

TOWN of HISTORIC BATH
SUBDIVISION ORDINANCE

ADOPTED

OCTOBER 16, 2006

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TABLE OF CONTENTS

ARTICLE A: PURPOSE, AUTHORITY, AND JURISDICTION 4

- Sec. 7-3-1 **PURPOSE4**
- Sec. 7-3-2 **AUTHORITY and TITLE4**
- Sec. 7-3-3 **JURISDICTION.....4**
- Sec. 7-3-4 **MINOR/MAJOR SUBDIVISIONS4**
- Sec. 7-3-5 **SUBDIVISION5**
- Sec. 7-3-6 **ACCEPTANCE OF PUBLIC SERVICES5**
- Sec. 7-3-7 **COMPLIANCE WITH ZONING ORDINANCE5**
- Sec. 7-3-8 **CONSISTENCY WITH OFFICIAL PLANS6**

ARTICLE C: PROCEDURES FOR THE SUBMISSION AND APPROVAL OF SUBDIVISIONS 6

- Sec. 7-3-9 **SKETCH PLAN PRESUBMITTAL CONFERENCE6**
- Sec. 7-3-10 **PRELIMINARY PLAT.....6**
 - I. Submittals..... 6
 - II. Plat Contents 7
 - III. Approval..... 8
- Sec. 7-3-11 **FINAL PLAT CONTENTS9**
 - I. Final Plat Submittals 10
 - II. Final Plat Contents..... 10
 - III. Sureties and Performance Guarantee..... 12
 - IV. Maintenance and Defects Guarantee 13
 - V. Final Plat Approval..... 14
- Sec. 7-3-12 **RECORDING OF FINAL PLAT14**

ARTICLE D: DESIGN AND CONSTRUCTION STANDARDS 15

- Sec. 7-3-13 **GENERAL.....15**
 - I. Design Guide 15
 - II. Access Adequacy 16
- Sec. 7-3-14 **STREETS16**
 - I. Design and Layout..... 16
 - II. Coordination with Surrounding Streets..... 17
 - III. Classification 18
 - IV. Street Width and Drainage Requirements. 19
 - V. Private Streets..... 19
 - VI. Construction 20
- Sec. 7-3-15 **STORM WATER MANAGEMENT.....21**
- Sec. 7-3-16 **UTILITIES.....22**
 - I. Water Supply 22
 - II. Sewage Disposal..... 23
 - III. Other Utilities..... 24
- Sec. 7-3-17 **OTHER IMPROVEMENTS25**

Sec. 7-3-18	OTHER REOUREMENTS	26
	I. Open Spaces	26
	II. Ownership and Maintenance of Open Space and Recreation Areas	26
	III. Waterfront Subdivisions	26
ARTICLE E: LEGAL PROVISIONS		28
Sec. 7-3-19	ENFORCEMENT	28
Sec. 7-3-20	PENALTIES	28
Sec. 7-3-21	VARIANCE	29
Sec. 7-3-22	AMENDMENTS	29
Sec. 7-3-23	SEPARABILITY	29
Sec. 7-3-24	ABROGATION	29
APPENDIX A: DEFINITIONS		30

Chapter 3
SUBDIVISION ORDINANCE

ARTICLE A: PURPOSE, AUTHORITY, AND JURISDICTION

Sec. 7-3-1 PURPOSE

The purpose of this ordinance is to establish procedures and standards for the development and subdivision of land within the territorial jurisdiction of the Town of Bath. It is designed to provide for coordination of streets, community facilities, and utilities within proposed subdivisions and to assure the provision of streets, utilities, and recreation facilities needed to service proposed subdivisions and minimize future expenditures by the Town for provision of these services. It is further designed to distribute population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety, and general welfare, and to provide for proper legal description monumentation and recording of land that will ensure easy identification and permanent location of real estate boundaries. In addition, this ordinance is designed to encourage the wise, productive, and beneficial use and preservation of the natural, historic, archaeological and cultural values of the Town, to maintain a healthy and pleasant environment, and to preserve the natural beauty of the Town and its territorial jurisdiction.

Sec. 7-3-2 AUTHORITY and TITLE

This ordinance is adopted under the authority and provisions of the General Statutes of North Carolina, Chapter 160A, Article 19, Part 2.

Sec. 7-3-3 JURISDICTION

The regulations of this ordinance shall apply throughout the Town of Bath and its extraterritorial planning jurisdiction as now or hereafter established.

This ordinance shall be effective throughout the Town of Bath's planning jurisdiction. The town's planning jurisdiction comprises the area within the corporate boundaries of the town as well as the area described in that ordinance adopted by the Town Commission on _____, entitled _____ which ordinance is recorded in book _____, page _____ of the Beaufort County Registry. Such planning jurisdiction may be modified from time to time in accordance with Section 160A-360 of the North Carolina General Statutes.

Sec. 7-3-4 MINOR/MAJOR SUBDIVISIONS

For the purposes of this article the following shall define the type of subdivisions for residential purposes:

1. A Minor Subdivision shall be the division of an existing tract or parcel of property into five (5) or less lots. This criterion applies only to land divisions that do not require the construction of and dedication of streets whether public or private.
2. A Major Subdivision is the division of an existing tract or parcel into more than five (5) lots. Note that this count is cumulative based on existing lots at the time of adoption and the determination of whether a subdivision is a minor or major shall be determined by the administrator.

Sec. 7-3-5 SUBDIVISION

No person shall make a subdivision within the meaning of this ordinance of any land within the jurisdiction of the Town until such subdivision has been approved by the Town of Bath as hereinafter provided.

No plat of any subdivision within the jurisdiction of the Town shall be filed or recorded by the Register of Deeds until it has been approved pursuant to these regulations, except for the following:

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 in its subdivision regulations;
2. The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;
3. The public acquisition by purchase of strips of land for the widening or opening of streets; and
4. The division of a tract in single ownership, the entire area of which is no greater than two acres, into not more than three lots where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the Town.

Sec. 7-3-6 ACCEPTANCE OF PUBLIC SERVICES

No street shall be maintained by the Town or street dedication accepted for ownership and maintenance, nor shall water, or sewer or other Town Facilities or services be extended to or connected within any subdivision until the requirements set forth in this ordinance has been fully complied with and a final plat has been approved by the Town of Bath and recorded in the Register of Deeds.

Sec. 7-3-7 COMPLIANCE WITH ZONING ORDINANCE

No subdivision plat shall be approved unless such plat complies in all respects with the requirements of the Zoning Ordinance of the Town of Bath.

Sec. 7-3-8 CONSISTENCY WITH OFFICIAL PLANS

Subdivision plats shall be consistent and in compliance with all officially adopted Comprehensive Transportation Plans, School Plans, Recreation and Open Space Plans, and certified Coastal Area Management Act Land Use Plans.

**ARTICLE C: PROCEDURES FOR THE SUBMISSION AND APPROVAL OF
SUBDIVISIONS**

Sec. 7-3-9 SKETCH PLAN PRESUBMITTAL CONFERENCE

To minimize development planning costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this chapter, pre-submittal consultation between the developer and the administrator is encouraged or may be required at the discretion of the administrator.

Prior to the pre-submittal conference the developer shall submit the proposed sketch plan to the Office of State Archeology (OSA) for review. The OSA will review the plan, existing maps, literature, and available studies to determine areas that have a medium or high probability of archeological significance. The OSA will notify the developer and the Town Clerk/Town Administrator of areas that will require further professional archeological survey and/or study. Once returned, the developer, town administrator, and other interested parties shall work together to establish site-specific guidelines, as appropriate prior to submittal of a Preliminary Plat.

A sketch plan of a subdivision must be submitted by the developer to the Town Clerk or Administrator for discussion and review by the Administrator and Planning Board. The Sketch Plan should include a very general description of the proposed subdivision as well as a sketch vicinity map showing the subdivision in relation to the surrounding area. The Planning Board shall review the Sketch Plan for general compliance with the requirements of this ordinance, the Zoning Ordinance, and any other applicable ordinance. The Planning Board shall advise the developer of the regulations pertaining to the proposed subdivision and the procedures to be followed in preparation and submission of the Preliminary and Final Plats. (See Appendices.)

Sec. 7-3-10 PRELIMINARY PLAT

I. Submittals

Any person who seeks approval of a Preliminary Plat shall submit the required number of prints to the Town Clerk, at least 40 days prior to the regularly scheduled Planning Board meeting at which the plat will be introduced. The Town Clerk will record receipt of the submittal and forward a copy of the submittal to the Planning Board and administrator. The submittal shall contain at least the following items:

- a) An application (See Appendices.)
- b) Four (4) prints of the preliminary plat at a scale of 1" = 100 feet or larger and ten (10) 11" by 17" reductions.
- c) A filing fee according to the following schedule until adoption of a new fee schedule by the town board:
MINOR PLATS: \$500; plus \$100 per lot
MAJOR PLATS: \$1,000; plus \$300 per lot.
- d) At the same scale as the Preliminary Plat, a Development Plan, showing topography at contour intervals appropriate for the site, graphic drainage analysis including existing and proposed watercourses and distinction between upland and wetland, Areas of Environmental Concern, location of tree cover, existing structures, and proposed lot lines. If located within an area of special flood hazard as identified by the Federal Emergency Management Agency, the location of the base flood elevation shall be indicated.
- e) A stormwater management plan, erosion and sediment control plan, and other drainage plans and calculations, including description of the effects of a 100-year storm, to be prepared and certified by a registered Professional Engineer.
- f) Documentation that the site has undergone a preliminary evaluation for septic tank usage by the Beaufort County Health Department if public sewer will not be provided and proof of conditional approval that all state regulations will be met.
- g) An Environmental Impact Statement if required by the Planning Board pursuant to Chapter 113A of the North Carolina General Statutes.
- h) Delineation of all Jurisdictional Wetlands, buffers and setbacks as determined by the US Army Corps of Engineers, CAMA and Tar/Pamlico.
- i) A proposed set of Restrictive Covenants, if applicable.

II. Plat Contents

The Preliminary Plat shall be prepared by either a registered surveyor or a registered engineer and shall be clearly and legibly drawn at a scale of 1" =100' or such other scale as the Planning Board may accept to show details. The Preliminary Plat shall contain the following information:

- a) Subdivision name, boundaries, north point, legend, date, scale, and indication of zoning district.

- b) Sketch vicinity map showing the location of the subdivision in relation to the surrounding area.
- c) Name and address of landowner, developer, registered engineer or surveyor, his stamps, and names (and stamps if appropriate) of any other professionals engaged in the design.
- d) Location and ownership of abutting property.
- e) Existing and proposed lines of streets, lots, easements, and public or common areas within the subdivision, and sufficient information to determine the location, direction, and length of every street line, lot line, easement, and boundary line, and to establish those lines on the ground. Lots shall be numbered and approximate lot area shown.
- f) Proposed streets, existing and platted streets on adjoining properties and in the proposed subdivision designated either public or private, indicating right-of-way and/or easement widths, pavement widths, and centerline curve and corner radius data including sight distances, and typical street cross sections. *(See Section 7-3-14)*
- g) Plans for proposed utility layouts including sanitary sewers, storm sewers, water distribution lines, street lighting, telephone and electric service, illustrating connections to existing systems or plans for individual water supply systems and/or sewage disposal systems, showing line size and location of fire hydrants and manholes.
- h) All of the information required by NCGS 47-30, NCGS 39-32.3 and (See Appendices).

III. Approval

a) Planning Board Review and Action.

The developer shall submit the Application, Plat, and data required in Section 2 to the Town Clerk or Administrator at least 40 days prior to the Planning Board meeting at which it is to be considered. The Administrator shall review the application to determine if it is a complete application, inclusive of all required forms or fees. If the Administrator determines that the application is complete then they shall forward it to the Planning Board for their review. If the Administrator determines that the application is not complete, the Administrator shall return it to the developer with a written description of the deficiencies. The Planning Board shall review the plat, consulting with local or other officials and other technical experts as necessary to discuss the plat and identify any changes or additions necessary for the subdivision to achieve the objectives of this ordinance. The Planning Board shall recommend approval, conditional approval, or disapproval of the plat within 60 days after its first meeting at which the plat receives consideration. The Chairman of the Planning Board shall notify the Town Clerk and developer of the Board's decision and the Clerk shall transmit the plat with its recommendations including any conditions or modifications to the Town Board. If conditionally approved, the Planning Board may require that the developer submit a revised Preliminary Plat. If the Planning Board recommends disapproval, the reasons for disapproval shall be stated in the minutes of the meeting with specific references to the sections of the Ordinance within which the Plat does not comply. A copy of the minutes shall be sent to the developer via registered mail with return receipt requested. If the

Planning Board fails to take action on the preliminary plat request within 60 days from the date that the plat is initially reviewed by the Planning Board, the Administrator shall forward the application to the Town Board for review and action. In such case, the Town Board shall follow the same review and approval procedures as established in this Section.

The Planning Board may call a public hearing on the Preliminary Plat if it is deemed necessary or desirable by said Board.

b) Town Board Action.

Upon receipt of the plat, and the Planning Board's recommendation the Board shall review it for compliance with the requirements of this ordinance and consider the recommendations of the Planning Board and other reviewers, if any. The Board shall approve, approve conditionally, or disapprove the Preliminary Plat within 60 days of submittal by the Planning Board. If the Board approves the Preliminary Plat, approval shall be noted on at least two copies of the Plat by the Town Clerk. One copy shall be returned to the developer and one shall be retained by the Town Clerk. If the plat is approved with conditions, the conditions and the reasons for the conditional approval shall be recorded in the minutes of the meeting and a copy of any conditions shall be attached to the s plats. If the Town Board disapproves the preliminary plat, the reasons for disapproval shall be stated in the minutes of the meeting and reference shall be made to the specific section(s) of this ordinance with which the plat does not comply. The reasons for disapproval shall be forwarded via registered mail-Return Receipt to the Property owner. The applicant may make the recommended revisions and submit a revised preliminary plat.

Preliminary approval shall be valid for a period of 12 months from the date of approval of the plat by the Town Board unless an extension of time is applied for and granted by the Board. Preliminary plats whose approval has elapsed shall be resubmitted in accordance with the provisions of this Section.

The Town Board may call a public hearing on the Preliminary Plat if it is deemed necessary or desirable by said Board.

c) Improvements.

Upon Town Board approval of the Preliminary Plat (with or without conditions), and approval of applicable plans by local, county, state and federal agencies, the developer may proceed with the installation of the required improvements and the preparation of the Final Plat in accordance with the approved Preliminary Plat and the requirements of this ordinance.

Sec. 7-3-11 FINAL PLAT CONTENTS

A final subdivision plat must be submitted within 12 months of the date 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 Town Board. The Final Plat shall contain only that portion of the Preliminary Plat that the developer proposes to develop and record at that time. When a Final Plat is submitted, approval of the Preliminary Plat is automatically extended another 12 months.

No Final Plat shall be approved until the developer has installed in the area represented on the Final Plat all improvements required by this ordinance, or shall have guaranteed their installation as provided in Section 7-3-11(III) All presales of property prior to approval of Final Plat shall comply with North Carolina General Statute 160A-375 *Penalties for transferring lots in unapproved subdivisions.*

I. Final Plat Submittals

Any person who seeks approval of a Final Plat of a subdivision shall submit the required number of prints to the Town Clerk, at least 40 days prior to the regularly scheduled Planning Board meeting at which the plat will be introduced. The Town Clerk will record receipt of the submittal and forward a copy of the submittal to the Planning Board and to the town administrator. The submittal shall contain at least the following items:

- a) An application (See Appendices).
- b) Four (4) prints of the preliminary plat at a scale of 1" = 100 feet or larger and ten (10) 11" by 17" reductions.
- c) Certification from the County Health Department that all lots intended to be served by ground absorption sewage disposal systems have been approved for such usage, and all of the State regulations have been met.
- d) An erosion and sediment control plan approved by the North Carolina Division of Land Resources.
- e) An approved stormwater management plan.
- f) A final set of restrictive covenants, if applicable.

II. Final Plat Contents

The Final Plat shall be prepared by either a registered surveyor or a registered engineer and shall be drawn at a scale of 1" = 100' or larger. Sheet sizes shall be no smaller than 18" x 24" and no larger than 24" x 36", unless the Planning Board approves a different size in advance of Plat Submittal. Also ten (10) 11" by 17" reductions of the Final Plat shall be included. One copy of the Final Plat shall be drawn on reproducible Mylar.

The Final Plat shall contain the following information:

- a) Subdivision name, boundaries, north point, legend, date, and scale.

- b) Name and address of landowner, developer, registered engineer or surveyor, his stamp, and names (and stamps if appropriate) of any other professionals engaged in the design.
- c) Sketch vicinity map showing the location of the subdivision in relation to the surrounding area.
- d) Names of proposed streets and the locations and widths of proposed street rights-of-way and street pavements.
- e) Layout of lot arrangement including lot lines, lot dimensions and lot numbers.
- f) Base flood elevation if located within an area of special flood hazard as defined by the Federal Emergency Management Agency.
- g) Certification of ownership and dedication as shown in Appendix B
- h) All of the information required by NCGS 47-30, NCGS 39-23.3 and Appendices; and
- i) All the applicable certificates required in Appendices
- j) Certification of Final Plat Approval for endorsement by the Town Clerk
- k) As built Engineering data as follows:
 - 1) The plans for utility layout, including sanitary sewers, storm sewers, water distribution lines, natural gas, telephone and electric service, illustrating connections to existing systems or plans for individual water supply systems and/or sewerage disposal systems. Plans must show line sizes, the location of fire hydrants, blow-offs, manholes, pumps, force-mains, and gate valves;
 - 2) Location and dimensions of all rights-of-way, utility or other easements, paths or trails, and public or common areas;
 - 3) Right-of-way lines, sight distance lines, pavement widths, and names of all streets and the location, name, and width of all adjacent streets and easements;
 - 4) Property lines, buildings or other structures, watercourses, bridges, culverts, storm drains, corporate limits on land to be subdivided and on a portion of the land immediately adjoining;
 - 5) Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary line, street line, lot line, right-of-way line, easement line, setback line, sight distance line including dimensions, bearings or deflection angles, radii, central angles, and tangent distances for the center line of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest tenth of a foot and all angles to the nearest minute;
 - 6) Accurate location and description of all monuments, markers and control points;
 - 7) Modifications, if any, to the topography of the proposed subdivision at a contour interval of not more than two feet.

III. Sureties and Performance Guarantee

The Town Board may elect to require all improvements be in place, inspected and accepted or the Board may elect to grant final approval based on a performance guarantee.

A. Acceptable Guarantees

In lieu of requiring the completion, installation, and dedication of all improvements prior to final plat approval, the Town shall enter into an agreement with the developer whereby the developer shall complete all required improvements. Once said agreement is signed by the developer and the security required herein is provided, the final plat may be approved if all other requirements of this Ordinance are met. To secure this agreement, the developer shall provide any or a combination of the following guarantees to cover the costs of the uncompleted improvements:

1) Surety Performance Bond(s):

- (a) The developer shall obtain a surety bond from a surety bonding company authorized to issue said bonds in North Carolina.
- (b) The bond shall be payable to the Town of Bath and shall be in an amount equal to 125 percent of the entire estimated cost, as approved by the Town Board, of installing all uncompleted improvements.
- (c) The bond amount and term shall be as approved by the Town Board.
- (d) The Town's attorney shall review the submitted bond and make a recommendation regarding its sufficiency to the Town Board.

2) Cash or Equivalent Security

The developer shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the Town or in escrow with a financial institution. The use of any instrument other than cash shall be subject to approval of the Town Board. The amount of deposit shall be equal to 125 percent of the entire estimated cost, as approved by the Town Board, of installing all uncompleted improvements. If cash or other instrument is deposited in escrow with a financial institution as provided above, then the developer shall file with the Town an agreement between the financial institution and himself guaranteeing the following:

- a) that said escrow account shall be held in trust until released by the Town and may not be used or pledged by the developer in any other matter during the term of the escrow; and

- b) that in case of a failure on the part of the developer to complete said improvements, the financial institution shall, upon notification by the Town, immediately pay the funds deemed necessary by the Town to complete the improvements, up to the full balance of the escrow amount, or deliver to the Town any other instruments fully endorsed or otherwise made payable in full to the Town.
- c) All instruments shall be reviewed by the Town's attorney and a recommendation regarding their sufficiency made to the Town Board.

B. Duration of Financial Guarantees.

The duration of a financial guarantee shall be of a reasonable period to allow for completion and acceptance of improvements. In no case shall the duration of the financial guarantee for improvements exceed twenty-four months.

C. Failure to Perform.

All developments whose improvements are not completed and accepted fourteen days prior to the expiration of the financial guarantee shall be considered to be in default. Said guarantee may be extended with the consent of the Town, if such extension takes place prior to default.

D. Default

Upon default, the surety bonding company or the financial institution holding the escrow account shall, if requested by the Town, pay all or any portion of the bond or escrow fund to the Town up to the amount deemed necessary by the Town to complete the improvements. Upon payment, the Town shall expend such funds or portion thereof to complete all or any portion of the required improvements. The Town shall return any funds not spent in completing the improvements. Default on a project does not release the developer from liability and responsibility for completion of the improvements.

E. Release of Guarantee Security.

The Town may release a portion or all of any security posted as the improvements are completed and approved by the Town.

IV. Maintenance and Defects Guarantee

No final plat shall be approved until all required improvements have been installed and approved or appropriate surety has been provided as set forth in Section III, *Sureties and Performance Guarantee*. In addition the Town Clerk or Administrator shall secure from all developers a letter along with an appropriate surety guarantee in which said developer shall agree to maintain the backfill on any improvements and guarantee improvements against defects for twenty four months, except those improvements made by utilities companies. Such letter shall be binding on the developer for a period of two years after the acceptance of such improvements by the Town.

V. Final Plat Approval

A. Administrator and Planning Board Recommendation

The developer shall submit the Application and Final Plat to the Planning Board and Administrator at least 40 days prior to the Planning Board meeting at which it is to be considered. The Administrator shall review the application to determine if it is a complete application, inclusive of all required forms or fees. If the Administrator determines that the application is complete then they shall forward it to the Planning Board for their review. If the Administrator determines that the application is not complete, the Administrator shall return it to the developer with a written description of the deficiencies. The Planning Board shall review the plat and may consult with technical experts as necessary to confirm conformance with the approved Preliminary Plat and for compliance with all requirements of this ordinance. The Planning Board shall recommend approval, conditional approval or disapproval of the plat within 60 days after its first meeting at which the final plat receives consideration. If conditionally approved, the Planning Board may require that the developer submit a revised Final Plat. If the Planning Board recommends disapproval, the reasons for disapproval shall be stated in the minutes of the meeting with specific references to the sections of the Ordinance within which the Plat does not comply. A copy of the minutes shall be sent to the developer via registered mail with return receipt requested. The Chairman of the Planning Board shall notify the Town Clerk and developer of the Board's recommendation and the Clerk shall transmit the plat with its recommendations, including any conditions or modifications to the Town Board.

B. Town Board Review

Upon receipt of the Final Plat with recommendations including any conditions or modification from the Planning Board, the Town Board shall review the plat for compliance with all requirements of this ordinance and consider the recommendations by the Planning Board and other reviewers, if any. The Board shall approve or disapprove the final plat within 60 days after its first consideration by the Town Board. If the Town Board approves the Final Plat with modifications, the developer shall prepare and submit to the Board a new Final Plat or additional materials that incorporate the modifications. If the Board denies approval of the Final Plat the reasons for such denial shall be recorded in the minutes and reference shall be made to the specific section(s) of this ordinance with which the plat does not comply. The reasons for disapproval shall be forwarded via registered mail-return receipt to the property owner.

Sec. 7-3-12 RECORDING OF FINAL PLAT

The developer shall file the approved Final Plat with the Register of Deeds of Beaufort County within 30 days of Town Board approval and return two copies of the plat, showing date and documentation of filing to the Town Clerk. Failure to record the approved plat within the specified 30-day period shall render the plat null and void.

The approval and recordation of a final plat does constitute an offer to dedicate but does not constitute dedication to and acceptance for maintenance responsibility by the Town or the public of any public road, alley, utility or drainage easement or sedimentation retention or detention pond shown on such plat. Improvements within rights-of-way or easements, such as utility lines, road paving, drainage facilities, or sidewalks may, however, be accepted for maintenance by the North Carolina Department of Transportation or by the private utility provider upon compliance with applicable NCDOT and private utility provider guidelines and standards.

ARTICLE D: DESIGN AND CONSTRUCTION STANDARDS

Sec. 7-3-13 GENERAL

The developer shall observe all design standards for land subdivision as hereinafter provided. These standards shall be considered minimum standards and shall be varied from or waived only as provided in Article E.

I. Design Guide

A. Mitigation. Design and construction shall reduce to the extent reasonably possible, the following:

- 1) volume of cut and fill;
- 2) area over which existing vegetation will be disturbed; especially on land adjoining a wetland, river, pond, or stream, or overlying easily eroded soils;
- 3) number of mature trees or percentage of tree cover removed.
- 4) extent of waterways altered or relocated
- 5) visual prominence of man-made elements not necessary for safety or orientation;
- 6) visibility of building sites from existing streets;
- 7) number of driveways exiting onto existing streets;
- 8) alteration of groundwater or surface water elevations or chemical constituents;
- 9) disturbance of important wildlife habitats, outstanding botanical features, and scenic or historic vistas; and
- 10) soil loss or instability during and after construction (as per N.C.G.S. 113A-50)

B. Enhancement. Design and construction shall increase, to the extent reasonably possible, the following:

- 1) vehicular use of collector streets to avoid traffic on streets providing house frontage;
- 2) visual prominence of natural features of the landscape.
- 3) legal and physical protection of views from public streets; and
- 4) designs, which follow and match the Historic character of the Town.

C. Impervious Surface Requirements

See Sec. 7-3-15 Storm Water Management.

II. Access Adequacy

A. Lots. Every lot shall have access that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use. All lot access shall meet the requirements set forth in this Ordinance and in the Bath Zoning Ordinance. The following exceptions may be approved:

- 1) Flag lots shall meet the following requirements:
 - a) The minimum flagpole width shall be 30 feet;
 - b) Where public water is available, any building on the flag lot must be within 500 feet of a hydrant. This distance shall be measured along the street, then along the flagpole, then in a straight line to the farthest portion of the building location;
 - c) Where public sewer is available, occupied buildings on the flag lot shall have a gravity service line, or the sewer pump requirements shall be noted on the plat.
- 2) Access Requirements for Subdivisions on Thoroughfares and for Nonresidential Subdivisions
 - a) Subdivisions that permit individual residential lot access directly to a thoroughfare shall not be approved. For reverse frontage lots, vehicular access shall be permitted only to the subordinate internal subdivision street.
 - b) In order to reduce traffic congestion, commercial and industrial subdivisions may be granted limited driveway access to a thoroughfare, if the Town Board determines that no practicable alternative for access exists.

Sec. 7-3-14 STREETS

I. Design and Layout

The arrangement, character, extent, width grade, and location of all streets shall be considered in their relation to existing and planned streets, to topographical and soil conditions, to public convenience and safety and in their appropriate relation to the proposed use of the land to be served by such streets. In addition any development proposing 50 or more lots shall be required to submit a Traffic Impact Analysis (TIA) that is to be prepared by a certified Traffic Engineer licensed to practice in North

Carolina. The results of this TIA may be used by the Town to require improvements to better facilitate traffic flow.

II. Coordination with Surrounding Streets.

The proposed street layout within a subdivision shall be coordinated with the existing street system of the surrounding area and where possible, existing principle streets shall be extended.

A. Access to Unsubdivided Property. Where the subdivision adjoins unsubdivided property susceptible to being subdivided, streets shall be carried to the boundaries of the tract proposed for subdivision. Temporary turnaround shall be provided. Reserve strips prohibiting access to streets or adjoining property shall not be permitted.

B. Street Intersections. Streets shall be designed such that:

- 1) Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than 60 degrees.
- 2) Centerline offsets for intersecting streets shall not be less than 150 feet.
- 3) All streets crossing natural areas, wetlands, or stream buffers must cross at or as near to 90 degrees as possible within topographic limits.

C. Dead-end Streets. All dead-end streets shall include turn-arounds and shall be shall be constructed in accordance with NCDOT Minimum Construction Standards for Subdivision Roads for public roads.

D. Half Streets. Half streets (i.e., streets of less than the full required right-of-way and pavement width) shall not be permitted except where such streets, when combined with a similar street (developed previously or simultaneously) on property adjacent to the subdivision creates or comprises a street that meets the right-of-way and pavement requirements of this ordinance.

E. Block Standards. Block lengths, widths and areas within bounding roads shall be such that:

- 1) adequate building sites, suitable to the contemplated use are provided;
- 2) zoning requirements regarding minimum lot dimensions and areas are assured; and
- 3) lengths between intersecting stretches do not exceed 1,200 feet or be less than 400 feet.
- 4) sufficient widths are provided to allow 2 tiers of lots except where single-tier lots are required to separate development from through traffic, water areas, common areas or public property.

F. Lot Standards. Lots shall be designed such that:

- 1) the lot dimensions, setbacks, and standards of the Zoning Ordinance are met; and
- 2) double frontage lots shall be avoided except where essential to provide residential separation from through traffic or other incompatible uses.
- 3) Lot boundaries shall coincide with natural and pre-existing man-made drainage ways to the extent practicable to avoid lots that can be built upon only by altering such drainage ways
- 4) All lots shall be developed in such a way that surface water is diverted into an adequate and approved drainage system, so as not to create hardship on any other property within the drainage system.

G. Driveways. Driveways shall be developed according to the N.C. Department of Transportation's "Policy on Street and Driveway Access on North Carolina Highways".

H. Street Names and House Numbers. Street names shall be proposed by the developer and approved by the Bath Town Board, subject to the approval of the Bath office of the U.S. Postal Service. Proposed streets that are obviously in alignment with existing streets shall be given the same name. Newly created streets shall be given names that neither duplicate nor are phonetically similar to existing streets within the Town's planning jurisdiction, regardless of the use of different suffixes. Building numbers shall be assigned by the Town.

I. Subdivision Inter-Connecting Roads. All subdivision streets/roads shall connect to streets/roads that meet NCDOT Minimum Construction Standards for Subdivision Roads for public roads. The developer or person causing construction to be upgraded for any street/road is responsible for all costs involved in upgrading the substandard portion of the road.

III. Classification

Streets within a subdivision shall be classed as follows:

MINOR: A street which carries traffic equivalent to that generated by 12 or fewer dwelling units, which has no abutting property either used or zoned for commerce or industry, and which is not capable of extension.

LOCAL: A street which carries traffic equivalent to that generated by more than 12 but fewer than 50 dwelling units, which has no abutting either used or zoned for commerce or industry, and which is not capable of extension to serve more than 50 dwelling units.

COLLECTOR: A street which carries traffic equivalent to that generated by 50 dwelling units or more, or which serves property either used or zoned for commerce.

IV. Street Width and Drainage Requirements.

Streets may be constructed with both curb and gutter or with 6 foot-wide shoulders and drainage swales according to the following schedule. However, the Town Board may require curb and gutter in situations where, due to the flow, the Board determines that curb and gutter is necessary to meet the intent of his ordinance. Curb and gutter design shall be approved by the Town Board.

STREET TYPE	DRAINAGE SWALES		CURB AND GUTTER	
	Minimum Right of Way	Minimum Pavement Width	Minimum Right of Way	Minimum Pavement Width
MINOR	45	18	40	26
LOCAL	45	18	40	26
COLLECTOR	50	20	50	34
THOROUGHFARE	As required by NCDOT			

V. Private Streets

- A. Except as provided in this section, all lots created after the effective date of this ordinance shall abut a public street at least to the extent necessary to comply with access the requirement set forth in Section 7-3-13 (2). For purposes of this section, the term "public street" includes a preexisting public street as well as a street created by a developer that meets the public street standards of this ordinance and is dedicated for public use. Unless the recorded plat of a subdivision clearly shows a street to be private, the recording of such a plat shall constitute an offer of dedication of such street.
- B. Architecturally integrated subdivisions may be developed with streets that do not meet the public street and sidewalk standards of this ordinance so long as:

- 1) The proposed development will have direct access to a public street or, if the tract has access to a public street only via a private road, such private road is improved to public street standards;
 - 2) No road intended to be private is planned or expected to be extended to serve property outside the development; and
 - 3) The developer demonstrates that an appropriate association will be established for the purpose of providing for and perpetually maintaining such streets.
- C. No Final Plat that shows lots served by private roads may be recorded unless the Final Plat contains the following notations:
- 1) "Further subdivision of any lot shown on this plat as served by a private road may be prohibited by the Town of Bath Subdivision Ordinance."
 - 2) "The policy of the Town of Bath is that, if the Town improves streets that were never constructed to the standards required in the Subdivision Ordinance for dedicated streets and on which 75% of the dwelling units were constructed after the effective date of this ordinance, then 100% of the costs of such improvements shall be assessed to abutting landowners."
- D. The recorded plat of any subdivision that includes a private road shall clearly state that such road is a private road. Further, the initial purchaser of a newly created lot served by a private road shall be furnished by the seller with a disclosure statement outlining maintenance responsibilities for the road, and containing the provisions of (a) and (b) above.

VI. Construction

The design and construction of all streets, whether public or private, within the jurisdiction of this ordinance shall be in accordance with the accepted policies of the NCDOT for public streets/roads. The standards contained in the most recent edition of the NCDOT "Construction Standards for Subdivision Roads" shall apply for any items not included in this ordinance. No street improvements shall be constructed until street construction plans are reviewed and approved by either the Town or the NCDOT, as applicable.

- a) Clearing and Grubbing. Clearing and grubbing shall be performed to remove stumps, brush, roots, and like material from the area of the traveled way, shoulder, sidewalks, utility trenches, but elsewhere wherever feasible, existing vegetation shall be protected.
- b) Grading. Rights-of-way and roadways shall be graded in accordance with the NCDOT standards and specifications

- c) Street Base. All roadways shall be improved with a base course to the required width of the NCDOT. All construction and materials shall meet the NCDOT standards and specifications.
- d) Street Surface. All roadways shall be paved. The asphalt surface course shall meet the standards and specifications of the NCDOT.
- e) Curb and Gutter. Where curb and gutter is provided, such improvements shall meet the NCDOT standards and specifications as well as the Americans with Disabilities Act (ADA) requirements.
- f) Culvert Pipe. All culvert pipe and pipe under drains shall be installed to the NCDOT standards and specifications.

Sec. 7-3-15 STORM WATER MANAGEMENT

The developer shall provide an adequate drainage system for the proper drainage of all surface water, which complies with N.C.A.C. Title 15, Chapter 4, "Sedimentation Control" and N.C.A.C. Title 15, 2H.1000, "Stormwater Runoff Disposal". The design of such a system shall be subject to the approval of the Administrator.

Design Standards.

1. To the extent practicable, all development shall conform to the natural contours of the land and natural and pre-existing man-made drainage ways shall remain undisturbed. If the Town Board determines there are no feasible alternatives and any pre-existing man-made drainage ways are authorized to be disturbed in any way, the entire drainage way shall be constructed in accordance with approved storm water management practices (North Carolina Sedimentation Pollution Control Act, NCGS 143-34.12, Chapter 113A, Article 4 and the NCAC, Title 15, Chapter 4,) and Best Management Practices (BMPs) utilized.
2. No surface water may be channeled or directed into a sanitary sewer.
3. Whenever practicable, the drainage system of a development shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets.
4. The minimum design frequency for storm runoff shall be 10 years for storm sewer collection and 25 years for cross drainage (i.e., drainage facilities crossing a street).

5. Culvert outlet protection and swale erosion shall be designed on a 10 year storm.
6. All storm drainage structures shall be designed and constructed in accordance with the N.C. Department of Transportation specifications.
7. All detention/retention facilities shall be within storm drainage easements, and shall be maintained by the Developer or an approved and properly recorded property owners association. Any dam or impoundment within the proposed subdivision must comply with NCAC Title 15, Subchapter 2K. All detention/retention facilities shall be fenced for Public Safety.
8. Streambanks, channels and drainageways downstream from any land disturbing activity shall be protected from increased degradation or accelerated bank erosion caused by increased velocity of runoff from the land disturbing activity in accordance with the North Carolina Sedimentation Pollution Control Act, NCGS 143-34.12, Chapter 113A, Article 4 and the NCAC, Title 15, Chapter 4.
9. Calculated post-development runoff rates shall not exceed calculated pre-development runoff rates, as certified by a registered Professional Engineer.

Sec. 7-3-16 UTILITIES

I. Water Supply

- A. Public Supply Standards.** All new subdivisions shall connect to the Town of Bath's Public Water System if any perimeter property line is within 200 feet of an existing water line. The connection shall be at the developer's expense.
- B. Private Supply Standards.** Where a private Community water supply system is proposed, the Preliminary Plat shall be accompanied by a letter of approval from the North Carolina Division of Health Services. Where individual lots will be served by private wells, this situation will be duly noted on the Preliminary and Final Plat. Wells must be located at least 100 feet from any ground absorption system, and must be approved by all local and State Agencies having jurisdiction over them.

C. Design and Construction.

- 1) Water mains shall be designed and installed accordance to the Town of Bath specifications and the State of North Carolina requirements for Public Water Systems.

- 2) Before installation, a complete set of construction plans and specifications for the proposed system, prepared by a registered professional engineer, shall be submitted for approval by the Administrator and a copy submitted to the North Carolina Division of Health Services.
- 3) Water supply systems shall be approved by the Administrator as to location of hydrants and size of mains.
- 4) Water mains shall not be less than 6 inches in diameter, except that smaller mains (not less than 4 inches) may be used on permanent dead-end streets upon approval of the Fire Chief.
- 5) Water mains shall be looped where practicable, and fire hydrants shall be placed at dead-ends.
- 6) The Town may require installation of oversize mains when it is in the best interest of future development. The Town may pay for the portion of the improvement, which exceeds the standards of this ordinance.
- 7) Fire Hydrants shall be located so that they meet current North Carolina Fire Code. They will be within two hundred fifty (250) feet of any existing or proposed structures and shall be no more than five hundred (500) feet apart.

II. Sewage Disposal

- A. Public Disposal Standards.** All new subdivisions shall connect to the Town of Bath's Public Sewer System if any perimeter property is within 200 feet of an existing sewer line, unless waived by the Town Board. The connection shall be at the developer's expense.
- B. Private Disposal Standards.** Where a private package treatment system is proposed, the Preliminary Plat shall be accompanied by a letter of approval from the North Carolina Department of Environmental Management. A land application system, rather than surface water discharging system, shall be proposed. Where individual lots will be serviced by septic systems, the Preliminary Plat shall be accompanied by documentation that the site has undergone a preliminary evaluation by the County Health Department. The Final Plat shall be accompanied by certification that all lots intended for development have been approved for septic tank usage. Should any lot require special approval for septic system, beyond the basic setup (e.g. pump systems, mound systems), this shall be noted on the final plat. The Town Board reserves the right to require this prior to approval of the final plat.

C. Design and Construction

- 1) Sewer mains shall be designed and installed according to the Town of Bath specifications.
- 2) Before installation, a complete set of construction plans and specifications for the proposed system, prepared by a registered professional engineer, shall be submitted for approval by the Administrator and a copy submitted to the North Carolina Department of Environmental Management.
- 3) The Town may require installation of oversize mains when it is in the best interest of future development. The Town may pay for the portion of the improvements, which exceeds the standards of this ordinance.
- 4) Special Sewage Systems. If applicable to the lot, it is a requirement to give disclosure to prospective owners by the seller of the lot that a special sewage system will be required to allow usage of the property. This disclosure shall be signed by the owner, prospective buyer of the lot and sales agent – if applicable, and recorded with the deed by the Beaufort County Register of Deeds.

III. Other Utilities

- A. Wiring. Every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of the uses anticipated within the subdivision. Underground wiring for electric, telephone, and cable TV is required unless the developer demonstrates that underground wiring is impractical due to soil characteristics and other local conditions
- B. Street Lighting. All public streets, sidewalks and other community areas of facilities in subdivisions created after the effective date of this ordinance shall be sufficiently illuminated to ensure the security and the safety of persons using such streets, sidewalks, and other common areas or facilities. To the extent that fulfillment of this requirement would normally require street lights installed along public streets, this requirement shall be applicable only to subdivisions located within the corporate limits of the Town. The quantity, design, and location of all lighting shall be approved by the Administrator.

Sec. 7-3-17 OTHER IMPROVEMENTS

I. Survey

Survey, plat, monuments and control corners shall be provided in accordance with the latest edition of the "Manual of Practice for Land Surveying in North Carolina" by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors.

II. Sidewalks.

Sidewalks shall be provided on one or both sides of collector streets and one side of local streets unless the Town Board determines that due to the size, location, character, and design of the subdivision, sidewalks are not necessary to meet the intent of this ordinance. Sidewalks shall be 4 inches thick and shall be at least 4 feet wide.

III. Wheel Chair Ramps.

Whenever curb and gutter construction is used on public streets, wheel chair ramps for the handicapped shall be provided at intersections and other major points of pedestrian flow. Wheel chair ramps and depressed curbs shall be constructed in accordance with the published standards of the N.C. Department of Transportation.

IV. Street Signs

Street name signs of a type and number, which meet the Town Board requirements, shall be installed at all street intersections.

V. Shade Trees

Shade trees shall be preserved where possible; where they do not exist, the planting of appropriate trees is encouraged. Such trees shall be species, native to the area, which are resistant to damage, and disease and which do not cause interference with utilities, street lighting or visibility at street intersections.

Sec. 7-3-18 OTHER REQUIREMENTS

I. Open Spaces

All Subdivisions of 10 or more net acres (excluding streets, sidewalks, ponds, wetlands, and buffer zones) shall provide common open space suitable for the residents' passive or active recreational use and relaxation. The amount of this area is to be at least (2.5%) of the net land area of the development. In no case shall the common area space be less than 0.5 acre. Subdivision amenities including clubhouses, pools, tennis courts, walking/jogging trails, playgrounds, boat launch areas, and structures such as gazebos and picnic shelters may be constructed and included within the common area.. The area shall be landscaped. A Homeowners Association shall be designated to maintain the area. The purpose of these recreational areas is to provide passive or active recreational facilities to serve the residents of the development. This open space must be easily and legally accessible to the residents of the development.

II. Ownership and Maintenance of Open Space and Recreation Areas

- 1) Recreation facilities and usable open space required to be provided by the developer in accordance with this article shall not be dedicated to the public (except if there is an agreement between the Town and developer) but shall remain under the ownership and control of the developer (or his successor) or a homeowners association or similar organization.
- 2) The person or entity identified in subsection (1) as having the right of ownership and control over such recreational facilities and open space shall be responsible for the continuing upkeep and proper maintenance of the same.

III. Waterfront Subdivisions

- 1) Where a residential subdivision of 10 or more net acres (excluding streets, sidewalks, ponds, wetlands, and buffer zones) which adjoins a waterfront contains interior lots, which do not adjoin the water's edge but any part of which is within 400 feet of the water's edge, there shall be a water access lot which adjoins the water's edge so as to provide water access for the owners of interior properties.
- 2) The water access lot shall be one contiguous lot. In no case shall the water access lot be less than 0.5 acre. All water access lots shall have a minimum frontage at the water's edge of sixty (60) feet. A reverse Flag Lot layout can be used to attain the required minimum space.

- 3) If property adjoining and contiguous to the property to be subdivided is owned by the same owner, and such adjoining tract is to be developed into subdivided lots which are to have rights in the water access lot, the acreage of such adjoining tract shall be used in computing the size of the water access lot for the property to be subdivided.

In the event such adjoining tract is declared by the owner not to be subdivided with water access rights, no such water access lot approved without the adjoining acreage being considered shall be used by or dedicated to lots in such adjoining tract.

- 4) Before approval of the final plat can be given, the developer shall submit to the administrator a covenant stating that he will dedicate water access lots to the use of the owners of lots within the subdivision.
- 5) Water access lots may be used to meet the regular open space requirements in Item II of this section.

IV. Easements

A. Utilities. Easements shall be provided where necessary along lot lines. Such easements shall be sufficiently wide to provide for installation of such utilities and access for maintenance.

B. Drainage. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, or contains a water storage area or facility, there shall be provided a storm water easement or drainage right-of-way of adequate width to conform substantially to the lines of said feature and to provide for the possibility of flooding, protection of banks and adjacent properties, future maintenance or construction, and other necessary purposes.

V. Clean-up

At least weekly during construction and upon completion of the work, the developer shall remove from the street and adjoining property all debris, tree stumps, loose rocks, and waste materials which may have accumulated during the prosecution of the work, leaving the subdivision in a neat and orderly condition. All temporary structures and surplus materials shall be removed no later than two (2) weeks after the developer or subcontractors have completed their respective work.

ARTICLE E: LEGAL PROVISIONS

Sec. 7-3-19 ENFORCEMENT

1. Register of Deeds

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

2. Building Inspector

The Beaufort County Building Inspector(s) shall not issue any permits for construction until a preliminary plat and engineering data are approved.

3. Recordation of Deed

It is a violation of this ordinance to record any deed indicating a lot on a Preliminary Plat or Sketch Plan until a Final Plat has been recorded.

Sec. 7-3-20 PENALTIES

After the effective date of this ordinance, any person who, being the owner or agent of the owner of any land located within the jurisdiction of this ordinance, thereafter subdivides his land in violation of this ordinance or transfers or sells land by reference to exhibition of, or any other uses of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this ordinance and recorded in the office of the Beaufort County Register of Deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The Town of Bath, through its attorney or other official designated by the Town Board may enjoin illegal subdivision, transfer or sale of land, and the Court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the Subdivision Ordinance. Further, violators of this ordinance will be subject, upon conviction, to fine and/or imprisonment as provided by NCGS 14-4.

Sec. 7-3-21 VARIANCE

Where, because of severe topographical or other conditions peculiar to the site, strict adherence to the provisions of this ordinance would cause an extreme hardship, the Town Board, upon recommendation of the Planning Board, may authorize a variance to the terms of this ordinance only to the extent that is absolutely necessary and not to an extent which would violate the intent of the ordinance. Variance shall not be granted unless it is found that:

- a. That special conditions and circumstances exist which are peculiar to the land involved and which are not applicable to other lands in the Town of Bath's planning jurisdiction.
- b. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the Town of Bath's planning jurisdiction under the terms of this Ordinance.
- c. That the special conditions and circumstances do not result from the actions of the applicant.
- d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other land in the Town of Bath's planning jurisdiction.
- e. That twelve (12) months has lapsed since the last application for this variance, in cases of reapplication.

Sec. 7-3-22 AMENDMENTS

The Town Board may from time to time amend the terms of this ordinance, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation. The Planning Board shall have 60 days within which to submit its report.

Upon receipt of the Planning Board's recommendation, the Town Board shall schedule a public hearing on the proposed amendment. After such hearing the Town Board may adopt, by ordinance, amendments to this ordinance.

Sec. 7-3-23 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 therein other than the part so declared to be unconstitutional or invalid.

Sec. 7-3-24 ABROGATION

It is not intended that this ordinance repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits

previously issued or adopted pursuant to law. However, where this ordinance imposes greater restrictions upon the land or requires a high standard of development, the provision of this ordinance shall govern.

APPENDIX A: DEFINITIONS

1. *Accessory Building.* A detached subordinate building, the use of which is incidental to that of the principal building and located on the same lot therewith.
2. *Accessory Structure.* A detached subordinate structure(s), the use of which is incidental to that of the principal structure and located on the same lot therewith.
3. *Accessory Use.* A structure or use that: 1) is clearly incidental to and customarily found in connection with a principal building or principal use; 2) is subordinate to and serves a principal building or principal use; 3) is subordinate in area, extent, or purpose to the principal building or principal use served; 4) contributes to the comfort, convenience, or necessity of occupants, business, or industry, in the principal building or principal use served; and 5) is located on the same lot as the principal building or principal use served.
4. *Administrator.* The Town Clerk or other appointee of the Town Board.
5. *Area of Environmental Concern.* Any area designated as an Area of Environmental Concern (AEC) by the Coastal Resources Commission under G.S. 113 A-113, including coastal wetlands, estuarine waters, and estuarine shorelines within 75 feet of the mean high water line, public trust areas, public water supply AECs, and natural and cultural resource AECs. For purposes of this ordinance, the shoreline of waters designated by the North Carolina Marine Fisheries Commission as Joint Fishing Waters shall be considered estuarine shorelines.
6. *Base Flood.* The flood having a one percent chance of being equal to or exceeded in any given year. Also known as the 100-year flood.
7. *Buffer.* A strip of land of land which is established to separate one type of land use from another type of land use and which contains natural or planted vegetation, berms, walls, or fences in accordance with the provisions of this Ordinance.
8. *Building, Principal.* The primary building on a lot or a building that houses a principal use.
9. *Certify.* Whenever this chapter requires that some agency certify the existence of some fact or circumstance to the town, the town may require that such

certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the town may accept certification by telephone from some agency when the circumstances warrant it, or the town may require that the certification be in the form of a letter or other document.

10. *Circulation Area.* Portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.
11. *Developer.* Any person, or group of persons that is responsible for the development of land as described in this chapter.
12. *Extraterritorial Jurisdiction (ETJ).* The portion of the Town's planning jurisdiction that lies outside the corporate limits of the Town.
13. *Family.* One or more persons living together as a single housekeeping unit.
14. *Flag Lot.* A lot that is composed of a narrow 'flagpole' strip extending from the street and much wider 'flag' section lying immediately behind a lot or lots having the required street frontage for a conventional lot. In the case of a flag lot, the lot line at the end of the flag pole lying generally parallel to the street to which the flagpole connects shall be considered to be the front lot line for setback purposes.
15. *Floodplain.* Any land area susceptible to be inundated by water from the base flood. As used in this chapter, the term refers to that area designated as subject to flooding from the base flood (one hundred year flood) on the "Flood Boundary and Floodway Map" prepared by the U.S. Department of Housing and Urban Development, a copy of which is on file in the Town Hall.
16. *Floodway.* The Channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. As used in this chapter, the term refers to that area designated as a floodway on the "Flood Boundary and Floodway Map" prepared by the U.S. Department of Housing and Urban Development, a copy of which is on file in the Town Hall.
17. *Lot.* A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.
18. *Nonconforming Lot.* A lot existing at the effective date of this chapter (and not created for the purposes of evading the restrictions of this chapter) that does not meet the minimum area requirement of the district in which the lot is located.

19. *Planning Jurisdiction.* The area within the town limits as well as the area beyond the town limits within which the town is authorized to plan for and regulate development.