
| e. Monuments and markers | | | C | F |
| f. Individual lot numbers and approximate lot areas (square feet or acres) | S | P | | |
| g. Individual lot numbers and calculated lot areas (square feet or acres), with appropriate designation of nonbuildable areas | | | C | F |

(4) *Development information:*

a. Building setback lines from all streets		P	C	F
b. Reserved or special parcels and their intended use	S	P	C	F
c. Topographic contours at intervals of two (2) feet or less, referenced to state or federal monuments if within two thousand (2,000) feet		P	C	
d. Names of proposed streets and "public" or "private" designation		P	C	F
e. Proposed street layout and right-of-way dimensions	S	P		
f. Street right-of-way dimensions and centerline horizontal curve data			C	F
g. Typical street cross section			C	
h. Sight distance triangles at intersections		P	C	F
i. Natural and manmade features, including watercourses, drainageways, ditches, railroad lines, electric transmission lines, pipelines, and bridges	S	P		
j. Existing and proposed easements for features and major improvements in subsection (4)i. as well as for drainage, utilities, signs, trails, recreation areas, etc., with dimensions and ownership status		P	C	F
k. Existing and proposed utilities with sizes, including sewer, water, fire hydrants, culverts, tile, and ditches. Information listed in this subsection shall be shown on preliminary plats, as well as construction plans.		P	C	
l. Existing farm drain tile		P	C	
m. Permanent buildings		P	C	
n. 100-year flood hazard areas and floodways		P	C	F
o. Existing and proposed lakes and ponds		P	C	
p. Tentative wetlands boundaries		P		
q. Identified wetlands boundaries			C	F

- | | | | | |
|----|--|---|---|---|
| r. | Flood Insurance Rate Map (FIRM) community and panel numbers or other Flood Insurance Rate Map reference numbers developed by FEMA (require on preliminary plats, construction plans, and final plats). | P | C | F |
| | | | | |
| s. | Buffers along all perennial and intermittent streams according to the Tar-Pamlico Buffer Rules and Neuse River Buffer Rules | P | C | F |

(5) *Certifications, approvals, summary data, and notes:*

- | | | | | |
|--|---|---|---|---|
| a. Notarized certificate of ownership and dedication | | | | F |
| b. Certificate of approval for recording | | | | F |
| c. Certificate for county acceptance of dedication | | | | F |
| d. State department of transportation approval of public street design | | | | F |
| e. Street ownership and maintenance disclosure statement | | | | F |
| f. Summary site data, including total acreage, number of lots, linear feet of streets, and acreage of reserved or open space areas | S | P | | F |
| g. Listing of utility or service providers | | P | C | F |
| h. Any special notes relating to such items as flood elevations, utilities, nonbuildable areas, etc.
(Ord. of 5-20-91, § 4.6; Ord. of 8-6-01, §§ 1, 2, 4, 7; Ord. of 11-17-03(1)) | | | C | F |

Secs. 11-156--11-159. Reserved.

DIVISION 5. ADMINISTRATION

Sec. 11-160. Amendments.

The board of county commissioners may amend the terms of this article, but no amendment shall become effective unless it is first reviewed by the planning board. Proposals to amend, supplement, modify, or repeal any of the provisions of this article may be initiated by the board of commissioners, the planning board or staff of the planning board, or any other interested person.

- (1) *Planning board action:* Any proposed amendment shall be submitted to the planning department at least twenty (20) working days prior to the next regular meeting of the planning board if to be considered at that time. The planning board shall provide a recommendation to the board of county commissioners on all such requests. The planning department shall assist with preparation of the text for the article amendment, as necessary. The planning board may review the request and provide a recommendation during a regular meeting, or may schedule a public hearing prior to providing a recommendation. If a public hearing is scheduled, it shall be advertised in accordance with subsection (2) of this section. Failure of the planning board to submit its recommendation within one hundred twenty (120) days after first consideration of the proposed amendment shall constitute a favorable recommendation.
- (2) *Board of county commissioners action:* The board of commissioners shall consider any article amendment and the planning board recommendation at an advertised public hearing. In accordance with G.S. 153A-323, such public hearing shall be advertised in a newspaper of general circulation in the county once a week for two (2) consecutive calendar weeks, with the first advertisement appearing not less than ten (10) days nor more than twenty-five (25) days prior to the public hearing date. In computing this advertising period, the date of publication shall not be included, but the day of the hearing shall be included.
- (3) *Record of amendments:* All approved amendments shall be recorded in the official Pitt County ordinance book, and appropriate amendment notations shall be included in this article.

(Ord. of 5-20-91, § 5.1)

Sec. 11-161. Variances.

(a) *Findings:* A variance may be granted upon the finding that a practical difficulty or unnecessary hardship would result if this article were strictly applied. A variance shall be granted if the board of adjustment finds that:

- (1) There are special physical or topographic circumstances or conditions affecting the property such that an article provision would deprive the petitioner of the reasonable use of his property;

- (2) The circumstances generating the need for the variance are peculiar or unique to the parcel, are not generally characteristic of other parcels in the vicinity, and are not the result of the petitioner's own actions;
 - (3) Granting the variance will not be detrimental to the public welfare or to other property in the area; and
 - (4) The variance will not violate the intent or purpose of this article.
- (b) *Procedure:*
- (1) The petitioner shall submit a written variance request to the planning department at least twenty (20) working days prior to the next regular meeting of the board of adjustment, if to be considered at that time. The request shall pertain to a preliminary plat, construction plan, or final plat under consideration or review, as required by this article and not a hypothetical situation.
 - (2) The request and accompanying staff recommendation shall be forwarded to the board of adjustment.
 - (3) Reasonable conditions may be imposed by the board of adjustment if a variance is granted to ensure that the objectives of this article are met.
 - (4) Board of adjustment findings regarding those guidelines listed in subsection (a) of this section and action shall be recorded in the board's official minutes.
- (Ord. of 5-20-91, § 5.2; Ord. of 11-17-03(1))

Sec. 11-162. Time extensions.

A single time extension, for a period of time not to exceed six (6) months, may be granted by the planning board to allow the petitioner additional reasonable time to meet the requirements of this article. The procedure for considering a time extension shall generally be the same as for a variance request outlined in subsection (b) of section 11-161, except that the following shall apply:

- (1) The petitioner must adequately demonstrate that a good faith effort has been made to comply with the original time allotment.
- (2) The request shall be submitted within the last ninety (90) days prior to the expiration of the original time period and in sufficient time to be scheduled for consideration by the planning board.
- (3) Additional time granted by the planning board shall be added to the end of the original time period.
- (4) In the case of a time extension request to allow for completion of improvements which are insured by a financial guarantee, such factors as the number of lots sold and the type

and expiration date of the financial guarantee may be considered.(Ord. of 5-20-91, § 5.3)

Sec. 11-163. Appeals.

(a) *Ability to appeal:* Any aggrieved subdivider may file an appeal to the planning board or board of commissioners relating to the interpretation or application of this article. In cases of an alleged misinterpretation or misapplication by the subdivision administrator, county engineer, or any other administrative officer, the appeal shall first be made to the planning board. In cases relating to a decision of the planning board, recourse shall be to the board of commissioners.

(b) *Time limitation and notice:* Any appeal must be filed within thirty (30) days of the decision. Written notice which states the basis or grounds for the appeal shall be provided to the executive secretary of the planning board or the county manager, as appropriate.

(c) *Public meeting:* The appeal shall be heard during a regular meeting of the planning board or board of commissioners, as applicable, within ninety (90) days of the receipt of the appeal notice.

(d) *Decision:* The planning board or board of commissioners shall provide a written decision regarding the appeal which includes findings of fact, rationale for the decision, and a summary of evidence or testimony presented. The burden of providing substantial evidence or testimony is upon the petitioner who files the appeal.

(e) *Final recourse:* Appeal of a decision by the board of commissioners shall be to the superior court.
(Ord. of 5-20-91, § 5.4)

Sec. 11-164. Violations and penalties.

(a) *Civil penalties:* Except as otherwise provided elsewhere in this article, any person who violates any of the provisions of this article shall be subject to a civil penalty of not more than one hundred dollars (\$100.00) per violation. No penalty shall be assessed until the person alleged to be in violation has been notified of the violation. Each day of a continuing violation shall constitute a separate violation. The board of commissioners shall determine the amount of the civil penalty to be assessed under this section and shall make written demand for payment upon the person under the violation and shall set forth in detail a description of the violation for which the penalty has been imposed. If payment is not received or equitable settlement reached within sixty (60) days after demand for payment is made, the matter shall be referred to the county attorney for institution of a civil action in the name of the county in the appropriate division of the general courts of justice for recovery of the penalty. Any sum recovered shall be used to carry out the purposes and requirements of this article.

(b) *Criminal penalties:* Any person who knowingly or willfully violates this article or who knowingly or willfully initiates or continues unapproved development shall be guilty of a misdemeanor punishable by imprisonment not to exceed thirty (30) days, or by a fine not to exceed fifty dollars (\$50.00).

(c) *Injunctive relief:* Wherever the board of commissioners has reasonable cause to believe that any person is violating or threatening to violate this article or any term, condition, or provision of approval it may, either before or after the institution of any other action or proceeding authorized by this article, institute a civil action in the name of the county for injunctive relief to restrain the violation or threatened violation. The action shall be brought in the superior court of the county. Upon determination by a court that an alleged violation is occurring or is threatened, it shall enter such orders or judgments as are necessary to abate the violation or to prevent the threatened violation. The institution of an action for injunctive relief under this section shall not relieve any party to such proceedings from any civil or criminal penalty prescribed for violations of this article.

(Ord. of 5-20-91, § 5.5)

Sec. 11-165. Fees.

Reasonable fees to cover the administrative costs of this article shall be charged in accordance with a separate fee schedule, as adopted by the board of commissioners.

(Ord. of 5-20-91, § 5.6)

Secs. 11-166--11-169. Reserved.

DIVISION 6. DEFINITIONS AND INTERPRETATIONS

Sec. 11-170. Definitions. General definitions.

Acre: A land area equal to forty-three thousand five hundred sixty (43,560) square feet.

Appeal: A request for a review of the subdivision administrator's or any other administrative officer's interpretation of any provision of this article or for a variance from any requirement.

Applicant: (See Petitioner).

Base flood: The flood having a one (1) percent chance of being equaled or exceeded in any given year.

Board of commissioners: The board of commissioners of this county.

Building: (See Structure).

Community water supply system: (See Public water supply system).

Conditions: Requirements to be met prior to subsequent action.

Construction plan: A map which shows the design and layout of necessary street, drainage, erosion control, and other improvements in a proposed subdivision and/or, in the case of a lot reduction request, shows building envelopes, sewage disposal systems, and other necessary requirements.

County engineer: The county engineer.

Covenants: Private land use controls which are attached to a deed.

Cul-de-sac: (See Street, cul-de-sac).

Dedication: A gift, by the owner, of the right to use or possess land for a specified purpose. This transfer of property rights requires a written document stating dedication and is completed with an acceptance of the dedication.

Deed restrictions: (See Covenants).

Developer: (See Subdivider).

Development: Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

District engineer: The state department of transportation district engineer serving this county.

Easement: The grant by a land owner to another person, the general public, a government agency, a corporation, or any other entity to use or limit the use of public or private land for a specific purpose.

Electrical distribution lines: Facilities for delivering electrical energy from a substation to a customer's meter.

Emergency services coordinator: The director of the county emergency services.

Engineer: A person who has been duly registered and licensed as a professional engineer by the state board of registration for professional engineers and land surveyors.

Engineering department: The office of the county engineering department.

Environmental health division: The office of the environmental health division of the county health department.

Erosion, accelerated: The increased rate and intensity of natural erosion caused by manmade disturbances.

Erosion, natural: The wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.

Financial guarantee: Any form of security, including a cash deposit, surety bond, collateral, property, or instrument of credit, in an amount and form approved by the county for use in place of actual construction of required subdivision improvements. Also referred to as "surety."

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas by the overflow of inland or tidal waters or the unusual and rapid accumulation of runoff of surface waters from any source. Also includes the term "flooding."

Flood, ten-year: That flood which has a ten (10) percent chance of occurring in a given year.

Flood hazard area: The land in the floodplain subject to a one (1) percent or greater chance of flooding in any given year; also known as the area of special flood hazard.

Floodplain: (See Flood hazard area).

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood (100-year flood event) without cumulatively increasing the water surface elevation more than one foot.

Homeowners association: A private, nonprofit corporation of homeowners formally constituted for the purpose of owning, operating, and maintaining common properties.

Lake: Any natural or impounded body of water, including but not limited to a reservoir, pond, or lake.

Lot: A portion of a subdivided parcel of land intended to be separately owned, developed, and otherwise used for residential, commercial, industrial, or other associated purposes.

Lot boundary line: A line which divides one lot from another or from a right-of-way.

Lot, corner: A lot abutting on and at the intersection of two (2) or more streets.

Lot, double frontage: (See Lot, through)

Lot, through: A lot that has a pair of opposite lot lines along two (2) substantially parallel streets, and which is not a corner lot; also known as a "double frontage lot."

Lot, flag: A lot which has a reduced amount of frontage on a street and relies on a panhandle-shaped corridor for access to the bulk of the lot.

Manufactured home: A factory-built, single-family structure that is built to meet the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. sec. 5401), is transportable in one (1) or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame. (See also Mobile home)

Map for record: (See Plat, final).

Mean sea level: The average height of the sea for all stages of the tide used as a reference for establishing various elevations. For purposes of this article, this term is synonymous with "national geodetic vertical datum (NGVD)."

Minimum building line: (See Setback).

Mobile home: A transportable, factory-built home, designed to be used as a residential dwelling and manufactured prior to the National Manufactured Housing Construction and Safety Standards Act of 1974, which became effective on June 15, 1976. (See also Manufactured home)

Off-site: Any parcel not contained within the boundaries of the area being developed, whether or not the developer owns such land.

Open space: An area of land and/or water which is generally unimproved and is reserved for recreation, resource protection, amenity, or buffer purposes.

Ordinance: The subdivision ordinance of the county.

Parcel: A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person; also includes the term "tract."

Petitioner: Any person who submits any plans for review, or requests any administrative action, for approval under this ordinance; synonymous with the term "applicant."

Plan, construction: A plan with supporting data for a proposed subdivision, developed for the purpose of establishing the layout and provision of roads, drainage, and utilities.

Plan, sketch: A rough plan of a proposed subdivision.

Planning agency: (See Planning board).

Planning board: The county planning board and its staff as created pursuant to G.S. 153A-321.

Planning department: The office of the county planning department and staff to the planning board.

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

Plat, final: A map of a land subdivision prepared in a suitable form for recording with the register of deeds which includes necessary affidavits, dedications, and acceptances as well as other information required by this article; also known as a "map for record."

Plat, preliminary: A tentative map of a proposed land subdivision which shows the layout of the parcel or tract, including lots, roads, and other features, in sufficient detail to allow the proposed subdivision to be properly evaluated.

Plat, survey: Map showing existing and proposed parcel or lot lines prepared in accordance with G.S. 47-30.

Public sewage disposal system: A single system of sewage collection, treatment, and disposal owned and operated by a sanitary district, a metropolitan sewage district, a water and sewer authority, a county or municipality, or a public utility, constructed and operated in compliance with applicable requirements of the department of environment, health, and natural resources.

Public water supply system: A water supply system intended for the provision of potable water to the public as approved by the department of environment, health and natural resources. For the purposes of this article, a community water supply system shall be considered the same as a public water supply system.

Right-of-way: A strip of land occupied, or intended to be occupied, by a street, crosswalk, railroad, road, utility transmission line or pipeline, water main, sanitary or storm sewer main, or other similar improvement. Within a subdivision, every new right-of-way shown on a final plat shall be separate and distinct from the lots or parcels adjoining such right-of-way and shall not be included within the dimensions or areas of such lots or parcels. Rights-of-way for any use involving maintenance by a public agency shall be dedicated to public use by the owner of the property on which such right-of-way is established.

Setback: The required minimum horizontal distance which must be reserved between a structure and the applicable street right-of-way line or lot boundary line in which no other structure may be erected; also referred to as the "minimum building line."

Sign: Any object, display, or structure, or portion thereof, which is located outdoors and is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location through the use of words, letters, figures, designs, symbols, colors, or illumination.

Street: A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles.

Street, cul-de-sac: A permanent dead-end street which has one end open to traffic and terminates in a circular turnaround.

Street, private: A street right-of-way serving residential lots within a subdivision dedicated for the exclusive use of the property owners and their guests and maintained by a homeowners association.

Street, public: A street right-of-way dedicated for public use and maintained or intended to be maintained by the state department of transportation.

Street jog: (See Street offset).

Street offset: The distance between the centerlines of two (2) "T" intersections on opposite sides of a common road or street; also referred to as "street jog."

Structure: A building for support, shelter, or enclosure; a manufactured or mobile home; a storage tank for gases or liquids; or any other permanent, manmade facilities for occupancy or storage.

Subdivider: Any person who develops or proposes to develop land as permitted by this article.

Subdivision administrator: The designated representative of the county planning department responsible for administering the requirements of this article.

Subdivision, major: Any subdivision which contains or, when added to a previous phase or section, results in ten (10) or more lots; which requires construction of a new street, regardless of the number of lots; or is otherwise not considered a minor subdivision.

Subdivision, minor: Any subdivision containing nine (9) or fewer lots fronting on an existing public or private street.

Surety: (See Financial guarantee).

Surveyor: A land surveyor who is duly registered by the state board of registration for professional engineers and land surveyors.

Technical review committee (TRC): Representatives of local and state agencies who collectively review and evaluate preliminary plats and construction plans for compliance with all regulations. The TRC recommends action to be taken by the planning board on preliminary plats for major subdivisions and takes action on all construction plans.

Tract: (See Parcel).

Variance: A grant of relief to a person from the requirements of this article where unusual or unique circumstances peculiar to the property exist, literal enforcement would result in unnecessary and undue hardship, and such relaxation of the regulations would not be contrary to the public interest objectives of this article.

Violation: Failure on the part of a person to comply with the provisions of this article.

Watercourse: Any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary or lake.
(Ord. of 5-20-91, § 6.1)

Sec. 11-171. Word interpretation.

For the purposes of this article, certain words shall be interpreted as follows:

- (1) Words used in the present tense include the future tense.
- (2) 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.
- (3) The word "person" or "party" includes an individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.
- (4) The words "used for" shall include the meaning "designed for."
- (5) The word "shall" is always mandatory. (Ord. of 5-20-91, § 6.2)

(6) **Secs. 11-172--11-179. Reserved.**

DIVISION 7. APPENDICES

Sec. 11-180. Certifications.

The following certificates shall be included, and notarized as necessary, on final plats, as required by section 11-155. Where optional language is offered, appropriate information shall be inserted.

(1) *Ownership and dedication:*

"I (We) certify that I am (we are) the owner(s) of the property shown and described by this plat and that I (we) hereby adopt this subdivision plan with my (our) free consent; establish all lots, easements, setbacks, and other aspects of the subdivision; and dedicate all streets, walks, parks, and other open spaces to public or private use as noted.

_____, 19_____

North Carolina, _____ County

I, a notary public of the county and state aforesaid, certify that the owner(s) listed above personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this _____ day of _____, 19_____.

Stamp or Seal

Notary Public

My Commission Expires

(2) *Approval for recording:*

"I certify that the subdivision plat shown hereon has been found to comply with the subdivision regulations of Pitt County, North Carolina, and is approved for recording by the Pitt County Register of Deeds.

Subdivision Administrator

_____, 19 _____ "

(3) *County acceptance of dedication:*

"I certify that Pitt County has approved this plat and any new public streets, easements, rights-of-way, and parks shown hereon, but assumes no responsibility to open or maintain the same. (N.B. The county has no authority to maintain streets.)

Pitt County Manager

_____, 19 _____ "

(4) *Accuracy:*

"I, _____, certify that this plat was drawn under my direction and supervision from (an actual survey) (a deed description recorded in book _____, page _____) (other); that the error of closure as calculated by latitudes and departures is 1: _____; that the boundaries not surveyed are shown as broken lines platted from information found in book _____, page _____; and 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., 19 _____.

Seal or Stamp

Surveyor

Registration Number

North Carolina, _____ County

I, a notary public of the county and state aforesaid, certify that _____, a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this _____ day of _____, 19 _____.

Stamp or Seal

Notary Public

My Commission expires _____ "

(5) *Public street design approval:*

"I hereby certify that the design of the proposed subdivision street(s) shown on this plat complies with the current minimum construction standards for subdivision roads of the North Carolina Department of Transportation, division of highways.

District Engineer
_____, 19_____"

(6) *Street maintenance disclosure:*

a. *Public streets.*

"Maintenance of the public street(s) shown on this plat is (are) intended to be the responsibility of the N.C. Department of Transportation, provided that all requirements for acceptance are met. Until such time as N.C. D.O.T. accepts the street(s), I (we) will provide for necessary maintenance. (Note: This statement shall not serve as a substitute for any other statutory disclosure requirements.)

Owner(s)"

b. *Private streets:*

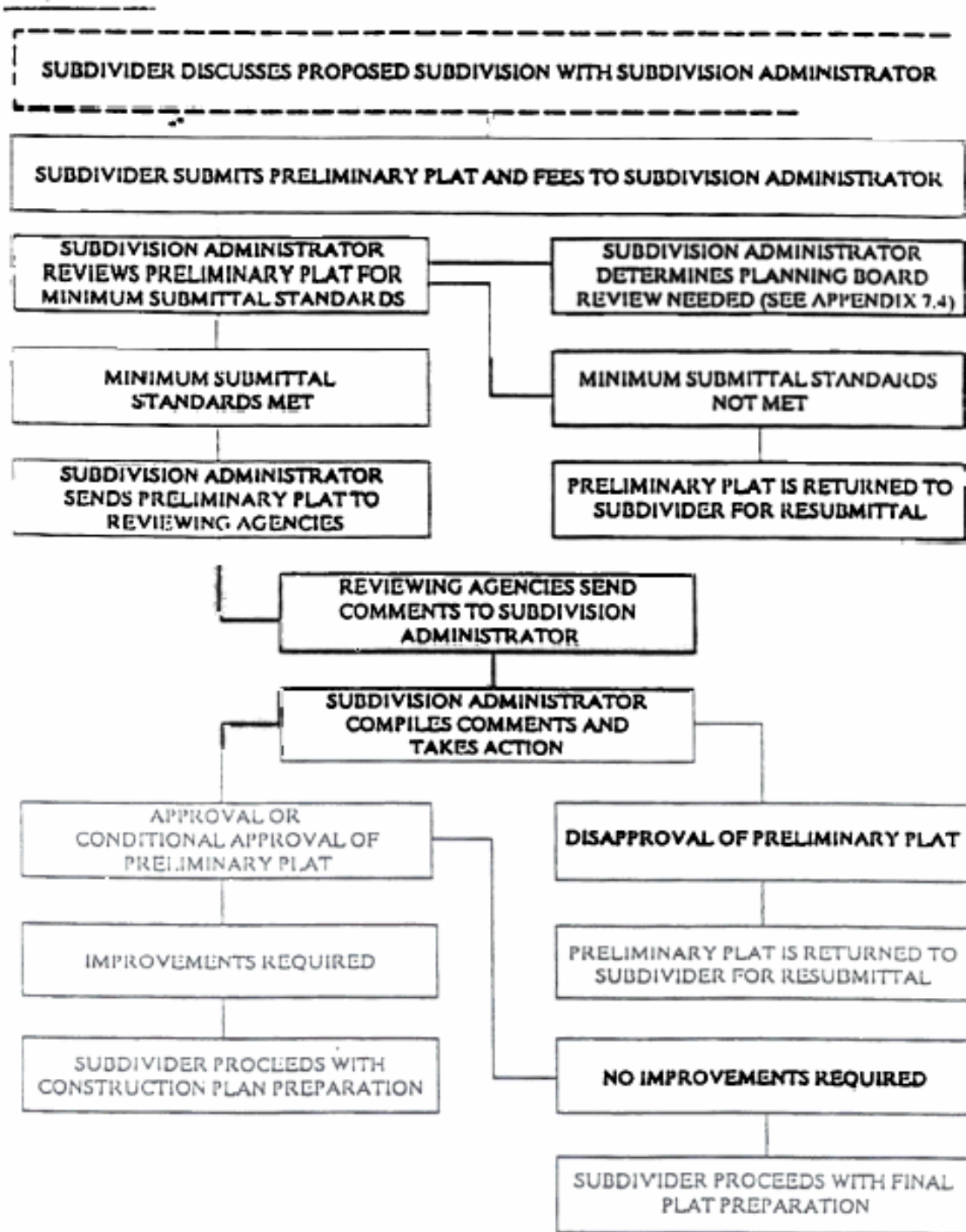
"Maintenance of the private street(s) shown on this plat is (are) intended to be the responsibility of the duly incorporated homeowners' association. (Note: This statement shall not serve as a substitute for any other statutory disclosure requirements.)

Owner(s)"

(Ord. of 5-20-91, § 7.1)

Sec. 11-181. Preliminary plat review for minor subdivisions.

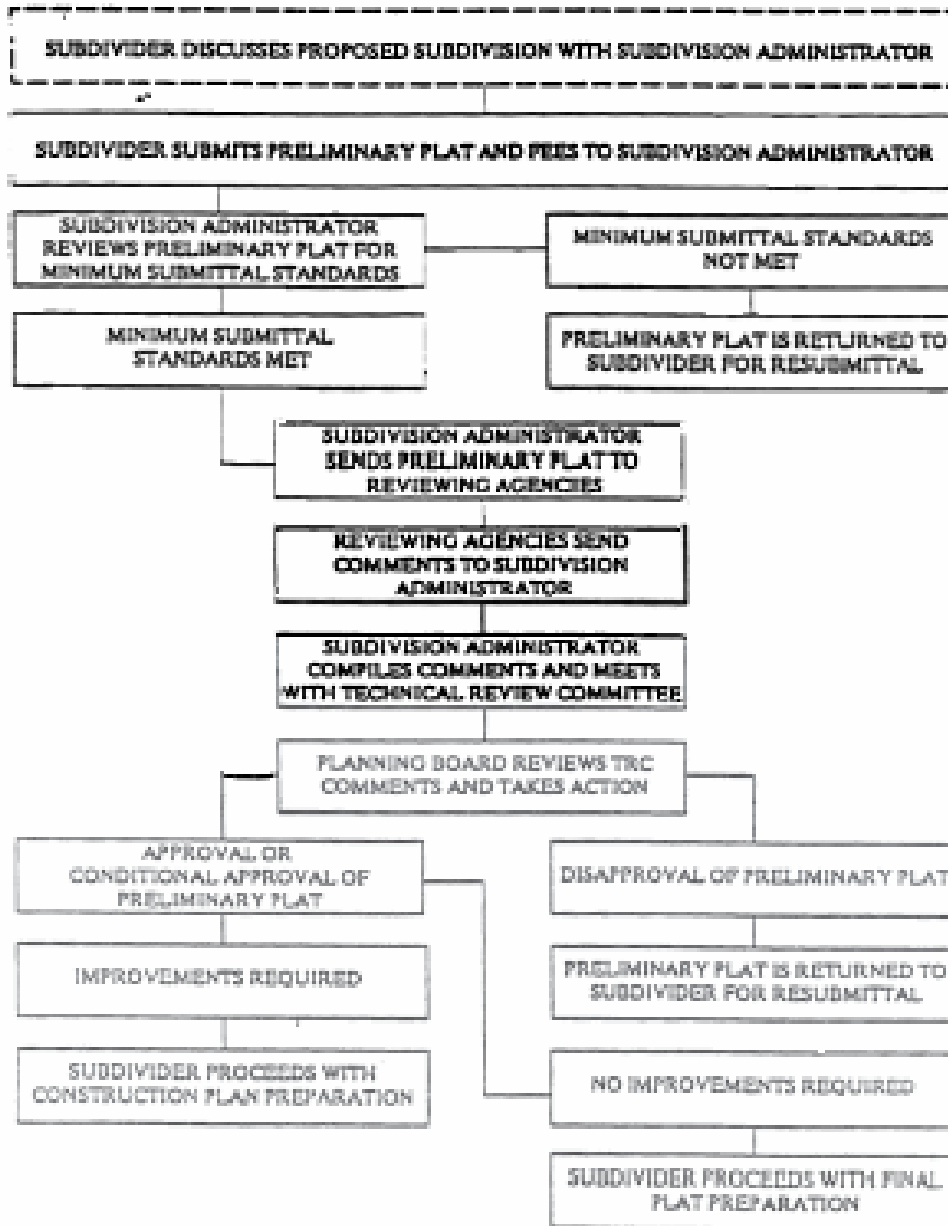
This review process applies to all subdivisions or resubdivisions of land into a total of less than ten (10) lots, all of which front an existing street. Approved preliminary plats shall remain valid provided that a construction plan, if applicable, or a final plat is approved within two (2) years.



(Ord. of 5-20-91, § 7.2)

Sec. 11-182. Preliminary plat review for major subdivisions.

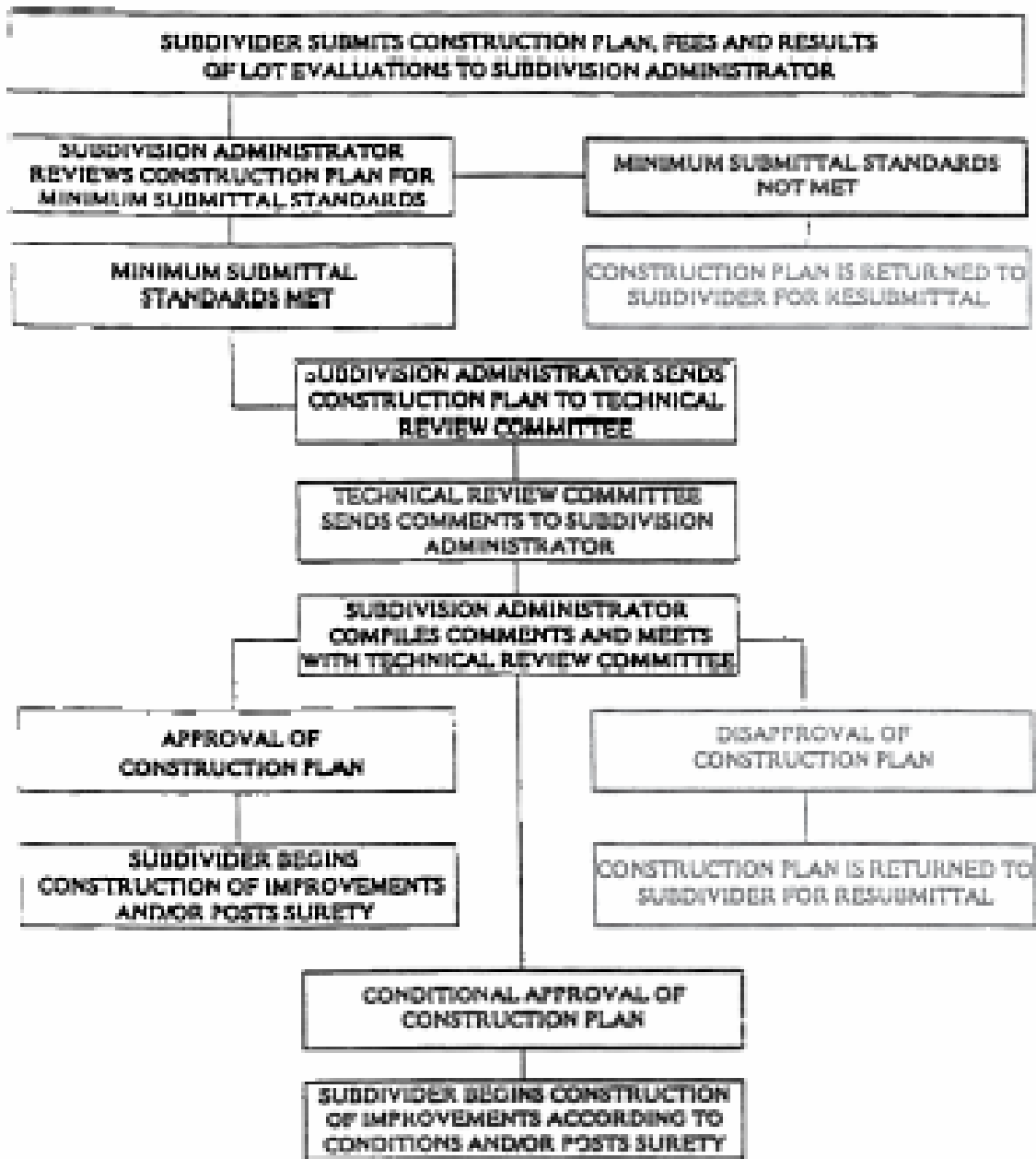
This review process applies to all subdivisions or resubdivisions of land which are not considered minor subdivisions. These include subdivisions with ten (10) or more total lots or those which involve the construction of streets. Approved preliminary plats shall remain valid provided that a construction plan, if applicable, or a final plat is approved within two (2) years.



(Ord. of 5-20-91, § 7.3)

Sec. 11-183. Construction plan review.

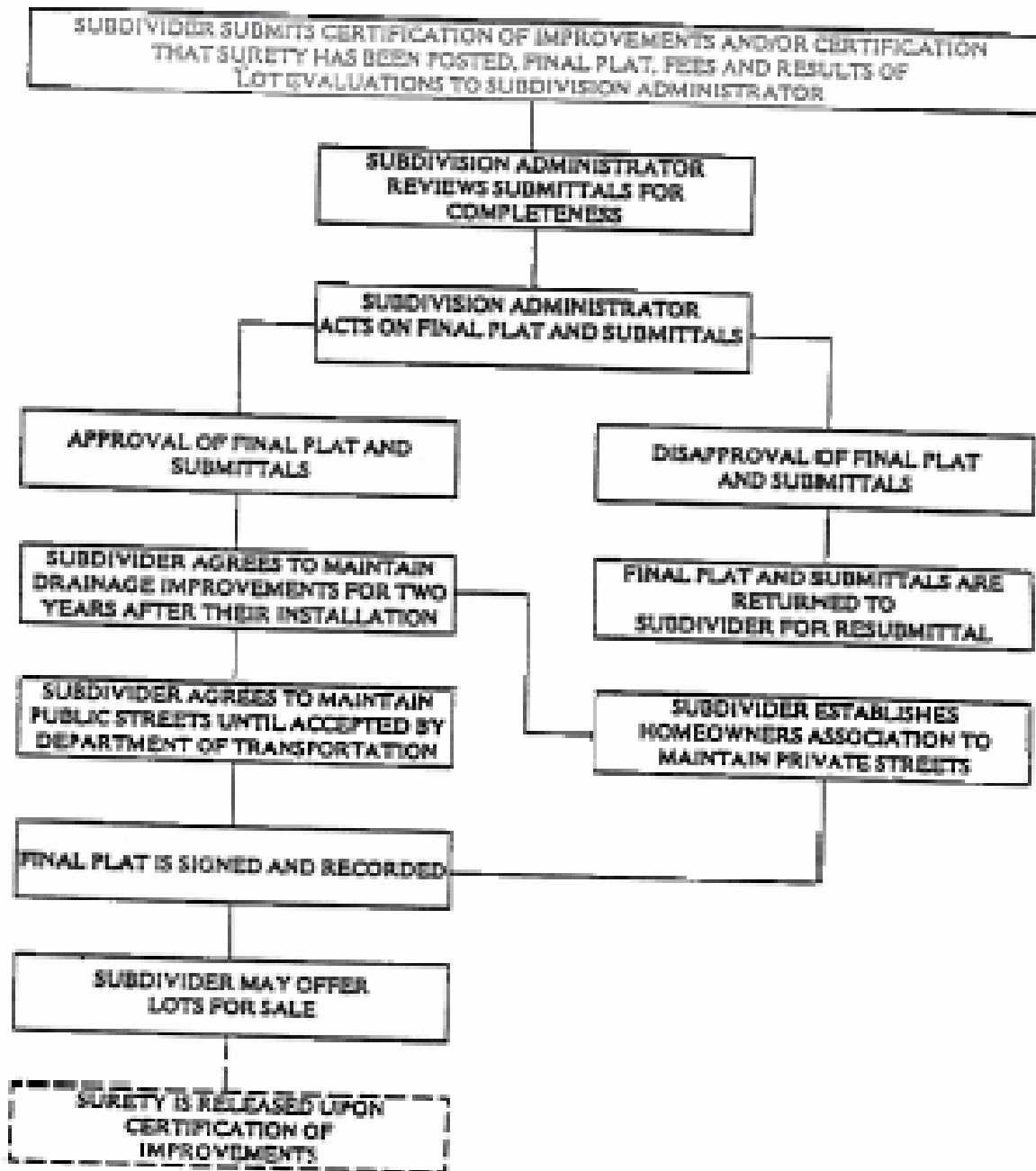
This review process applies to all subdivisions or resubdivisions of land which involve the construction of roads, drainage or utility improvements.



(Ord. of 5-20-91, § 7.4)

Sec. 11-184. Final plat review.

This review process applies to all plats which are to be considered "maps for record." The approved final plat will be recorded with the register of deeds and includes all necessary affidavits, dedications, and acceptances as well as any other information which is determined to be required during the review process. Approved final plats are valid indefinitely.



(Ord. of 5-20-91, § 7.5)

Sec. 11-185. Commentary.

The following commentary was developed by the county planning department staff during the development of the revised subdivision ordinance. On May 20, 1991, the board of commissioners adopted the revised ordinance with an effective date of July 1, 1991. At the same time, the board adopted this commentary as a guide for interpreting the subdivision regulations.

This commentary was drafted to explain new and revised sections of the ordinance, and to present staff's interpretation for those existing sections which have often raised questions and concerns. In addition, the commentary may indicate the statutory authority for certain requirements and provide the justification for others.

Questions concerning this document should be directed to the Pitt County Planning Department at (919) 830-6319 or by mail at 1717 West Fifth Street, Greenville, N.C. 27834. Additional copies of the commentary are available from the county planning department.

The editor has inserted in brackets the current section numbers in the references.

"Pitt County, North Carolina

COMMENTARY FOR SUBDIVISION ORDINANCE

[11-101] 1.2. This section has been expanded to address such issues as proper recordation of land divisions, maintenance of improvements, and protection of resources.

[11-102] 1.3. To aid in interpretation, staff inserts the word "new" so that the definition would read "two or more new lots, building sites, . . . ". Note that dividing land for sale, not just building construction, constitutes subdividing. This is a difficult definition to interpret and enforce; many variations and different situations arise daily. Additionally, members of the general public do not equate the act of dividing land with creating a "subdivision."

[11-102(1)] 1.3.A. Although procedurally exempt, such lots must still meet the standards of the ordinance.

[11-102(2)] 1.3.B. Interpretation--this exemption applies only if all lots are more than ten (10) acres in size and if all lots have the required road frontage along an approved public or private street.

[11-102(4)] 1.3.D. This is an often forgotten exemption. Note, too, that lots still have to meet ordinance standards.

[11-102(5)] 1.3.E. This is a local exemption.

[11-103] 1.4. This ordinance is intended to apply to land subdivision for both residential and nonresidential purposes, but is not to be used to regulate land uses within subdivisions. Without zoning, the county does not regulate land uses and all uses are legally permissible.

[11-104(b)] 1.5.B. Upon request by a municipality and approval by the county, this ordinance may govern subdivision activity within a corporate boundary and/or extraterritorial jurisdiction. Two (2) years notice is required for withdrawal if the resolution between the municipality and Pitt County does not state otherwise.

[11-197] 1.8. This is standard language to address the new ordinance's effect on the previous requirements.

[11-107(b)] 1.8.B. It would be unreasonable to apply this revised ordinance to subdivisions already being reviewed under the previous ordinance.

[11-120(a), 11-120(b)] 2.1.A, 2.1.B. These two subsections come from state law.

[11-121] 2.2. This section also comes directly from state statutes (N.C.G.S. 153A-334).

[11-122] 2.3. This section provides a way to manage permitted exemptions. Most exemptions will be fairly easy to determine "on the spot," but some may need more detailed information before staff is able to exempt the action from the subdivision ordinance. This will need to be closely coordinated with the Register of Deeds.

[11-123(a), 11-123(b)] 2.4.A, 2.4.B. This is new language which spells out the generalized process for subdivision review and approval.

[11-124] 2.5. As is currently the case, the subdivision administrator will review and approve minor subdivisions. Minor plat review is intended to be used for simple, straightforward, routine subdivisions. The subdivision administrator should have the option of requiring any plat to be considered by the planning board, regardless of its size, if something unusual arises.

[11-124(3)] 2.5.C. The number of copies will be spelled out in a separate handout/pamphlet. Such requirements do not belong within the ordinance since unnecessary public hearings and delays would result if something as simple as the required number of map copies needed to be changed in the future.

[11-124(5)"b"] 2.5.E.2. At present, preliminary plat approval is authorization to proceed with construction of required improvements. Since the preliminary plat is only a tentative drawing, it should not be used for such purposes. This ordinance will not allow construction to begin until a construction plan based on more detailed information is approved. See also [11-126(a), 11-126(b)] 2.7.A, 2.7.B.

[11-124(6)] 2.5.F. Preliminary plat approval will remain valid indefinitely as long as a construction plan, if required, or a final plat is submitted within twenty-four (24) months.

[11-125] 2.6. Review and approval of major subdivisions will be handled as follows:
Preliminary plat--planning board; construction plan--technical review committee; and
final plat--subdivision administrator.

[11-125(6)"b"] 2.6.F.2. At present, preliminary plat approval is authorization to proceed
with construction of required improvements. Since the preliminary plat is only a
tentative drawing, it should not be used for such purposes. This ordinance will not
allow construction to begin until a construction plan based on more detailed
information is approved. See also [11-126(a), 11-126(b)] 2.7.A, 2.7.B.

[11-126(7)] 2.6.G. Preliminary plat approval will remain valid indefinitely as long as a
construction plan, if required, or a final plat is submitted within twenty-four (24)
months.

[11-126(a), 11-126(b)] 2.2.7.A, 2.7.B. Where onsite sewage disposal is used--just about
everywhere in Pitt County--it is necessary to receive the results of detailed soils
analyses before proceeding with further design, engineering, and development work.
This section is intended to put this step in the proper order and notes that such field
work may identify the need for a construction plan for drainage improvements, even if
the construction plan was not identified as a requirement during preliminary plat
review.

[11-127] 2.8. The entire construction plan process is new. This will be an intermediate step
between preliminary and final plats. The technical review committee (TRC), meeting
every two weeks, will review and approve construction plans.

[11-128] 2.9. After preliminary plat approval, the subdivider has two options available to
handle necessary improvements: 1) make the improvements, or 2) provide a financial
guarantee (also known as "surety") which buys time for the subdivider to install them
and ensures that such improvements can be made by the county in the event the
subdivider does not. These can be used in combination.

[11-128(3)] 2.9.B. The original intent of allowing guarantees in lieu of actual
improvements was to acknowledge the constraint of adverse weather conditions. This
section provides that the surety run longer than the time for making improvements so
that funds are available if improvements are not completed within the two-year time
period. As now written, surety expires at the same time, so the county would have no
recourse to make the improvements.

[11-128(3)"b"] 2.9.B.2. This is another instance of an item where arrangements need to be
made well in advance of plat submittal.

[11-128(3)"c"] 2.9.B.3. Since the final plat has already been approved and recorded in this
situation, a separate letter or "as-built" plan certifying that the improvements have been
made will be required. This section also states that the county may draw on the
financial guarantee if the improvements are not made within two (2) years.

[11-129(a)--11-129(d)] 2.10.A.--2.10.D. This is a procedural change. Final plats for major subdivisions will no longer be reviewed by the planning board.

[11-129(d)(1), 11-129(d)(2)] 2.10.D.1., 2.10.D.2. Conditional approval of a final plat is not an option. All necessary arrangements for final plats must be completed before the plat is considered for approval.

[11-130(a)] 2.11.A. This whole aspect of the subdivision process has been addressed more fully. Particular issues are noted in section 2.11.B. Note that a preliminary plat may not be required if minor modifications are proposed.

[11-131(a)--11-131(c)] 2.12.A.--2.12.C. This issue occasionally arises and needs to be addressed. This is entirely new ordinance language.

[11-140(b)] 3.1.B. Each development is different. The use of conditional approval of preliminary plats acknowledges this fact. Hence, it must be understood that all plats will not be treated exactly the same under this system. The minimum requirements only provide a starting point for review, while the general objectives of the ordinance may necessitate additional improvements.

[11-140(c)(2)"a"] 3.1.C.2.a. Protection of wetlands is a serious, national concern. It is not addressed at all by the current ordinance.

[11-140(c)(2)"a"--11-140(c)(2)"d"] 3.1.C.2.a.--3.1.C.2.d. These items are standard design considerations. This language is not intended to enable absolute protection of such resources, but suggests that these issues be given proper consideration.

[11-141] 3.2. The last sentence puts people on notice that they should make adequate provision for future subdivision activity. Some people "paint themselves into a corner" when they hurriedly subdivide land without taking street or access requirements into account, and later run into problems.

[11-141(1)] 3.2.A. The disclosure statement on the final plat identifies the burden for future maintenance responsibility.

[11-141(2)"a"] 3.2.B.1. Public streets must meet state department of transportation standards. While DOT will allow right-of-way to be fifty (50) feet, this ordinance has a minimum requirement of sixty (60) feet to accommodate the typical cross section for streets without curb and gutter. Additionally, a required pavement width is specified.

[11-141(2)"c"] 3.2.B.3. Currently, the district engineer's certification is sometimes included on final plats; it is required by state law. The existing ordinance requires the subdivider to provide a letter that the roads will be maintained until accepted by DOT (it is rarely provided). Since there are already too many separate letters and materials which are to be submitted by the subdivider and kept on file by the planning department a simple

statement on the final plat has been substituted (the acceptable e format is provided in the subdivision regulations.

[11-141(3)] 3.2.C. The ordinance review committee recommends that the option of utilizing private streets be retained in the subdivision ordinance. Alternate requirements for some aspects of private streets are stipulated in the next subsection.

[11-141(3)"a"] 3.2.C.1. These standards were developed with assistance from the county engineer.

[11-141(3)"b"] 3.2.C.2. A homeowners association is the only available mechanism for maintenance of private streets. Approval of the necessary forms can be a fairly lengthy process and needs to be initiated well before final plat submittal. All too often it is left to the last minute by the subdivider and delays plat approval. This ordinance will require such materials to be approved by the county attorney before final plat review will begin.

[11-141(3)"b"] 3.2.C.2. An adopted goal of both the State of North Carolina and Pitt County is to reduce the amount of unpaved roads. At present, if a subdivision has five (5) or fewer lots, the road does not need to be paved, but the base must be improved to DOT standards.

[11-141(4)"b"] 3.2.D.2. The present ordinance limits cul-de-sacs to one thousand two hundred (1,200) feet in length. The ORC suggests that they be longer and that this not be a "hard and fast" rule when the configuration of the original parcel would make this too onerous. Temporary cul-de-sacs may be required to aid emergency services providers.

[11-141(4)"c"] 3.2.D.3. These standards have been designed to acknowledge differences in traffic/speed limits for the two classes of roads. The current ordinance allows any street offset of one hundred and twenty-five (125) feet or greater. The DOT has requested that the distance be increased to two hundred and fifty (250) feet where subdivision streets intersect with primary highways or secondary roads which are not within subdivisions.

[11-141(4)"d"] 3.2.D.4. This section acknowledges the issue of access to adjacent property and gives some very general guidelines for this topic. Much of this becomes a judgment call.

[11-142(a)] 3.3.A. Each lot must "touch" a street. We get many requests to allow "driveways," easements, etc. rather than public or private streets as a means to provide access to individual lots. Public or private streets are recommended, however, flag lots may be permissible.

[11-142(b)] 3.3.B. This section allows for the creation of lots which do not have the required lot width along road right-of-way as long as all other lot size requirements are met. The table has been developed/revised with assistance from environmental health.

- [11-142(c)] 3.3.C. This is generally the language of an amendment which was approved by the board of county commissioners in September, 1989, modified to account for the revised system of submittals. Rather than require another kind of map submittal, the construction plan will be used to serve the purpose of a composite plot plan.
- [11-143] 3.4. This section has been simplified by eliminating "front," "rear," and "side" yard references in favor of setbacks from streets and all other lot boundary lines.
- [11-144(a)(1)--11-144(a)(6)] 3.5.A.1.--3.5.A.6. Most of this is entirely new language which attempts to clearly spell out the issues rather than rely on unwritten assumptions that drainage will be properly handled.
- [11-144(c)] 3.5.C. Offsite easements are not addressed by the existing ordinance. This language strives to ensure that an adequate drainage outlet can be provided, even if it is not on or in close proximity to the property being subdivided.
- [11-144(d)] 3.5.D. This is the same as the existing ordinance. Steps are being taken to address "perpetual" maintenance. The ordinance will have to be amended once new mechanisms are put in place.
- [11-145(b)] 3.6.B. These are the basic services to be provided within a subdivision. The current ordinance does not clearly state those utilities which are to be provided--it only hints or makes assumptions.
- [11-145(1)"b"] 3.6.B.1.b. This language recognizes that such approval may not be given prior to preliminary plat approval, hence allows more time for the subdivider to gain necessary approval.
- [11-145(b)(3)"a"--11-145(b)(3)"d"] 3.6.B.3.a--3.6.B.3.d. This section says that fire hydrants shall be installed in all new subdivisions served by a public water supply system, except for "strip" subdivisions within one mile of an existing hydrant and/or sites previously served with 4 inch or smaller water lines. Subdivisions not served by a public water supply system are not required to these requirements.
- [11-146(b)] 3.7.B. The county has officially named all state secondary roads within its jurisdiction. Proposed names similar to those adopted names and other existing street names should not be allowed.
- [11-146(c)] 3.7.C. To ensure uniformity, the county will be able to provide the subdivider (for a fee) with street name signs and necessary hardware which matches what has been installed as part of the county's road sign project. Alternatively, the subdivider can purchase signs which meet these specifications from a private company in Pittsboro. Traffic control signs will have to be purchased from the private firm or elsewhere.
- [11-146(e)] 3.7.E. Such signs aid in locating subdivisions and are especially helpful in the early stages of development.

[11-146(f)] 3.7.F. New state law allows counties to create assessment districts to maintain street lights.

[11-154(1)] 4.5.A. On many plats it is difficult to determine the exterior boundary of the land being subdivided. This is especially a problem when a street right-of-way is proposed between lots in a "strip" subdivision.

[11-154(2)] 4.5.B. Some areas on a plat are marked "reserved" during the initial subdivision process and are not reviewed as building sites. Later, however, the owner decides to apply for permits and discovers that conformance with the subdivision regulations is necessary before permits will be issued. Needless to say, this causes problems for all parties involved. This language is an attempt to cover this contingency.

[11-154(3)] 4.5.C. Precautionary language.

[11-154(5)] 4.5.E. Administrative necessity to eliminate duplicate lot numbers which cause confusion.

[11-154(6)] 4.5.F. Much confusion has resulted from the "mixed bag" or references to the same subdivision sections, especially those using Roman numerals.

[11-160] 5.1. This section is brand new. The current ordinance makes no reference to an amendment procedure.

[11-161] 5.2. The existing ordinance addresses "special exceptions"; "variance" is more accepted. The guidelines and procedures (Sections [11-161(a)] 5.2.A. and [11-161(b)] 5.2.B.) are better defined in this ordinance.

[11-162] 5.3. Currently, no procedure for granting time extensions exists.

[11-163] 5.4. More extensive procedural language has been added.

[11-164(a)--11-164(c)] 5.5.A.--5.5.C. These are the typical legal provisions of any ordinance."