

# **Town of Peletier, North Carolina Subdivision Regulations**



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## **ARTICLE I. TITLE, PURPOSE AND PROCEDURES**

### **1. Town of Peletier Subdivision Regulations.**

These regulations shall be known and may be cited as the subdivision regulations for the Town of Peletier, North Carolina and may be referred to as the subdivision regulations.

### **2. Purpose.**

The purpose of these regulations is to support and guide the subdivision of land within the planning and development regulation jurisdiction of the *Town of Peletier* in order to promote the public health, safety and general welfare of the citizens of the *Town of Peletier*. These regulations are designed to promote an orderly use of the land; for coordination of streets and highways within proposed subdivisions with existing or planned streets and highways; for the reservation of rights-of-way or easements for street and utility purposes; for the distribution of population and traffic which shall avoid congestion and overcrowding; to provide for water, sewerage, parks, schools and playgrounds; and to facilitate the further resubdivision of larger tracts into smaller parcels of land.

## **ARTICLE II. AUTHORITY AND JURISDICTION**

### **1. Authority.**

These regulations are adopted under the authority of *Article 8 of Chapter 160D* of the General Statutes of North Carolina.

### **2. Jurisdiction.**

These regulations shall govern each and every subdivision of land within the *Town of Peletier's* corporate limits and extraterritorial jurisdiction (ETJ) referred to as the Town's planning and development regulation jurisdiction.

## **ARTICLE III. DEFINITION OF SUBDIVISION AND EXEMPTIONS**

Subdivision. The term "subdivision" shall mean all divisions of a tract or parcel of land into two (2) or more lots, building sites or divisions for the purpose, whether immediate or future, of sale or building development, and includes all division of land involving the dedication of a new street or a change in existing streets, but the following shall not be included within this definition nor be subject to the regulations established herein:

1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the town as shown by the regulations prescribed by this ordinance.
2. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
3. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.

4. The division of a tract in single ownership whose entire area is not greater than two (2) acres into not more than three (3) lots, where no street right-of-way is involved and where the resultant lots are equal to or exceed the standards of the town, as shown in these regulations.
5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the North Carolina General Statutes.
6. Minor subdivisions which abut state maintained roads or meet D.O.T. specifications for secondary roads and involve no utility extensions and where the resultant lots are equal to or exceed the standards of the *Town of Peletier* as shown in these regulations. This exemption does not apply to parcels, tracts or lots which have been previously subdivided within the past five (5) years.

(Ord. of 54-87)

Plats falling under exemptions 1, 2, 3, 4, 5 and 65 shall be stamped "No Approval Required by the *Town of Peletier*" and signed by its authorized representative before recording in the office of the register of deeds of Carteret County.

#### **ARTICLE IV. SERVICES AND PERMITS**

No street shall be recommended for acceptance for maintenance by the North Carolina Department of Transportation, nor shall any permit be issued by any administrative agent of the Town of Peletier, nor shall water, sewer or other county facilities or services be extended to or connected with any subdivision until the provisions of this ordinance are complied with. The construction of public streets shall be inspected by the North Carolina Department of Transportation for compliance with its standards. Upon approval of the final plat, the *Town of Peletier Subdivision Approval officer* shall inform all local, state and federal agencies having jurisdiction over the same plats.

When preparing the construction and/or development of a tract of land with one or more buildings thereon for multifamily use, application for a group housing project permit shall be filed with the Planning Department in accordance with the procedure for approval, *Peletier Group Housing Ordinance of June 22, 1999*.

(Ord. of 5-4-87)

#### **ARTICLE V. GENERAL PROVISIONS**

##### **1. Penalties for violation.**

After the effective date of these regulations, any person who being the owner or the agent of the owner or the agent of owner of any land located within the planning and development regulation jurisdiction of these regulations intentionally violates these regulations shall be guilty of a misdemeanor, for the conviction of which, the maximum penalty permitted by law may be imposed. Each day's continuing violation is a separate and distinct offense.

##### **2. 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 decided to be unconstitutional or invalid.

**3. Variances.**

Where, because of severe topographical or other conditions peculiar to the site, strict adherence to the provisions of these regulations would cause an unnecessary hardship, the *Peletier Planning Board (through a quasi-judicial evidentiary hearing)* may authorize a variance to the terms of these regulations only to the extent that is absolutely necessary and not to an extent which would violate the intent of these regulations. Any variance thus authorized shall be noted in the minutes of the *Peletier Planning Board*.

**4. Prohibition Against the Recordation of Unapproved Plats.**

A certified copy of these regulations shall be delivered to the Carteret County register of Deeds for recordation. On and after delivery of the Ordinance to the Carteret County Register of Deeds Office, no plat which has not been approved in accordance with these regulations shall be recorded by the Carteret County Register of Deeds of the Clerk of Superior Court if the same would be in conflict with the provisions or intent of these regulations.

**5. Amendments.**

The *Town Council* may from time to time amend the terms of these regulations, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the *Planning Board* for review and recommendation. The *Planning Board* shall have forty (40) days within which to submit its recommendation. Failure to do so shall be deemed to have approved the amendment. Notification of such amendments shall follow the public notice procedures per G.S. 160 D-602. A legislative public hearing shall then be held by the *Town Council*.

**6. Abrogation.**

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

**7. Zoning Ordinance and Other Plans.**

Proposed subdivisions must comply in all respects with the requirements of the Zoning Ordinance in effect in the area to be subdivided, and any other officially adopted plans by the Town of Peletier.

**8. Effective date.**

This ordinance shall take effect and be in force upon its adoption.

## ARTICLE VI. DEFINITIONS

1. *Administrative decision.* Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this ordinance. These are sometimes referred to as ministerial decisions or administrative determinations.
2. *Administrative hearing.* A proceeding to gather facts needed to make an administrative decision.
3. *Areas of environmental concern.* Areas of an environmentally sensitive nature designated by the North Carolina Coastal Resources Commission as required under the Coastal Area Management Act of 1974.
4. *Buffer strip.* A buffer strip shall consist of depth of no less than five (5) feet of land in width containing evergreen shrubs spaced not more than five (5) feet apart, and not less than one (1) row of dense shrubs five (5) feet or more in height alter three (3) growing seasons which shall be planted, trimmed and maintained continuously in a healthy growing condition by the property owner.

*Optional.* For special use where evergreen shrubs are deemed inappropriate because of limited lot space available to dedicate to a five (5) foot buffer strip or other reasons, a wooden structure screen fence manufactured of suitable salt treated pine, or cedar; cypress or redwood lumber not less than five (5) feet or more than eight (8) feet high may be erected and maintained in good condition by the property owner with the approval of the Subdivision Approval Officer.

5. *Comprehensive plan.* A comprehensive plan that has been officially adopted by the town board pursuant to G.S. 160D-501.
6. *Corner lot.* A lot abutting upon, two (2) or more streets at an intersection.
7. *Cul-de-sac.* A short street permanently terminated at one end by a vehicular tum around.
8. *Decision-making board.* A governing board, planning board, board of adjustment, historic district board, or other board assigned to make quasi-judicial decisions under this ordinance.
9. *Dedication.* A gift by a property owner to another party without any consideration being received for the transfer. The dedication is made by written instrument and is completed with a written acceptance.
10. *Determination.* A written, final, and binding order, requirement, or determination regarding an administrative decision.
11. *Developer.* A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.
12. *Development.* Any of the following:
  - (A) The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
  - (B) The excavation, grading, filling, clearing, or alteration of land.
  - (C) The subdivision of land as defined in G.S. 160D-802.
  - (D) The initiation or substantial change in the use of land or the intensity of use of land.

13. *Development approval.* An administrative or quasi-judicial approval made pursuant to this ordinance that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to this ordinance, including plat approvals, permits issued, development agreements entered into, and building permits issued.
14. *Development regulation.* A unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to this ordinance, or a local act or charter that regulates land use or development.
15. *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.
16. *Evidentiary hearing.* A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation adopted under this ordinance.
17. *Flood prone areas.* Areas indicated on the flood hazard boundary maps of the Federal Emergency Management Agency to be susceptible to inundation during a 100-year flood. In the absence of 100-year flood data, other flood data may be used if approved by the Federal Emergency Management Agency.
18. *Governing board.* The Town Council of the Town of Peletier. The term is interchangeable with the terms "board of aldermen" and "boards of commissioners" and means any governing board without regard to the terminology employed in charters, local acts, other portions of the General Statutes, or local customary usage.
19. *Landowner or owner.* The holder of the title in fee simple. Absent evidence to the contrary, the town may rely on the county tax records to determine who is a landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approvals.
20. *Legislative decision.* The adoption, amendment, or repeal of a regulation under this ordinance. The term also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of Article 10 of G.S. 160D.
21. *Legislative hearing.* A hearing to solicit public comment on a proposed legislative decision.
22. *Lot.* A portion of a subdivision, or any other parcel of land intended as a unit for transfer of ownership or for development or both. In determining the area and dimensions of a lot, no part of the right-of-way of a road may be included.
23. *Lot of record.* A lot which is part of a subdivision, a plat which has been recorded in the office of the register of deeds of Carteret County prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been recorded prior to the adoption of this ordinance.
24. *Major subdivision.* All subdivisions containing three (3) or more lots.
25. *Minor subdivisions.* All subdivisions not defined as major subdivisions.
26. *Minimum requirements.* All sizes, setbacks, and other requirements of this ordinance are minimum requirements and may be increased.



27. *Manufactured home* (also known as “mobile homes.”) A structure as defined in NCGS 143-145(7).A
28. *Official maps and plans*. Any maps and plans officially adopted by the Town Council as a guide for development in the Town of Peletier.
29. *Open space*. An area (land and/or water) generally lacking in manmade structures and reserved for enjoyment.
30. *Person*. An individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity.
31. *Planned unit development (PUD)*. A permitted use designed to provide for developments incorporating a single type or a variety of residential and related uses which are planned and developed as a unit. Such development may consist of individual lots or common building sites. Common open space must be an element of the plan related to affecting the long term value of the entire development.
32. *Planning and development regulation jurisdiction*. The geographic area defined in Part 2 of G.S. 160D within the town may undertake planning and apply the development regulations authorized by G.S. 160D.
33. ***Planning Board***. The ***Planning Board*** of the ***Town of Peletier***.
34. *Private Street*. An undedicated private right of-way which affords access to abutting properties and requires a subdivision streets disclosure statement in accordance with G.S. 136-102.6.
35. *Public sewer system*. A system serving two (2) or more dwelling units and approved by the Carteret County Health Department and the Department of Natural Resources and Community Development.
36. *Property*. All real property subject to land-use regulation by the town. The term includes any improvements or structures customarily regarded as a part of real property.
37. *Public water supply*. Any water supply furnishing potable water to fifteen (15) or more residences or businesses, or combination of residences and businesses. Approval of the Division of Health Services, Department of Human Resources is required.
38. *Quasi-judicial decision*. A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.
39. *Recreation area or park*. An area of land or combination of land and water resources that is developed for active and/or passive recreation pursuits with various manmade features that accommodate such activities.
40. *Reservation*. A reservation of land does not involve any transfer of property rights. It simply constitutes an obligation to keep property free from development for a period of time.
41. *Shall*. The word "shall" is always mandatory and merely directory.

42. *Site plan.* A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.

43. *Street.* A dedicated and accepted public right-of-way for vehicular traffic.

44. *Rural roads:*

44.01. Principal arterial. A rural link in a network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel and existing solely to serve traffic. This network would consist of interstate routes and other routes designated as principle [principal] arterials.

44.02. Minor arterial. A rural link in a network joining cities and larger towns and providing interstate and intercounty service at relatively high (55 mph) overall travel speeds with minimum interference to through movement. This network would primarily serve traffic.

26.03. Major collector. A road which serves major intercounty travel corridor and traffic generators and provide access to the arterial system.

26.04. Minor collector. A road which provides service to small local communities and links the locally important traffic generators with rural areas.

26.05. Local road. A road providing access for adjacent land and for travel over relatively short distances.

*Urban streets:*

26.06. *Major thoroughfares.* Major thoroughfares consist of interstate, other freeway and expressway links, and major streets that provide for the expeditious movement of volumes of traffic within and through urban areas.

26.07. *Minor thoroughfares.* Minor thoroughfares are important streets in the town system and perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system. Minor thoroughfares may also supplement major thoroughfares assisting in minor through traffic movement and may also serve abutting property.

26.08. *Local street.* A local street provides access to abutting land and access to higher systems. It offers the lowest level of mobility and through traffic is usually discouraged.

45. ***Subdivision Approval Officer.*** The ***Mayor, Mayor Pro Tem*** in the absence of the ***Mayor***, or the ***Planning Board Chairman*** who is authorized to execute all plats in order for the same to be recorded.

46. ***Subdivider.*** Any person, firm, corporation or duly authorized agent who subdivides or develops any land deemed to be a subdivision as defined herein.

47. *Townhouses*. A group of single-family attached dwellings, each dwelling situated on its own individual lot. Ownership is passed in fee-simple subject only to party wall rights by agreements set forth in the restrictive covenants.

## **ARTICLE VII. GENERAL REQUIREMENTS AND MINIMUM STANDARDS FOR SUBDIVISIONS**

### **1. Name of subdivision.**

The name of the subdivision shall not duplicate the name of an existing subdivision within the *Town of Peletier's* planning and development regulation jurisdiction.

### **2. Streets and roads.**

In any new subdivision the street layout shall conform to the arrangement, width and location indicated by any official comprehensive plan or maps for *Town of Peletier*. In areas for which such plans have not been completed, the streets shall be designed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams, to public convenience and safety and to the proposed use of land to be served by such streets. All streets shall provide for the continuation or appropriate projection of principal streets in surrounding areas and provide reasonable means of ingress and egress for surrounding tracts.

All streets and roads within subdivisions or accessing proposed subdivisions, unless qualifying as exempt under 2.01, shall be paved and constructed according to the secondary road specifications of the North Carolina Department of Transportation [NCDOT] pursuant to "Subdivision Roads, Minimum Construction Standards as amended." All streets shall be required to show a minimum sixty-foot right- of- way on the final plat unless the North Carolina Department of Transportation approves a smaller right- of-way or the project is a minor subdivision as defined in this ordinance.

The names of the streets shall not duplicate the name of any existing streets within the *Town of Peletier*.

2.01. *Exemptions*. The following subdivision roads shall be exempt from meeting secondary roads specifications of NCDOT.

2.01.01. Roads in minor subdivisions where no adjacent land is owned or under option to the subdivider.

2.01.02. Roads which are unpaved but are maintained by the North Carolina Department of Transportation.

2.01.03. Roads which cannot be built to NCDOT standards without violating any local, state or federal laws. (Related to wetlands and marshes.) All efforts shall be made to obtain a major CAMA permit for a road (bridge) built to NCDOT standards.

2.01.04. Roads within a planned unit development where a homeowner's association has been formed to maintain a private road.

2.01.05. Roads within subdivisions where each lot within the subdivision is at least five (5) acres, as defined in 2.07.

2.01.06. Roads within campground subdivisions.

- 2.02. Streets shall be laid out so as to intersect as nearly as possible at right angles. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.
- 2.03. Cul-de-sacs shall be no longer than nine hundred (900) feet in length unless necessitated by topography or size of the parcel. The turnaround shall have a right-of-way of not less than ninety (90) feet.
- 2.04. Block length shall not be less than two hundred (200) feet nor more than thirteen hundred twenty (1,320) feet in length except where an administrative modification is granted by the Subdivision Approval Official due to existing topography or size of the parcel require a modification.
- 2.05. Blocks shall have a sufficient width to provide for two (2) tiers of lots except where topographic or other conditions would require otherwise.
- 2.06. Plans for proposed public streets shall be approved by NCDOT prior to final plat approval.
- 2.07. *Minimum construction standards for nonstate maintained roads in subdivisions with each lot containing at least 5 acres.* The minimum standards shall be those set forth in "Subdivision Roads Minimum Construction Standards" by the North Carolina Department of Transportation (July 1, 1979 and subsequent amendments) except for the requirements of a stone base and paved surface. No grade shall be muck, pipe, clay, organic matter or other unsuitable material, A minimum right-of-way of sixty,(60) feet shall always be required.
- 2.08. Setbacks for five (5) acre lots shall be the same as required in section 3.05.
- 2.09. A subdivision streets disclosure statement shall be issued in accord with G.S. 136-102.6, designating the appropriate person, homeowner's association or other group that will maintain the nonstate maintained streets in each subdivision in the future.

### 3. Lots.

*Design standards.* Lot sizes, shapes and locations shall be made with due regard to topographic conditions, soil types, contemplated use and the surrounding area. Land designated as a floodplain by the Federal Emergency Management Agency shall always be designated on all lots, tracts or plats when presented. Under no circumstances will required lot areas contain street rights-of-way.

Every lot shall front on or abut a minimum of twenty-five (25) feet on a publicly dedicated or maintained street except in PUD areas that have been approved by the ***Town of Peletier Planning Board.*** (Ord. of 10-5-87)

Lots shall comply with the following requirements:

- 3.01. Lots served by both public water and public sewer shall have an area not less than seven thousand (7,000) square feet, a width at the building line of not less than sixty feet (60), nor less than one hundred (100) feet deep. Planned unit developments are exempt.
- 3.02. Lots served by public water but not by public sewer shall have an area not less than fifteen thousand (15,000) square feet, a lot width at the building line of not less than seventy (70) feet, nor less than one hundred fifty (150) feet deep. Planned unit developments are exempt.
- 3.03. Lots served by neither public water nor public sewer shall have an area not less than twenty thousand (20,000) square feet, a lot width at the building line of not less than eighty (80) feet nor less than one hundred fifty (150) feet deep. Planned unit developments (PUDs) are exempt.
- 3.04. No drive way on any lot shall be located within thirty (30) feet of a street right-of-way intersection.

3.05. The minimum building setback from the property lines shall be as follows:

- |   |         |
|---|---------|
| (1) From the front property line                                  | 20 feet |
| (2) From the side property line                                   | 10 feet |
| (3) From the rear property line                                   | 30 feet |
| (4) From the side property line on corner lot                     | 15 feet |
| (5) Front yard setback for any lot on major or minor thoroughfare | 40 feet |

3.06. Detached garages, carports and accessory buildings may be constructed in the rear yard provided they are no closer than five (5) feet to any adjoining rear lot line and five (5) feet from any adjoining side lot lines.

3.07. Carports with any type of enclosed storage shall not encroach into the required side yard setback.

3.08. *Townhouses.* Townhouses and other types of attached single-family structures shall:

3.08.01. For lots with individual septic tanks, all shall comply with the minimum lot area requirements of 3.01 and 3.02 or by a combination of lot area and open space.

3.08.02. Lots served by public water and public sewer shall have:

- a. A minimum lot size of one thousand six hundred (1,600) square feet and a minimum lot width of not less than sixteen (16) feet.
- b. A front yard setback of not less than twenty-five (25) feet.
- c. A rear yard setback of not less than twenty (20) feet.
- d. No side yard setback except on corner lots (measured from the exterior building line of the principal structure). This shall not be less than one-half the front yard setback.

3.08.03. Five (5) foot access easements shall be reserved in each rear yard and ten (10) foot access easements shall be located between each principal building.

3.08.04. No dwellings shall be connected on more than two (2) sides by common walls.

3.08.05. Each townhouse shall be provided with at least two nine (9) foot by twenty (20) foot parking spaces.

3.09. *Recreation and open space.*

3.09.01. Every person or corporation that subdivides land in a residential zone or for residential land use purposes under the requirements contained in this ordinance shall also be required to dedicate a portion of such land; to provide a payment-in-lieu-of-land; or to provide a combination of land, payment-in-lieu and facility development acceptable to the Town for the purposes of developing park, recreation and open space sites to serve the residents of the neighborhood in which the subdivision is located or in the immediate area of the subdivision. Any subdivisions which develop and maintain their own park or recreational areas are exempt. Planned unit developments (PUDs) are exempt. Minor subdivisions where one new lot is being created shall also be exempt.

3.09.02. The amount of land required to be dedicated by a subdivider shall be based on: the most recent Bureau of the U.S. Census figures for an average family size in Peletier; a minimum park and recreation standard factor of eight (8) acres per 1,000 persons\*; a variable density factor; and the total number of dwelling units or lots.

Total number of dwelling units or lots on final plat	Average family size (1986-3.3) (1990-2.4)	.008 per person	Variable density factor
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3.09.03. Variable Density Factor Table

Acreage Average Per Dwelling Unit or Lot	Variable Density Factor
.0- .1	1.8
.1- .2	1.6
.2- .3	1.4
.3 - .4	1.2
.4- .5	1.0
.5- .6	.9
.6- .7	.8
.7- .8	.7
.8- .9	.6
.9- over	.5

3.09.04. Acreage average per dwelling unit or lot is computed by dividing the combined total acreage of all dwelling units or lots by the number of dwelling units or lots. For computation purposes, land dedicated or reserved for other purposes such as streets, alleys and other purposes other than residential shall not be used in determining average acreage. In no case shall a developer be required to dedicate more than 30% of the acreage of a development.

3.09.05. Variable density factor is designed to provide an adjustment to subdivision plats which contain average lot sizes of 0.5 acres and above. This adjustment is used since subdivisions with larger lots contain more open space and, thus, fewer [lots] and [greater] park acreage. Conversely, those subdivision plats that create lots or units which average less than 0.4 acres are adjusted due to the density of development and the inherent increased demand for more public recreation and park land. The adjustments for large lots or for small lots are based on a sliding scale reflecting degree of density.

3.09.06. Criteria for evaluating suitability of proposed recreation, parks and open space areas shall include but not be limited to the following:

3.09.06.01. Unity. The dedicated land shall be a single parcel except where it is determined that two (2) or more parcels would be in the public interest. The Planning Board may require that the parcels be connected and may also require at least thirty (30) foot path (width) in addition to the land requirement.

3.09.06.02. Location. The dedicated land shall be located so as to serve the recreation needs of the immediate neighborhood within the subdivision.

3.09.06.03. The shape, topography and subsoils of the dedicated land shall be such as to be usable for parking and active recreation. Lakes and marsh may not be included in computing dedicated land area unless acceptable to the Planning Board.

- 3.09.06.04. Accessibility. Public access to the dedicated land shall be provided either by an abutting street or public easement. Such public easement shall be at least thirty (30) feet in width.
- 3.09.07. Fees in lieu of dedication. A developer may provide funds in the amount of \$10,000.00 per acre dedicated or market value, whichever is less, as required in 3.09.02 to the ***Town of Peletier*** whereby the town may purchase recreational land or areas to serve the subdivision or development in the immediate area. This may be done in lieu of providing the land requirement if so approved by the ***Peletier Town Council***.
- 3.09.08. Reserved.
- 3.09.09. Expenditures of recreation funds shall be determined by the ***Town of Peletier***.
- 3.09.10. If the land required for donation in a section of a subdivision exceeds the requirement in 3.09.02, the difference can be applied to future sections.
- 3.09.11. If the overall master plan of a subdivision shows future recreation areas not included in the section receiving final plat approval, the donation of recreation land (or fees) shall not be required. However, if the amount of recreation land required by this ordinance is not developed within one (1) year of final plat approval, 3.09.02 or 3.09.07 shall immediately apply.
- 3.09.12. The ***Town of Peletier*** shall be divided into recreational districts for the purpose of distributing funds which are collected from the payment-in-lieu- of-land payments. These funds shall be spent only on capital improvements to town-owned recreational facilities or for town-sponsored programs.
- 3.10. *Subdivisions for Campground Uses.*
  - 3.10.01. The minimum size of a campground subdivision shall be one (1) acre. Gross density shall not exceed twenty (20) lots per gross acre.
  - 3.10.02. Each lot shall be clearly staked in accordance with this ordinance.
  - 3.10.03. One all-weather (i.e. stone or other suitable material) automobile parking space shall be provided for each lot, to be located outside of any public right-of- way or any street within the subdivision.
  - 3.10.04. Each lot shall abut upon an improved road of at least twenty (20) feet in width, which shall be covered with at least four (4) inches of stone or other approved surface and which shall have access to a public street or road. Road maintenance agreements shall be prepared whereby the road is maintained by a subdivision association or other suitable arrangement.
  - 3.10.05. Each subdivision shall be served by a sewer system approved by the county health department or the appropriate agency.
  - 3.10.06. Each lot shall be served by a central water system approved by the appropriate state and/or county agencies.

- 3.10.07. A central service building containing the necessary toilet and other plumbing and electrical fixtures shall be provided. It shall be located within or immediately adjacent to the subdivision. If the subdivision is divided by a state-maintained road, a central service building shall be provided on each side of the road. The service buildings shall meet all state and county requirements. There shall be at least one shower, one lavatory and one commode for each 10 lots.
- 3.10.08. A sanitary station shall be provided consisting of at least: a trapped four (4) inch sewer riser pipe connected to the subdivision sewer system surrounded at the inlet by a concrete apron sloped to the drain and provided with a suitable hinged cover and a water outlet to permit periodic washdown of the immediate adjacent area.
- 3.10.09. Permanent or semi permanent structures or any vehicle designed as permanent living quarters shall not be allowed, and shall include but not be limited to: porches, carports, awnings or any other structure not intended to be temporary.
- 3.10.10. Minimum lot and setback requirements:
  - (a) Lot size, 1,500 square feet.
  - (b) Lot width, 30 feet.
- 3.10.11. All central service buildings, swimming pools, water and sewer facilities and other services for the use of lot owners shall be maintained by a lot owner's association.
- 3.10.12. All common open space must be conveyed by the following method: by leasing or conveying title (including beneficial ownership to a corporation, association or other legal entity).
- 3.10.13. Campground subdivisions shall reserve not less than twenty percent (20%) of gross acreage as open space. Said open space should be proportionally distributed throughout the total residential area as nearly as possible.
- 3.10.14. A minimum of twenty-five percent (25%) of the required open space shall be developed for recreational purposes and said recreation space may be located in one or more sites within the total subdivision. Recreation space may be natural or landscaped for the use of active or passive recreation in a usable recreation area
- 3.10.15. The developer shall file in the office of the Register of Deeds of Carteret County legal documents which will produce the aforesaid guarantees and will provide a method for restricting the use of common space for the designated purposes prior to the sale of any lot or lots.
- 3.10.16. All other appropriate standards, procedures and requirements of this ordinance shall pertain to campground subdivisions if they not addressed in section 3.10.
- 3.10.17. Reserved.

3.11. *Water lines.* All water lines and related appurtenances installed in subdivisions under the authority of this ordinance shall be built to the standards of the Town of Peletier and the West Carteret Water Corporation. All plans shall be approved by the Town.

**4. Easements and sidewalks.**



- 4.01. *Drainage easements.* Where a subdivision is traversed by a stream or drainage way an easement shall be provided conforming with the lines of the stream and of sufficient width to be adequate for the purpose.
- 4.02. *Buffer strips.* A buffer strip at least twenty (20) feet in width shall be required adjacent to a major street or commercial or industrial area. This strip shall be in addition to the normally required lot dimension; shall be part of the platted lot; and shall be reserved for the planting of trees and shrubs by the owner.
- 4.03. *Sidewalks.* If any street in a subdivision is within one-fourth (1/4) mile (by road) of an existing or recognized approved planned school or town recreation are <math>1/2</math> the subdivision shall be required to include sidewalks if densities exceed three (3) dwelling units per gross acre. Sidewalks shall not be less than forty- eight (48) inches in width and a minimum thickness of four (4) inches of concrete or other approved material on a compacted base. Sidewalks may be required on one side of the street.

## 5. Suitability of land.

Land subject to flooding, improper drainage, erosion or that is for topographical or other reasons unsuitable for residential use as determined by the **Planning Board**, shall not be platted for residential use nor for any other uses that will continue or increase the danger to health, safety or property unless the hazards can be and are corrected.

5.01. *Prevention of flood damage.* Lands known to be within a floodplain or any area known to be subject to flooding shall be so identified on the preliminary plat. Appropriate deed restrictions shall be filed for those lands subject to flooding prohibiting their development for dwelling or other uses unless the sites are flood-protected as follows:

5.02.

- (1) No structures or fill shall be placed in the floodway which would interfere with the natural watercourse.
- (2) Streets and utilities lines and structures may be placed within the flood plain only if their elevation is raised above maximum flood heights or if they are otherwise flood protected.
- (3) Dwellings and self-contained sewage disposal units (if used) shall be built at an elevation above minimum flood heights.
- (4) The subdivision drainage system shall be designed to prevent increased flood flows due to newly developed impervious surfaces and other factors.

5.03. *Fill areas.* Areas that have been used for disposal of solid waste shall not be subdivided into commercial or residential building sites. This shall include those areas that have been used for the disposal of trash, demolition waste, and other waste materials.

In the event that a newly platted lot is not suitable for septic tank use, the letters "ST" and symbol shall appear on the platted lot indicating that the lot is not suitable for onsite septic systems.

PLAT SYMBOL TO IDENTIFY UNNUMBERED LOTS-AND  
 "Not suitable for development of septic tank systems." (Ord. of 5-4-87)

## 6. Design standards for boat launching ramps and docks.

All subdivisions adjoining a lake or similar water area shall provide for public access to the water. Such access shall include boat docks or boat launching ramps every one-quarter (1/4) mile along the shoreline adjacent to the subdivision . The purpose of these facilities is to serve properties within the subdivision. Such facilities shall meet the lot area requirements, off-street parking requirements, and other applicable regulations established by the zoning ordinance, and shall be directly accessible to a state or town maintained street or road. Where a public boat

dock or launching ramp is provided by the state, county or other agency within or contiguous to the area to be subdivided, such facility may count toward meeting the requirements of this section.

## **7. Stormwater drainage.**

The subdivider shall provide an adequate drainage system for the proper drainage of all surface water. The design of such a system shall be approved by the *Town Planning Board* and the "North Carolina Sedimentation Pollution Control Act of 1973" and any locally adopted sediment control ordinances.

7.01. No surface water shall be channeled into a sanitary sewer.

7.02. Where feasible, the subdivider shall connect to an existing storm drainage system.

7.03. Where an existing storm drainage system cannot feasibility be extended to the subdivision, a surface drainage system shall be designed to protect the proposed development from water damage. The ten-year storm data should be used as a minimum basis for storm drainage design.

## **8. Placement of monuments.**

Whenever a person, firm or corporation shall divide any parcel of real estate into lots and lay off streets; it shall be the duty of the surveyor to cause two or more monuments of such development to be designated as "control comers" and to place at such control comers monuments adequately marked which shall be of such material and affixed to the earth in such manner as to assure a great degree of permanency (G.S. 47-30). Any lot or lots sold or otherwise transferred and located in a subdivision and described by metes and bounds shall be described in a manner to include reference to the location of the lot or lots with respect to the subdivision's control comer if such exists (G.S. 47-30). All monuments shall be shown on the final plat.

8.01. *Property corner tie.* At least one comer of the property surveyed shall be designated by course and distance (tie) from a control monument *as* established by the North Carolina Geodetic Survey (NCGS) or by the National Geodetic Survey (formerly USC & GS), when the property lies within 2,000 feet of such monument or marker is not available, the tie shall be made to some pertinent and readily recognizable land marker or identifiable point, physical object or structure. The tie must be shown on the prepared plat by bearing and distance and/or by coordinates, with a statement identifying the markers and certifying and accuracy of at least 1: 10,000.

8.02. *Markers.* All lot comers, all points where street lines intersect and all angle points and points of curve in each street shall be marked with rigid metal pipe not less than one-half (1/2) inch in diameter and not less than twenty (20) inches long. Concrete control markers are also acceptable.

8.03. For the purpose of these regulations all land surveying shall be performed in accordance with the "Standard of Practice for Land Surveying in North Carolina," latest revisions.

## **9. Construction procedures.**

9.01. No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved and all preliminary plans and specifications have been approved by the Subdivision Approval Officer. Clearing underbrush and drainage surface and subsurface water is not included.

9.02. *Access.* The administrator of these regulations shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to insure compliance with these regulations.

9.03. *Inspection.* The subdivider, prior to starting any work within the subdivision shall make arrangements with the Subdivision Approval Officer of these regulations to provide for adequate inspection. All completed work must then be inspected and approved before release of the sureties.

9.04. *Erosion control.* The subdivider shall cause all grading, excavations, open cuts, side slopes and other land surface disturbances to be so mulched, seeded, sodded or otherwise protected by plans approved under the Sedimentation Pollution Control Act of 1973.

9.05. All public water systems under the jurisdiction of this ordinance shall be built to the specifications of the *Town of Peletier* and *West Carteret Water Corporation* unless said system is tied into a municipal system.

## **ARTICLE VIII. RR-PUD: RESORT RESIDENTIAL-PLANNED UNIT DEVELOPMENT**

**A.** The purpose of the resort residential-planned unit development is to provide for the development of planned single-family residential communities that may incorporate a full range of conventional "stick" constructed residence types in "green" or common area settings as well as certain limited commercial, office, recreational and resort-connected structures of similar construction concepts and all designed to blend with one another in appearance, unity, in shape and form to serve the inhabitants of the district.

The planned unit development shall serve as an individual zoning district or an overlay zoning district to the existing residential zoning districts. Development densities shall follow the prescribed minimum lot size for each district, unless:

- (1) Density credits are applied to individual lots in sections of the PUD as compensation for open space dedication or
- (2) The planned unit development qualifies for varying development densities under the flexible PUD provisions.

**B.** The developer shall be required to submit a master site plan for the PUD development which will be approved by the technical review committee. The *Peletier Planning Board* may approve phases if the master site plan for development is not constructed in whole at one time. Open space areas shall be delineated on the plat. Performance guarantees shall be required when all or part of the project is not completed upon final plat review by the Subdivision Approval Officer. If an amenity is approved as a substitute for the required open space in any phase of the project, performance guarantees may be requested if said amenity is not completed upon presentation for final approval.

**C.** The direction of the planning may stress resort, meaning a place of recreation, as on vacation; or a community in a resort-like atmosphere where within are golf, tennis, swimming, boating, etc., facilities with community club buildings and some low-keyed supporting commercial establishments for the inhabitants of the district and their guests and subject to regulations of the development; or a combination of both concepts resort residential and a residential planned unit development.

**D.** This district recognizes that innovative, imaginative, and high-quality design concepts are needed to be in keeping with the intent of this concept and are not constrained by the strict application of conventional use and dimensional requirements of regular residential zoning districts.

E. The use of RR-PUD procedure is not mandatory for the development of any site or area. Rather, this process will provide a voluntary alternate development procedure which has the advantages listed below:

1. Permit creative approaches to the development of residential land, reflecting a community approach and changes in the technology of land use and development.
2. Accomplish a more desirable environment that would otherwise be possible by providing a variety of housing types, designs and arrangements so that they blend with one another.
3. Provide for an efficient use of land which can result in smaller network of utilities and streets and the potential of reducing development costs.
4. Enhance the appearance of neighborhoods through the preservation of natural features; the provision of underground utilities, private or public water systems and septic or package sewer plant systems, and the provision of recreational and open space areas.
5. Provide an environment compatible with residential areas within and surrounding the development.

F. Certain large parcels may require additional flexibility in design than is allowed under the current RR-PUD density standards. This flexibility may be necessary to maximize environmental protection, encourage open space dedication and to group complimentary land uses. Parcels containing acceptable acreage may request the flexible PUD. A mix of commercial, single-family and group housing shall be allowed within the flexible PUD tract but the following criteria must be met:

- (1) That the overall density of single-family and multifamily units shall not exceed 2.9 units for the project's total acreage. The total acreage shall mean the entire tract, minus 10 percent for necessary infrastructure. Commercial land uses shall not be included within the tract total acreage.
- (2) That the total number of units (single-family or multifamily) shall not exceed eight in number for any single designated acre within the project.
- (3) That no single-family units shall exceed 35 feet in height. All other structures shall not exceed 50 feet in height from its finished grade.
- (4) That planned amenities including marinas and dry stack boat storage facilities (including repair and maintenance facilities) shall be utilized primarily by the residents within the PUD and only incidentally by transients. None of these facilities shall be permitted adjacent to any surface water under current nomination or designated as outstanding resource waters by the state of North Carolina. Any data which supports the use of these amenities or recreational facilities solely by flexible PUD residents shall be made available to the zoning enforcement officer upon request.
- (5) That a centralized water and sewer system shall be provided to serve all the residents or the buildings in the total acreage designated as a flexible PUD.
- (6) That a master plan and schedule for future development shall be provided at the time of preliminary approval. Each section or phase of the master plan shall be recorded in Carteret County Register of Deeds after final approval by *Peletier Planning Board* and *Peletier Town Council*.
- (7) The table of permitted and special uses appropriate to other districts shall not apply to the flexible PUD district.

**G.** Application for rezoning to the RR PUD district shall be submitted and will be reviewed in accordance with Peletier Zoning Ordinance. All plats including the master site plan shall be reviewed and approved by the technical review committee prior to submittal to the Planning Board for consideration.. The master site plan shall be submitted initially for approval by the Planning Board and subsequent phases shall be granted preliminary and final approval. Significant changes to the master site plan concept must be approved by the Planning Board. Preliminary and final approval shall be granted in accordance with the plat requirements set forth in this ordinance.

Application for a project as a flexible PUD shall be submitted and reviewed in accordance with this ordinance and the zoning ordinance. Master plan plats shall be reviewed by the technical review committee and submitted to the **Planning Board** for review by the **Planning Board**. All plats must be submitted to the **Planning Board** no later than two weeks prior to the **Planning Board** meeting. The **Subdivision Approval Officer** shall submit the plan and the technical review committee's recommendation to the **Planning Board**. The Planning Board subsequently makes advisory recommendations to the **Town Council**, which, following a legislative public hearing held pursuant to proper notice, makes the final decision as to whether the application and plat will be approved or disapproved.

The following shall be shown on plat:

1. Proposed primary traffic circulation pattern.
  - a) All 404 wetland areas on the tract.
  - b) Proposed means of compliance with Division of Environmental Management Stormwater Regulations.
2. Proposed parks, tennis courts, swimming pools, beaches, golf course, boating docks, playgrounds, community buildings, common open space, etc.
3. Proposed means of dedication of common open space areas and facilities, and the organizational arrangements for the ownership, maintenance, and preservation of common open space, wetlands and stormwater management facilities.
4. Delineation of the sections, units or phases to be constructed in progression or sequence in a master site plan concept which will be the basis for approval subject to accepted and approved changes by the Planning Board and the Town Council.
5. When required by the Planning Board or any other county authority, an environmental impact statement will be submitted the specific issues necessitating the environmental impact statement shall be described in writing to the applicant.

**H.** Dimensional requirements for RR-PUD developments are established as follows:

1. Single-family detached dwellings.

	<b>R-50</b>	<b>R-20</b>	<b>R-15</b>	<b>R-7</b>	<b>Flexible PUD (Overlay)</b>
Min. lot size [sq. ft.]	37,500	15,000	11,250	7,000	None
Min. lot width*	150'	90'	70'	55'	None
Min. setback*	40'	30'	20'	20'	See Note
Min. side yards**	25'	15'	11'	11'	None
	<b>R-50</b>	<b>R-20</b>	<b>R-15</b>	<b>R-7</b>	<b>Flexible PUD (Overlay)</b>
Min. rear yard	50'	25'	19'	15'	None

Min. unobstructed open space	75%	65%	60%	50%	20%
Max. height	35'	35'	35'	35'	35' (Single-Family & Commercial) 50' Group Housing

\*Arithmetic average of all setbacks for all lots on one side of a block, or of all lots on a cul-de-sac.

\*\*Except as allowed under zero side yards requirements in paragraph below.

Note: Minimum setback along the exterior property line of the Flexible PUD tract shall be 30 feet for all structures 35 feet and under in height. Structures taller than 35 feet shall be required to set back 30 feet plus an additional 1 foot for each additional two feet in height.

2. Multifamily dwelling and group housing projects shall meet the requirements of the Peletier Group Housing Ordinance. If any ordinance regulations conflict, the most restrictive of requirements shall apply.
3. Commercial, office, recreational and resort-connected structures are permitted in an RR-PUD development; however, they shall be of similar construction concepts, designed to blend with one another in appearance, and in accordance with conventional requirements for business zoning districts. Commercial land uses shall not constitute more than 5 percent of the total acreage of the tract zoned RR-PUD.
4. Yards forming the outer boundary of an RR-PUD development shall conform to the conventional minimum requirements or those stated above of the district in which the development is located.
5. A zero lot line, when the side building line is on the side lot line may be permitted on one side of each lot in accordance with the following standards:
  - a) Any wall constructed on the side lot line must be a solid, windowless wall. If there is an offset of the wall from the lot line, the offset must be at least six feet.
  - b) The minimum building separation between the sides of adjacent dwellings must be at least 15 feet and subject to all restrictions that normally apply to conventional side yards where the structures are alternately set on lot lines. However, where the structures occupy a common lot line, this 15 foot separation does not apply.
  - c) A five-foot maintenance easement and a maximum eave encroachment of two feet within the maintenance easement must be established in the deed restrictions and covenants of the adjoining lot. This will provide ready access to the lot line wall at reasonable periods of the day for normal maintenance.
  - d) Subdivision preliminary plans shall indicate the proposed location and configuration of dwellings, driveways and parking arrangements for each lot. A draft of the proposed encroachment and maintenance easements shall be submitted for review and approval.
  - e) A zero side yard line established under these standards shall be continuous and in the same direction. There shall be either a lot line wall of the structure or a solid independent wall or fence at least five feet high along the lot line adjacent to the building. The wall or fence is used in those cases where the building may be offset as allowed under these standards.

**H.** The development area density of an RR-PUD project is computed by the following method:

$$\begin{aligned}
 & \text{Total square footage of site area} \\
 & \quad \text{-minus-} \\
 & \quad 10\% \text{ of the total site area} \\
 & \quad \text{-minus-} \\
 & \quad \text{Any area designated for any nonresidential uses} \\
 & \quad \text{-divided by-} \\
 & \quad \text{The conventional lot area requirement for the appropriate district} \\
 & \quad \text{-equals-} \\
 & \quad \text{The development area density}
 \end{aligned}$$

The development area density shall not exceed the density allowed in the district where the RR-PUD development is located or in the area where the development master plan of record is in effect.. If the development or further development of an existing RR-PUD concept falls into more than one zoning district, the overall density will be rezoned to an approved classification by the Planning Board. The flexible PUD densities shall be consistent with the requirements set forth in Section X-1-E.a.

**I.** Increased allowable density bonuses up to 25% over the density normally allowed in the basis zoning district may be approved by the Town Council based on the provision of common open space as listed below. A request for a density bonus must accompany the application. The flexible RR-PUD does not qualify for density bonus credits.

**Density Bonus Scale**

<i>% of Residential To be Common Open Space</i>	<i>% Density Bonus</i>
10-19	4
20-29	8
30-39	11
40-49	15
50-59	18
60-69	22
70 or more	25 max.

1. Common open space is only land designated by 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. Land restricted in any way for the use, benefit and enjoyment of a select group within an RR-PUD shall not qualify as common open space.
2. Reasonable safety regulations for the use of common open spaces shall be adopted by the resident's homeowner's association governing the development.
3. To qualify for common open space, land shall have a minimum width of 24 feet that is not occupied by street rights-of-way, drives, parking areas or structures other than recreational structures.

**J.** Off-street parking shall be provided for automobiles on the basis of a minimum of two spaces for individual detached single-family dwellings, 2.5 spaces for each multifamily 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 and shall provide special accommodations for recreation vehicles, including boats, in the plan away from the residential areas in common open areas.

**K.** Signs shall be limited to the requirements of article IX.4 of this ordinance, however, with the exception the style and design of the signs shall be uniform. Road name signs for public roads shall be identical to the official county signs.

**L.** Accessory buildings regardless of size other than buildings used to provide or house public or private utilities (i.e., well houses, pumping stations, transformer boxes, etc.) shall not be permitted. The original design of the dwellings shall provide for all necessary storage and other use requirements of the residents.

## **ARTICLE IX. PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS**

**Technical Review.** All subdivision plans submitted to the Town shall be subject to a technical review. The Technical Review Committee shall consist a representative of the Planning Firm providing planning and zoning services to the Town, a representative from the West Carteret Water Corporation, a representative of the Fire Department affording fire services to the proposed development, and from other State, Federal and local agencies that may have regulatory jurisdiction over the area in some aspects.

### **1. General**

No plat of a subdivision within the planning and development jurisdiction of the Town of Peletier shall be accepted for recordation by the Carteret County Register of Deeds until final plat approval has been given by the **Subdivision Approval Officer**. To obtain final approval of a final plat, the subdivider shall follow the steps in this Section.

### **2. Sketch design plan.**

When appropriate, the subdivider shall submit to the Town a sketch plan prior to submitting a preliminary plat.

2.01 A minimum of four copies of a sketch design plan shall be submitted.

2.02 A sketch design shall be drawn at a scale of approximately one inch to one hundred feet (1:100) unless the size of the property dictates a larger scale.

2.03 The sketch design plan shall depict or show the information listed under plan requirements as shown below.

2.04 Flood data certification shall be required.

2.05 The Technical Review Committee shall review the sketch design plan for general compliance with the regulations and shall advise the subdivider or his or her authorized agent of the recommendations for improvement of the sketch design. (Ord of 5-2-90, 2)

### **3. Preliminary plat**

At preliminary plat and all required information, unless otherwise stated in this ordinance, shall be submitted to the **Planning Board** for review through an evidentiary hearing and quasi-judicial decision.

3.01. *Number of copies.* Twelve (12) copies of the preliminary plat shall be submitted. Only one copy of additional required plans shall be submitted unless required by the **Subdivision Approval Officer**. (Ord of 2-5-90, § 3)



3.02. *Plat requirements.* Sketch, preliminary and final plats shall depict or contain the information indicated on the following table. The letters "S", "P" and "F" shall indicate that the information is required for sketch, preliminary and final plats, respectively.

- Name and address of registered land surveyor, land planner, architect or engineer responsible for the subdivision. The registration number and seal of the responsible engineer or surveyor shall be required at final approval.

- Name of township, county, state in which subdivision is located.

- |           |   |
|-----------|---|
| S,P,F 1.  | A title block containing: <ul style="list-style-type: none"><li>- Name of the subdivision and phase (if applicable)</li><li>- Name, address, telephone number of owner and owner's agent</li><li>- Date or dates survey was conducted and plat was prepared</li><li>- Scale denoted graphically and numerically</li><li>- Name and address of registered land surveyor, land planner, architect or engineer responsible for the subdivision. The registration number and seal of the responsible engineer or surveyor shall be required at final approval.</li><li>- Name of township, county, state in which subdivision is located.</li></ul> |
| S,P,F 2.  | Sketch vicinity map showing the relationship between the proposed sub-division and the surrounding area.  |
| P,F 3.    | Tax parcel number of tract(s) to be divided.  |
| S,P,F 4.  | North arrow according to G.S. 47-30 and the Standards of Practice for Land Surveying in North Carolina.   |
| S,P,F 5.  | Total acreage of tract to be subdivided.  |
| S,P,F 6.  | Number of lots created and average lot size within subdivision.   |
| P,F 7.    | Boundary survey of tract to be subdivided, distinctly and accurately represented with all bearings and distances shown.   |
| S,P,F 8.  | Proposed lot lines, block number and dimensions of lots.  |
| S,P,F 9.  | Existing and proposed property lines on the tract to be subdivided and on a adjoining properties.   |
| S,P,F 10. | The names of adjacent land owners with lot, block or parcel identifier or other legal reference where applicable.   |
| S,P,F 11. | The names of any adjoining subdivisions of record or proposed and under review.   |
| S,P,F 12. | Existing structures on the tract to be subdivided.  |
| S,P,F 13. | Existing waterways, railroads, bridges, culverts, storm drains, and corporate limits, county lines or township boundaries, both on the land to be subdivided and the land immediately adjoining.  |
| P,F 14.   | Boundaries of applicable areas of environmental concern in accordance with the state guidelines for ABC's (15 NCAC 7H) pursuant to the Coastal Area Management Act of 1974 and the name and location of all adjacent water bodies.  |

- P,F 15. The name and location of any property or buildings within the proposed subdivision or within any contiguous property that is located on the U.S. Department of Interior's National Register of Historic Places.
- P,F 16. The location of all primary nursery areas as defined by the NC Marine Fisheries Commission's NC Fisheries Regulations for Coastal Waters.
- P,F 17. Location of all aircraft noise or aircraft accident potential zones (AICUZ).
- P,F 18. Location of all wooded areas, 404 wetlands, rock outcrops, ponds, streams or any other natural feature.
- P,F 19. Location and acreage of recreation area to be 1) donated to the general public or 2) location, acreage and location of improvements for recreation area to be maintained as per section 3.09 of this ordinance if land is to be donated in lieu of a fee.
- P,F 20. The exact location of the flood hazard boundary area, floodway and floodway fringe areas as determined by the Federal Emergency Management Agency's 100-year flood levels.
- F 21. All final plats shall be accompanied by signed Stormwater Management permit. This approved permit must be received by the Planning Department no later than the time of the scheduled meeting. \* Amended 9/15/98
- P 22. Erosion and sedimentation control plans shall be submitted with the preliminary plat. All plans must conform to the Sedimentation and Pollution Control Act of 1973 and a letter of approval for the NCNRC Division of Land Resources shall accompany the preliminary plats.
- P,F 23. The zoning classifications of the tract to be subdivided. Setbacks for the respective zoning classification shall be indicated on the plat.
- P,F 24. Minimum building lines shall be delineated on each lot within the subdivision or indicated by lot on the plat
- P 25. Accompanying the preliminary plat shall be a permit from the U.S. Army Corps. of Engineers for all planned crossings of 404 wetlands within the subdivision.
- P,F 26. A note shall be included on the plat that indicates if the proposed subdivision is to be served by central or individual water supply and central or individual sewage treatment systems shall be required.
- P 26a. If on-site sewage treatment and disposal systems are proposed, individual lot-by- lot evaluations shall be made prior to preliminary plat approval. Upon application to the environmental health department, the developer shall accurately map to scale, rough stake and partially clear those lots to be evaluated by the environmental health department.
- P 26b. If a centralized sewage treatment system is proposed, a letter from the NC Division of Health Services or NCNRC Division of Environmental Management (depending on the type of system) shall be presented with the preliminary plat. This letter shall state that a site investigation has been made and that the site is suitable for the proposed system. All

plans for the proposed system shall be under review by the appropriate authority and a copy of such plans shall be presented to the county environmental health department as requested.

- F 26c. If a centralized sewage treatment system is proposed, a permit shall be presented from the proper permitting agency for the proposed system. If a permit has not yet been obtained, a letter from the proper permitting agency shall be presented which states that plans for construction of the facility have been approved.
- F 26d. If a central water system is proposed, a letter shall be provided from the division of health services stating that a site visit has been conducted and the well site has been approved. This letter shall be required upon Preliminary approval.
- P 26e. If a central water system is proposed, a well construction permit from the NC Division of Health Services shall be presented with the final plat.
- P,F 27. The plans for proposed utility layouts, including sanitary sewers, storm sewers, water distribution lines, natural gas, telephone and electric service, illustrating connections to existing systems. Plans must show line sizes, the location of fire hydrants, blowoffs, manholes, pumps, force mains and gate valves, if appropriate, and shall include profiles based upon Mean Sea Level Datum for sanitary and storm sewers.
- P,F 28. The location and dimension of all planned road, utility or drainage easements.
- P 29. The method of installation of utilities (underground or overhead) shall be indicated on the preliminary plat.
- P,F 30. The location, name and dimension of all proposed and existing streets.
- P,F 31. Existing and platted dedicated streets and rights-of-way on adjoining properties and within the proposed subdivision.
- P 32. Pavement widths.
- P 33. Design engineering data for all comers and curves, including sight distances.
- P 34. Typical street cross sections.
- P,F 35. Proposed names of all streets.
- P,F 36. Type of street dedication. All streets must be designated as either "public" or "private." Where public streets are involved, the subdivider must submit the subdivision map typical cross section to the NC Department of Transportation District Highway Office for review. These plans shall include: a complete site layout, including any proposed future expansion; horizontal alignment indicating general curve data on site layout plan; vertical alignment indicated by percent grade, PI station and vertical curve length on site plan layout; the district engineer may require the plotting of the ground profile and grade line for roads where special conditions or problems exist; typical section indicating the pavement design and width and the slopes, widths and details for either the curb and gutter or the shoulder and ditch proposed; drainage facilities and drainage areas. Street name signs shall be provided at all subdivision street intersections and at any other point within the subdivision as deemed necessary by the Planning Board. Signs shall be of a

county approved design and shall be ordered prior to final approval. Installation of the signs shall occur after final approval is granted.

- F 37. All final plats shall be accompanied by a written statement from the department of transportation division of highways engineer stating that the roads within the subdivision are paved and constructed to D.O.T. standards. This shall apply to all public and private roads. When a performance guarantee is presented to cover road improvement costs; this requirement shall be applied after the completion of road construction.
- F 38. When streets are dedicated to the public but not accepted into the state system or privately dedicated for maintenance, a statement explaining the status of the street must be provided in accordance with article VII, section 2.09 of this ordinance.
- P 39. If any street is proposed to intersect with a state maintained road, the subdivider must present written driveway approval as required by the NC Department of Transportation, Division of Highways' Manual on Driveway Regulations.
- P,F 40. Roadway length shall be indicated for each block and cul-de-sac within the subdivision. Length shall be indicated from intersection to intersection where applicable.
- F 41. All plats shall be required to provide sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, easement line and setback line. These shall include dimensions, bearings or deflection angles, radii, central angles and tangent distance for the centerline of curved property lines that are not the boundary line of curved streets. All dimensions shall be measured to the nearest one hundredth of a foot and all angles to the nearest 20 seconds.
- F 42. Property corner ties, as required by NCGS 47-30, shall be required as per section 8.01 of this ordinance.
- F 43. Monuments, markers and control points shall be accurately described and located.
- P 44. A topographic map with contour intervals of two feet or less may be required to accompany as specified by the Planning Board Chairman.
- P,F 45. In waterfront developments, the areas to be dedicated to public water access shall be duly noted as per article VII, section 6 of this ordinance.
- P, F 46. When deemed necessary due to the nature of the land to be subdivided or peculiarities in the proposed layout, an environmental impact statement may be required pursuant to chapter 113 of the North Carolina General Statutes by the Planning Board.
- F 47. Deed restrictions or similar covenants proposed for the subdivision shall be presented prior to final approval. (Ord. of 2-5 90, § 3)

3.03. *Required Information.* The preliminary plat shall depict or be accompanied by the following information: plats not illustrating or containing the following data shall be returned to the subdivider or his authorized agent for completion and resubmission:

- 3.03.01. The proposed name of the subdivision.
- 3.03.02. A sketch vicinity map showing the relationship between the proposed subdivision and the surrounding area.

- 3.03.03. The boundary survey of the tract to be subdivided, distinctly showing all lengths and bearings.
  - 3.03.04. Scale denoted both graphically and numerically.
  - 3.03.05. North arrow and declination or true or North Carolina grid.
  - 3.03.06. The plans for proposed utility layouts, including sanitary sewers, storm sewers, water distribution lines, natural gas, telephone and electric service (if available), illustrating connections to existing systems. Plans must show line sizes, the location of fire hydrants, blowoffs, manholes, pumps, force mains and gate valves, if appropriate, and shall include profiles based upon mean sea level datum for sanitary and storm sewers.
  - 3.03.07. Proposed streets, street names, existing and platted streets on adjoining properties and in the proposed subdivisions, rights-of-way, pavement widths, approximate grades, design engineering data, for all comers and curves and typical street cross sections. If any private street is proposed to intersect with a state maintained road, the plat shall be accompanied by an application for driveway approval as required by the department of transportation division of highways' manual on driveway regulations.
  - 3.03.08. Existing and proposed property lines on the tract to be subdivided and on adjoining properties, existing buildings and other structures. waterways, railroads, bridges, culverts, storm drains on the land and corporate limits such as township boundaries and county lines.
  - 3.03.09. Date of plat preparation.
  - 3.09.10. The name of the township, county and state in which the subdivision is located.
  - 3.09.11. Proposed lot lines, block number and approximate dimensions.
  - 3.09.12. Wooded areas, marshes, swamps, ABC's, rock outcrops, ponds, streams or any other natural feature.
  - 3.09.13. The preliminary plat shall be accompanied by a copy of any proposed deed restrictions or similar covenants.
  - 3.09.14. The name, address, and telephone number of the owner and owner's agent, registered surveyor, land planner, architect, landscape architect and engineer responsible for the subdivision.
  - 3.09.15. Erosion and sediment control plans shall be included with the preliminary plat. All plans must conform to the Sedimentation and Pollution Control Act of 1973 and be approved by the North Carolina Department of Natural Resources and Community Development.
  - 3.09.16. Flood prone areas (as determined for the 100-year flood levels determined by the Federal Emergency Management Agency).
  - 3.09.17. Environmental impact statement. Pursuant to chapter 113 of the North Carolina General Statutes [G.S. Ch. 113] of the Planning Board may require the subdivider to submit an environmental impact statement due to the nature of the land to be subdivided or peculiarities in the proposed layout.
  - 3.09.18. Contour map with intervals of two (2) feet or less may be required to accompany the preliminary plat.
- 3.04. *Review procedure.* The Planning Board shall review and take action on each preliminary plat through and evidentiary hearing and quasi-judicial decision. No preliminary plat shall be approved by the Planning Board unless it complies with the following findings of fact:
- (1) All applicable provisions and standards of this ordinance and the Town's zoning ordinance are met;

(2) The plan provides adequate infrastructure (transportation, utilities, drainage, etc.) in accordance with this ordinance and other applicable local, state or federal requirements.

Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing, reflect the board's determination of contested facts and their application to the applicable standards, and be approved by the board and signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board or such other office or official as the development regulation specifies. The decision of the board shall be delivered within a reasonable time by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person required to provide notice shall certify to the town that proper notice has been made, and the certificate shall be deemed conclusive in the absence of fraud.

3.04.01. Reserved.

3.04.02. Reserved.

3.04.03. Reserved.

3.04.04. Reserved.

3.04.05. Reserved.

3.04.06. Reserved.

3.04.07. Reserved.

3.05. *Development in stages.* When a subdivision is to be developed in stages, a sketch plan may be required. The preliminary plat shall be submitted with a minimum of five (5) lots for each stage. Approval of the preliminary plat shall become null and void after twenty-four (24) months if the developer does not submit the final plat unless an extension of time is applied for and granted by the Planning Board. This requirement is not to be construed as prohibiting a subdivider from retaining any portion of a tract, a part of which is to be subdivided acreage.

3.06. The district highway engineer shall issue a certificate of approval before any applicable subdivision plat is recorded with the register of deeds. Failure on the part of the other agencies to act within thirty (30) days after the preliminary plat has been submitted to the **Planning Board** shall be deemed as approval.

#### 4. **Final plat.**

4.01. Upon approval of the preliminary plat by the **Planning Board** the subdivider may proceed with the preparation of the final plat, and the installation and arrangements for required improvements or guaranteed their installation.

\*\* 4.02. *Performance guarantee.* When the required improvements have not been completed prior to submission of the final plat, the developer is required to guarantee the completion of the required improvements by means of a performance guarantee per G.S. 160D-804.1

4.02.01. Letter of credit issued by any financial institution licensed to do business in this State.

- 4.02.02. Other form of guarantee that provides equivalent security to a surety bond or letter of credit.
- 4.02.03. Surety bond issued by any company authorized to do business in this State.
- 4.02.04. Reserved.
- 4.02.05. The amount of a letter of credit or escrow account may not be used for purposes other than improvements in the subdivision being improved.
- 4.02.06. These guarantees may be delayed if a major CAMA permit is required for the subdivision. However, all guarantees shall be complied with within thirty (30) calendar days of the approval of the major CAMA permit and prior to the sale of any lot or lots.
- 4.03. Defects guarantee. The Subdivision Approval Officer shall require a guarantee on utility taps, ramps, streets, pavement, sidewalks, drainage facilities, water and sewer lines and other improvements against defects for one (1) year from the date of acceptance of construction and/or installation. The amount shall be in the amount determined by the Subdivision Approval Officer in consultation with the developer's engineers and/or surveyors. One of the guarantees listed under 4.02 shall be used.
- 4.03.01. The above defects guarantee requirement will, however, be satisfied if the developer presents written evidence satisfactory to the Subdivision Approval Officer that the contractor building the required improvements guarantees said improvements for a period of one year from the date of acceptance of construction and/or installments.
- 4.04. The final plat. The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at the time; such portion shall conform to all the requirements of these regulations.
- 4.05. Plat submitted. The subdivider shall submit the final plat, so marked, to the Subdivision Approval Officer. The final plat shall not be submitted more than twenty-four (24) months after the date on which the preliminary plat was approved, otherwise such approval shall be null and void, unless a written extension of this time limit is granted by the Planning Board on or before the two year anniversary- date of approval.
- 4.06. Plat prepared. The final plat shall be prepared by a land surveyor licensed and registered to practice in North Carolina. The final plat shall conform to the preliminary plat as it was approved.
- 4.07. Number of copies. Seven (7) copies of the final plat shall be submitted. One (1) of these shall be on sepia suitable for reproduction to be submitted after recording with the register of deeds. Six (6) shall be black or blue prints.
- 4.08. Final plats shall have an outside marginal size of 24 (twenty-four) inches by 36 (thirty- six) inches. (Ord. of 2-5-90, 4)
- 4.09. Fees. Submission of the final plat must be accompanied by a filing fee approved by the Town Council.
- 4.10. Required certification. The following signed certificates shall appear on all copies of the final plat which are submitted to the Planning Board by the subdivider:
- 4.10.01. Certificate of ownership and dedication:

I (we) hereby certify that I am (we are) the owner(s) of the property described hereon, which is located in the planning and development regulation jurisdiction of Peletier and that I hereby adopt this subdivision plan with my free consent, established minimum building setback lines and dedicate all streets, alleys, walks, parks and other sites and easements to public or private use as noted.

\_\_\_\_\_ Date Owner(s)

4.10.02. Health department evaluation:

Based on general soil evaluations, this \_\_\_\_\_ subdivision appears to be suitable for septic tanks subject to individual lot evaluation.

\_\_\_\_\_ Date Owner(s)

4.10.03. Certificate of survey and accuracy:

I certify that this map was (drawn by me)\* (drawn under my supervision)\* from (an actual survey by me)\* (an actual survey made under my supervision)\*(deed description recorded in Book \_\_\_\_\_, Page ; etc.)\* (other)"; that the ratio of precision as calculated by latitudes and departures is 1/\_\_\_\_\_. Witness my hand and seal this day of \_\_\_\_\_, 20\_\_.

Registered Surveyor

License or Registration Number

4.10.04. Declaration of road design and construction (subdivider to maintain roads):

I hereby declare that, to the best of my knowledge, the non-state maintained road(s) allowed under Article VII of the Peletier Subdivision Regulations and which are a part of this subdivision have been designed and (will be) built to the standards of said ordinance. I also hereby declare that once the road(s) is constructed to the required standards, I will (no longer) be responsible for maintenance. Nor do I hold Peletier or the State of North Carolina responsible for maintenance of these roads.

4.10.05. By written document sufficient for recording in the register of deeds, either an owner's association is created and established by the subdivider through the re-cording of restrictive covenants or other documents creating the association, or an agreement satisfactory to the Planning Board is provided by the developer, for the perpetual ownership and/or maintenance of streets and right-of-way within said subdivision, and/or which provides exclusive access to the subdivision for all future lot owners, then said streets and rights-of-way may be designated as "private residential streets," In such cases the subdivider shall grant or dedicate to either the owner's association or to the property owners within the subdivision a right-of-way for all streets within the subdivision in accordance with the private residential street standards set forth hereafter, but the subdivider shall not be required to dedicate said street of [or] right-of-way for public use. All private residential streets shall be de- signed and constructed in accordance with the standards set forth in this section.

4.10.06. If any wetland areas are located on the final plat, the following disclaimer shall be required.

"This certifies that this copy of this plat accurately depicts the boundary of the jurisdiction of Section 404 of the Clean Water Act pursuant to the 1987 Corps of Engineers wetlands delineation manual as determined by the undersigned on this date. Unless there is a change in the law or our published



regulations, this determination of Section 404 jurisdiction may be relied upon for a period of five years from the date", or other applicable statement by the U.S. Army Corps of Engineers. Amended 9/15/98

Signature of U.S. Army Corps of Engineers Official      Date of Signature

4.11.            Final plat contents required. The final plat shall depict or contain the information provided in plan requirements listed above. Plats not containing the following data shall be returned to the subdivider for completion or resubmission.

4.11.01.        The name of the subdivision.

4.11.02.        The exact boundary lines of the tract to be subdivided fully dimensioned by lengths and bearings and the location of intersecting boundary lines of adjoining land.

4.11.02.        Scale denoted both graphically and numerically.

4.11.04.        Plans for utility layouts, including sewers, storm sewers, water distribution lines, natural gas, telephone and electric service illustrating connections to existing systems for individual water supply systems shall accompany the final plat. Plans must show line sizes, location and gate valves. Utility and drainage easements shall be shown on the final plat, if available.

4.11.05.        Street names, designated public or private. Street name signs shall be provided at all subdivision street intersections and at any other point within the subdivision as deemed necessary by the Planning Board. Signs shall be of a county approved design and shall be installed prior to final plat approval.

4.11.06.        The location, purpose, and dimensions of areas to be used for purposes other than residential.

4.11.07.        Building setback lines with dimensions.

4.11.08.        The names of owners of adjoining properties and any adjoining subdivisions.

4.11.09.        The locations and dimensions of all rights-of-way, pavement widths of all streets and the location and width of all adjacent streets, all utility or other easements, all easements on adjoining properties, riding trails, natural buffers, paths and areas to be dedicated for public use with the purpose of each stated.

4.11.10.        Property lines, watercourses, railroads, corporate limits, township and county boundaries.

4.11.11.        Engineering data sufficient to determine on the ground every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings and radii, central angles and tangent distances for the center line of curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest one-hundredth (1/100th) of a foot.

4.11.12.        Accurate locations and descriptions of all monuments, markers and control markers.

4.11.13.        Blocks numbered consecutively throughout the subdivision and lots numbered consecutively throughout each block.

4.11.14.        Deed restrictions or similar covenants proposed for the subdivision.

4.11.15.        Flood prone areas (as determined by the 100-year flood levels).

- 4.11.16. Date of survey, plat preparation, North arrow and declination.
- 4.11.17. All certificates as required by section 4.11 of this article. (Ord. of 2-5-90, § 4)
- 4.12. Review procedure. Final plats shall be reviewed under the following procedure:
  - 4.12.01. The Subdivision Approval Officer shall approve or disapprove the final plat within forty-five (45) days of its first consideration. If the Subdivision Approval Officer approves the final plat, such approval shall be indicated on each copy of the final plat by the following signed certificate:

Certificate of Approval by the Town of Peletier: The Town of Peletier hereby approves the final plat for the Subdivision.

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Date \_\_\_\_\_ Subdivision Approval Official \_\_\_\_\_

The Subdivision Approval Officer shall also indicate approval of the final plat by the following signed certificate:

"I hereby certify that the subdivision plat shown hereon has been found to comply with the Peletier Subdivision Regulations.. It is hereby noted that such approval for recordation does not include approval to install and utilize sanitary facilities nor does it include approval for the construction or occupancy of buildings or structures."

If the Subdivision Approval Officer disapproves the final plat, the Subdivision Approval Officer shall state in writing its reasons for such action. One (1) copy of this statement shall be transmitted to the subdivider within fifteen (15) days of disapproval; one (1) copy shall be retained by the Subdivision Approval Officer, one (1) copy shall be sent to the register of deeds. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance with these regulations and resubmit same for reconsideration by the Subdivision Approval Officer.

4.12.02. If the final plat approval is denied by the Subdivision Approval Officer, the applicant may appeal to the Planning Board..

4.13. Distribution of copies. When the final plat is approved by the Subdivision Approval Officer, the original and one (1) print shall be returned to the subdivider. One (1) reproducible copy shall be filed with the register of deeds and one (1) reproducible copy shall be retained by the Town Clerk.

4.14. Abbreviated procedure. The abbreviated procedure affords the sale of lots and/or tracts of land which qualify as subdivisions under the definition in the state statutes, but which have little impact on the county. Subdivisions, of lands which involve no street right. of-way dedication, no utility extensions, five (5) lots or less and five (5) total acres or less may follow the abbreviated procedure, which only requires that a final plat be submitted for approval. If the area proposed for subdivision is part of a larger tract which the subdivider owns, has an option on, or legal interest in, the subdivision shall not qualify under abbreviated

4.15. Recording of the final plat. The subdivider shall file the approved final plat with the register of deeds of Carteret County for recording within six (6) months after the date of approval; otherwise, such approval shall be null and void.

4.16. Resubdivision procedures. For any replatting or resubdivision of land, the same procedure, rules and regulations shall apply as prescribed herein for an original subdivision except that lot sizes may be varied on an approved plat after recording provided that:

- (1) No lot or tract of land shall be created or sold that is smaller than the size shown on the approved plat;
- (2) Drainage, easements, or rights-of-way shall not be changed;
- (3) Street alignment and block sizes shall not be changed;
- (4) Property lines between the back of the lots shall not be changed;
- (5) The rear portion of lots shall not be subdivided from the front part; and
- (6) The character of the area shall be maintained.

## ARTICLE X. VARIANCES AND ABBREVIATED APPROVAL PROCEDURES FOR SUBDIVISION PLATS

1. Variance procedures. The *Peletier Planning Board* may authorize a variance from the terms and conditions of this ordinance when the *Planning Board* finds that undue hardship may result from strict compliance with the terms and conditions of this ordinance. Any requests for a variance shall be signed by the subdivider or his duly authorized representative and shall specify in detail the requested variances and the facts and justification for the requested variance.

The variance request shall be accompanied by a sketch plan or sketch design meeting the requirements of article 2, section 2.05, of this ordinance. The variance request shall be presented at the same time the sketch plan or design as considered by the Planning Board.

Following consideration of the variance request, the Planning Board may either approve or deny the variance request in whole or in part. In the event the Planning Board grants a variance, it shall be the minimum variance necessary in order to allow the applicant reasonable use of his land. Any variance granted by the Planning Board shall require a vote of three-fourths (3/4's) members of the Board present at said meeting in which the variance is requested.

2. Required findings. In granting any variance, the Planning Board shall hold an evidentiary hearing and make a quasi-judicial decision based on the findings required below:

- (1) Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.
- (4) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

## **APPENDIX I**

Water supply systems serving fifteen (15) or more connections are classified as public water supplies by State law and plans and specifications must be approved by the division of health services, North Carolina Department of Human resources.

Water supply systems serving from two (2) to fifteen (15) connections, inclusive, may be regulated by the Carteret County Board of Health and plans should be approved by the county health department.

Plans for public and community sewer systems must be approved by the division of environmental management, North Carolina Department of Natural Resources and Community Development.

Individual water supplies should be located, constructed and operated in accordance with State Division of Health Services Bulletin Number 476, "Protection of Private Water Supplies".

Individual sewage disposal systems must be installed and maintained in accordance with the state division of health services "Rules and Regulations Governing the Disposal of Sewage from any Residence, Place of Business or Place of Public Assembly in North Carolina" and the regulations of the county board of health. State Division of Health Services Bulletin Number 519 "Residential Sewage Disposal Plants", contains helpful information.

All sanitary sewage disposal systems with more than three thousand (3,000) gallons design capacity, as well as systems with three thousand (3,000) gallons or less design capacity the effluent from which is discharged to the surface waters, shall be approved under rules and regulations promulgated by environmental management commission.