

APPENDIX B-SUBDIVISION REGULATIONS

This subdivision ordinance is a total revision of the Subdivision Ordinance dated April 6, 1972, as amended and is based on the Land Use Plan. It contains the criteria for the subdivision of all land within the Town of Newport and its extraterritorial jurisdiction.

PREPARED BY THE TOWN OF NEWPORT

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TECHNICAL ASSISTANCE AND STAFF  
Document drafted by

Robert (Bob) W. Chambers, Zoning Administrator  
Reba Carol Scoppe, Admin. Assistant

TOWN OF NEWPORT CODE

TABLE OF CONTENTS

SECTION

ONE	IN GENERAL
TWO	PROPER INCLUSIONS AND EXCEPTIONS
THREE	DUTY OF THE REGISTER OF DEEDS AND CLERK OF SUPERIOR COURT
FOUR	DEFINITIONS AND INTERPRETATIONS
FIVE	PROCEDURES AND SECURING APPROVAL OF SUBDIVISIONS
SIX	DESIGN STANDARDS
<hr/>	
SEVEN	IMPROVEMENTS
EIGHT	ADMINISTRATION

APPENDIX B-SUBDIVISION REGULATIONS

SECTION ONE - IN GENERAL

AUTHORITY AND ENACTMENT: THE TOWN COUNCIL OF THE TOWN OF NEWPORT, NORTH CAROLINA, PURSUANT TO THE AUTHORITY CONFERRED BY THE GENERAL ASSEMBLY OF THE STATE OF NORTH CAROLINA IN GENERAL STATUTES, CHAPTER 160A, DO HEREBY ORDAIN AND ENACT INTO THESE REGULATIONS AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH.

THIS SUBDIVISION ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION


DULY ADOPTED BY THE NEWPORT TOWN COUNCIL THIS THE

4th DAY OF November, 1998.

SIGNED:

  
MAYOR

ATTEST:

  
TOWN CLERK

1-1 SHORT TITLE

This ordinance shall be known as the Subdivision Regulations of the Town of Newport, North Carolina, and may be cited as the Subdivision Regulations.

1-2 JURISDICTION

These regulations shall govern each and every subdivision of land within the corporate

limits of the Town of Newport and its extraterritorial jurisdiction.

1-3 PURPOSE

The purpose of these regulations is to establish procedures and standards for the regulation and control of the subdivision of land within the jurisdiction of the Town of Newport, North Carolina in order to promote the public health, safety, and general welfare of the community. They are designed to promote the orderly layout and development of land; provide for the coordination and dedication of land for streets and public utilities; ensure adequate provision for transportation facilities, sewers, water supply, schools, parks, playgrounds and other public facilities; promote the proper distribution of population and traffic to avoid congestion and overcrowding; provide adequate light, air, and open space; provide greater safety from fire, flood, and other dangers; and require proper legal description, identification, monumentation, and recording of subdivision properties.

1-4 RELATIONSHIP TO OTHER ORDINANCES.

It is not intended that these regulations shall in any way repeal, annul, or interfere with the existing provisions of any other law or ordinance except any ordinance which these regulations specifically replace. It is not intended

TOWN OF NEWPORT CODE

that these regulations contravene any easements, covenants, or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of land, then the provisions of these regulations shall control.

**1-5 SEVERABILITY**

If any section, provision or standard of these regulations that now exists or may exist in the future is found by a court to be invalid for any reason, the decision of the court shall not affect the validity of any other section, provision or standard. The other parts of these regulations not affected by the decision of the court shall remain in full force and effect.

**1-6 REPEAL OF EXISTING SUBDIVISION REGULATIONS**

In part, this ordinance carries forward by reenactment, some of the provisions of the Subdivision Regulations of the Town of Newport, North Carolina ( adopted by the Town of Newport Board of Commissioners in April 6, 1972 , as amended), and it is not the intent 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 Regulations which are not reenacted herein are hereby repealed.

**SECTION TWO - PROPER INCLUSIONS AND EXCEPTIONS**

**2-1 INCLUSION**

A subdivision shall include all divisions of a tract of land into two (2) or more lots for the purpose of sale or building developments, and shall include all divisions of land involving the dedication of a new street or a change in existing streets.

**2-2 EXCEPTIONS**

a. A subdivision shall not include the combination or re-combination of portions of 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 as shown by the regulations prescribed by this chapter.

b. A subdivision shall not include the division of land into parcels of ten (10) acres or greater where no street right-of-way dedication is involved.

c. A subdivision shall not include the public acquisition for the purpose of strips of land for the widening or opening of streets.

d. A subdivision shall not include the division of a tract in single ownership into not more than three (3) lots where the entire area is no greater than two (2) acres, provided no street right-of-way dedication is involved, and

## APPENDIX B-SUBDIVISION REGULATIONS

provided that the resultant lots are equal to or exceed the standards of the Town as prescribed in these regulations.

### 2-3 MINOR SUBDIVISIONS

a. Minor subdivisions are divisions of a tract of land into no more than five (5) lots where no street right-of-way dedication is involved; and,

b. Where no Town public utilities are extended or enlarged to accommodate the development; and

c. Where the resultant lots equal or exceed the standards of the Town prescribed in these regulations.

#### 2-3.1 MINOR SUBDIVISION APPROVAL

a. Minor subdivisions may be reviewed and approved for recording by the Zoning Administrator.

### SECTION THREE - DUTY OF THE REGISTER OF DEEDS AND CLERK OF SUPERIOR COURT

#### 3-1 DUTY OF REGISTER OF DEEDS

The Register of Deeds shall not file or record a plat of any subdivision located within the Town jurisdiction without:

1. The written approval of the Town Council as required by this chapter.

2. Written approval of the Zoning Administrator for minor

subdivisions

3. Written exemption from these regulations by the Zoning Administrator.

3-1.1 The filing or recording of a plat of a subdivision without the approval as required by these regulations shall be null and void.

#### 3-2 Duty of the Register of Deeds

The Register of Deeds of Carteret County shall not record a plat where such recording will be in conflict with this article.

### SECTION FOUR - INTERPRETATION AND DEFINITIONS

#### 4-1 WORD INTERPRETATION

For the purposes of this ordinance, certain words shall be interpreted as follows. Except as defined herein, all other words used in this ordinance shall have their customary dictionary definitions. Words used in the present tense include the future tense; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure", the word "used" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used, and the word "shall" is mandatory and not directory. The word 'may' is permissive. The word 'lot' includes the word 'plot,

TOWN OF NEWPORT CODE

parcel, site and premises'.

4-1.1 The words 'map' 'Zoning Map' and 'Newport Zoning Map' shall mean the 'Official Zoning Map for the Town of Newport, North Carolina.'

4-1.2 The word 'Town' shall mean the 'Town of Newport, a municipal corporation of the State of North Carolina'.

4-1.3 The words 'ordinance' and 'regulation' shall mean the 'Official Subdivision Ordinance for the Town of Newport, North Carolina'.

4-1.4 The words 'Planning Board' shall mean the 'Town of Newport Planning Board'.

4-1.5 The words 'Town Council' shall mean the 'Town Council of the Town of Newport, North Carolina'.

4-1.6 The words 'Board of Adjustment' shall mean the 'Town of Newport Zoning Board of Adjustment'.

4-2 TENSE AND NUMBER

4-2.1 The present tense includes the future tense, and the future tense includes the present tense.

4-2.2 The singular number includes the plural number, and the plural number includes the singular number.

4-3 TERM DEFINITION

**Accessory Building and Use.** A subordinate building

or use which is incidental to that of the principal building or use.

1. Designed for the comfort, convenience or necessity of occupants of the principal use served.

2. Located on the same zoning lot as the principal building or use served, with the single exception of accessory parking facilities located elsewhere.

**Adjoining lot.** Land immediately adjacent to the lot in question, including lots located immediately across streets, alleys, and water courses of less than one hundred (100) feet in width, drainage easements and other rights-of-way.

**Administrator, Zoning.** The person, officer, or official and his authorized representative, whom the Town Council has designated as its agent for the administration and enforcement of these regulations.

**Agent of owner.** Any person who can show written authority that he is acting on behalf of the property owner.

**Alley.** A public or private way not less than twenty (20) feet wide which affords means of access to abutting property and may be dedicated and accepted for public use and which may be used for public utility purposes.

**Apartment.** See Dwelling, Multi-Family.

## APPENDIX B-SUBDIVISION REGULATIONS

**Appeal.** A request for a review of the Zoning Administrator's interpretation of any provision of this ordinance or a request for a variance.

**Block.** A parcel of land intended for urban purposes which oftentimes includes one or more lots and which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks or green strips, rural land or drainage channels or a combination thereof.

**Building Line.** See Setback Line.

**Curb Cut.** A lowered or cut away curb for purposes of ingress or egress to property abutting a public street

**Density.** The number of dwelling or lodging units per gross acre.

**Developer.** An owner, or any person with written authorization from the owner, who intends to improve or construct improvements upon a given property.

**Development.** Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials.

**Easement.** A grant by a property to another of land for specific purposes.

**Flood or flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) the overflow of inland or tidal waters; or,

(2) the unusual and rapid accumulation of runoff of surface waters from any source.

**Floor area ratio (FAR).** The ratio of total floor area to a lot area.

**Flood Hazard Boundary Map (FHBM).** An official map of a community, issued by the Federal Emergency Management Agency, upon which the boundaries of the areas of special flood hazard have been shown as Zone A.

**Flood Insurance Rate Map (FIRM).** An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**Flood Insurance Study.** The official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood elevation.

**Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be preserved in order to discharge the base flood without cumulatively increasing the water surface elevation more

TOWN OF NEWPORT CODE

than one foot.

**Frontage, lot.** The distance along the street between the two side lot lines expressed in lineal feet and fractions thereof.

**Frontage, building or occupant.** The length of that portion of a building or ground floor occupancy which abuts a street, publicly used parking area, or mall appurtenant to said building or occupancy expressed in lineal feet and fractions thereof.

**Group development.** A development comprising two or more buildings such as a group of apartments where the land is not subdivided into the customary streets and lots.

**Landowner.** Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner. The landowner may allow a person holding a valid option to purchase to act as his agent or representative for purposes of submitting a subdivision plan, a proposed specific development plan or a phased development plan under this section.

**Landscaped open space.** Landscaped open space consists of lawns, shrubs, trees and other vegetation and permanent ground cover capable of absorbing runoff water.

**Landscaping.** Any combination of living plants and natural

material purposely maintained for functional and/or aesthetic reasons. Landscaping includes trees, shrubs, vines, ground cover, flowers and grass; natural features, such as rock, stone, bark chips/shavings and pine straw; and manmade features, including but not limited to fountains, reflecting pools, outdoor art work and benches.

**Lot.** A lot is a parcel of land capable of being used under the regulations of this ordinance, lawfully created as such in accordance with the subdivision regulations or ordinances in effect at the time of its creation providing such yards and other open spaces as are herein required. A lot shall have frontage of at least thirty five (35) feet on an improved public street, and may consist of:

- (a) A single lot of record;
- (b) A portion of a lot of record;
- (c) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record; or
- (d) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this ordinance.

**Lot area.** The computed area contained within the lot lines exclusive of street rights-of-way but including portions held in fee title in the same owner-

## APPENDIX B-SUBDIVISION REGULATIONS

ship which may have easements for such purposes as utilities or flood control channels.

**Lot corner.** A lot abutting two (2) or more streets at their intersection, or upon two (2) parts of the same street, such parts of the same street forming an interior angle of less than one hundred thirty five (135) degrees within the lot lines.

**Lot Depth.** The mean horizontal distance between front and rear lot lines.

**Lot, Key.** A lot at the rear of a corner lot, the front of which is substantially a continuation of the side property line of the corner lot.

**Lot Coverage.** That percentage of the total lot area covered by structures.

**Lot of Record.** A lot which is a part of a subdivision or plat which has been recorded in the office of the Register of Deeds of Carteret County, or a lot described by metes and bounds, the description of which has been so recorded.

**Lot Width.** The distance between side lot lines measured at the front building setback line.

**Mean Sea Level.** The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the flood plain. For purposes of this ordinance, the term is

synonymous with National Geodetic Vertical Datum (NGVD).

**National Geodetic Vertical Datum (NGVD).** As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the flood plain.

**Paving.** The terms paving, paved or pavement in this ordinance means streets and parking areas that are prepared for and finished with asphalt or concrete having a compacted subgrade and granular base material.

**Person.** An individual, partnership, corporation, LLC, PA, LLD, limited partnership, joint venture, association or any other legal entity.

**Phased Development Plan.** A plan which has been submitted to the town by a landowner for phased development which shows the type and intensity of use for a specific parcel or parcels with a lesser degree of certainty than the plan determined by the town to be a site specific development plan.

**Planned Unit Development (PUD).** A land area containing interrelated buildings and open spaces, designed and organized to function as an integrated unit pursuant to a general development plan approved by the Town Council.

**Plat.** Includes the terms map, plan, plat, replat, or replot. A map or plan of a tract or parcel of land which is to be

## TOWN OF NEWPORT CODE

or which has been subdivided.

**Plat, Preliminary.** A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land.

**Plat, Final.** A map of a land subdivision prepared in a form suitable for filing on record with necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas and other dimensions of land.

**Public utilities.** The utilities and/or services offered and operated by the Town of Newport or by others authorized by the Town of Newport.

**Setback Line.** The lines on the front, rear, and sides of a lot, set according to the zoning district regulations, which delineate the area upon which a structure may be built and maintained.

**Site Specific Plan.** Any subdivision plan, preliminary or general development plan, planned unit development plan, precise plan, special use permit or conditional use permit, a conditional use or special use district zoning plan, or any other land-use designation as may be utilized by the town. Unless otherwise expressly provided by the town, such a plan shall include the

approximate boundaries of the site; significant topographical and other natural features effecting development of the site; the approximate location on the site, the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. A variance shall not constitute a site specific development plan, and approval of a site specific development plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained. Neither a sketch plan nor any other document which fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property may constitute a site specific development plan.

**Sound Barrier.** A sound barrier consists of a wall of brick, concrete, concrete block, glass, full louvered or solid wooden fencing (manufactured of suitable pressure-treated lumber) not less than eight feet high and no more than ten feet from a building where outside noises may be expected to occur (such as animal, human, machinery, engines under operation or testing, etc.) The sound barrier shall encircle the noise area on all sides.

## APPENDIX B-SUBDIVISION REGULATIONS

**Street.** A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties, and may be:

a. A major street which is defined as a street or highway used for moving heavy traffic volumes or high speed traffic, or both, or which has been designed as a major thoroughfare on the thoroughfare plan.

b. A minor street which is defined as a street the primary purpose of which is to provide access to adjacent properties designed in a manner that will discourage use by through traffic.

c. A collector street which is defined as a street which collects traffic from another street (minor) and serves as the most direct route to a major street or a community facility.

d. A marginal access street which is defined as a minor street located beside a limited access street or highway or a railroad and which provides access to abutting properties, provides protection from through traffic, and controls access.

e. A cul-de-sac which is defined as a minor street having one end open to vehicular traffic and having one end permanently terminated by a vehicular turn-around.

**Structure.** Anything con-

structed or erected with a fixed location on or in the ground or attached to something having more or less a fixed location on or in the ground. Among other things, structures include buildings, mobile homes, walls, fences, signs, and swimming pools. "Structure" for floodplain management purposes means a walled and roofed building, manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures that are principally above ground.

**Subdivider.** Any person who subdivides or develops any land deemed to be a subdivision as herein defined.

**Thoroughfare.** A main road or public highway. As applied to this ordinance at the time of its adoption, the term would apply to Hwy 70, Chatham St., East Chatham St., Howard Blvd. and Orange St. (Mill Creek Rd.).

**Traffic Calming Devices.** Speed bumps, humps, ribbons, grooves and the like that are installed perpendicular to the traffic flow for the purpose of controlling and/or limiting the maximum speed of vehicular traffic along the road. This definition is not intended to limit the creation, design and installation of other traffic calming devices such as traffic islands, the strategic narrowing of the street or diverters.

## TOWN OF NEWPORT CODE

**Variance.** A variance is a relaxation of the terms of the Zoning Ordinance. A variance may be made where, owing to conditions peculiar to the property not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship. Variances are granted by the Board of Adjustment or the Town Council as provided for in the zoning ordinance which must adhere to certain rules and regulations as set forth in this ordinance.

**Vested Rights.** The right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan or an approved phase development plan.

**Yard.** A required open space unoccupied and unobstructed by any principal building or accessory building, extending from ground to sky, except as provided herein.

**Yard, Front.** A yard extending across the front of a lot measured from side lot line to side lot line and lying between the abutting street right-of-way and the front setback line.

**Yard, Rear.** A yard extending across the rear of the lot measured from side lot line to side lot line and lying between the rear property line and the rear setback line.

**Yard, Side.** A yard extending along either side of a lot mea-

sured from front setback line to the rear setback line and lying between the side lot line and the side setback line.

**Zoning Administrator.** See Administrator, Zoning.

### SECTION FIVE - PROCEDURES FOR SECURING APPROVAL OF SUBDIVISION PLATS

#### 5-1 General

A subdivider shall follow the procedures set forth in this section for securing approval of subdivision plats.

#### 5-2 Sketch Plan

Before an application for approval of the preliminary plat is filed, the subdivider may submit to the Planning Board, at a regular meeting, a sketch plan of the proposed subdivision.

a. The sketch plan shall be drawn at a scale of approximately one (1) inch to two hundred (200) feet.

b. The sketch plan shall show existing and tentative street right-of-way layout, easements, lot arrangements, existing structures, water courses, site dedication or proposed dedication for parks, schools, churches or other public and semi-private uses.

c. Data shall be given regarding acreage in the total tract, minimum lot size, average lot size, and acreage left in open space or other uses.

## APPENDIX B-SUBDIVISION REGULATIONS

d. The sketch plan shall incorporate a vicinity map showing the relationship between the subdivision and the surrounding area.

e. The sketch plan shall be reviewed by the Zoning Administrator for general compliance with this chapter prior to submittal to the Planning Board. The subdivider or his representative shall discuss plans for development of the proposed subdivision with the Zoning Administrator who shall advise the subdivider as to the regulations which pertain to the proposed development, and the procedure the subdivider shall follow in preparing and submitting the subdivision plats. Such advice and discussion shall not relieve the subdivider from the obligation to fully comply with this ordinance. Submitting a sketch plan for review and discussion does not require a formal application or fee. This procedure should not be construed as an official application or acceptance of such a sketch plan by the Planning Board.

### 5-3 Preliminary plat

a. A request for consideration of the preliminary plat by the Planning Board shall be made by the subdivider in writing. The request shall be delivered to the Zoning Administrator at least fifteen (15) days prior to the Planning Board meeting at which time it is to be considered. The Planning Board Chairman shall schedule the date for consideration

and cause the notification to the subdivider of such. The date of consideration shall be no greater than seventy(70) calendar days from the date of receipt of the letter of request.

b. The subdivider shall submit at least 3 copies of the preliminary and any supplemental material to the Zoning Administrator at least 15 days prior to the scheduled Planning Board meeting at which said plat is to be considered.

c. The preliminary plat shall be prepared by a registered surveyor or engineer and shall be drawn in pencil or ink at a scale no less than one (1) inch to two hundred (200) feet.

d. The preliminary plat shall show the information set forth in the following:

1. The location of existing and platted property, buildings, streets, railroads, bridges, culverts, water courses, transmission lines, sewers, drainpipes, water mains, other public utility easements and Town and County boundary lines.

2. Boundaries of tracts shown with bearings, distances and closures.

3. Marsh, swamp, flood way, flood plain, topography at five foot intervals, and any other physical conditions affecting the site. In extremely flat terrain the Planning Board may require lesser intervals to and

TOWN OF NEWPORT CODE

including one (1) foot.

4. Existing zoning classification both of the land to be subdivided and of adjacent land.

5. Names of adjacent property owners and subdivisions.

6. Proposed streets, street names, rights-of-way, easements, pavement widths, and approximate grades.

7. Locations of proposed utility lines (storm and sanitary sewer, water, gas, electric and telephone) showing connections to existing supply and disposal systems or planned supply and disposal systems.

8. The location, widths, and purposes of other proposed rights-of-way or easements.

9. Proposed areas for parks, school sites and public open spaces.

10. Proposed lot lines, lot and block numbers and lot dimensions.

11. Proposed minimum building setback lines.

12. Title, date, magnetic and true north arrows, and graphic scale.

13. Name of owner and surveyor or engineer.

14. Data shall be given regarding acreage in total tract to be subdivided or developed, minimum lot size, to-

tal number of lots, and lineal feet in streets.

15. A location map showing the relationship between the subdivision and the entire community shall also be submitted. This map shall be placed as an inset on the preliminary plat.

5-3.1 Review of the Preliminary Plat by the Zoning Administrator

a. The Zoning Administrator shall review the plat with the subdivider and Town Officials for compliance with all Town Ordinances and regulations. It shall be the duty of the Zoning Administrator to insure, when appropriate, that:

1. The District Highway Engineer,

2. The County Health Director,

3. Town Fire Chief,

4. Town Public Works Dept,

5. The School Superintendent,

6. Other agencies and officials, all have an opportunity to review and make recommendations concerning the proposed subdivision plat before approval is given by the Planning Board.

b. It shall be the responsibility of the subdivider to acquire all necessary permits from the county and/or state agencies such as, but not limited to,

## APPENDIX B-SUBDIVISION REGULATIONS

1. Improvements permit for septic tanks.

2. Erosion control plan.

3. Storm water permit.

4. Wetlands permit.

5. Water and sewer extensions.

c. The developer shall provide the Zoning Administrator with copies of all permit applications and permits issued by other agencies for the development project.

### 5-3.2 Review of Preliminary Plat by the Planning Board.

The preliminary plat shall be reviewed by the Planning Board as set forth in this section:

a. The Zoning Administrator shall advise and report recommendations to the Planning Board received from other Town, County and State agencies and officials reviewing the plat.

b. The Planning Board shall discuss the plat with the subdivider, changes deemed advisable, if any, and the kind and extent of improvements to be made by the subdivider.

### 5-3.3 Approval of Preliminary Plat by the Planning Board

The Planning Board shall approve, conditionally approve, or disapprove the preliminary plat or defer action for a period not to exceed two regular sche-

duled meetings:

a. If the preliminary plat is approved, approval shall be noted on three (3) copies of the plat by the Planning Board Chairman. One of these copies shall be transmitted to the subdivider, one retained and placed on file by the Zoning Administrator, and one transmitted to the Town Council.

b. In case of conditional approval, the reasons and the conditions to be met shall be specified in writing. One copy of such reasons and conditions shall be filed with the copy of the plat retained by the Planning Department, Town Council and another shall be given to the Subdivider. The Planning Board may require the subdivider to submit a revised preliminary plat with all recommended changes made before approving the plat.

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

d. Upon approval of the preliminary plat by the Planning Board, the plat along with all requirements shall be transmitted to the Town Council for its review and approval.

TOWN OF NEWPORT CODE

5-3.4 Review and Approval of Preliminary Plat by the Town Council.

a. The preliminary plat shall be reviewed and approved by the Town Council. Particular attention shall be paid to public utilities and facilities.

b. Where public utilities are to be extended to the Town or dedicated to the Town, the town engineer shall review, at the developers expense, all proposed public utilities and make recommendations to the Town Council

c. The Town Council may approve, disapprove or make changes to the subdivision plat or the Town Council may refer the preliminary plat back to the Planning Board with recommendations for reconsideration.

d. Upon approval of the preliminary plat by the Town Council, the subdivider may proceed with the preparation of the final plat, and the installation, construction or arrangements for required improvements in accordance with the preliminary plat as approved and in accordance with the requirements of this ordinance.

e. In case of conditional approval, the reasons and the conditions to be met shall be specified in writing. One copy of such reasons and conditions shall be filed with the copy of the plat retained by the Town Council and another shall be

given to the subdivider. The Town Council may require the subdivider to submit a revised preliminary plat with all recommended changes made before approving the plat.

f. When a preliminary plat is disapproved, the Town Council shall specify the reasons for such action in writing. One copy of such reasons shall be retained and placed on file by the Town Council, and one copy shall be given to the subdivider. If the preliminary plat is disapproved, the subdivider may make the recommended changes and submit a revised preliminary plat.

5-4 Final Plat

a. Upon completion of the installation or arrangements for the improvements shown on the approved preliminary plat for the whole or a portion of the subdivision, a request for consideration of the final plat by the Town Council shall be made by the subdivider in writing and submitted to the Zoning Administrator at least fifteen (15) days prior to the meeting of the Council at which it is to be considered. The Town Clerk shall schedule the date of consideration and notify the subdivider of such. The date of consideration shall be no greater than forty (40) calendar days from the date of receipt of the letter of request.

b. The subdivider shall submit three (3) copies of the final plat at the time of the request. One of these copies

## APPENDIX B-SUBDIVISION REGULATIONS

shall be drawn on good quality reproducible material, such as linen or film Mylar.

c. The request for consideration and submission of a final plat shall be made within two years after approval of the preliminary plat by the Council or as specified in Article 19-10 (Vested Rights). Otherwise preliminary approval shall become null and void unless an extension of time is applied for and granted by the Council. No more than two (2) such extensions shall be granted.

d. The final plat shall conform substantially to the preliminary plat as approved by the Council.

e. The final plat shall include only that portion of the approved preliminary plat which the subdivider proposes to record and develop, provided that such portion conforms to all requirements of this chapter.

f. The final plat shall be prepared by either a registered surveyor or registered engineer and shall be drawn on linen or film Mylar in ink at a scale no less than one (1) inch to two hundred (200) feet. It shall be prepared to meet the requirements for recording in the Carteret County Register of Deeds Office.

### 5-4.1 Final Plat Content

The final plat shall show the following information:

a. The boundary lines and

names of all streets and roads.

b. Lot lines, lot dimensions, and block numbers.

c. Minimum building setback lines.

d. Reservations, easements, alleys, and any roads to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.

e. Sufficient data to determine readily and to be easily reproduced on the ground the location, bearing and length of every street line, lot line, boundary line (with error of closure), block line and building line, whether curved or straight, and including true and magnetic north arrows. This should include the radius, center angles, point of tangency, tangent distance and arcs and cords of all curved property lines.

f. All dimensions should be to the nearest one-tenth of a foot (1/10) and angles to the nearest minute.

g. Accurate location and description of all monuments and markers.

h. All names and locations of adjoining subdivisions and streets and the location and ownership of adjoining subdivided property.

i. Title, date, name, and location of subdivision and

TOWN OF NEWPORT CODE

graphic scale.

j. Name of subdivider and registered surveyor, or registered engineer, as applicable. No plat shall be accepted without the name of the registered surveyor or engineer.

k. Utility layouts for water, gas; sanitary sewer, storm drainage and electrical and telephone lines. If not served with municipal sewer, the plat shall show by number the appropriate health department symbols which lot(s) are not suitable or approved for septic tanks. Such marking shall be of the type required by the Department of Environmental Health.

l. Flood way and/or flood plain, both 100 year and 500 year.

m. The following certificates shall also appear on each copy of the final plat by the subdivider:

1. Certificate of ownership and dedication, signed.

2. Certificate of approval of water supply and sewage disposal system, signed.

3. Certificate of accuracy and mapping, signed.

4. Reference to any separate instruments, including restrictive covenants, filed in the Register of Deeds Office with direct affect on the land being subdivided.

5-4.2 Review of the Final Plat by the Zoning Administrator

The Zoning Administrator shall review the final plat for compliance with the provisions of these subdivision regulations, and:

a. The Zoning Administrator may request reports from any person or agency directly affected by the proposed development. Such reports shall show certified compliance with or note deviations from the approved preliminary plat and the requirements of these subdivision regulations.

b. If the Zoning Administrator finds that a discrepancy exists that needs review by the Council, he shall transmit the plat to the Council which may appoint an engineer to check the final plat against the subdivision's actual layout for correctness; charging the cost to the subdivider if the plat is found to be seriously in error.

c. If the final plat is found to be in compliance, the Zoning Administrator or the Planning Board chairman, as appropriate, shall transmit the final plat, together with recommendations, to the Town Council for final action.

d. If the final plat is found not to be in compliance or if changes have been made from the approved preliminary plat, the Zoning Administrator shall review and transmit the final plat, together with recom-

## APPENDIX B-SUBDIVISION REGULATIONS

mendations thereon, to the Town Council for final action.

e. Where individual sewage treatment facilities, such as septic tanks, are required, improvement permits from Environmental Health shall be provided and accompany the final plat for all approved lots within the subdivision.

### 5-4.3 Approval of the Final Plat by the Town Council

a. Approval of the final plat by the Town Council is authorization for the plat to be filed with the Register of Deeds.

b. If the Town Council should disapprove the final plat, or part thereof, the reasons for such action shall be noted in the minutes and recommendations shall be made on the basis of which the proposed subdivision could be approved.

c. The actions of the Town Council shall be noted on the original drawing and three (3) copies of the final plat. One copy shall be returned to the subdivider. One copy and the original drawing shall be transmitted to the Register of Deeds of Carteret County for recording if approval is granted and one copy shall be retained for the permanent files of the Zoning Administrator.

d. Upon receiving the final plat, the Register of Deeds shall comply with Section 160A-373 (procedure for filing) of the General Statutes of North

Carolina.

e. No final plat shall be approved until all improvements are properly installed to meet the requirements set forth by these regulations, all required fees have been paid, and the certificates required by these regulations to appear on the final plat have been properly filled out and signed.

## SECTION SIX - DESIGN STANDARDS

### 6-1 General Provisions

Any land area subject to the provisions of this chapter which lies within the flood way, and other land deemed by the Planning Board to be unsuitable shall be prohibited for residential occupancy or for other use that may jeopardize life, health, or property, or which may increase the danger to life on property from flood hazard.

### 6-2 Specific requirements

The following standards for design shall be minimum requirements. Where other official engineering and public works, standards, and specifications are more stringent, such higher standards shall be used.

#### 6-2.1 Alleys

a. Alleys may be required where it is found that access requirements of Article XIII of the Zoning Ordinance are not adequate.

## TOWN OF NEWPORT CODE

b. The width of an alley serving commercial and industrial areas shall not be less than twenty (20) feet. Dead-end alleys shall be provided with adequate turn-around facilities at the dead-end as determined by the Planning Board.

c. Alleys are not permitted in residential districts except where the Planning Board determines that special conditions warrant a secondary means of access.

### 6-2.2 Blocks

a. Blocks shall be laid out with special attention given to the type of use contemplated.

b. Block lengths shall not exceed one thousand five-hundred (1,500) feet or be less than four-hundred (400) feet. Blocks shall not be more than one thousand (1,000) feet unless there is an approved pedestrian alley of not less than six(6) feet wide dividing the blocks.

c. Blocks shall have a sufficient width to allow two (2) tiers of lots of minimum depth. Blocks may consist of single tier lots where such are required to separate residential development from through vehicular traffic or non-residential uses.

### 6-2.3 Buffer Strips

The Council may require in residential districts that a buffer strip of at least fifty (50) feet in depth in addition

to the normal lot depth required, be provided adjacent to all railroads, limited access highways, and commercial developments. This strip shall be part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees or shrubs by the owner; the building of structures thereon is prohibited."

### 6-2.4 Building Setback Lines

The minimum building setback or the distance between the street right-of-way line and the building line shall not be less than that prescribed in the zoning district of the subdivision.

### 6-2.5 Cul-de-sac

A cul-de-sac shall not exceed eight hundred (800) feet in length measured from the entrance to the center of the turn-around. A street designed to be permanently closed shall be provided at the closed end with a turn-around. Adequate sewer and water line right-of-way shall be reserved to eliminate water line dead-ends and to provide sewage outfall.

### 6-2.6 Easements

a. Easements shall be provided where a subdivision is traversed by a water course, drainage way, channel, or stream. There shall be provided a storm easement or drainage

## APPENDIX B-SUBDIVISION REGULATIONS

right-of-way substantially in conformity with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose.

b. Easements for utilities shall be provided. Easements not less than ten (10) feet wide, centered on lot lines for both underground and above ground facilities, for use by both public and private utilities shall be provided along each lot line.

**6-2.7 Road Grades** In accordance with NCDOT Subdivisions Roads Manual

**6-2.8 Horizontal Curves In Roads** In accordance with NCDOT Subdivision Roads Manual

**6-2.9 Road Intersections** In accordance with NCDOT Subdivisions Roads Manual.

**6-2.10 Lots**

Lots shall be laid out as follows:

a. Minimum lot width at the street, lot sites, shapes, and locations shall be made with due regard to topographic conditions, contemplated use, and the surrounding area. Each lot shall front for a distance of at least fifty (50) feet on a public street, except that the minimum road frontage in an R-6 or R-8 zone shall be thirty five (35) feet in the turning radius of a cul-de-sac.

b. Community Water and Sewer Available:

Where the Town of Newport public water and sewer facilities or public water and sewer facilities licensed as such by the North Carolina Utilities Commission and meeting the Town of Newport's design and engineering standards are available, every lot shall contain not less than the area prescribed in the zoning district in which the subdivision exists.

c. Community Water and Sewer Not Available:

Residential lots not served by the Town of Newport public water and sewer facilities or public water and sewer facilities licensed by the North Carolina Utilities Commission and meeting the Town of Newport's design and engineering standards, shall be at least twenty thousand (20,000) square feet in area, not less than one-hundred (100) feet wide at the building line nor less than one hundred fifty (150) feet deep.

d. Community Water Available:

Residential lots served by Town of Newport public water facilities or public water facilities licensed by the North Carolina Utilities Commission and meeting the Town of Newport's design and engineering standards, but not public sewer, shall be at least fifteen thousand (15,000) square feet in area, not less than ninety (90) feet wide at

TOWN OF NEWPORT CODE

the building line nor less than one hundred fifty (150) feet deep. Every lot shall contain not less than the area prescribed in the Zoning District for the appropriate zone or zones in which the subdivision exists.

e. Corner Residential Lots.

The lot line with the shortest street frontage shall be increased by ten (10') feet more than otherwise required in order to provide adequate space to meet side setback requirements.

f. Double Frontage Lots.

Double frontage or reverse frontage lots shall be avoided except where necessary to separate residential development from through traffic or non-residential uses.

g. Side Lot Lines.

Side lot lines shall be substantially at right angles or radial to street lines.

h. Commercial or Industrial Uses.

Lots are not required for commercial or industrial uses but when provided they shall be adequate to provide for off-street service and parking facilities required by the type of use and development contemplated.

I. Minimum Lot Size.

In no instance shall the area

of a residential lot be less than the size determined to be adequate by the Carteret County Health Department after investigation of soil conditions, proposed individual disposal system, and depth of ground water. All lots shall conform to the Zoning Districts in which the subdivision exists.

6-2.11 Pedestrian Walkways

Pedestrian easements or walkways shall be provided through the interior of blocks having a length greater than one thousand (1,000) feet. Pedestrian easements shall be at least six (6) feet wide and shall be laid out along property lines. The walkways shall be paved.

6-2.12 Rights-of-Way and Pavement Widths.

The minimum right-of-way and pavement width shall be in accordance with the North Carolina Division of Highways Subdivision Roads Minimum Construction Standards Manual.

6-2.13 Streets.

a. Character

The arrangement, character, extent, width, grade and location of all streets shall conform to all of the elements of the official plans for the community and shall be designed in accordance with the provisions of NCDOT Manual referred to in Section 7-3.6b.

## APPENDIX B-SUBDIVISION REGULATIONS

### b. Minor Streets.

Minor streets shall be laid out so that use by through traffic will be discouraged.

### c. Private Streets.

There shall be no private streets platted in any subdivision. Every subdivided property shall be served from a publicly dedicated street.

### d. Proposed Street Names.

Proposed streets which are obviously in alignment with other existing and named streets shall bear the assigned name of the existing streets. In no case shall the name for proposed streets duplicate or be phonetically similar to existing street names. The subdivider shall have all proposed street names approved by the County E-911 supervisor.

### e. Street Pattern and Adjacent Property.

The street pattern shall be such as to cause no hardship in the subdividing of adjacent properties. The Planning Board may require the dedication of a street right-of-way to facilitate the development of adjacent properties.

## SECTION SEVEN - Improvements

### 7-1 General Provisions

a. Final plats for all subdivisions shall not be approved until all required improvements

listed in this section have been installed or the subdivider has guaranteed to the satisfaction of the Town Council as provided in subsection 7-2 below that such improvements will be installed.

b. All improvements shall be made in conformity with the requirements and standards set forth in this chapter and other specifications and policies at the developers expense.

c. All improvements shall be inspected and approved by the Zoning Administrator, or his representative, as conforming to the requirements of the Town.

d. All improvement specifications of the Town of Newport are on file in the office of the Town Clerk.

### 7-2 Guarantees

a. No final subdivision plat shall be approved by the Town Council or accepted for record by the Register of Deeds of Carteret County until the required improvements have been constructed in a satisfactory manner and approved by the Zoning Administrator or, in lieu of such prior construction, the Town Council accepts a bond with surety and conditions satisfactory to the Town of Newport in an amount equal to 125% of the estimated cost of the installation. The developer shall provide an estimate of construction cost satisfactory to the Council.

TOWN OF NEWPORT CODE

b The Town may also accept in lieu of bond a certified check, cash or irrevocable letter of credit from an approved loan institution deposited with the Town of Newport equal to 125% of the estimated cost of the installation. With either of these guarantees, improvements may be made and utilities installed by the Town without cost to the Town of Newport or Carteret County in the event of default by the subdivider. The cost estimate shall be provided by the developer subject to the Council's approval.

**7-2.2 Defects guarantees**

The owner of the subdivision shall require the contractor to construct streets, curbs, gutters, sidewalks, drainage, facilities, and/or water and sewer lines and to give bond guaranteeing the work against defects for a period not less than two years from the date of acceptance by the Town Council.

**7-3 IMPROVEMENTS**

**7-3.1 Permanent Survey Reference Markers**

Permanent survey reference markers shall be installed in all subdivisions in accordance with North Carolina General Statutes 39-32.4 and the following requirements.

**7-3.2 Permanent Concrete Monuments**

Permanent concrete monuments four (4) inches in diameter or

square, three (3) feet long, shall be placed at not less than two (2) corners of the subdivision, provided that additional monuments shall be placed where necessary so that no point within the subdivision lies more than five hundred (500) feet from a monument. Two or more of the required monuments shall be designated as control corners. The top of each monument shall have an indented cross metal pin or metal plate to identify the location of the point. All monuments will be shown on the final plat.

**7-3.3 Steel or Iron Markers**

Steel or iron markers shall be set at all lot corners and at all other survey points not marked by monuments. Such markers shall be set at points of curvature, points of tangency, reference points, and points of intersection. Survey markers shall be at least three-fourths (3/4) inches in diameter and shall be sunk vertically into the ground until the top is approximately four (4) inches above the finished grade, except in sidewalks, streets, and other similar surfaces where the markers shall be flush with such surface. In the interest of safety, steel or iron markers may be installed flush with the ground surface provided the point is also marked with a wooden survey stake until all lots adjoining the point are sold.

## APPENDIX B-SUBDIVISION REGULATIONS

### 7-3.4 Electrical and Telephone Service

All electrical, telephone, cable TV and other such utilities shall be underground.

**7-3.5 Open Space Reservation for Parks, Playgrounds or Recreation.** Every person or corporation that subdivides land for residential purposes under the requirements of this ordinance shall also be required to dedicate a portion of such land, to provide cash-in-lieu-of-land payment, or to provide a combination of land, cash and facility development acceptable to the Town for the purpose of developing park, recreation and open space sites to serve the residents of the neighborhood in which the subdivision is located or in the immediate area of the subdivision.

a. The Planning Board shall consider and make recommendations to the Town Council whether to accept a dedication of land or to require a fee in lieu of dedication.

b. Land set aside for parks and recreational purposes will be dedicated to the Town of Newport by proper conveyance of title. Said conveyance shall be indicated on the final plat for recording and any deeds shall accompany the final plat for consideration by the Town Council. If a fee in lieu of land is proposed the fee shall accompany the final plat submitted to the Council.

### 7-3.5.1 Private Ownership of Parks and Recreation Areas.

Private ownership of parks and recreation areas for subdivisions or multi-family developments are authorized under these regulations subject to the following stipulations:

a. A duly organized ownership association is created to provide for management and maintenance, or in the case of multi-family developments, management and maintenance is the obligation of the developer or property owner.

b. In the event of dissolution or financial incapability of a private ownership organization to properly manage and/or maintain its private facilities, those areas will be dedicated and conveyed to the Town of Newport. Language providing for this conditional conveyance shall be included in the organizational instruments of the private ownership association and a deed shall be executed to the Town of Newport conveying the land and the facilities located thereon to the Town of Newport, conditioned, however, that the private ownership organization or the developer or owner, as the case may be, of the land and facilities shall have the full right to occupy, possess, maintain and control such land and facilities so long as the organization, developer or owner is in existence and is exercising the responsibility for maintenance and control of the land and facilities.

TOWN OF NEWPORT CODE

7-3.5.2 **Duly Recorded Instruments.** Park and recreational use of the land set-aside is protected by duly recorded instruments. Restrictions and covenants running with the land can not be voiced or amended by the owner or ownership association without the prior written consent of the Town of Newport and a deed shall be executed to the Town of Newport conveying the land and the facilities located thereon to the Town of Newport, conditioned, however that the private ownership organization or he developer or owner, as the case may be, of the land and facilities shall have the full right to occupy, possess, maintain and control such land and facilities so long as the organization, developer or owner in existence and is exercising the responsibility for maintenance and control of the land and facilities.

7-3.5.3 **Area Devoted to Parks and Recreation.** The area devoted to parks and recreational purposes is equal to or exceeds the area required under these regulations.

**Exemptions:**

a. The division of a parcel of land into one new lot is exempt from this part.

b. Industrial and Commercial subdivisions, without any residential, are exempt from this part.

7-3.5.4 **Formula for Area Set-aside.** Formula for Area of Set-aside. The following formula which addresses number, type and density of dwelling units will be used to determine the amount of area to be set aside for park and recreational purposes:

$$(NDU) \times (2.43 \text{ AFS}) \times (.008) \times (VDF) = \text{Acres Set Aside}$$

Example 1. For a 33 lot, 12 acre subdivision.

$$33 \times 2.43 \times .008 \times 1.2 = .76 \text{ acres} \\ (33,105 \text{ sq. Ft.})$$

(NDU, Number of dwelling units.

AFS, Average Family Size (latest census)

VDF, Variable Density Factor.)

**Variable density factor table**

Acres	Average Per Dwelling Unit	VDF
.0-.1		1.8
.1-.2		1.6
.2-.3		1.4
.3-.4		1.2
.4-.5		1.0
.5-.6		.9
.6-.7		.8
.7-.8		.7
.8-.9		.6
.9-over		.5

1. The average acre per dwelling unit 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

## APPENDIX B-SUBDIVISION REGULATIONS

purposes such as streets, alleys and purposes other than residential shall not be used in determining average acreage. In no case shall a developer be required to dedicate more than 30% of the acreage of a development.

Example 1. For a 33 lot 12 acre subdivision.

12 acres ÷ 33 = .36 acre average. Reference to the chart shows a 1.2 VDF

2. Variable density factor is designed to provide an adjustment to subdivision plats which contain average lot sizes of 0.5 acres and above. This adjustment is used since subdivisions with larger lots contain more open space and thus fewer lots and greater park acreage. Conversely, those subdivision plats that create lots or units which average less than 0.4 acres are adjusted due to the density of development and the inherent increased demand for more public recreation and park land. The adjustments for large lots or for small lots are based on a sliding scale reflecting degree of density.

**7-3.5.5 Criteria for Evaluating Suitability.** Criteria for evaluating suitability of proposed recreation, parks and open space areas shall include, but not be limited to, the following as determined by the Council:

a. Unity. The dedicated land shall be a single parcel except

where it is determined that two (2) or more parcels would be in the public interest. The Planning Board may request that the parcels be connected and may also require at least a thirty (30) foot path width in addition to the land requirements.

b. Location. The dedicated land shall be located so as to serve the recreation needs of the immediate neighborhood within the subdivision. General public access shall not be restricted from the recreation area.

c. Shape. Topography and soils of the dedicated land shall be such as to be suitable for parking and active recreation. Lakes and marsh may not be included in computing dedicated land area unless acceptable to the Planning Board. Land area less than 2.5 contiguous acres shall not be considered as suitable for land set aside.

d. Accessibility. Public access to the dedicated land shall be provided either by an abutting street or public easement. Such public easement shall be at least thirty (30) feet in width. The proposed land set aside shall be located as remote from a building lot as possible. Consideration shall be given to the location, screening, or buffering so as not to cause a nuisance to the residential area. If adequate protection to the residential area can not be provided, then the offer for land set aside

TOWN OF NEWPORT CODE

shall be denied and a fee in lieu of land set aside shall be required.

7-3.5.6 Fees In Lieu of Set-aside. Fees in Lieu of Set-aside. In the event that it is determined by the Town that the area, topography, geology, access or location of the area to be set-aside does not conform to the park and recreational objectives of the Town or appropriately meet the immediate and future needs of the residents due to the availability of adjacent facilities, the Town may elect to waive the set-aside of land for dedication by accepting a fee in lieu of the dedication of land subject to the following:

a. Determination of Fee. The amount of the fee to be accepted in lieu of land dedication shall be determined by multiplying the required acreage times the tax value of the land to be sub-divided.

Example 1. Tax value at the time of submittal of preliminary plat to the Planning Board:

\$6,000 per acre × .76 acres = \$4,560

b. Payment of required fees shall be by cash or certified check, payable to the Town of Newport. Payment must be made before final plat approval is granted by the Town.

c. Funds collected in lieu of land set aside shall be maintained in a separate interest

bearing account by the Town in a recreation reserve fund for use only to acquire additional land or expand or improve existing recreational facilities.

7-3.6 Paving and Street Improvement

a. The subdivider of any subdivision shall clear and grade all streets to their full right-of-way width so as to provide adequate shoulders and pedestrian walkways.

b. All streets shall be designed, constructed and paved in accordance with the "Division of Highways, North Carolina Department of Transportation, Subdivision Roads, Minimum Construction Standards Manual, current edition.

c. All streets within the corporate limits shall be provided with curb and gutter. The town may require streets within the extraterritorial jurisdiction to have curb and gutter.

d. The subdivider may be required to provide street/road(s) connection to the property line to serve an adjacent tract of land for future development and may be required to interconnect with an adjacent developments road system.

e. The subdivider shall be responsible for the cost and installation of the road foundation, paving and/or any other road improvements.

## APPENDIX B-SUBDIVISION REGULATIONS

f. If a street has a potential for being a collector street, minor street or a cut through street, the Council may be require to install traffic calming devices. The devices shall be approved by the Council upon recommendation by planning staff and the police chief.

### 7-3:7 Sewage Disposal

a. Municipal or community system. For subdivisions within the corporate limits of the Town of Newport, the subdivider shall connect to the sewer system of the Town in order to provide sewer service to every lot within the subdivision. Sewer systems shall be designed and installed in accordance with Public Utilities Handbook Technical Specifications Water /Sewer improvements for the Town of Newport, and other such specifications as may be required by the Town Engineer.

b. Where it is necessary to construct sewage lift stations, the developer shall also provide the necessary land. The station shall be flood proofed, fenced and landscaped to the satisfaction of the Town. The design of the station not limited solely to the size of pumps, alarm system, etc., shall be to the satisfaction of the Town. All sewage lift stations shall be provided with an auto-start, standby power generator of sufficient capacity to operate the lift station during power outages. The fuel type and capacity will be determined by the Town.

Should the developer desire to utilize an existing lift station, the developer shall pay for any engineering and/or increased capacity costs to the lift station, to include any new alarm system and an auto-start, standby power generator.

c. Individual Disposal Systems. Where the subdivision is not serviced by the Town or a community system, the individual disposal system shall be approved by the Carteret County Environmental Health Department or appropriate State agency. All proposed lots shall be evaluated for approval and a letter shall indicate by lot number its potential for approval and where improvements will be required for final approval.

### 7-3.8 Sidewalks

Sidewalks shall be required along any street where considerable pedestrian traffic is expected, especially in the vicinity of schools, parks, and commercial activity. Sidewalks shall be constructed on street right-of-way and installed in accordance with Town policy.

### 7-3.9 Street Lights

Before final approval of a subdivision plat, the subdivider shall present a street lighting plan, developed in accordance with Town policy, to the Planning Board for its approval. Street lights shall be installed at each intersection, the dead end of cul-de-sacs and within five hundred

TOWN OF NEWPORT CODE

(500) feet of each other. Public street lighting fixture installation fees, if any, shall be paid by the developer. Rental fees on the fixtures inside the Town limits shall be paid by the Town of Newport.

**7-3.10 Street Name Markers**

a. Street name markers shall be provided at all subdivision street intersections and at any other point within the subdivision deemed necessary by the Town. Approved regulation street name signage consists of metal pipe poles with street names on metal plates. Material specifications, attachment devices, and coloration shall be those officially adopted for use by the North Carolina Department of Transportation.

**b. Use of Non-Regulation Street Signs**

1. The Town Board may approve non-regulation street signs where the developer desires to use distinctive street signage as a tenant of initial marketing and esthetics design under the following conditions and to provide for the funding and eventual erection of regulation street name signs.

**2. Compliance Options.**

a. Prior to final approval the developer may:

1. Deposit with the Town of Newport the amount of money required to purchase the regulation street signs necessary for the subdivision or phase

for which plat approval is required. The amount of money to be deposited with the Town shall be based on the estimated cost of materials as determined by the Town Manager of Newport, or

2. Deliver to the Town Manager the poles, mounting apparatus, and street name plates required for the subdivision or phase for which plat approval is required.

**7-3.11 Street, Trees and Preservation of Natural Environment**

It is required that trees be planted in all subdivisions where there is a lack of natural trees along the streets. The plan for tree planting shall be submitted to the Planning Board at the time of presentation of the preliminary plan. Trees planted should be located inside the property lines where they are less subject to injury, decrease the chance of motor accidents, and enjoy more favorable conditions for growth. At least one tree planted every thirty (30) lineal feet along the front property line generally will be accepted.

**7-3.12 Surface Water Drainage and Sedimentation Controls**

a. All subdivision proposals shall be consistent with the need to minimize flood damage.

b. All subdivision proposals shall have public utilities and

## APPENDIX B-SUBDIVISION REGULATIONS

facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

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

d. Base flood elevation data shall be provided for all subdivisions that are located within a flood zone A or B as depicted on the Federal Emergency Management Agency, Federal Insurance Rate Map (FIRM) and the design shall be consistent with the Town's Flood Damage Prevention Ordinance.

e. In all subdivisions where land disturbing activity is one acre or more, the subdivider shall submit for and receive a Sedimentation and Storm Water Control Permit from the NC Department of Natural Resources and Community Development. In addition, the developer shall comply with other conditions that may be more stringent as specified in this ordinance.

f. Surface water drainage shall not empty into a sanitary sewer. Where in the opinion of the Planning Board a public storm water sewer is reasonably accessible, (within 100 feet of an existing storm water sewer and feasible from an elevation viewpoint upon the recommendation of a registered engineer)- and before a subdivision is approved and accepted, the subdivider shall connect with the public storm sewer system. He

shall provide all grading and all structures necessary to carry the water to the storm drainage system.

g. Where a storm drainage system is not accessible, the subdivider shall do all grading and provide all drainage structures necessary to properly carry the water to locations which are acceptable to the Town.

h. When consistent with the minimum requirements of the Division of Environmental Management for storm water controls, all drainage ditches shall be paved, approved conduit construction and/or otherwise enclosed. Exceptions that may be considered by the Town Council are:

1. Where good engineering data suggests and recommendations are made not to enclose or pave.

2. Where an open ditch is to have side slopes of 3:1 or greater, prove that vegetation can be maintained on the ditch slopes and it will not become a high maintenance item, and

3. Where an open ditch will not be an attractive nuisance and,

4. Where the open ditch will not adversely detract from the appearance of the subdivision, such as the possibility of noxious weeds, snakes, vermin, or other nuisances, or

- I. Where the possibility ex-

## TOWN OF NEWPORT CODE

ists, for the subdivision drainage water to adversely affect other drainage ditches down stream, such as to load the ditches beyond their design capacity which may cause flooding or erosion, the developer shall provide sufficient engineering study to determine the impact. Where an adverse impact is determined to exist, as substantiated by the Town Engineer and the public works department, the subdivider shall mitigate, at his expense, the drainage problem to the satisfaction of the Town.

### 7-3.13 Water Supply

a. Every lot in every subdivision shall be provided with a water supply system which is ample for the needs of the type of development proposed. Every lot in every subdivision within the corporate limits shall be supplied with water from the Town of Newport. For subdivisions outside of the corporate limits, water may be made available in accordance with current policy and ordinances of the Town. The water system shall be designed and installed in accordance with Public Utilities Handbook Technical Specifications Water/Sewer improvements for the Town of Newport, and other such specifications as may be required by the Town Engineer.

b. Every lot in every subdivision within the Newport Town limits shall be located within five-hundred (500) feet of a fire hydrant.

### 7-3.14 House Numbers

House numbers are required for each lot within the subdivision. The identification numbers shall be as follows:

a. Three (3) inch minimum block letters shall be painted or otherwise indelibly mounted on the street curb, vertical face, or where no curb and gutter, shall be located on the edge of the street paving, centrally located on the front of the lot. Where paint is used, it shall be of the reflective traffic type.

b. Each dwelling unit shall be provided a three (3) inch minimum size house number installed in a prominent location in the vicinity of the main entrance visible to the main street.

### 7-3.15 Other Requirements

The developer shall refer to the Zoning Ordinance for Subdivision Signs, Landscaping and Other Development Standards.

## SECTION EIGHT - ADMINISTRATION

### 8-1 Variances

a. Where topography or other existing physical conditions are such that compliance with the requirements of this ordinance would cause unusual and unnecessary hardship on the subdivider above and beyond what other subdivider would meet, the minimum requirements

## APPENDIX B-SUBDIVISION REGULATIONS

as set forth in these regulations may be varied by the Planning Board, provided that such variations will not have the effect of nullifying the intent and purpose of these regulations.

b. The Town Council may approve subdivision plats which vary from the requirements of design, but not from requirements of procedure or improvements, contained in this chapter upon the recommendation of the Planning Board.

### 8-2 Exceptions

The standards and requirements of this chapter may be modified by the Planning Board and the Town Council in cases of a plan and program for a group, cluster, or Planned Unit Development. Exceptions may be considered where in the judgment of the Planning Board, adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed and populated, are provided and such covenants or other legal provisions as will assure conformity to any achievement of the land use plan are imposed.

### 8-3 Procedure for Exceptions

a. The subdivider must submit a written request stating the reasons for each modification. Refer to Article XVI of the Zoning Ordinance for any Planned Unit Developments.

b. The Planning Board may

require such conditions as will, in its judgment, preserve the spirit and intent of these regulations. These conditions may include but shall not be limited to:

1. Surety, performance, or maintenance bonds and;

2. Affidavits, covenants, or other legal instruments as will assure conformity to and achievement of the plan.

c. Any modifications thus authorized along with the basis on which the departure was justified are required to be entered in writing in the minutes of the Planning Board and the Town Council.

### 8-4 No Service or Permit Until Final Plat Approval

No street shall be accepted and maintained by the Town, nor shall any street lighting, water, or sewer be extended to or connected with any subdivision of land nor shall any permit be issued by any administrative agency or department of the Town of Newport for the construction of any building or other improvements requiring a permit unless and until the requirements set forth in this ordinance have been complied with and the same approved by the Town of Newport.

### 8-5 Compliance With The Land Development and Thoroughfare Plans, School Sites.

a. When a tract of land to be subdivided embraces any part of

## TOWN OF NEWPORT CODE

a proposed major or minor thoroughfare as depicted in the Thoroughfare Plan, the proposed street way shall be platted and dedicated by the subdivider in the location and at the width specified in the plan.

b. If the Town Council has approved a comprehensive Land Use Plan, which has located sites for Public Schools, Then, when a developer has submitted a subdivision plan which has included one of these sites, the subdivider can be required to reserve the land for such schools, provided that the School Board has indicated that it is interested in buying the land, then the School Board has 18 months to decide whether to buy the land or not at the fair market value, after which, if it hasn't bought the land, the subdivider may treat the land as if freed from the reservation.

### 8-6 Town Costs When Oversized Facilities Are Required

Whenever the Planning Board requires that the developer install improvements or facilities that are either larger, more costly or not normally required by these regulations, the municipality shall pay 100% of the extra cost. The subdivider shall be required to pay only the portion of the cost of construction that would equal the cost of an improvement required to serve only the subdivision, as determined by the Town Council.

### 8-7 Penalty

The following penalties as provided in the General Statutes of North Carolina (160A.3-75) shall be applicable.

Any person who, being the owner or agent of the owner of any land located within the planning jurisdiction granted to the municipality (GS-160A-375) whoever transfers or sells such land by reference to a plat showing a subdivision of such land before such plat has been approved by said the Town Council and recorded in the Office of the Register of Deeds, shall be guilty of a misdemeanor, and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The Town of Newport, through its own Town attorney or other official designated by its Town Council, may enjoin such transfer or sale by action for injunction.

APPENDIX B-SUBDIVISION REGULATIONS

SUGGESTED CERTIFICATE

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building lines, and dedicate all streets, alleys, walks, parks, and private use as noted.

\_\_\_\_\_, 19\_\_\_\_  
Date

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Owner

CERTIFICATE OF ACCURACY AND MAPPING

I, \_\_\_\_\_, certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made under my supervision) deed (other); that the error of closure as calculated by latitude and departures is 1: \_\_\_\_\_; that the boundaries not surveyed are shown as broken lines plotted from information found in Book \_\_\_\_\_, page \_\_\_\_\_; that this map was prepared in accordance with G.S. 47-30 as amended.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 19\_\_\_\_\_.

\_\_\_\_\_  
Surveyor or Engineer

\_\_\_\_\_  
Registration #

TOWN OF NEWPORT CODE

NOTARY CERTIFICATE OF ACCURACY AND MAPPING

North Carolina

\_\_\_\_\_ County

I, \_\_\_\_\_, a Notary Public of said county and State, do hereby certify that \_\_\_\_\_ personally came before me this day and, being duly sworn, stated that the annexed map was prepared by him (or was prepared under his supervision) from an actual survey made by him (or made under his supervision) on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

(Official Seal)

\_\_\_\_\_  
Notary Public

My Commission expires \_\_\_\_\_, 19 \_\_\_\_\_.

CERTIFICATE OF CLERK OF COURT

STATE OF NORTH CAROLINA

\_\_\_\_\_ County

The Forgoing Certificate of \_\_\_\_\_ Notary Public of \_\_\_\_\_ County, is certified to be correct.

This the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

\_\_\_\_\_  
Clerk of Court

APPENDIX B-SUBDIVISION REGULATIONS

CERTIFICATE OF REGISTRATION BY REGISTER OF DEEDS

NORTH CAROLINA

\_\_\_\_\_ County

Filed for registration on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
(AM/PM) and duly recorded in Map Book \_\_\_\_\_, at page \_\_\_\_\_.

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

PERFORMANCE BOND

I certify: (1) that streets, utilities, and other improvements have been installed in an acceptable manner and according to town specifications in the subdivision entitled \_\_\_\_\_ or, (2) that a surety bond in the amount of \$ \_\_\_\_\_ or cash in the amount of \$ \_\_\_\_\_ has been posted with the Town of Newport, North Carolina to assure completion of all required improvements in case of default.

\_\_\_\_\_, 19\_\_\_\_  
Date

\_\_\_\_\_  
(1) Mayor

\_\_\_\_\_  
(2) Town Clerk

TOWN OF NEWPORT CODE

CERTIFICATE OF APPROVAL BY PLANNING BOARD

The Newport Planning Board hereby approves the final plat for the \_\_\_\_\_ Subdivision.

\_\_\_\_\_, 19\_\_\_\_\_  
Date

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

CERTIFICATE OF APPROVAL BY THE TOWN COUNCIL

I, \_\_\_\_\_, Town Clerk of the Town of Newport, North Carolina, do certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, the Town Council approved this plat for recording and accepted the dedication of the streets, easements, rights-of-way, public parks and other sites for public purposes as shown hereon, but assumed no responsibility to open or maintain such until, in the opinion of the governing body of the Town of Newport, it is in the public interest to do so.

\_\_\_\_\_, 19\_\_\_\_\_  
Date

(Seal)

\_\_\_\_\_  
Town Clerk

CERTIFICATE OF APPROVAL OF WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS

I hereby certify that the water supply and sewer disposal systems installed, or proposed for installation in \_\_\_\_\_ Subdivision fully meets the requirements of the North Carolina Health Department and are hereby approved as shown.

\_\_\_\_\_, 19\_\_\_\_\_  
Date

\_\_\_\_\_  
County Health Officer

APPENDIX B-SUBDIVISION REGULATIONS

PRELIMINARY PLAT CHECK LIST

SUBDIVISION RECORD

DATE SUBMITTED: \_\_\_\_\_ Date of Planning Board Review: \_\_\_\_\_  
(At least 15 days after submitted)

Date of Consideration by the Planning Board: \_\_\_\_\_  
(No more than 40 days from date submitted)

NAME OF SUBDIVISION: \_\_\_\_\_

LOCATION: \_\_\_\_\_

OWNER: \_\_\_\_\_

OWNER ADDRESS: \_\_\_\_\_ PHONE \_\_\_\_\_

DESIGNER: \_\_\_\_\_ ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_

Recommendations of the Planning Board: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Check Lists:

\_\_\_\_ Sketch vicinity map embracing subdivision and surrounding area.

\_\_\_\_ Three (3) copies of preliminary Plat at proper scale.

\_\_\_\_ Name of Subdivision and owner.

\_\_\_\_ North point, graphic scale(1 in. to 200 ft.), date

\_\_\_\_ Boundaries of tract with bearings and distances.

\_\_\_\_ Name of adjacent property owners.

\_\_\_\_ The location of existing sewer, water and gas mains and other utilities.

TOWN OF NEWPORT CODE

- The location of existing streets, roads, bridges, culverts, railroads, water courses, etc.
- Names, location, and approximate dimensions of proposed streets, easements, parks, and reservations, lot lines, sanitary sewers, storm sewers, water mains, culverts, electric and gas lines, and other surface and sub-surface structures and pipe lines.
- Proposed lot lines, building lines and approximate dimension.
- Lot and block numbers.
- Zoning classification on land to be subdivided and on adjoining land.
- Conforms to general requirements and minimum design standards.
- Areas to be used for purposes other than residential.
- Total acreage in the tract.

ENVIRONMENTAL PERMITS

- Erosion Control Plan
- Storm water Permit
- Wetlands Permit
- Improvements Permit for Septic Tanks
- Water & Sewer Extensions Permit
- Plat depicts Flood Way & Flood Boundary

TOWN DEPARTMENT HEAD REVIEW

- Fire Chief
- Police Chief
- Public Utilities
- Town Manager
- Town Engineer

APPENDIX B-SUBDIVISION REGULATIONS

\_\_\_\_ Emergency Management, for street names Etc.

\_\_\_\_ Other \_\_\_\_\_

APPROVED \_\_\_\_\_ TO PROCEED TO FINAL PLAT SUBJECT TO  
THE FOLLOWING MODIFICATIONS:

\_\_\_\_\_  
\_\_\_\_\_

DISAPPROVED \_\_\_\_\_ FOR THE FOLLOWING REASONS:

\_\_\_\_\_  
\_\_\_\_\_

TOWN OF NEWPORT CODE

FINAL PLAT CHECK LIST

SUBDIVISION RECORD DATE SUBMITTED: \_\_\_\_\_

PRELIMINARY CONSIDERATION BY THE PLANNING BOARD DATE: \_\_\_\_\_

NAME OF SUBDIVISION: \_\_\_\_\_

LOCATION: \_\_\_\_\_

OWNER: \_\_\_\_\_

OWNER ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_

Check List:

\_\_\_\_ Submitted within twenty four months (24) of preliminary approval.

\_\_\_\_ Three (3) copies of final plat.

\_\_\_\_ Proper scale of map.

\_\_\_\_ Conforms substantially to preliminary plat.

\_\_\_\_ Names and rights-of-way of streets and roads.

\_\_\_\_ Lot lines and building lines.

\_\_\_\_ Reservations, easements, public areas, or sites for other residential use with explanation or purpose.

\_\_\_\_ Legal description of boundary lines, street lines, lot lines, building lines, etc.

\_\_\_\_ Contour map.

\_\_\_\_ North Point, graphic scale, date.

\_\_\_\_ Location and description of monuments.

\_\_\_\_ Names and location of adjoining subdivisions and streets and the location and ownership of adjoining un-subdivides property.

APPENDIX B-SUBDIVISION REGULATIONS

\_\_\_ Conforms to general requirements and minimum design standards.

\_\_\_ Required improvements have been made or \$ \_\_\_\_\_ bond posted.

\_\_\_ Required certificates.

\_\_\_ Flood Boundary shown on Plat

RECOMMENDATIONS OF TOWN STAFF:

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