

CHAPTER 153: SUBDIVISION REGULATIONS

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GENERAL PROVISIONS

§ 153.01 TITLE.

This chapter will be known as the Subdivision Ordinance of Dare County.

(Prior Code, § 153.01) (Ord. passed 11-29-1982)

§ 153.02 AUTHORITY.

The Board of Commissioners of Dare County adopted this chapter under the authority of G.S. Ch. 153A, Art. 18, part 2.

(Prior Code, § 153.02) (Ord. passed 11-29-1982)

§ 153.03 PURPOSE.

The purpose of this chapter is to establish procedures and standards for the development and subdivision of real estate within the county in an effort to, among other things:

- (A) Ensure proper legal description, identification, monumentation and recordation of real estate boundaries;
- (B) Further the orderly layout and appropriate use of land;
- (C) Provide safe, convenient and economic circulation of vehicular traffic;
- (D) Provide suitable building sites which drain properly and are readily accessible to emergency vehicles;
- (E) Assure the proper installation of roads and utilities; and
- (F) Help conserve and protect the physical and economic resources of the county.

(Prior Code, § 153.03) (Ord. passed 11-29-1982)

§ 153.04 SUBSTANCE.

The Dare County Register of Deeds shall record no plat of a subdivision of land within Dare County and outside the subdivision jurisdiction of any municipality until the Planning Board of Dare County has approved a final plat of the subdivision.

(Prior Code, § 153.04) (Ord. passed 11-29-1982)

§ 153.05 DEFINITIONS.

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

ACCESSORY BUILDING. A subordinate building consisting of walls and a roof, the use of which is clearly incidental to that of a principal building on the same lot.

ADMINISTRATOR, SUBDIVISION. The Dare County Planning Director shall serve as the **SUBDIVISION ADMINISTRATOR** unless otherwise designated by the Dare County Manager.

BOARD OF COMMISSIONERS. Dare County Board of Commissioners.

BUILDING SETBACK LINE. The line within a property defining the required minimum distance between any building and the adjacent right-of-way or lot.

DOUBLE FRONTAGE LOT. A lot with front and rear street frontage.

LOT. A portion of a subdivision or any other parcel of land intended as a unit for transfer or ownership or for development or both. **LOT** includes the words **PLOT**, **PARCEL** or **TRACT**.

OFFICIAL MAPS or **PLANS.** Any maps or plans officially adopted by the Board of Commissioners as a guide for the development of the county.

PLANNING BOARD. Dare County Planning Board.

ROAD. A right-of-way for vehicular traffic. **ROAD** shall include the word **STREET**.

(1) **CUL-DE-SAC** or **MINOR DEAD-END ROAD.** A road permanently terminated by a turn-around or dead-end.

(2) **MARGINAL ACCESS ROAD.** A minor (service) road which parallels and is immediately adjacent to a primary road or highway, which provides access to the properties abutting it and which separates the abutting properties from high speed vehicular traffic.

(3) **PRIMARY ROAD.** A road designed to carry heavy volumes of vehicular traffic.

(4) **SECONDARY** or **COLLECTOR ROAD.** A road designed to carry medium volumes of vehicular traffic, to provide access to the primary road system and to provide access to abutting properties.

SUBDIVIDER. Any person, owners, broker, surveyor, engineer, planner, corporation, partnership or the like who subdivides or develops any land deemed to be a subdivision as defined in this section.

SUBDIVISION. Any division of a tract or parcel of land into 2 or more lots, building sites or other divisions, for the purpose, whether immediate or future, of sale or building development, including any division of land involving the dedication of a new street or a change in existing streets; provided, that the following shall not be included within this definition, nor shall they be subject to the regulations prescribed by this chapter:

(1) The combination or recombination of portions of previously subdivided and recorded lots, if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as established by this chapter.

(2) The division of land into parcels greater than 10 acres, if no street right-of-way dedication is involved.

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

(4) The division of a tract of land in single ownership, the entire area of which is no greater than 2 acres, into not more than 3 lots, where no street right-of-way dedication is involved, and if the resultant lots are equal to or exceed the standards of the county as established by this chapter.

(5) The combination, recombination or reconfiguration of previously subdivided and recorded lots if the total number of lots is not increased, the nonconforming sizes of the resultant lots are equal to the original nonconforming lot sizes, and no other new conformities of any kind are created. (Example: Lot A is 10,000 square feet and Lot B is 12,000 square feet. These lots may be reconfigured such that Lot A is now 12,000 square feet and Lot B is 10,000 square feet. However, a reconfiguration that results in Lot A being, say, 8,000 square feet and Lot B being 14,000 square feet would not be allowed as the resultant lot sizes are not equal to the original lot sizes. Similarly, an otherwise permitted, reconfiguration that caused an existing structure to violate current setback requirements or other regulations would not be permitted as the reconfiguration created a new nonconformity).

(6) The combination or reconfiguration of previously subdivided and recorded lots if the total number of lots is decreased and the size of the resultant lot(s) are equal to or greater than the originally recorded lots size and no other new nonconformities of any kind are created. Example: two nonconforming lots of 5,000 square feet are combined into 1 lot of 10,000 square feet.

(Prior Code, § 153.05) (Ord. passed 11-29-1982; Am. Ord. passed 3-16-2009; amended 3-21-2011; amended 3-21-2011)

PROCEDURE FOR SUBDIVISION PLAT APPROVAL

§ 153.15 SKETCH PLAN.

(A) *Contents.* The subdivider may submit to the Planning Board, at least 15 days prior to a regularly scheduled meeting of the Planning Board, 10 copies of a sketch plan of a proposed subdivision for review and initial feedback by the Planning Board. This is an optional step in the subdivision review process and a subdivider may choose to skip this step and proceed directly to submission of a preliminary plat as outlined in § 153.16. The sketch plan shall contain the following information:

- (1) A sketch map of the vicinity of the proposed subdivision showing its location in relation to neighboring tracts, subdivisions, roads and waterways;
- (2) The boundaries of the entire tract in common ownership and the portion of the tract to be subdivided;
- (3) The total acreage to be subdivided;
- (4) The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it;
- (5) The proposed street layout with approximate pavement and right-of-way width, lot layout and size of lots;
- (6) The name, address, and telephone numbers of the owner and, if applicable, a written and acknowledged statement of the owner designating the subdivider or other person to act as his or her agent for the submission of plats;
- (7) The name, if any, of the proposed division;
- (8) Streets and lots of adjacent developed or platted properties; and
- (9) If applicable, the zoning classification of the tract and of adjacent properties.

(B) *Review.* The Planning Board shall review the sketch plan for general compliance with the requirements of this chapter and other applicable policies and shall advise the subdivider of the policies applicable to the proposed subdivision and the procedures to be followed in the preparation and submission of the preliminary and final plats. One copy of the sketch plan shall be retained for the files of the Planning Board.

(Prior Code, § 153.15) (Ord. passed 11-29-1982; amended 3-21-2011; amended 3-21-2011)

§ 153.16 PRELIMINARY PLAT.

(A) *Submission.* The subdivider shall submit to the Planning Board, at least 15 days prior to a regularly scheduled meeting of the Planning Board, 20 copies of the preliminary plat of the subdivision at a scale of 1 inch to 100 feet, drawn on a sheet 18 inches by 24 inches or such other size as may be required for recording by the Dare County Register of Deeds. A digital version of the preliminary plat shall also be submitted to the Dare County Subdivision Administrator.

(B) *Contents.* A professional engineer or a land surveyor currently licensed or registered by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors shall prepare the preliminary plat and shall show or have attached to it a document showing the following information:

- (1) Title Block containing:
 - (a) Property designation;
 - (b) Name of owner;
 - (c) Location (including township, county and state);
 - (d) Date or dates survey was conducted and plat prepared;
 - (e) A scale of drawing in feet per inch listed in words or figures; and
 - (f) Name, address, registration number and seal of the land surveyor and/or professional engineer.
- (2) A map of the vicinity of the subdivision showing the relationship between the proposed subdivision and the surrounding area;
- (3) Corporate limits, township boundaries, county lines if on the subdivision tract;
- (4) The names, titles, firm association, addresses and telephone numbers of all owners, subdividers, mortgagees, planners,

architects, landscape architects and engineers responsible for the subdivision;

- (5) The registration numbers and seals of the professional engineers and land surveyors;
- (6) North arrow and orientation;
- (7) Boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands;
- (8) The names of owners of adjoining properties;
- (9) The names of any adjoining subdivision of record, proposed or under review;
- (10) Minimum building setback lines, front, side, and rear;
- (11) The zoning classifications of the tract to be subdivided and adjoining properties (if area is not zoned, that shall be indicated);
- (12) Existing property lines on the tract to be subdivided and on adjoining properties;
- (13) Existing buildings or other structures, watercourses, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining;
- (14) Proposed lot lines, lot and block numbers, and approximate dimensions;
- (15) Lots numbered consecutively throughout the subdivision;
- (16) Wooded areas, marshes, swamps, mean high tide lines, vegetation line, primary and other dunes, ponds or lakes, streams or streambeds and any other natural features affecting the site;
- (17) Flood hazard, floodway and floodway fringe areas;
- (18) Base flood elevation data if available;
- (19) The following data concerning streets:
 - (a) Proposed streets;
 - (b) Existing and platted streets on adjoining properties and in the proposed subdivision;
 - (c) Rights-of-way, location and dimension;
 - (d) Pavement widths;
 - (e) Approximate grades;
 - (f) Design engineering data for all corners and curves;
 - (g) Typical street cross sections;
 - (h) Street names;
 - (i) Type of street dedications; all streets must be designated either public or private; and
 - (j) Where streets are dedicated to the public but not accepted into the state system before lots are sold, a statement explaining the status of the street and a draft street maintenance agreement.
- (20) The location and dimensions of all:
 - (a) Utility and other easements;
 - (b) Riding trails;
 - (c) Natural buffer areas;
 - (d) Pedestrian or bicycle paths;
 - (e) Parks and recreation areas with specific type indicated;

- (f) School sites;
- (g) Areas to be dedicated to or reserved for public use;
- (h) Areas to be used for purposes other than residential with the purpose of each stated; and
- (i) The proposed ownership and maintenance of recreation and open space lands, trails, paths and the like.

(21) The plans for utility layouts including:

- (a) Sanitary sewers;
- (b) Storm sewers;
- (c) Other drainage facilities;
- (d) Water distribution lines;
- (e) Natural gas lines;
- (f) Telephone lines;
- (g) Electric lines;
- (h) Cable television lines; and

(i) Illustrative connections to existing systems, line sizes, the location of fire hydrants, blow offs, manholes, force mains and gate valves and the like.

(22) Plans for individual water supply and sewage disposal systems;

(23) Profiles based upon mean sea level datum for sanitary sewers and storm sewers;

(24) Site calculations including:

- (a) Acreage in total tract to be subdivided;
- (b) Acreage in parks and recreation areas, areas of environmental concern, and other non-residential uses, by category;
- (c) Total number of parcels created;
- (d) Acreage in the smallest lot in the subdivision; and
- (e) Linear feet in streets.

(25) The name and location of any property or buildings within the proposed subdivision or within any contiguous property that is located on the U.S. Department of Interior's National Register of Historic Places or which have been deemed to have historical, cultural, or archaeological resources potential by the North Carolina Department of Cultural Resources;

(26) If any property, or any portion of any property, or any structures, located on any property proposed to be subdivided are determined to be historically, culturally or archaeologically significant, or potentially significant, the Planning Board may require a detailed evaluation of that site or structure. If a detailed evaluation is required and the results of that evaluation establish the validity of a cultural, historical, or archaeological resource, the developer shall be notified in writing by the Chairman of the Planning Board that a 90-day administrative hold on the review of the preliminary plat has been invoked. During this 90-day period, the developer shall take such action as may be necessary to prescriptively remove and preserve any remnant artifacts, relocate or submit plans for the relocation or preservation of any historic structures, or present for the Planning Board's consideration any other mitigation plan to address the historical, cultural or archaeological resources on the property proposed to be subdivided (this section adopted by the Dare County Board of Commissioners on June 3, 1991);

(27) Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street lines, lot line, right-of-way line, easement line and setback line, including dimensions, bearings or deflection angles, radii, central angles and tangent distance for the center line or curved property lines that are not the boundary line of curved streets. All dimensions shall be measured to the nearest 1/10 of a foot and all angles to the nearest minute;

(28) The accurate locations and descriptions of all monuments, elevations, markers and control points;

(29) A copy of any proposed deed restrictions or similar covenants;

(30) A copy of the document or documents for the creation and continued operation of the homeowners, landowners or similar association of the consumers of the subdivision;

(31) Topographic map when it is determined by the Planning Board that one is needed, with contour intervals and scale as determined by the Planning Board;

(32) Boundaries of all areas of environmental concern designated in accordance with the Coastal Area Management Act of 1974;

(33) If any portion of any lot within the subdivision falls within an area of environmental concern the following notice shall be placed on the face of the plat:

Some portions of some lots in this subdivision are located in Areas of Environmental Concern. Individual permits may be required before development may take place in these areas;

(34) All certifications and approvals required by state law including proof that when improved in accordance with the preliminary plat the public streets and roads will be eligible for inclusion in the state system in accordance with G.S. § 136-102.6, or, if private, will comply with the same standards except for stipulated exceptions;

(35) If the subdivision is to be developed in phases, the boundaries of each phase and the sequence in which each phase is to be developed;

(36) An inventory and evaluation of the soil and water resources within the proposed subdivision; and

(37) If the subdivision is within the service area of any public or private water supply system, a statement from the chief executive office of the system indicating if the proposed subdivision may be connected to that system.

(C) *Review.*

(1) *Review by other agencies.* The Planning Board will submit the preliminary plat to the District Highway Engineer and to other appropriate agencies including review necessary to assure coordination with the North Carolina Coastal Management Program and offices of the county for their review and recommendations.

(2) *Review by Planning Board.*

(a) After considering any report and/or recommendations received in addition to any comments which the subdivider may have, the Planning Board shall approve the preliminary plat or identify revisions that are needed for compliance with the standards of this chapter. These revisions shall be made as identified by the Planning Board and made part of the preliminary plat.

(b) Failure on the part of the Planning Board to act within 30 days after the plat is reviewed at a regularly scheduled Planning Board meeting shall constitute approval by the Planning Board. This 30- day time period shall not apply to those subdivisions for which revisions are needed for compliance with this chapter.

(3) *Review by Board of Commissioners.*

(a) At the time the preliminary plat is submitted to the Planning Board, a copy of the plat shall also be provided to the Board of Commissioners and a report indicating the date the preliminary plat is scheduled for review by the Planning Board. Review of a preliminary plat by the Board of Commissioners is not required for the subdivision approval except for those subdivisions which involve street improvements as outlined in § 153.40(E)(1) and (2). The Board of Commissioners may also request presentation of a subdivision preliminary plat at a regularly scheduled Board of Commissioners meeting if there are concerns about the proposed subdivision that the Board wishes to discuss directly with the subdivider or the Planning Board. The 30-day time limit established in § 153.16(C)(2)(b) shall not apply to those subdivisions that are subject to review by the Board of Commissioners as set forth above.

(b) If the Board of Commissioners disapproves the preliminary plat, the reasons for the action shall be stated and recommendations made on the basis of which the proposed subdivision could be approved.

(Prior Code, § 153.16) (Ord. passed 11-29-1982; amended 3-21-2011; amended 3-21-2011)

§ 153.17 FINAL PLAT.

(A) *Preparation of the final plat and installation of improvements.* Upon approval of the preliminary plat, the subdivider may proceed with the preparation of the final plat and installation of required improvements in accordance with the approved preliminary plat and the requirements of this chapter. Prior to approval of a final plat, the subdivider shall have installed the improvements specified in this chapter. The Subdivision Administrator will accept no final plat for review unless accompanied by a statement signed by the subdivider certifying that all of the provisions of this chapter have been complied with and that all of the required improvements have been installed. The final plat shall include on that portion of the preliminary plat, which the subdivider proposed to record at that time.

(B) *Submission of the final plat.*

(1) Upon completion of all improvements, the subdivider shall submit to the Subdivision Administrator the final plat, so marked.

(2) The final plat for the subdivision or for the first phase of the subdivision as indicated in the sequence of phases on the approved preliminary plat shall be submitted not more than 12 months after the date on which the preliminary plat was approved by Dare County; otherwise approval of the preliminary plat shall expire and be null and void.

(3) The Planning Board may grant an additional 12 months for the installation of improvements and submission of the final plat if the subdivider applies for such extension in writing before the expiration of the initial period and has begun to install the required improvements.

(4) A final plat for each subsequent phase must be submitted within 12 months after the final plat for the previous phase has been approved or the approval of the preliminary plat as to the remaining phases shall be null and void.

(5) The final plat shall be prepared in accordance with the highest professional standards by a land surveyor or professional engineer currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plat, subdivisions, and mapping requirements set forth in G.S. § 47-30 and shall show or have attached to it a document showing the same information required for the preliminary plat.

(6) Three copies of the final plat shall be submitted; 1 shall be a mylar copy suitable for recording in the Dare County Register of Deeds.

(7) The final plat shall be of a size suitable for recording with the Dare County Register of Deeds and shall be at a scale of not less than 1 inch equals 200 feet. Maps may be placed on more than 1 sheet with appropriate match lines.

(8) Submission of the final plat shall be accompanied by a cashiers or certified check payable to the Dare County Register of Deeds in the amount of the recording fee for the final plat and related documents.

(9) One original copy of any covenants and/or homeowners documents associated with the proposed subdivision.

(C) *Certification.*

(1) The following signed and acknowledged certificates or required portions thereof shall appear on all copies of the final plat:

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 County of Dare and that I hereby adopt this plan of subdivision with my free consent, establish 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 County of Dare.

Date

Owners Signature

I, _____, hereby certify that _____ personally appeared before me this day and acknowledged the due execution of this certificate. Witness my hand and official seal this the ____ day of _____, 20__.

_____ (official seal)

Signature

State of North Carolina

County of _____

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 ____, etc.) (other); that the ratio of precision as calculated by latitudes and departure is 1: ____; that the boundaries not surveyed are shown as broken lines plotted from information and found in Book _____, Page _____; that this map was prepared in accordance with G.S. 47-30, as amended; and that the prescribed reference points have been properly placed. Witness by hand and seal this _____ day of _____, 20 ____.

Registered Land Surveyor/Professional Engineer

Official Seal

Registration Number

I, _____, hereby certify that _____ personally appeared before me this day and acknowledged the due execution of this certificate. Witness by hand and official seal this the _____ day of _____, 20 ____.

Official Seal

Signature

(2) Disclosure of flood and other hazards on final plats.

(a) If a portion of any lot on any parcel proposed for subdivision is located, wholly or partially, in a special flood hazard area as designated on the Flood Insurance Rate Map for Dare County, the following certificate shall be included on the final plat submitted for approval by the Dare County Subdivision Administrator:

"This property, or portions of this property, is located within a special flood hazard area as designated on Flood Insurance Rate Maps for Dare County. Location in a special flood hazard area represents a one percent (1%) or greater chance of being flooded in any given year. Flood insurance may be required by lending institutions for structures constructed on property located in special flood hazard areas."

(b) Any restrictive covenants for the subdivision shall also include this same certificate. A copy of the covenants, including this certificate, shall be submitted to the Dare County Subdivision Administrator for recordation with the final plat.

(c) If a portion of a lot on any parcel proposed for subdivision is located, wholly or partially, in a Coastal Outer Barrier Resources Areas as determined by the U.S. Fish and Wildlife Service, the following certificate shall be included on the final plat submitted for approval by Dare County Subdivision Administrator:

"This property, or portions of this property, is located within a Coastal Outer Barrier Resources Act (CBRA) zone as determined by the U.S. Fish and Wildlife Service. Location in a CBRA zone precludes the availability of federally-insured loans and the purchase of federal flood insurance through the National Flood Insurance Program."

(d) Any restrictive covenants for the subdivision shall also include this same certificate. A copy of the covenants, including this certificate, shall be

submitted to the Dare County Subdivision Administrator for recordation with the final plat.

(D) *Review by the Subdivision Administrator.*

(1) The Subdivision Administrator shall review the final plat within 7 days of its submission to ensure consistency between the approved preliminary plat and the final plat to ensure that all improvements have been installed as approved. Documentation, including independent testing results on road improvements, verifying the installation of improvements shall be submitted with the final plat. If inconsistencies between the final plat and the approved preliminary plat are identified, then the Subdivision Administrator shall advise the subdivider of these inconsistencies and the subdivider shall take appropriate actions to correct any inconsistencies. The final plat shall not be recorded until any inconsistencies have been corrected.

(2) Once the Subdivision Administrator approves the final plat, the following certificates shall be affixed to a reproducible copy of

the final plat and such plat filed by the Subdivision Administrator with the Dare County Register of Deeds:

(a) Certificate of Approval for Recording.

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Ordinance of Dare County and that this plat has been approved by the Dare County Planning Board for recording in the Office of the Register of Deeds of Dare County.

Dare County Subdivision Administrator Date

(b) Certificate for Acceptance of Dedications.

I certify the acceptance of the dedication of roads, easements, rights-of-way, public parks, and other sites for public purposes, as shown hereon, but assume no responsibility to open or maintain same until in the opinion of the governing body of Dare County it is in the public interest to do so.

Dare County Manager Date

(c) Review Officer Certificate.

State of North Carolina

County of _____

I, _____, Review Officer of Dare County certify that the map or plat which this certification is affixed meets all statutory requirements for recording.

Date Review Officer

(d) Roadway notification.

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

Date District Engineer, NC Dept. of Transportation, Division of Highways

Private streets: Roadways within this subdivision do not meet.

(3) If the final plat is disapproved by the Planning Board, the reasons for the disapproval shall be stated in writing, specifying the provisions of this chapter with such reasons and 1 print of the plat shall be retained by the Planning Board as part of its proceedings; one copy of the reason and 1 copy of the plat shall be transmitted to the subdivider. If the final plat is disapproved the subdivider may make such changes as will bring the final plat into compliance and resubmit it for reconsideration by the Planning Board as if it were an original submission of a final plat.

(Prior Code, § 153.18) (Ord. passed 11-29-1982; amended 3-21-2011; amended 3-21-2011; amended 1-20-2015)

§ 153.18 EXEMPT PLATS.

(A) Survey.

(1) A survey of any proposed land division shall be submitted to the Subdivision Administrator for a determination if the proposed land division is specifically exempted as outlined in the definition of a subdivision found in § 153.05.

(2) If the Subdivision Administrator determines that an exemption applies, the Subdivision Administrator shall acknowledge such determination by signature of the exempt survey. The plat may then be submitted to the Dare County Review Officer for compliance

with applicable North Carolina statutes. upon approval by the Review Officer, the Dare County Subdivision Administrator shall record the survey in the Dare County Register of Deeds. All necessary review fees and recordation fees shall be submitted to the Subdivision Administrator at the time an exempt determination is made by the Subdivision Administrator.

(B) *Plat certificates for exempt plans.*

(1) The following certificates shall be included on all exempt plats that are recorded in the Dare County Register of Deeds:

Certificate of Approval for Recording

I hereby certify that the subdivision plat shown hereon has been determined to be an exempt division as defined in the Dare County Subdivision Ordinance section _____ (to be filled in upon signature) _____.

Dare County Subdivision Administrator

Date

Review Officer Certificate

State of North Carolina

County of Dare

I, _____, Review Officer of Dare County certify that the map or plat which this certification is affixed meets all statutory requirements for recording.

Date

Review Officer

(2) Disclosure of flood and other hazards on exempt plats.

(a) If a portion of any tract of land proposed for subdivision under the exempt plat procedures as established in this chapter is located, wholly or partially, in a special flood hazard area as designated on the Flood Insurance Rate Map for Dare County, the following certificate shall be included on the exempt plat submitted to the Dare County Subdivision Administrator for recordation:

"This property, or portions of this property, is located within a special flood hazard area as designated on Flood Insurance Rate Maps for Dare County. Location in a special flood hazard area represents a one percent (1%) or greater chance of being flooded in any given year. Flood insurance may be required by lending institutions for structures constructed on property located in special flood hazard areas."

(b) If a portion of any tract of land proposed for subdivision under the exempt plat procedures as established in this chapter is located, wholly or partially, in a Coastal Outer Barrier Resources Areas as determined by the U.S. Fish and Wildlife Service, the following certificate shall be included on the exempt plat submitted to the Dare County Subdivision Administrator.

"This property, or portions of this property, is located within a Coastal Outer Barrier Resources Act (CBRA) zone as determined by the U.S. Fish and Wildlife Service. Location in a CBRA zone precludes the availability of federally-insured loans and the purchase of federal flood insurance through the National Flood Insurance Program."

(C) If the Subdivision Administrator determines that the proposed subdivision does not meet any of the exemption conditions, the Subdivision Administrator shall advise the property owner of the applicable review procedures for either a minor or a major subdivision.

(Adopted 3-21-2011; amended 3-21-2011; amended 1-20-2015)

MINOR SUBDIVISIONS

§ 153.20 MINOR SUBDIVISIONS.

The following standards shall apply to minor subdivisions:

(A) *Minor subdivision.* A residential subdivision that involves the platting and recordation of 6 or less lots. Lots platted and

recorded as part of a minor subdivision shall be limited to single-family residential use, and shall not be used for commercial or industrial purposes, regardless of the applicable zoning district or other land use ordinances. This residential limitation shall not be intended to preclude the location of mobile homes or modular homes on lots developed as part of a minor subdivision, if these structures are permitted in the applicable zoning district. This residential limitation shall not be interpreted to preclude the location of home occupations or other commercial accessory uses that may be permitted in certain zoning districts in unincorporated Dare County.

(B) *Streets.* All street improvements in a minor subdivision shall consist of a minimum of a 30-foot-wide right-of-way, with 18-foot-wide paved improvements located internal to this right-of-way area. The paved improvements shall be constructed to the sub-base and base material specifications and other design criteria of the North Carolina Department of Transportation. Roadside swales for the purpose of stormwater retention and/or drainage shall be installed within the right-of-way. The maintenance of the street improvements and swales, once installed, shall be the responsibility of the abutting property owners. A certificate establishing the maintenance responsibility for the street improvements shall be included on the final plat, and such information shall also be conveyed to purchasers of the lots as a feature of the deed to such lots.

(1) *Statement, inspections and certificate.* The subdivider shall submit, as a part of the preliminary plat, the signed statement of a North Carolina-licensed professional engineer, stating that the proposed streets, as designed, will meet all of the requirements of this section. The subdivider shall provide for inspections to ensure that the streets are being constructed in accordance with the approved preliminary plat, by an independent, licensed professional engineer during the construction process, whose reports are to be submitted to the Planning Board in accordance with a schedule submitted and approved as part of the preliminary plat. As a part of the final plat, the subdivider shall submit a certificate of an independent, licensed professional engineer that the streets have been constructed in accordance with the approved preliminary plat.

(2) *Street standards.* Street improvements approved and recorded as part of a minor subdivision shall not be used as access for other property or other development unless the streets are improved to a level consistent with the street standards of § 153.40(A)(1).

(C) *Lot size.* For zoned areas, all lots in a minor subdivision shall meet the minimum lot size requirements of the applicable zoning district. For unzoned areas, lots served by a central water supply shall contain 15,000 square feet of area, and lots served by individual private wells shall contain 20,000 square feet of area.

(D) *Density limitation.* All habitable structures built in minor subdivision residential lots shall be limited to a maximum capacity of 4 bedrooms or bedroom equivalents (as defined by the Dare County Environmental Health Department) and/or wastewater capacity not to exceed 480 gallons per day.

(E) *Utility locations.* Easements for utilities shall be established along the front of each proposed lot. Such easements shall be a minimum of 15 feet, and shall be depicted on the final plat and clearly demarked as utility easements. No other structural improvements, other than driveway improvements, may be located within the designated utility easement area.

(F) *Plat certificates.* The following certificates shall be included on all minor subdivision plats that are recorded in the Dare County Register of Deeds office:

(1) *Minor subdivision certificate.*

Minor Subdivision Certificate

This subdivision has been approved as a minor subdivision under the standards of the Dare County Subdivision Ordinance. The lots in this subdivision shall be used for single-family residential purposes, and shall be limited to a maximum of 4 bedrooms or bedroom equivalents (as defined by the Dare County Environmental Health Department) and/or wastewater capacity not to exceed 480 gallons per day. This residential limitation for minor subdivision lots shall not preclude the location of home occupations or other commercial accessory uses as may be permitted in certain zoning districts in unincorporated Dare County. Maintenance of all infrastructure improvements, including roads and swales, shall be the sole responsibility of the property owners.

(2) *Certificate of ownership.*

Certificate of Ownership

I hereby certify that I am the owner of the property shown and described hereon, which is located in the regulatory jurisdiction of the County of Dare, and that I hereby adopt this plan of subdivision with my free consent. I hereby dedicate all water lines to the County of Dare.

I, _____, hereby certify that _____ personally appeared before me this day and acknowledged the due execution of this certificate. Witness my hand and official seal this the _____ day of 20____.

(official seal)

STANDARDS

§ 153.30 GENERALLY.

Each subdivision shall comply with the design standards of this chapter as minimums and shall contain the improvements specified which shall be installed and paid for by the subdivider. Land shall be dedicated or reserved as required.

(Prior Code, § 153.30) (Ord. passed 11-29-1982)

§ 153.31 REFERENCE POINTS.

Prior to the approval of the final plat, permanent reference points shall have been placed in accordance with G.S. §§ 39-32.2 *et seq.* the following requirements:

(A) *Subdivision corner tie.* At least 1 corner of the subdivision shall be designated by course and distance (tie) from a readily discernible reference marker.

(B) *Monuments.* Within each block of a subdivision at least 2 monuments designed as control corners shall be installed. The surveyor shall employ additional monuments when necessary. Monuments shall be constructed of concrete with steel reinforcing rods running their entire length and shall be at least 4 inches in diameter or square and not less than 3 feet in length. Each monument shall have imbedded in its top or attached by a suitable means a metal plate of noncorrosive material and marked plainly with the point, the surveyor's registration number and the words monument or control corner. A monument shall be set at least 30 inches in the ground, unless this requirement is impractical because of vehicular traffic or other factors. Elevation above sea level shall be shown on the metal plate on at least 1 of the monuments.

(C) *Stakes.* Each lot shall be adequately staked to show the boundaries of the lot with stakes not less than 3 feet long and driven into the ground not less than 2 feet.

(Prior Code, § 153.31) (Ord. passed 11-29-1982)

§ 153.32 GENERAL STANDARDS.

(A) The design and development of subdivisions shall preserve the natural terrain, natural drainage, existing topsoil, trees and natural vegetation to the maximum extent possible.

(B) All subdivisions shall be designed to be consistent with the need to minimize flood damage.

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

(D) All lots, improvements, structures and utilities shall comply with the applicable Areas of Environmental Concern (AEC) Standards and any other rules promulgated pursuant to the Coastal Area Management Act of 1974.

(E) (1) The lengths, widths, and shapes of blocks shall be determined with due regard to:

(a) Provision of adequate building sites suitable to the special needs of the type of use contemplated;

(b) Requirements of the Zoning Code of Dare County;

(c) Needs for vehicular and pedestrian circulation;

(d) Control and safety of street traffic;

(e) Limitations and opportunities of topography; and

(f) Convenient access to water areas.

(2) Length shall not be greater 1,400 nor less than 400 feet. Blocks shall have sufficient width to allow 2 tiers of lots of minimum depth except where single tier lots are required to separate residential development from through vehicular traffic or another type of use, in nonresidential subdivision, or where abutting a water area.

(3) If there are more than 4 lots fronting on a highway, a frontage road may be required.

(4) Where deemed necessary by the Planning Board, a pedestrian walk may be required to provide convenient access to a public area such as a park or school, to a water area or to areas such as shopping centers, religious or transportation facilities.

(F) Lots shall comply with the following requirements:

(1) *Orientation of lot lines.* Side lot lines shall be substantially at right angles or radial to street lines.

(2) *Minimum lot width.* Lots should have a minimum width of not less than 75 feet measured at the front building setback line.

(H) (1) All lots in new subdivisions shall conform to the requirements of the Zoning Code for the district in which the subdivision is located. Conformance means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of the Zoning Code. It is not sufficient merely for the average lot to meet such requirements.

(2) No land area shall be omitted from a plat when to do so would have the effect of creating a residual parcel of inadequate lot size.

(3) In unzoned areas, lots shall meet the following requirements:

(a) *Area.* All lots served by an approved central water supply system shall have an area of not less than 15,000 square feet; all lots served by individual well sources shall have an area not less than 20,000 square feet. Additional lot size may be required when soil conditions in the area to be subdivided are classified as provisionally suitable as currently defined by the North Carolina Department of Human Resources, Division of Health Services, Environmental Health Section (codified as 10 NCAC 10A. 1934-1968).

(b) *Building setback lines.* The minimum setback from property lines shall be as follows and shall be recorded on the final plat:

1. From the front property line - 25 feet;

2. From the side property lines - 10 feet;

3. From the rear property lines - 20% of lot depth but not to exceed 20 feet; except, in the case of an accessory building the setback shall be no less than 5 feet; and

4. From the side property line which abuts a street - 15 feet.

(I) The Planning Board may recommend the use of a buffer strip adjacent to major roads and to commercial or industrial development which would be part of the platted lots but have the following restriction on the face of the plat:

This strip reserved for the planting of trees or shrubs by the owner; the building of structures prohibited;

(J) All telephone, electric, cable, television, and other utility service within subdivisions shall be installed underground.

(Prior Code, § 153.32) (Ord. passed 11-29-1982)

§ 153.33 SUITABILITY OF LAND.

(A) If, based on an inventory and evaluation of the soil and water resources of the tract under consideration, the Planning Board determines that the tract or a portion of the tract is not suited for the use proposed, that area shall not be platted unless (1) the subdivider has permanently remedied the condition which made the land unsuitable or (2) all the area requirements of the ordinance are met by each lot without including the unsuitable land in the calculation. Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the County Health Department, a structural engineer and a soils expert determine that the land is suitable for the purpose proposed.

(B) Land which the Planning Board finds to be unsuited for development due to improper drainage, topography, soil characteristics, ground water elevation, susceptibility to flooding or failure to meet the criteria of G.S. Ch. 130A shall not be subdivided, unless adequate methods are utilized to correct the unsuitable conditions. Any land disturbing activity shall be accomplished in accordance with the requirements of G.S. Ch. 113A, Art. 4. Any required land preparation must be completed prior to submission of the final plat for

approval.

(Prior Code, § 153.33) (Ord. passed 11-29-1982)

§ 153.34 STORMWATER MANAGEMENT.

(A) Stormwater drainage systems.

The subdivider shall provide a surface water drainage system constructed to the standards of the North Carolina Department of Transportation, subject to the approval of the Planning Board.

- (1) No surface water shall be channeled or directed into a sanitary drainage system.
- (2) Where feasible, the subdivider shall connect to an existing storm drainage system.
- (3) Where an existing storm drainage system cannot be feasibly extended to the subdivision, a surface drainage system shall be designed to protect the proposed development from water damage.
- (4) Surface drainage course shall have side slopes of at least 3 feet of horizontal distance for each 1 foot of vertical distance, and courses shall be of sufficient size to accommodate the drainage area without flooding, and designed to comply with the standards and specifications for erosion control of the North Carolina Sedimentation Pollution Control Act.
- (5) The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least 1 foot in each 200 feet of horizontal distance.
- (6) Stream banks and channels downstream from any land disturbing activity shall be protected from increased velocity of runoff from the land disturbing activity in accordance with the North Carolina Sedimentation Pollution Control Act.
- (7) Anyone constructing a dam or impoundment within the subdivision must comply with the North Carolina Dam Safety Law.
- (8) In all areas of special flood hazards, all subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(B) Stormwater plans.

(1) For those subdivisions that involve more than 1 acre of land disturbance work for the construction of roads and other improvements, the application and approval process for the North Carolina Division of Water Quality shall be considered the stormwater management plan of record for Dare County. A copy of the approved stormwater management plan prepared by the developer and the permit issued by the State of North Carolina shall be submitted with the preliminary plat submitted for review to the Dare County Planning Board.

(2) For those divisions that involve less than 1 acre of land disturbance work for the construction of roads and other improvements, a detailed stormwater management and drainage plan shall be provided at the time of preliminary plat submission to the Dare County Planning Board. Such plans shall contain the following information:

- (a) Total area of the site and proposed impervious coverage of proposed roads, parking areas, and other amenities to be developed.
- (b) Total amount of land disturbing activity stated in square feet.
- (c) A table that lists the maximum amount of lot coverage in square feet allowed on each proposed lot according to the applicable zoning standard.
- (d) Typical cross-sections of roadside swales including the minimum side slopes.
- (e) Size and materials of any culverts or piping to be used in the division. Any proposed retention basins or other drainage improvements.
- (f) Other information pertaining to the items listed above that may be requested by the County Engineer or Dare County Planning Board.

(C) Stormwater standards.

(1) All roadside swales shall be established as retention areas and shall be shaped and stabilized with grass or sod at time final plat approval is requested from the Dare County Planning Board. Swales designed for the conveyance of stormwater shall be approved by the County Engineer prior to construction.

(2) Proposed subdivisions must maintain a minimum 30-foot wide setback area between all road improvements and these surface waters of Dare County: the Atlantic Ocean, Pamlico Sound, Roanoke Sound, Currituck Sound, Albemarle Sound, Croatan Sound, Alligator River, East Lake, South Lake, Stumpy Point Bay, Broad Creek, Sandy Bay, Shallowbag Bay, Kitty Hawk Bay, Buzzard Bay and any natural tributaries and bays of these waters.

(3) Driveway culverts or driveway slope areas shall be maintained by individual property owners or the homeowners association.

(4) No homeowner/lot owner/developer/ contractor/ shall be allowed to fill in, alter, or pipe any roadside swales shown on the drainage plan approved in conjunction with the final subdivision plat. Violation of this provision shall be a misdemeanor under G.S. § 14-4 and each day's continuing violation shall be a separate offense. Notwithstanding the criminal penalties, the county may institute a civil action against the offender, seek enforcement by appropriate equitable remedy, injunction and order of abatement or by any remedy authorized by G.S. §§ 160A-175 and 160A-389. Restoration of the drainage improvements to the original status shall also be required.

(5) Amendments or changes to the drainage improvements after final plat recordation may be approved by the County Engineer if the County Engineer determines that such changes will not impact the entire drainage system for the division or any public road improvements.

(6) Each of the lots in the subdivision shall be limited to the amount of lot coverage of the applicable zoning district.

(7) A letter of certification from the engineer or designer of the stormwater improvements shall be submitted with the final plat certifying that all stormwater improvements have been installed as approved during preliminary subdivision plat review.

(8) Language shall be included on the preliminary plat, final plat, and in the homeowners covenants as follows:

(a) The maximum amount of lot coverage per lot shall not exceed the allowable square footage as indicated on the approved stormwater plan for this division. Lot coverage shall be as defined in Section 22-2 of the Dare County Zoning Ordinance.

(b) Driveway culverts shall be installed according to the standards of the Dare County Zoning Ordinance and in accordance with the stormwater plans approved in conjunction with this division. Driveway improvements may be sloped to retain the shape of the retention basins in lieu of driveway culverts if approved by the Dare County Engineer.

(9) Where any proposed driveway, roadway, walkway, or other improvement crosses an established drainage feature such as, but not limited to, roadside ditches, swales, streams or others, a culvert pipe shall be installed in order to maintain the anticipated flow of water through the drainage feature or to allow leveling of the retained volume. The following minimum standards for culverts shall apply:

(a) Culvert pipes shall be constructed using HDPE plastic pipe, concrete pipe, or other materials approved by the NC Department of Transportation. A list of approved culvert materials is available by contacting the NCDOT District Engineers office.

(b) All culvert pipe shall be a minimum of 15 inches in diameter. The pipe shall be of a sufficient length so that the graded side-slopes from the top of the driveway roadway, or walkway, to the top of the pipe are no steeper than 1 vertical foot to 3 horizontal feet (1:3). Larger pipe sizes may be required depending upon the size of the drainage feature or based upon the anticipated stormwater flows.

(c) Culverts shall be installed so that the bottom of the pipe is slightly bedded into the maintained bottom of the ditch or swale. An adequate driveway or roadway cover shall be installed above the culvert in order to prevent damage to the pipe. The minimum depth of cover based on the intended use of the crossing shall be as recommended by the pipe manufacturer.

(d) Culvert pipe shall be protected from erosion through the installation of vegetation, stone rip rap, or other commonly accepted erosion control measures.

(e) The property owner shall be responsible for maintenance and repair of driveway culverts. This includes the removal of sediment material that may build up at the ends of the culvert pipe or any other debris that interferes with the normal function of the culvert piping.

(10) Subdivision roads that feature culvert piping as part of an approved stormwater management plan shall be installed to the design standards of the NC Department of Transportation for subdivision entrance roads including type of materials proposed for use and dimensional requirements for the culvert piping. (See NCDOT manuals *NC Standards and Specifications for Roads and*

(11) The final plat for any division shall include language and/or a table that depicts the amount of lot coverage/impervious area coverage authorized by the State.

(Prior Code, § 153.34) (Ord. passed 11-29-1982)

§ 153.35 SUBDIVISION NAME.

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

(Prior Code, § 153.35) (Ord. passed 11-29-1982)

§ 153.36 STREET/ROAD NAMES AND SIGNS.

(A) Streets and roads shall be named and such names shall be indicated on signs designed, constructed and placed in accordance with existing policy of Dare County.

(B) All street name signs and traffic control signs shall be installed by the subdivider in the subdivision before submission of the final plat for review and approval by the Dare County Planning Board.

(Prior Code, § 153.36) (Ord. passed 11-29-1982)

§ 153.37 SOLID WASTE COLLECTION.

(A) The Planning Board may require, for each 25 lots, a site, not exceeding 400 square feet, which is easily accessible by conventional containerized waste collection vehicles, to be reserved for the location of solid waste containers for public or private solid waste collection.

(B) Each site shall be improved with pavement or other permanent material to ensure unimpeded ingress and egress by waste collection vehicles.

(Prior Code, § 153.37) (Ord. passed 11-29-1982)

§ 153.38 UTILITY AND OTHER EASEMENTS.

Easements shall be provided as follows:

(A) Easements for underground utilities shall be provided where necessary, across lots or centered on rear or side lot lines and shall be at least 10 feet wide for water and sanitary sewer lines and as required by the utility companies involved, for telephone, gas and power lines. The Planning Board will determine whether 1 easement is sufficient or whether several easements are necessary to accommodate the various facilities and the subdivider shall provide the required easements.

(B) A crosswalk easement no less than 8 feet in width shall be provided when such is required by the Planning Board.

(C) Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

(D) Where a subdivision is adjacent to the Atlantic Ocean, an easement for dune maintenance adjacent to the mean high water mark may be required, or such other provisions as to dune maintenance may be required by the Planning Board.

(E) Lakes, ponds, creeks and similar areas within the county will be accepted for maintenance only if such is recommended by the Planning Board and approved by the Board of Commissioners.

(Prior Code, § 153.38) (Ord. passed 11-29-1982)

§ 153.39 WATER AND SANITARY SEWER SYSTEM.

(A) Each lot in all subdivisions within the county's jurisdiction shall be provided with an extension of the county water system at the subdivider's expense if in the judgment of the Board of Commissioners there is adequate unused capacity in the system to serve the subdivision and if the Planning Board determines that the existing system is sufficiently close to the subdivision to make such an extension feasible.

(B) All lots in subdivisions not connected to municipal or county water and/or sanitary sewer systems must have a suitable source of water supply and sanitary sewage disposal, which complies with the regulations of the Dare County Health Department and with the applicable laws of North Carolina.

(Prior Code, § 153.39) (Ord. passed 11-29-1982)

§ 153.40 STREETS.

(A) *Public streets.* All subdivision lots shall abut a public street. All public streets shall be built to the standards of this chapter and all other applicable standards of the county and the State of North Carolina. Public streets which are eligible for acceptance into the state highway system shall be constructed to the standards necessary to be put on the state highway system and shall be put on such system. Streets which are not eligible to be put on the state highway system because there are too few lots or residences shall, nevertheless, be dedicated to the public and shall be built in accordance with the standards necessary to be put on the state highway system so as to be eligible to be put on the system at a later date. An executed maintenance agreement with provisions for maintenance of the street until it is put on the state highway system shall be included with the final plat.

(1) All street improvements shall consist of a minimum 45-foot-wide right-of-way, with 20-foot-wide paved improvements located internal to this 45-foot right-of-way. All pavement and sub-base materials used in the construction of the street improvements shall be consistent with applicable NCDOT standards for acceptance into the state highway maintenance system. All proposed street improvements shall be built to be consistent with all other applicable NCDOT standards, including but not limited to, roadway design, utility placement, drainage improvements.

(2) The subdivider shall submit, as a part of the preliminary plat, the signed statement of a North Carolina-licensed professional engineer, stating that the proposed streets as designed will meet all of the requirements of this section. The subdivider shall provide for inspections to ensure that the streets are being constructed in accordance with the approved preliminary plat, by an independent, licensed professional engineer during the construction process, whose reports are to be submitted to the Planning Board in accordance with a schedule submitted, and approved as part of the preliminary plat. As a part of the final plat, the subdivider shall submit a certificate of an independent, licensed professional engineer that the streets have been constructed in accordance with the approved preliminary plat.

(3) The ownership of the streets shall be conveyed to a home or lot owners' association or similar organization. The subdivider must submit evidence that the ultimate owner of the streets will be institutionally and fiscally capable of maintaining the streets and rights-of-way to the specified standards in perpetuity. The subdivider must agree to maintain the streets until the owners' organization is fully functional, and must agree to contribute to that organization its share of the maintenance for all lots retained by the subdivider or successor.

(4) The final plat, the uniform covenants and each deed conveying lots in the subdivision shall plainly indicate that the streets are dedicated to public use, and their maintenance is the responsibility of the owners' organization in perpetuity, or until the streets are accepted into the state highway system.

(B) *Private streets.* (Reserved)

(C) *Subdivision street disclosure statement.* All streets shown on the final plat shall be designated in accordance with North Carolina state law and designation as public shall be conclusively presumed an offer of dedication to the public. Where streets are dedicated to the public but not accepted into the state highway system, before lots are sold, a statement explaining the status of the street shall be included with the final plat.

(D) *Conformity of proposed streets to existing maps or plans.* The location and width of all proposed streets shall be in conformity with official plans or maps of the county and with existing or amended plans of the Planning Board.

(E) (1) *Continuation of existing streets.* The proposed street layout shall be coordinated with the existing road system of the surrounding area and where possible, existing principal streets shall be extended. However, no new subdivision shall be approved if the primary means of ingress and egress to the subdivision connects to a road that is not eligible for, and cannot be upgraded to meet

the standards for, acceptance into the NCDOT's secondary road system. When a new subdivision is proposed to interconnect to a non-eligible road, that road must be upgraded to meet eligibility standards. Such upgrades may be established as a condition of approval of the preliminary plat of the new subdivision, and must be completed prior to the approval of the final plat of the new subdivision.

(2) *Exemption of land otherwise inaccessible.* If a tract or parcel is proposed to be subdivided and the only means of ingress and egress is by way of an existing interconnecting road ineligible for inclusion on the NCDOT secondary road system, the proposed subdivision may be approved once the Board of Commissioners has concluded that the existing interconnecting road to the proposed new subdivision does not pose unacceptable risks to public health and safety.

(F) *Access to adjacent properties.* Where in the opinion of the Planning Board, it is desirable to provide 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.

(G) *Large tracts or parcels.* Where land is subdivided into larger parcels than ordinary building lots, the parcels shall be arranged so as to allow for the opening of future roads and logical further subdivision.

(H) *Common driveways.* Common driveways may be permitted from public or private streets, upon a determination by the Planning Board in which the Board of Commissioners concurs that such driveways will not endanger or diminish the public health, safety and welfare. The following standards shall apply to common driveways:

(1) The common driveway is constructed to serve as supplemental access along elongated portions of flag lots or irregular-shaped lots. **FLAG LOTS** shall be defined as a lot design that features an elongated portion or "pole", the length of which extends to the remaining portion of the lot area. Such driveways shall be a minimum of 12 feet in width, and shall be paved in a manner consistent with the standards of § 153.40(A)(1). Additional width may be required by Dare County, depending on the design and location of the proposed common drive. An individual common driveway shall not be used to provide access to more than 2 lots.

(2) Common driveways shall not exceed 200 feet in length, and a turnaround area for maneuvering of public service vehicles shall be required at the terminus of the common driveway. For common driveways that are 100 feet or less in length, a turnaround area shall not be required. The design of common driveways and turnaround areas shall be reviewed and approved by the Dare County Fire Marshal, Dare County Public Works, Dare County Emergency Services Director and the Dare County Engineer before any preliminary plat featuring common driveways is reviewed by the Dare County Planning Board.

(3) All common driveway improvements shall be constructed following preliminary plat approval by the Dare County Board of Commissioners. As part of the final plat review, a certificate from a North Carolina-licensed professional engineer shall be submitted, stating that all common driveways have been constructed as depicted on the preliminary plat.

(4) Maintenance of the common driveways shall be the responsibility of the subdivision homeowners' association and/or the individual lot owners using the common driveway. The final plat shall include language to this effect and such information shall also be noted in homeowners' documents created for the subdivision.

(5) Common driveways shall not be used to facilitate the platting of additional subdivision lots which would be better served by a street. Common driveways may be used in lieu of a frontage road for lots fronting on a highway as detailed in § 153.32(E)(3) of this chapter, upon a determination by the Planning Board in which the Board of Commissioners concurs that the use of common driveways better serves the public health, safety and welfare.

(6) Individual flag lots shall provide access along the elongated or pole portion of the lot with a minimum width of 12 feet. This access area shall be improved with gravel, stone, rock, marl, clay, turf-stone, or other surface that will accommodate access by emergency service vehicles.

(Prior Code, § 153.40) (Ord. passed 11-29-1982; Am. Ord. passed 1-7-2008; Am. Ord. passed 6-2-2008)

§ 153.41 COMPLIANCE WITH OTHER COUNTY ORDINANCES.

No division of land shall be authorized for recordation if the resultant lots would create a non-conformity under the standards of the Dare County Zoning Ordinance or any other ordinance in effect for unincorporated Dare County.

(Ord. passed 9-5-2006)

§ 153.55 RECORDS; MINUTES; BUDGETARY REQUIREMENTS.

The Board of Commissioners and the Planning Board shall provide for the appropriate keeping of records, minutes and other proceedings held with respect to the Planning Board's responsibility under the terms of this chapter, and the Board of Commissioners may provide for the budgetary requirements as may be necessary in the administration of this chapter.

(Prior Code, § 153.55) (Ord. passed 11-29-1982)

§ 153.56 AMENDMENTS.

This chapter may be amended from time to time by the Board of Commissioners in accordance with G.S. § 153A-323.

(Prior Code, § 153.56) (Ord. passed 11-29-1982)

§ 153.57 CONFLICTS WITH OTHER CODE PROVISIONS.

Should the requirements of this chapter conflict with those of Chapter 155, Appendix A, of the Dare County Code, the more stringent requirements shall prevail.

(Prior Code, § 153.57) (Ord. passed 11-29-1982)

§ 153.99 PENALTY.

(A) Any person who, being the owner or agent of the owner of any land located within the jurisdiction of this chapter, transfers or sells the land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land, before the plat has been property approved in accordance with this chapter and recorded in the Office of the Register of Deeds, shall be guilty of a misdemeanor. The description of 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 the penalties provided therefor. The county may also seek injunctive relief for the illegal subdivision, transfer, conveyance or sale of land.

(B) Violation of § 153.34(C)(4) shall be a misdemeanor under G.S. § 14-4 and each day's continuing violation shall be a separate offense. Notwithstanding the criminal penalties, the county may institute a civil action against the offender, seek enforcement by appropriate equitable remedy, injunction and order of abatement or by any remedy authorized by G.S. §§ 153A-123 and 153A-324. Restoration of the drainage improvements to the original status shall also be required.

(Prior Code, § 153.99) (Ord. passed 11-29-1982)