

**CHAPTER 153: SUBDIVISIONS**

**Adopted 8/21/2023**

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## **GENERAL PROVISIONS**

### **§ 153.01 TITLE AND PURPOSE.**

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

(B) The purpose of these regulations is to support and guide the subdivision of land within the jurisdiction of the Town of Bogue in order to promote the public health, safety, and general welfare of the citizens of the Town of Bogue. These regulations are designed to promote an orderly growth and development; for coordination of transportation networks and utilities within proposed subdivisions with existing or planned streets and highways and with other public facilities; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding; will create conditions that will substantially promote public health, safety, and general welfare.

### **§ 153.02 AUTHORITY AND JURISDICTION.**

(A) These regulations are adopted under the authority of NC GS §160D-201 *et seq*; NC GS §160D-801 *et seq*.

(B) These regulations shall govern each and every subdivision of land within the Town of Bogue's planning jurisdiction. Any municipal governing body may, upon one year's written notice, withdraw its approval of the county subdivision regulations and those regulations shall have no further effect within the municipality's jurisdiction.

### **§ 153.03 DEFINITION OF SUBDIVISION AND EXEMPTIONS.**

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

#### ***SUBDIVISION.***

(A) All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created 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 street; but the following shall not be included within this definition nor be subject to the regulations established herein:

(1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the town as shown by the regulations prescribed by this chapter;

(2) The public acquisition by purchase of strips of land for the widening or opening of streets;

(3) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;

(4) The division of a tract in single ownership whose entire area is not greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the Town of Bogue, as shown in these regulations; and

(5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the NC General Statutes.

(B) Plats falling under the listed exemptions shall be reviewed by the Town of Bogue Zoning Administrator to determine if it is exempt. If the plat is exempt, then it will be reviewed for approval by the Town of Bogue Planning Board before being recorded with the Carteret County Registrar of Deeds.

#### **§ 153.04 SERVICES AND PERMITS.**

(A) No street shall be recommended for acceptance for maintenance by the North Carolina Department of Transportation, nor shall any permit be issued by any administrative agent of the Town of Bogue, nor shall water, sewer or other county facilities or services be extended to or connected with any subdivision until the provisions of this chapter are complied with. The construction of public streets and related drainage systems shall be inspected by the North Carolina Department of Transportation district highway engineer for compliance with its standards. The county health director or local public utility, as appropriate, shall be given an opportunity to make recommendations as to proposed water or sewerage systems.

(B) When preparing the construction and/or development of a tract of land with one or more buildings thereon for multi-family use, application for a group housing project permit shall be filed with the Town of Bogue Planning Department in accordance with the procedure for approval, Bogue Group Housing Ordinance.

#### **§ 153.05 GENERAL PROVISIONS.**

(A) *Separability.* Should any section or provision of this chapter be decided by a court of competent jurisdiction to be unconstitutional or invalid, that decision shall not affect the validity of the chapter as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

(B) *Variances.* The Board of Adjustment will hear requests for a variance per §154.067 - §154.072.

(C) *Prohibition against the recordation of unapproved plats.* A certified copy of these

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

(D) *Amendments.* The Town Council may from time to time amend the terms of these regulations, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation. Petitions for an amendment to this chapter must be filed with the Zoning Administrator no later than 21 days prior to the date the Bogue Planning Board is to consider the petition. A filing fee shall accompany the petition per the established fee schedule. The Planning Board shall make its recommendation to the Town Council within 30 days from the date the proposed amendment is submitted to the Planning Board. In the event the Planning Board does not make a recommendation within 30 days after receipt of the proposed amendment, the request will be deemed to have been approved by the Planning Board.

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

(F) *Appeal of administrative decision by staff.* An administrative decision pertaining to these subdivision regulations made by a Town staff member may be appealed to the Board of Adjustment as provided in NCGS 160D-405.

#### **§ 153.06 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***AREAS OF ENVIRONMENTAL CONCERN:*** [ AEC ] Areas of an environmentally sensitive nature.

***BUFFER STRIP:*** A buffer strip shall consist of depth of no less than five feet of land in width containing evergreen shrubs spaced not more than five feet apart, and not less than one row of dense shrubs five feet or more in height after three growing seasons which shall be planted, trimmed and maintained continuously in a healthy growing condition by the property owner. For special use where evergreen shrubs are deemed inappropriate because of limited lot space available to dedicate to a five-foot buffer strip or other reasons, a wooden structure screen fence manufactured of suitable salt treated pine or cedar; cypress or redwood lumber not less than five feet or more than eight feet high may be erected and maintained in good condition by the property owner with the approval and/or recommendation of the Planning Board of the Town of Bogue.

***CORNER LOT:*** A lot abutting upon two or more streets at an intersection.

***CUL-DE-SAC:*** A short street having but one (1) end open to traffic and the other end being permanently or temporarily terminated in which a vehicular turnaround is provided.

***DEDICATION:*** A transfer, by the owner, of a right to use land for stated purposes. Because a transfer of property rights is entitled, dedication must be made by written instrument, and is completed by an acceptance.

***EASEMENT:*** A grant by the property owner of land for a specified use.

***FAMILY SUBDIVISION:*** The division of a tract of land approved by the Planning Board into no more than four new lots for the purpose of creating lots to be deeded to immediate family members, for the purpose of providing access to those lots by an alternative means of access as authorized in § 153.32. Immediate family is defined as direct lineal decedents (children, grandchildren, and great grandchildren) and direct lineal ancestors (father, mother, grandfather, and grandmother). 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 seven years.

***FLOOD-PRONE AREAS:*** Areas indicated on the flood insurance rate maps of the National Flood Insurance Program to be susceptible to inundation during a 100-year flood. In the absence of 100-year flood data, other flood data may be used if approved by the National Flood Insurance Program.

***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. A parcel of land of at least sufficient size to meet the minimum zoning requirements for use, coverage, and area and to provide such yards and other open spaces as are herein required. In determining the area and dimensions of a lot, no part of the right-of-way of a road may be included. The word "lot" includes "plot," "parcel," or "tract."

***LOT OF RECORD:*** A lot which is part of a subdivision, plot, parcel, or tract recorded in the Office of the Carteret County Register of Deeds in conformance with the ordinance(s) in effect at the time of recordation or a lot described by metes and bounds, the description of which has been recorded prior to the adoption of this chapter.

***MAJOR SUBDIVISION:*** All subdivisions containing three or more lots.

***MANUFACTURED HOME:*** A structure which is transportable in one (1) or more sections, built on a permanent chassis to HUD standards and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

***MANUFACTURED HOME PARK:*** A parcel of land under unified control that has been planned and improved for the placement of manufactured housing for dwelling purposes.

***MANUFACTURED HOME SUBDIVISION:*** A residential subdivision containing manufactured homes situated on their individual lot.

***MINIMUM REQUIREMENTS:*** All sizes, setbacks and other requirements of this chapter are minimum requirements and may be increased.

***MINOR SUBDIVISIONS:*** All subdivisions not defined as major subdivisions.

***OFFICIAL MAPS AND PLANS:*** Any maps and plans officially adopted by the Town Council as a guide for development in the Town of Bogue.

***OPEN SPACE:*** An area that is intended to provide light and air and is designed for either environmental, scenic, or recreational purposes. Open space may include, but is not

limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and watercourses. Open space shall not be deemed to include driveways, parking lots, or other surfaces designed or intended for vehicular travel and power line rights-of-way.

**OWNER:** Any persons who alone or jointly or severally with others shall:

- (A) Have title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
- (B) Have charge, care, or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Ordinance, and of rules and regulations adopted pursuant to this Ordinance, to the same extent as if he were the owner;
- (C) The registered owner of a vehicle; or
- (D) The person(s) to whom property tax is assessed on personal property as shown on the last equalized assessment roll of the county; or
- (E) For purposes of nuisance abatement owner shall include renter(s) lessee(s) and other occupant(s) residing permanently or temporarily on real property.

**OWNERS' ASSOCIATION:** An organization of homeowners or property owners owning real property, residing, or operating a business within a particular subdivision or development whose major purpose is to maintain and provide community facilities, services, or land for common use of the residents or property owners of the subdivision or development.

**PLANNING BOARD:** The Planning Board of the Town of Bogue.

**PRIVATE STREET OR ROAD:** A vehicular travel way not dedicated or offered for dedication as a public street but resembling a cul-de-sac or a local street by carrying traffic from a series of driveways to the public street system. Private streets must meet the design standards delineated in section 4-4.7. The platting of such streets requires a Subdivision Streets Disclosure Statement in accordance with NCGS 136-102.6.

**PUBLIC SEWAGE DISPOSAL SYSTEM:** A system serving two (2) or more dwellings or commercial units and approved by the town, Carteret County Health Department, Department of Environment and Natural Resources, and/or other appropriate governmental agencies.

**PUBLIC WATER SUPPLY SYSTEM:** An approved water system serving 15 or more connections or serving a minimum of 25 people daily at least 60 days out of the year, including county, municipal and private water systems.

**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 those activities.

**STREET:** A dedicated right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

**STREET, LOCAL:** 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.

**STREET, LOCAL RESIDENTIAL:** *Cul-de-sacs*, loop streets, and streets less than two thousand five hundred (2,500) feet in length, or streets less than one (1) mile in length that do not connect thoroughfares, or serve major traffic generators, and do not collect traffic from more than one hundred (100) dwellings.

***STREET, MAJOR THOROUGHFARE:*** Major streets that provide for the expeditious movement of volumes of traffic within and through urban areas.

***STREET, MINOR RESIDENTIAL:*** A street serving primarily the lots or units in a subdivision, planned development, or apartment complex. No thoroughfares, highways, or state roads nor any street carrying or anticipated to carry volume of traffic which is found by the Land Use Administrator to be of such magnitude that to allow vehicles to back on to it would endanger life or property shall be considered a minor street.

***STREET, MINOR THOROUGHFARE:*** A street which performs the function of collecting traffic from local access streets and carrying it to the major thoroughfare system. It may supplement the major thoroughfare system by facilitating minor through traffic movement and may also serve abutting property.

***STREET, RESIDENTIAL COLLECTOR:*** 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 one hundred (100) to four hundred (400) dwelling units.

***SUBDIVIDER.*** Any person, firm, or corporation, who subdivides or develops any land deemed to be a subdivision as defined in this ordinance.

***SUBDIVISION:*** All divisions of a tract or parcel of land into two (2) or more lots or building sites, or other divisions when any one (1) or more of those divisions is created 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 change in existing streets.

***SUBDIVISION APPROVAL OFFICER:*** The Mayor, Mayor *pro tempore* in the absence of the Mayor, or the Planning Board Chairperson who is authorized to execute all plats in order for the same to be recorded.

***TOWNHOUSE DEVELOPMENT:*** A townhouse development shall consist of one or more residential structures comprised of three (3) or more attached single-family residences, where land directly underneath each unit is sold with that unit.

***TOWNHOUSE DUPLEX:*** A residential structure constructed on a duplex lot, comprised of two (2) attached single-family residences where land directly underneath each unit is sold with that unit and the remainder of the land is owned as common area.

***TOWNHOUSE LOT:*** The area, when combined with one (1) attached single-family residence, which is sold fee simple within a townhouse development.

***TOWNHOUSE PLAT:*** The entire development area as shown on an approved preliminary plat.

***TOWN COUNCIL:*** The Bogue Town Council.

***ZONING ADMINISTRATOR:*** The Town Clerk or the Town Planner.

## ***GENERAL REQUIREMENTS AND MINIMUM STANDARDS FOR SUBDIVISIONS***

### **§ 153.20 NAME OF SUBDIVISION.**

The name of the subdivision shall not duplicate the name of an existing subdivision within the

Town of Bogue's jurisdiction.

**§ 153.21 STREETS AND ROADS.**

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

(B) All streets and roads within subdivisions or accessing proposed subdivisions, unless qualifying as exempt under division (C) below, shall be paved and constructed according to the secondary road specifications of the North Carolina Department of Transportation [NCDOT] pursuant to *Subdivision Roads, Minimum Construction Standards*. All streets shall be required to show a minimum 60-foot right-of-way on the final plat unless the NCDOT approves a smaller right-of-way or the project is a minor subdivision as defined in this chapter.

*Street names and property addresses.* Streets that are obviously in alignment with existing streets shall generally bear the name of the existing street. Street names shall not duplicate or closely approximate phonetically the names of existing streets in the town of Bogue. Street suffixes and addresses shall conform to the standards established by the Carteret County 911 Addressing division.

(C) The following subdivision roads shall be exempt from meeting secondary roads specifications of NCDOT:

- (1) Roads in minor subdivisions where no adjacent land is owned or under option to the subdivider;
- (2) Roads which are unpaved but are maintained by the NCDOT;
- (3) Roads which cannot be built to NCDOT standards without violating any local, state, or federal laws. (Related to wetlands and marshes.) Appropriate state and federal permits will be required;
- (4) Roads within subdivisions where each lot within the subdivision is at least five acres, as defined in division (I) below; and
- (5) Roads within campground subdivisions.

(D) Streets shall be laid out so as to intersect as nearly as possible at right angles. Street jogs with centerline offsets of less than 125 feet shall be avoided.

(E) Cul-de-sacs shall be no longer than 900 feet in length unless necessitated by topography



or size of the parcel. The turnaround shall have a right-of-way of not less than 90 feet.

(F) Block length shall not be less than 200 feet nor more than 1,320 feet in length, except where in the opinion of the Planning Board existing topography or size of the parcel require a modification.

(G) Blocks shall have a sufficient width to provide for two tiers of lots except where topographic or other conditions would require otherwise.

(H) Plans for proposed public streets shall be approved by NCDOT prior to final plat approval.

(I) Minimum construction standards for non-state-maintained roads in subdivisions with each lot containing at least five acres: The minimum standards shall be those set forth in *Subdivision Roads Minimum Construction Standards* by the North Carolina Department of Transportation (July 1, 1979 and subsequent amendments) except for the requirements of a stone base and paved surface. No grade shall be muck, pipe, clay, organic matter, or other unsuitable material. A minimum right-of-way of 60 feet shall always be required.

(J) Setbacks for five acre lots shall be the same as required in §153.22 (C) (5) below.

(K) A subdivision streets disclosure statement shall be issued in accord with G.S. § 136-102.6, designating the appropriate person, homeowner's association or other group that will maintain the nonstate-maintained streets in each subdivision in the future.

#### **§ 153.22 LOTS.**

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

(B) Every lot shall front on or about a minimum of 25 feet on a publicly dedicated or maintained street.

(C) Every lot shall have sufficient lot area, lot dimensions, and building setbacks to permit a principal structure to be erected thereon in compliance with the applicable requirements of the Bogue Zoning Ordinance. Lots not served by public water and/or sewer service shall comply with the specifications and standards of the Carteret County Environmental Health Department, but in no case shall the lot size be less than the minimum lot size required in the underlying zoning district.

(1) No driveway on any lot shall be located within 30 feet of a street right-of-way intersection;

(2) Detached garages, carports and accessory buildings may be constructed in the rear

yard provided they are no closer than five feet to any adjoining rear lot line and five feet from any adjoining side lot lines;

(3) Carports with any type of enclosed storage shall not encroach into the required side yard setback;

(4) Townhouses and other types of attached single-family structures shall:

(a) For lots with individual septic tanks, all shall comply with the minimum lot area requirements of divisions (C) above or by a combination of lot area and open space;

(b) Lots served by public water and public sewer shall have:

1. A minimum lot size of 1,600 square feet and a minimum lot width of not less than 16 feet;

2. A front yard setback of not less than 25 feet;

3. A rear yard setback of not less than 20 feet; and

4. No side yard setback except on corner lots (measured from the exterior building line of the principal structure). This shall not be less than one-half the front yard setback.

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

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

(e) Each townhouse shall be provided with at least two nine-foot by 20-foot parking spaces.

(5) Recreation and open space requirements:

(a) Every person or corporation that subdivides land for residential purposes under the requirements contained in this chapter shall also be required to dedicate a portion of the land; to provide cash-in-lieu-of-land payment; or to provide a combination of land, cash and facility development acceptable to the town for the purposes of acquiring or developing park, recreation and open space sites to serve the residents of the neighborhood in which the subdivision is located or in the immediate area of the subdivision. Minor subdivisions where one new lot is being created shall also be exempt.

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

Formula	Example
Total Number of Lots	25 lots
Multiplied by	X
Average Family Size Per Last Census	2.76 persons
Multiplied by	X
0.008 Acres per Person	0.008
Equals	equals
Area Required	0.55 acre

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

(d) Criteria for evaluating suitability of proposed recreation, parks and open space areas shall include but not be limited to the following as determined by the Town of Bogue Planning Board in consultation with the Bogue Town Council.

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

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

3. *Physical characteristics.* The shape, topography and subsoils of the dedicated land shall be usable for parking and active recreation. Lakes and marshes may not be included in computing dedicated land area unless acceptable to the Planning Board.

4. *Accessibility.* Public access to the dedicated land shall be provided either by an abutting street or public easement. The public easement shall be at least 30 feet in width.

(e) A developer may provide funds in the amount of the assessed market value of the required area, in division (9)(b) above to the Town of Bogue, not to exceed \$15,000 per acre, whereby the town may purchase recreational land or areas to serve the subdivision or development in the immediate area. This may be done in lieu of providing the land required if

approved by the Bogue Town Council.

(f) The Planning Board may, in cases of an unusual or exceptional nature, allow adjustments in the dedication requirements established in this chapter. Adjustments shall be reviewed by the Bogue Town Council and the Planning Board. An unusual or exceptional nature may include but not be limited to land within the development set aside for private recreation or proposed expenditures for recreational facilities or equipment.

(g) Expenditures of recreation funds shall be determined by the Town of Bogue.

(h) If the land required for donation in a section of a subdivision exceeds the requirement in division (9)(b) above, the difference can be applied to future sections.

(i) If the overall master plan of a subdivision shows future recreation areas not included in the section receiving final plat approval, the donation of recreation land (or fees) shall not be required. However, if the amount of recreation land required by this chapter is not developed within one year of final plat approval, division (9)(b) or (g) above shall immediately apply.

(j) The Town of Bogue shall be divided into recreational districts for the purpose of distributing funds which are collected from the cash-in-lieu-of-land payments. These funds shall be spent only on capital improvements to town-owned recreational facilities or for town-sponsored programs.

### **§ 153.23 EASEMENTS AND SIDEWALKS.**

(A) *Drainage easements.* Where a subdivision is traversed by a stream or drainage way, an easement shall be provided conforming with the lines of the stream and of sufficient width to be adequate for the purpose.

(B) *Buffer strips.* A buffer strip at least 20 feet in width may be required by the Planning Board adjacent to a major street or commercial or industrial area. This strip shall be in addition to the normally required lot dimension; shall be part of the platted lot; and shall be reserved for the planting of trees and shrubs by the owner.

(C) *Sidewalks.* If any street in a subdivision is within one-quarter mile (by road) of an existing or recognized approved planned school or town recreation area, the subdivision shall be required to include sidewalks if densities exceed three dwelling units per gross acre. Sidewalks shall not be less than 48 inches in width and a minimum thickness of four inches of concrete or other approved material on a compacted base. Sidewalks may be required on one side of the street.

### **§ 153.24 SUITABILITY OF LAND.**

(A) *In general.* Land that has been determined by the Planning Board either through its own investigations or the investigations of other public agencies, to be unsuitable for development

because of flooding, poor drainage, steep slopes, poor soil conditions and other such physical features that may endanger health, life, or property or necessitate the excessive expenditure of public funds for the provision and/or maintenance of public services shall not be approved for subdivision unless methods are formulated by the developer for mitigating the problems created by the subdivision of such land.

(B) *Prevention of flood damage.* Lands known to be within a floodplain or any area known to be subject to flooding shall be so identified on the preliminary plat. All subdivisions shall be consistent with the provisions of the Bogue Flood Damage Prevention Ordinance. Required public utilities and facilities in all subdivisions shall be installed so as to minimize flood damage.

Where areas of environmental concern have been identified, the suitability of the land in those areas will be based upon the guidelines and standards developed in accordance with the Coastal Area Management Act.

(C) *Fill areas.*

(1) Areas that have been used for disposal of solid waste shall not be subdivided into commercial or residential building sites unless tests by the Carteret County Environmental Health Department, a structural engineer, and a soils expert determine that the land is suitable for the type of construction proposed. This shall include those areas that have been used for the disposal of trash, demolition waste and other waste materials.

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

**PLAT SYMBOL TO IDENTIFY UNNUMBERED LOTS-AND**

"Not suitable for development of septic tank systems."

**§ 153.25 DESIGN STANDARDS FOR BOAT LAUNCHING RAMPS AND DOCKS.**

All subdivisions adjoining a lake or similar water area shall provide for public access to the water. Access may include boat docks or boat launching ramps. The purpose of these facilities is to serve properties within the subdivision. The facilities shall meet the lot area requirements, off-street parking requirements and other applicable regulations established by the zoning chapter and shall be directly accessible to a state or city maintained street or road or a publicly used private road. Where a public boat dock or launching ramp is provided by the state, county, or other agency within or contiguous to the area to be subdivided, the facility may count toward meeting the requirements of this section.

**§ 153.26 STORMWATER DRAINAGE.**

(A) The subdivider shall provide an adequate drainage system for the proper drainage of all surface water.

(B) The design of a system shall be approved by the Town Planning Board and the North Carolina Sedimentation Pollution Control Act of 1973 and any locally adopted sediment control ordinances.

(1) No surface water shall be channeled into a sanitary sewer.

(2) Where feasible, the subdivider shall connect to an existing storm drainage system.

(3) 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. The 10-year storm data should be used as a minimum basis for storm drainage design.

### **§ 153.27 PLACEMENT OF MONUMENTS.**

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

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

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

#### ***Editor's note:***

*G.S. §§ 39-32.1 through 39-32.4 repealed by Session Laws 2017-27, s. 2, effective July 1, 2017.*

### **§ 153.28 CONSTRUCTION PROCEDURES.**

(A) No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved and all preliminary plans and specifications have been approved by the Planning Board. Clearing underbrush and drainage surface and subsurface water is not included.

(B) The administrator of these regulations shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary by him or her to ensure compliance with these regulations.

(C) The subdivider, prior to starting any work within the subdivision, shall make arrangements with the administrator of these regulations to provide for adequate inspection. All completed work must then be inspected and approved before release of the sureties.

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

(E) All public water systems under the jurisdiction of this chapter shall be built to the specifications of the Town of Bogue and West Carteret Water Corporation unless the system is tied into a municipal system.

(F) The Town shall not require existing power lines outside the subdivision to be buried as a condition for approval.

Penalty, see § 153.99

### **§ 153.31 WATER AND SEWER SYSTEMS.**

(A) Where public water is not available, wells and/or other private water systems shall be constructed in accordance with the standards and specifications of the Carteret County Environmental Health Department, and applicable State of North Carolina regulations.

(B) Every lot in a subdivision shall be served by a well or water supply system and a sewage disposal system (including septic and package treatment systems) that:  
Is adequate to accommodate the reasonable needs of the proposed use of the lot; and  
complies with all applicable health regulations and standards for water and sewer facilities.

### **§ 153.32 FAMILY SUBDIVISION. DESIGN STANDARDS.**

Lots within a family subdivision, as defined in § 153.06, may be approved by the administrator with access as outlined in this subsection, provided that all of the conditions delineated below are met:

(A) 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 seven years;

(B) No more than four new lots may be created with access via an easement;

(C) The easement must be at least 20 feet wide and front on a public road, private road, or historical access. Historical access is defined as an access way that is referenced in a deed and shown on a recorded survey. The historical access must have been in use for a minimum of 20 years;

(D) That portion of the historical access that abuts the entire family property must be maintained by the owner of the family property;

(E) The easement must be a deeded access to the newly-created lots and must be recorded on a plat;

(F) The newly created lots must meet the minimum lot requirements of the zoning district or submit a rezoning request;

(G) The newly-created lot or lots may not be further resubdivided unless access can be upgraded to a private lane, private street, or public street. A notation shall be placed on the face of the plat that states:

"No additional lots, including the resubdivision of the lots served by the easement, shall be permitted unless the easement is upgraded by the property owner(s) to meet or exceed the standards of the Town of Bogue Subdivision Regulations. The lot(s) shown on this plat has (have) been created for the purpose of a family subdivision.;"

(H) A disclosure statement stating that maintenance of the access easement is the responsibility of the family property owner(s) shall be placed on the plat and shall read as follows:

“The maintenance of streets designated on this plat as "private" shall be the responsibility of property owners within this development having access to such roads. Private streets as shown hereon will not be included, for maintenance purposes, in the North Carolina highway system. Neither Carteret County, the North Carolina Department of Transportation, nor the Town of Bogue will maintain a private street.”

(I) A recorded maintenance agreement shall be required in cases where more than one lot is served by the access easement;

(J) The access easement shall permit ingress, egress, and regress and necessary utilities required to serve the lot(s).

### **§ 153.33 EXPEDITED SUBDIVISION.**

A subdivision plat shall only require a signature from a Town official or chairperson for approval if all of the following criteria are met:

(A) The tract or parcel to be divided is not exempted under § 153.03(A)(3).

(B) No portion has been divided under Part B of this section in the past 10 years.

(C) The entire area of the tract or parcel to be divided is greater than 5 acres.

(D) No more than three lots result from the division.

(E) All resultant lots comply with all of the following:



- (1) All lot dimension size requirements of the Town subdivision and zoning regulations.
- (2) The use of the lots is in conformity with the Town zoning regulations.
- (3) A permanent means of ingress and egress is recorded for each lot.
- (F) The property is under single ownership.

***PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS***

**§ 153.45 TECHNICAL REVIEW.**

All subdivision plans submitted to the town shall be subject to a technical review prior to preliminary approval by the Planning Board. The Technical Review Committee shall consist of two members from the Planning Board and the Zoning Officer. Additionally, the Technical Review

Committee will also solicit comments from the West Carteret Water Corporation, a representative of the Fire Department affording fire services to the proposed development, and from other state, federal and local agencies that may have regulatory jurisdiction over the area in some respects.

**§ 153.46 GENERAL.**

No plat of a subdivision within the jurisdiction of the Town of Bogue shall be accepted for recordation by the Carteret County Register of Deeds until final plat approval has been given by the Town of Bogue Planning Board and signed by the Planning Board Chairperson, Vice-Chairperson or Mayor or Mayor Pro Tempore in the absence of the Planning Board Chairperson. To obtain final approval of a final plat, the subdivider shall follow the steps in this section.

**§ 153.47 SKETCH DESIGN PLAN.**

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

- (A) A minimum of four copies of a sketch design plan shall be submitted.
- (B) A sketch design shall be drawn at a scale of approximately one inch to 100 feet unless the size of the property dictates a larger scale.
- (C) The sketch design plan shall depict or show the information listed under plan requirements as shown below.

(D) Flood data certification shall be required.

(E) The Technical Review Committee shall review the sketch design plan for general compliance with the regulations and shall advise the subdivider or his or her authorized agent of the recommendations for improvement of the sketch design.

**§ 153.48 REGULATION OF WATER LINES AND FIRE HYDRANTS.**

(A) The owners and/or developers of all newly proposed subdivisions, multi-family residential projects, commercial subdivisions, and all non-residential development shall be required as a condition of final plat approval to install water lines not less than six inches in diameter within the street rights-of-way and utility easements as shown on the proposed subdivision or development plat so as to provide adequate water pressure for fire hydrants.

*Fire protection.* Every subdivision that is served by an approved water system shall include a water supply capable of supplying the required fire flow for fire protection, as per the current edition of the state fire code.

- (1) The code enforcement official (CEO) shall determine the precise location of all fire hydrants within the subdivision. The minimum spacing between fire hydrants shall be determined by the CEO in accordance with the current edition of the state fire code. In general, fire hydrants shall be located such that every lot within the subdivision is within 500 feet of a fire hydrant.
- (2) All hydrants shall be designed in accordance with state fire code and shall consist of national standard threads.
- (3) All fire hydrants shall be painted and marked according to National Fire Protection Association (NFPA) standards, unless approved by the code enforcement official after reviewing the data provided by the developer.

***APPENDIX A: - INFORMATION REQUIRED WITH SUBDIVISION APPLICATIONS***

A-1-1. - Number of review and filing copies to be submitted.

	Review	Filing(after approval)	
	# of prints	# of prints	# of mylars
Minor 1-lot	1	1	1
Minor subdivision plat	6	1	1
Preliminary plat, major subdivision	12	1	-

Final plat, major subdivision	7	2	1
Street and utility construction plans and profiles	As required by the Town, NCDOT, and the applicable utility provider		

Note: An electronic copy, in a format acceptable to Carteret County Register of Deeds, of all approved final major subdivision plats shall also be provided to the county. A description of the software and coordinate system used (e.g. State Plane, NAD 1983) should accompany the digital data submitted to the county.

### § 153.49 PLAT REQUIREMENTS

A preliminary plat and all required information, unless otherwise stated in this chapter, shall be submitted to the Planning Board at least 21 days prior to the regularly scheduled Planning Board meeting, for every subdivision of land located within the territorial jurisdiction of the Town of Bogue.

(A) *Number of copies.* Twelve blue or black line copies of the preliminary plat shall be submitted. Only one copy of additional required plans shall be submitted unless required by the Planning Board Chairperson or his or her designee.

(B) *Plat requirements.* Sketch, preliminary and final plats shall depict or contain the information indicated in the following. The letters “S,” “P” and “F” shall indicate that the information is required for sketch, preliminary and final plats, respectively.

(1) S, P, F. A title block containing:

- (a) Name of the subdivision and phase (if applicable);
- (b) Name, address, telephone number of owner and owner's agent;
- (c) Date or dates survey was conducted and plat was prepared;
- (d) Scale denoted graphically and numerically;
- (e) Name and address of registered land surveyor, land planner, architect or engineer responsible for the subdivision. The registration number and seal of the responsible engineer or surveyor shall be required at final approval; and
- (f) Name of township, county, state in which subdivision is located.

(2) S, P, F. Sketch vicinity map showing the relationship between the proposed subdivision and the surrounding area.

- (3) P, F. Tax parcel number of tract(s) to be divided.
- (4) S, P, F. North arrow according to G.S. § 47-30 and the *Standards of Practice for Land Surveying in North Carolina*.
- (5) S, P, F. Total acreage of tract to be subdivided.
- (6) S, P, F. Number of lots created and average lot size within subdivision.
- (7) P, F. Boundary survey of tract to be subdivided, distinctly and accurately represented with all bearings and distances shown.
- (8) S, P, F. Proposed lot lines, block number and dimensions of lots.
- (9) S, P, F. Existing and proposed property lines on the tract to be subdivided and on adjoining properties.
- (10) S, P, F. The names of adjacent landowners with lot, block or parcel identifier or other legal reference where applicable.
- (11) S, P, F. The names of any adjoining subdivisions of record or proposed and under review.
- (12) S, P, F. Existing structures on the tract to be subdivided.
- (13) S, P, F. Existing waterways, railroads, bridges, culverts, storm drains and corporate limits, county lines or township boundaries, both on the land to be subdivided and the land immediately adjoining.
- (14) P, F. Boundaries of applicable areas of environmental concern in accordance with the state guidelines for AEC's (15A NCAC 07H) pursuant to the Coastal Area Management Act and the name and location of all adjacent water bodies.
- (15) P, F. 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.
- (16) P, F. The location of all primary nursery areas as defined by the N.C. Marine Fisheries Commission's N.C. Fisheries Regulations for Coastal Waters.
- (17) P, F. Location of all aircraft noise or aircraft accident potential zones (AICUZ).
- (18) P, F. Location of all wooded areas, 404 wetlands, rock outcrops, ponds, streams, or any other natural feature.
- (19) P, F. Location, and acreage of recreation area to be donated to the general public, or

location, acreage and location of improvements for recreation area to be maintained if land is to be donated in lieu of a fee.

(20) P, F. The exact location of the flood hazard boundary area, floodway and floodway fringe areas as determined by the Federal Emergency Management Agency's 100-year flood levels.

(21) F. All final plats shall be accompanied by signed stormwater management permit. This approved permit must be received by the Planning Department no later than the time of the scheduled meeting.

(22) P. Erosion and sedimentation control plans shall be submitted with the preliminary plat. All plans must conform to the Sedimentation and Pollution Control Act of 1973 and a letter of approval for the NCNRC Division of Land Resources shall accompany the preliminary plats.

(23) P, F. The zoning classifications of the tract to be subdivided. Setbacks for the respective zoning classification shall be indicated on the plat.

(24) P, F. Minimum building lines shall be delineated on each lot within the subdivision or indicated by lot on the plat.

(25) P. Accompanying the preliminary plat shall be a permit from the U.S. Army Corps. of Engineers for all planned crossings of 404 wetlands within the subdivision.

(26) P, F. A note shall be included on the print that indicates if the proposed subdivision is to be served by central or individual water supply and central or individual sewage treatment systems shall be required.

(a) P. If on-site sewage treatment and disposal systems are proposed, individual lot-by-lot evaluations shall be made prior to preliminary plat approval. Upon application to the Environmental Health Department, the developer shall accurately map to scale, rough-stake and partially clear those lots to be evaluated by the Environmental Health Department.

(b) P. If a centralized sewage treatment system is proposed, a letter from the N.C. Division of Health Services or NCNRC Division of Environmental Management (depending on the type of system) shall be presented with the preliminary plat. This letter shall state that a site investigation has been made and that the site is suitable for the proposed system. All plans for the proposed system shall be under review by the appropriate authority and a copy of the plans shall be presented to the County Environmental Health Department as requested.

(c) F. If a centralized sewage treatment system is proposed, a permit shall be presented from the proper permitting agency for the proposed system. If a permit has not yet been obtained, a letter from the proper permitting agency shall be presented which states that plans for construction of the facility have been approved.

(d) P. If a central water system is proposed, a letter shall be provided from the Division of Health Services stating that a site visit has been conducted and the well site has been approved. This letter shall be required upon preliminary approval.

(e) P. If a central water system is proposed, a well construction permit from the N.C. Division of Health Services shall be presented with the final plat.

(27) P, F. The plans for proposed utility layouts, including sanitary sewers, storm sewers, water distribution lines, natural gas, telephone, and electric service, illustrating connections to existing systems. Plans must show line sizes, the location of fire hydrants, blowoffs, manholes, pumps, force mains and gate valves, if appropriate, and shall include profiles based upon mean sea level datum for sanitary and storm sewers.

(28) P, F. The location and dimension of all planned road, utility, or drainage easements.

(29) P. The method of installation of utilities (underground or overhead) shall be indicated on the preliminary plat.

(30) P, F. The location, name, and dimension of all proposed and existing streets.

(31) P, F. Existing and platted dedicated streets, and rights-of-way on adjoining properties and within the proposed subdivision.

(32) P. Pavement widths.

(33) P. Design engineering data for all corners and curves, including sight distances.

(34) P. Typical street cross sections.

(35) P, F. Proposed names of all streets.

(36) P, F. Type of street dedication. All streets must be designated as either “public” or “private.” Where public streets are involved, the subdivider must submit the subdivision map typical cross section to the NCDOT District Highway Office for review. These plans shall include: a complete site layout, including any proposed future expansion; horizontal alignment indicating general curve data on site layout plan; vertical alignment indicated by percent grade, PI station and vertical curve length on site plan layout; the district engineer may require the plotting of the ground profile and grade line for roads where special conditions or problems exist; typical section indicating the pavement design and width and the slopes, widths and details for either the curb and gutter or the shoulder and ditch proposed; drainage facilities and drainage areas. Street name signs shall be provided at all subdivision street intersections and at any other point within the subdivision as deemed necessary by the Planning Board. Signs shall be of a Town approved design and shall be ordered prior to final approval. Installation of the signs shall occur after final approval is granted.

(37) F. All final plats shall be accompanied by a written statement from a professional

engineer stating that the roads within the subdivision are paved and constructed to D.O.T. standards. This shall apply to all public and private roads. When a performance guarantee is presented to cover road improvement costs, this requirement shall be applied after the completion of road construction

(38) F. When streets are dedicated to the public but not accepted into the state system or privately dedicated for maintenance, a statement explaining the status of the street must be provided in accordance with § 153.21(K).

(39) P. If any street is proposed to intersect with a state maintained road, the subdivider must present written driveway approval as required by the NCDOT.

(40) P, F. Roadway length shall be indicated for each block and cul-de-sac within the subdivision. Length shall be indicated from intersection to intersection where applicable.

(41) F. All plats shall be required to provide sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, easement line and setback line. These shall include dimensions, bearings or deflection angles, radii, central angles and tangent distance for the centerline of curved property lines that are not the boundary line of curved streets. All dimensions shall be measured to the nearest one-hundredth of a foot and all angles to the nearest 20 seconds.

(42) F. Property corner ties, as required by G.S. § 47-30, shall be required as per this chapter.

(43) F. Monuments, markers and control points shall be accurately described and located.

(44) P. A topographic map with contour intervals of two feet or less may be required to accompany as specified by the Planning Board Chairperson.

(45) P, F. In waterfront developments, the areas to be dedicated to public water access shall be duly noted as per § 153.25.

(46) P, F. When deemed necessary due to the nature of the land to be subdivided or peculiarities in the proposed layout, an environmental impact statement may be required pursuant to G.S. Ch. 113 by the Planning Board.

(47) F. Deed restrictions or similar covenants proposed for the subdivision shall be presented prior to final approval.

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

- (1) The proposed name of the subdivision;

(2) A sketch vicinity map showing the relationship between the proposed subdivision and the surrounding area;

(3) The boundary survey of the tract to be subdivided, distinctly showing all lengths and bearings;

(4) Scale denoted both graphically and numerically;

(5) North arrow and declination or 120 true of North Carolina grid;

(6) The plans for proposed utility layouts, including sanitary sewers, storm sewers, water distribution lines, natural gas, telephone and electric service (if available), illustrating connections to existing systems. Plans must show line sizes, the location of fire hydrants, blowoffs, manholes, pumps, force mains and gate valves, if appropriate, and shall include profiles based upon mean sea level datum for sanitary and storm sewers;

(7) Proposed streets, street names, existing and platted streets on adjoining properties and in the proposed subdivisions, rights-of-way, pavement widths, approximate grades, design engineering data, for all corners and curves and typical street cross sections. If any private street is proposed to intersect with a state-maintained road, the plat shall be accompanied by an application for driveway approval as required by the Department of Transportation, Division of Highways' Manual on driveway regulations;

(8) Existing and proposed property lines on the tract to be subdivided and on adjoining properties, existing buildings and other structures, waterways, railroads, bridges, culverts, storm drains on the land and corporate limits such as township boundaries and county lines;

(9) Date of plat preparation;

(10) The name of the township, county, and state in which the subdivision is located;

(11) Proposed lot lines, block number and approximate dimensions;

(12) Wooded areas, marshes, swamps, AEC's, rock outcrops, ponds, streams, or any other natural feature;

(13) The preliminary plat shall be accompanied by a copy of any proposed deed restrictions or similar covenants;

(14) The name, address and telephone number of the owner and owner's agent, registered surveyor, land planner, architect, landscape architect and engineer responsible for the subdivision;

(15) Erosion and sediment control plans shall be included with the preliminary plat. All plans must conform to the Sedimentation and Pollution Control Act of 1973 and be approved by the North Carolina Department of Environment and Natural Resources;



(16) Flood-prone areas (as determined for the 100-year flood levels determined by the Federal Emergency Management Agency);

(17) Pursuant to G.S. Ch. 113 the Planning Board may require the subdivider to submit an environmental impact statement due to the nature of the land to be subdivided or peculiarities in the proposed layout; and

(18) Contour map with intervals of two feet or less may be required to accompany the preliminary plat.

***APPENDIX B CHART OF PLAT REQUIREMENTS***

ITEM#	Sketch	Preliminary	Final	
1	X	X	X	Name of the subdivision and phase (if applicable);
2	X	X	X	Name, address, telephone number of owner and owner's agent;
3	X	X	X	Date or dates survey was conducted and plat was prepared
4	X	X	X	Scale denoted graphically and numerically
5	X	X	X	Name and address of registered land surveyor, land planner, architect or engineer sponsible for the subdivision. The registration number and seal of the responsible engineer or surveyor shall be required at final approval
6	X	X	X	Name of township, county, state in which subdivision is located
7	X	X	X	Sketch vicinity map showing the relationship between the proposed subdivision and the surrounding area. Drawn at a scale of one inch to 100 feet unless the size of the property dictates a larger scale.
8		X	X	Tax parcel number of tract(s) to be divided.
9	X	X	X	North arrow according to G.S. § 47-30 and the Standards of Practice for Land Surveying in North Carolina.
10	X	X	X	Total acreage of tract to be subdivided
11	X	X	X	Number of lots created and average lot size within subdivision
12		X	X	Boundary survey of tract to be subdivided, distinctly and accurately represented with all bearings and distances shown
13	X	X	X	Proposed lot lines, block number and dimensions of lots.
14	X	X	X	Existing and proposed property lines on the tract to be subdivided and on adjoining properties
15	X	X	X	The names of adjacent landowners with lot, block or parcel identifier or other legal reference where applicable.
16	X	X	X	The names of any adjoining subdivisions of record or proposed and under review
17	X	X	X	Existing structures on the tract to be subdivided.
18	X	X	X	Existing waterways, railroads, bridges, culverts, storm drains and corporate limits, county lines or township boundaries, both on the land to be subdivided and the land immediately adjoining.
18a	X	X	X	Current Flood Data Certification
19		X	X	Boundaries of applicable areas of environmental concern in accordance with the state guidelines for AEC's (15A NCAC 07H) pursuant to the Coastal Area Management Act of 1974 and the name and location of all adjacent water bodies
20		X	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.
21	X	X	The location of all primary nursery areas as defined by the N.C. Marine Fisheries Commission's N.C. Fisheries Regulations for Coastal Waters.
22	X	X	Location of all aircraft noise or aircraft accident potential zones (AICUZ).
23	X	X	Location of all wooded areas, 404 wetlands, rock outcrops, ponds, streams, or any other natural feature.
24	X	X	Location and acreage of recreation area to be donated to the general public, or location, acreage, and location of improvements for recreation area to be maintained if land is to be donated in lieu of a fee.
25	X	X	The exact location of the flood hazard boundary area, floodway and floodway fringe areas as determined by the Federal Emergency Management Agency's 100-year flood levels.
26		X	All final plats shall be accompanied by signed stormwater management permit. This approved permit must be received by the Planning Department no later than the time of the scheduled meeting.
27	X		Erosion and sedimentation control plans shall be submitted with the preliminary plat. All plans must conform to the Sedimentation and Pollution Control Act of 1973 and a letter of approval for the NCRCD Division of Land Resources shall accompany the preliminary plats.
28	X	X	The zoning classifications of the tract to be subdivided. Setbacks for the respective zoning classification shall be indicated on the plat
29	X	X	Minimum building lines shall be delineated on each lot within the subdivision or indicated by lot on the plat.
30	X		Accompanying the preliminary plat shall be a permit from the U.S. Army Corps. Of Engineers for all planned crossings of 404 wetlands within the subdivision.
31	X	X	A note shall be included on the print that indicates if the proposed subdivision is to be served by central or individual water supply and central or individual sewage treatment systems shall be required
32	X		If on-site sewage treatment and disposal systems are proposed, individual lot-by-lot evaluations shall be made prior to preliminary plat approval. Upon application to the Environmental Health Department, the developer shall accurately map to scale, rough-stake and partially clear those lots to be evaluated by the Environmental Health Department.
33	X		If a centralized sewage treatment system is proposed, a letter from the N.C. Division of Health Services or NCRCD Division of Environmental Management (depending on the type of system) shall be presented with the preliminary plat. This letter shall state that a site investigation has been made and that the

			site is suitable for the proposed system. All plans for the proposed system shall be under review by the appropriate authority and a copy of the plans shall be presented to the County Environmental Health Department as requested.
34		X	If a centralized sewage treatment system is proposed, a permit shall be presented from the proper permitting agency for the proposed system. If a permit has not yet been obtained, a letter from the proper permitting agency shall be presented which states that plans for construction of the facility have been approved.
35	X		If a central water system is proposed, a letter shall be provided from the Division of Health Services stating that a site visit has been conducted and the well site has been approved. This letter shall be required upon preliminary approval
36		X	If a central water system is proposed, a well construction permit from the N.C. Division of Health Services shall be presented with the final plat
37	X	X	The plans for proposed utility layouts, including sanitary sewers, storm sewers, water distribution lines, natural gas, telephone, and electric service, illustrating connections to existing systems. Plans must show line sizes, the location of fire hydrants, blowoffs, manholes, pumps, force mains and gate valves, if appropriate, and shall include profiles based upon mean sea level datum for sanitary and storm sewers.
38	X	X	The location and dimension of all planned road, utility or drainage easements.
39	X		The method of installation of utilities (underground or overhead) shall be indicated on the preliminary plat.
40	X	X	The location, name and dimension of all proposed and existing streets
41	X	X	Existing and platted dedicated streets and rights-of-way on adjoining properties and within the proposed subdivision
42	X		Pavement widths.
43	X		Design engineering data for all corners and curves, including sight distances
44	X		Typical street cross sections.
45	X	X	Proposed names of all streets
46	X	X	Type of street dedication. All streets must be designated as either "public" or "private." Where public streets are involved, the subdivider must submit the subdivision map typical cross section to the NCDOT Office for review. These plans shall include: a complete site layout, including any proposed future expansion; horizontal alignment indicating general curve data on site layout plan; vertical alignment indicated by percent grade, PI station and vertical curve length on site plan layout; the district engineer may require the plotting of the ground profile and grade line for roads where special conditions or problems exist; typical section indicating the pavement design and width and

			the slopes, widths and details for either the curb and gutter or the shoulder and ditch proposed; drainage facilities and drainage areas. Street name signs shall be provided at all subdivision street intersections and at any other point within the subdivision as deemed necessary by the Planning Board. Signs shall be of a county-approved design and shall be ordered prior to final approval. Installation of the signs shall occur after final approval is granted.
47		X	All final plats shall be accompanied by a written statement from a professional engineer stating that the roads within the subdivision are paved and constructed to D.O.T. standards. This shall apply to all public and private roads. When a performance guarantee is presented to cover road improvement costs, this requirement shall be applied after the completion of road construction.
48		X	When streets are dedicated to the public but not accepted into the state system or privately dedicated for maintenance, a statement explaining the status of the street must be provided in accordance with § 153.21(K).
49	X		If any street is proposed to intersect with a state maintained road, the subdivider must present written driveway approval as required by the NCDOT.
50	X	X	Roadway length shall be indicated for each block and cul-de-sac within the subdivision. Length shall be indicated from intersection to intersection where applicable
51		X	All plats shall be required to provide sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, easement line and setback line. These shall include dimensions, bearings or deflection angles, radii, central angles, and tangent distance for the centerline of curved property lines that are not the boundary line of curved streets. All dimensions shall be measured to the nearest one-one hundredth of a foot and all angles to the nearest 20 seconds.
52		X	Property corner ties, as required by G.S. § 47-30, shall be required as per this chapter
53		X	Monuments, markers, and control points shall be accurately described and located
54	X		A topographic map with contour intervals of two feet or less may be required to accompany as specified by the Planning Board Chairperson
55	X	X	In waterfront developments, the areas to be dedicated to public water access shall be duly noted as per § 153.25.
56	X	X	When deemed necessary due to the nature of the land to be subdivided or peculiarities in the proposed layout, an environmental impact statement may be required pursuant to G.S. Ch. 113 by the Planning Board.
57		X	

Deed restrictions or similar covenants proposed for the subdivision shall be presented prior to final approval.

### **§ 153.50 REVIEW PROCEDURE.**

(A) The Planning Board shall review and take action on each preliminary plat within 45 days after first consideration by the Planning Board.

(B) Before taking final action on the plat the Planning Board will submit copies of the plat and any other accompanying materials to the following agencies if deemed appropriate by the Planning Board Chairperson:

- (1) The district highway engineer as to proposed streets, highways, and drainage systems;
- (2) The County Health Department as to proposed water and sewage systems;
- (3) The Mayor;
- (4) The Carteret County School Board as to proposed school sites;
- (5) The local CAMA officer;
- (6) The North Carolina Department of Environment and Natural Resources, Division of Marine Fisheries, Army Corps of Engineers and Division of Coastal Management, if the proposed subdivision contains waterfront lots or property and/or canals are to be excavated or property is to be filled and bulkheaded. These agencies should make the initial review on waterfront subdivisions;
- (7) The U.S. Soil Conservation Service as to soil analysis and drainage; and/or
- (8) Other agencies the Planning Board Chairperson may deem necessary.

### **§ 153.51 DEVELOPMENT IN STAGES.**

When a subdivision is to be developed in stages, a sketch plan may be required. The preliminary plat shall be submitted with a minimum of five lots for each stage. Approval of the preliminary plat shall become null and void after 12 months if the developer does not submit the final plat unless an extension of time is applied for and granted by the Planning Board. This requirement is not to be construed as prohibiting a subdivider from retaining any portion of a tract, a part of which is to be subdivided acreage.

### **§ 153.52 CERTIFICATE; DISAPPROVAL.**

If the preliminary plat is disapproved, the Planning Board shall specify the reasons for action in writing. One copy of the reasons shall be retained by the Planning Board and one copy shall be given to the subdivider. If the preliminary plat is disapproved, the subdivider may make the recommended changes and submit a revised preliminary plat.

**§ 153.53 FINAL PLAT.**

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

(B) *Performance guarantee.* When the required improvements have not been completed prior to submission of the final plat, the developer is required to guarantee the completion of the required improvements by means satisfactory to the Planning Board Chairperson in consultation with the developer's engineers and/or surveyors in an amount equal to 125% of the reasonably estimated cost of completion of the required improvements at the time the performance guarantee is issued. The duration of the performance guarantee shall initially be one year. If the improvements are not complete and the current performance guarantee is expiring, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period until such required improvements are complete. A developer shall demonstrate reasonable good faith progress toward completion of the required improvements that are the subject of the performance guarantee or any extension. The form of any extension shall remain at the election of the developer. The performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion. One of the following methods listed below shall be used to guarantee the installation or construction of required improvements.

(1) Surety bond issued by any company authorized to do business in this state.

(2) Letter of credit issued by any financial institution licensed to do business in this state.

(3) Other form of guarantee that provides equivalent security to a surety bond or letter of credit.

(C) Repealed

(D) *The final plat.* The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at the time; that portion shall conform to all the requirements of these regulations.

(E) *Plat submitted.* The subdivider shall submit the final plat, so marked, to the Planning Board not less than 21 days prior to the Planning Board meeting, at which time it will be considered for approval. The final plat shall not be submitted more than 12 months after the date on which the preliminary plat was approved, otherwise approval shall be null and void, unless a written extension of this time limit is granted by the Planning Board on or before the one-year

anniversary date of approval.

(F) *Plat prepared.* The final plat shall be prepared by a land surveyor licensed and registered to practice in North Carolina. The final plat shall conform to the preliminary plat as it was approved.

(G) *Number of copies.* Seven copies of the final plat shall be submitted. One of these shall be suitable for reproduction to be submitted after recording with the Register of Deeds. Six shall be black or blue prints. *See Appendix A*

(H) *Marginal size.* Final plats shall have an outside marginal size of 24 inches by 36 inches.

(I) *Fees.* Submission of the final plat must be accompanied by the appropriate filing fee as determined by Carteret County.

(J) *Required certification.* The following signed certificates shall appear on all copies of the final plat which are submitted to the Planning Board by the subdivider: Time limit, six months.

(1) *Certificate of ownership and dedication.*

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

\_\_\_\_\_

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

(2) *Health department evaluation.*

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

\_\_\_\_\_

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



(3) *Certificate of survey and accuracy.*

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

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

\_\_\_\_\_  
License or Registration Number

(4) *Declaration of road design and construction (subdivider to maintain roads).*

I hereby declare that, to the best of my knowledge, the non-state maintained road(s) allowed under §§ 153.20 *et seq.* and which are a part of this subdivision have been designed and (will be) built to the standards of this chapter. I also hereby declare that once the road(s) is constructed to the required standards, I will (no longer) be responsible for maintenance. Nor do I hold Bogue or the State of North Carolina responsible for maintenance of these roads.

(5) *Written document.*

(a) By written document sufficient for recording in the Register of Deeds, either an owner's association is created and established by the subdivider through the recording of restrictive covenants or other documents creating the association, or an agreement satisfactory to the Planning Board is provided by the developer, for the perpetual ownership and/or maintenance of streets and right-of-way within the subdivision, and/or which provides exclusive access to the subdivision for all future lot owners, then the streets and rights-of-way may be designated as "private residential streets."

(b) In those cases the subdivider shall grant or dedicate to either the owner's association or to the property owners within the subdivision a right-of-way for all streets within the subdivision in accordance with the private residential street standards set forth hereafter, but the subdivider shall not be required to dedicate the street or right-of-way for public use. All private residential streets shall be designed and constructed in accordance with the standards set forth in this section.

(6) *Disclaimer.* If any wetland areas are located on the final plat, the following disclaimer shall be required.

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

of five years from the date,” or other applicable statement by the U.S. Army Corps of Engineers.

\_\_\_\_\_  
Signature of U.S. Army Corps of Engineers Official

\_\_\_\_\_  
Date of Signature

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

- (1) The name of the subdivision;
- (2) The exact boundary lines of the tract to be subdivided fully dimensioned by lengths and bearings and the location of intersecting boundary lines of adjoining land;
- (3) Scale denoted both graphically and numerically;
- (4) Plans for utility layouts, including sewers, storm sewers, water distribution lines, natural gas, telephone, and electric service illustrating connections to existing systems for individual water supply systems shall accompany the final plat. Plans must show line sizes, location, and gate valves. Utility and drainage easements shall be shown on the final plat, if available;
- (5) Street names, designated public or private. Street name signs shall be provided at all subdivision street intersections and at any other point within the subdivision as deemed necessary by the Planning Board. Signs shall be of a county-approved design and shall be installed prior to final plat approval;
- (6) The location, purpose, and dimensions of areas to be used for purposes other than residential;
- (7) Building setback lines with dimensions;
- (8) The names of owners of adjoining properties and any adjoining subdivisions;
- (9) The locations and dimensions of all rights-of-way, pavement widths of all streets and the location and width of all adjacent streets, all utility or other easements, all easements on adjoining properties, riding trails, natural buffers, paths and areas to be dedicated to public use with the purpose of each stated;
- (10) Property lines, watercourses, railroads, corporate limits, township and county boundaries;
- (11) Engineering data sufficient to determine on the ground every straight or curved boundary line, street line, lot line, right-of-way line, easement line and setback line, including dimensions, bearings and radii, central angles and tangent distances for the center line of curved property lines that are not the boundary of curved streets. All dimensions shall be measured to

the nearest one-one hundredth of a foot;

(12) Accurate locations and descriptions of all monuments, markers, and control markers;

(13) Blocks numbered consecutively throughout the subdivision and lots numbered consecutively throughout each block;

(14) Deed restrictions or similar covenants proposed for the subdivision;

(15) Flood-prone areas (as determined by the 100-year flood levels);

(16) Date of survey, plat preparation, north arrow, and declination; and

(17) All certificates as required by this division (division (K)).

(L) *Review procedure.* Final plats shall be reviewed under the following procedure:

(1) The Planning Board shall approve or disapprove the final plat within 45 days of its first consideration. If the Planning Board approves the final plat, approval shall be indicated on each copy of the final plat by the following signed certificate:

Certificate of Approval by the Planning Board: The Bogue Planning Board hereby approves the final plat for the \_\_\_\_\_ subdivision.

\_\_\_\_\_

\_\_\_\_\_  
Date Chairperson, Bogue Planning Board

(2) The Planning Board Chairperson shall also indicate approval of the final plat by the following signed certificate:

“I hereby certify that the subdivision plat shown hereon has been found to comply with the Bogue Subdivision Regulations, with the exception of such variances, if any, as are noted in the minutes of the Planning Board and that it has been approved for recording in the office of the Register of Deeds. It is hereby noted that approval for recordation does not include approval to install and utilize sanitary facilities nor does it include approval for the construction or occupancy of buildings or structures.”

(3) If the Planning Board disapproves the final plat, the Planning Board shall state in writing its reasons for that action. One copy of this statement shall be transmitted to the subdivider within 15 days of disapproval; one copy shall be retained by the Planning Board; one copy shall be sent to the Register of Deeds. If the final plat is disapproved, the subdivider may make changes as will bring the final plat into compliance with these regulations and resubmit same for reconsideration by the Planning Board.

(4) If the final plat approval is denied, the applicant may appeal to the superior court

within 30 days from receipt of written notice of the decision as provided by NCGS 160D-403(b).

(5) If the Planning Board fails to take action within 45 days of its first consideration the plat shall be deemed approved.

(M) *Distribution of copies.* When the final plat is approved by the Planning Board, the original and one print shall be returned to the subdivider. One reproducible copy shall be filed with the Register of Deeds and one reproducible copy shall be retained by the Planning Board

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

(O) *Recording of the final plat.* The subdivider shall file the approved final plat with the Register of Deeds of Carteret County for recording within six months after the date of Bogue Planning Board approval; otherwise, approval shall be null and void.

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

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

#### **§ 153.54 VARIANCES AND ABBREVIATED APPROVAL PROCEDURES FOR SUBDIVISION PLATS.**

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

(1) The variance request shall be accompanied by a sketch plan or sketch design meeting the requirements of § 153.47(E). The variance request shall be presented at the same time the sketch plan or design is considered by the Planning Board.

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

(B) *Required findings.* In granting any variance, the Planning Board shall make the findings required below, taking into account the nature of the proposed subdivision and its surrounding area, the existing use of the land in the vicinity, the number of persons to reside or work in the proposed subdivision, the probable effect of the proposed subdivision upon traffic conditions in the vicinity, public services available to the subdivision (fire, rescue squad, public utilities and the like) and other health and safety factors which may have an effect upon the subdivision and the property owners and residents therein in the event the variance is granted unless the Bogue Planning Board finds from the evidence:

(1) That there are special circumstances or conditions affecting the property so that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his or her land;

(2) That the variances are necessary for the preservation and enjoyment of a substantial property right of the applicant;

(3) That the circumstances giving rise to the need for the variance are peculiar to the parcel of land, its location or history of development of surrounding properties and are not generally characteristic of other parcels in the jurisdiction of this chapter; or

(4) 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 the property is situated.

#### **§ 153.99 PENALTY.**

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