

# **CRAVEN COUNTY, NORTH CAROLINA**

## **SUBDIVISION ORDINANCE**

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### **Article I Authority**

#### **Section 101. Title**

This ordinance shall be known and may be cited as the “Subdivision Ordinance” of the County of Craven, North Carolina.

#### **Section 102. 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 County of Craven; to provide for the orderly growth and development of Craven County; for the coordination of streets and highways within proposed subdivisions with existing or planned street and highways and with other public facilities; for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and of rights-of-way or easements for street and utility purposes; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety, and the general welfare. This ordinance is designed to further facilitate adequate provision of water, sewerage, parks, schools, and playgrounds, and also facilitate the further subdivision of larger tracts into smaller parcels of land.

#### **Section 103. Authority**

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

#### **Section 104. Jurisdiction**

The regulations contained herein, as provided in N.C.G.S. 153A, Article 18, and N.C.G.S. 153A-121 shall govern each and every subdivision of land within Craven County outside of the jurisdiction of any incorporated municipality. In the event that the jurisdiction of Craven County under the provisions of this ordinance overlaps into the extraterritorial jurisdiction of any incorporated municipality, Craven County shall not exercise jurisdiction under this ordinance unless the owner of the land to be subdivided petitions the governing body of the incorporated municipality to surrender jurisdiction to Craven County and that body does in fact surrender such jurisdiction and Craven County through its Board of County Commissioners adopts a resolution accepting jurisdiction.

### **Section 105. Prerequisite to Plat Recordation**

After the effective date of this ordinance, each individual subdivision plat of land within the jurisdiction of Craven County shall be approved by the Craven County Board of Commissioners after review and recommendation by the Craven County Planning Board.

### **Section 106. Thoroughfare Plans**

Where a proposed subdivision includes any part of a thoroughfare which has been designated as such upon any officially adopted thoroughfare plans of the County, whether such plan was adopted by Craven County, the State of North Carolina, or any agency or subdivision thereof, such part of such thoroughfare shall be platted by the Subdivider in the location shown on the plan and at the width specified in this ordinance.

### **Section 107. School Sites in Land Use Plan**

If the Craven County Board of Commissioners and Board of Education have jointly determined the specific location and size of any school site to be reserved and this information appears in a comprehensive land use plan, the Craven County Planning Board shall immediately notify the Board of Education whenever a plan for a subdivision is submitted which includes all or part of a school site to be reserved. The Board of Education shall promptly decide whether it still wishes the site to be reserved. If the Board of Education does not wish to preserve the site, it shall so notify the Craven County Planning Board. If the Board does wish to reserve the site, the subdivision shall not be approved without such reservation. The Board of Education shall then have eighteen (18) months beginning on the date of final approval of the subdivision within which to acquire the site by purchase or by exercise of the power of eminent domain. If the Board of Education has not purchased or begun proceedings to condemn the site within eighteen (18) months, the Subdivider may treat the land as freed of the reservation.

### **Section 108. Zoning and Other Plans**

Proposed subdivisions must comply in all respects with the requirements of any zoning ordinance in effect in the area to be subdivided, and any other officially adopted plans.

### **Section 109. Flood Plain Requirements**

The following flood plain requirements shall apply to all preliminary and final subdivision plats:

- 109.1** All subdivision proposals shall be consistent with the need to minimize flood damage.

**109.2** All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

**109.3** All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

**109.4** Base flood elevation data shall be provided for subdivision proposals and other proposed Development which is greater than the lesser of fifty lots or five acres.

## **Article II Legal Provisions**

### **Section 201. General Procedure for Plat Approval**

After the effective date of this ordinance, no subdivision plat of land within the jurisdiction of the County of Craven shall be filed or recorded until it has been submitted to and approved by the Craven County Board of Commissioners as set forth in Article I, Section 105 of this ordinance, and until this approval is entered in writing on the face of the plat by the Chairman of the Craven County Board of Commissioners and attested by the clerk to the Craven County Board of Commissioners.

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

### **Section 202. Statement By Owner**

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

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

### **Section 203. Effect of Plat Approval on Dedications**

The approval of a plat does not constitute or affect the acceptance by Craven County or the public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat and shall not be construed to do so.

## **Section 204. Penalties for Violation**

- 204.1** After the effective date of this ordinance, any person who, being the owner or agent of the owner on any land located within the territorial jurisdiction of this ordinance, thereafter subdivides his land in violation of this ordinance or transfers or sells land by reference to, 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 Craven County Register of Deeds, shall be guilty of a misdemeanor. The description by meets and bounds in the instrument of transferring land shall not exempt the transaction from this penalty, whether or not the description by metes and bounds in the instrument of transfer refers to any recorded or unrecorded map. Craven County through its attorney or other official designated by the Craven County Board of Commissioners may enjoin illegal subdivision, transfer or sale of land by action for injunction. Further, violators of this ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by N.C.G.S. 14-4.
- 204.2** The violation of any provision of this ordinance shall subject the offender to a civil penalty in the amount of \$100.00 per violation per day to be recovered by Craven County. Violators shall be issued a written citation, which must be paid within ten (10) days. The violation of any provision of this ordinance shall be deemed to be committed on the date of recordation of an instrument of transfer or other document which transfers land in violation of this ordinance.
- 204.3** Each day's continuing violation of this ordinance shall be a separate and distinct offense.
- 204.4** Notwithstanding Subsection 204.1 and 204.2 above, this ordinance may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.
- 204.5** Nothing in this section shall be construed to limit the use of remedies available to Craven County and the county may seek to enforce this ordinance by using any one, all, or a combination of remedies.

## **Section 205. Severability**

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

## **Section 206. Variances**

The Craven County Board of Commissioners, upon review and recommendation of the Craven County Planning Board, may authorize a variance from these regulations when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Board of Commissioners and Planning Board shall make the findings required below, taking into account the nature of the proposed subdivision, the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Craven County Board of Commissioners, after review and recommendation by the Craven County Planning Board, finds:

- a) That (1) there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of reasonable use of his land, or (2) the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner; and,
- b) That the circumstance giving rise to the need for the variance are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this ordinance; and,
- c) That the granting of the variance will not be detrimental to the purpose of this ordinance, public health, safety and welfare or injurious to other property in the territory in which said property is situated.

In the event that the Craven County Board of Commissioners grants a variance under the provisions of this section, the fact that a variance has been granted shall be noted on the final plat together with the date of approval of the variance by the Craven County Board of Commissioners.

## **Section 207. Amendments**

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

No amendment shall be adopted by the Craven County Board of Commissioners until they have held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the Craven County area at least once a week for two (2) successive calendar weeks prior to the hearing. The initial notice shall appear not more than twenty-five (25) nor less than ten (10) days prior to the hearing date. In computing the ten (10) day period, the date of publication is not to be counted, but the date of the hearing shall be counted.

**Section 208. Abrogation**

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

**Section 209. Administration**

Any employee serving in the capacity of Craven County Planner is hereby appointed to serve as Subdivision Administrator.

**Article III  
Procedure for Review and Approval  
of Subdivision Plats**

**Section 301. Plat Shall be Required on Any Subdivision of Land**

A final plat shall be prepared, approved, and recorded pursuant to the provisions of this ordinance whenever any subdivision of land takes place.

**Section 302. Approval Prerequisite to Plat Recordation**

No final plat of a subdivision within the jurisdiction of the County of Craven as established in Article I, Section 104 of this ordinance shall be recorded by the Register of Deeds of Craven County until it has been approved by the Craven County Board of Commissioners as provided herein. To secure such approval of a final plat, the Subdivider shall follow the procedures established in this article.

**Section 303. Procedures for Review of Major and Minor Subdivisions**

All subdivisions shall be considered major subdivisions except those defined as minor subdivisions in this section. Major subdivisions shall be reviewed in accordance with the procedures in Article III, Sections 305 through 308. Minor subdivisions shall be reviewed in accordance with the provisions of Article III, Section 304.

A minor subdivision is defined as one along an existing state maintained or non-improved private street where no guarantees for improvements are involved. Either the Subdivider or his authorized agent must appear before the Planning Board at the meeting in which the major or minor subdivision plat is being considered for preliminary or final approval. If the Subdivider or his authorized agent is not present, the Planning Board reserves the right to postpone approval of said subdivision plat.

## **Section 304. Procedure for Review of Minor Subdivisions**

### **304.1 Sketch Plan for Minor Subdivisions**

Prior to submission of a final plat, the Subdivider may submit to the Subdivision Administrator seven (7) copies of a sketch plan of the proposed minor subdivision containing the following information:

- a) A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, and waterways;
- b) The boundaries of the tract and the portion of the tract to be subdivided;
- c) The total acreage to be subdivided;
- d) The existing and proposed uses of land within the subdivision and the existing uses of land adjoining it;
- e) The existing street layout, any proposed street layouts and right-of way width, lot layout and size of lots;
- f) The name, address and telephone number of the owner;
- g) The name, if any, of the proposed subdivision;
- h) Street and lots of adjacent developed or platted properties;
- i) The zoning classification of the tract and of adjacent properties;
- j) A statement from the Craven County Health Department that a copy of the sketch plan has been submitted to them, if septic tanks or other onsite water or wastewater systems are to be used in the subdivision;
- k) The Subdivider shall receive street name approval from the County Planning Department in accordance with Craven County's Road Naming and Addressing Ordinance.

At the time of submission of a sketch plan, the owner shall have the boundaries of the tract staked. In addition, he shall have met and reviewed the county soils mapping with the Craven County Health Department to ascertain the type and suitability of the soils for subsurface sewage treatment.

The sketch plan shall be submitted to the Craven County Subdivision Administrator at least 15 days prior to the Craven County Planning Board meeting at which it will be reviewed. The Subdivision Administrator shall review the sketch plan for general compliance with the requirements of this ordinance and any applicable zoning ordinance; and shall advise the Subdivider or his authorized agent of the regulations pertaining to the

proposed subdivision and the procedures to be followed in the preparation and submission of the final plat.

**304.2 Final Plat for Minor Subdivisions**

Upon approval of any sketch plan by the Craven County Planning Board, the Subdivider may proceed with the preparation of the final plat in accordance with the requirements of this ordinance.

The Subdivider shall submit the final plat, so marked, to the Subdivision Administrator not less than 15 days prior to the meeting of the Craven County Planning Board at which it will be reviewed.

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

Seven (7) copies of the final plat shall be submitted. Material and drawing medium for the original shall be in accordance with the Manual of Practice for Land Surveying in North Carolina and the requirements of the Craven County Register of Deeds.

The final plat to be recorded shall be a reproducible plat either of original ink on polyester film (mylar), or a reproduced drawing, transparent and archival and have an outside margin of 0.5". The plat size shall be 18" x 24" (preferred), or 21" x 30". The scale shall not be less than one (1) inch equals one hundred (100) feet, unless otherwise approved by the Subdivision Administrator. Maps may be placed on more than one sheet with appropriate match lines.

A filing fee of \$50.00 or \$10.00 per lot, whichever is greater, is required following approval of the final plat.

The final plat shall meet the specifications in Section 308.

The following signed certificates shall appear on all seven (7) copies of the minor subdivision final plat:

a) Certificate of Ownership and Dedication

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon, which is located in the subdivision jurisdiction of the County of Craven and that I (we) hereby adopt this plan of subdivision pursuant to Article III, Section 304, of the Craven County Subdivision Ordinance with my (our) free consent and establish minimum Building Setback Lines as noted:

\_\_\_\_\_  
Date

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

b) Certificate of Survey and Accuracy

In accordance with the Manual of Practice for Land Surveying in North Carolina:

On the face of each map prepared for recordation there shall appear a certificate acknowledged before an officer authorized to take acknowledgements and executed by the person making the survey or map including deeds and any recorded data shown thereon. The certificate shall include a statement or error of closure calculated by latitudes and departures. Any lines on the map which were not actually surveyed must be clearly indicated on the map and a statement included in the certificate revealing the source of information.

The certificate shall take the following general form:

State of North Carolina, \_\_\_\_\_ County  
I (We), \_\_\_\_\_, certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made 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:\_\_\_\_\_ (that the boundaries not surveyed are shown as broken lines plotted from information found in Book \_\_, Page \_\_; that this map was prepared in accordance with N.C.G.S. 47-30, as amended.

Witness my hand and seal this \_\_\_ day of \_\_\_\_\_ A.D., 20\_\_

\_\_\_\_\_  
Registered Land Surveyor

Official Seal

\_\_\_\_\_  
Registration Number

c) Certificate of Approval from Environmental Health

Unless specifically remarked in the NOTES section of this plat, the Craven County Health Department, based on the information submitted with the application, has performed a site evaluation on each lot located within this subdivision. Copies of the site evaluations and Improvement Permits for the sewage collection treatment and disposal systems planned to serve each lot are available for review in the office of the Division of Environmental Health.

\_\_\_\_\_  
Director  
Division of Environmental Health  
Craven County Health Department

\_\_\_\_\_  
Date

This certification is based on conditions and State regulations existing on the date of this certification and shall remain in effect for five (5) calendar years from the date of the certification. Following expiration of the five (5) year certification, the Craven County Division of Environmental Health reserves the right to require additional improvements for these lots if found necessary when the improvement permit is requested. Provided this certification may be overridden by State and/or Federal Statutes and authority.

This the \_\_\_ day of \_\_\_\_\_, 20\_\_.

d) Certificate of Approval by the Planning Board

The Craven County Planning Board hereby approves the final plat for the \_\_\_\_\_ subdivision.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairman, Planning Board

e) Certificate of Approval by the Board of County Commissioners

The Craven County Board of Commissioners hereby approves the final plat for the \_\_\_\_\_ subdivision.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairman, Craven County  
Board of Commissioners

f) Disclaimer of Wetlands Determination

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

g) Air Installation Compatible Use Zone (AICUZ) Disclosure

If all or part of a subdivision is determined to lie within an area of Craven County that is regulated by the Craven County Marine Corps Air Station Zoning Ordinance, a disclosure statement shall appear on the plat in accordance with the aforementioned ordinance.

h) Certificate of Registration by Register of Deeds

North Carolina  
Craven County

The foregoing certificate of \_\_\_\_\_, a Notary Public of \_\_\_\_\_ County, North Carolina, is certified to be correct.

Filed for registration on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, at \_\_\_\_\_ (A.M./P.M.) and recorded in Plat Cabinet \_\_\_\_\_, Slide\_\_\_\_\_.

\_\_\_\_\_  
Register of Deeds

i) Certificate of Local Coastal Area Management Officer

This subdivision conforms to the standards of the North Carolina Coastal Management Act of 1974 and is not located within any Area of Environmental Concern.

\_\_\_\_\_  
Local Permit Officer

OR

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

\_\_\_\_\_  
Local Permit Officer

j) Department of Transportation

Division of Highways

Proposed Public Subdivision Road Minimum Design Standards  
Certification

Approved \_\_\_\_\_  
District Engineer

Date \_\_\_\_\_

k) Certificate of Approval of Water Supply System

If the subdivision is proposed to be served by Craven County water, the following certificate shall be affixed to the map:

I certify that this water supply system installed or proposed for installation in this subdivision fully meets the requirements of the North Carolina Department of Environment and Natural Resources, Division of Environmental Health Public Water Supply Section and is hereby approved as shown.

\_\_\_\_\_  
Water Superintendent

\_\_\_\_\_  
Date

l) Soil Statement

The following note shall be added to subdivision plats if deemed necessary by the Subdivision Administrator:

Due to soil characteristics, specially engineered foundations may be required.

m) Airport Disclosure statement

Residents should be aware that the close proximity to Craven Regional Airport creates increased noise levels as well as certain height restrictions associated with the overflight of arriving and departing aircraft. Residents and potential buyers should consult with airport officials to determine the required height restrictions applicable for their particular area.

The Craven County Planning Board shall review the final plat at or before its next regularly scheduled meeting which follows at least fifteen (15) days after the Subdivision Administrator receives the final Plan and shall recommend approval, conditional approval with modifications to bring the plat into compliance, or disapproval of the final plat with reasons in writing within ten (10) working days of its first consideration of the plat.

During its review of the final plat, the Craven County Planning Board may appoint an engineer or surveyor to confirm the accuracy of the final plat (if agreed to by the Craven County Board of Commissioners). If substantial errors are found, the costs shall be charged to the Subdivider and the plat shall not be recommended for approval until such errors have been corrected.

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

If the Craven County Planning Board recommends conditional approval of the final plat with modifications to bring the plat into compliance, it shall return its written recommendation and two (2) reproducible copies of the plat to the Subdivider.

If the Craven County Planning Board recommends disapproval of the final plat, it shall instruct the Subdivider concerning discrepancies in the plat and provide reasons for its disapproval and instructions for resubmission of a revised plat. The Subdivider may make such changes as will bring the plat into compliance with the provisions of this ordinance and resubmit same for reconsideration by the Craven County Planning Board.

Failure of the Craven County Planning Board to make a written recommendation if not approved within ten (10) working days after its first review shall constitute grounds for the Subdivider to apply to the Craven County Board of Commissioners for approval.

If the Craven County Planning Board recommends approval or conditional approval with modifications to bring the plat into compliance, or the Subdivider appeals to the Craven County Board of Commissioners, the Board of Commissioners shall review and approve or disapprove the final plat within twenty (20) working days after the plat and recommendation of the Planning Board has been received by the Subdivision Administrator.

If the Craven County Board of Commissioners approves the final plat, such approval shall be shown on two (2) copies of the plat by the signed certificate in Section 304.2(e).

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

The Subdivider shall file the approved final plat with the Register of Deeds of Craven County within ninety (90) days of the date the Craven County Board of Commissioners gave approval; otherwise such approval shall be null and void.

## **Section 305. Sketch Plan for Major Subdivisions**

### **305.1 Number of Copies and Contents**

At the option of the Subdivider, prior to the preliminary plat submission, the Subdivider may submit to the Craven County Planning Board seven (7) copies of a sketch plan of the proposed subdivision containing the following information:

- a) A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, and waterways;

- b) The boundaries of the tract and the portion of the tracts to be subdivided;
- c) The total acreage to be subdivided;
- d) The existing and proposed uses of land within the subdivision and the existing uses of land adjoining it;
- e) The existing street layout, any proposed street layouts and right-of way width, lot layout and size of lots;
- f) The name, address and telephone number of the owner;
- g) The name, if any, of the proposed subdivision;
- h) Street and lots of adjacent developed or platted properties;
- i) The zoning classification of the tract and of adjacent properties;
- j) A statement from the Craven County Health Department that a copy of the sketch plan has been submitted to them, if septic tanks or other onsite water or wastewater systems are to be used in the subdivision;
- k) The Subdivider shall receive street name approval from the County Planning Department in accordance with the Craven County Road Naming and Addressing Ordinance.

Any review of a sketch plan under the provisions of this section shall not be construed to be a commitment on the part of the Craven County Planning Board or the Craven County Board of Commissioners, but shall be for advisory and planning purposes only.

**Section 305.2 Submission and Review Procedure**

The sketch plan shall be submitted at least fifteen (15) days prior to the Craven County Planning Board meeting at which it will be reviewed. The Craven County Planning Board shall review the sketch plan for general compliance with the requirements of this ordinance and any zoning ordinance, and shall advise the Subdivider or his authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the preliminary and final plats.

**Section 306. Procedure for Preliminary Plat Submission and Review of Major Subdivisions**

### **306.1 Submission Procedure**

For every subdivision within the territorial jurisdiction established by Article I, Section 104, of this ordinance, which does not qualify for the minor subdivision procedure as set forth in Article III, Section 303, the Subdivider shall submit a preliminary plat which shall be reviewed by the Craven County Planning Board and given final approval by the Craven County Board of Commissioners before any sale or transfer of any lot within the subdivision and before any occupancy or use may be issued by any agency or department of Craven County.

Seven (7) copies of the preliminary plat (as well as any additional copies which the Subdivision Administrator determines are needed to be sent to other agencies) shall be submitted to the Administrator of this ordinance at least fifteen (15) days prior to the Craven County Planning Board meeting at which the Subdivider desires the Board to review the preliminary plat.

Preliminary plats shall meet the specifications in Article III, Section 308.

### **306.2 Review Procedure**

The Craven County Planning Board shall review the preliminary plat at or before its next regularly scheduled meeting which follows at least fifteen (15) days after the Subdivision Administrator receives the preliminary plat and the comments from the appropriate agencies.

The Craven County Planning Board shall recommend approval, conditional approval with recommended changes to bring the plat into compliance, or disapproval with reasons in writing within ten (10) working days of its first consideration of the plat.

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

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

If the Craven County Planning Board does not make a written recommendation within ten (10) working days after its first consideration of the plat, the Subdivider may apply to the Craven County Board of Commissioners for approval or disapproval.

### **306.3 Review by Other Agencies**

After having received the preliminary plat from the Subdivider, the Subdivision Administrator shall conduct a Technical Review Committee (TRC) meeting made up of members of various agencies including, but not limited to:

- a) Division of Environmental Health, Craven County Health Department, and District Engineer, North Carolina Department of Transportation, and
- b) Superintendent of New Bern-Craven County Board of Education, and
- c) United States Army Corps of Engineers, and
- d) Field Consultant of the Office of Coastal Area Management, and
- e) United States Department of Agriculture Soil Conservation Service, and
- f) Craven County Building Inspector, and
- g) Such other agencies and officials as the Planning Board may deem necessary.

The Subdivision Administrator may submit copies of the preliminary plat and any accompanying materials to agencies and officials concerned.

## **Section 307. Final Plat Submission and Review**

### **307.1 Preparation of Final Plat and Installation of Improvements**

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

The approval of the preliminary plat by the Craven County Planning Board shall be effective for a period of twelve (12) months following

the date of approval. In the event the final plat has not been submitted for approval prior to the expiration of said twelve (12) month period, the approval of the preliminary plat shall be null and void unless extended by action of the Craven County Planning Board at the request of the Developer.

### **307.2 Guarantees in Lieu of Completed Improvements**

#### **a) Agreement and Security Required**

In lieu of requiring the completion, installation and dedication of all improvements prior to final plat approval, the County of Craven may enter into an agreement with the Subdivider whereby the Subdivider shall agree to complete all required improvements. Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Craven County Planning Board, if all other requirements of this ordinance are met. To secure this agreement, the Subdivider shall provide, subject to the approval of the Craven County Board of Commissioners, either one, or a combination of the following guarantees in an amount no less than 1.25 times the entire cost provided herein.

At the time of submission of the guarantees required herein, the Subdivider shall furnish to the Subdivision Administrator a statement by a licensed engineer setting forth the estimated cost of the improvements required under this ordinance. The estimate shall include the approximate date of completion and have the engineer's seal affixed to it. The estimate of cost shall take into consideration the current cost of the improvements as well as the effect of inflation on the cost, considering the estimated time of completion. The final estimate shall be multiplied by 1.25 to determine the amount of the security required. The estimate of cost shall be updated annually (on the anniversary of the effective date of said guarantee) in the event that the improvements have not been fully completed.

#### **1. Surety Performance Bond(s)**

The Subdivider shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina. The bonds shall be payable to the County of Craven and shall be in an amount equal to 1.25 times the entire cost, as shown on the estimate required herein. The bond shall be approved by the Craven County Planning Board and the County Attorney. The bond shall be conditioned so that the required improvements may be constructed by Craven County without cost to the

County in the event of default by the Subdivider. The duration of the bond(s) shall be until such time as the improvements are accepted by the Craven County Planning Board following receipt by said Board of appropriate written releases from the agencies herein above specified.

## 2. Cash of Equivalent Security

The Subdivider shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the County or in escrow with a financial institution designated as an official depository of the County. The use of any instrument other than cash shall be subject to the approval of the Craven County Planning Board. The amount of deposit shall be equal to 1.25 times the cost, as estimated under the requirements of this ordinance and approved by the Craven County Planning Board, for installing all required improvements.

If cash or other instrument is deposited in escrow with a financial institution as provided above, then the Subdivider shall file with the Craven County Planning Board 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 Craven County Planning Board and may not be used or pledged by the Subdivider in any other manner during the term of the escrow; and
- b) That in the case of a failure on the part of the Subdivider to complete said improvements, the financial institution shall, upon notification by the Craven County Planning Board, and upon submission by the Craven County Planning Board to the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately either pay to the County the funds estimated to complete the improvement, up to the full balance of the escrow account, or deliver to the County any other instruments fully endorsed or otherwise made payable in full to the County.

## b) Warranty of Improvement

At the time of submission of the guarantee of improvements as required herein, the Subdivider shall provide to the Planning

Board a written one year warranty, in manner and form satisfactory to the Planning Board and the County Attorney covering all improvements installed or agreed to be installed by the Subdivider, a warranty shall run from the Subdivider to the County. If it is anticipated that the improvements, in such case, this requirement of the subdivision ordinance may be satisfied by an agreement between the Subdivider and the County, in manner and form satisfactory to the County Attorney, by which the Subdivider warrants all such improvements, and agrees to provide the warranties at such time as the improvements are completed.

c) Default

Upon default, meaning failure on the part of the Subdivider to complete the required improvements in a timely manner as spelled out in the agreement as required by Article III, Section 307.2, then the surety, or the financial institution holding the escrow account shall, if requested by the Craven County Planning Board, pay all or any portion of the bond or escrow fund to the County of Craven up to the amount needed to complete the improvements based on an engineering estimate. Upon payment, the Craven County Planning Board, in its discretion, may extend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The County shall return to the Subdivider any funds not spent in completing the improvements.

d) Release of Guarantee Security

The Craven County Planning Board may release a portion of or all of the security once the improvements are completed. Prior to the release of the guarantee, a licensed professional engineer must provide written confirmation of all improvements with his seal affixed thereto.

307.3 Submission Procedure

The subdivider shall submit the final plat, so marked, to the Subdivision Administrator not less than 15 days prior to the Planning Board meeting at which it will be reviewed. The final plat will then be reviewed by the Subdivision Administrator and the Technical Review Committee (TRC) which is made up of agencies including, but not limited to:

- a) Division of Environmental Health, Craven County Health Department, and District Engineer, North Carolina Department of Transportation, and

- b) Superintendent of New Bern-Craven County Board of Education, and
- c) United States Army Corps of Engineers, and
- d) Field Consultant of the Office of Coastal Area Management, and
- e) United States Department of Agriculture Soil Conservation Service, and
- f) Craven County Building Inspector, and
- g) Such other agencies and officials as the Planning Board may deem necessary.

Further, the final plat for the first stage of the subdivision shall be submitted not more than twelve (12) months after the date on which the preliminary plat was approved; otherwise, such preliminary approval shall be null and void, unless a written extension of this limit is granted by the Craven County Planning Board at the request of the Developer on the twelfth (12<sup>th</sup>) month anniversary of the final approval.

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

Seven (7) copies of the final plat shall be submitted. Material and drawing medium for the original shall be in accordance with the Manual of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the Craven County Register of Deeds.

The final plat to be recorded shall be a reproducible plat either of original ink on polyester film (mylar), or a reproduced drawing, transparent and archival and have an outside margin of 0.5". The plat size shall be 18" x 24" (preferred), or 21" x 30". The scale shall not be less than one (1) inch equals one hundred (100) feet, unless otherwise approved by the Subdivision Administrator. Maps may be placed on more than one sheet with appropriate match lines.

A filing fee of \$50.00 or \$10.00 per lot, whichever is greater, is required following the approval of the final plat.

The final plat shall meet the specifications in Section 308.

The following signed certificates shall appear on all final plats and shall be executed on the original and one (1) paper copy.

a) Certificate of Ownership and Dedication

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon, which is located in the subdivision jurisdiction of the County of Craven and that I (we) hereby adopt this plan of subdivision pursuant to Article III, Section 307, of the Craven County Subdivision Ordinance with my (our) free consent and establish minimum Building Setback Lines as noted:

\_\_\_\_\_  
Date

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

b) Certificate of Survey and Accuracy

In accordance with the Manual of Practice for Land Surveying in North Carolina:

On the face of each map prepared for recordation there shall appear a certificate acknowledged before an officer authorized to take acknowledgements and executed by the person making the survey or map including deeds and any recorded data shown thereon. The certificate shall include a statement or error of closure calculated by latitudes and departures. Any lines on the map which were not actually surveyed must be clearly indicated on the map and a statement included in the certificate revealing the source of information.

The certificate shall take the following general form:

State of North Carolina, \_\_\_\_\_ County  
I (We), \_\_\_\_\_, certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made 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: \_\_\_\_\_ (that the boundaries not surveyed are shown as broken lines plotted from information found in Book \_\_, Page \_\_); that this map was prepared in accordance with G.S. 47-30, as amended.

Witness my hand and seal this \_\_ day of \_\_\_\_\_ A.D., 20\_\_

\_\_\_\_\_  
Registered Land Surveyor

Official Seal

\_\_\_\_\_  
Registration Number

c) Certificate of Approval from Environmental Health

Unless specifically remarked in the NOTES section of this plat, the Craven County Health Department, based on the information submitted with the application, has performed a site evaluation on each lot located within this subdivision. Copies of the site evaluations and Improvement Permits for the sewage collection treatment and disposal systems planned to serve each lot are available for review in the office of the Division of Environmental Health.

\_\_\_\_\_  
Director  
Division of Environmental Health  
Craven County Health Department

\_\_\_\_\_  
Date

This certification is based on conditions and State regulations existing on the date of this certification and shall remain in effect for five (5) calendar years from the date of the certification. Following expiration of the five (5) year certification, the Craven County Division of Environmental Health reserves the right to require additional improvements for these lots if found necessary when the improvement permit is requested. Provided this certification may be overridden by State and/or Federal Statutes and authority.

d) Certificate of Approval by the Planning Board

The Craven County Planning Board hereby approves the final plat for the \_\_\_\_\_ subdivision.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairman, Planning Board

e) Disclaimer of Wetland Determination

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

f) Air Installation Compatible Use Zone (AICUZ) Disclosure

If all or part of a subdivision is determined to lie within an area of Craven County that is regulated by the Craven County Marine Corps Air Station Zoning Ordinance, a disclosure statement shall appear on the plat in accordance with the aforementioned ordinance.

g) Certificate of Approval by the Board of County Commissioners

The Craven County Board of Commissioners hereby approves the final plat for the \_\_\_\_\_ subdivision.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairman, Craven County  
Board of Commissioners

h) Certificate of Registration by Register of Deeds

Craven County, North Carolina

The foregoing certificate of \_\_\_\_\_, a Notary Public of \_\_\_\_\_ County, North Carolina, is certified to be correct.

Filed for registration on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, at \_\_\_\_\_ (A.M./P.M.) and recorded in Plat Cabinet \_\_\_\_\_, Slide\_\_\_\_\_.

\_\_\_\_\_  
Register of Deeds

i) Certificate of Local Coastal Area Management Officer

This subdivision conforms to the standards of the North Carolina Coastal Management Act of 1974 and is not located within any Area of Environmental Concern.

\_\_\_\_\_  
Local Permit Officer

OR

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

\_\_\_\_\_  
Local Permit Officer

j) Department of Transportation

The following certificate shall be signed by the District Highway Engineer upon review and approval of subdivision plat to ensure that minimum design standards are met:

Division of Highways

Proposed Public Subdivision Road Minimum Design Standards Certification

Approved \_\_\_\_\_  
District Engineer

Date \_\_\_\_\_

k) Certificate of Approval of Water Supply System

If the subdivision is proposed to be served by Craven County water, the following certificate shall be affixed to the map.

I certify that this water supply system installed or proposed for installation in this subdivision fully meets the requirements of the North Carolina Department of Environment and Natural Resources, Division of Environmental Health Public Water Supply Section and is hereby approved as shown.

\_\_\_\_\_  
Water Superintendent

\_\_\_\_\_  
Date

l) Soil Statement

The following note shall be added to subdivision plats if deemed necessary by the Subdivision Administrator:

Due to soil characteristics, specially engineered foundations may be required.

m) Airport Disclosure statement

Residents should be aware that the close proximity to Craven Regional Airport creates increased noise levels as well as certain height restrictions associated with the overflight of arriving and departing aircraft. Residents and potential buyers should consult with airport officials to determine the required height restrictions applicable for their particular area.

The Craven County Planning Board shall review the final plat at or before its next regularly scheduled meeting which follows at least fifteen (15) days after the Subdivision Administrator receives the final plat and shall recommend approval, conditional approval with modifications to bring the plat into compliance, or disapproval of the final plat with reasons within ten (10) working days of its first consideration of the plat.

During its review of the final plat, the Craven County Planning Board may appoint an engineer or surveyor to confirm the accuracy of the final plat (if agreed to by the Craven County Board of Commissioners). If substantial errors are found, the costs shall be charged to the Subdivider and the plat shall not be recommended for approval until such errors have been corrected.

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

If the Craven County Planning Board recommends conditional approval of the final plat with modifications to bring the plat into compliance, it shall retain one (1) print of the plat for its minutes and return its written recommendations to the Subdivider.

If the Craven County Planning Board recommends disapproval of the final plat, it shall instruct the Subdivider concerning resubmission of a revised plat and the Subdivider may make such changes as will bring the plat into compliance with the provisions of this ordinance and resubmit same for reconsideration by the Craven County Planning Board.

Failure of the Craven County Planning Board to make a written recommendation if not approved within ten (10) working days after its first review shall constitute grounds for the Subdivider to apply to the Craven County Board of Commissioners for approval or disapproval.

If the Craven County Planning Board recommends approval of the final plat, the Craven County Board of Commissioners shall review and approve or disapprove the final plat within thirty (30) working days after the plat and recommendations of the Craven County Planning Board have been received by the Subdivision Administrator.

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

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

The Subdivider shall file the approved final plat with the Register of Deeds of Craven County within ninety (90) days of the approval of the Craven County Board of Commissioners; otherwise, such approval shall be null and void.

**Section 308. Information to be Contained in or Depicted on Preliminary and Final Plats**

The preliminary and final plats shall depict or contain the information indicated in the following table. An x indicates that the information is required.

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

-	The location of existing boundary lines of adjoining lands	x	x
-	The names of owners of adjoining properties	x	
-	The names of any adjoining subdivision of record or proposed and under review	x	x
-	Minimum Building Setback Lines	x	x
-	The zoning classifications of the tract to be subdivided and adjoining properties	x	x
-	Existing property lines on the tract to be subdivided	x	x
-	Existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining	x	x
-	Lot line, lot and block numbers, and approximate dimensions with lots being marked, identified or flagged showing the rough approximate lot line location	x	
-	Lot lines, lot and block numbers, fully dimensioned by lengths and bearings		x
-	Marshes, swamps, ponds or lakes, streams or streambeds and any other natural features affecting the site	x	x
-	The exact location of the flood hazard boundary area, floodway and floodway fringe areas from the community's Flood Hazard Boundary maps or other Federal Emergency Management Agencies maps or from accurate topographical elevations based on geodetic survey data. Or, at the discretion of the owner, benchmark elevations at a minimum of 800 ft. apart and referenced to either United States Geological survey or 1988 North American Vertical Datum.	x	
-	A note on the map, if applicable, that all or part of this subdivision lies within a Special flood hazard		x

area as shown on the Federal Emergency Management Agency Flood Insurance Rate Maps for Craven County.

- The following data concerning Streets:
  - Proposed streets x x
  - Existing and platted dedicated Streets and rights-of-way on adjoining properties and within the proposed subdivision x x
  - Rights-of-way, location and dimensions x x
  - Pavement widths x
  - Design engineering data for all corners and curves x
  - Typical street cross sections x
  - Street names x x
  - Street sign locations according to standards of the County and State x
  - Type of Street Dedication; all streets must be designated either "public" or "private." Where public streets are involved, the Subdivider must submit the subdivision map typical cross section to the N.C. Department of Transportation District Highway Office for review: A complete site layout, including any future expansion anticipated; horizontal alignment indicating general curve data on site layout plan; vertical alignment indicated by percent grade, PI station and vertical curve length on site plan layout; the District Engineer may require the plotting of the ground profile and grade line for roads where special conditions or problems exist; typical section indicating the pavement design and width and the slopes, widths and details for either the curb and gutter or the shoulder and ditch proposed; drainage facilities and drainage areas. Please keep in mind that the review time needed by the District Highway Engineer is approximately three (3) weeks. x
  - Where streets are dedicated to the public, but not accepted into the State system, a statement explaining the status of the street in accordance x

- with Section 405.2 of this ordinance.
  - If any street is proposed to intersect with a state maintained road the Subdivider must receive driveway approval as required by the North Carolina Department of Transportation, Division of Highways' manual on Driveway Regulations. x
  
- The location and dimensions of all the following:
  - Utility and other easements x x
  - Any parks and recreation areas with specific type indicated x
  - Any school sites x
  - Areas to be dedicated or reserved for public use x x
  - Areas to be used for purposes other than residential with the purpose of each stated x x
  - The future ownership (dedication or reservation for public use to governmental body, to duly constituted homeowners' association, or for tenants remaining in Subdivider's ownership) of recreation and open space lands x
  - Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, central angles, and tangent distance for the center line of curved property lines that are not the boundary line of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute. x x
  
- The plans for utility layouts including:
  - All easements for drainage, electric, water, sewerage, telephone, cable TV, natural gas, roads, etc. x x
  - Sanitary sewers x
  - Storm sewers x
  - Other drainage facilities, if any x

•	Water distribution lines	X	
•	Natural gas lines	X	
•	Telephone lines	X	
•	Electric lines	X	
•	Illustrations of connections to existing systems, showing line sizes, the location of fire hydrants, blow-offs, manholes, force mains and gate valves	X	
•	A note on the plat that indicates if the proposed subdivision is to be served by central or individual water supply and central or individual sewage treatment systems	X	X
•	Profiles based on Mean Sea Level data for sanitary sewers and storm sewers, when required by the Subdivision Administrator	X	
-	Site calculations including:		
•	Acreage in total tract to be subdivided	X	X
•	Acreage in parks and recreation areas and other nonresidential uses	X	X
•	Total number of parcels created	X	X
•	Acreage or square footage in each lot in the subdivision	X	X
•	Linear feet of streets	X	
•	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	X	X
•	The accurate locations and descriptions of all monuments, markers and control points		X
•	Topographic map with contour intervals as specified by the Subdivision Administrator at a scale of no less than 1 foot = 100 feet if required by the Subdivision Administrator	X	
•	Boundaries of applicable Areas of Environmental Concern in accordance with the State Guidelines for AECs (15 NCAC pursuant to the Coastal Area management Act of 1974)	X	X
•	All certifications required in		X

- Article III, Section 304.2
- Any other information considered by either the Subdivider, Craven County Planning Board or Craven County Board of Commissioners to be pertinent to the review of the plat x x
- Any special conditions which would affect the construction of a structure on the proposed Lots. Any previous fill areas, low load bearing soils, aircraft noise, aircraft accident zones x x
- Any adjacent primary nursery areas as defined by the North Carolina Division of Marine Fisheries x x

**Article IV  
Required Improvements, Dedication, Reservation,  
Minimum Standards of Design**

**Section 401. General**

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

**Section 402. Suitability of Land**

- 402.1** Land which has been determined by the Craven County Planning Board on the basis of engineering or other expert surveys to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed shall not be platted for that purpose, unless and until the Subdivider has taken the necessary measures to correct said conditions and to eliminate said dangers.
- 402.2** Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the Craven County Health Department, a structural engineer and a soils expert determine that the land is suitable for the purpose proposed.
- 402.3** All subdivision proposals shall be consistent with the need to minimize flood damage and shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

### **Section 403. Name Duplication**

The name of the subdivision and the streets located therein shall not duplicate nor closely approximate the name of an existing subdivision or street within Craven County or any municipality located within Craven County. The Subdivider shall receive Street name approval from the County Planning Department in accordance with Craven County's Road Naming and Addressing Ordinance.

### **Section 404. Subdivision Design**

#### **404.1 Blocks**

- a) The lengths, widths, and shapes of blocks shall be determined with due regard to: provisions of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements; needs for vehicular and pedestrian circulation; control and safety of street traffic; limitations and opportunities of topography; and convenient access to water areas.
- b) Block lengths shall not be less than 300 feet or more than 1500 feet unless otherwise waived by the Planning Board.
- c) Blocks shall have sufficient width to allow two (2) tiers of lots of minimum depth except where single tier lots are required to separate residential development from through vehicular traffic or another type of use, in nonresidential subdivisions, or where abutting a water area.
- d) Where deemed necessary by the Craven County Planning Board, a pedestrian crosswalk at least ten (10) feet in width may be required to provide convenient public access to a public area.

#### **404.2 Lots**

- a) All lots in new subdivisions shall conform to any zoning requirements of the district in which the subdivision is located.
- b) Lots shall meet any applicable Craven County Health Department and State of North Carolina requirements. The following are the minimum lot sizes allowable:
  - 1. Residential lots in areas served by community water and sewage systems shall have a minimum of 8,000 square feet in area of usable land. When residential lots in areas served by such community water and sewage systems are proposed, the Developer shall comply and submit evidence of such compliance, with the General Statutes of North Carolina concerning public utilities and the rules and

regulations of the North Carolina Utilities Commission as they from time to time exist and are amended.

2. Residential lots served by either a community water or sewer system shall contain 15,000 square feet of useable land.
  3. Residential lots lacking both community water and sewer systems shall contain a minimum of 20,000 square feet of usable land.
- c) 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.
- d) The following minimum lot dimensions shall apply:

<u>Lot Size</u>	<u>Front Set Back Line</u>	<u>Width at Front Set Back Line</u>	<u>Side Yard</u>	<u>Rear Yard</u>
20,000 sq. ft.	30'	75'	10'	15'
15,000 sq. ft.	30'	75'	10'	15'
8,000 sq. ft.	25'	60'	8'	15'

1. Corner lots shall have width sufficient to permit building setback of at least twenty (20) feet from side streets.
2. All lots shall have at least thirty five (35) feet of front frontage.
3. Double frontage lots shall be avoided wherever possible.
4. All corner lots shall be assigned only one address.
5. No residential or commercial structure, or any part thereof, shall encroach into the minimum building setbacks.

**404.3 Easements**

Easements shall be provided as follows:

a) Utility Easements

Easements for underground or above ground utilities shall be provided, where necessary, across lots or centered on rear or side lots lines and shall be at least ten (10) feet wide on each lot for water and sanitary sewer lines and as required by the companies involved, for telephone, gas and power lines.

b) Drainage Easements

Where a subdivision is traversed by a stream or drainage way, or a drainage easement within the subdivision, an easement shall be provided conforming with the lines of such stream or proposed ditch. The easement shall be of sufficient width as will be adequate for water flows and run off and shall contain a twelve (12) foot wide maintenance access area along one side of the ditch. The balance of the easement shall be large enough for the top width of the proposed ditch, drainage way or stream. Any proposed ditches shall have a minimum bank slope of 3:1 (slope ratio = 3 feet horizontally to one foot vertically).

A drainage easement shall be provided from the property proposed for development to an adequate drainage outlet.

**404.4** Parking Requirements

All subdivision lots shall provide for adequate off-street parking by having one (1) space per bedroom with a minimum of two (2) spaces. Each space must be a minimum of 10' x 18', and constructed of the same material as used for the driveway. Garages may be used for storage or other purposes and are not considered when calculating the total number of parking spaces.

**Section 405. Streets**

**405.1** Type of Street Required

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

All subdivision lots shall abut on public streets, semi-improved private streets, or non-improved private streets.

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

is required for a period of one (1) year from the date of approval or until it is placed on the State system, whichever occurs first. This agreement shall state the one (1) year period with provisions for maintenance of the streets.

#### **405.2 Subdivision Street Disclosure Statement**

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

#### **405.3 Semi-Improved Private Streets**

Subdivision streets may be designated private streets for the purpose of providing access from a public street or highway to not more than eight (8) residential lots regardless of size, which lots shall not be further subdivided by said owner or subsequent owners until such time as the said private street is paved and such further subdivision complies with the terms of this ordinance. It is the intent and purpose of this section that at no time shall a private unpaved street serve more than eight (8) residential lots. Semi-improved private streets constructed under the provisions of this article shall conform to the specifications of the Division of Highways, North Carolina Department of Transportation minimum design standard without pavement.

#### **405.4 Non-Improved Private Streets**

Subdivision streets may be designated private streets for the purpose of providing access from a public street or highway to not more than four (4) residential lots regardless of size, which lots shall not be further subdivided by said owner or subsequent owners until such time as the said private street is stabilized or paved and such further subdivision complies with the terms of this ordinance. It is the intent and purpose of this section that at no time shall a private unpaved street serve more than four (4) residential lots. Non-Improved private streets constructed under the provisions of this article shall not be required to conform to the specifications of the Division of Highways, North Carolina Department of Transportation, except that a fifty (50) foot dedicated right-of-way shall be required.

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

a) Disclosure

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

Craven County  
Subdivision Street Disclosure Statement

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

- (1) (Name of Private Street) is designated a private street.
- (2) After the initial installation and construction of (Name of Private Street) by (Name of Developer), the responsibility of the maintenance of (Name of Private Street) shall be upon the owners of the lots within the subdivision. In the event of failure of the lot owners to maintain said street, there is no responsibility on the part of either the State of North Carolina or Craven County as to such maintenance. The street will not be constructed to minimum standards, sufficient to allow their inclusion on the State Highway System for maintenance.
- (3) (Name of Developer) will not construct said road to meet the North Carolina Department of Transportation Subdivision Road Minimum Construction Standards, and as such, (Name of Private Street) will not meet the standards sufficient to allow its inclusion in the State Highway System for maintenance.

Receipt of this disclosure is by the Developer and Buyer acknowledge the \_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Developer

\_\_\_\_\_  
Buyer

- b) The Developer shall include in the Disclosure Statement an explanation of the consequences and responsibility as to maintenance of the private street, and shall fully and accurately disclose the party and parties upon whom responsibility for construction and maintenance of such street or streets shall rest.
- c) The Disclosure Statement shall further disclose that the street or streets will not be constructed to minimum standards, sufficient to allow their inclusion on the State Highway System for maintenance. However, there must be a fifty (50) foot right-of-way on all private roads.
- d) The Disclosure Statement shall contain a duplicate original which shall be given to the buyer. Written acknowledgement or receipt of the disclosure statement by the buyer shall be conclusive proof of the delivery thereof.

**All subdivision streets shall meet the following requirements:**

- a) Cul-de-sacs shall be provided at the end of all public and semi-improved roads if dead-ending, unless the road is looped. All cul-de-sacs must have a minimum radius of fifty (50) feet, and the outside edge of the pavement or stabilized road must be a minimum of fifteen (15) feet from the right-of-way.
- b) All subdivision roads or streets within Craven County, whether public or private, and which the terminus thereof does not abut a state maintained street or highway, shall be connected by a connecting street to a state maintained road or highway, which connecting road shall conform to the specifications of the Division of Highways, North Carolina Department of Transportation for Subdivision Streets; provided, however, that pavement of such connecting road or street shall not be required in the event that such road or street connects with subdivision streets or roads designated as private, as herein provided, and disclosure that said road shall not be paved is made in accordance with provisions of this ordinance.

**405.5 Access to Adjacent Properties**

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

#### **405.6 Nonresidential Streets**

The Subdivider of a nonresidential subdivision shall provide streets in accordance with F-4 or with the latest standard of the North Carolina Roads, Minimum Construction Standards, July 1, 1979 ; and the standards in this ordinance, whichever are more strict in regard to each particular item.

#### **405.7 Design Standards**

The design of all public streets and roads within the jurisdiction of this ordinance shall be in accordance with the accepted policies of the North Carolina Department of Transportation, Division of Highways. The N.C. Department of Transportation, Division of Highways' Subdivision Roads Minimum Construction Standards, July 1, 1979, and as revised April 22, 1982, shall apply.

##### **a) Right-of-way Widths**

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

##### **b) Cul-de-sacs**

Permanent dead end streets should not exceed five hundred (500) feet in length unless necessitated by topography or property accessibility, and in no case shall be permitted to be over nine (900) feet, unless otherwise approved by the Planning Board. Measurements shall be from the point where the center line of the dead end street intersects with the center of a through street to the center of the turnaround of the cul-de-sac. Where one cul-de-sac intersects with another cul-de-sac, the end of each cul-de-sac shall be no more than 500 to 900 feet from a through street, measured as stated above. The distance from the edge of pavement to right-of-way line shall not be less than the distance from the edge of pavement to right-of-way line of the street approaching the turnaround. Cul-de-sacs should not be used to avoid connection with an existing street or to avoid the extension of an important street, unless exception is granted by the Craven County Planning Board.

##### **c) Alleys**

- 1) Alleys shall be required to serve lots used for commercial and industrial purposes except that this requirement may be waived where other definite and assured provision is made

for service access. Alleys shall not be provided in residential subdivisions unless necessitated by unusual circumstances.

- 2) The width of an alley shall be at least twenty (20) feet.
- 3) Dead end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the dead end as may be approved by the Craven County Planning Board.
- 4) Sharp changes in alignment and grade shall be avoided.

#### **405.8 Major Thoroughfare Access Design Requirements**

Any subdivision containing fifteen (15) or more lots and located adjacent to or having ingress to and egress from the following highways shall comply with design standards 405.8 (a) and (b):

United States Highway 17 North and South of New Bern extraterritorial jurisdiction;

United States Highway 70 East of New Bern extraterritorial jurisdiction;

North Carolina Highway 55 East of New Bern extraterritorial jurisdiction;

North Carolina Highway 43 North of Vanceboro extraterritorial jurisdiction;

North Carolina Highway 101 East of Havelock extraterritorial jurisdiction to North Carolina Highway 306.

- a) Prior to submission of the preliminary plat, the Developer, a representative of the North Carolina Department of Transportation, and a representative of the County Planning Department shall review conceptual plans for access to the proposed subdivision. Based on consultation with the North Carolina Department of Transportation, the County may require acceleration, deceleration, or turn lanes for any street intersecting with a major thoroughfare. All such improvements shall be shown on both the preliminary and final plats.
- b) No subdivision shall have any lot fronting on a major thoroughfare.

#### **405.9 Other Requirements**

##### a) Street Names

Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names,

duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names in the county irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be assigned by the County Planning Department in accordance with Craven County's Road Naming and Addressing Ordinance.

b) Street Name Signs

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

c) Permits for Connection to State Roads

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

d) Offsets to Utility Poles and Utility Ground Terminals

Poles for overhead utilities and utility ground terminals shall be set no greater than one (1) foot inside the road right-of-way.

e) Wheelchair Ramps

In accordance with Chapter 136, Article 2A, Section 136-44.14, all street curbs in North Carolina being constructed or reconstructed for maintenance procedures, traffic operations, repairs, connection of utilities, or altered for any reason shall provide wheelchair ramps for physically handicapped at all intersections where both curb and gutter and sidewalks are provided and at other major points of pedestrian flow.

## **Section 406. Utilities**

### **406.1 Water and Sanitary Sewer Systems**

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

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

#### **406.2 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 this property. The disclosure shall be signed by the owner, the prospective buyer of the lot, and recorded with the deed in the Office of the Register of Deeds of Craven County.

### **Section 407. Buffering, Recreation and Open Space Requirements**

#### **407.1 Purpose**

Buffers, or screens, are required to protect any subdivision comprised of residential use from commercial, industrial, office, or institutional use, which does not have a buffer. The principal use of the buffer is to provide spatial and visual separation between these uses. In addition, the buffer will provide absorption and/or deflection of excessive noise. This regulation benefits both the developer and the adjoining property owners by insuring solid separation, and protects the value of all properties involved.

## 407.2 Specifications

Buffers, or screens, shall be in the form of natural plantings, walls, fences, or open space. Where sufficient room exists to place a screen consisting of natural plantings or maintain an existing screen of natural planting, such natural plantings shall be used as the required form of screening. Otherwise, screening in the form of a wall or fence may be used. Where existing natural screening will be used the Subdivision Administrator shall determine whether the existing planting meets the requirements of this section. In incidents where buffers are found not to meet the requirements of this section, additional plantings shall be required by the Subdivision Administrator. The area of the buffer shall be in addition to the lot area required by this Ordinance. The buffer shall become part of the lot on which it is located, or in the case of commonly-owned property, shall be deeded to the Homeowner's Association.

- a) *Natural Plantings.* Where natural plantings are used, a buffer of at least twenty (20) feet in width shall be planted. This buffer shall be free of all encroachments by structures, parking areas, or other impervious surfaces. All natural planting buffers shall be opaque to a height of at least six (6) feet tall at maturity in 2 to 3 years. The minimum amounts and type of buffer materials to be planted per one-hundred (100) feet shall be as follows:
  1. A minimum of four (4) large canopy trees shall be in place. Of these canopy trees at least two (2) shall be of evergreen nature. The average canopy spread shall be a minimum of twenty (20) feet in width at maturity.
  2. A minimum of three (3) understory trees shall be in place. The average canopy spread shall be a minimum of ten (10) feet in width at maturity.
  3. A minimum of twenty (20) shrubs shall be in place. These shrubs shall all be of evergreen nature, and at maturity be three (3) feet wide and six (6) feet tall.
- b) *Walls or Fencing.* If a wall or fence is used for an approved buffer it shall be a blind barrier located in a buffer with a minimum width of twenty (20) feet. Said wall or fence shall not permit the passage of light from one side to another, and shall have the ability to dampen noise. Any wall shall be composed of brick, stone, or other decorative masonry material. Any fence shall be wooden plank or basket weave, and under no circumstances will chain link fencing be considered as a buffer.

Also, certain vinyl fencing may be used and must be approved by Subdivision Administrator prior to start of construction. In addition to the construction of a wall or fence, shrubbery shall be required facing the residential side of buffer. This shrubbery shall be figured at a formula of twenty (20) plants per one hundred (100) feet (or fraction thereof). All walls or fencing shall be a minimum height of six (6) feet tall.

- c) *Open space.* As an alternative, the developer may choose to reserve an area fifty (50) feet in width as a buffer rather than option a) or b) of this section.

All natural planting buffers, or screens, shall be opaque to a height of six (6) feet, where there is no visual contact between uses. Also, these buffers shall have enough density to minimize the admittance of light and shall have the ability to reduce noise. Any wall or fence shall not be constructed to permit the passing of light between uses, and also help in the reduction of noise. The Craven County Planning Department shall provide to any developer a list of recommended species for the use of natural planting buffers, or screens, at the request of the developer.

#### **407.3 Construction and Maintenance**

A buffer must be installed or constructed prior to the final approval of subdivision plat. Once erected, a buffer shall be properly maintained at all times. The construction of a buffer shall be the responsibility of the developer. The maintenance of the buffer shall be the responsibility of the developer, property owner, or Property Owners Association (Home Owners Association), and shall be clearly stated on approved final plat in writing in the form of a note.

The approved note is as follows:

The maintenance of the buffer and/or screen located in this subdivision per Craven County's Subdivision Ordinance, Article IV, Section 407 shall be the responsibility of (developer, Homeowners Association, Property-owners Association, or individual property owners) and must be maintained at all times in accordance with the aforementioned ordinance.

#### **407.4 Guarantees**

Required buffers are considered improvements and shall abide by regulations stipulated in Article III, Section 307.2 of this ordinance. If the Subdivision Administrator grants approval for deferment of improvements, the required buffer must be completed by no later than six (6) months following the date of final approval. The

Subdivision Administrator shall give approval for deferment upon receipt of a landscaping guarantee. Said guarantee shall be in accordance with Article III, Section 307.2 of this ordinance. Along with the guarantee the developer shall obtain a landscaping plan and cost estimate (official bid) from a landscaping firm. The guarantee shall be in the amount of the cost estimate, multiplied by 1.25. This shall be in accordance with Article III, Section 307.2 of this ordinance.

Upon default Craven County reserves the right to use said guarantees for the completion of buffer per Article III, Section 307.2c of this ordinance.

## **Section 408. Other Requirements**

### **408.1 Placement of Monuments**

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

### **408.2 Construction Procedures**

No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved, and all plans and specifications have been approved by the appropriate Craven County and State of North Carolina authorities. No building, zoning or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this ordinance. The Subdivider, prior to commencing any work within the subdivision, shall make arrangements with the administrator of this ordinance to provide for adequate inspection. The Planning Director having jurisdiction or their representatives shall inspect and approve all completed work prior to release of the sureties.

### **408.3 Oversized Improvements**

The County of Craven may require installation of certain oversized utilities or the extension of utilities to adjacent property when it is in the interest of future Development. If the County requires the installation of improvements in excess of the standards required in

this ordinance, including all standards adopted by reference, the County shall pay the cost differential between the improvement required and the standards in this ordinance.

## **Article V Group, Cluster, Planned Unit Development**

The standards and requirements of this ordinance may be modified by the Planning Board in the case of a plan and program for a group, cluster, or planned unit development, which in the judgement of the Planning Board, provides adequate public spaces and improvements for circulation, recreation, light, air, and service needs of the tract when fully developed and populated, and also provide such covenants, or other legal instruments, as will assure conformity to and achievement of the development plan. The maximum allowable density shall meet the requirements in Section 501.

### **Section 501. Density Requirements**

Density increases greater than those permitted in the Subdivision Regulations will be permitted only when a community or public sanitary disposal is provided. Any such increase will be allowed only with the approval of the Craven County Health Department and they must meet the following requirements:

#### **A. Detached Single Family Dwellings**

Density (dwelling units per acre calculated from the minimum required lot size) may be increased if the character of the development warrants such increases, provided that in no case shall the density increase be more than thirty-three percent (33%) in excess of the density which would be achieved under the standard subdivision regulations. The area remaining from the reduced lot size shall be utilized for open space and recreational purposes.

#### **B. Apartments and Town Houses**

The number of units per acre shall be based on the following formula:

- 1,500 sq. ft. of land for each 1 BR unit
- 1,900 sq. ft. of land for each 2 BR unit
- 2,300 sq. ft. of land for each 3 BR unit
- 2,700 sq. ft. of land for each 4 BR unit

The maximum project area covered by such dwellings shall not exceed forty percent (40%) of the total project area.

C. Parking Space Requirements

Each detached single family dwelling, apartment, or townhouse shall have two (2) 10' x 18' parking spaces.

**Article VI.  
Storm Water Management Requirements**

**Section 601. Storm Water Management Requirements**

In addition to all other requirements of this ordinance, subdivisions located adjacent to waters identified as primary nursery areas by the North Carolina Division of Marine Fisheries or tributaries leading to such waters shall be designed to accomplish the following:

- a) A permanent conservation zone of seventy five (75) feet shall be established in which all land disturbing activities will be prohibited, except for shoreline stabilization activities allowed under CAMA permitting requirements.
- b) All structures shall maintain a minimum setback of one hundred (100) feet from the mean low water line.
- c) All parking areas shall be located as far away as possible from water, wetland, and shoreline areas adjacent to the subdivision.
- d) Only strip paving will be allowed. Curb and gutter shall be prohibited.
- e) Channeling storm water runoff directly into water bodies shall be prohibited. Storm water runoff shall be routed through swales and other systems designed to increase time of concentration, decrease velocity, increase infiltration, allow suspended solids to settle, and remove pollutants.

**Article VII.  
Shoreline Public Access Requirements**

The purpose of this Article is to set forth certain regulations pertaining to land development within the County, which regulations shall be in addition to all other applicable building, subdivision, and other regulations established by any County Article. This Article shall apply to, and be enforced in, all areas of the County, and no person shall develop land anywhere in the County except in conformity with this Article and other applicable regulations of the County.

### **Section 701. Purpose**

This Article is enacted to insure that future land Development within the County provides for public access to shoreline areas.

### **Section 702. Requirements**

As a condition of development in all subdivisions adjacent to a shoreline and having two hundred (200) or more lots, the Developer shall dedicate land, at the option of the County, for public access at the time and according to the standards and formula in this section.

### **Section 703. General Standard, Formula**

It is hereby found and determined that the public interest, convenience, health, welfare and safety require that public access to the shoreline areas be provided in each subdivision having two hundred (200) or more lots and being located adjacent to a shoreline.

### **Section 704. Determination of Land**

The County shall determine whether to require Public Accessway Dedication after consideration of the following:

- a) Topography, geology, access and location of land in the development available for dedication;
- b) Location relative to residential population concentration;
- c) Size and shape of the development and land available for dedication;
- d) The feasibility of dedication;
- e) Availability and proximity of previously acquired Public Accessways; and
- f) Consistency with the Craven County Land Use Plan.

### **Section 705. Credit for Private Accessway**

Where private accessways are provided in a proposed development and such space is to be privately owned and maintained by the future residents of the development, credit may be given against the requirement of Public Accessway Dedication. The County must find it in the public interest to do so and that all of the following standards are met:

- a) The private ownership and maintenance of the accessway is adequately provided for by recorded written agreement, conveyance or restrictions;

- b) The perpetual use of the private accessway shall be restricted for accessway purposes by recorded covenant, which runs with the land in favor of the future owners of property and which cannot be deleted or eliminated without the consent of the County or its successor;
- c) The proposed private accessway is reasonably adaptable for use for public and accessway purposes, taking into consideration such factors as size, shape, topography, geology, access and location;
- d) Facilities proposed for the private accessway are in substantial accordance with the provisions of this ordinance; and
- e) The accessway for which credit is given meets accessway needs of all existing and future residents of the area.

### **Section 706. Procedure**

In the case of a subdivision for which a plat is required to be recorded, as a condition or preliminary plat approval, the Developer shall agree in writing to dedicate public access, at the option of the County, according to the standards and formula in this section. A recommendation from the Planning Board shall be forwarded to the County Board of Commissioners.

At the time of approval of the preliminary subdivision plat, the County shall determine the Public Accessway to be dedicated.

At the time of filing of the final subdivision plat, the developer shall dedicate the Public Accessway.

### **Section 707. Public Accessway Character and Development**

#### **707.1 Where a Public Accessway is required, it shall be at least fifty (50) feet wide**

The run length of the Public Accessway shall be as long as necessary to run from the public intertidal zone to the nearest improved public street right-of-way.

The location of the Public Accessway shall be at the discretion of the County with consideration of the following:

- a) The impact of the layout of the proposed development;
- b) The length necessary to accomplish the purpose of this ordinance;
- c) The preservation of unique or valuable natural or historic features; and
- d) The need for access at regular intervals for public safety purposes.

**707.2** Where a Public Accessway is required, it shall be developed as follows:

- a) Access aisle between the nearest improved right-of-way and the shoreline.
- b) Directional signs indicating public beach/sound access.
- c) Other reasonable improvements as determined appropriate and in the public interest by the Board of Commissioners.

## **Article VIII Lot Numbering Procedures**

### **Section 801. "Street Names and Addresses"**

The Planning Department will approve or disapprove with recommendations proposed street names and issue addresses prior to the plat's approval in accordance with Craven County's Road Naming and Addressing Ordinance.

## **Article IX Definitions**

### **Section 901. "Subdivision" Defined**

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

- a) 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 as shown in this ordinance;
- b) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
- c) The public acquisition by purchase of strips of land for the widening or opening of streets;
- d) The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards as shown in this ordinance.

## **Section 902. Other Definitions**

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

**“Block”** A piece of land bounded on all sides by streets or other transportation routes such as railroad lines, or by physical barriers such as water bodies or public open space, and not traversed by a through street.

**“Buffer”** An area reserved to provide spatial and visual separation between residential use and commercial, office, institutional or industrial use as described in section 407 of this ordinance.

**“Building Setback Line”** A line parallel to the front property line in front of which no structure shall be erected. Setbacks shall be figured from the right-of-way line.

**“Clearing”** The removal of trees and brush from the land but shall not include the ordinary mowing of grass.

**“County”** Craven County, a body politic and corporate of the State of North Carolina.

**“Dedication”** A gift, by the owner, or a right to use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument, and is completed with an acceptance.

**“Developer”** Any person undertaking any development as defined in this Ordinance.

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

**“Easement”** A grant by the property owners of a strip of land for a specified purpose and use by the public, a corporation, or persons.

**“Impervious Surface”** A surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes semi-impervious surfaces such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

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

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

**“Lot Types”** (see below)

1. **“Lot, Corner”** A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty five (135) degrees.
2. **“Lot, Through”** or a **“Double Frontage Lot”** A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
3. **“Lot, Reserved Frontage”** A lot on which the frontage is at right angles or approximately right angles (interior angles less than one hundred thirty five (135) degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot, an interior lot, or a through lot.
4. **“Lot, Single-Tier”** A lot which backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.

**“Major Thoroughfare”** Any street designated on the Craven County Thoroughfare Plan as a minor thoroughfare, major thoroughfare, or freeway.

**“Minor Subdivision”** A Subdivision along an existing state maintained or non-improved private street where no guarantees for improvements are involved.

**“Official Maps or Plans”** Any maps or plans officially adopted by the Craven County Planning Board.

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

**“Planning Department”** The Craven County Planning Department.

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

**“Private Driveway”** A roadway serving two (2) or fewer lots, building sites or other division of land and not intended to be public ingress or egress.

**“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.

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

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

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

**“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 man-made features that accommodate such activities.

**“Reservation”** A Reservation of land which does not involve any transfer or property rights. It simply constitutes an obligation to keep property free from development for a stated period of time.

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

**“Street”** A dedicated and accepted public right-of-way for vehicular traffic or a private road as permitted by this Ordinance. The following classifications shall apply:

1. **“Street, Local Residential”** Cul-de-sac, loop streets less than 2,500 feet in length, or streets less than one mile in length that do not connect thoroughfares, or serve major traffic generators, and do not collect traffic from more than 100 dwelling units.
2. **“Street, Cul-de-sac”** A short street having but one end open to traffic and the other end being permanently terminated and a vehicular turnaround provided.
3. **“Street, Frontage Road”** A local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.
4. **“Street, Alley”** A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

**“Subdivider”** Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

**“Subdivision, Apartments”** Attached multi-family units in a row or in a group project.

**“Subdivision, Group Development”** A group of two or more principal structures built on a single lot, tract, or parcel of land and designed for occupancy by separate families, business firms, or other enterprises. (Sometimes referred to as a planned unit development or cluster development.)

**“Subdivision, Town House”** Single family dwellings attached where units may be for sale or rent.

**“Understory trees”** An underlying layer of vegetation, especially the plants that grow beneath a tree’s canopy.

**“Uses, Commercial”** Any use of property, subdivision, or site for business or commerce, excluding industrial use.

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

**“Wetlands”** Those areas where: (1) the soil is ordinarily saturated with water; or (2) the dominant plant community is one or more of those species designated by the Coastal Resources Commission and/or the U.S. Army Corps of Engineers as identifying wetlands or the transitional zone of wetlands.

**Section 903. Word Interpretation**

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

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

**Article X  
Effective Date**

This ordinance is hereby adopted by the Craven County Board of Commissioners this the   7   day of  February , 2005.

By:

\_\_\_\_\_  
Chairman, Craven County Board of Commissioners

Attested:

\_\_\_\_\_  
Clerk to the Board

**Amendment Date**

Sections 901 and 901.1 is hereby amended by the Craven County Board of Commissioners this the 4 day of April, 2005.

By:

\_\_\_\_\_  
Chairman, Craven County Board of Commissioners

Attested:

\_\_\_\_\_  
Clerk to the Board