

**PASQUOTANK COUNTY  
SUBDIVISION ORDINANCE**

Prepared by

Pasquotank County, North Carolina

March, 1989

(including subsequent amendments as  
indicated in Table of Amendments)

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# PASQUOTANK COUNTY SUBDIVISION REGULATIONS

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## **ARTICLE I INTRODUCTORY PROVISIONS**

### **Section 101      Title**

This ordinance shall be known and may be cited as the Subdivision Regulation for Pasquotank County, North Carolina, and may be referred to as the Subdivision Regulations.

### **Section 102      Purpose**

The purpose of this Ordinance is to support and guide the proper subdivision of land within the jurisdiction of Pasquotank County in order to promote the public health, safety and general welfare of the citizens of Pasquotank County. The Ordinance is designed to promote the orderly development of the County of Pasquotank; for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways with other public facilities; for the dedication or reservation of right-of-way or easements for street and utility purposes; and for the distribution of population and traffic, which shall avoid congestion and overcrowding and which will create conditions essential to public health, safety and the general welfare. This Ordinance is designed to further facilitate adequate provision for water, sewage, parks, schools and playgrounds, and also to facilitate the further resubdivision of large tracts into smaller parcels of land.

### **Section 103      Authority**

The Ordinance is adopted under the authority of Chapter 153A, Part 2 of the General Statutes of North Carolina.

### **Section 104      Jurisdiction**

On and after April 17, 1989 these regulations shall govern each and every subdivision of land within Pasquotank County as provided in G.S. 153a, Article 18, except those lands lying within the subdivision regulation jurisdiction of any municipality, unless such municipality shall have by resolution formally requested the County to enforce these regulations within the city's area of jurisdiction.

### **Section 105      Prerequisite to Plat Recording**

After April 17, 1989 the effective date of this Ordinance, each individual subdivision plat of land within the County's jurisdiction shall receive preliminary approval by the Pasquotank County Planning Board and preliminary and final approval by the Pasquotank County Board of Commissioners. In instances where the subdivision qualifies for the abbreviated subdivision the plat shall receive preliminary and final approval by the Pasquotank County Subdivision Administrator.

### **Section 106      Issuance of Permits**

No street shall be recommended for acceptance for maintenance by the State Board of Transportation nor shall any permit be issued by any administrative agent of Pasquotank County for the construction of any building or other improvement requiring a permit, upon any land concerning which a plat is required to be approved, unless and until the requirements set forth in this Ordinance have been complied with the and same approved by the Planning Board and Board of County Commissioners.

### **Section 107      Compliance with Other Official County Plans**

Proposed subdivisions must comply in all respects with the rules and regulations of the appropriate water district providing the water service and with all other officially adopted plans in effect in the area to be subdivided including the locally adopted Coastal Resources Commission ratified Land Use Plan.

## **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 subdivision jurisdiction of Pasquotank County shall be filed or recorded until it has been submitted to and approved by the Pasquotank County Board of Commissioners or the Pasquotank County Subdivision Administrator as set forth in Section 105 of this Ordinance and until this approval is entered in writing on the face of the plat by the Chairman of the Board of Commissioners or the Subdivision Review Officer of Pasquotank County.

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

### **Section 202      Duty of Subdivider or Authorized Agent**

A plat must be prepared, approved, and recorded whenever the subdivision of land takes place, as defined in this Ordinance. The owner of land shown on a subdivision plat submitted for recording, or an authorized agent, shall sign a statement on the plat stating whether any land shown thereon is within the subdivision regulation jurisdiction of Pasquotank County.

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

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

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

After the effective date of this Ordinance, any person who, being the owner or agent of the owner of 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, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this Ordinance and recorded in the Office of the Pasquotank County Register of Deeds, shall be guilty of a misdemeanor.

The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The County through its attorney or other official designated by the Pasquotank 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 G.S. 14-4.

**Section 204.1      Penalty**

The violation of any provision of this ordinance shall subject the offender to a civil penalty in the amount of \$100 to be recovered by the County. Violators shall be issued a written citation which must be paid within ten (10) days.

**Section 204.2      Continuing Violations**

Each day's continuing violation of this ordinance shall be considered a separate and distinct offense.

**Section 204.3      Court Action**

Notwithstanding the Subsection of this section above, this ordinance may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.

**Section 204.4      Other Remedies**

Nothing in this section shall be construed to limit the use of remedies available to the County. The County may seek to enforce this ordinance by using any one, all or a combination of remedies.

**Section 205      Separability**

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

**Section 206      Variances**

The County Board of Commissioners may, on recommendation from the Planning Board, authorize a variance from these regulations when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the 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 County Board of Commissioners finds:

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

**Section 207      Amendments**

The 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 thirty (30) days from the time proposed amendment is submitted to it within which to submit its report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have recommended approval of the amendment).

No amendment shall be adopted by the governing body until they have held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the Pasquotank 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) and twenty-five (25) day periods, the date of publication is not to be counted, but the date of the hearing is.

**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      Re-Enactment and Repeal of Existing Subdivision Ordinance**

This Ordinance in part carries forward by re-enactment some of the provisions of the Subdivision Ordinance of the County of Pasquotank, adopted on April 4, 1966, and it is not the intention to repeal but rather to re-enact and continue enforce such existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced. All provisions of the Subdivision Ordinance, which are not re-enacted herein are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of any Subdivision Ordinance heretofore in effect, which are now pending in any of the courts of this State or of the United States, shall not be prosecuted to their finality the same as if this Ordinance has not been adopted; and any and all violations of the existing Ordinance, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Ordinance shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending and/or which may heretofore have been instituted or prosecuted.

**Section 210      Effective Date**

This Ordinance shall take effect and shall be in force and after April 17, 1989 Duly adopted by the Board of Commissioners of the County of Pasquotank, North Carolina, this the 17th day of April, 1989.

**Jimmy Dixon Chairman  
Pasquotank County Board of Commissioners.**

**Section 211      Administrator**

The holder of the Office of Pasquotank County Planning Director is hereby appointed to serve as Subdivision Administrator.

**Section 212      Minimum Standards**

Wherever the provisions of any other law, ordinance or regulation impose higher standards than are required by the provisions of this Ordinance, the provisions of such law, ordinance or regulation shall govern.

**Section 213      Word Interpretation**

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

- a) The word "May" is permissive.
- b) The words "Shall" and "Will" are mandatory.
- c) The present tense includes the future tense and the future tense includes this present tense.
- d) The singular includes the plural and plural includes the singular.

**ARTICLE III  
PROCEDURES FOR REVIEW AND APPROVAL OF SUBDIVISION  
PLATS**

**Section 301      Plat Shall Be Required on Any Subdivision of Land**

Pursuant to G.S. 153A-332, 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 Recording**

No final plat of a subdivision within the subdivision jurisdiction of Pasquotank County as established in Section 104 of this ordinance shall be accepted for record by the Register of Deeds of Pasquotank County until final approval has been given by the Board of Commissioners or the Pasquotank County Subdivision Administrator. To secure such approval of a final plat, the subdivider shall generally follow the procedures established in this section.

**Section 303      Procedure For Abbreviated Plat Review (removed 8-5-2002)**

**Section 303      Procedure For Family Subdivision Review (Amended 7-9-2007)**

(a) Lots divided as a family subdivision, as defined in Article V, shall be approved under the following conditions:

- 1) Lots created by means of a Family Subdivision shall have a minimum of 25' of frontage upon a State-maintained road.
- 2) Lots shall be located within 1,000 feet of a public water supply. (Amended 9-4-07)
- 3) Lots shall be a minimum of 43,000 square feet in area, with at least 140' of lot width at the front minimum building setback.
- 4) To qualify as a family subdivision, the property owner must provide proof that ownership of the tract to be subdivided has been in continuous ownership for a minimum of 5 years. (Amended 4-21-08)
- 5) Lots created through the Family Subdivision review shall not be eligible for further subdivision for 10 years.
- 6) Lots shall be approved under the family subdivision provisions as a one-time gift of a single lot to each child, grandchild or parent of the property owner. A gift of any additional lot to the same child or parent shall require compliance with the major subdivision provisions within the County's Subdivision Ordinance.

(b) Family subdivision plats shall be approved by the Board of Commissioners and submitted in accordance with the following:

- 1) The application and plat indicate that it qualifies as a family subdivision as defined in this Article;

- 2) The applicant must provide documentation that attests to the linear relationship that qualifies the applicant for the family subdivision;
- 3) The plat shall state that the lot may not be further subdivided for a period of at least 10 years; and
- 4) An Improvement Authorization Permit must be provided from the Environmental Health Department regarding the soil suitability for an on-site septic tank disposal system.

## **Section 304      Sketch Plan Review**

### **General**

If the land to be subdivided contains more than ten (10) acres, or is waterfront property, the subdivider shall submit a sketch plan prior to submitting a preliminary plan. Smaller subdivisions may be submitted in sketch plan form if the subdivider wishes. If a sketch plan is required or the subdivider wishes to submit one for review, it must be submitted to the Subdivision Administrator at least twenty-one (21) days prior to the regular meeting of the Technical Review Committee. Upon submission of the Sketch Plan for processing by the Subdivision Administrator, the subdivider shall pay a processing fee in accordance with an approved Subdivision Fee Schedule adopted by the Pasquotank County Board of Commissioners. Sketch Plans shall be reviewed by the Technical Review Committee prior to the Planning Commission and Board of Commissioner review. The TRC shall make a recommendation for approval, conditional approval, or disapproval of the Sketch Plan. At the Technical Review Committee, Planning Board, and Board of Commissioner meetings the subdivider or his representative should explain the plan, answer questions and advise the Boards of any variations from the subdivision regulations. Sketch plans shall conform to the following requirements when submitted for review.

*{Amended 11-21-05; 9-18-06}*

### **Section 304.1      Sketch Design Plan Requirements**

The Sketch Design Plan shall depict or contain the following information:

- a) Boundary of tract and the portion to be subdivided
- b) Sketch of proposed street and lot layout
- c) Dimensions of street right-of-way
- d) Location of other rights-of-way and easements
- e) Sites, if any, for schools, churches, parks, beaches, etc.
- f) Location of streets and lots of developed or platted properties within 100 feet of property being considered for subdivision
- g) Zoning classification(s) of the tract and of adjacent properties if applicable
- h) Site Data:
  1. Acreage in tract
  2. Acreage to be subdivided
  3. Approximate acreage in parks or other land usage
  4. Approximate number of lots proposed

- i) Sketch Vicinity Map showing the relationship of the proposed subdivision to the surrounding area, the adopted thoroughfare plan, the 100 year flood plain, areas of environmental concern and land classification map. (Note: Information pertaining to the last four items may be obtained from the Tax Supervisor's Office.)

- j) Number of Copies and Graphics Media *{Amended 11-21-05}*

Twenty (20) copies shall be submitted to the Subdivision Administrator. In addition, one reduced copy shall be submitted which is 8 1/2" x 11" in size and one plan digital file shall be submitted. No specific graphics media must be employed.

- k) Size of Plan and Scale

No specific size requirements apply to sketch design plans; it is suggested that the requirements applicable to preliminary and final plats be utilized.

- l) Administrative Fees *{Amended 9-18-06}*

Upon submission of a sketch plan for review by the Technical Review Committee the subdivider shall pay a processing fee to the Pasquotank County Subdivision Review Officer in accordance with an approved Subdivision Fee Schedule adopted by the Pasquotank County Board of Commissioners. In addition, a stormwater review fee shall also be submitted with the Sketch Plan application.

- m) Certificates Required

No certificates must be provided in connection with the submission of sketch design plans.

- n) Sketch Design Plan Review Procedure *{Amended 9-18-06}*

The Technical Review Committee, Planning Board, and Board of Commissioners shall review the sketch design plan for general compliance with the requirements of this regulation. The Boards 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. This review shall in no way be construed as constituting an official action of approval for recording of the subdivision by the Planning Board or Pasquotank County Board of Commissioners as required by this regulation.

- o) Disposition of Copies *{Amended 9-18-06}*

One (1) copy shall be retained as part of the minutes of the Board of Commissioners, with the remaining copies being returned to the subdivider or his authorized agent.

## **Section 305      Preliminary Plat Review**

### **General**

The subdivider shall submit twenty (20) copies of the preliminary plat and any supplementary material to the Subdivision Administrator at least twenty-one (21) days prior to the regularly scheduled Technical Review Committee meeting at which said plat is to be considered. The subdivider shall also include with the submittal one (1) reduced copy of the subdivision plat which is 8 1/2" X 11" in size. In addition to the hard copies the subdivider shall submit one digital plan file for review by the Planning Board and the Board of Commissioners.

Upon submission of the preliminary plat for processing by the Subdivision Administrator, the subdivider shall pay a processing fee to Pasquotank County in accordance with an approved Subdivision Fee Schedule adopted by the Pasquotank County Board of Commissioners. The preliminary plat shall be submitted not more than 24 months after the date on which the sketch plan was approved, otherwise the sketch plan approval shall be null and void. *{Amended 01-20-04}{Amended 11-21-05}{Amended 3-1-10}*

### **Section 305.1 Preliminary Plat Requirements**

The Preliminary Plat shall depict or contain the following information:

- 1) The preliminary plat shall be at a scale of one hundred feet to one inch or larger and shall be a reproducible plat, either original ink or polishes film (mylar), or a reproduced drawing, transparent and archival (as defined by the American National Standards Institute) which is 18" X 24" in size.
- 2) The location of existing and platted property lines, streets and street names, buildings, water courses, railroads, transmission lines, sewers, bridges, culverts and drain pipes, water mains, existing fire hydrant location nearest to site, city and county lines (if adjoining) and any public utility easements.
- 3) Boundaries of tract shown with bearings and distances.
- 4) Wooded areas, marshes, and any other conditions affecting the site.
- 5) Names of adjoining property owners or subdivisions.
- 6) Zoning classification, if any, both on the land to be subdivided and on adjoining land.
- 7) Proposed streets, street names, rights-of-way, roadway widths, and approximate grades.
- 8) The plans for proposed utility layouts (sewer, water, gas, electricity) showing connections to existing systems or plans for individual water supply, sewage disposal, storm drainage, etc. Utility plans are encouraged to be a separate drawing(s) from the preliminary plat. This eliminates utility information from cluttering the plat to be recorded in the Register of Deeds office.
- 9) Other proposed right-of-way or easements; locations, widths, and purposes.
- 10) Proposed lot lines, lot and block numbers, and approximate dimensions.
- 11) Proposed minimum building setback lines.
- 12) Contour lines with elevation intervals of one foot. The 100-year flood plain contour shall be labeled and clearly indicated with a bolder thicker line.
- 13) Proposed parks, school sites, or other public opens spaces, if any.
- 14) Title, date, north point and graphic scale.
- 15) Name of owner, surveyor or land planner.
- 16) Site Data
  - a) Acreage in total tract
  - b) Acreage in parks or other land usage
  - c) Total number of lots
  - d) Lineal feet in streets

- 17) Sketch vicinity map showing relationship between subdivision and surrounding area, adopted thoroughfare plan, 100 year flood plain, areas of environmental concern, and land classification map. (Note: Information pertaining to the last four items may be obtained from the Tax Supervisor's Office.)
- 18) Environmental Impact Statement

Pursuant to Chapter 113A-8 thru 113A-10 of the North Carolina General Statutes, the Planning Board may require the subdivider to submit an environmental impact statement with his preliminary plat if:

- a) The development exceeds 10 acres in area, and
  - b) If the Board deems it necessary due to the nature of the land to be subdivided, or peculiarities in the proposed layout.
- 19) Provide a letter from the appropriate electric utility company certifying that the utilities will be installed underground.
  - 20) Pasquotank County is not responsible for maintaining drainage within the subdivision or drainage outlets for discharging water collected within the subdivision.

### **Section 305.2 Public Water Service Requirements**

Prior to preliminary plat submission, the Planning Board or their authorized representative shall determine if Public Water services are available for the proposed subdivision:

- 1) If public water service is not available then the plans for the construction of the proposed water facilities or individual water supplies shall meet the standards of the District Health Department. Systems having fifteen (15) or more connections must meet the standards of the State Commission for Health Services, Division of Environmental Management. Plans approved by the reviewing agency with jurisdiction shall be submitted with a preliminary plat.
- 2) If public water service is to be available and the subdivider is developing new lots, the subdivider shall construct a water system that complies with the standards and specifications of the public water system with jurisdiction and connect it to the system serving the area in which the subdivision is located.
- 3) If the subdivider is developing new lots within the service area of the Pasquotank County Water System, the subdivider shall construct a water system and connect it to the system owned and operated by Pasquotank County, subject to the following conditions:
  - a) Construction plans for the proposed system shall be prepared by a registered engineer, materials and construction to be in accordance with the specification for the Pasquotank County Water System as prepared by the County Engineer, and submitted with the preliminary plat for approval by the Planning Board, County Water Superintendent and the appropriate State Agencies.
  - b) The cost of the construction, connection and approval of the subdivision water system shall be paid by the subdivider.
  - c) All water mains, laterals, meter boxes and easements shall be dedicated to the County Water system. Water lines shall be installed on the street right-of-way where possible.
- 4) Pasquotank County may require installation of certain oversized facilities such as water mains in excess of 8" in diameter when it is in the interest of future development. Pasquotank County shall pay for that portion of the improvement which exceeds the standards set forth in this ordinance.

### **Section 305.3 Preliminary Plat Approval**

After review of the preliminary plat, the Planning Board may recommend the approval, conditional approval, or disapproval of the plat to the Board of Commissioners. If not reviewed and a recommendation presented to the Board of Commissioners within forty-five (45) days of the first consideration of the plat, the subdivider may apply to the County Board of Commissioners for approval or disapproval, unless the subdivider agrees to an extension of time.

The Subdivision Review Officer or a Planning Board member shall place the preliminary plat on the Board of Commissioner's agenda. The Board of Commissioners has forty-five (45) days from the receipt of the Planning Board recommendation to take action on the plat or the plat may be considered disapproved by the subdivider, unless an extension of time is agreed upon.

The Board of Commissioners shall approve or disapprove the preliminary plat. If the Board approves the plat, such approval shall be noted on two (2) copies of the plat. One (1) copy shall be retained by the Board of Commissioners in the Pasquotank County Planning Department and one (1) copy shall be returned to the subdivider or his authorized agent.

If the Board of Commissioners disapprove the preliminary plat, the subdivider shall be given the reasons in writing and one (1) copy of the plat. The subdivider shall be instructed concerning possible resubmitting of the plat to the Board of Commissioners if deficiencies can be corrected.

Upon approval of the preliminary plat by the Board of Commissioners, 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. Preliminary plat approval shall in no way be construed as constituting an official action of approval for recording of the subdivision as required by this Ordinance.

### **Section 306 Final Plat Review**

#### **General**

Prior to submittal of the final plat for review by the County Board of Commissioners the developer shall have completed the installation of all improvements in accordance with the approved preliminary plat. The only exception will be asphalt street paving provided the developer submits an improvement guarantee in accordance with Section 306.5 Improvement Guarantees.

Upon completion of the installation or an arrangement for the improvements shown on the approved preliminary plat for the whole or in a portion of the subdivision that is acceptable to the Planning Board and County Commissioners, the applicant shall submit a final plat 21 days prior to the regular meeting of the Board of Commissioners showing the areas covered by such improvements. At the same time the final plat is submitted the developer shall schedule a meeting at the subdivision site with the Subdivision Administrator and the County Engineer to inspect the project for conformance with the approved preliminary plan. Should the developer opt to provide an Improvement Guarantee rather than install asphalt street paving at final plat submittal, he shall have installed and graded the base materials to provide for positive drainage in accordance with the pavement cross section detail. Roadway shoulders and ditches, lot line swales, outfall ditches, etc. shall be graded and grass shall be established in accordance with the approved preliminary plat. Grass shall be mowed so that the Subdivision Administrator and County Engineer can verify construction conforms to the approved preliminary plan.

A final plat for the first phase of subdivision shall be submitted not more than 24 months after the date on which the preliminary plat was approved; otherwise preliminary approval shall be null and void, unless a written extension of this limit is granted by the County Board of Commissioners on or before the 24th month anniversary of the preliminary plat approval. Subsequent phases shall be submitted not more than 24 months after the date of the final plat approval for the prior phase of development; otherwise preliminary approval shall be null and void, unless a written extension of the limit is granted by the County Board of Commissioners on or before the 24<sup>th</sup> month anniversary of the previous final plat approval. *{Amended 01-20-04; 03-19-07, 03-01-10}*

On application for final plat review, the subdivider shall pay a processing fee to the Pasquotank County Subdivision Administrator in accordance with an approved Subdivision Fee Schedule adopted by the Pasquotank County Board of Commissioners.

- 1) The subdivider shall submit four (4) copies of the final plat and ten (10) reduced copies of the subdivision plat which are 8 1/2" X 11" in size and one plan digital file.
- 2) The final plat shall be reviewed by the Subdivision Administrator for compliance with the endorsed preliminary plan. The Planning Board may appoint an engineer to check the final plat against the subdivision's actual layout for correctness; charging the costs to the subdivider if the plat is found to be seriously in error.
  - a) If the plat is found to be in compliance, the Subdivision Administrator shall transmit the final plat together with his recommendations to the County Board of Commissioners for final action; or
  - b) If the final plat is found not to be in compliance, or if changes have been made from the endorsed preliminary plat, the Subdivision Administrator shall notify the subdivider and transmit the final plat to the Planning Board.

### **Section 306.1 The Planning Board Review of Final Plat**

- 1) If the Planning Board endorses the changes made from the approved preliminary plat, the Subdivision Administrator shall transmit the final plat, together with the Planning Board's recommendations to the County Board of Commissioners for final action.
- 2) If the final plat is not in compliance with this Ordinance or the Planning Board does not accept the changes from the endorsed preliminary plat, the subdivider shall be given an opportunity to submit a revised final plat. If a revised final plat is not submitted, the Subdivision Administrator shall transmit the final plat together with the Planning Board's recommendations to the County Board of Commissioners for final action. Such recommendations shall specify any unaccepted changes from the endorsed preliminary plat.

### **Section 306.2 Final Plat Approval by County Board of Commissioners**

The final plat, and the recommendations of the Subdivision Administrator or the Planning Board whichever is the case, shall be reviewed by the County Board of Commissioners. The Commissioners shall approve or disapprove the final plat.

- 1) Upon approval of the final plat the subdivider shall have authorization to file the plat with the Register of Deeds. Approval shall be null and void for any plat not recorded within ninety (90) days.
- 2) If the County Board of Commissioners should disapprove the final plat, the reasons for such action shall be noted and recommendations made on the basis of which the proposed subdivision would be approved.

- 3) The action of the County Board of Commissioners shall be noted on two (2) copies of the final plat. One copy shall be returned to the subdivider, one (1) copy shall be retained for the permanent file of the Board of Commissioners in the Pasquotank County Planning Department.
- 4) No final plat shall be approved until all improvements are installed or meet the requirements set forth in Article III, Section 306.3 and 306.4, of this Ordinance, all required fees have been paid, and the certificates required by this Ordinance to appear on the final plat have been properly filled out and signed.

### **Section 306.3    Final Plat Requirements**

The final plat shall be at the same scale, same sheet size, graphic media and shall conform substantially to the preliminary plat as approved and shall constitute only that portion of the approved preliminary plat which the subdivider proposes to record at the time.

The final plat will show:

- 1) The lines of all streets and roads.
- 2) Lot lines and lot number.
- 3) Minimum building setback lines.
- 4) Reservations, easements, alleys and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.
- 5) Sufficient data to determine readily and reproduce on the ground, the location, bearing and length of every street line, lot line, boundary line, block line and building line, whether curved or straight, and including true north point. This should include the radius, center angle, and tangent distance for the center line of curved streets and curved property lines that are not the boundary of curved streets.
- 6) All dimensions should be to the nearest one hundredth (1/100) of a foot and angles to the nearest second.
- 7) Accurate location and description of all permanent monuments and stakes.
- 8) The names and locations of adjoining subdivisions, and streets, and the location and ownership of adjoining unsubdivided property.
- 9) Title, date, name and location of subdivision, graphic scale and north point (indicate if true north, magnetic north or N. C. State Grid System is used).
- 11) Name of owner, surveyor or land planner.
- 12) Sketch vicinity map showing relationship between subdivision and surrounding area.
- 13) Provide maintenance of streets guarantee until acceptance by the North Carolina Department of Transportation.
- 14) Payment of fees for water laterals and meters in areas served by the Pasquotank County Water System. The fee shall be paid to the Pasquotank County Water Department in accordance with a fee schedule established from time to time by the Pasquotank County Board of Commissioners.
- 15) Payment of fees for street signs.

As-Built Drainage Plan shall show: *{Amended 11-21-05}*

- 1) The lines of all streets and roads.
- 2) Lot lines and lot number.
- 3) Location of all ditches (includes road and outfall), culverts and related drainage structures.
- 4) High and low ditch inverts elevations. Flow arrows shall be shown along ditches.
- 5) Culvert material, size, and inverts.
- 6) Location of all fire hydrants within subdivision with bench mark elevations established on the top nut and denoted.

Drive Way Culvert Installation Plan – In addition to the information included on the As-Built Drainage Plan the plan shall show: *{Amended 11-21-05}*

- 1) Percent of slope on all ditches indicated to the nearest one hundredth of a percent.
- 2) Indicate at each lot corner that coexist with road right of way the roadway ditch invert (calculated according to ditch slopes).
- 3) Indicate on each lot the minimum driveway culvert size that provides for proper drainage and meets NCDOT requirements.

#### **Section 306.4 Preparation of Final Plat and Installation of Improvements**

Upon approval of the preliminary plat by the Pasquotank County Board of Commissioners, the Subdivider may proceed with the preparation or the arrangement for the required improvements in accordance with the approved preliminary plat and the requirements of this ordinance. Prior to approval of a final plat, the subdivider shall have installed the improvements specified in this ordinance or guaranteed the installation as provided herein. No final plat will be accepted for review by the Pasquotank County Board of Commissioners unless accompanied by written notice by the Subdivision Administrator acknowledging compliance with the improvement and guarantee standards of this ordinance. Should the final plat require review by the Planning Board, due to discrepancies in the preliminary plat, the Subdivision Administrator shall transmit the final plat together with the Planning Board's recommendations to the County Board of Commissioners for final action. 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.

#### **Section 306.5 Improvement Guarantees**

- 1) Agreement and Security Required  
In lieu of required completion of asphalt street paving, shoulder/ditch grading, and seeding prior to final plat approval, the County of Pasquotank may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all asphalt street paving, shoulder/ditch grading, and seeding. Once the agreement is signed by both parties and the required security is provided, the final plat may be approved by the Pasquotank County Board of Commissioners, if all other requirements of this ordinance are met. To secure this agreement, the subdivider shall provide, subject to approval of the Pasquotank County Board of Commissioners any one or combination of the following guarantees:

a) Surety Performance Bond

The Subdivider shall obtain a performance bond from a surety bonding company authorized to do business in the State of North Carolina. The bonds shall be payable to the County of Pasquotank and shall be in an amount equal to 1.30 times the entire cost, as estimated by the subdivider and approved by the Pasquotank County Board of Commissioners, of installing the asphalt street paving and completion of final shoulder/ditch grading and seeding. The duration of the bond shall be until such time as the improvements are determined by the Board of Commissioners to be in compliance with the provisions of this ordinance. All improvements must be made within (12) months of the date of authorization of the security bond. *{Amended 11-21-05}*

b) Cash or Irrevocable Letters of Credit on forms approved by the County Attorney with a banking institution insured by either FSLIC OR FDIC.

The Subdivider shall deposit, an irrevocable letter of credit or cash with Pasquotank County. The amount of the deposit shall be equal to 1.30 times the entire cost of installing the asphalt street paving and completion of final shoulder/ditch grading and seeding as estimated by the subdivider and approved by the Pasquotank County Board of Commissioners. All improvements must be made within twelve (12) months of the date of authorization of the security. *{Amended 11-21-05}*

**Section 306.6 Maintenance of Streets Until Acceptance**

The Subdivider of any development containing streets intended for public dedication shall post a letter of credit or other sufficient surety (see Section 306.7) to guarantee that such streets will be properly maintained until the offer of dedication is accepted by the North Carolina Department of Transportation.

**Section 306.7 Acceptable Guarantees for Street Maintenance**

The amount of the security shall constitute thirty percent (30%) of the cost of all improvements relating to road construction (grading, ditching, culverts, stone base, asphalt, seeding, etc.). The developer shall provide information sufficient to determine the cost of the improvements. The following types of bonds/guarantees will be acceptable to the Board of Commissioners for the purpose of satisfying maintenance of streets guarantees prior to final plat approval: *{Amended 11-21-05}*

1) Surety Bond

The Subdivider shall obtain a surety bond from a surety bonding company authorized to do business in the State of North Carolina. The bond shall be payable to the County of Pasquotank and shall be in an amount approved by the Pasquotank Board of Commissioners. The duration of the bond shall be until such time as the streets are accepted by the North Carolina Department of Transportation.

2) Cash or Irrevocable Letters of Credit on forms approved by the County Attorney with a banking institution insured by either FSLIC or FDIC.

The Subdivider shall deposit, an irrevocable letter of credit or cash with Pasquotank County. The amount of the deposit shall be approved by the Pasquotank County Board of Commissioners. The security shall be held until such time as the streets are accepted by the North Carolina Department of Transportation.

**Section 306.8**    **Recreation Fees** *(Amended 3-1-10)*

- 1) All residential subdivisions and developments, except Family Subdivisions, shall provide funds to the County whereby the County may acquire public recreation and park land or areas to serve the development or subdivision.
- 2) The amount of such fee shall be the product of the total number of dwelling units and/or building lots located in the development or subdivision multiplied by the recreation fee as established by the Pasquotank County Board of Commissioners.
- 3) The fee must be paid prior to approval of a final plat for the subdivision, provided that payments may be phased in accordance with the approved phasing of the subdivision.

**Section 306.9**    **Approval of Amended Subdivision Map**

- 1) Minor changes to a subdivision map which has received plat approval by the Board of Commissioners are permissible and the Subdivision Administrator may authorize such minor changes. A change is minor if it has no discernible impact on neighboring properties or the general public. Examples of minor changes are reduction in minimum building setbacks which meet or exceed the minimum requirements in this ordinance, slight lot line realignments, and the combination of previously approved lots. This is not intended to be an all-inclusive list.
- 2) Major changes to a subdivision map which has received final plat approval by the Board of Commissioners must be resubmitted to the Board of Commissioners. The Board of Commissioners shall approve or disapprove the amended map. Examples of major changes are an increase in the number of lots, major shifting of lot lines, and major shifting of streets. This is not intended to be an all-inclusive list.

INFORMATION REQUIRED	Sketch Plat	Preliminary Plat	Final Plat
- The name of the subdivision.	X	X	X
- A sketch vicinity map showing the relationship between the proposed subdivision and surrounding area at an appropriate scale.	X	X	X
- Total acreage of tract to be subdivided with the location of previously subdivided lots within the tract.		X	
- Site data (to include zoning classification).	X	X	X
- A topographic map showing vertical contours every one (1) foot.	X	X	X
- Name of township, county and state in which the subdivision is located.	X	X	X
- Corporate limits, township boundaries, county lines, if on the subdivision tract.	X	X	X
- The names, addresses, and telephone numbers of all owners mortgagees, registered surveyors land planners, and professional engineers responsible for the subdivision.		X	X
- The registration numbers and seals of the professional engineers and registered surveyors.			X
- Date of survey plat preparation.		X	X
- Scale denoted both graphically and numerically.	X	X	X
- An accurately positioned north arrow tied into the North Carolina Grid System if within 2,000 feet of a monument.		X	X
- The exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands.			X

- The names of adjoining property owners.
- The boundaries of the tract or portion thereof to be subdivided distinctly and accurately represented with all bearings and distance shown.
- The names of any adjoining subdivisions of record or proposed and under review.
- Minimum building setback lines only.
- Existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains, both on land to be subdivided and land immediately adjoining.
- Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line, and building whether curved or straight. This should include the radius central angle, and tangent distance for the center line of curved streets and curved property lines that are not boundaries of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.
- The blocks numbered consecutively throughout subdivision and the lots numbered consecutively throughout each block, square feet of each lot so indicated.
- Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds and any other natural features affecting the site, including the location of known areas subject to flooding.
- Proposed roadways, existing and platted streets on adjoining properties and in proposed subdivision, right-of-way, pavement widths, approximate grades, design and engineering data for all corners and curves and typical street cross sections.
- Street names.
- The location and dimensions of all rights-of-way, utility or other easements.

X	X	X
X	X	X
	X	X
	X	X
X	X	X
		X
X	X	X
X	X	
	X	X
	X	X
X	X	X

- The plans for utility layouts including sanitary sewers, storm sewers, water distribution lines, natural gas, telephone and electric service or plans for individual water supply systems and sewerage disposal systems. 

	X	X
--	---	---
  
- Letter of tentative approval of water supply and sewage disposal plans by appropriate county and state authorities. 

	X	
--	---	--
  
- Improvement Certificate or letter of approval for water and sewage systems by appropriate county and state authorities. 

		X
--	--	---
  
- Letter of approval of a Stormwater Drainage Plan from the Division of Environmental Management. 

	X	X
--	---	---
  
- Letter of approval from Department of Transportation as to proposed roadway alignment and construction. 

	X	
--	---	--
  
- Improvement Certificate by the Department of Transportation stating the streets as installed or as designed and guaranteed meet state standards. 

		X
--	--	---
  
- A copy of any deed restrictions or similar covenants. 

	X	X
--	---	---
  
- The accurate locations and descriptions of all monuments, markers, and control points. 

		X
--	--	---
  
- Any other information considered by either the subdivider, Subdivision Review Committee, Subdivision Administrator, Planning Board or Board of Commissioners to be pertinent to the review of the plat. 

	X	X
--	---	---
  
- Linear error of closure shall not exceed one (1) foot per 7,500 feet. Angular error of closure shall not exceed twenty-five (25) seconds times the square root of the number of angles turned. Plus or minus distance will not be approved. 

		X
--	--	---
  
- Letter from the Land Quality Section, Division of Land Resources approving the Sedimentation and Erosion Control Plan. 

	X	X
--	---	---
  
- Letter from appropriate utility company certifying electric utilities will be installed underground. 

	X	
--	---	--
  
- 10 year stormwater review by County Technical Staff 

	X	X
--	---	---

- Provide maintenance of streets guarantee until acceptance by North Carolina Department of Transportation.			X
- Other Applicable Certificates.		X	X
- Bench mark elevations established on the top of all fire hydrants within the subdivision and noted on the drainage plan.			X
- Payment for plat application fees.	X	X	X
- Payment for street signs.			X
- Payment for water laterals and meters within Pasquotank County Water System service area.			X
- Payment of recreation fees			X

### **Section 307    Review by Other Agencies**

Prior to approval of the preliminary plat to the Subdivision Administrator, the subdivider shall submit copies of the preliminary plat and any accompanying material to other officials and agencies concerned with new development including but not limited to:

- 1) The District Highway Engineer as to proposed streets, highways, and drainage systems;
- 2) The Sanitarian with the Health Department serving the County as to proposed water and sewer systems or satisfactory soil percolation tests or general subsurface soil conditions to allow septic tank use;
- 3) Such other agencies and officials as the County Planning Board and/or County Board of Commissioners may deem, from time to time, necessary or desirable;
- 4) An official of the appropriate water system that will provide service to the proposed subdivision as to the materials and the construction of proposed water systems to be connected to the particular water system;
- 5) The Land Quality Section, Division of Land Resources as to sedimentation and erosion control for review and recommendation;
- 6) The Division of Coastal Management as to locations of any Areas of Environmental Concern that may be located on the proposed subdivision property.
- 7) The Division of Environmental Management as to the applicability of storm water drainage.
- 8) It is recommended that any subdivisions plat with five lots or more be submitted to the US Post Office for possible inclusion in the Community Mail Box Program.
- 9) The Fire Chief of the Volunteer Fire Department responsible for servicing the proposed subdivision shall review the plat for possible locations of dry fire hydrants, where applicable.

Comments from these reviewing agencies must be made available to the Planning Board before a preliminary plat may be approved, unless this requirement is specifically waived by the Planning Board.

**Section 308**

**Certificates to be Applied to Face of 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 was conveyed to me (us) by deed recorded in Book \_\_\_\_\_, Page \_\_\_\_\_, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, and dedicate all streets, alleys, walks, parks and other open spaces to public use unless otherwise noted. Further, I (we) certify that the land as shown hereon is within the subdivision regulations jurisdiction of the County Board of Commissioners of Pasquotank County and all dedications are free and clear of any lien, lease, deed of trust or any other encumbrance.

Date \_\_\_\_\_

\_\_\_\_\_ Owner

\_\_\_\_\_ Owner

**B. Certificate of Accuracy**

I hereby certify that under my direction and supervision this Plat, shown and described hereon, was drawn from an actual survey of land; that the Error of Closure that the Error of Closure is calculated by latitudes and departures and is 1: \_\_\_\_\_; that the boundaries not surveyed are shown as broken lines; that this Plat was prepared in accordance with G.S. 47-30 as amended.

Witness my hand and Seal this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Registered Land Surveyor

Registration Number

**C. Certificate of the Approval of Sewage System**

This subdivision entitled \_\_\_\_\_, has been designed for the construction of individual sewage systems and meets the criteria and requirements of the Albemarle Regional Health Service based on existing conditions and regulations. The District Health Department reserves the right to require additional improvements to these properties and to limit the number of bedrooms and size of structure based on site conditions upon issuance of the final site improvements permits. This certification does not constitute a warranty and is issued based on this subdivision being serviced by \_\_\_\_\_ Water system.  
(Individual/Public)

\_\_\_\_\_  
Date

\_\_\_\_\_  
District Health Director or  
his Authorized Representative

**D. Certificate of Approval of Artificial Drainage Improvements**

In the subdivision entitled \_\_\_\_\_, artificial drainage has been installed according to plans and specifications prepared by \_\_\_\_\_, and based upon the requirement of the Albemarle Regional Health Service to keep the seasonal high water table a minimum of twelve inches (12") below the septic tank nitrification lines. Proper landscaping and maintenance of these drainage facilities are the responsibility of the property owners to insure that septic tank malfunctions do not occur. The District Health Department assumes no responsibility for the design, maintenance, or the guaranteed performance of the artificial drainage measures and their effects.

\_\_\_\_\_  
Certifier Of Drainage Facilities

\_\_\_\_\_  
Date

\_\_\_\_\_  
District Health Director

\_\_\_\_\_  
Date

**E. Certificate of District Highway Engineer**

I hereby certify that these streets as installed or as designed and guaranteed are in accordance with the minimum design criteria presently required by the N. C. Department of Transportation, Division of Highways, for the acceptance of subdivision streets on to the state system for maintenance.

\_\_\_\_\_  
Date

\_\_\_\_\_  
District Engineer  
N.C. Department of Transportation, Division of Highways

**F. Certificate of Approval and Acceptance of Dedications**

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for Pasquotank County, with the exception of such variances, if any, as are noted in the minutes of the County Board of Commissioners meeting held this date, and that it has been approved for recording in the office of the Register of Deeds, and that the dedication of the easements, rights- of-way and public park shown thereon were accepted by the County, but it assumes no responsibility to open or maintain the same until, in the opinion of the governing body of Pasquotank County, it is in the public interest to do so. I further certify that (1) the streets, utilities, and other improvements have been installed in an acceptable manner and according to County specifications in the subdivision entitled \_\_\_\_\_, or (2) that a security bond in the amount of \$\_\_\_\_\_, has been posted with the County Board of Commissioners to assure completion of all required improvements in case of default.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairman, County Commissioners

Attest: \_\_\_\_\_ Clerk

**G. Certificate of Approval by the Planning Board**

I, \_\_\_\_\_, Chairman of the Pasquotank County Planning Board, do hereby certify that said Planning Board fully approved the plat of the subdivision entitled on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Chairman, Pasquotank County Planning Board

**H. Certificate to Subdivision Classification**

I, \_\_\_\_\_, RLS L- , certify to one or more of the following as indicated:

- A. That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
- B. That the survey is located in such portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;
- C. That the survey is of an existing parcel or parcels of land;
- D. That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision;
- E. That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of his or her professional ability as to provisions contained in (A) through (D) above.

**I. Certificate of Approval for Amended Map by the Subdivision Administrator**

I hereby certify that the amended subdivision plat shown hereon has been found to comply with the Subdivision Regulations for Pasquotank County and that this plat is approved for recording in the Office of the Register of Deeds.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Subdivision Administrator

**J. Certificate of Approval of Storm Water Drainage Improvements**

In the subdivision entitled \_\_\_\_\_, storm water drainage improvements have been installed (1) according to plans and specifications prepared by \_\_\_\_\_, or (2) according to the as-built plan submitted by \_\_\_\_\_, and approved by the Pasquotank County Board of Commissioners. The Pasquotank County Board of Commissioners assumes no responsibility for the design, maintenance, or the guaranteed performance of the storm water drainage improvements and their effects.

\_\_\_\_\_  
Registered Land Surveyor/Civil Engineer

\_\_\_\_\_  
Date

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

## ARTICLE IV MINIMUM DESIGN STANDARDS

The following shall be considered the minimum requirements for all new subdivisions.

### 1. Streets

Proposed subdivisions shall be designed and developed in such a way that all lots shall have direct vehicular access to a new interior street. The street layout shall conform to the arrangement, width and location indicated on any official plans or maps for Pasquotank County. In areas for which such plans have not been completed, the streets shall be designed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, and to the proposed use of land to be served by such streets. All streets must be dedicated to public use free and clear of any liens, easements exclusive of utilities, deeds of trust, or any other encumbrance.

- A. The proposed street layout shall be made according to good land planning practice for the type of development proposed, and shall be coordinated with the street system of the surrounding areas. All streets must provide for the continuation or appropriate projection or principal streets in the surrounding area and provide reasonable means of ingress and egress for surrounding acreage tracts.
- B. Construction plans for the proposed street system shall be prepared by a registered engineer or registered surveyor with materials and construction to be in accordance with standards specified by the Division of Highways, North Carolina Department of Transportation in the most current edition of their manual entitled Subdivision Roads: Minimum Construction Standards.

### 2. Minimum Street Right-of-Way Width (*Amended 3-1-10*)

Street right-of-way width shall be a minimum of 50 feet. If the adopted thoroughfare plan or the NCDOT Subdivision Roads Minimum Construction Standards mandates a greater width, the right-of-way shall be the greater width.

### 3. Pavement Width (*Amended 3-1-10*)

Pavement width shall be a minimum of 20 feet. If the NCDOT Subdivision Roads Minimum Construction Standards requires a greater width, the pavement width shall be the greater width.

### 4. Pavement Design (*Amended 3-1-10*)

Soil testing by a certified geotechnical engineer shall be performed for all streets to determine the soil classification and structural strength of the subgrade. The developer's engineer shall provide a pavement design based upon the soil type and strength. California Bearing Ration (CBR) tests shall be performed on the subgrade material. At least two tests shall be performed for any development which proposes public roads. CBR tests shall not be spaced more than 500 feet apart as measured along the roadway. Traffic counts shall be in accordance with the Institute of Transportation Engineers "Trip Generation" latest edition. The minimum design count shall be based upon ten trips per day per single family home. Collector streets shall be designed using the sum of the traffic generated by contributing local streets. A minimum of 10% truck traffic for industrial and commercial roads shall be used in traffic counts. The pavement design thickness shall in no case be less than that specified in the NCDOT Subdivision Roads Minimum Construction Standards.

The soils reports supporting the pavement design and the pavement design shall be submitted to the County for review and approval. Pavement design methods shall conform to NCDOT criteria.

5. Street Grades (*Amended 3-1-10*)

Unless necessitated by exceptional topography and subject to the approval of the Planning Board, the grades shall meet the requirements of the NCDOT Subdivision Roads Minimum Construction Standards.

6. Radii of Curvature

When a continuous street center line deflects at any point by more than 10 degrees, such center line shall follow the arc of a circle having the radius as follows:

- A. Major Streets                      300 feet
- B. Collector Streets                200 feet
- C. Minor Streets                      150 feet

7. Tangents

A tangent at least 100 feet long shall be provided between reverse curves on all streets.

8. Intersections

Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than 60 degrees.

- A. Street jogs with center lines offsets of less than 125 feet shall be avoided.
- B. Intersections with a major street or highway shall be at least 800 feet apart.
- C. Property lines at street intersections shall be rounded with a minimum radius of 20 feet or of a greater radius when required by the Planning Board.

9. Cul-de-sacs (*Amended 3-1-10*)

Permanent dead end streets or cul-de-sacs shall be no longer than 600 feet, other than a minor street cul-de-sac as defined in this regulation; and shall be provided at the closed end with a turn-around which meets the requirements of the NCDOT Subdivision Roads Minimum Construction Standards and the Pasquotank County Fire Marshall.

10. Street Names and Traffic Signs (*Amended 3-1-10*)

Street names for all subdivision plats shall be subject to approval of the Planning Board and Board of Commissioners. New street names shall not duplicate or be similar to existing street names and existing street names shall be projected wherever possible.

Stop, Yield, or other traffic signs, as would be required by the Division of Highways, at the intersection of streets within the subdivision shall be required. Any supplemental signs deemed necessary to safety and welfare by the Planning Board and Board of Commissioners shall also be required.

It shall be the responsibility of the developer to pay for the cost of purchasing and installing street name and traffic signs at the intersection of streets within his development. County personnel shall be responsible for purchasing and installing the signs at each intersection upon the payment of a fee per sign by the developer. The fee per sign shall be established by the Pasquotank County Board of Commissioners, and may be changed as necessary. The fee for street name and traffic signs shall be paid by the developer to the Planning Department at final plat submittal.

#### 11. Access Roads

Where a tract of land to be subdivided adjoins a federal or state highway, the subdivider may be required to provide a marginal access street parallel to the highway or reverse frontage on an interior street for the lots to be developed adjacent to the highway. If reverse frontage is required, then the subdivider shall be required to provide a ten foot (10') easement parallel and adjacent to the right-of-way of the highway. Such easement shall be restricted to the planting of trees or shrubs for screening purpose and shall be in addition to all other easements required by this ordinance.

#### 12. Lots

Lot sizes, shapes and locations shall be made with due regard to topographic conditions, contemplated use, and the surrounding area. Land subject to flooding and land deemed by the Planning Board to be uninhabitable for other reasons shall not be platted for occupancy, nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard; but such land may be set aside for such uses as will not be endangered by periodic or occasional inundation.

A. Every lot shall front or abut on a public street. Each lot must have a minimum road or street frontage of fifty feet (50') and a minimum width as designated in the Pasquotank County Zoning Ordinance, Article 8 – Table of Area, Yard and Height Requirements at the building set back line.

Subdivisions that have received sketch plan approval by the Pasquotank County Planning Board prior to January 1, 2001 shall be required to maintain a minimum one hundred feet (100') width at the front set back line.

B. Lots served by a community water system and by a community sewer system that has been approved by the NC Division of Environmental Management or the Albemarle Regional Health Services shall have a minimum lot size of 15,000 square feet.

C. Lots served by the community water system shall be at least 15,000 square feet in usable area. All lots must abut on streets that contain water lines. A water meter must be placed on each lot to be served by the County's water system.

D. Where public water and sewer facilities are not available and individual water supplies or individual sewage disposal systems are planned, the subdivider, at his own expense, shall have the site investigated under the supervision of Albemarle Regional Health Services to determine whether or not such individual facilities are feasible and shall present proof to the Planning Board that appropriate soil tests have been conducted and each lot in the subdivision has been approved by Albemarle Regional Health Services for individual water supplies and/or sewage disposal systems. The site investigation shall be conducted according to the standards of Albemarle Regional Health Services.

- 1) When individual sewage disposal systems are planned the minimum lot sizes specified in this Ordinance shall be increased as required by the standards of Albemarle Regional Health Services.
- 2) Water supply and sewage facilities shall comply with applicable State and County Public Health laws and regulations.



17. Utilities

All utilities shall be installed underground. Underground utilities to be located inside the street right-of-way shall meet the standards established by the North Carolina Department of Transportation, Division of Highways.

18. Buffer Strips Between Residential Subdivisions and Existing Agricultural Uses *{Amended 12-19-05}*

Residential subdivisions are required to provide a 75' perpetually maintained vegetative buffer along all property lines that are located adjacent to existing agricultural uses. This buffer shall be permanently set aside as open space. Ownership and maintenance of the required open space shall be the responsibility of the developer and/or a Homeowner's Association. A 6:1 sloped ditch shall be located on the property line adjacent to the buffer (see figure 1).

The required buffer shall include a minimum of two rows of trees and must meet the following criteria:

1. At least fifty (50) percent of the required trees shall be an evergreen species.
2. Each tree shall be a minimum eight (8) feet in height and shall have a minimum caliper of two (2) inches (measured six inches above grade) at the time of planting.
3. Each tree shall be a species which can be expected to attain a minimum height of forty (40) feet and have a crown width of thirty (30) feet or greater at maturity.
4. Minimum spacing in each row shall generally be no wider than twenty (20) feet between tree trunks.
5. There shall be a minimum distance of fifteen (15) feet from the property line adjacent to the agricultural use and the first row of trees.

Stormwater retention ponds are allowed within the buffer yard provided that the proposed locations of such uses are necessary for their proper functioning, the total width of the buffer yard is maintained, and no screening required by this ordinance is reduced or eliminated.

Existing vegetation that meets or exceeds the screening requirements may be used to satisfy the requirements of this section.

19. Fire Hydrants *{Amended 01-20-04}{Amended 11-21-05}*

Fire hydrant locations and standards shall include:

- A. Fire hydrants shall be installed a maximum of 1,000 feet apart, or no further than 500 feet from any lot within the subdivision. Measurements along street center lines will be made to determine compliance with this requirement.
- B. Fire hydrant construction standards shall comply with the public water supplier standards serving the subdivision site.
- C. Fire hydrants shall flow a minimum 500 gallons per minute with a residual of 20 PSI (pounds per square inch).
- D. Fire hydrants are not required for subdivisions that qualify as an exempt subdivision.

20. Stormwater Management (*Amended 2-16-09*)

Subdivisions shall be designed to meet the minimum requirements found within the Pasquotank County Stormwater Ordinance and the Stormwater Drainage Manual.

21. Name Duplication (*Amended 11-17-08*)

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

22. Subdivision Phasing (*Amended 3-1-10*)

Subdivisions that contain more than ten lots may be divided into phases provided that the following criteria are met:

1. Each phase shall contain a minimum of 10 lots or at least 25% of the total number of lots proposed within a development; and
2. A phasing plan showing the phases of development must be approved as part of the Preliminary Plat; and
3. Road construction, water supply, stormwater management, erosion and sedimentation control, and other required improvements in each phase and previously approved phases shall be sufficient to serve or handle all of the development within that phase.

## **ARTICLE V DEFINITIONS**

### Subdivision

All divisions of a tract or parcel of land (in addition to the undivided remaining portion of the original undivided tract) into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and includes all division of land involving the dedication of a new street or a change in existing streets; however, the following is not included within this definition and is not subject to any regulations enacted pursuant to this Part:

- (1) The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in its subdivision regulations;
- (2) The division of land into parcels greater than ten acres if no street right-of-way dedication is involved;
- (3) The public acquisition by purchase of strips of land for widening or opening streets;
- (4) The division of a tract in single ownership the entire area of which is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the county as shown by its subdivision regulations;

## General

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For the purpose of this Ordinance, certain terms and words used herein shall be used, interpreted and defined as follows:

### Alley

- A roadway easement which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

### Authorized Agent

- One who is acting as representative for, or by the authority of the subdivider.

### Block

- A piece of land bounded on one or more sides by streets or roads.

### Board of Commissioners

- The Board of County Commissioners; County Board of Commissioners; the governing body of the County of Pasquotank, North Carolina.

### Buffer Strip

- An area of land that shall not be developed, required to separate land uses deemed incompatible front yard set backs and side yards are examples of buffers. In some cases additional screening, landscaped or otherwise may be required.

### CAMA

- The Coastal Area Management Act of 1974.

### Collector Street

- A street which serves as the connecting street system between local residential streets and the thoroughfare system.

### Corner Lot

- A lot which occupies the interior angle at the intersection of two (2) street lines. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal, in which case, the owner shall be required to specify which is the front when requesting a building permit.

### Cul-de-sac

- A short street having one end open to traffic and the other end being permanently terminated and a vehicular turn-around provided.

### Dedication

- A gift, by the owner, or a right to 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.

### Disclosure Statement

- A statement prepared and signed by the subdivider and the buyer of the subject real estate, fully and completely disclosing the status (whether public or private) of the street upon which the lot fronts. The statement shall also include an explanation of the consequences and responsibility as to maintenance and construction of proposed roadways.

### Double Frontage Lot

- A continuous (through) lot which is accessible from both streets upon which it fronts.

#### Easement

- A grant by the property owner for use by the public or others of a strip of a land for specified purposes.

#### Family Subdivision

- The division of a tract of land as a gift to a naturally or legally defined child, stepchild, grandchild, stepgrandchild, or parent of a property owner.

#### Improvements

- The construction of infrastructure required by this ordinance to obtain final plat approval. Infrastructure shall consist of but not be limited to water mains, fire hydrants, roadways, surface drainage improvements, and artificial drainage improvements.

#### Interior Lot

- A lot other than a corner lot with only one frontage on a street.

#### Lot

- A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership or for development, or both. The word "lot" includes the word "parcel" or "plot".

#### Lot of Record

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

#### Official Maps or Plan

- (Land Development Plan or Comprehensive Plan)-Any maps or plans officially adopted by the County Board of Commissioners as a guide for the development of the County.

#### Open Space

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

#### Planned Unit Development

- A land development project comprehensively planned as an entity via a unitary site plan which permits flexibility in building siting, mixtures of building types and land uses, recreational areas and usable open spaces and the preservation of significant natural features. Included within this definition shall be planned unit residential developments and planned unit non-residential developments or combination thereof.

#### Planning Board

- The Planning Board of Pasquotank County.

#### Plat

- A map or plan delineating a tract or parcel of land to be subdivided, land to be dedicated for public use, or right-of-way for street or utility purposes. The word plat shall include the terms "map", "plot", and "plan".

#### Plat, Final

- A map of land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications, acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets, public areas, and other dimensions of land, as prescribed by this Ordinance.

#### Plat, Preliminary

- A map of proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivisions of land, as prescribed by this Ordinance.

#### 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.

#### Public Sewage Disposal System

- A system serving two (2) or more dwelling units and approved by the Pasquotank County Health Department and the North Carolina Department of Natural Resources and Community Development.

#### 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 not involving the transfer of property rights. It simply constitutes an obligation to keep property free from development for a stated period of time.

#### Reversed Frontage lot

- 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 that area. A reversed frontage lot may also be a corner lot, an interior lot or a through lot.

#### Setback Line

- A line located a minimum horizontal distance from the right-of-way line of any street or road parallel thereto, between which and the right-of-way line no structure (to include steps, eaves, gutters and similar fixtures) shall be erected or altered.

Setback lines are also located a minimum horizontal distance from lot boundary lines parallel thereto, between which and the lot boundary line no structure (to include steps, eaves, gutters, and similar fixtures) shall be erected or altered.

#### Shall

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

#### Single-Tier Lot

- 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.

#### Streets

- A right-of-way dedicated to the public for vehicular traffic.

#### Freeway, Expressway, or Parkway

- Divided multi-lane roadway designed to carry large volumes of traffic at relatively high speeds. A freeway providing for continuous flow of vehicles with no direct access to abutting property or streets and with access to selected crossroads provided via connecting ramps. An expressway is a divided highway with full or partial control of access and generally with grade separations at major intersections. A parkway is a highway for noncommercial traffic, with full or partial control of access, and usually located within a park or a ribbon of park-like development.

#### Frontage Road

- A street that is parallel to a fully or partially access controlled street which functions to provide controlled access to adjacent land.

#### Half Street

- A street whose center line coincides with a subdivision plat boundary, with one-half (1/2) the street right-of-way width being contained within the subdivision plat. Also, any existing street to which the parcel of land to be subdivided abuts on only one side.

#### Principal Arterial

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

#### Residential Collector Street

- A local access street which serves as a connector street between local residential streets and the thoroughfare system. Residential collector streets typically collect traffic from 100 to 400 dwelling units.

#### 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.

#### Major Collector

- A road which serves major intra-county travel corridors and traffic generators and provides access to the arterial system.

#### Major Thoroughfares

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

#### Minor Arterial

- A rural link in a network joining cities and larger towns and providing intrastate and intercounty at relatively high overall travel speeds with minimum interference to through movement. This network would primarily serve traffic.

#### Minor Collector

- A road which provides service to small local communities and links locally important traffic generators with their rural hinterland.

#### Minor Street

- A street whose primary function is to provide access to abutting properties and is designed to discourage use by through traffic. Minor streets may also be referred to as "neighborhood" streets.

#### Minor Thoroughfares

- Minor thoroughfares are important streets in the urban system and perform the function of collecting traffic from local access streets and carrying it to the Major Thoroughfare system by facilitating a minor through traffic movement and may also serve abutting property.

#### Local Residential Street

- Cul-de-sacs, 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.

### Local Street

- A local street is any link not part of a higher-order urban system which serves primarily to provide direct access to abutting land and access to higher systems.

### Arterial Street

- A street connecting widely separated areas and designed to carry a large volume of traffic which may be fast, heavy or both. Arterial streets are sometimes referred to as "major thoroughfares", "freeways", etc. and are usually numbered State or Federal Highways.

### Structure

- Anything constructed or erected, including but not limited to buildings, which requires on, above, or below the surface of the land or attachment to something having permanent location on the land.

### Subdivider

- Any person, firm, or corporation who subdivides or develops any land deemed to be subdivision as defined in this Ordinance.

### Subdivision

- All divisions of a tract or parcel of land that does not qualify as an exempt subdivision according to Article V – Definitions.

### Subdivision Administrator

- That person appointed by the County Commissioners to administer the provisions of this Ordinance.

### Technical Review Committee (TRC)

- A committee whose purpose is to review, comment and make recommendations on the technical aspects of all major site plans and subdivision plats.

### Through Lot 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 lot.

**PASQUOTANK COUNTY SUBDIVISION REGULATIONS  
TABLE OF AMENDMENTS**

NUMBER	DATE	ARTICLE/SECTION
1	12-16-91	ARTICLE I, SECTION 105 ARTICLE II, SECTION 211 ARTICLE III, SECTION 303.1 ARTICLE III, SECTION 304 ARTICLE III, SECTION 305.1(2) ARTICLE III, SECTION 306.1 ARTICLE III, SECTION 306.4 ARTICLE III, SECTION 306.6 ARTICLE III, SECTION 308(A) ARTICLE III, SECTION 308(H) ARTICLE IV, ITEM 1-B ARTICLE IV, ITEM 17 ARTICLE V, SUBDIV. EXEMPTION (e)
2	8-17-92	ARTICLE I, SECTION 105 ARTICLE II, SECTION 201 ARTICLE III, SECTION 302 ARTICLE III, SECTION 303.1 ARTICLE III, SECTION 303.1(a) ARTICLE III, SECTION 303.2 ARTICLE III, SECTION 303.3 ARTICLE III, SECTION 304.1(1) ARTICLE III, SECTION 304.1(0) ARTICLE III, SECTION 305 ARTICLE III, SECTION 305.1(1) ARTICLE III, SECTION 305.1(8) ARTICLE III, SECTION 305.3 ARTICLE III, SECTION 306 ARTICLE III, SECTION 306(1) ARTICLE III, SECTION 306(2-a) ARTICLE III, SECTION 306.1(a) ARTICLE III, SECTION 306.1(b) ARTICLE III, SECTION 306.2 ARTICLE III, SECTION 306.2(c) ARTICLE III, SECTION 306.3(13) ARTICLE III, SECTION 306.3(14) ARTICLE III, SECTION 306.4 ARTICLE III, SECTION 306.6 ARTICLE III, SECTION 306.7 ARTICLE III, SECTION 306.8 ARTICLE IV, ITEM 1 ARTICLE IV, ITEM 9 ARTICLE V, DEFINITIONS
3	3-8-93	ARTICLE III, SECTION 306.8 ARTICLE III, SECTION 308
4	6-21-93	ARTICLE II, SECTION 203 ARTICLE III, SECTION 303.1
5	8-16-93	ARTICLE V, DEFINITIONS

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NUMBER	DATE	ARTICLE/SECTION
6	3-1-95	ARTICLE III, SECTION 308-J ARTICLE IV - 11(B) LOTS ARTICLE V, DEFINITIONS
7	7-17-95	ARTICLE III, SECTION 306.2(a) ARTICLE III, SECTION 306.3 (15),(16) ARTICLE III, SECTION 306.5 IMPROVEMENT GUARANTEES (1),(2),(3) ARTICLE III, SECTION 306.7 ACCEPTABLE GUARANTEES FOR STREET MAINTENANCE (1),(2),(3) ARTICLE III, SECTION 306.8 APPROVAL OF AMENDED SUBDIVISION MAP (1),(2) ARTICLE III, SECTION 306.9 PLAT REQUIREMENTS CHECKLIST ARTICLE III, SECTION 308-J ARTICLE IV, MINIMUM DESIGN REQUIREMENTS (9) ARTICLE IV, MINIMUM DESIGN STANDARDS (11), A - H ARTICLE V, DEFINITIONS
8	2-19-96	ARTICLE III, SECTION 305.1 ARTICLE III, SECTION 306.3 ARTICLE III, SECTION 306.5 ARTICLE III, SECTION 306.8
9	6-01-98	ARTICLE III, SECTION 305.1 PRELIMINARY PLAT REQUIREMENTS (20)
10	12-21-98	ARTICLE V, DEFINITIONS ARTICLE IV, MINIMUM DESIGN STANDARDS (5)C & (11) I
11	12-06-99	ARTICLE III, SECTION 304 SECTION 304.1 SECTION 305 SECTION 305.1 SECTION 306.9 ARTICLE IV MINIMUM DESIGN STANDARDS ADDED NO. 19, 20, & 21
12	03-19-01	ARTICLE IV, MINIMUM DESIGN STANDARDS 11A, 12, 19 (H-J)
13	04-23-01	ARTICLE III, SECTION 306.5, 306.7, 306.9
14	11-19-01	ARTICLE III, SECTION 303.3 (F & G)

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NUMBER	DATE	ARTICLE/SECTION
15	08-05-02	ARTICLE III, SECTION 303 – 303.3 Deleted PROCEDURE FOR ABBREVIATED PLAT REVIEW SECTION 308 (I) Deleted certificate of Abbrev. plat and renumbered remaining certs.
16	01-20-04	ARTICLE III, SECTION 305 Added language to PRELIMINARY PLAT REVIEW SECTION 306 Added language to FINAL PLAT REVIEW  ARTICLE IV, MINIMUM DESIGN STANDARDS (17), A-C
17	11-21-05	ARTICLE III, SECTION 304 SECTION 304.1 SECTION 305 SECTION 306.3 SECTION 306.5 SECTION 306.6 SECTION 306.7 ARTICLE IV, MINIMUM DESIGN STANDARDS (1, 8, 11E, 15, 16, 17A-C, 19) ARTICLE V, DEFINITIONS
18	12-19-05	ARTICLE IV, MINIMUM DESIGN STANDARDS 17
19	9-18-06	ARTICLE III, SECTION 304 SECTION 304.1
20	3-19-07	ARTICLE III, SECTION 306
21	7-9-07	ARTICLE III, SECTION 303 ARTICLE V, DEFINITIONS
22	9-4-07	ARTICLE III, SECTION 303(a)(2)
23	4-21-08	ARTICLE III, SECTION 303(a)(4)
24	11-17-08	ARTICLE IV, MINIMUM DESIGN STANDARDS 23 (now item # 20)
25	2-16-09	ARTICLE IV, MINIMUM DESIGN STANDARDS, 19
26	3-1-10	ARTICLE IV, MINIMUM DESIGN STANDARDS, 21

27	3-1-10	ARTICLE IV, MINIMUM DESIGN STANDARDS
28	3-1-10	ARTICLE III, SECTION 304.1 SECTION 305 SECTION 306 SECTION 306.8