

**TOWN OF BEAUFORT,
NORTH CAROLINA**

SUBDIVISION ORDINANCE

SEPTEMBER 1998

**Adopted by the Beaufort Board of Commissioners:
September 8, 1998**

**Amended as of:
August 8, 2005, April 11, 2016, & June 11, 2016**

Table of Contents

ARTICLE I. TITLE AND PURPOSE.....	1
Section 1. Title.....	1
Section 2. Purpose.....	1
ARTICLE II. AUTHORITY AND JURISDICTION.....	3
Section 1. Authority.....	3
Section 2. Jurisdiction.....	3
ARTICLE III. PREREQUISITE TO PLAT RECORDATION AND APPROVAL OF PUBLIC SERVICE.....	5
Section 1. Prerequisite to Plat Recordation.....	5
Section 2. Approval of Public Services.....	5
ARTICLE IV. LEGAL PROVISIONS.....	7
Section 1. Procedure for Plat Approval.....	7
Section 2. Statement by Owner.....	7
Section 3. Effect of plat approval on Dedications.....	7
Section 4. Penalties for Violation.....	7
Section 5. Separability.....	8
Section 6. Variances.....	9
Section 7. Amendments.....	9
Section 8. Abrogation.....	9
Section 9. Reenactment and Repeal of Existing Subdivision Ordinance.....	9
Section 10. Word Interpretation.....	10
Section 11. Effective Date.....	10
ARTICLE V. DEFINITIONS.....	11
Section 1. "Subdivision" Defined.....	11
Section 2. Other Definitions.....	11
ARTICLE VI. COMPLIANCE WITH OFFICIAL PLANS.....	17
Section 1. Thoroughfare Plans.....	17
Section 2. School Plans.....	17
Section 3. Review by Other Agencies.....	17
Section 4. Zoning and Other Plans.....	18
ARTICLE VII. PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS.....	19
Section 1. General.....	19
Section 2. Sketch Design Plan.....	19
Section 3. Preliminary Plat.....	20
Section 4. Final Plat.....	23
ARTICLE VIII. IMPROVEMENT REQUIRED AND MINIMUM STANDARDS OF DESIGN.....	29
Section 1. General.....	29
Section 2. Suitability of Land.....	29
Section 3. Sidewalks.....	30
Section 4. Name of Subdivision.....	30
Section 5. Historic Properties and Natural Assets.....	30
Section 6. Sedimentation Pollution Control.....	31
Section 7. Stormwater drainage.....	31
Section 8. Water and Sewerage Systems.....	32
Section 9. Streets.....	32

Section 10. Design Standards for Blocks.....	37
Section 11. Design Standards for Lots.....	37
Section 12. Design Standards for Easements.....	39
Section 13. Design Standards for Boat Launching Ramps and Docks.....	39
Section 14. Placement of Monuments.....	39
Section 15. Construction Procedures.....	40
Section 16. Oversized Improvements.....	40
Section 17. Landscape Plans.....	40
Section 18. Street Lighting.....	41
ARTICLE IX. PUBLIC FACILITIES.....	43
Section 1. Educational Areas.....	43
Section 2. Recreation Areas.....	43
ARTICLE X. ARTICLE X PLANNED BUILDING GROUP DEVELOPMENT.....	49
Section 1. Single Land Use Projects.....	49
Section 2. Master Plans for Planned Building Group Projects Developed in Phases or as a Planned Unit Development.....	51
Section 3. Exception for Duplex Condominium.....	52
ARTICLE XI. COMMERCIAL AND BUSINESS CONDOMINIUMS.....	53
Section 1. Commercial and Business Condominiums.....	53
Section 2. Procedure for Approval.....	53
Section 3. Minimum Specifications.....	53
ARTICLE XII. RESTRICTIONS ON DEVELOPMENT NEAR TOWN WASTE TREATMENT PLANT.....	55

ARTICLE I. TITLE AND PURPOSE

Section 1. Title.

This Ordinance shall be known and may be cited as the "Subdivision Regulations for Beaufort, North Carolina," and may be referred to as the subdivision regulations.

Section 2. Purpose.

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

ARTICLE II. AUTHORITY AND JURISDICTION

Section 1. Authority.

This Ordinance is hereby adopted under the authority and provisions of the NC General Statutes of North Carolina, Article 19, Chapter 160A-371, Part 2, Subdivision Regulation.

Section 2. Jurisdiction.

Cities and Towns: The regulations contained herein, as provided in N.C.G.S. Article 19, Chapter 160A-371, Part 2, shall govern each and every subdivision within the jurisdiction of Beaufort, as directed in the ordinance duly adopted by the Town of Beaufort Board of Commissioners and as may hereafter be adopted which would amend, repeal or modify ordinances in effect at the time this subdivision ordinance is adopted.

ARTICLE III. PREREQUISITE TO PLAT RECORDATION AND APPROVAL OF PUBLIC SERVICE

Section 1. Prerequisite to Plat Recordation.

After the effective date of this Ordinance, each individual subdivision plat of land within the Town of Beaufort's jurisdiction shall be approved by the town Board of Commissioners.

Section 2. Approval of Public Services.

No street shall be maintained by the Town of Beaufort nor street dedication accepted for ownership and maintenance, no construction permits shall be issued, nor shall water, sewer or other town facilities or service be extended to or connected with any subdivision for which a plat is required to be approved unless and until such final plat has been approved by the Town of Beaufort.

ARTICLE IV. LEGAL PROVISIONS

Section 1. Procedure for Plat Approval.

After the effective date of this Ordinance, no subdivision plat of land within the Town of Beaufort's planning jurisdiction shall be filed or recorded until it has been submitted to and approved by the appropriate agency, as set forth in Article III, Section 1 of this Ordinance, and until this approval is entered in writing on the face of the plat by the mayor or head of that agency. The register of deeds shall not file or record a plat of a subdivision of land located within the territorial jurisdiction of Beaufort 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 2. Statement by Owner.

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

Section 3. Effect of Plat Approval on Dedications.

Pursuant to N.C.G.S. 160A-374, the approval of a plat shall not be deemed to constitute or affect the acceptance by the town or public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, any Board of Commissioners may by resolution accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision-regulation jurisdiction. Acceptance of dedication of lands or facilities located within the subdivision-regulation jurisdiction but outside the corporate limits of the Town of Beaufort shall not place on the town any duty to open, operate, repair, or maintain any street, utility line, or other land or facility, and the Town of Beaufort shall in no event be held to answer in any civil action or proceeding for failure to open, repair, or maintain any street located outside its corporate limits.

Section 4. Penalties for Violation.

Any person who being the owner or agent of the owner of any land located within the territorial jurisdiction of this Ordinance, subdivides his/her land in violation of this Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing subdivision of land before the plat has been properly approved under this Ordinance and recorded in the Office of the Carteret County Registry of Deeds, shall be subject to any or all of the following penalties below set forth. The description by metes and bounds in an instrument of transfer or other documents used in the process of selling or transferring land shall not exempt the transaction for this penalty.

Additionally, any owner who has received subdivision approval and who fails to comply with any of the conditions of that approval or fails to follow the terms of this Ordinance shall be subject to the penalties herein.

1. Civil Penalty

- a. Any violation of any provision of this Ordinance shall be subject to a civil penalty assessed by the Building Inspector/Zoning Officer in an amount not to exceed \$100 per day. Civil penalties shall be paid within thirty (30) days to the Town. If not so paid, the Town may initiate a civil action in the nature of debt to collect any unpaid penalty.
 - b. Said civil penalty shall be initiated by the Building Inspector/Zoning Administrator giving written notice of the violation along with a statement that a civil penalty is being imposed and the amount of the penalty. The notice shall state that each day the violation continues to exist shall be an additional and separate violation subject to the same civil penalty set forth in the notice. The notice shall further state that no additional notice will be sent for continuing violations and penalties. The notice shall inform the recipient that he or she may appeal the civil penalty within ten (10) days to the Town Manager. If an appeal is made, a hearing shall be held before the Town Manager, who, following the hearing, shall affirm, reduce or reverse the imposition of the penalty assessed by the Building Inspector/Zoning Administrator.
 - c. After the Town Manager has issued a ruling on the penalty, the decision may be appealed to the Board of Commissioners. Said notice of appeal must be given within ten (10) days of the date of the Town Manager's decision. If an appeal is made, a hearing shall be held before the Board of Commissioners, who, following the hearing, shall affirm, reduce or reverse the imposition of the penalty.
2. Misdemeanor Offense. In addition to the civil penalty, violations may also be punishable as a misdemeanor offense, each day's continuing violation constituting a separate offense. Upon conviction the violator shall be punished in accordance with Section 14-4(a) of the North Carolina General Statutes.
 3. Injunction and Order of abatement. In addition, any provision of this Ordinance may be enforced by injunction or order of abatement. When a violation of this Ordinance occurs the Town may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use the property. This action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.

Section 5. 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 6. Variances.

The Board of Commissioners may authorize a variance from these regulations when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Board of Commissioners 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 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 the reasonable use of 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 7. Amendments.

The 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 30 days 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 approved the amendment.

Section 8. 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 9. Reenactment and Repeal of Existing Subdivision Ordinance.

This Ordinance in part carries forward by reenactment some of the provisions of the former Subdivision Ordinance of the Town of Beaufort adopted on June 25, 1979, and it is not the intention to repeal but rather to reenact and continue in force 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 reenacted 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 abated or abandoned by reason of the adoption of this Ordinance,

but shall be prosecuted to their finality the same as if this Ordinance had 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 10. Word Interpretation.

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

Words used in the present tense include the future tense.

Words used in the singular number include the plural and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.

The word "person" includes a firm, association, corporation, trust, and company, as well as an individual.

The word "used for" shall include the meaning "designed for."

The word "structure" shall include the word "building."

The word "lot" shall include the words "plot," "parcel," or "tract."

The word "shall" is always mandatory and not merely directly.

Section 11. Effective Date.

This Ordinance shall take effect and be in force from and after the 8th day of September, 1998. Duly adopted by the Board of Commissioners of the Town of Beaufort, North Carolina, this the 8th day of September, 1998.

ARTICLE V. DEFINITIONS

Section 1. "Subdivision" Defined.

For the purpose of this Ordinance, "subdivision" means all division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and 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 Ordinance:

- a. The combination or recombination of portions or previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town of Beaufort, as shown in its subdivision regulations;
- b. The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;
- c. The public acquisition by purchase of strips of land for the widening or opening of streets; and
- d. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the Town of Beaufort, as shown in this Ordinance.

Section 2. Other Definitions.

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

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

Buffer Strip: A buffer strip shall consist of an approved wall, fence, or planted strip of such characteristics as will provide an obscuring screen. The purpose of the buffer strip is to screen light, noise, odor, and dust. The buffer shall be no less than six (6) feet in height, except when extending into a front yard, in which case the buffer shall be a maximum of four (4) feet in height. If composed of planted material, the buffer strip shall be composed of evergreen trees, or a mixture of evergreen and deciduous trees at least ten (10) feet in width, with trunks spaced not more than ten feet apart, plus at least one row of dense shrubs with main trunks a maximum of five (5) feet apart using mature plants only.

Building Setback Line: A line establishing the minimum allowable distance between the nearest portion of any building and the street right-of-way line when measured perpendicularly thereto; or, on a flag lot, a line establishing the minimum allowable distance between the nearest portion of any building and the interior lot line most parallel to and nearest the street from which access is obtained. The following are allowed to encroach three (3) feet beyond the building setback

line toward the street right-of-way used to establish the building setback line: (i) uncovered porches, decks and steps, (ii) chimneys, (iii) eaves, (iv) gutters, and (v) fixtures similar to those listed in (i) through (iv). The terms “front set back line” and “minimum front building line” shall mean “building setback line” as herein defined

Cluster Development: A development design technique that concentrates residential buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas, historic, scenic vistas and natural areas.

Condominium: Ownership of single units in a multi-unit structure with common areas and facilities developed and submitted to condominium ownership, in accordance with Chapter 47A of the North Carolina General Statutes.

Condominium Development: A project consisting of three or more condominium units in one or more multi-unit buildings designed, developed, and constructed for unit ownership, in accordance with Chapter 47A of the North Carolina General Statutes.

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

Double Frontage Lot: A continuous (through) lot which is accessible from both streets upon which it fronts.

Easement: A grant by the property owner of a strip of land for a specified purpose and use by the public, a corporation, or persons.

Flag Lot: An irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an access corridor of the lot that does not meet the minimum lot width and street frontage standards specified in the zoning district in which the lot is located. As used in the Town’s land use ordinances the term “access corridor” in connection with a flag lot shall mean that portion of a flag lot between the street onto which the lot has access and the point where the lot dimension parallel to the street first equals or exceeds the minimum lot width specified by the zoning district regulations.

Group Housing: Includes apartments, condominiums, townhouses, and planned unit developments.

Landscape Plan: A schematic drawing of property to scale depicting (1) all existing trees with a trunk diameter of five inches (5”) or larger at four feet (4’) above grade; (2) all proposed new trees; (3) all buffer vegetation whether existing or proposed; and (4) all trees between the property line and adjacent street paving.

Lot: Land area of defined boundaries in single ownership, set aside for separate use or occupancy, and recorded as such in the office of the Carteret County Register of Deeds.

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

Lot Types:

Corner Lot: A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. The street line forming the least frontage shall be deemed the front of the lot except where two street lines are equal, in which case the owner shall be required to specify which is the front when requesting a building permit.

Interior Lot: A lot other than a corner lot with only one frontage on a street.

Through Lot or a Double Frontage Lot: A lot other than a corner lot with frontage on more than one Side Street. Through lots abutting two streets may be referred to as double frontage lots.

Reversed Frontage Lot: A lot on which the frontage is at right angles or approximately right angles (interior angle less than 135 degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot, an interior lot, or a through lot.

Official Maps or Plans: Any maps or plans officially adopted by the Board of Commissioners as a guide to the development of the Town of Beaufort.

Open Space: All land area not covered by buildings, structures, parking areas, or street pavement.

Plan: Any documented and approved program of recommended action, policy, intention, etc., which sets forth goals and objectives along with criteria, standards and implementing procedures necessary for effectively guiding and controlling decisions relative to facilitating development and growth management. The plan is sometimes referred to as "the land development plan."

Planned Unit Development: The planned unit development is a use regulated by the town's zoning ordinance and designed to provide for developments incorporating a single type or a variety of residential and related uses which are planned and developed as a unit. Such development may consist of individual lots or common building sites. Common land must be an element of the plan related to affecting the long-term value of the entire development.

Planning Board: The Planning Board is established and defined by the Town of Beaufort Zoning Ordinance.

Plat: A map or plan of a parcel of land which is to be or has been subdivided.

Private Driveway: A roadway serving two or fewer lots, building sites or other division of land and not intended to be public ingress or egress.

Private Street: An undedicated private right-of-way which affords access to abutting properties and requires a subdivision streets disclosure statement in accordance with N.C.G.S. 136-102.6.

Public Sewage Disposal System: A system serving two or more dwelling units and approved by the Carteret County Division of the District Health Department of the Carteret County Health Department and the North Carolina Department of Natural and Economic Resources.

Public Water Supply: Any water supply furnishing potable water to ten or more residences or businesses, or combination of residences or businesses. Approval by the Sanitary Engineering Division, State Board of Health, Department of Human Resources is required.

Recreation Area or Park: An area of land or combination of land and water resources that is developed for active and/or passive recreation pursuits with various manmade features that accommodate such activities.

Reservation: A reservation of land does not involve any transfer of property rights. It simply constitutes an obligation to keep property free from development for a stated period of time.

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.

Street: A dedicated and accepted public right-of-way for vehicular traffic. The dedication of half streets at the perimeter of a new subdivision is prohibited. If circumstances render this impracticable, adequate provision for the concurrent dedication of the remaining half of the street must be furnished by the sub-divider. Where there may exist a half street in an adjoining subdivision, the remaining half shall be provided by the proposed development. The following classifications shall apply:

Rural Roads.

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

Minor Arterial: A rural link in a network joining cities and larger towns and providing intrastate and inter-county service at relatively high (55 mph) 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 with locally important traffic generators with their rural hinterland.

Local Road: A local road serves primarily to provide access to adjacent land and for travel over relatively short distances.

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.

Urban Streets.

Local Street: A local street is any link not a higher-order urban system and serves primarily to provide direct access to abutting land and access to higher systems. It offers the lowest level of mobility and through traffic is usually deliberately discouraged.

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 Thoroughfares: Minor thoroughfares are important streets in the city system and perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating a minor thorough-traffic movement and may also serve abutting property.

Specific Type Rural or Urban Streets.

Alley: A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Cul-de-sac: A cul-de-sac is a short street having but one end open to traffic and the other end being permanently terminated and a vehicular turnaround provided.

Expressway: An expressway is a divided street or road which serves through traffic with full or partial control of access and generally with grade separations at intersections; however, infrequent at-grade crossings may be permitted.

Frontage Road: A frontage road is a local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.

Freeway: A freeway is a divided street or road which serves through traffic with full control of access and with grade separations at intersections.

Sub-divider: Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

Townhouse Development: Three or more attached single-family residences in one or more multi-residential structures, with each townhouse or row house occupying its individual land area, with streets, drives, recreational areas, open spaces and other facilities for ownership by the association of property owners within a development.

ARTICLE VI. COMPLIANCE WITH OFFICIAL PLANS

Section 1. Thoroughfare Plans.

Where a proposed subdivision includes any part of a thoroughfare which has been designated as such upon the officially adopted thoroughfare plan of the Town of Beaufort, such part of such thoroughfare shall be platted by the sub-divider in the location shown on the plan and at the width specified in this Ordinance.

Section 2. School Plans.

This Ordinance provides for the reservation of school sites in accordance with comprehensive land use plans approved by the Board of Commissioners or the Planning Board. In order for this authorization to become effective, before approving such plans, the Board of Commissioners or Planning Board and the Board of Education with jurisdiction over the area shall jointly determine the specific location and size of any school sites to be reserved, which information shall appear in the comprehensive land use plan. Whenever a subdivision is submitted for approval, which includes part or all of a school site to be reserved under the plan, the Board of Commissioners or Planning Board shall immediately notify the Board of Education and the board shall promptly decide whether it still wishes the site to be reserved. If the Board of Education does not wish to reserve the site, it shall so notify the Board of Commissioners or Planning Board and no site shall be reserved. If the board does not wish to reserve the site, the subdivision shall not be approved without such reservation. The Board of Education shall then have 18 months beginning on the date of final approval of the subdivision within which to acquire the site by purchase or by initiating condemnation to condemn the site. If the Board of Education has not purchased or initiated condemnation of the site within 18 months, the sub-divider may treat the land as freed of reservation.

Section 3. Review by Other Agencies.

The following agencies shall be given an opportunity to make recommendations concerning an individual subdivision plat before the plat is approved:

1. The district highway engineer as to proposed streets, highways, and drainage systems;
2. The county health director as to proposed water or sewerage systems;
3. The Coastal Area Management officer or Coastal Resources Commission if the rules and regulations of the Coastal Area Management Act or the Coastal Resources Commission either require review or the Board of Commissioners requests their review;
4. Town building inspector;
5. Any other agency or official designated by the Board of Commissioners.

Section 4. Zoning and Other Plans.

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

ARTICLE VII. PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

Section 1. General.

Pursuant to N.C.G.S. 160A-373, no final plat of a subdivision within the jurisdiction of the Town of Beaufort, as established in Article II of this Ordinance, shall be recorded by the Register of Deeds of Carteret County until it has been approved by the Board of Commissioners, as provided herein. To secure such approval of a final plat, the sub-divider shall generally follow the procedures established in this article.

Section 2. Sketch Design Plan.

Prior to preliminary plat application the sub-divider shall submit to the building inspector/zoning officer a simple sketch plan of the proposed subdivision. The sub-divider shall, at this time, discuss the proposed development with the building inspector/zoning officer and become familiar with the regulations affecting the land to be subdivided. This procedure does not require formal application or fee. Sketch plans shall conform to the following requirements:

- 2.01. *Number of Copies and Graphic Media.* A minimum of two copies of a sketch design plan shall be submitted. No specific graphic media must be employed.
- 2.02. *Size of Plan and Scale.* No specific size or scale requirements apply to sketch design plans; it is suggested that the requirements applicable to preliminary and final plats be utilized.
- 2.03. *Administrative Fees.* No administrative fees are charged in connection with the submission of sketch design plans.
- 2.04. *Certification Required.* No certificates must be provided in connection with the submission of sketch design plans.
- 2.05. *Contents Required.* The sketch design plan shall depict or contain the following information:
 - 2.05.01. A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, and waterways;
 - 2.05.02. The boundaries of the tract and the portion of the tract to be subdivided;
 - 2.05.03. The total acreage to be subdivided;
 - 2.05.04. The existing and proposed uses of the land within the subdivision and adjoining it;
 - 2.05.05. The proposed street and lot layout;
 - 2.05.06. The name, address, and telephone number of the owner;
 - 2.05.07. The name, if any, of the proposed subdivision;
 - 2.05.08. Streets and lots of adjacent developed or platted properties;
 - 2.05.09. The zoning classifications of the tract and of adjacent properties.
- 2.06. *Review Procedure.* The building inspector/zoning officer shall review the sketch design plan for general compliance with the requirements of this Ordinance and the zoning ordinance; the building inspector/zoning officer shall advise the sub-divider 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 Board of Commissioners, as required by this Ordinance.

- 2.07. *Disposition of Copies.* One copy shall be retained by the building inspector/zoning officer for his records with the other copy being returned to the sub-divider or his authorized agent.
- 2.08. *Development Near Town Waste Treatment Plant.* Areas and lands that are located within 150 feet of the Town of Beaufort's sewage treatment plant property located off State Road 1412 shall not be subdivided into commercial or residential building sites unless the sub-divider presents the written opinion and certification from the North Carolina State Board of Health, North Carolina Division of Water Quality, or similar state agency, which certifies that said areas in close proximity to the sewage treatment plant are suitable and safe for human habitation and use. Said areas may be used as open space, roads, recreational areas, and similar uses which do not constitute a health hazard to persons in close proximity to the sewage treatment plant.

Section 3. Preliminary Plat.

The sub-divider, or the sub-divider's duly authorized agent, shall submit eight copies of the preliminary plat, and any supplementary materials, to the Planning Board at least 14 days prior to a regular meeting of that board, for every subdivision of land which is located within the territorial jurisdiction established by Article II, section 2 hereof.

- 3.01. *Number of Copies and Graphic Media.* Eight copies (8) of the preliminary plat shall be submitted; no specific graphic media must be employed. Three (3) copies shall be disposed of as provided under paragraph 3.07; five (5) copies shall be distributed for review as provided in paragraph 3.06.
- 3.02. *Size of Plat and Scale.* No specific size requirements apply to preliminary plats. Preliminary plats shall be prepared at a scale of one inch equals 200 feet, or greater.
- 3.03. *Administrative Fees.* An administrative fee as set from time to time by the Board of Commissioners shall be charged with the submission of preliminary plats. No fee shall be charged for sketch plan submittal.
- 3.04. *Certifications Required.* No certifications must be provided in connection with the submission of preliminary plats. (See Article VIII, section 8, regarding approval of utilities.)
- 3.05. *Contents Required.* The preliminary plat shall depict or contain the following information; lots not illustrating or containing the following data shall be returned to the sub-divider or his authorized agent for completion and resubmission:
- 3.05.01. The proposed name of the subdivision;
 - 3.05.02. A sketch vicinity map showing the relationship between the proposed subdivision and the surrounding area at a scale of one inch equals 400 feet;

- 3.05.03. The boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented, with all bearings and distances shown;
- 3.05.04. Scale denoted both graphically and numerically;
- 3.05.05. North arrow and declination;
- 3.05.06. The plans for proposed utility layouts, including sanitary sewers, storm sewers, water distribution lines, natural gas, telephone and electrical service, illustrating connections to existing systems. Plans for water supply and/or sewage disposal must be accompanied by letters of preliminary approval by the appropriate county and state authorities (see appendix I). Plans must show line sizes, the location of fire hydrants, blow-offs, manholes, pumps, force mains, and gate valves, and shall include profiles based upon mean sea level datum for sanitary sewers and storm sewers;
- 3.05.07. Proposed street names; all streets must be designated either "public" or "private";
- 3.05.08. The zoning classification(s) of the tract to be subdivided and on adjoining properties;
- 3.05.09. Proposed location and size of parks, school sites, or other recreational or open spaces, if any, and their future ownership (dedication for public use to governmental body, for owners to duly constituted homeowners' or community association, or for tenants remaining in sub-divider's ownership);
- 3.05.10. Site calculations, including:
 - (1) Acreage in total tract to be subdivided;
 - (2) Acreage in parks and other nonresidential use;
 - (3) Total number of parcels created;
 - (4) Linear feet in streets;
- 3.05.11. Proposed minimum building setback lines;
- 3.05.12. The names of owners of adjoining properties and any adjoining subdivisions of record (or proposed and under review);
- 3.05.13. Any proposed riding trails, natural buffers, pedestrian, bicycle, or other rights-of-way, utility or other easements, their location, width, and purposes;
- 3.05.14. Proposed streets, existing and platted streets on adjoining properties and in the proposed subdivision, rights-of-way, pavement widths, approximate grades, design engineering data for all corners and curves, and typical street cross-sections. If any street is proposed to intersect with a state-maintained road, the plat shall be accompanied by an application for driveway approval, as required by the Department of Transportation, Division of Highways' Manual on Driveway Regulations;
- 3.05.15. Existing and proposed property lines, both on the tract to be subdivided and on adjoining properties, building or other structures, water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and on the land immediately adjoining, corporate limits, township boundaries, and county lines;
- 3.05.16. Proposed lot lines, lot and block numbers, and approximate dimensions;
- 3.05.17. Wooded areas, creeks, rivers, bodies of water, marshes, swamps, ponds or lakes, streams or stream beds, and any other natural features affecting the site;
- 3.05.18. The preliminary plat should be accompanied by a copy of any proposed deed restrictions or similar covenants when deemed necessary by the

- Planning Board (mandatory when private recreation areas are established);
- 3.05.19. Date of plat preparation;
- 3.05.20. The name(s) of the township(s), county, and state in which the subdivision is located;
- 3.05.21. The name(s), address(es), and telephone number(s) of the owner(s), mortgagee(s), registered surveyor(s), land planner(s), architect(s), landscape architect(s), and professional engineer(s) responsible for the subdivision;
- 3.05.22. The name and location of any property, within the proposed subdivision or within any contiguous property, that is listed on or is eligible for listing on the U.S. Department of Interior's National Register of Historic Places; likewise any property that has been designated by local ordinance as an "historic property," pursuant to N.C.G.S. Chapter 160A, Article 19, Part 3B, likewise any property that has been designated by local ordinance as an "historic district," pursuant to N.C.G.S. Chapter 160A-400.4;
- 3.05.23. Environmental impact statement. Pursuant to Chapter 113A of the North Carolina General Statutes, the Planning Board may require the subdivider to submit an environmental impact statement with his preliminary plat if:
- (1) The development exceeds two acres in area; and
 - (2) If the board deems it necessary due to the nature of the land to be subdivided, or peculiarities in the proposed layout;
- 3.05.24. All information and data required by the duly adopted flood ordinance as amended for the Town of Beaufort;
- 3.05.25. Any other information considered by either the sub-divider or the Planning Board to be pertinent to the review of the preliminary plat; i.e., topographic map showing vertical contours every five feet.
- 3.05.26. Landscape plan.

3.06. *Review Procedure.* The Planning Board shall review and take action on each preliminary plat within 30 days after first consideration by the Planning Board. First consideration shall be at the next regularly scheduled meeting of the Planning Board that follows at least 14 days after the plat is submitted. Before taking final action on the plat, the Planning Board shall refer copies of the plat and any accompanying material to those public officials and agencies concerned with the new development including but not limited to town manager, Carteret County Health Department, the District Engineer of the N.C. Department of Transportation (four copies), town building inspector, CAMA officer or Coastal Resources Commission, and the appropriate county soil conservation service office, for review and recommendation.

3.07. *Disposition of Copies.* If the plat is approved, approval shall be noted on at least three copies of the plat by the Planning Board secretary. One copy shall be transmitted to the town clerk who shall retain it for public examination, one copy shall be returned to the sub-divider, and one copy shall be retained by the Planning Board. If the preliminary plat is disapproved, the Planning Board shall specify the reasons for such action in writing. One copy of such reasons shall be retained by the Planning Board, one copy shall be given to the sub-divider, and one copy shall be transmitted to the town clerk. If the preliminary plat is disapproved, the sub-divider may make the recommended changes and submit a revised preliminary plat, or appeal the decision to the Board of Commissioners.

Section 4. Final Plat.

- 4.01. *Improvements Installation or Guarantees.* Upon approval of the preliminary plat by the Planning Board, the sub-divider may proceed with the preparation of the final plat, and the installation or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this Ordinance. Prior to approval of a final plat, the sub-divider shall have installed improvements specified in this Ordinance or guaranteed their installation as provided.
- 4.02. *Performance Guarantee.* In lieu of prior construction of the improvements required by this Ordinance, the Town of Beaufort may, for the purpose of approving a final plat, accept a guarantee from the sub-divider that such improvements will be carried out according to the Town of Beaufort's specifications at his expense. Such guarantee may be in the form of a surety bond made by a surety company licensed to do business in North Carolina or certified check in favor of the Town of Beaufort, or a letter of credit issued by any financial institution licensed to do business in this state. Such guarantee shall be in an amount of not less than 100 percent or more than 125 percent of the estimated cost of the construction of the required improvements. Performance guarantees shall be extended or a new performance guarantee issued for an additional year until such required improvements are completed.
- 4.03. *Release.* After formal acceptance of the infrastructure, the Town (Article VII – Section 4.14) will release the performance guarantee within due course of Town Business. [Amended 4/11/16]
- 4.04. *Final Plat Review Contingent upon Execution of Guarantees.* No final plat will be accepted for review by the Planning Board or Board of Commissioners unless accompanied by written notice by the town manager acknowledging compliance with this Ordinance. [Amended 4/11/16]
- 4.05. *The Final Plat.* The final plat shall constitute only that portion of the preliminary plat which the sub-divider proposes to record and develop at the time; such portion shall conform to all requirements of this Ordinance.
- 4.05.01. No final plat shall be approved unless and until the sub-divider shall have installed in that area, represented on the final plat, all improvements required by this Ordinance or shall have guaranteed their installation, as provided for in paragraphs 4.01 and 4.02 thereof. [Amended 4/11/16]
- 4.06. *Plat Submitted.* The sub-divider shall submit the final plat, so marked, to the town manager or his designee not less than 14 days prior to the Planning Board meeting at which it will be considered for approval; further, the plat shall be submitted not more than 12 months after the date on which the preliminary plat was approved, otherwise such approval shall be null and void unless a written extension of this time limit is granted by the Planning Board on or before the one-year anniversary of the approval.
- 4.07. *Plat Prepared.* The final plat shall be prepared by a surveyor or professional engineer licensed and registered to practice in the State of North Carolina. The final plat shall substantially conform to the preliminary plat as it was approved. The final plat shall conform to the provisions of plats, subdivisions, and mapping requirements as set forth in NC General Statutes 47-30, as amended.

- 4.08. *Number of Copies and Graphic Media.* Five copies of the final plat shall be submitted; two of these shall be drawn in ink on linen or film suitable for reproduction; three shall be black or blue line paper prints.
- 4.09. *Size of Plat and Scale.* Final plats shall have an outside marginal size of not more than 21 inches by 30 inches nor less than 8 1/2 inches by 11 inches, including 1 1/2 inch for binding on the left margin and one-half inch border on each of the other sides. Where size of land areas or suitable scale to assure legibility require, maps may be placed on two or more sheets with appropriate match lines. Final plats shall be drawn at a scale of one inch equals 200 feet, or greater.
- 4.10. *Administrative Fees.* Submission of the final plat must be accompanied by an administrative fee as set forth from time to time by the Board of Commissioners.
- 4.11. *Certification Required.* The following signed certificates shall appear on all copies of the final plat which are submitted to the Planning Board by the sub-divider:

4.11.01. Certificate of ownership and dedication. I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the Town of Beaufort and that I hereby adopt this plan of subdivision 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. Furthermore, I hereby dedicate all sanitary sewer, storm sewer and water lines to the Town of Beaufort.

_____ Date _____ Owner(s)

4.11.02. Certification of approval of water supply and sewage disposal systems. I hereby certify that the water supply and sewage disposal systems installed or proposed for installation in _____ Subdivision meet necessary public health requirements (as described in appendix XI of the subdivision regulations) of Beaufort, and are hereby approved.

_____ Date _____ County Health Officer or
His Authorized Representative

(Certification 4.12.02 not required for subdivisions which are connected, or will be connected, to existing publicly owned and operated water supply and sewage disposal systems.)

4.11.03. Certificate of survey and accuracy. I, _____, certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book _____, Page _____, Book _____, Page _____, etc.) (other); that the error of closure as calculated by latitudes and departures is 1:_____; that the boundaries not surveyed are shown as broken lines plotted from

information found in Book _____, Page _____, that this map was prepared in accordance with N.C.G.S. 47-30, as amended. Witness my hand and seal this _____ day of _____, A.D., _____.

Surveyor or Engineer

License or Registration Number

- 4.11.04. Certificate or approval of the design and installation of streets, utilities, and other required improvements. I hereby certify that all streets, utilities and other required improvements have been installed in an acceptable manner and according to the Town of Beaufort specifications and standards in the _____ Subdivision or that guarantees of the installation of the required improvements in an amount and manner satisfactory to the Town of Beaufort have been received, and that the filing fee for this plat, in the amount of \$ _____ has been paid.

Date

Town Manager

- 4.12. *Contents Required.* The final plat shall depict or contain the following information; plats not illustrating or containing the following data shall be returned to the sub-divider or his authorized agent for completion and resubmission:

- 4.12.01. The name of the subdivision;
- 4.12.02. The exact boundary lines of the tract to be sub-divided fully dimensioned by lengths and bearings, and the location of intersecting boundary lines of adjoining lands;
- 4.12.03. Scale denoted both graphically and numerically;
- 4.12.04. The plans for utility layouts, including sewers, storm sewers, water distribution lines, natural gas, telephone and electrical service, illustrating connections to existing systems or plans for individual water supply systems and/or sewage disposal systems. Plans must show line sizes, the location of fire hydrants, blow-offs, manholes, pumps, force mains, and gate valves;
- 4.12.05. Street names;
- 4.12.06. The location, purpose, and dimensions of areas to be used for purposes other than residential;
- 4.12.07. Minimum building setback lines;
- 4.12.08. The names of owners of adjoining properties and any adjoining subdivisions of record (or proposed and under review);
- 4.12.09. The location and dimensions of all rights-of-way, utility or other easements, riding trails, natural buffers, pedestrian or bicycle paths, and areas to be dedicated to public use, with the purpose of each stated;
- 4.12.10. Right-of-way lines and pavement widths of all streets, and the location and width of all adjacent streets and easements;
- 4.12.11. Property lines, buildings or other structures, watercourses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and on

- the land immediately adjoining, corporate limits, township boundaries, and county lines;
- 4.12.12. Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, central angles, and tangent distances for the centerline of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute;
- 4.12.13. The accurate locations and descriptions of all monuments, markers, and control points;
- 4.12.14. The blocks numbered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each block;
- 4.13.15. The deed restrictions or any other similar covenants proposed for the subdivision, if any;
- 4.12.16. The date of the survey and plat preparation;
- 4.12.17. North arrow and declination;
- 4.12.18. All certifications as required by section 4.11 of this article;
- 4.12.19. The name(s) of the township(s), county(s), and state in which the subdivision is located;
- 4.12.20. The name and location of any property, within the subdivision or within any contiguous property, that is listed on or is eligible for listing on the U.S. Department of Interior's National Register of Historic Places; likewise any property that has been designated by local ordinance as a "historic property" pursuant to N.C.G.S. Chapter 160A, Article 19, Part 3B; likewise any property that has been designated by local ordinance as an "historic district" pursuant to N.C.G.S. Chapter 160A, Article 19, Part 3A;
- 4.12.21. The name(s), address(es), and telephone number(s) of the owner(s), mortgagee(s), registered surveyor(s), land planner(s), architect(s), landscape architect(s), and professional engineer(s) responsible for the subdivision, and the registration number(s) and seal(s) of the professional engineers and registered surveyors;
- 4.12.22. Any other information considered by either the sub-divider or the Planning Board to be pertinent to the review of the final plat.
- 4.12.23. Landscape plan.
- 4.13. *Review Procedure.* Final plats shall be reviewed according to the following procedure:
- 4.13.01. **Planning Board Review:** The Planning Board shall approve or disapprove the final plat within 30 days of its first consideration. During its review of the final plat, the Planning Board may appoint an engineer or surveyor to confirm the accuracy of the final plat. If substantial errors are found, in the opinion of the Planning Board, the costs shall be charged to the sub-divider and the plat shall not be approved until such errors have been corrected. If the Planning Board approves the final plat, such approval shall be indicated on each copy of the plat by the following signed certificate:

Certification of Approval by the Planning Board

The Beaufort Planning Board hereby approves the final plat for the _____ Subdivision.

Date

Chairman, Beaufort Planning Board

If the Planning Board disapproves the final plat, the Planning Board shall state in writing its reasons for such action, specifying the provisions of this Ordinance with which the plat does not comply. One copy of this statement shall be transmitted to the sub-divider within 15 days of disapproval; one copy shall be retained by the Planning Board as a part of its proceedings; and one copy shall be sent to the town clerk. If the final plat is disapproved, the sub-divider may make such changes as will bring the plat into compliance with the provisions of this Ordinance and resubmit same for reconsideration by the Planning Board.

If the Planning Board fails to approve or disapprove the final plat within 30 days after first consideration, as previously defined in paragraph 3.06, such failure shall be deemed approval and shall constitute grounds for the sub-divider to apply for final approval by the Board of Commissioners.

4.13.02. Board of Commissioners Review: The Board of Commissioners shall review the final plat with the recommendations of the Planning Board and shall approve or disapprove the plat within 45 days after it has been received from the Planning Board. If the Board of Commissioners approves the final plat, such approval shall be shown on each copy of the plat by the following signed certificate:

Certificate of Approval for Recording

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for Beaufort, North Carolina, and that this plat has been approved by the Board of Commissioners for recording in the office of the Register of Deeds of Carteret County.

Date

Town Clerk, Beaufort

If the final plat is disapproved by the Board of Commissioners, the reasons for such disapproval shall be stated in writing, specifying the provisions of this Ordinance with which the final plat does not comply. One copy of such reasons shall be retained by the Board of Commissioners as a part of its proceedings; one copy shall be transmitted to the Planning Board; and one copy shall be transmitted to the sub-divider. If the final plat is disapproved, the sub-divider may make such changes as will bring the final plat into compliance with this Ordinance and resubmit same for reconsideration by the Board of Commissioners.

4.14. *Effect of Plat Approval on Dedications.* The approval of a final plat shall not be deemed to constitute or affect the acceptance by the Town of Beaufort of the dedication of any

street or other ground, public utility line, or other public facility shown on the plat. However, the Town of Beaufort may by resolution of the Board of Commissioners accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision regulation jurisdiction. All streets must be designated either "public" or "private." Acceptance of dedications of lands or facilities located within the subdivision regulation jurisdiction but outside the corporate limits of the town shall not require the town to open, operate, repair, or maintain any street utility line or other land or facility, and the town shall in no event be responsible in any civil action or proceeding for failure to open, repair, or maintain any street located outside its corporate limits.

- 4.15. *Disposition of Copies.* If the final plat is approved by the Board of Commissioners, the original tracing and one print of the plat shall be returned to the sub-divider. One reproducible tracing and one print shall be filed with the town clerk, and one print shall be retained by the Planning Board.
- 4.16. *Recording of the Final Plat.* The sub-divider shall file the approved final plat with the Register of Deeds of Carteret County for recording within 60 days after the date of Board of Commissioners' approval; otherwise, such approval shall be null and void.
- 4.17. *Re-subdivision Procedures.* For any re-plotting or re-subdivision of land, the same procedures, rules and regulations shall apply, as prescribed here, for an original subdivision. Lot sizes may, however, be varied on an approved plan after recording, provided that (a) no lot or tract of land shall be created or sold that is smaller than the size shown on the approved plat; (b) drainage, easements or rights-of-way shall not be changed; (c) street alignment and block sizes shall not be changed; (d) the property line between the back of the lots shall not be changed; (e) the rear portion or lots shall not be subdivided from the front part; (f) the character of the area shall be maintained.
- 4.18. *Plat may be Required on any Subdivision of Land.* Pursuant to N.C.G.S. 160A-372, the Board of Commissioners may require of the sub-divider that a plat be prepared, approved, and recorded pursuant to the provisions of this Ordinance whenever any subdivision of land takes place.

ARTICLE VIII. IMPROVEMENT REQUIRED AND MINIMUM STANDARDS OF DESIGN

Section 1. General.

Each subdivision shall contain the following improvements, depending on the proposed lot sizes as expressed in the following chart:

Improvements Required		Lot Areas in 1,000 Square Feet					Multi-Family/Group
		20.	15.	10.	8 & 8A.	5.	
(A)	Graded Streets and Lots	X	X	X	X	X	X
(B)	Drainage	X	X	X	X	X	X
(C)	Central Water and Hydrants	X	X	X	X	X	X
(D)	Public Sewer	X	X	X	X	X	X
(E)	Paved Streets	X	X	X	X	X	X
(F)	Max. Street Grade	8%	8%	6%	5%	5%	5%
(G)	Sidewalks One Side	X	X	X			
(H)	Sidewalks Both Sides				X	X	X
(I)	Curb and Gutter		X	X	X	X	X
(J)	Street Lights			X	X	X	X
(K)	Street Trees			X	X	X	X
(L)	Underground Wiring	X	X	X	X	X	X

Section 2. Suitability of Land.

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

2.01. *Prevention of Flood Damage.* Lands known to be within a floodplain or any area known to be subject to flooding shall be so identified on the preliminary plat. Appropriate deed

restrictions shall be filed for those lands subject to flooding, prohibiting their development for dwelling or other uses unless the sites are flood-protected as follows:

- (1) No structures or fill shall be placed in the floodway which would interfere with the natural watercourse.
- (2) Streets and utility lines and structures may be placed within the floodplain only if their elevation is raised above maximum flood heights or if they are otherwise flood-protected.
- (3) Dwellings and self-contained sewage disposal units (if used) shall be built at an elevation above maximum flood heights.
- (4) The subdivision drainage system shall be designed to prevent increased flood flows due to newly developed impervious surfaces and other factors.
- (5) Other applicable provisions of the flood ordinance for the Town of Beaufort are adhered to in the design and construction of the subdivision plan and improvements located therein.

2.02. *Fill Areas.* Areas that have been used for the disposal of solid waste shall not be subdivided into commercial or residential building sites unless the sub-divider presents the written opinion and certification of a registered engineer or architect that these areas are safe and that the construction of buildings and improvements in the area will not be affected because of the previous use of said area. This shall include those areas that have been used for the disposal of trash, demolition waste, and other waste materials.

Section 3. Sidewalks.

Sidewalks required by Article VIII, section 1 shall be constructed to a minimum width of four feet, and shall consist of a minimum thickness of four inches of reinforced concrete. All sidewalks shall be placed in the right-of-way, unless the development is platted as a planned unit or group development.

Section 4. Name of Subdivision.

The name of a subdivision shall not duplicate nor closely approximate the name of an existing subdivision within the Town of Beaufort.

Section 5. Historic Properties and Natural Assets.

In any subdivision, due consideration will be given to safeguard the heritage of the Town of Beaufort by preserving any archaeological site or any property therein, or located on adjacent property thereto, that embodies important elements of its cultural, social, economic, political or architectural history; and likewise all due consideration should be given to promoting the use and conservation of such property for the education, pleasure, and enrichment of the residents of the Town of Beaufort and the State of North Carolina as a whole. It is a requirement of this Ordinance that the name and location of all historic properties, located within the proposed subdivision or within any contiguous property, be clearly identified on both the preliminary and final plats. If any such historic property is listed on the U.S. Department of Interior's National Register of Historic Places; likewise any property that has been designated by local ordinance as a "historic property," pursuant to N.C.G.S. Chapter 160A, Article 19, Part 3B; likewise any property that has been designated by local ordinance as a "historic district," pursuant to

N.C.G.S. Chapter 160A, Article 19, Part 3A; the Planning Board may provide that the following agencies be given an opportunity to make recommendations concerning an individual subdivision plat before the plat is approved:

- (1) The N.C. Department of Cultural Resources, Division of Archives and History;
- (2) Any local historic properties commission appointed under the provisions of N.C.G.S. 160A-399.2; or
- (3) Any local historic district commission appointed under the provisions of N.C.G.S. 160A-396. Furthermore, in any subdivision, due consideration will be given to preserving natural features such as trees, ponds, streams, rivers, and lakes which are of value not only to the subdivision but to the Town of Beaufort as a whole.

Section 6. Sedimentation Pollution Control.

In order to prevent soil erosion and sedimentation pollution of streams, springs, flat water bodies, or other drainage networks, the sub-divider shall comply with all requirements of the "North Carolina Sedimentation Pollution Control Act of 1973" and any local sediment control ordinances.

Section 7. Storm Water Drainage.

The sub-divider shall provide an adequate drainage system for the proper drainage of all surface water. The design of such a system shall be subject to the approval of the Planning Board and Board of Commissioners:

- 7.01. No surface water shall be channeled or directed into a sanitary sewer.
- 7.02. Where feasible, the sub-divider shall connect to an existing storm drainage system.
- 7.03. 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.
- 7.04. Surface drainage courses shall have side slopes of at least three feet of horizontal distance for each one foot of vertical distance, and courses shall be of sufficient size to accommodate the drainage area without flooding.
- 7.05. The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one foot in each 300 feet of horizontal distance.
- 7.06. All streets abutting lots of 12,000 square feet or less shall have curbs and gutters constructed to Department of Transportation standards. The Planning Board may require curbs and gutters on streets abutting larger lots if it is deemed appropriate for the control of surface drainage and/or to facilitate street cleaning and maintenance.

Section 8. Water and Sewerage Systems.

The preliminary subdivision plat must be accompanied by satisfactory evidence as to the proposed method and system of water supply and sanitary sewage collection and disposal:

- 8.01. Where the system is to be connected to the system owned and operated by the Town of Beaufort, or sanitary district, but not constructed by the municipalities or county, the preliminary subdivision plat shall be accompanied by a complete set of construction plans for the proposed system, prepared by a registered engineer, and approved by the engineer of the public sewer system or public water system, and the appropriate state agency. Water supply systems should be approved by the water and fire departments as to location of hydrants and size of mains. No mains shall be less than eight inches inside diameter, and they shall be laid out so as to create a complete circuit, with no dead end lines in excess of 300 feet. A blowout shall be placed at the dead end. Water and sewer lines should be installed in the street rights-of-way where possible.
- 8.02. Where the proposed system does not contemplate the use of facilities owned and operated by any of the above, the proposed facilities shall be approved by the appropriate agency. (N.C. Department of Human Resources, N.C. Department of Natural and Economic Resources, and Carteret County Board of Health.)
- 8.03. Where public or community water supply and/or sewerage systems are not available or to be provided, a written statement from the Carteret County Health Department shall be submitted with the preliminary plat indicating that each lot has adequate land area and soil conditions suitable to accommodate the proposed methods of water supply and sewage disposal. The statement from the health department shall be based upon a field investigation. The field investigation for sewage disposal shall include a sufficient number of percolation tests (at least one per acre) to determine the absorption capacity of the soil and test holes at least six feet deep (as needed) to determine the depth to the ground water table, and the presence of rock formations or other impervious strata.

Section 9. Streets.

- 9.01. *Coordination and Continuation of Streets.* The proposed street layout within a subdivision shall be coordinated with the existing street system of the surrounding area and, where possible, existing principal streets shall be extended.
- 9.02. *Access to Adjacent Properties.* Where, in the opinion of the Planning Board, it is necessary to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turnaround shall be provided.
- 9.03. *Private Streets and Reserve Strips.* Private streets or reserve strips shall be prohibited unless otherwise provided for in this Ordinance.
- 9.04. *Subdivision Street Disclosure Statement - "Public" or "Private Street" - Designation (N.C.G.S. 136-102.6).* All streets shown on the final plat must be designated either "public" or "private," and designation as "public" is to be conclusively presumed an offer of dedication to the public.

- 9.05. *Marginal Access Streets.* Where a tract of land to be subdivided adjoins a principal arterial street, the sub-divider may be required to provide a marginal access street parallel to the arterial street or reverse frontage on a minor street for the lots to be developed adjacent to the arterial. Where reverse frontage is established, private driveways shall be prevented from having direct access to the expressway.
- 9.06. *Street Names.* Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided, and in no case shall the proposed name be phonetically similar to existing names irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be subject to the approval of the Planning Board.
- 9.07. *Collector and Minor Street.* Collector and minor streets shall be so laid out that their use by through traffic will be discouraged. Streets shall be designed or walkways dedicated to assure convenient access to parks, playgrounds, schools, and other places of public assembly.
- 9.08. *Design Standards.* The design of all streets and roads within the Town of Beaufort shall be in accordance with the accepted policies of the North Carolina Department of Transportation, Division of Highways, as taken or modified from the American Association of State Highway Officials' (AASHO) manuals. The provision of the street rights-of-way shall conform and meet the requirements of the thoroughfare plan for the Town of Beaufort, as approved by the Planning Board and adopted by the Board of Commissioners and the North Carolina Department of Transportation, Division of Highways. The proposed street layout shall be coordinated with the existing street system of the surrounding area. Where possible, proposed streets shall be the extension of existing streets. The urban planning area boundary is as depicted on the mutually adopted Town of Beaufort thoroughfare plan. The rural planning area shall be that area outside the urban planning boundary.
- 9.09. *Right-of-Way Widths.* Right-of-way widths shall not be less than the following and shall apply except in those cases where right-of-way requirements have been specifically set out in the Town of Beaufort thoroughfare plan.

9.09.01	Rural	<u>Right-of-way (feet)</u>
	Principle Arterial	
	Interstate	400
	Other	200
	Minor Arterial	100
	Major Collector	100
	Minor Collector	70
	Local Road	50
9.09.02	Urban	<u>Right-of-way (feet)</u>
	Major Thoroughfare other than Freeway and Expressway	90
	Minor Thoroughfare	70

Local Street
Cul-de-sac

50
100' diameter for
turnaround

9.10. *100 Feet Maximum.* The sub-divider will only be required to dedicate a maximum of 100 feet of right-of-way. In cases where over 100 feet of right-of-way is desired, the sub-divider will be required only to reserve the amount in excess of 100 feet. In all cases in which right-of-way is sought for an access controlled facility, the sub-divider will only be required to make a reservation.

9.10.01. Curb and Gutter: Two (2) types of curb and guttering will be allowed: either straight back or roll back. Either type shall be made of approved materials.

Straight back curbing shall have a minimum width of 30 inches for major streets and a minimum of 24 inches for secondary streets. Roll-back type curbing shall have a minimum width of 24 inches.

9.11. *Pavement Widths.* Pavement widths or graded widths shall be as follows:

	Streets with Curb and Gutter (measured face-to- face curb)	Streets without Curb and Gutter
Principal Arterials	52 feet	48 feet
Minor Arterials	44 feet	40 feet
Major Collector	44 feet	40 feet
Minor Collector	32 feet	24 feet
Local Road	28 feet	24 feet
Marginal Access (frontage)	28 feet	24 feet
Cul-de-sac	28 feet	24 feet
Cul-de-sac Turnaround	80 ft. in dia.	80 ft. in dia.

9.12. *Roads and Street Surfaces.* All subdivision streets and roads shall be constructed to meet the current requirements of the North Carolina Department of Transportation, Division of Highways' standards for state maintenance.

9.13. *Tangents.* A tangent of at least 100 feet shall be provided between reverse curves on all streets.

9.14. *Street Intersections.* Street intersections shall be laid out as follows:

9.14.01. All streets shall intersect as nearly as possible at right angles, and no street shall intersect at less than 60 degrees.

9.14.02. Intersections with a major street shall be at least 1,000 feet apart measured from centerline to centerline.

- 9.14.03. Where a centerline offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than 125 feet.
- 9.14.04. Property lines at street intersections shall be rounded with a minimum radius of 20 feet. At an angle of intersection of less than 90 degrees, a greater radius may be required.
- 9.14.05. Proper sight lines shall be maintained at all intersections of streets. There shall be a clear sight distance of 150 feet for major streets and 75 feet for all other streets from the point of intersection, as measured along the centerline. No building or obstruction shall be permitted in this area.
- 9.15. *Half Streets.* The dedication of half streets of less than 60 feet at the perimeter of a new subdivision shall be prohibited. If circumstances render this impracticable, adequate provision for the concurrent dedication of the remaining half of the street must be furnished by the sub-divider. Where there exists a half street in an adjoining subdivision, the remaining half shall be provided by the proposed development. However, a partial width right-of-way, not less than 60 feet in width, may be dedicated when adjoining undeveloped property that is owned or controlled by the sub-divider; provided that the width or a partial dedication be such as to permit the installation of such facilities as may be necessary to serve abutting lots. When the said adjoining property is subdivided, the remainder of the full required right-of-way shall be dedicated.
- 9.16. *Cul-de-sacs.* Permanent dead end streets shall not exceed 500 feet in length unless necessitated by topography and shall be provided with a turnaround having the dimensions stated hereinbefore.
- 9.17. *Alleys.* An alley shall be provided to the rear of all lots used for other than residential purposes. Alleys are prohibited in residential blocks unless approved by the Planning Board. All alleys shall be designed in accordance with the Department of Transportation, Division of Highways' specifications and standards and shall meet the following requirements:
 - Right-of-way Width 20 feet
 - Property Line Radius at Alley Intersection 15 feet
 - Minimum Centerline Radius when Deflection Angle of More Than 10° occurs 35 feet
 - Minimum Turnaround Diameter of Dead End Alley (Right-of-Way Width) 80 feet
- 9.18. *Geometric Characteristics.* The standards outlined below shall apply to all subdivision streets proposed for addition to the state highway system or municipal street system. In cases where a subdivision is sought adjacent to a proposed thoroughfare corridor, the requirements of dedication and reservation discussed under right-of-way shall apply.

9.18.01. Design Speed. The design speeds for subdivision type streets shall be:

	<u>Desirable</u>	<u>(Minimum)</u>
Rural		
Minor Collector Road	60	(50)
Local Roads	50	(40)

Urban

Major Thoroughfares other than Freeway

Expressway	60	(40)
Minor Thoroughfares	60	(40)
Local Streets	35	(20)

9.18.02. Maximum and Minimum Grades. The maximum grades in percent shall be:

Type of Topography	60 Desirable (50 Minimum)	60 Desirable (40 Minimum)	50 Desirable (40 Minimum)	40 Desirable (30 Minimum)
Flat - NCDOT Divisions	3	3	4	5
1, 2, 3, 4, & 6	(4)	(5)	(5)	(6)

The minimum grade in no case shall be less than 0.5%. Grades for 100 feet each way from intersections should not exceed five percent.

9.19. *Minimum Sight Distances.* In the interest of public safety, the minimum sight distance applicable shall be provided in every instance. Vertical curves that connect each change in grade shall be provided and calculated using the following parameters. (General practice calls for vertical curves to be multiples of 100 feet. Calculated lengths should be rounded up in each case).

Design Speed, MPH	30	40	50	60
Stopping Sight Distance				
Stopping Distance, Ft.	200	275	350	475
Min. K* Value for:				
Crest Vertical Curve	28	55	85	160
Sag Vertical Curve	35	55	75	105
Passing sight distance				
Passing Distance, Ft., 2 Lane	800	1,300	1,700	2,000
Minimum K* Value for Crest Vertical Curve	190	510	870	1,210

*K is a coefficient by which the algebraic difference in grade may be multiplied to determine the length in feet of the vertical curve that will provide minimum sight distance.

9.20. Minimum Degree of Curve and Related Maximum Super-Elevation.

Type of Facility	Section	Design Speed, MPH							
		30		40		50		60	
		D	e	D	e	D	e	D	e
Rural Minor Collector	Shoulder					7.5°	0.08	5.0°	0.08
	C & G					5.5°	0.02	3.5°	0.02
Local Road	Shoulder			12.5°	0.08	7.5°	0.08		
	C & G			9.0°	0.02	5.5°	0.02		
Urban Major & Minor Thoroughfares	Shoulder			11.5°	0.06			4.0°	0.06
	C & G			9.0°	0.02			3.5°	0.02
Local Street	Shoulder	21.0°	0.06°	11.5°	0.06				
	C & G	17.0°	0.02°	9.0°	0.02				

D = Maximum allowable degree of curve.

e = Super-elevation.

Section 10. Design Standards for Blocks.

10.01. *General.* The lengths, widths, and shapes of blocks shall be determined with due regard to: provision of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements as to lot sizes and dimensions; needs for vehicular and pedestrian circulation, control and safety of street traffic; limitations and opportunities of topography; and convenient access to water areas.

10.02. *Block Length.* Blocks shall not be less than 400 feet nor more than 1,320 feet in length.

10.03. *Block Width.* Blocks shall have sufficient width to allow two tiers of lots of minimum depth except where single-tier lots are required to separate residential development from through vehicular traffic or another type of use, or when abutting a water area.

10.04. *Pedestrian Crosswalks.* Where deemed necessary by the Planning Board, a pedestrian crosswalk at least 15 feet in width may be required to provide convenient public access to a public area such as a park or school, or to a water area such as a stream, river, or lake.

Section 11. Design Standards for Lots.

11.01. The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated. All lots must have frontage on a public or private street.

- 11.02. *Subdivisions Subject to Zoning Ordinance District Regulations.* Lots in subdivisions located within a district specified by the zoning ordinance shall meet and conform to all size, dimension, and building setback requirements of said zoning district.
- 11.03. *Large Tract or Parcels.* Where land is subdivided into larger parcels than ordinary building lots, such parcels should be so arranged as to allow for the opening of future streets and logical further re-subdivision.
- 11.04. *Specific Standards for Flag Lots.* Flag lots shall only be permitted in the following zoning districts: R-15 and R-20. The following standards shall apply to the creation of flag lots:
- 11.04.01 The lot width and street frontage of a flag lot may be reduced to twenty (20) feet along the access corridor. At no point along the access corridor shall the width be less than twenty (20) feet.
- 11.04.02 The access corridor of a lot shall not be longer than four hundred (400) feet.
- 11.04.03 The access corridor a lot shall not be included in the area, width, or depth, calculations or be used to provide off-street parking.
- 11.04.04 Access easements (easements across other parcels of land to gain access for a landlocked parcel) are not to be considered an access corridor of a flag lot and are not permitted. However, access easements shall be permitted for existing lots of record that do not have direct street access.
- 11.04.05 The lot line at the end of the access corridor lying generally parallel to the street to which the access corridor connects shall be considered to be the front lot line for setback and yard purposes. Setbacks (minimum yard requirements) of a flag lot shall be as follows unless greater setbacks are required by the zoning regulations: Front – 30 feet, Sides – 15 feet, Rear – 25 feet.
- 11.04.06 For flag lots created from an existing lot of record, any existing structure may not be made non-conforming as to setbacks as a result of the creation of the new lot.
- 11.04.07 Adequate lot area must exist to permit a vehicular turnaround that enables vehicles on a flag lot to exit the lot by driving straight onto the street rather than backing onto the street.
- 11.04.08 Where public water is available, any building on the flag lot must be within 1,000 feet of a fire hydrant measured along the access street and access corridor of the lot.
- 11.04.09 No re-subdivision of a flag lot shall be permitted unless each new lot created by the subdivision meets or exceeds the standards for a flag lot, and no structure on the original flag lot is rendered non-conforming by the re-subdivision.

- 11.04.10 Flag lots shall be approved only where the configuration of the parcel or site features warrant such a lot design. Authorizing a flag lot design is intended to accommodate a particular extenuating circumstance which makes traditional lot design unfeasible. Therefore, flag lots should be judiciously approved.

Section 12. Design Standards for Easements.

Easements shall be provided as follows:

- 12.01. *Utility Easements.* Easements for underground or aboveground utilities shall be provided where necessary across lots or preferably centered on rear or side lot lines and shall be at least ten feet in width.
- 12.02. *Drainage Easements.* Where a subdivision is traversed by a stream or drainage way, an easement shall be provided conforming with the lines of such stream and of sufficient width as will be adequate for the purpose.
- 12.03. *Buffer Strips.* A buffer strip at least ten feet in width may be required by the Planning Board adjacent to a major street or a commercial or industrial development. 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 owners.

Section 13. Design Standards for Boat Launching Ramps and Docks.

All subdivisions adjoining a creek, river, or similar water area shall provide for public access to the water. Such access shall include boat docks or boat launching ramps every one-quarter mile along the shoreline adjacent to the subdivision. The purpose of these facilities is to serve properties within the subdivision. Such facilities shall meet the lot area requirements, off-street parking requirements, and other applicable regulations established by the zoning ordinance, and shall be directly accessible to a state or town maintained street or road. Where a public boat dock or launching ramp is provided by the state, county, or other agency within or contiguous to the area to be subdivided, such facility may count toward meeting the requirements of this section.

Section 14. Placement of Monuments.

Unless otherwise specified by this Ordinance, the Manual of Practice for Land Surveying, as adopted by the N.C. State Board of Registration for Professional Engineers and Land Surveyors, under provisions of Section 16, Chapter 98 of the General Statutes of North Carolina, shall apply when conducting surveys for subdivisions; to determine the accuracy for surveys and placement of monuments, control corners, markers, and property corner ties; to determine the location, design, and material of monuments, markers, control corners, and property corner ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions. The Suburban Land Survey (Class B) criteria shall apply to all subdivisions in the Town of Beaufort jurisdiction area except for commercial and industrial surveys.

Section 15. Construction Procedures.

- 15.01. *Commencement.* No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved, and all plans and specifications have been approved by the appropriate authorities.
- 15.02. *Permits.* No building or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this Ordinance until all the requirements of this Ordinance have been met.
- 15.03. *Access.* The administrator of the ordinance shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this Ordinance.
- 15.04. *Inspection.* The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the administrator of this Ordinance to provide for adequate inspection. The approving authorities having jurisdiction or their representatives shall inspect and approve all completed work prior to release of the sureties.
- 15.05. *Erosion Control.* The subdivider shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be so mulched, seeded, sodded, or otherwise protected to comply with the provisions of Article VIII, Section 2.
- 15.06. *Existing Flora.* The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices recommended by the U.S. Department of Agriculture in Agricultural Information Bulletin No. 285, Protecting Trees Against Damage From Construction Work, U.S. Government Printing Office, 1964. Such trees are to be preserved by well islands or retaining walls whenever abutting grades are altered. Temporary vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.
- 15.07. *Construction.* Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.

Section 16. Oversized Improvements.

The Town of Beaufort may require installation of certain oversized facilities such as water mains in excess of eight-inch diameter, when it is in the interest of future development. The Town of Beaufort shall pay for that portion of the improvement which exceeds the standards set forth in this Ordinance.

Section 17. Landscape Plans.

Preliminary and final plats for all site specific development plans (single family residential properties accepted) and common areas of subdivisions shall include a landscape plan. The

plan shall include an inventory of all existing trees with a trunk diameter of five inches (5) or larger at four feet (4') above grade and all new trees to be planted by the applicant. The plan shall include all buffer plantings, street trees and any other landscaping required by the Zoning Ordinance or Subdivision Ordinance. A landscape plan may not be approved unless it provides for an average density of at least one tree for each 4,000 square feet of a proposed site development or subdivision.

For properties subject to this section no person shall cut down or destroy any existing trees over five inches (5") in diameter at four feet (4') above grade until after such cutting or destruction is permitted in the approval of the final plat and landscape plan by the town. All existing trees required by the approved landscape plan shall be clearly marked with tape or non-permanent spray paint to protect them from damage during construction. The applicant shall be responsible for replacing any such existing trees that are severely damaged and any new trees that do not survive at least two years after planting.

New trees may be evergreen or deciduous and shall conform to the American Standard for Nursery Stock published by the American Association of Nurserymen. Note: Palm trees do not conform to the intent of this section. However, they may be planted in addition to those required by this section. The minimum trunk diameter for four feet (4') above the roots will be two inches (2") for new trees whether used as new plantings or replacements for damaged large trees. Other information as to suitable local trees may be obtained at the county extension office or town public works office.

Section 18. Street Lighting

The purpose of these criteria is to ensure the safety of motorist and pedestrians while not adversely affecting land uses or adjacent properties. A street lighting plan is required for all major subdivisions and the proposed lighting shall be LED and provided by the current utility provider. Commercial and residential subdivisions shall meet the Town's spacing requirement for street lighting, which is one (1) light for at least every four hundred (400) feet. In all districts, lighting shall be directed downward (dark sky). The Town is only responsible for paying for approved street lighting plans in the accepted public right of way.

The use of decorative street poles and lights may be undertaken by a Homeowners Association and approved by the Town's Board of Commissioners however the Homeowners Association will be responsible for the total expense of installation and operation thereafter.

Upwardly directed lighting shall not be used to illuminate structures except for low wattage architectural lighting. [*Amended 7/11/16*]

ARTICLE IX. PUBLIC FACILITIES

Section 1. Educational Areas.

When a preliminary subdivision plat is submitted for approval in which, according to the land use plan, a school site should be reserved, the Planning Board shall notify the Carteret County Board of Education that the subdivision has been submitted for approval and that under the ordinance a school site may be reserved therein. In reviewing the subdivision and giving approval thereto, the Planning Board shall consult the Board of Education in determining the exact size and location of any school site to be reserved therein. Before the final plat of the subdivision is approved, the Board of Education shall determine whether or not it wishes to have a school site reserved in the subdivision. If the Board of Education wishes to have a school site reserved in the subdivision, the subdivision as finally approved shall reserve a school site of a size and location agreeable to the Board of Education and to the Planning Board. The Board of Education shall then have 18 months beginning on the date of final approval of the subdivision within which to acquire the site. If the Board of Education has not purchased or begun proceedings to acquire the site within 18 months after the subdivision is finally approved, the subdivider may treat the lands as freed of the reservation. If the Board of Education does not wish to have a school site reserved, the subdivider shall be immediately notified that he may proceed with the disposition of the land in question in accordance with the subdivision procedures and provisions of this Ordinance.

Section 2. Recreation Areas.

- 2.01. Every person or corporation who subdivides land for residential purposes shall be required to dedicate or reserve a portion of such land, as set forth in this Ordinance, for the purpose of providing open space sites, recreation areas, or parks to serve the future residents of the neighborhood within which the subdivision is located. As an alternative to the dedication of a portion of such land by the subdivider, and/or where it is determined by the Planning Board and Board of Commissioners that a dedication of land is not feasible in a given plat or incompatible within the Town of Beaufort land development plan, the subdivider may make provisions for an equitable amount of land in another location, or pay to the Town of Beaufort a fee in lieu of dedication, as provided herein.
- 2.02. The land dedicated under this Ordinance or any provisions made under this Ordinance shall be used only for the purpose of providing parks and recreation areas, and the location of the land shall bear a reasonable relationship to the use of the area by the future inhabitants of the subdivision or residential development.
- 2.03. The amount of land required to be dedicated or reserved by a subdivider or developer shall be based upon the most recent U.S. Bureau of Census figures for an average size family for this particular town and a minimum park and recreation standard factor of eight acres per 1,000 persons. The actual amount of land to be dedicated or reserved shall be determined by the following formula:

Total number of dwelling units or lots	X	**Average size of family	X	.008 acres per person	X	*Variable multiple	=	Amount (acreage) dedication or reservation
Examples:								
200 Units or Lots	X	3.3	X	.008	X	1.2	=	6.33 Acres
27 Units or Lots	X	4.1	X	.008	X	0.7	=	.619 Acres
50 Units or Lots	X	2.3	X	.008	X	1.4	=	3.86 Acres

* Variable density factor

**Average size of family is computed on the basis of average size family in the municipality or county as indicated in the latest decennial census.

VARIABLE DENSITY FACTOR TABLE

Acreage average per dwelling unit or lot	Variable multiple
.0 -.1	1.8
.1-.2	1.6
.2 -.3	1.4
.3 -.4	1.2
.4 -.5	1.0
.5 -.6	0.9
.6 -.7	0.8
.7 -.8	0.7
.8 -.9	0.6
.9 - Over	0.5

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, sidewalks, access alleys, utilities, drainage, or other purposes may not be used in determining average acreage.

The *variable density factor* is designed to provide an adjustment to subdivision plats which contains average lot sizes of .5 acre and above. This adjustment is used since subdivisions with larger lots contain more open space, and thus fewer residents, which creates less demand for public recreation and park acreage. Conversely, those subdivision plats that create lots, which average less than .4 acre, are adjusted due to the density of development and inherent increased demand for more public recreation

and park land. The adjustments for larger lots or for small lots are based on a sliding scale reflecting degree of density.

The requirements as outlined here apply to single-family units, multiple-family units (including apartments, condominiums and cooperative units), and mobile homes.

The minimum amount of land that shall be dedicated or reserved for recreation, parks, or open space in all subdivision plats shall be one-half acre for each subdivision, five percent of the gross acreage, or eight acres per 1,000 persons whichever is greatest.

- 2.04. Criteria for evaluating suitability of proposed recreation, park, and open space areas shall include but not be limited to the following, as determined by the governing board after recommendations of the Planning Board. The Planning Board shall consult with the recreation/park commission or advisory committee and/or recreation/park administrator prior to making its recommendation pursuant to this subsection:
 - 2.04.01. Unity. The dedicated land shall form a single parcel of land except where the Planning Board determines that two parcels or more would be in the public interest and may also determine that a connecting corridor of open space is in the public interest, and in which case the path shall not be less than 30 feet wide for the purpose of accommodating a path or trail.
 - 2.04.02. Shape, topography, and subsoils. The shape, topography, and subsoils of the dedicated or reserved parcel or parcels of land shall be such as to be usable for active recreation (play areas, ballfields, tennis courts, or similar recreation uses).
 - 2.04.03. Location. The dedicated or reserved recreation or park land shall be located so as to reasonably serve the recreation needs of the subdivision for which the dedication was made.
 - 2.04.04. Accessibility. Public access to the dedicated land shall be provided either by an abutting street or public easement. Such easement shall be not less than 30 feet wide.
 - 2.04.05. Usability. The dedicated or reserved land shall be usable for recreation: lakes may not be included in computing dedicated or reserved land area unless acceptable to the Planning Board. Where the park and recreation commission or committee and the Planning Board determine that recreation needs are being adequately met, either by other dedicated or reserved parcels or existing recreation facilities, then land that is not used for recreation may be dedicated or reserved as open space.
 - 2.04.06. Plans. Municipal and county plans shall be taken into consideration when evaluating land proposals for dedication.
 - 2.04.07. Vegetative cover. The vegetative cover, if feasible, shall be sufficient to lend attractiveness to the land parcel, protection from the sun's rays, and suitability for a variety of nature related recreation opportunities.
 - 2.04.08. Size. The amount of dedicated or reserved land shall be in accordance with the formula outlined in subsection 2.03. If the formula, for any reason, is not applicable, the minimum size requirement applies.
- 2.05. Where park or recreation space is deeded to a homeowners' association or any nonprofit ownership in lieu of public dedication or fee payment, the subdivider or owner shall record a declaration of covenants and restrictions that will govern the open space of the

association or nonprofit organization. This shall be submitted with the application for preliminary plat approval. Provisions shall include but not be limited to the following:

- 2.05.01. The homeowners' association shall be established before the homes are sold.
 - 2.05.02. Membership shall be mandatory for each home buyer and all successive buyer(s).
 - 2.05.03. The association shall be responsible for the liability insurance, local taxes and the maintenance of recreation and other facilities.
 - 2.05.04. Any sums levied by this association that remain unpaid shall become a lien on the individual homeowner's property which shall be subordinate only to tax and mortgagee liens.
 - 2.05.05. If all or any portion of property held by the association is being disposed of, or if the association is dissolved, adequate open space shall be deeded to the Town of Beaufort to satisfy the requirements for public recreation facilities under this article.
- 2.06. Nothing herein shall be construed to limit the amount of privately controlled open space land which may be included under this agreement, over and above the recreation and park site obligation.
- 2.07. Where reservation of land for parks, recreation, and open space is required, then additional documentation is needed. At any time prior to the final approval of the subdivision plat, the owner shall give the Town of Beaufort a valid option on the land provided for as a park, recreation or open space area within the subdivision. This option shall be a separate agreement to be drawn by the attorney of the Town of Beaufort at no cost to the owner. It may contain terms which are mutually agreed to by the owner and the Town of Beaufort, but shall contain the following:
- 2.07.01. Legal description and plat map.
 - 2.07.02. Provision for payment of \$100.00 to owner upon execution of the option, which shall be applied to the purchase price.
 - 2.07.03. Provision that the owner shall sell the land at an agreed raw land value, which is the fair market value, of the proposed park, recreation or open space area before platting development or improvements.
 - 2.07.04. Provision that the option shall last for a period of one year unless terminated by exercise of the option to purchase by the governing unit or unless sooner terminated by the Town of Beaufort by an instrument in writing.
 - 2.07.05. Provision that, in addition to the stipulated purchase price if option is exercised, the owner shall be entitled to interest on the purchase price from date of execution of option until day of exercise of the option at eight percent per year.
- 2.08. Where land has been reserved for acquisition by the governmental unit, the purchase price of the land will be the raw land value, which is the fair market value of the proposed park, recreation, or open space area before development or improvements. In the event the governmental unit and the subdivider cannot agree upon the fair market value, or location, terrain, size and shape of the land necessary to be dedicated or reserved; or cannot agree upon the details or provisions for an equitable amount of land in another location; same shall be determined by existing, established, legal procedures.

- 2.09. Notwithstanding provisions of this section to the contrary, the governing body may, in cases of an unusual or exceptional nature, allow adjustments in the dedication or reservation regulations established in and required by this Ordinance. Such adjustments shall be reviewed by the parks and recreation commission or advisory committee and/or the Planning Board before action by the governing body.
- 2.10. A developer may provide funds in the amount of \$10,000.00 per acre dedicated or market value, whichever is less, as required in section 2.03 to the Town of Beaufort whereby the town may purchase land or areas to serve the subdivision or development in the immediate area. If so approved by the Town of Beaufort Board of Commissioners, this may be done in lieu of providing the land requirement.

ARTICLE X. ARTICLE X PLANNED BUILDING GROUP DEVELOPMENT

The owner, or his agent, of land proposed for development under the “Planned Building Group Regulations” of Section 9 of the Beaufort Zoning Ordinance for which one or more plats will be recorded at the Carteret County Register of Deeds Office, or for which a master plan is required under this article, is required to proceed as provided herein. The provisions of this article apply to Planned Building Group (“PBG” hereinafter) projects regardless of whether or not a subdivision of land will occur in the marketing or conveyance of property therein.

Section 1. Single Land Use Projects.

The owner of each PBG project proposing a single land use within a single zoning district (for example a condominium proposed for a zoning district where condominiums are permitted uses), and for sections or phases proposed for imminent development in PBG projects for which a master plan has either been approved by the Town or is under consideration by the Town, shall submit to the Town’s Planning Department a preliminary plan for the proposed PBG. The preliminary plan shall contain the detail and information necessary for the town to determine if the plan meets all of the town’s applicable land use and technical requirements. Where not otherwise specified in this article or in the zoning ordinance the preliminary plan shall contain all of the information required for preliminary subdivision plats under Article VII, Section 3 of the Subdivision Ordinance. Information or detail required for preliminary subdivision plats deemed irrelevant to the proposed PBG by the Planning Board and the Town Board may be waived.

- 1.01. *Planning Board Review.* The Planning Board will review the preliminary plan within sixty (60) days after it has been filed with the Town to determine compliance with all town land use regulations including the zoning ordinance, any applicable provision of the subdivision ordinance, the Land Use Ordinance, and the town’s technical specifications for development contained in the documents called “Standard Specification for Town of Beaufort Pubic Works Department, Utilities, Drainage and Streets,” dated June, 1999. After initial consideration of the preliminary plan, the Planning Board may request additional information from the Owner supporting the application. After final consideration of the preliminary plat, the Planning Board shall recommend to the Town Board of Commissioners either approval as submitted, approval with conditions, or disapproval. If the Planning Board recommends disapproval, it shall provide the owner a list of the reasons of disapproval. Prior to consideration of the Planning Board’s recommendation by the Town Board, the owner may modify the preliminary plan and resubmit the same for additional consideration by the Planning Board. Thereafter after such reconsideration, the Planning Board will send the preliminary plat to the Town Board for action.
- 1.02. *Town Board Review.* After receiving the Planning Board’s recommendation, the Town Board of Commissioners will review the preliminary PBG plat to determine compliance with all applicable town land use regulations including the zoning ordinance, any applicable provision of the subdivision ordinance, the Land Use Ordinance, and the town’s technical specifications for development contained in the documents called “Standard Specification for Town of Beaufort Pubic Works Department, Utilities, Drainage and Streets,” dated June, 1999. The Town Board may approve the plat as

submitted, approve the plat with conditions, or disapprove the plat. If the plat is disapproved, the Town Board shall state its reasons and the owner may make such changes as will bring the plat into compliance with requirements of the Town Board and resubmit the same for reconsideration by the Town Board.

- 1.03 *Effect of Preliminary PBG Plat Approval.* Preliminary plat approval by the Board of Commissioners shall authorize the owner to proceed with development of the property according to the approved plat.

1.03.1 *Duration of Approved Preliminary PBG Plat.*

Preliminary PBG plat approval shall be valid for a period of two years from the date of approval, and upon application to the Board of Commissioners, may be extended for an additional two year term. All construction specifications as noted and approved with the preliminary PBG plat approval shall be completed prior to its expiration.

- 1.04 *Final PBG Plat Approval.* Upon completion of the infrastructure or other improvements depicted on the approved preliminary PBG plat, the owner shall apply to the Planning Board for final plat approval. The Planning Board will review the project as built, and if it determines that the project has been constructed in accordance with the approved preliminary plat, it shall approve the final plat and cause a notation on the plat to be recorded at the Register of Deeds Office that the plat has been found to comply with the ordinances of the Town of Beaufort and is approved for recording.

- 1.05 *Procedure if Final Plat Not Approved.* If the Planning Board disapproves the final plat, the Planning Board shall state in writing the reasons for such action specifying the provisions of the Beaufort Ordinances with which the plat does not comply. If the plat is disapproved, the subdivider may make such changes as will bring the plat into compliance and resubmit the same for reconsideration by the Planning Board, or appeal to the Board of Commissioners for final approval. Upon such appeal, if the Board of Commissioners approves the final plat, the Town Clerk is authorized to certify such approval on the copy of the plat that will be recorded at the Register of Deeds Office. If the final plat is disapproved by the Board of Commissioners, the reason for such disapproval will be stated in writing and the owner may make such changes as will bring the final plat into compliance with the Beaufort land use ordinances and regulations and resubmit the same for reconsideration by the Planning Board or Board of Commissioners.

- 1.06 *Procedure for Final Plat Approval Prior to Completion.* In the event the Owner has not installed all infrastructure required or features depicted on the approved preliminary PBG plat, he may, nonetheless, apply for final plat approval offering a guaranty that such improvements will be constructed in accordance with preliminary plat approval at the owner's sole expense. Such request shall be first considered by the Planning Board and the Planning Board shall make a recommendation to the Town Board of Commissioners regarding a performance guaranty. The Town Board of Commissioners shall make the final decision on whether to accept a guaranty to support final plat approval. Such guaranty may be in the form of a surety bond made by a surety company licensed to do business in North Carolina, an irrevocable letter of credit in form acceptable to the Town, a certified check in favor of the Town, or cash deposited with the Town. Such guaranty will be in an amount of not less than 100% nor more than 125% of the estimated cost of construction of the required improvements. The performance guaranty shall run for a

period of one year and may be renewed once for a period of one year upon written approval from the Board of Commissioners. The decision to give final plat approval with performance guaranty for infrastructure or other features not completed shall be in the sole and absolute discretion of the Board of Commissioners.

- 1.07 *Amendment and Modifications.* Should the owner request an amendment or modification to a PBG plat that has received preliminary or final approval, he shall apply to the Town for such amendment or modification, and the application will be considered according to the procedures established for original preliminary and final PBG plat approval.

Section 2. Master Plans for Planned Building Group Projects Developed in Phases or as a Planned Unit Development.

Master plans are required for property exceeding 25 acres in area proposed for development under the "Planned Building Group Regulations" of Section 9 of the Zoning Ordinance to be developed in phases or as a planned unit development ("PUD") subject to the requirements contained herein.

- 2.01 *Application for Master Plan Approval.* The owner of such property shall file with the Town a proposed master plan providing a generalized overview of the proposed development including types of proposed land uses, the specific zoning district(s) within the proposed project needed to support the proposed development as either a permitted or special use, and the relative location of the proposed land uses and zoning districts. The owner may also simultaneously apply for any rezoning request needed to permit the proposed PBG project, including a request for a rezoning to PUD. Rezoning requests are subject to Section 19 of the zoning ordinance.

The owner may also simultaneously apply for preliminary plat approval on any phase of the PBG project for which he intends to begin development.

The owner may also simultaneously apply for any special use needed to permit proposed development.

With respect to a PUD master plan application, if the owner requests any variance from the terms of either the zoning or subdivision ordinances, he may apply for such variance along with his application for preliminary master plan approval.

For properties annexed into the town and originally zoned PUD by the Town Board without specific designations as to sub-districts, each section must be developed pursuant to the requirements of a Town created zoning district (i.e. and R-5, R-MF, B-1, etc.) and, subject to the overall limits and requirements for the PUD, the Planning Board and Town Board will apply the restrictions within the sub-zoning district to each section of the PUD.

- 2.02 *Planning Board Review.* The Planning Board will review the proposed master plan within sixty (60) days after it has been filed with the Town to determine compliance with any applicable town land use regulations including the zoning ordinance, any applicable provision of the subdivision ordinance, and the Land Use Ordinance. The Planning Board may also consider preliminary plat approval for any phase of a PBG project, or a

section of a PUD, proposed for imminent development, any variance request, any rezoning request, and any special use request. For preliminary plat approval of a section proposed for imminent development, the Planning Board shall proceed in accordance with Section 1.01 of this article. After initial consideration of the proposed master plan, the Planning Board may request additional information from the Owner supporting the application. After final consideration of the proposed master plan, the Planning Board shall recommend to the Town Board of Commissioners either approval as submitted, approval with conditions, or disapproval. If the Planning Board recommends disapproval, it shall provide the owner a list of the reasons of disapproval. Prior to consideration of the Planning Board's recommendation by the Town Board, the owner may modify the proposed master plan and resubmit the same for additional consideration by the Planning Board. Thereafter after such reconsideration, the Planning Board will send the proposed master plan to the Town Board for action.

- 2.03 *Town Board Review and Approval of Master Plan.* Following a recommendation by the Planning Board, the Board of Commissioners shall hold a public hearing on the proposed PGD master plan after advertising notice thereof for at least two successive weeks. Following the public hearing the Board of Commissioners will review the proposed master plan to determine compliance with applicable town land use regulations including the zoning ordinance, any applicable provision of the subdivision ordinance, and the Land Use Ordinance. The Town Board may approve the master plan as submitted, approve the plan with conditions, or disapprove the plan. If the plat is disapproved, the Town Board shall state its reasons and the owner may make such changes as will bring the plat into compliance with requirements of the Town Board and resubmit the same for reconsideration by the Town Board.

Approval of the master plan by the Board of Commissioners shall not vest rights in the owner except the right to proceed with an application for such specific approvals as is necessary to proceed with development.

The Town Board may simultaneously consider preliminary plat approval for sections of a PGD, including a PUD, proposed for imminent development, rezoning requests, variance requests, or special use requests. For preliminary plat approval of a section for imminent development, the Town Board shall proceed in accordance with Section 1 of this article.

- 2.04 *Amendment and Modifications.* Should the owner request an amendment or modification to an approved master plan he shall apply to the Town for such amendment or modification, and the application will be considered according to the procedures established for original master plan approval.

Section 3. Exception for Duplex Condominium.

For conforming duplexes on single zoning lots that are to be subjected to the North Carolina Condominium Act, the Director of Planning shall have the authority to approve the condominium plat for recording upon a determination that such condominium duplex meets all of the requirements of the zoning ordinance, without the need for the owner thereof to proceed in accordance with Section 1 of this article.

ARTICLE XI. COMMERCIAL AND BUSINESS CONDOMINIUMS

Section 1. Commercial and Business Condominiums.

Condominiums and townhouses designed, developed, and constructed primarily for business and/or commercial use shall be subject to the following requirements in addition to any other terms and conditions set forth herein or in the zoning ordinance.

Section 2. Procedure for Approval.

Applications proposing the creation of commercial or business condominiums shall be processed according to Article X of the Subdivision Ordinance.

Section 3. Minimum Specifications.

In addition to all other minimum specifications in the Town's land use ordinances, regulations, and technical specifications, the following will apply. In the event of a conflict between provisions, the most stringent will apply.

- (1) Business or commercial condominiums shall only be permitted in B-1, B-2, B-3, and Office and Institutional Zoning Districts.
- (2) There shall be no minimum lot area or lot width.
- (3) Each condominium unit or townhouse shall front on a public street or commonly owned street or area.
- (4) Each building on the perimeter of the business condominium development shall comply with the minimum yard requirements of the Town of Beaufort Zoning Ordinance for the district in which the property is located. The unit set back shall be those required of buildings on individual lots in the zoning district in which the building is located. All buildings with the exception of the end units may have zero side yards.
- (5) All parking lots, drives, streets, and roads within the project shall be paved and constructed in accordance with the construction standards for paved subdivision public streets within the Town of Beaufort.
- (6) Lighting provided within the condominium project shall be so located or shielded so that no offensive glare would be visible from adjoining streets or properties.
- (7) Parking for each condominium or townhouse development shall meet the parking requirements in the Town of Beaufort Zoning Ordinance. The required parking spaces may be developed on any portion of the project site except for access streets or roads on which the parking shall be prohibited. All street parking spaces shall not be required to be located on each individual lot or adjoin each individual condominium unit, but the off-street parking spaces may be located in other areas within the project and shall be shown on the site plan.
- (8) A screen of dense plant material which will grow at least three feet in width by six feet in height within three years shall be required, or a screened fenced a minimum of six feet in height and constructed in a manner that will be compatible with the design of the project shall be approved where the project abuts a residential lot.
- (9) Driveway connections to an access road shall have a minimum width of fourteen feet for one-way travel and twenty four feet for two-way travel. The onsite traffic circulation plan

- shall be functional and shall provide access by emergency vehicles to all portions of the proposed development.
- (10) All areas of the project other than the streets and the condominium units which are to serve as common areas for one or more units shall be shown and designated as such on the preliminary and final plats, and the Declaration of the Condominium and/or Covenants and Restrictions shall describe each common area and indicate the uses of the common areas in the method of maintenance of the same.
 - (11) A sign shall only be permitted for the project in each unit which shall meet the terms and conditions for signs as contained in the Town of Beaufort Zoning Ordinance.
 - (12) Adequate space shall be provided within the project areas for the collection of garbage, trash, and other refuse, and all dumpsters and equipment used for garbage collection shall be screened from public view.
 - (13) Each building within the project shall be located within 300 feet of a fire hydrant. All hydrants shall be located adjacent to a paved street, road or parking lot suitable for the transportation of firefighting vehicles and equipment. A suitable and readily accessible drive or passage shall be provided so that firefighting vehicles will have the capability of getting within fifty feet of all units within the project.
 - (14) If buildings have stand pipes or sprinkler systems, one hydrant shall be located within seventy five feet of each stand pipe and sprinkler system connection.
 - (15) Any courtyard created by placement of buildings shall have at least 25% of its perimeter open for access by emergency vehicles.
 - (16) All fire hydrants shall be connected to a six inch or larger water main.
 - (17) In the event of dead end street, road, drive, or parking lot exceeding 200 feet in length, a paved turn around for firefighting equipment and vehicles, emergency vehicles, and service vehicles shall be provided, having a minimum interior turning radius of 28 feet. This provision may be omitted where such a turn around is determined by the Town Board to be neither desirable or necessary.

**ARTICLE XII. RESTRICTIONS ON DEVELOPMENT NEAR TOWN
WASTE TREATMENT PLANT**

Areas of land that are located within 150 feet of the Town of Beaufort's sewage treatment plant property located off State Road 1412 shall not be subdivided into commercial or residential building sites unless the subdivider presents the written opinion and certification from the North Carolina State Board of Health, North Carolina Division of Environmental Management, or similar agency, which certifies that said areas in close proximity to the sewage treatment plant are suitable and safe for human habitation and use. Said areas may be used as open space, roads, recreational areas, and similar uses that do not constitute a health hazard to persons in close proximity to the sewage treatment plant.