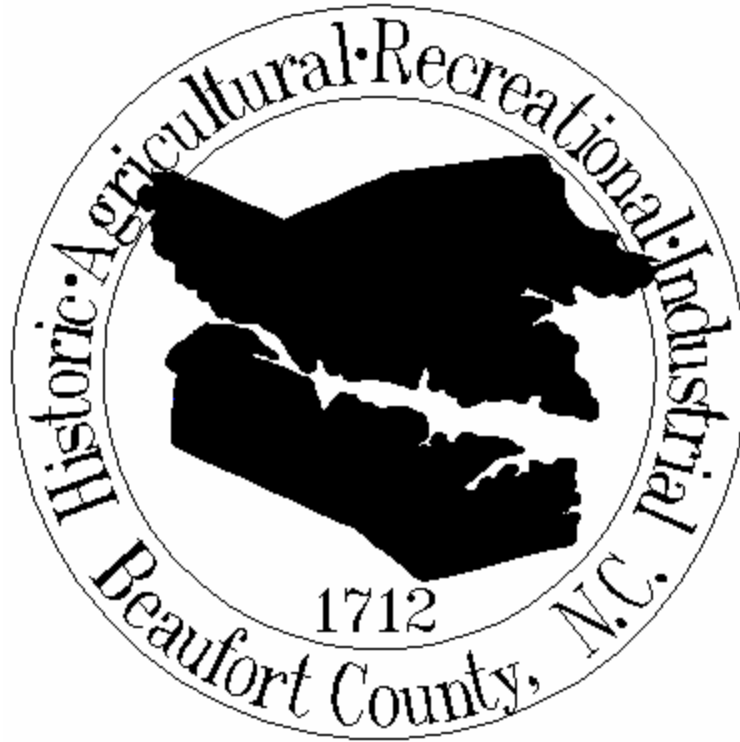


BEAUFORT COUNTY



Subdivision Regulations

Adopted July 3, 2000
Amended October 8, 2002
Effective January 1, 2003

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ARTICLE I

GENERAL PROVISIONS

Section 101. Title

This ordinance shall be known and may be cited as the Subdivision Regulations of Beaufort County, North Carolina, and may be referred to as the Subdivision Regulations.

Section 102. Purpose

The purpose of this ordinance is to support and guide the proper subdivision of land within the jurisdiction of Beaufort County in order to promote the public health, safety and general welfare of the citizens of Beaufort County. The ordinance is designed to promote the orderly development of the County of Beaufort; for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways with other public facilities; for the dedication or reservation of right-of-way or easements for street and utility purposes; and for the distribution of population and traffic, which shall avoid congestion and overcrowding and which will create conditions essential to public health, safety and the general welfare.

Section 103. Authority

This ordinance is hereby adopted under the authority and provisions of the General Statutes of North Carolina, Chapter 153A, Article 18, Part 2.

Section 104. Jurisdiction

The regulations contained herein shall govern each and every subdivision of land within Beaufort County as provided by G.S. 153A, Article 18, except those lands lying within the subdivision regulation jurisdiction of any municipality, unless such municipality shall have by resolution formally requested the County to enforce these regulations within the city's area of jurisdiction.

Section 105. Prerequisite to Plat Recordation

After the effective date of this ordinance, each individual subdivision plat of land within the County's jurisdiction shall be approved by the Beaufort County Planning Board.

Section 106. Compliance With Other Regulatory Plans

Proposed subdivisions must comply in all respects with the requirements of all officially adopted plans, ordinances and regulations in effect within Beaufort County.

Section 107. Exclusion

Beaufort County chooses to exclude a voluntary partition of land made for the purpose of dividing up the estate of a decedent among his heirs, whether the decedent died testate or interstate.

Section 108. Administrator

The holder of the Office of Secretary to the Planning Board is hereby appointed to serve as Subdivision Administrator, as the agent of the Beaufort County Planning Board.

Section 109: Fees

Fees established in accordance with this section shall be paid upon submission of signed application. No requests for approval will be considered until the applicable fee is paid.

Minor Subdivision – Four (4) to ten (10) lots in size – no new right-of-way created – no extension of water and/or sewer will be required

Fee - Preliminary \$25.00 Final \$25.00

Major Subdivision – Greater than ten lots – new right-of-way – extension of water

Fee – Preliminary \$50.00 Final \$50.00

Greater than fifty lots

Fee – Preliminary \$50.00 Final \$100.00

Section 110. Notification

Upon acceptance of an application for major subdivision by the planning board, the developer or his agent must notify property owners by certified mail of the application. The list of adjacent property owners shall be prepared using public data available in the tax assessor's office. The applicant shall provide a copy of the "green card" used for certified mail to the planning board to provide documentation of the notification.

ARTICLE II

DEFINITION OF TERMS

Section 201. Definitions

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

Access Easement: an easement which grants the right to cross property

Alley: A strip of land, owned publicly or privately, set aside primarily for utility service access at the backside of properties, otherwise abutting a street.

Building Setback Line: The line on the front, rear, and sides of a lot that delineates the area within which a structure may be built and maintained.

Common Open Space: Land designated by the plat for the use, benefit and enjoyment of all residents, and the developer or homeowners shall not place age, race, sex or unreasonable economic restrictions upon the use of said open space.

Corner Lot: A lot abutting upon two (2) or more streets at their intersection.

Cul-de-Sac: A street with one (1) end open to traffic, and the other end of which is permanently terminated by a vehicular turn-around.

Double Frontage Lots: A continuous (through) lot of the same depth as the width of a block and which is accessible from both of the streets upon which it fronts.

Easement: A grant by the property owner for use by the public, a corporation, or person(s) of a strip of land for specified purposes.

Home Owners Association: A community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities. The association usually holds title to certain common property, manages and maintains the common property, and enforces certain covenants and restrictions.

Lot: A parcel of land under single ownership occupied or capable of being occupied by a principal building together with its accessory buildings, including the open space required under the terms of this ordinance.

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

Official Maps or Plans: Any maps or plans officially adopted by the County Commissioners of Beaufort County, or municipalities in the County, as a guide for the development of the County, consisting of maps, charts, and/or texts.

Planned Unit Development: A contiguous area to be planned and developed as a single entity containing one or more residential clusters or planned unit developments and one or more public, quasi-public, commercial or industrial areas in such ranges or ratios of nonresidential uses to residential uses as shall be specified.

Planning Board: The body created by the Board of County Commissioners, pursuant to N.C.G.S. 153A-321, to act as a planning agency for the Commissioners on planning matters within the County of Beaufort.

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

Public Water System: A system for the provision to the public of piped water for human consumption if such a system has at least fifteen (15) service connections or regularly serves at least twenty-five (25) year-round residents, pursuant to N.C.G.S. 130A-313(10).

Public or Community Sewage 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.

Restricted Covenant: A restriction on the use of land usually set forth in the deed. The restrictive covenant usually runs with the land and is binding upon subsequent owners of the property.

Reverse Frontage Lot: A continuous lot of the same depth as the width of a block, accessible from only the minor of the two streets upon which it fronts.

Septic Tank System: A ground absorption sewage treatment and disposal system consisting of a septic tank and a nitrification field, necessary pipe lines, conduits, pump stations, and other appurtenances required for proper collection, distribution, treatment, disposal, operation and performance, or any other system approved by the Health Department.

Sewage Disposal System: Is any alternative system, other than a septic tank system, which is approved by the Health Department.

Shall: The word "shall" is always mandatory and not merely directory.

Spoil: Earth, rock, or other materials excavated or dredged.

Street, Collector: A street which collects traffic from local streets and connects with minor and major arterials.

Street, Half: A street measured from the centerline to either side of the right-of-way.

Street, Major Arterial: A street with access control, channelized intersections, restricted parking, and which collects and distributes traffic to and from minor arterials.

Street, Minor Arterial: A street with signals at important intersections and stop signs on the side streets, and which collects and distributes traffic to and from collector streets.

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

Street, Public: A dedicated and accepted public right-of-way which affords the principal means of access to abutting properties for vehicular traffic.

Subdivider: Any persons, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

Subdivision: All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and includes all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following is not included within this definition and is not subject to any regulations enacted pursuant to this part, except lot size restrictions:

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 are equal to or exceed the standards of the County as shown by the regulations prescribed by this ordinance;
2. The division of land into parcels greater than ten (10) acres if no street right-of-way dedication is involved;
3. The public acquisition by purchase of strips of land for widening or opening streets; and
4. The division of a tract in single ownership, the entire area of which is no greater than two (2) acres, into not more than three (3) lots, if no street right-of-way dedication is involved, and if the resultant lots are equal to or exceed the standards of the County, as shown by the subdivision regulations contained in this ordinance.
5. The gift by a property owner of a single lot to his or her child, grandchild, brother, sister, parent or grandparent or to each of his or her children, grandchildren, brothers, sisters, parents or grandparents where no new road is involved, provided that only one such gift per child, grandchild, brother, sister, parent or grandparent be made during a ten-year period and where the resultant lot is equal to or exceeds the standards of the County as shown in these subdivision regulations;
6. The division of property belonging to the heirs of a single individual when such property is divided only for the settlement of the estate and not for sale as building sites; and

7. Cemeteries.

Subdivision Administrator: The person or persons responsible for the administration of this ordinance, and appointed in Article I, Section 108.

Subdivision, Major: Any subdivision not classified as a minor subdivision or special subdivision.

Subdivision, Minor: A subdivision of land that does not involve any of the following: (a) the creating of three (3) or fewer lots or more than ten (10) lots; (b) a planned unit development; (c) any new street; or (d) the extension of any off-tract improvements, except for such improvements as electrical, cable, etc.

Subdivision, Special: A subdivision where three (3) or fewer lots that will result after the subdivision is complete. Access is provided by an Access Easement connecting to an existing dedicated public or private street unless the proposed lot(s) front or abut an existing dedicated public or private street.

Variance: A modification or alteration of any of the requirements of this ordinance.

ARTICLE III

PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

Section 301. Plat Shall Be Required On Any Subdivision

Pursuant to G.S. 153A-330, a final plat shall be prepared, approved, and recorded pursuant to the provisions of this ordinance whenever any subdivision of land takes place in Beaufort County.

Section 302. Approval Prerequisite to Plat Recordation

Pursuant to G.S. 153A-331, no final plat of a subdivision within the jurisdiction of Beaufort County as established in Section 104 of this ordinance, shall be recorded by the Register of Deeds of Beaufort County until it has been approved by the Subdivision Administrator or by the Beaufort County Planning Board as provided herein. To secure such approval of a final plat, the subdivider shall follow the procedures established in this article.

Procedures for Review of Special, Minor, and Major Subdivisions

Section 303. Special Subdivision Procedure

In an effort to simplify and condense the review process for small subdivisions of land that will have little or no impact on the county development process, special subdivisions of land shall comply with the following procedures and only require that a final plat be submitted for approval.

303.1 Special Subdivision

To qualify as a special subdivision, the subdivision must be three (3) or fewer lots that will result after the subdivision is complete. Access is provided by an Access Easement connecting to an existing dedicated public or private street unless the proposed lot(s) front or abut an existing dedicated public or private street.

303.2 The final plat for a special subdivision shall be prepared by a registered land surveyor licensed and registered to practice in North Carolina, and drawn at a scale of one hundred (100) feet to one (1) inch or larger or otherwise agreed upon scale, on a sheet eight (8) by fourteen (14) inches and shall have a one-half inch border on each side, suitable for recording in the Register of Deeds Office and in conformance with G.S. 47-30.

Section 304. Minor Subdivision Procedure

304.1 Minor Subdivision

To qualify as a minor subdivision, the subdivision must meet all of the following:

- A. No new public or private streets or other rights-of-way shall be created.
- B. No extension of water and sewer will be required.
- C. No less than four (4) lots and no greater than ten (10) lots.

- 304.2 Prior to submitting a final plat, the subdivider, or his agent, is encouraged to discuss his subdivision with the Subdivision Administrator to insure that the proposed subdivision qualifies as a minor subdivision and that the subdivider understands the requirements and procedures necessary to gain approval of the subdivision.
- 304.3 The final plat for a minor subdivision shall be prepared by a registered land surveyor licensed and registered to practice in North Carolina, and drawn at a scale of one hundred (100) feet to one (1) inch or larger or otherwise agreed upon scale, on a sheet eighteen (18) by twenty-four (24) inches and shall have a one-half inch border on each side, suitable for recording in the Register of Deeds Office and in conformance with G.S. 47-30.
- 304.4 The subdivider shall submit six (6) paper print copies and one (1) final plat suitable for reproduction, to the Subdivision Administrator.
- 304.5 The final plat for a minor subdivision shall show:
- A. The name of the subdivision, if applicable.
 - B. The lines and names of all streets and roads.
 - C. Lot lines and lot numbers
 - D. Minimum building setback lines.
 - E. All reservation and easements.
 - F. All dimensions should be to the nearest one-hundredth (1/100) of a foot and angles to the nearest minute.
 - G. Accurate location and description of all monuments and stakes.
 - H. The names and location of adjoining subdivisions, and streets, and the location and ownership of adjoining property.
 - I. Title, date, name and location of subdivision, graphic scale, and magnetic north point.
 - J. Name of owner and registered surveyor or professional engineer.
 - K. Sketch vicinity map showing relationship between subdivision and surrounding area.
 - L. The ratio of precisions as calculated by latitudes and departures before any adjustments, must be shown.
 - M. Other information considered to be pertinent to review of the final plat.
 - N. Wetlands delineation shall be shown on the final plat if it has been required by another agency with permitting powers in the county planning jurisdiction. If delineation has not been required and the development is adjacent to regulated waters the following disclaimer shall be as shown on the plat:

“Approval of this subdivision does not address the issue of the existence or non-existence of wetlands within the subdivision. The enforcement of wetlands regulations under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act is within the jurisdiction of the U.S. Army Corps of Engineers. Inquiries concerning wetland matters should be addressed to that agency.”
 - O. The following certificates, where applicable, shall be placed on the final plat.

- 1. I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon which was conveyed to me (us) by deed recorded in Book ____, Page ____, and that I (we) hereby adopt this plan of subdivision as required by this ordinance, establish the minimum building lines, and dedicate all drainage ways and other open spaces to public or private use as noted. Further, I (we) certify that the land as shown hereon is within the subdivision regulation jurisdiction of Beaufort County.

Owner(s)

Date

- 2. I, _____, certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (deed description recorded in Book ____, Page ____, etc.) (other); that the boundaries not surveyed are shown as broken lines plotted from information found in Book ____, Page ____, that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number, and seal this ____ day of _____, A.D., (19)(20)____.

Surveyor

Registration Number

- 3. I hereby certify that the subdivision entitled _____ consists of _____ lots, of which _____ are specified as building lots served by individual septic tank systems. Each building lot was provided with proper application, evaluation and improvements permit for an individual septic tank system pursuant to the general statutes of North Carolina and shall be valid for a period prescribed by current rules and subject to the conditions set forth on the improvements permit. This certification does not constitute "Blanket Approval" of all lots in the subdivision.

Beaufort County Health Director
or designee who shall be an authorized agent of the state

Date

4. I hereby certify that the subdivision plat shown hereon has been found to comply with Subdivision Regulations of Beaufort County, with all variances noted in the minutes of the Beaufort County Planning Board, that all easements, shown hereon, are accepted by Beaufort County, subject to approval by the N.C. Department of Transportation, which assumes no responsibility to open or maintain the same, and that this map has been approved for recording in the Office of the Register of Deeds.

Subdivision Administrator

Date

5. As owner of _____ Subdivision, I certify that lot(s) _____ are not intended for development at this time. If these are developed they will be subject to all applicable wastewater regulations in effect at that time.

Owner(s)

Date

6. I, _____, Registered or Professional Land Surveyor, certify to one or more of the following:
- a. That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
 - b. That the survey is of an existing parcel of land;
 - c. That the survey is of another category, such as recombination of existing parcels, a court-ordered survey, or exception to the definition of subdivision;
 - d. That the information to the surveyor is such that the surveyor is unable to make a determination to the best of his/her professional ability as to provisions contained in (a) through (c) above.

Registered or Professional Land Surveyor

- 304.6 Within forty-five (45) days of submission, the final plat shall be reviewed by the Subdivision Administrator. However, the Subdivision Administrator may require any preliminary minor plat to be reviewed by the Planning Board under the major subdivision procedure if warranted by unusual impacts or conditions.
- 304.7 If the final plat is in compliance with the ordinance, the Subdivision Administrator shall approve the final plat.
- A. Approval of the final plat is authorization for the plat to be filed with the Register of Deeds and no changes shall be made to the plat prior to its recordation. If changes are made, the plat must have the approval of the Subdivision Administrator.
 - B. This approval shall be noted on the original and two (2) copies of the final plat. The original shall be returned to the subdivider, one (1) copy shall be transmitted to the Environmental Health Section of the Beaufort County Health Department, and one (1) copy shall be retained for the permanent files of the Planning Board.
 - C. No final plat shall be approved until it meets the requirements set forth, all required fees have been paid, and certificates required by this ordinance to appear on the final plat have been properly filled out, dated, and signed.
 - D. If the final plat is not in compliance with these regulations, the reasons for disapproval and conditions to be met before the Subdivision Administrator will approve the final plat, shall be noted on two (2) copies of the proposed final plat. One (1) copy shall be returned to the subdivider and one (1) copy shall be retained by the Subdivision Administrator.
- 304.8 The approval of a final plat pursuant to regulations adopted under this Article shall not be deemed to constitute or affect the acceptance by the County or the public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat, for the purpose of maintenance.

Section 305. Major Subdivision Procedure

305.1 Sketch Design Plan

- A. Prior to submitting a preliminary plat, the subdivider shall prepare and submit to the Subdivision Administrator, a sketch design plan of the proposed subdivision. At this meeting, the subdivider should explain his plan, answer questions about it, and advise the Subdivision Administrator of any variations from these subdivision regulations. This procedure does not require application or fee.
- B. The sketch design plan should be drawn at a scale of approximately one (1) inch to one hundred (100) feet or otherwise agreed upon scale and should show:
 1. Street rights-of-way, public or private, including street names.
 2. Other rights-of-way and easements.

3. Lot lines, water courses, building, etc.
4. Sites, if any, for schools, churches, parks, etc.
5. Site data:
 - a. Acreage in tract
 - b. Approximate acreage for public use, including streets
 - c. Number of lots proposed
6. Sketch vicinity map showing relationship between subdivision and surrounding area.

305.2 Preliminary Plat

- A. The subdivider shall submit twelve (12) copies of the preliminary plat and any supplementary material to the Subdivision Administrator at least twenty-one (21) days prior to the regularly scheduled Planning Board meeting at which the plat is to be considered by the Planning Board.
- B. The preliminary plat shall be at a scale of one hundred (100) feet to one (1) inch or larger or otherwise agreed upon scale. The preliminary plat will show the following:
 1. Proposed name of subdivision.
 2. The location of existing and platted property lines, streets, open ditch or water courses, railroads, transmission lines, sewers, bridges, culverts, and drainpipes, and approximate location of water mains, city and county lines (if adjoining) and any public utility easements.
 3. Boundaries of tract shown with bearings and distances.
 4. Names of adjoining property owners or subdivisions.
 5. Land Use Plan classification, if any, both on the land to be subdivided, and on adjoining land.
 6. Proposed streets, public or private, street names, rights-of-way, and pavement widths.
 7. Other proposed rights-of-way or easements, locations, widths, and purposes.
 8. Proposed lot lines, lot and block numbers, and approximate dimensions. Lot numbers should be in sequence.
 9. Proposed minimum building setback lines.
 10. Proposed parks, school sites, other public open spaces, if any.
 11. Title, date, north point, and graphic scale.
 12. Name of owner, registered land surveyor, or engineer, if applicable.
 13. Site Data:
 - a. Acreage in total tract
 - b. Acreage in each land usage
 - c. Average lot size
 - d. Total number of lots
 - e. Lineal feet in streets
 14. Sketch vicinity map showing relationship between a subdivision and the surrounding area.

- C. The preliminary plat shall be checked against the design standards and plat requirements of these regulations by the Beaufort County Planning Board. The Subdivision Administrator shall provide the following agencies an opportunity to review and make recommendations concerning the proposed subdivision plat before approval is given:
1. The District Engineer of the North Carolina Department of Transportation as to proposed streets, highways, and drainage system.
 2. The County Health Director as to proposed water and sewerage systems.
 3. Such other agencies and officials as the Planning Board may deem necessary or desirable.
- D. The subdivider, developer, or his agent, shall attend the Planning Board meeting at which his preliminary plat is to be considered by the Beaufort County Planning Board. The Planning Board shall discuss with the subdivider, developer, or his agent, changes deemed advisable, if any, and the kind and extent of improvements to be made by him.
- E. The Planning Board shall approve or disapprove the preliminary plat.
1. Approval of the preliminary plat is authorization for the subdivider to proceed with the construction of improvements in preparation for submission of the final plat.
 2. If the Planning Board should disapprove the preliminary plat, the reasons for such action shall be stated and recommendations made on the basis of which the proposed subdivision would be approved.
 3. Failure on the part of the Planning Board to act within sixty (60) days after the preliminary plat is first considered at a regular meeting of the Planning Board shall be deemed approval.
- F. When a subdivision is to be developed in stages, the preliminary plat shall be submitted for the entire development. A final plat shall be submitted for each stage. The first final plat shall be submitted within twelve (12) months after approval of the preliminary plat; otherwise, the preliminary plat shall become null and void, unless an extension of time is applied for and granted by the Planning Board.

305.3 Final Plat

After the improvements shown on the approved preliminary plat have been installed, or guaranteed, for the whole or portion of a subdivision, the applicant shall submit a final plat of the area covered by such improvements. The final plat shall be prepared by a land surveyor or professional engineer registered to practice in North Carolina, and such registration shall be notarized on the final plat. All final plats to be recorded by the Beaufort County Register of Deeds shall be probated and shall conform to the provisions for plats, subdivisions and mapping requirements set forth in G.S. 47-30 as amended, and the Standards of Practice for Land Surveying in North Carolina. No changes shall be made in the approved final plat without the review and approval of the Planning Board. Minor changes must be approved by the

Subdivision Administrator. Major changes, as deemed by the Subdivision Administrator shall be approved by the Planning Board.

- A. Twenty-one (21) days prior to the next regularly scheduled meeting of the Planning Board, the subdivider shall submit to the Subdivision Administrator, twelve (12) paper print copies and one (1) final plat suitable for reproduction. The final plat shall be accompanied by a check made payable to Beaufort County to cover costs associated with plat review and filing costs.
- B. The final plat shall be drawn at a scale of one hundred (100) feet to one (1) inch or larger or an agreed upon scale, on a sheet eighteen (18) by twenty-four (24) inches. The final plat shall conform substantially to the preliminary plat as approved and shall constitute only that portion of the approved preliminary plat that the subdivider proposes to record and develop at the time.
- C. The final plat will show:
 1. The name of the subdivision.
 2. The location of existing and platted property lines, streets, open ditch or water courses, railroads, transmission lines, sewers, bridges, culverts, and drainpipes, and approximate location of water mains, city and county lines (if adjoining) and any public utility easements.
 3. The lines and names of all streets and roads.
 4. Minimum building setback lines.
 5. Floodplains (including FIRM map number and panel).
 6. All reservations, easements, alleys, and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.
 7. Sufficient data to determine readily and to reproduce on the ground, the location, bearing, and length of every street line, whether curved or straight, and including suitable north reference. This should include the radius, center angle, and curved property lines that are not the boundary of curved streets.
 8. All dimensions should be to the nearest one-hundredth (1/100) of a foot and angles to the nearest minute.
 9. Accurate location and description of all monuments and stakes.
 10. The names and locations of adjoining subdivisions, and streets, and the location and ownership of adjoining unsplit property.
 11. Title, date, name, and location of subdivision, and graphic scale.
 12. The ratio of precision as calculated by latitudes and departures before any adjustments, must be shown.
 13. Name of owner and of registered land surveyor.
 14. Sketch vicinity map showing relationship between subdivision and surround area.
 15. Wetlands delineation shall be shown on the final plat if it has been required by another agency with permitting powers in the county planning jurisdiction. If delineation has not been required and the development is

adjacent to regulated waters the following disclaimer shall be as shown on the plat:

“Approval of this subdivision does not address the issue of the existence or non-existence of wetlands within the subdivision. The enforcement of wetlands regulations under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act is within the jurisdiction of the U.S. Army Corps of Engineers. Inquiries concerning wetland matters should be addressed to that agency.”

- 16. The following certificates, where applicable, shall be placed on the final plat.
 - a. I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon which was conveyed to me (us) by deed recorded in Book ____, Page ____, and that I (we) hereby adopt this plan of subdivision as required by this ordinance, establish the minimum building lines, and dedicate all streets, alleys, walks, parks, drainage ways and other open spaces to public or private use as noted. Further, I (we) certify that the land as shown hereon is within the subdivision regulations jurisdiction of Beaufort County

Owner(s)

Date

- b. I...certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (deed description recorded in Book ____, Page ____, etc.) (other); that the boundaries not surveyed are shown as broken lines plotted from information found in Book ____, Page ____, that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number, and seal this ____ day of _____, A.D., 20__.

Surveyor

Registration Number

- c. I hereby certify that the subdivision entitled _____ consists of _____ lots, of which _____ are specified as building lots served by individual septic tank systems. Each building lot was provided with proper application, evaluation and improvements permit for an individual septic tank system pursuant to the general statutes of North Carolina and shall be valid for a period prescribed by current rules and

subject to the conditions set forth on the improvements permit. This certification does not constitute "Blanket Approval" of all lots in the subdivision.

Beaufort County Health Director or
designee who shall be an authorized agent of the state

Date

- d. Certification that private streets and roads meet the construction standards of this ordinance, signed by the subdivider's engineer or surveyor.
- e. Public subdivision streets and roads Construction Standards Certification signed by the District Highway Engineer.
- f. I hereby certify that the subdivision depicted hereon has been granted final approval pursuant to the Beaufort County Subdivision Regulations.

Chairman, Beaufort County Planning Board

Date

- g. I hereby certify that streets, utilities, and other improvements have been installed in an acceptable manner and according to County specifications in the subdivision entitled _____, or that a security bond or irrevocable letter of credit in the amount of \$_____ has been posted with Beaufort County to ensure the installation thereof.

County Manager

Date

- h. As owner of _____ Subdivision, I certify that lot(s) _____ are not intended for development at this time. If these are developed they will be subject to all applicable wastewater regulations in effect at that time.

Owner(s)

Date

i. I certify that the _____ subdivision, has requested the City/Town of _____ to accept wastewater for _____ lots in the subdivision. The City/Town of _____ has adequate capacity and agrees to accept wastewater from this subdivision.

Mayor or Authorized Representative

Date

j. The _____ subdivision has acquired a permit to install privately operated wastewater system for the _____ lots proposed for this subdivision. I have reviewed the plans for this wastewater system and certify that it is adequate for the proposed subdivision.

Registered Professional Engineer

Date

k. I, _____, Registered or Professional Land Surveyor, certify to one or more of the following:

- a. That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
- b. That the survey is of an existing parcel of land;
- c. That the survey is of another category, such as recombination of existing parcels, a court-ordered survey, or exception to the definition of subdivision;
- d. That the information to the surveyor is such that the surveyor is unable to make a determination to the best of

his/her professional ability as to provisions contained in (a) through (c) above.

Registered or Professional Land Surveyor

- D. In order for the Planning Board to approve the final plat, all of the above certificates with the exception of 20.f., must be properly signed and dated to the satisfaction of the Planning Board.
- E. The subdivider, developer, or his agent, shall attend the Planning Board meeting at which his final plat is to be considered to answer any questions the Planning Board may have.
- E. Within forty-five (45) days of submission, the final plat shall be reviewed by the Planning Board for compliance with the approved preliminary plat. The Planning Board may appoint an engineer or surveyor to check the final plat against the subdivision's actual layout for correctness, charging the costs to the subdivider if the plat is found to be in error.
- F. If the final plat is in compliance with the ordinance, or the Planning Board approves the changes made from the approved preliminary plat, the Planning Board shall approve the final plat. This approval shall be noted on the original and two (2) copies of the final plat. The original shall be returned to the subdivider. One (1) copy shall be transmitted to the Beaufort County Health Department and one (1) copy shall be retained for the permanent files of the Planning Board. The approval is authority for the subdivider to record the subdivision plat and to begin the sale of lots.
- G. No final plat shall be approved until all improvements are installed and certified as-built plans have been submitted to the County Planner or meet the requirements set forth in paragraph J, all required fees have been paid, and certificates required by this ordinance to appear on the final plat have been properly filled out and signed.
- H. Copy of any deed restrictions or similar covenants shall be submitted to the planning board
- I. Deed disclosure statement where proposed roads are designated "public" and "private" shall be noted on the final plat
- J. If the final plat is not in compliance with these regulations, the reasons for disapproval and conditions to be met before the Planning Board will approve the final plat shall be noted on two (2) copies of the proposed final plat. One (1) copy shall be returned to the subdivider and one (1) copy shall be retained for the Planning Board's records. The subdivider will be given six (6) months to submit

a revised final plat. If the revised final plat is not received by the Planning Board within six (6) months, the approved preliminary plat shall become null and void.

- K. Where the required improvements have not been completed prior to the submission of the final plat, the Planning Board, subject to the approval of the County Manager, may accept from the subdivider a bond with surety or other guarantees satisfactory to the County in an amount equal to the estimated cost of the installation of the required improvements, whereby improvements may be made and utilities installed without cost to the County in the event of default by the subdivider. One of the methods described in Section 305.4 may be used by the subdivider to guarantee the installation of the required improvements.
- L. The approval of a final plat pursuant to regulations adopted under this Article shall not be deemed to constitute or affect the acceptance by the County or the public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat.
- M. Final plats not recorded within one year of approval shall become null and void.

305.4 Improvement Guarantees

A. Agreement and Security Required

In lieu of requiring the completion, installation and dedication of all improvements prior to final plat approval and prior to the recording of an approved final plat, the County may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements. Once the agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Planning Board, if all other requirements of this ordinance are met. To secure this agreement, the subdivider shall provide, subject to the approval of the County Manager, either one, or a combination of the following guarantees not exceeding 1.25 times the entire cost as provided herein:

1. Surety Performance Bond(s)

The subdivider shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina. The bonds shall be payable to Beaufort County and shall be in an amount equal to 1.25 times the entire cost, as estimated by the subdivider and approved by the County Manager, of installing all required improvements. The duration of the bond(s) shall be until such time as the improvements are approved by the Board of County Commissioners.

2. Cash or Equivalent Security

The subdivider shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the County or in escrow with a financial institution designated as an official depository of the County. The use of any instrument other than cash shall be subject to the approval of the County Manager. The amount of deposit shall be equal to 1.25 times the cost, as estimated by the subdivider and approved by the County Manager, of installing all required improvements. If cash or other instrument is deposited in escrow with a financial institution as provided above, then the subdivider shall file with the County Manager an agreement between the financial institution and himself guaranteeing the following:

- a. That said escrow account shall be held in trust until released by the Board of County Commissioners and may not be used or pledged by the subdivider in any other matter during the term of the escrow; and
- b. That in the case of a failure on the part of the subdivider to complete the improvements, the financial institution shall, upon notification by the Board of County Commissioners, and submission by the Board of County Commissioners to the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately either pay to the County the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the County any other instruments fully endorsed or otherwise made payable in full to the County.

B. Default

Upon default, meaning failure on the part of the subdivider to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety, or the financial institution holding the escrow account shall, if requested by the Planning Board, pay all or any portion of the bond or escrow fund to Beaufort County up to the amount needed to complete the improvements based on an engineering estimate. Upon payment, the Planning Board, in its discretion, may expend such portion of the funds as it deems necessary to complete all or any portion of the required improvements. The County shall return to the subdivider any funds not spent in completing the improvements.

C. Release of Guarantee Security

Prior to full or partial release of the improvements guarantee or security by the county, the subdivider's engineer shall submit certified as-built plans and certify by letter that the improvements have been completed and are in compliance with this ordinance. In cases where systems have been installed by the county of local utility company a letter must be provided by that agency. Upon recommendation

by both the planning board and county manager, the Board of County Commissioners may release a portion of any security posted as the improvements are completed and recommended for approval by the County Manager. Within fourteen (14) days after receiving the County Manager's recommendation, the Board of County Commissioners shall approve the required improvements. If the Board of County Commissioners approves the required improvements, then it shall immediately release any security posted.

305.5 Resubdivision Procedures

For any replatting or resubdivision of land, the same procedures, rules, and regulations shall apply as prescribed herein for an original subdivision.

ARTICLE IV**REQUIRED IMPROVEMENTS AND MINIMUM STANDARDS OF DESIGN**Section 401. General

Each subdivision of land shall meet the minimum standards of design and contain the improvements required by this article. Land may be dedicated and reserved in each subdivision and the required improvements shall be paid for by the subdivider or developer.

Section 402. Solid Waste Sites

Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the Beaufort County Health Department, a structural engineer, and a soils expert, determine that the land is suitable for the purpose proposed.

Section 403. Name Duplication

The name of the subdivision shall not duplicate nor closely approximate the name of an existing subdivision within Beaufort County.

Section 404. Subdivision Design404.1 Lots

- A. Lot size shall be regulated as required by the County Health Department for septic tank purposes, where applicable.
- B. Every lot shall front or abut on a dedicated, public street, or a private street dedicated to a homeowner's association. For lots with a granted Access Easement the following criteria must be met:
 - 1. An Access Easement shall serve only a special subdivision as defined in Article II, Section 201 of this ordinance;
 - 2. The minimum easement width shall be 50 feet and shall connect to a dedicated public or private street
 - 3. There shall be within the Access Easement a minimum passable travel way of at least 20 feet in width;
 - 4. The minimum separation between the proposed Access Easement and any other Access Easement on the same tract of land should be 150 feet;
 - 5. The location of the easement shall be recorded on the final recordable plat.
 - 6. The Access Easement shall permit ingress, egress, and regress and necessary utilities required to serve the lot(s);.

7. A notation shall be placed on the face of the plat which states that no additional lots beyond the three (3), including resubdivision of the lots served by the Access Easement, shall be permitted unless the Access Easement is upgraded by the property owner(s) to a public or private street and meets or exceeds the design standards set forth by this ordinance.
 8. The subdivision shall be approved by the Subdivision Administrator, or the Beaufort County Planning Board in accordance with the special subdivision procedure.
- C. Side lot lines shall be substantially at right angles or radial to street lines.
- D. The minimum setback for all buildings and appurtenances from the property lines shall be as follow:
- | | |
|--|---------|
| 1. From the front property line | 30 feet |
| 2. From the side property line | 10 feet |
| 3. From the rear property line | 25 feet |
| 4. From the side property line adjacent to the street on corner lots | 30 feet |
| 5. From the front property line on major thoroughfares | 40 feet |
- E. All lots shall have a minimum lot width of forty (40) feet to be measured at the lot line abutting the private or public right-of-way.

404.2 Easements

- A. Existing easements recorded on or before the adoption of this ordinance shall be considered nonconforming and are not required to meet the requirements of this ordinance.
- B. Utility and drainage easements shall be provided for utilities where necessary and shall be at least twenty (20) feet wide, except where utility easements abut the street right-of-way, the easement shall be at least ten (10) feet. Easements should be centered on rear or side lot lines to the maximum practical extent.
- C. Where a subdivision is transversed by a water course, drainageway, drainage tile, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.
- D. Private road easements shall be a minimum of fifty (50) feet in width and shall be recorded with the lots.

E. Access Easements shall meet the requirements as set forth in Section 404.1 (B) of this ordinance.

Section 405. Streets

405.1 General

All public streets shall be built to the standards of this ordinance and all other applicable standards of the County and the North Carolina Department of Transportation. Public streets which are eligible for acceptance into the State Highway Systems shall be constructed to the standards necessary to be put on the State Highway System or the standards in this ordinance, whichever is stricter in regard to each particular item, and shall be put on such system. Streets which are not eligible to be put on the State Highway System because there are too few lots or residences shall, nevertheless, be dedicated to the public and shall be in accordance with the standards in this ordinance or the standards necessary to be put on the State Highway System, whichever is stricter in regard to each particular item, so as to be eligible to be put on the system at a later date. A written maintenance agreement with provisions for maintenance of the street until it is put on the State system shall be recorded with the book and page referenced on the final plat.

405.2 Subdivision Street Disclosure Statement

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

405.3 Half-Streets

The dedication of half-streets shall be prohibited.

405.4 Margin Access Streets

Where a tract of land to be subdivided adjoins a principal arterial street, the subdivider may be required to provide a margin access street parallel to the arterial street or reverse frontage on a minor street for the lots to be developed adjacent to the arterial. Where reverse frontage is established, private driveways shall be prevented from having direct access to the principal arterial.

405.5 Access to Adjacent Properties

Where, in the opinion of the Planning Board, it is necessary to provide for street access to an adjoining property, proposed public streets shall be extended by dedication to the boundary of such property and a temporary turn-around provided.

405.6 Design Standards

The design of all public streets and roads within the jurisdiction of this ordinance shall be in accordance with the accepted policies of the North Carolina Department of Transportation, Division of Highways, as taken or modified from the American Association of State Highway Officials (AASHO) manuals. The North Carolina Department of Transportation, Division of Highways' Subdivision Roads Minimum Construction Standards, as revised, shall apply for any items not included in this ordinance, or where stricter than this ordinance.

405.7 Public Streets

For all public streets, the minimum right-of-way widths shall be fifty (50) feet.

A. Intersections

1. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at an angle less than sixty (60) degrees.
2. Offset intersections are to be avoided unless exception is granted by the Division of Highways. Intersections which cannot be aligned should be separated by a minimum length of two hundred (200) feet between survey center lines.

B. Cul-de-sacs

Cul-de-sacs should not exceed twenty-five hundred (2,500) feet in length unless necessitated by topography or property accessibility. Measurement shall be from the point where the center line of the dead-end street intersects with the center of a through street to the center of the turn-around of the cul-de-sac. The distance from the edge of pavement on the vehicular turn-around to the right-of-way line shall not be less than the distance from the edge of pavement to right-of-way line on the street approaching the turn-around.

C. Alleys

1. Alleys shall be required to serve lots used for commercial and industrial purposes except that this requirement may be waived here if definite and assured provision is made for service access. Alleys shall not be provided in residential subdivisions unless necessitated by unusual circumstances.
2. The width of an alley shall be at least twenty (20) feet.
3. Deadend alleys are not permitted.

405.8 Private Streets

- A. Private streets or roads shall meet all of the other design requirements of this ordinance.
- B. In addition, private streets and roads shall meet the following standards:
1. The minimum right-of-way width shall be fifty (50) feet.
 2. The private street shall be constructed to meet all of the North Carolina Department of Transportation, Division of Highways Construction Standards, except for applying crushed stone or for paving.
 3. All private streets and roads shall be dedicated to a homeowners association, which meets the following:
 - a. The homeowners association shall be established before the lots are sold.
 - b. Membership in the association shall be mandatory for each lot buyer and all successive buyers.
 - c. The association shall be responsible for the maintenance and upkeep of the private street or road.
 - d. Any sums levied by the association that remain unpaid shall become a lien on the individual owner's property which shall be subordinate only to tax and mortgagee liens.
 - e. A copy of the bylaws shall be provided to the Planning Board and include the following:
 - i. The name of the association;
 - ii. The manner in which directors of the association are to be selected;
 - iii. The post office address of the initial registered office;
 - iv. The name of the city and county in which the registered office is located;
 - v. The number of directors constituting the initial board of directors; and
 - vi. Voting rights.
 - f. Deed references to inclusion of property owner's in a homeowners association shall be recorded as a note on the final plat

405.9 Other Requirements

A. Through Traffic Discouraged on Residential Collector and Local Streets

Residential collector and local streets shall be laid out in such a way that their use by through-traffic will be discouraged. Streets shall be designated or walkways dedicated to assure convenient access to parks, playgrounds, schools, or other places of public assembly.

B. Street Names

Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names in the County, irrespective of the use of a suffix such as street, drive, place, court, etc. Street names shall be subject to the approval of the Planning Board.

C. Street Name Signs

The subdivider shall be required to provide and erect street name signs to County standards at all intersections within the subdivision.

D. Permits for Connection to State Roads

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

Section 406. Utilities

406.1 Water and Sewer Facilities

Within Beaufort County's jurisdiction, each lot in all subdivisions located within five hundred (500) feet of a public water and/or sewer system should be connected, at the subdivider's or developer's expense, to that water and/or sewer system. If the developer provides a community water and/or sewer system rather than connecting to another community or public water and/or sewer system, or provides individual wells and/or septic tanks when the subdivision is more than five hundred (500) feet away, the materials, design, and installation will be subject to approval by the N.C. Department of Human Resources, Division of Health Services; N.C. Department of Environment and Natural Resources, Division of Environmental Management; and/or the Beaufort County Health Department.

Sanitary sewer collection lines and water distribution lines shall meet the requirements set forth by the appropriate division within the North Carolina Department of Environment and Natural Resources.

For the purpose of this section, the terms "water system" and "sewer system" shall include all appurtenances and fixtures normally associated with such facilities, including fire hydrants, gate valves, blow-offs, manholes, and pumping apparatus.

406.2 Stormwater Drainage System

The subdivider shall provide a surface water drainage system constructed to the standards of the North Carolina Department of Transportation or other applicable state or federal standards.

A. No surface water shall be channeled or directed into a sanitary sewer.

- B. Where feasible, the subdivider shall connect to an existing storm drainage system.
- C. Where an existing storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to protect the proposed development from water damage.
- D. Surface drainage courses shall be of sufficient size to accommodate the drainage area without flooding, and designed to comply with the standards and specifications for erosion control of the North Carolina Sedimentation Pollution Control Act, G.S. 113A, Article 4, and the North Carolina Administrative Code, Title 15, Chapter 4, and any locally adopted erosion and sedimentation control ordinances.
- E. Streambanks and channels downstream from any land-disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land-disturbing activity in accordance with the North Carolina Sedimentation Pollution Control Act, G.S. 113A, Article 4, and the North Carolina Administrative Code, Title 15, Chapter 4.
- F. Anyone constructing a dam or impoundment within the subdivision must comply with the North Carolina Dam Safety Law of 1967 and the North Carolina Administrative Code, Title 15, Subchapter 2K.
- G. In all areas of special flood hazards, all subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

406.3 Underground Wiring

All subdivisions shall have underground wiring. This requirement may be waived by the Planning Board in areas where soils have a high water table, or if there is extensive pre-existing overhead wiring on the street in the immediate neighborhood of the subdivision.

406.4 Lighting

Lighting in a Major subdivision shall be adequate to allow movement along the streets, but in no case shall distance between lighting exceed three hundred (300) feet. If the average lot size in the subdivision is greater than one-half acre and no less than fifty percent (50%) of the lots exceed one-half acre, then light shall be at the discretion of the developer.

406.5 Fire Protection

Every subdivision that is served by a public water supply system shall provide adequate fire protection according to the following standards:

- *Hydrant spacing and location:* Each subdivision lot shall be not 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 intersections.

- *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 hydrants shall be national standard threads.
- *Exemptions:* Subdivisions in which all lots front on an existing public or private road and the furthest lot is within one thousand (1000) feet from an existing hydrant are exempted from the fire protection requirements of this section. Subdivisions where the Beaufort County Water Department has approved the proposed water system with water lines less then six (6) inches are exempted from the fire protection requirements of this section.

Section 407. Other Requirements

407.1 Placement of Monuments

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

407.2 Construction Procedures

No building, zoning, or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this ordinance until the final plat has been approved and arrangements with the administrator of this ordinance to provide for adequate inspection. The approving authorities have jurisdiction or their representatives, shall inspect and approve all completed work prior to release of the sureties.

Section 408. Planned Unit Development

408.1 The purpose of a Planned Unit Development is to provide for the development of a planned community that may incorporate a range of residential structures (single-family and/or multi-family), commercial, office, recreational and resort connected uses and structures primarily for the benefit of those residing and utilizing the residential community, wherein the entire community is designed as to appearance, unity, shape and form as a community.

408.2 A Planned Unit Development, for purposes of these Subdivision Regulations, shall contain a minimum of 20 acres, and shall contain a minimum of 15 acres devoted to residential utilization, and a minimum of 5 acres devoted to commercial, recreational, or open space utilization.

- 408.3 An application for the approval of a Planned Unit Development shall be submitted by the property owner or owners and his or their agents, and shall be reviewed in accordance with Beaufort County Subdivision Regulations. The application must include a sketch plan of all of the land proposed for the PUD, and shall include the proposed uses of all such land, as well as all additional information required to be included in any subdivision application. If the proposed PUD meets all requirements of this Subdivision Ordinance and all requirements of any applicable zoning ordinance, the application shall be approved and shall be processed as a planned unit development.
- 408.4 All provisions and restrictions contained in the Subdivision Regulations shall be applicable to the subdivision of a PUD, except that the following shall not apply:
- A. Setbacks from property lines as set out in Section 404.2E.
 - B. Section 405.8, to the extent that private streets which are required to be maintained by a homeowners association may contain medians or land divisions, and may retain trees or other landscaped or natural features within rights-of-way.
- 408.5 Off-street parking shall be provided for automobiles on the basis of a minimum of 2 spaces for individual detached single-family dwellings, 2.5 spaces for each multi-family dwelling unit and/or group housing dwelling unit. The gross area for required parking spaces, aisles and turning areas may be redistributed to group parking on commonly-owned land. Accommodations for recreational vehicles and boats shall be provided away from the residential areas in common open areas.

All off-street parking spaces must be a minimum of 10 feet wide by 20 feet long.

ARTICLE V

LEGAL PROVISIONS

Section 501. General Procedure for Plat Approval

After the effective date of this ordinance, no subdivision plat of land within the County's jurisdiction shall be filed or recorded until it has been submitted to and approved by the Beaufort County Planning Board, as set forth in this ordinance, and until this approval appears on the face of the plat.

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

Notwithstanding any other provision of these Subdivision Regulations, the Planning Board may approve minor modification to subdivisions existing prior to the effective date of this Subdivision Regulation (or prior to the date this Subdivision Regulation was adopted as to additional jurisdictional areas) without necessity of public hearing or submission of sketch plans or preliminary plats. Such approval may be granted without formal procedural review by other agencies and without compliance with the provisions of these Subdivision Regulations, if the Planning Board determines the following:

- A. There is no increase in the number of lots proposed compared to the number of existing lots; and
- B. There are no significant negative impacts relating to the proposed alteration over and above impacts likely to be associated with the utilization of the pre-existing lots.

The Office of Register of Deeds of Beaufort County shall be authorized to record a plat upon which is designated the following, under signature of the Chairman or Vice Chairman of the Beaufort County Planning Board:

“This plat is a minor modification of a subdivision existing prior to the adoption of the Subdivision Regulations for the property depicted hereon. In accordance with Section 501 of Article V of the Beaufort County Subdivision Regulations, this plat may be recorded.”

Section 502. Statement by Owner

The owner of land shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the subdivision regulation jurisdiction of Beaufort County.

Section 503. Effect of Plat Approval on Dedications

Pursuant to G.S. 153A-333, the approval of a plat does not constitute or effect the acceptance by the County or the public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat and shall not be construed to do so.

Section 504. Violations and Penalties

- A. **Civil Penalties:** except as otherwise provided elsewhere in this ordinance, 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. Each day of a continuing violation shall constitute a separate violation. The board of county commissioners upon recommendation from the planning board shall determine the amount of the civil penalty to be assessed under this section and shall make written demand for payment for which the penalty has been imposed. If payment is not received or equitable settlement reached in 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 ordinance.
- B. **Criminal Penalties:** Any person who knowingly or willfully violates this ordinance 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 county commissioners has reasonable cause to believe that any person is violating or threatening to violate this ordinance 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 ordinance, 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 ordinance.

504.1 Violators of this ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided in G.S. 14-4.

504.2 The Land Records Office Supervisor or his designees are to enforce this ordinance as it relates to the recording of illegal documents including maps and deeds.

Section 505. Variances

The Beaufort County Planning Board, may authorize a variance from these regulations for major and minor plats when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Board shall make the findings required below, taking into account the nature of the proposed subdivision, the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. The following guidelines shall be considered by the Planning Board in the granting of a variance:

- A. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land.
- B. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- C. That the circumstances giving rise to the need for the variance are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this ordinance.
- D. That the granting of the variance will not be detrimental to the public health, safety, and welfare or injurious to other property in the territory in which said property is situated.

Section 506. Amendments

The Beaufort County Board of Commissioners may from time-to-time amend the terms of this ordinance but no amendment shall become effective unless it shall have proposed by or shall have been submitted to the Planning Board for review and recommendation. The Planning Board shall have forty-five (45) days from the time the proposed amendment is submitted to it within which to submit its report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have recommended approval of the amendment.

No amendment shall be adopted by the governing body until they have held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in Beaufort County at least once a week for two (2) successive calendar weeks prior to the hearing.

The initial notice shall be published the first time not less than ten (10) days nor more than twenty-five (25) days before the date fixed for the hearing. In computing such period, the day of publication is not to be included, but the day of the hearing shall be included.

Section 507. Abrogation

It is not intended that this ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law.

Section 508. Separability

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

Section 509 Appeals

1. *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 ordinance. In cases of an alleged misinterpretation or misapplication by the subdivision administrator, or other administrative officer, the appeal shall first be made to the planning board. In cases relating to decision made by the planning board, recourse shall be to the board of commissioners.
2. *Time limitation and notice:* Any appeal must be filed within forty-five (45) days of the decision. Written notice which states the basis or grounds for appeal shall be provided to the secretary of the planning board, or county manager, as appropriate.
3. *Public meeting:* The appeal shall be heard during a regular meeting of the planning board, or county commissioners, as applicable, within ninety (90) days of the receipt of the appeal notice.
4. *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.

Section 510. Effective Date

This ordinance shall take effect and be in force from and after October 16, 2000. The provisions of this ordinance shall not apply to any division of land resulting in lots described in a deed or shown on a plat properly recorded in the Office of the Beaufort County Register of Deeds prior to the effective date of this ordinance.

Amended by the Board of County Commissioners on January 8, 2002.

Amended by the Board of County Commissioners on October 8, 2002.

Effective date with amendments from October 8, 2002 shall be January 1, 2003.

Section 511. Adoption

Duly adopted by the Board of Commissioners of Beaufort County, North Carolina this the 3rd day of July, 2000.

