

## SUBDIVISIONS

### Subdivision Ordinance for the City of Washington, North Carolina

**SUBDIVISIONS\*** This entire chapter was reissued on 2-12-96. Amendments made to this chapter since that date are indicated.

#### ARTICLE I. GENERAL PROVISIONS

- Sec. 17-1. Title
- Sec. 17-2. Purpose
- Sec. 17-3. Authority
- Sec. 17-4. Jurisdiction
- Sec. 17-5. Definitions
- Sec. 17-6. Compliance with official plans
- Sec. 17-7. Relation of subdivision ordinance with other adopted land use regulations
- Sec. 17-8. Recording of plats, generally
- Sec. 17-9. Planning Board to Act in lieu of City Council
- Sec. 17-10. Subdivision Review Board to act in lieu of Planning Board
- Sec. 17-11. Transition regulations for developing property brought into extra territorial jurisdiction
- Sec. 17-12.--17-25. Reserved

#### ARTICLE II. PROCEDURES FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

- Sec. 17-26. General Procedures
- Sec. 17-27. Preliminary and final plats, required certification
- Sec. 17-28. Preliminary plats - Approval generally
- Sec. 17-29. Preliminary plats - Submission
- Sec. 17-30. Preliminary plats - Format; general information; site information
- Sec. 17-31. Preliminary plat - Review Procedures
- Sec. 17-32. Preliminary plat - Departmental findings
- Sec. 17-33. Preliminary plat - Disposition of copies
- Sec. 17-34. Preliminary plat - Construction plan required; authority; contents
- Sec. 17-35. Preliminary plat - Construction plan to coincide with

---

\* **Charter reference(s)**--Subdivision control, § 19.4.

**Cross reference(s)**--Electric utilities, Ch. 6; licenses and business regulations, Ch. 8; streets and sidewalks, Ch. 16; water and wastewater, Ch. 18; zoning, Ch. 19; planning board, § 2-176 et seq.

**State law reference(s)**--Plats and subdivisions, mapping requirements, G.S. 47-30 et seq.; Coastal Area Management Act of 1974, G.S. 113A-100 et seq.; relation between general laws and city charters, G.S. 160A-3; territorial jurisdiction, G.S. 160A-360; planning agency, G.S. 160A-361 et seq.; subdivision regulation, G.S. 160A-371 et seq.; compliance of subdivision streets with minimum standards of board of transportation, G.S. 136-102.6.

## SUBDIVISIONS

- preliminary plat; minor plat alteration; major alterations;  
resubmission of plat copies reflecting alterations
- Sec. 17-36. Final Plat - Generally
- Sec. 17-37. Final Plat - Format; general information; site information
- Sec. 17-38. Final Plat - Review procedure
- Sec. 17-39. Final Plat - Departmental findings
- Sec. 17-40. Final Plat - Disposition of copies
- Sec. 17-41. Final Plat - Recordation
- Sec. 17-42. No responsibility, liability for improvements prior to  
acceptance
- Sec. 17-43. Resubdivision procedure
- Sec. 17-44--17-59. Reserved

### **ARTICLE III. DESIGN STANDARDS FOR SUBDIVISION PLATS**

- Sec. 17-60. Relation to thoroughfare plan
- Sec. 17-61. Street design standards
- Sec. 17-62. Utility easement
- Sec. 17-63. Lot lines and utility easements
- Sec. 17-64. Projection of easements to adjacent undeveloped property
- Sec. 17-65. Multipurpose easements
- Sec. 17-66. Minor drainage easements
- Sec. 17-67. Major utilities, substation sites, etc.
- Sec. 17-68. Preservation of significant water areas - Intent
- Sec. 17-69. Preservation of significant water areas - Maintenance;  
relationship to greenway plan
- Sec. 18-70. Preservation of significant water areas - Changes in  
location
- Sec. 17-71. Drainage
- Sec. 17-72. Protection from flooding and other adverse water  
conditions
- Sec. 17-73. Sedimentation and erosion control
- Sec. 17-74. Flood prone or flood hazard areas
- Sec. 17-75. Block standards - general design
- Sec. 17-76. Pedestrian crosswalks
- Sec. 17-77. Lots - general design
- Sec. 17-78. Double frontage lots
- Sec. 17-79. Driveways - Conditions of access
- Sec. 17-80. Public sites and open spaces - Intent
- Sec. 17-81. Reservations for recreation areas - Generally
- Sec. 17-82. Reservation for recreation areas - Minimum areas
- Sec. 17-83. Reservation for recreation areas - Waiver provisions
- Sec. 17-84. Reservation for recreation areas - Authority of Planning  
Board to seek advice
- Sec. 17-85. Reservation for recreation areas - Owner to give option to  
city; provisions of option
- Sec. 17-86. Reservation for recreation areas - Relation to bikeway plan
- Sec. 17-87.--17-99. Reserved

## SUBDIVISIONS

### **ARTICLE IV. RESERVED**

Sec. 17-100.--17-114. Reserved

### **ARTICLE V. REQUIRED IMPROVEMENTS**

Sec. 17-115. Conformance with the Manual of Standard Designs and Details.

Sec. 17-116. Permanent monuments and markers

Sec. 17-117. Streets and alleys - Grading and surfacing

Sec. 17-118. Streets and alleys - Curbs and gutters

Sec. 17-119. Street signs

Sec. 17-120. Street lights (public)

Sec. 17-121. Street trees

Sec. 17-122. Ground cover

Sec. 17-123. Sidewalks - Where to be installed

Sec. 17-124. Drainage - Conformance with Manual of Standard Designs and Details

Sec. 17-125. All subdivisions to be adequately drained

Sec. 17-126. Public water supply required

Sec. 17-127. Public sanitary sewerage required; exceptions

Sec. 17-128. General erosion protection; conservation of topsoil; preservation of desirable vegetation

Sec. 17-129. Fire protection facilities

Sec. 17-130. Wire installation to be underground; exceptions

Sec. 17-131.--17-140. Reserved

### **ARTICLE VI. COMPLETION OF IMPROVEMENTS; MAINTENANCE GUARANTEES**

Sec. 17-141. Satisfactory completion of improvements; offers to dedicate; maintenance guarantees; prior to approval of final plats

Sec. 17-142. Performance guarantee

Sec. 17-143. Type of guarantee

Sec. 17-144. Plans and construction programs

Sec. 17-145. Amount and terms of performance guarantee; time limitations

Sec. 17-146. Inspections; inspection reports

Sec. 17-147. Action on inspection reports - Reports indicating satisfaction of requirements

Sec. 17-148. Action on inspection reports - Reports indicating failure to satisfy requirements

Sec. 17-149. Action on inspection reports - Reports indicating unsatisfactory progress

Sec. 17-150. Actions following failure to complete work under performance guarantee

Sec. 17-151. Acceptance of guarantee of other governmental agency or utility

## SUBDIVISIONS

- Sec. 17-152. Building permits and certificates of occupancy prior to completion of improvements
- Sec. 17-153.--17-160. Reserved

## **ARTICLE VII. AMENDMENTS**

- Sec. 17-161. Planning Board review, recommendation
- Sec. 17-162. Public notice and hearing
- Sec. 17-163. Limitation on resubmittal
- Sec. 17-164.--17-170. Reserved

## **ARTICLE VIII. VIOLATIONS, PENALTIES AND REMEDIES**

- Sec. 17-171. Penalties for violation
- Sec. 17-172. Remedies
- Sec. 17-173.--17-180. Reserved

SUBDIVISIONS

**ARTICLE IX. VARIANCES**

Sec. 17-181. Authorized; procedure  
Sec. 17-182.--17-190. Reserved

**ARTICLE X. FEES**

Sec. 17-191. Fee schedule  
Sec. 17-192.--17-199. Reserved

**ARTICLE XI. LEGAL STATUS AND EFFECTIVE DATE**

Sec. 17-200. Separability  
Sec. 17-201. Repeal  
Sec. 17-202. Effective date

## SUBDIVISIONS

### **ARTICLE I. GENERAL PROVISIONS.**

#### **Sec. 17-1. Title.**

This chapter shall be known, and may be cited, as the "Subdivision Ordinance for the City of Washington, North Carolina," and may be referred to as the Subdivision Ordinance.

#### **Sec. 17-2. Purpose.**

- a) The purpose of this chapter is to establish procedures and standards for the development and division of land within the corporate limits and extraterritorial jurisdiction of the City of Washington in order to promote the public health, safety, and general welfare of the community. To continue this interest, regulation of land by the City has the following purposes, among others:
  - 1) To encourage economically sound and stable development in the City, and its surrounding environs;
  - 2) To assure the timely provision of required streets, utilities and other facilities and services to new land development;
  - 3) To assure adequate provision of safe, convenient, vehicular and pedestrian traffic access and circulation in and through new land developments;
  - 4) To ensure provisions of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational and other public purposes or the provision of funds in lieu of dedication;
  - 5) To ensure, in general, the wise and timely development of new areas in harmony with comprehensive plans as prepared and adopted by the City;
  - 6) To ensure accurate public records of land ownership and title transfer, the effective conduct of public and private business and the protection of private property rights;
  - 7) To provide for and protect the option of the consumer to use alternative energy sources by such means as protecting solar access to promote site planning and design which demonstrates a concern for increased energy conservation in buildings and increased use of alternative energy systems;
  - 8) To prevent the overcrowding of land and avoid undue concentration of population;
  - 9) To ensure proper monument placement into subdivided land;
  - 10) To provide adequate light and air;
  - 11) To facilitate adequate provision for transportation, water, sewer, schools, parks, playgrounds, and other public requirements including electrical distribution, cable television and telephone installations.
- b) These regulations are intended to provide for the harmonious development of the City and its environs, and in particular:
  - 1) For coordinating streets within new subdivisions with other existing planned streets or official adopted thoroughfare plan streets;
  - 2) For appropriate shapes and sizes of blocks and lots;
  - 3) For providing land for streets, school sites, and recreational areas and providing easements for utilities, other public facilities and services; and

## SUBDIVISIONS

- 4) For distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, prosperity or general welfare.
- 5) Coordination of land use development for compliance with other federal and state agencies such as the N.C. Department of Environment, Health, and Natural Resources Division of Coastal Management, U.S. Army Corps of Engineers, Federal Emergency Management Agency, N.C. Department of Transportation, and the Federal Aviation Administration.

(Code 1972, § 21-4; 96-2, 2-12-96)

### **Sec. 17-3. Authority of chapter.**

This chapter is enacted by the City Council of the City of Washington pursuant to the authority granted by G.S. 160A, Art. 19, Pt.2 (G.S. 160A-371 et seq.) (Code 1972 § 21-2; 96-2, 2-12-96).

### **Sec. 17-4. Jurisdiction.**

The regulations contained herein, as provided in North Carolina General Statutes 160A-360, shall govern each and every subdivision within the jurisdiction of the City of Washington, as defined in Section 27-4 of the Washington City Code. Furthermore, the extra-territorial planning jurisdiction is specified in an adopted ordinance and has been drawn on a map and set forth in a written description, as amended.

(Code 1972, §§ 21-3, 21-21; 96-2, 2-12-96)

**Charter reference**-Subdivision control, § 19.4.

**State law references**-Territorial jurisdiction, G.S. 160A-360; relation between general laws and city charters, G.S. 160A-3.

### **Sec. 17-5. Definitions.**

#### a) Usage.

- 1) The numbers, abbreviations, terms and words used in these regulations shall be used, interpreted, and defined as this article provides; words or terms not defined shall have their customary dictionary definition. Words or terms defined in other articles shall have the definitions provided in that article.
- 2) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; words used in the singular include the plural; the word "herein" means "in these regulations;" the word "regulations" means "these regulations," words of any gender shall be applicable to all genders.
- 3) A "person" includes a corporation, a partnership, and an incorporated or unincorporated association of persons such as a club; "shall" is always mandatory; "may" is permissive; a "building" includes a "structure;" a "building" or "structure" includes any part thereof.

#### b) Words and terms defined.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

## SUBDIVISIONS

Alley: A strip of land, owned publicly or privately, set aside primarily for utility service at the backside of properties, otherwise abutting a street.

Building Setback line: The line on the front, rear, and sides of a lot which delineates the area within which a structure may be built and maintained.

City Planner: The individual designated by the City Manager responsible for the development and implementation of the Subdivision Ordinance. This individual is the person the property owner or their agents submit subdivision plans for approval. This person is responsible for the coordination of the subdivision review process. The City Planner may designate a person in the department, with prior approval from the City Manager, for assistance in carrying out the duties and responsibilities of the subdivision process.

Common Open Space: Common Open Space is land designated by plat for the use, benefit and enjoyment of all residents, and the developer or homeowners shall not place age, race, sex or unreasonable economic restrictions upon the use of said open space.

Construction Plans: Construction plans are engineering details and specifications for the provision of necessary and/or required facilities and improvements. Such facilities and improvements may include, but not be limited to, public and private streets, water, sanitary sewer and storm drainage systems.

Corner Lot: A lot abutting upon two (2) or more streets at their intersection

Cul-de-Sac: A street with one (1) end open to traffic, and the other end of which is permanently terminated by a vehicular turn-around.

Double Frontage Lots: A continuous (through) lot of the same depth as the width of a block and which is accessible from both of the streets upon which it fronts.

Drainage: The removal of surface water or groundwater from land by drains, grading or other means.

Drainage System: The system through which water flows from the land, including all watercourses, water bodies, and wetlands.

Driveway: A paved or unpaved area used for ingress or egress of vehicles and allowing access from a street to a building or other structure or facility.

Easement: A grant by the property owner for use by the public, a corporation or person of a strip of land for specific reasons.

Extraterritorial Jurisdiction: The area beyond the corporate limits within which the planning, zoning, and building regulations of the City of Washington apply in accordance with state law. Such area is delineated on the Official Zoning Map of the City of Washington.

Final Plat: The final map of all, or a portion, of a subdivision which is presented for final approval.

Group Development: A development containing three (3) or more building sites where the total amount of the development area equals the zoning requirements, but where individual building sites within the development may be less than the standard zoning minimum lot size.

Home Owners Association: A community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities. The association usually holds title to certain common property, manages and maintains the common property, and enforces certain covenants and restrictions.

Island: A raised area, usually curbed, placed to guide traffic and separate lanes, or used for landscaping, signing, or lighting.

## SUBDIVISIONS

Lot: A parcel of land under single ownership occupied or capable of being occupied by a principal building together with its accessory buildings, including the open space required under the terms of this ordinance.

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

Main: Any system of continuous piping, the principal artery of the system to which branches may be connected.

Major Thoroughfare: Any street, road or highway so designated in the official thoroughfare plan of the City.

Manual of Standard Designs and Details: A supplement to the Subdivision Ordinance. Such supplement contains engineering designs and details relative to plat layout; storm drainage design; sedimentation control; basins; pipes; manholes, ending walls and retaining walls; street standards; pavement design; ground cover; driveways; parking; storm water detention and other uniform design standards.

Minor Subdivision Plat: A minor subdivision plat is classified in the following manner:

1. Involving lots fronting on an existing and/or approved street(s). In interpretation of this Section, the term "lot fronting" shall be construed to include condominium and townhouse developments which share common area;
2. Not involving the dedication or extension of any public street;
3. Not involving the extension of public sanitary sewer, storm sewer, or water lines;
4. Not involving the creation of residual parcels or lots;

The Subdivision Review Board has the authority to approve minor subdivision plats and final plats containing five (5) or less lots.

Minor Thoroughfare: Any street, road or highway so designated in the official thoroughfare plan of the City.

Official Maps or Plans: Any maps, or plans, officially adopted by the City Council as a guide for the development of the City and surrounding area.

Official Maps or Plans: Any maps or plans officially adopted by the City of Washington as a guide for the development of the City consisting of maps, charts, and/or other approved documents.

Planned Unit Development: A contiguous area to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified.

Planning Board: That body created by City Council in Chapter 2 Article IX of the Washington City Code, pursuant to N.C.G.S. 160A-361 and 160A-367, to act as a planning agency for the City Council on planning and zoning matters within the City of Washington's extraterritorial planning and zoning jurisdiction.

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

Preliminary Plat: A map indicating the proposed design of a development and related information that is submitted for preliminary approval.

## SUBDIVISIONS

Public Water System: A system for the provision to the public of piped water for human consumption if such system has at least 15 service connections or regularly serves at least 25 year round residents.

Public or Community Sewage System: A single system of sewage collection, treatment, and disposal owned and operated by a sanitary district, a metropolitan sewage district, a water and sewer authority, a county or municipality, or a public utility.

Restricted Covenant: A restriction on the use of land usually set forth in the deed. The restrictive covenant usually runs with the land and is binding upon subsequent owners of the property, and not regulated by the City.

Septic System: An underground system with a septic tank used for the decomposition of domestic wastes.

Septic Tank: A watertight receptacle that receives the discharge of sewage.

Setback Line: The distance between the street right-of-way line and the front line of a building or any projection thereof, excluding uncovered steps.

Sewer: Any pipe conduit used to collect and carry away sewage or storm water runoff from the generating source to treatment plants or receiving streams.

Single Tier Lot: A lot which backs upon a limited access highway, a railroad, a physical barrier, or a nonresidential use and to which vehicular access from the rear is usually prohibited.

Sketch Plan: A preliminary design of a development project that contains rough approximations about what a developer intends to do with a property. This plan should include estimates about the square footage of a development, where utility easements are to be placed, street placement, and show the general plans of the project. The plan is to be submitted to the Subdivision Review Board for review, and assistance, in dealing with problems that could possibly arise. The sketch plan review process is designed to make the preliminary plat design easier, and make it less time consuming to be passed.

Street: Streets are those areas delineated by dedicated rights-of-way or common property easements designed and constructed as required by this chapter for the purpose of carrying vehicular traffic to and from abutting property.

Street, Approved: Approved streets are public or private streets that have been platted pursuant to this ordinance and of which construction has been completed and accepted or guaranteed.

Street, Private: Streets that have been designated by easement and as such constitute public vehicular areas as provided and regulated by applicable law. Such streets shall be constructed in accordance with the standards of this chapter and shall be maintained by the property owner or pursuant to recorded agreements.

Street, Public: Streets that have been accepted for permanent maintenance by either the State of North Carolina or the City of Washington.

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

Subdivision: All divisions of a tract, or parcel, of land, into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development. The word "subdivision" shall include all divisions of land involving the dedication of a new street, or a change in existing streets, provided, however, that the following shall not be included within this definition, nor be subject to the regulations prescribed by this chapter:

## SUBDIVISIONS

1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the City as required by this chapter.
2. The public acquisition by the purchase of strips of land for the widening or opening of streets.
3. The division of a tract of land in single ownership whose entire area is no greater than two (2) acres into no more than three (3) lots where in the opinion of the Planning Board, no street right-of-way dedication is required and where the resultant lots are equal to or exceed the standards of the City as required by this chapter.
4. The division of land into parcels greater than ten (10) acres where in the judgement of the Planning Board no street right-of-way dedication is involved.

(Code 1972, § 21-1; Ord. No. 96-2, 2-12-96)

**State law reference**-Subdivision defined, G.S. 160A-376.

**Subdivision Review Board:** The Board that has been designated to review all sketch plans, make recommendations to developers concerning how to develop their property, educate developers about development regulations, and report their findings and suggestions to the owner or their agent. The Board will consist of the department heads, or their designees, from the Department of Planning and Development, Electric Department, Public Works Department, Police Department, Fire/Rescue Department and Department of Parks and Recreation. The Subdivision Review Board can take the following action:

The Subdivision Review Board has the authority to approve minor subdivision plats and final plats containing five (5) or less lots.

**Thoroughfares:** Thoroughfares are public streets designed and intended to carry volumes of traffic. Such streets are designated as either major or minor thoroughfares as shown on the City of Washington thoroughfare plan, as amended.

(Code 1972, § 21-1; 96-2, 2-12-96)

**State law reference**-Subdivision defined, G.S. 160A-376.

### **Sec. 17-6. Compliance with official plans.**

- a) When a tract that is to be subdivided includes any part of a thoroughfare, parkway, or boulevard designated on an official maps and plans, such part of such proposed public way shall be platted and dedicated by the subdivider in the location and at the width specified.
- b) A tract to be subdivided shall be reviewed to determine if the development is consistent with the Coastal Area Management Act. Thus, prior to the submission of the final plat, certification shall be provided by the local permit officer that the subdivision is either within or without a North Carolina Coastal Area Management Act of 1974 (G. S. 113A-100 et seq.) Area of Environmental Concern. The Area of Environmental Concern (A.E.C.), will be noted on the final map. The certification will appear under the "Notes" on the final plat as follows:
  - 1) This subdivision conforms to the standards of the North Carolina Coastal Area Management Act of 1974 and is not located within any area of environmental concern, or

## SUBDIVISIONS

- 2) This subdivision conforms to the standards of the North Carolina Coastal Area Management Act of 1974 and a portion(s) or all of the subdivision located within any area of environmental concern is duly noted at the appropriate location on final plat.

(Code 1972, § 21-5; 96-2, 2-12-96)

**State law reference**-Coastal area management planning process, G.S. 113A-106 et seq.

### **Sec. 17-7. Relation of subdivision ordinance with other adopted land use regulations.**

- a) Regulations established herein are part of a coordinated system of land use rules governing land development and their uses. The subdivision regulations are coordinated with other land use regulations for compliance. Additional land use controls include, but are not limited to the following: Beaufort County Health Department, Coastal Area Management Act, Federal Emergency Management Act, U.S. Army Corps of Engineers, Soil Erosion and Sedimentation Control, Storm Water Management, and North Carolina Department of Transportation.
- b) Because of the number of land use regulations in effect, conflicts may arise in the administration of these regulations. Therefore, the more stringent limitation shall govern, except where specific exceptions are set forth in such regulations.

### **Sec. 17-8. Recording of plats, generally.**

- a) A copy of the approved subdivision ordinance shall be filed with the Beaufort County Register of Deeds. After the date of recordation, the register of deeds shall not file or record a subdivision plat located in the City of Washington or its extraterritorial planning and zoning jurisdiction without approval by the City. The landowner or an approved agent shall sign a statement on the plat acknowledging that the land being subdivided is located within the City of Washington's jurisdiction. Thus, a subdivision map recorded without approval by the City is in violation of this ordinance and shall be null and void.

### **Sec. 17-9. Planning Board to Act in lieu of City Council.**

The Planning Board shall act in lieu of City Council, as provided in N.C.G.S. 160A-373 (3), concerning the approval of all final subdivision maps when the preliminary subdivision plat has been approved by the Planning Board and City Council.

### **Sec. 17-10. Subdivision Review Board to act in lieu of the Planning Board.**

The Subdivision Review Board shall act in lieu of the Planning Board concerning the approval of all minor subdivision plats. When a preliminary plat has been approved, the Subdivision Review Board shall approve a final subdivision plat submission containing five (5) or less lots.

(Ord. No. 96-2, 2-12-96)

## SUBDIVISIONS

### **Sec. 17-11. Transition regulations for developing property brought into extraterritorial jurisdiction.**

- a) Final Subdivision plats. An approved and recorded final subdivision plat shall constitute "evidence of compliance" under the terms of G.S. 160A-360(l) for the purpose of subdividing property and constructing improvements required to obtain final plat approval under county standards, and shall confer the right to complete the subdivision under the county regulations governing the approved final plat. Provided, all future construction and/or use of lots in the subdivision shall be in compliance with the zoning regulations of the City of Washington.
- b) Preliminary subdivision plats. A preliminary subdivision plat shall not constitute "evidence of compliance" under the terms of G.S. 160A-360(l) for the purpose of obtaining approval for a final plat. However, an opportunity to complete a subdivision as proposed on a preliminary plat will be available if the following conditions are met:
  - 1) A final subdivision plat meeting the rules for submission has been submitted to the county for final consideration on or before the date the property becomes subject to the regulations of the City of Washington.
  - 2) In the absence of pending final plat in accordance with subsection (b)(1) above, the owner/developer must present to the City adequate evidence of substantial investment in reliance on the preliminary plat, or those portions of a preliminary plat which have not been approved as phases under final plats. The City Planner shall determine whether substantial investment has been made, taking into consideration the percentage of the preliminary plat which has been constructed under approved final plats or is subject to a pending or approved final plat, the extent to which a unified design for the entire subdivision is evident in the preliminary plat and any pending or approved final plats for phases of the preliminary, the installation of subdivision improvements (including water, sewer or waste disposal, drainage, lighting, common areas, streets or roads), or the construction or work toward construction of any improvements or amenities in the area subject to the preliminary plat. If the City Planner determines that there is a substantial investment in the preliminary plat, or that portion of the preliminary plat which is not covered by pending or approved final plats, the City Planner shall issue a written notice to the owner/developer confirming an opportunity to complete the subdivision as proposed on the preliminary plat. The opportunity to complete the subdivision or portions thereof in accordance with the preliminary plat shall be afforded notwithstanding noncompliance with the requirements of the approved subdivision regulations. An appeal from the decision of the City Planner may be taken to the Planning Board.
  - 3) A preliminary plat approved for completion under subsection (b)(2) shall be valid for the period set forth by the approving jurisdiction or five (5) years, whichever is less.
  - 4) Any change to a preliminary plat approved for completion under subsection (b)(2) above shall be in compliance with the requirement of the approved subdivision regulations. Minor deviations may be approved by the City Planner where the approval of the deviation is in keeping with the general policy of this subsection (b).

## SUBDIVISIONS

- 5) Nothing in this Section shall be construed to exempt or exclude applicable Zoning Ordinance restrictions or requirements currently in effect, including but not limited to lot width, lot area, or street frontage.
- 6) In the interpretation of the conditions stated above, the City Planner shall be guided by the general policy underlying these transition regulations for developing property brought into the extraterritorial jurisdiction. The general policy is to allow the completion under county regulations of those subdivisions which have been started under county regulations. The greater the investment in construction under previous regulations, and the greater the percentage of units constructed in accordance with the original design of the subdivision, the stronger the policy justification for allowing completion under the original design and preliminary plat.

(Ord. No. 96-2, 2-12-96)

**Secs. 17-12--17-25. Reserved.**

## **ARTICLE II. PROCEDURES FOR APPROVAL.**

### **Sec. 17-26. General Procedures.**

- a) No plat of a subdivision within the jurisdiction of the City of Washington shall be submitted for recordation to the Beaufort County Register of Deeds until final approval has been given by the City. The subdivider shall follow the requirements in this article to obtain final plat approval. (Code 1972 21-11; Ord. No. 96-2, 2-12-96)
- b) No street shall be accepted and maintained by the City, 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 agent or department of the City for the construction of any building or other improvement requiring a permit upon any land concerning which a plat is required to be approved unless, and until, the requirements set forth in this chapter have been complied with and the same approved by the City Council of the City of Washington.
- c) Pursuant to G.S. 160A-373, no final subdivision plat within the jurisdiction of the City of Washington shall be recorded by the Register of Deeds of Beaufort County until it has been approved by the Planning Board and the Subdivision Review Board as provided herein. To secure final plat approval, the subdivider shall follow the procedures and requirements established in this article, the Manual of Standard Designs and Details which are incorporated herein by reference. Copies of the Manual of Standard Designs and Details may be purchased from the Department of Planning and Development.
- d) Preliminary subdivision plats shall be approved by the Planning Board and City Council. Final subdivision plats shall be approved by the Planning Board. Minor and final subdivisions plats containing five (5) or less lots shall be approved by the Subdivision Review Board, However, the final subdivision plat should conform substantially to the approved preliminary plat or Section thereof. If the final plat differs substantially from the approved preliminary plat, the subdivider will be required to resubmit the preliminary plat to the Planning Board and City Council for approval.

## SUBDIVISIONS

- e) The Planning Board and Subdivision Review Board shall meet in accordance with their adopted rules of procedure and the North Carolina Open Meetings Law.  
(Ord. No. 96-2, 2-12-96)

### **Sec. 17-27. Preliminary and Final Plats; Required Certification.**

Preliminary and final plats shall be required for all subdivisions. Every plat shall be prepared by a registered land surveyor or professional engineer duly authorized and licensed under the laws of this state to prepare such plats.  
(Ord. No. 96-2, 2-12-96)

### **Sec. 17-28. Preliminary Plats - Approval Generally.**

Preliminary plats shall be approved by the Planning Board and City Council. Approval shall be recorded in writing by the city planner before final plats are submitted. Such approval shall confer upon the subdivider the right for a five-year period from the date of approval that the terms and conditions which the preliminary approval was granted will not be changed for such a plat. Such five-year period shall start from the Planning Board meeting date at which approval was granted. If the property as indicated on the preliminary plat is not platted as provided herein in its entirety within the five-year period, the preliminary plat or portion thereof not platted shall be subject to revision and compliance with the restrictions and requirements currently in effect. The five-year provision shall not be constructed to exempt or exclude applicable zoning ordinance restrictions and requirements currently in effect.  
(Ord. No. 96-2, 2-12-96)

### **Sec. 17-29. Preliminary Plats - Submission.**

All preliminary plats shall be submitted to the City Planner, as agent for the City of Washington's Planning Board, no later than 5:00 p.m. on the 15th day of the month prior to the regularly scheduled meeting date of the Planning Board. It is the intent of the City of Washington's staff and other agencies to review all properly submitted plats in a timely manner, which will afford the subdivider a reasonable period of time within which to respond to all comments and/or requested revisions. All plats submitted in accordance with the minimum requirements contained herein shall be available for revision not less than ten (10) working days prior to the scheduled meeting date. Plats revised pursuant to the initial review and as required shall be submitted to the City Planner, not less than six (6) working days prior to the scheduled meeting date.  
(Ord. No. 96-2, 2-12-96)

### **Sec. 17-30. Preliminary Plats, format; General Information; Site Information.**

All applicants for preliminary plat approval shall be submitted in accordance with and contain the following information:

- (a) Required format.
- 1) Scale of one (1) inch equal to two hundred (200) feet or larger.
  - 2) Drawn in ink or pencil or Mylar film.

## SUBDIVISIONS

- 3) Mylar film size shall be a minimum of eighteen (18) inches by twenty-four (24) inches and a maximum of thirty (30) inches by forty-two (42) inches.
  - 4) Boundary lines shall be distinctly and accurately represented, all bearings and distances shown, with an accuracy of closure of not less than one (1) in two thousand five hundred (2,500) and in accordance with the Standards of Practice for Land Surveying in North Carolina.
  - 5) Elevation and benchmarks shall be referenced to National Geodetic Vertical Datum (NGVD).
  - 6) Prepared by a registered land surveyor or professional engineer.
  - 7) Multiple sheets shall be collated and stapled. Match lines shall be clearly indicated.
  - 8) Number of copies required
    - a. Fifteen (15) blueline paper copies at the time of original submission for departmental review;
    - b. Two (2) blueline paper copies shall be submitted for each review department requesting revisions. The total number is to be specified by the City Planner;
    - c. Fifteen (15) blueline paper copies shall be submitted to the Planning Board following the initial review;
    - d. Three (3) mylar film copies for disposition in accordance with Section 17-33 of this Chapter upon request of the City Planner.
  - 9) List of all adjoining property owners within one hundred (100) feet, their current mailing addresses. Such list shall be obtained from the most current Beaufort County tax records and shall display the signature of the person preparing such list.
  - 10) Shall conform to the applicable provisions of the Manual of Standard Designs and Details.

The following certificates shall be required:

    - a. Standard title block for preliminary plats;
    - b. Standard approvals information block.
  - 11) A fee shall be paid to the City for each application for a preliminary plat, as set out in Section 17-191 of this Chapter.
  - 12) Owner's statement. The owner or agent of the owner shall submit a signed statement requesting Planning Board consideration of the preliminary plat as submitted and acknowledging that such approval is subject to approval of a construction plan as provided herein. Such statement shall be submitted on the preliminary plat approval procedure, format, mapping and application sheet as provided.
- (b) Required general information.
- 1) Subdivision name.
  - 2) The name(s) of the City, township, county and state in which the subdivision is located.
  - 3) Name, address and telephone number of land owner(s).
  - 4) Name, address and telephone number of the subdivider and/or developer.
  - 5) Name, address and telephone number of the professional engineer or registered land surveyor preparing the plat.
  - 6) North Carolina registration number and seal as listed per (5) above.
  - 7) Locational vicinity map, at a scale of one (1) inch equal to one thousand (1000) feet showing the subdivision in relation to major and minor roads or

## SUBDIVISIONS

streets, natural features, existing city limit lines and other obvious references.

- 8) Date of original survey, plat preparation and/or revision(s).
  - 9) Number of sheets.
  - 10) Scale denoted both graphically and numerically.
- (c) Required site information.
- 1) North arrow and delineation as to whether true, grid or magnetic, including date.
  - 2) Existing, platted and proposed streets, their names and numbers (if state maintained roads) shown and designated as either "public" or "private" indicating right-of-way and/or easement widths, pavement widths, centerline curve and corner radius data, including sight distance triangles and typical cross-Sections. All streets indicated on the City of Washington thoroughfare plan shall indicate future right-of-way widths.
  - 3) Proposed and existing lot lines within the subdivision showing approximate dimensions. Plat references shall be indicated for existing lots.
  - 4) Location of all existing buildings with exterior dimensions including heights, number of stories, distance to existing and proposed lot lines, private drives, public rights-of-way and easements.
  - 5) Existing and proposed property lines, public and private streets, right-of-way and/or easement widths, pavement widths, easements, utility lines, hydrants, recreation areas or open spaces on adjoining property.
  - 6) Ownership of all contiguous property indicated and referenced by deed book/map book and page number.
  - 7) Existing zoning classification(s) boundaries of the tract to be subdivided and on adjoining property within one hundred (100) feet.
  - 8) Political subdivision(s) including city limit lines, township boundaries and county lines.
  - 9) Watercourses, railroads, bridges, culverts, storm drains, wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds, ditches or other natural or improved features which affect the site.
  - 10) Proposed pedestrian, riding, bicycle trails or easements, their location, width and purpose.
  - 11) Sites proposed to be dedicated or reserved for public or private purpose including location, and expected future ownership and maintenance of such spaces.
  - 12) Recreation area(s) as required and pursuant to the City Code and comprehensive plan. If such subdivision is for residential purposes, indicate the location of all public parks or recreation areas within a one-half (1/2) mile radius.
  - 13) Statement of proposed ownership and maintenance or other agreements when private recreation areas are established.
  - 14) Topography (existing and proposed) at a contour interval of one (1) foot, based on mean sea level datum, with an accuracy of plus or minus five-tenths (0.5) of a foot and referenced to the National Geodetic Vertical Datum (NGVD).
  - 15) Existing and proposed watercourses, their names, direction of flow, centerline elevations, cross-Sections, and any other pertinent datum.

## SUBDIVISIONS

- 16) Existing flood zone boundaries of the tract and adjoining parcels, as shown on the Flood Insurance Rate Maps for the City of Washington and/or Beaufort County, indicating base flood elevations.
- 17) Lot numbers and block numbers in consistent and logical sequence.
- 18) Minimum building setback lines.
- 19) Fire hydrant locations and connections.
- 20) Water main locations, connections and anticipated sizes.
- 21) Sanitary sewer main locations, connections and anticipated sizes.
- 22) Storm sewer main locations, connections, and anticipated sizes.
- 23) Street and lot drainage correlated to the City drainage system, including break points and the direction of surface water flow on each lot, street and ditch.
- 24) Easements, including but not limited to electric, water, sanitary sewer, storm sewer, drainage, private street, gas or other service delivery easements including their location, width and purpose.
- 25) County Health Department approval attached if public water and sanitary sewer systems are not available.
- 26) Distance to and location of public water and sanitary sewer systems if such facilities are not available.
- 27) The following in tabular form:
  - a. Lineal feet in streets.
  - b. Number of lots created.
  - c. Acreage in total tract.
  - d. Acreage in parks, recreation areas, common areas and the like.
- 28) The name and location of any property within the proposed subdivision or within any contiguous property that is listed on the National Register of Historic Places, or that has been designated by ordinance as a local historic property and/or district.
- 29) Environmental impact statement pursuant to Chapter 113A of the North Carolina General Statutes, if required by the Planning Board. The Planning Board may require the subdivider to submit an environmental impact statement with the preliminary plat if: (1) the development exceeds two (2) acres in area; and (2) if the board deems it necessary due to the nature of the land to be subdivided or peculiarities in the proposed layout.
- 30) Statements on the plat that:
  - a. Construction plan approval from the City Public Works Department shall be obtained prior to construction of any street, water and/or sanitary sewer and storm drainage system.
  - b. All required improvements shall conform to the City of Washington Manual of Standard Designs and Details.
  - c. All lots shall equal or exceed the minimum development standards of the City of Washington Zoning Ordinance.
- 31) Any other information considered by either the subdivider or the Planning Board to be pertinent to the review of the preliminary plat.
- 32) Written statement addressing the reasons for being unable to meet the minimum requirements as listed in this Section.

(Ord. No. 96-2, 2-12-96)

## SUBDIVISIONS

### **Sec. 17-31. Preliminary Plat - Review procedure.**

The Planning Board shall review and take action on each preliminary plat duly presented to the City Planner. Before taking final action on the plat, the Planning Board shall hear the report of the City Planner and other public officials and agencies concerning the proposed development. If the preliminary plat is disapproved by the Planning Board, the City Planner shall specify to the applicant the reasons for such action.

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-32. Preliminary Plat - Departmental findings.**

The City of Washington's City Planner, Director of Public Works, Fire and Rescue Chief, Director of Recreation and Parks, Electric Director, and Police Chief, the Beaufort County Water District, and Beaufort County Health Department, if applicable, shall furnish in writing their approval or disapproval of the preliminary plat.

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-33. Preliminary Plat - Disposition of copies.**

If the preliminary plat is approved, the subdivider shall transmit three (3) mylar film copies of the plat to the City Planner for signature, reproduction and distribution to the following agencies:

- 1) City Planner: Two (2) paper copies and one (1) mylar copy.
- 2) Electric Department: One (1) mylar copy.
- 3) Public Works Department: One (1) paper copy.
- 4) Fire and Rescue Department: One (1) paper copy.
- 5) Recreation and Parks Department: One (1) paper copy.
- 6) Police Department: One (1) paper copy.
- 7) Telephone company: One (1) paper copy.
- 8) Cable TV company: One (1) paper copy.
- 9) County Planner: One (1) paper copy.
- 10) U.S. Postal Service: One (1) paper copy.
- 11) Person or firm preparing the plat: One (1) mylar copy.

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-34. Preliminary Plat - Construction plan required; authority; contents.**

- (a) Following the preliminary plat approval, a construction plan for the entire development, not to exceed five (5) year, shall be submitted to the Public Works Director and the Electric Director. Such construction plan may be submitted in phases.
- (b) The subdivider shall submit a construction plan to the City of Washington Director of Public Works for review and approval prior to the construction or improvement of any street, water line, sanitary sewer, storm sewer, drainage facility, or other improvement.
- (c) The Public Works Director and Electric Director or their respective designee shall have final joint approval authority of any construction plan. Such approval shall be noted in writing on said plan prior to construction of any public or private

## SUBDIVISIONS

facility or structure. Grading and storm drainage improvements may be allowed following the approval of the Director of Public Works prior to state approval of proposed utility improvements.

- (d) Submission requirements and review procedure for all construction plans shall be submitted in accordance with the Manual of Standard Designs and Details.  
(Code 1972, § 21-28; Ord. No. 96-2, 2-12-96)

### **Sec. 17-35. Preliminary Plat - Construction plan to coincide with preliminary plat; minor alterations; major alterations; resubmission of plat copies reflecting alterations.**

- (a) The location, dimension and extent of all proposed improvements shown on the construction plan shall coincide with the preliminary plat as approved by the Planning Board.
- (b) Minor alterations that, in the opinion of the City Planner, do not substantially deviate from the approved preliminary plat may be allowed. Such minor alterations may include but not be limited to the relocation, dimension and extent of proposed improvements due to engineering necessity.
- (c) Major alterations that, in the opinion of the City Planner, do in fact involve substantial deviation from the approved preliminary plat shall not be allowed. Major alterations may include but not be limited to the relocation, deletion, addition, dimension and extent of proposed improvements which alter street alignment, interior arrangement, continuation and/or projection; lot and/or block dimensions inconsistent with applicable requirements; changes that increase the total number of lots, increase the volume and/or location of off-site drainage, or other condition found to be injurious to either surrounding properties or the City of Washington. Appeal from this Section may be taken to the Subdivision Review Board.
- (d) The subdivider shall revise the preliminary plat, as approved pursuant to (b) above, to reflect all such minor alterations. Copies shall be submitted for disposition in accordance with Section 17-33 prior to obtaining construction plan approval as provided herein.

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-36. Final Plat - Generally.**

- (a) The final plat and all required materials shall be submitted to the City Planner as agent for the Planning Board not less than ten (10) working days prior to the scheduled Subdivision Review Board meeting. Working days shall not be construed to include city observed holidays or weekends.
- (b) No final plat shall be submitted until the subdivider has obtained preliminary plat approval as required under this chapter.
- (c) No final plat shall be approved until the subdivider has installed in the proposed subdivision or Section thereof to be recorded all improvements required by this chapter or shall have guaranteed their installation as provided herein.
- (d) The final plat shall substantially conform to the preliminary plat as approved. If the final plat does not substantially conform to the preliminary plat as approved, the Planning Board may consider appropriate revision to the previously approved preliminary plat as provided by this chapter. The Planning Board shall

## SUBDIVISIONS

reserve the right to deny revision of any preliminary plat where it is found the revision, deletion or addition thereto would not be in the best interest of the adjoining or surrounding property owners or the City of Washington.

(Code 1972, § 21-29; Ord. No. 96-2, 2-12-96)

### **Sec. 17-37. Final Plat - Format; general information; site information.**

All applications for final plat approval shall be submitted in accordance with and contain the following information:

- (a) Required format.
  - 1) Scale of one (1) inch equal to one hundred (100) feet or larger.
  - 2) Drawn in ink on mylar film.
  - 3) Mylar film shall be eighteen (18) inches by twenty-four (24) inches at 0.003 to 0.004 inch thickness.
  - 4) Boundary lines shall be fully dimensioned by lengths and bearing with an error of closure not less than one (1) in five thousand (5,000) and in accordance with the Standards of Practice for Land Surveying in North Carolina. All dimensions shall be measured to the nearest one-hundredth of a foot and all angles to the nearest minute. A north arrow shall be shown, along with delineation as to whether related to true, magnetic median or North Carolina grid coordinate system.
  - 5) Prepared by a surveyor or professional engineer licensed and registered in the State of North Carolina.
  - 6) Multiple sheets shall be collated and stapled (paper copies only). Match lines shall be clearly indicated.
  - 7) Number of copies required
    - a. Twelve (12) blue line paper copies at the time of original submission for departmental review;
    - b. Two (2) blue line paper copies shall be submitted for each review department requesting revision, following the initial review. The total number is to be specified by the City Planner; and
    - c. The original drawing and three (3) mylar film copies for disposition in accordance with Section 17-40 upon request of the City Planner.
  - 8) One (1) copy of the declaration of covenants, conditions and restrictions or otherwise as required pursuant to the North Carolina General Statutes. Such agreements shall be approved by the City prior to final plat approval.
  - 9)
    - a. If utility, street or other improvements as required have not been installed and approved by the City of Washington at the time of submission of the final plat, the subdivider shall transmit one (1) copy of a written estimate (prepared by a professional engineer) of such necessary improvements to the City Planner for review and approval at the time of the original submission of the final plat.
    - b. A surety agreement duly executed shall be filed with the Director of Public Works not less than three (3) working days prior to the scheduled Subdivision Review Board meeting. Working days shall not be construed to include City observed holidays or weekends.
    - c. In cases where a payment in lieu of dedication of land is due, a certified check payable to the City of Washington in the full amount of such payment shall be required prior to approval.

## SUBDIVISIONS

- 10) Shall be submitted in accordance with the Manual of Standard Designs and Details. The following certificates shall be required:
    - a. Standard title block.
    - b. Standard source of title information block.
    - c. Standard owners statement block.
    - d. Standard approvals information block.
    - e. Standard dedication information block.
    - f. Standard certification block.
  - 11) A filing fee shall be paid to the city for each application for a final plat and such fee shall be set out in Section 17-191.
  - 12) Certified copy of the construction permit issued by the Beaufort County Health Department for water supply and sewerage system to serve the land included within the final plat, if not to be served by a public utility system.
  - 13) When property outside the existing city limits is subdivided and City water or sanitary sewer service is requested or required, an annexation petition and required maps shall be submitted to the City Planner. Pursuant to this requirement, no final plat shall be recorded until the property contained within the plat has been annexed into the City of Washington. Delay of the effective date of annexation as established by an ordinance of the City Council shall not delay recordation of such plat.
- (b) General information.
- 1) Subdivision name.
  - 2) The name(s) of the city, township, county and state in which the subdivision is located.
  - 3) Name, address and telephone number of landowner(s) or legal agent.
  - 4) Name, address and telephone number of the registered land surveyor or professional engineer preparing the plat.
  - 5) North Carolina registration number and seal as listed per (4) above.
  - 6) Locational vicinity map, at a scale of one (1) inch equal to one thousand (1000) feet showing the subdivision in relation to major and minor roads or streets, adjacent subdivision Sections, political divisions, landmarks or another obvious references.
  - 7) Date of original survey plat preparation and/or revision(s).
  - 8) Number of sheets.
  - 9) Scale denoted both graphically and numerically.
- (c) Site information.
- 1) North arrow and delineation as to whether true, grid or magnetic including date.
  - 2) Street names and designation as to whether public or private.
  - 3) Right-of-way and/or easement widths and pavement widths, and sight distance triangles of all streets within the subdivision.
  - 4) Right-of-way and/or easement widths and pavement widths of all adjacent streets.
  - 5) Location of all points of curvature and tangency.
  - 6) Location of all points of intersection where circular curves are not used.
  - 7) Property lines with bearings or deflection angles, arc lengths, and chord lengths (indicated by dashed lines) as appropriate.
  - 8) The delta angle, degree of curve, tangent distance, radius and method (arc or chord) for each curve.

## SUBDIVISIONS

- 9) Sufficient surveying data to determine readily and reproduce on the ground every straight or curved boundary line, street line, lot line, right-of-way line, easement line and setback line.
  - 10) Accurate location and description of all monuments, markers and control points.
  - 11) Location, description and use of all existing and proposed easements.
  - 12) Location, description and use of any sites proposed for dedication or reservation for public purposes.
  - 13) Location, description and use of all pedestrian, riding, bicycle trails or natural buffers to be dedicated or reserved for public purposes.
  - 14) Location, description and use of areas to be used for purposes other than residential.
  - 15) Property lines and ownership of all contiguous property indicated and referenced by deed book/map book and page number.
  - 16) Location of existing buildings or structures, watercourses, railroads, bridges, culverts, storm drains, corporate limits, township boundaries, county lines and easements both on the land to be subdivided and immediately adjoining thereto.
  - 17) When the subdivision consists of land acquired from more than one (1) source of title, the outlines of the various tracts shall be indicated by dashed lines and identification of the respective tracts shall be shown on the plat.
  - 18) Existing flood zone boundaries of the tract and adjoining parcels, as shown on the Flood Insurance Rate Maps for the City of Washington and/or Beaufort County, indicating base flood elevations.
  - 19) Minimum building setback lines.
  - 20) The area in square feet of each proposed lot and common area within the subdivision.
  - 21) Block and lot numbers in consistent and logical sequence.
  - 22) The following in tabular form:
    - a. Number of lots created.
    - b. Acreage in total tract.
    - c. Acreage in common area(s).
    - d. Acreage in parks, recreation areas and the like.
  - 23) The name and location of any property within the proposed subdivision or within any contiguous property that is listed on the National Register of Historic Places, or that has been designated by ordinance as a local historic property and/or district.
  - 24) Any other information considered by either the subdivider or the Planning Board to be pertinent to the review of the final plat.
  - 25) Written statement addressing the reasons for being unable to meet the minimum requirements as listed in this Section.
- (Code 1972, § 21-29; Ord. No. 96-2, 2-12-96)

### **Sec. 17-38. Same-Review procedure.**

The Subdivision Review Board shall review and take action on each final plat duly presented to the City Planner. Before taking action on the plat, the Subdivision Review Board shall hear the report of the City Planner and other public officials and agencies concerning the proposed final plat.

## SUBDIVISIONS

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-39. Same-Departmental findings.**

The City of Washington and the Beaufort County Health Department, if applicable, shall furnish in writing their approval or disapproval of the plat.

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-40. Same-Disposition of copies.**

If the final plat is approved, the subdivider shall transmit the original drawing, and three (3) mylar film copies as required to the City Planner for signature, recordation and distribution as follows:

- 1) Beaufort County Register of Deeds: Original drawing.
- 2) City Planner: One (1) mylar copy.
- 3) Public Works Department: One (1) mylar copy.

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-41. Same-Recordation.**

The City Planner shall record the original drawing of the final map in the office of the Beaufort County Register of Deeds together with all applicable documents not more than five (5) working days following final approval unless as further provided herein.

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-42. No responsibility, liability for improvements prior to acceptance.**

The City of Washington shall, in no event, be required to open, operate, repair or maintain any street or other land or facility offered for dedication prior to the City's acceptance, by resolution of the City Council, of such dedication.

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-43. Resubdivision procedure.**

For any replatting or resubdivision of land, the same procedures, rules, relations and requirements shall apply as prescribed herein for an original subdivision.

(Ord. No. 96-2, 2-12-96)

### **Secs. 17-44--17-59. Reserved.**

## **ARTICLE III. DESIGN STANDARDS FOR SUBDIVISION PLATS**

### **Sec. 17-60. Relation to thoroughfare plan.**

Arrangement, character, extent, width, grade and location of all streets shall conform to the thoroughfare plan of the City of Washington and elements thereof officially adopted.

(Ord. No. 96-2, 2-12-96)

## SUBDIVISIONS

### **Sec. 17-61. Street design standards.**

The following design standards shall apply to all streets in proposed subdivisions:

- 1) The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographical and soil conditions, to public convenience and safety and in their appropriate relation to the proposed use of the land to be served by such streets.
- 2) Where there exists a conflict between City and state street standards, the more restrictive shall apply.
- 3) The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas.
- 4) Where a new subdivision adjoins unsubdivided land susceptible to being subdivided, then the new streets shall be carried to the boundaries of the tract proposed to be subdivided; and such arrangement shall make provision for the logical and proper projection of such streets.
- 5) Where a new subdivision adjoins unsubdivided lands that do not have direct and adequate access to an approved public street, then the new streets shall be carried to the boundaries of the tract proposed to be subdivided to insure the adjoining lands of direct and adequate access. Private streets shall not constitute direct and adequate access for purposes of this Section.
- 6) In cases where a subdivider is required to carry a new street to the boundary of the tract to be subdivided and such boundary line is a ditch, canal or other drainage facility, the subdivider shall dedicate the appropriate land to the boundary of the tract to be subdivided and construct or guarantee the required improvements to such boundary or to a further point as provided by private agreement.
- 7) Reserve strips controlling access to public streets shall be prohibited except under conditions approved by the Planning Board.
- 8) The street arrangement within new subdivisions shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it or affect the health, safety and welfare of property owners and residences in the surrounding area. Streets within or adjacent to subdivisions intended for residential purposes shall be so designed that their use by through traffic shall be discouraged, except, however, where such streets are existing or proposed thoroughfares.
- 9) Street right-of-way and/or easement and paving widths shall be based upon the volume of traffic generated by the area served by such street and the future traffic circulation pattern of the surrounding area and the City as a whole. The traffic generation factors used to determine the required street Section are contained in the Manual of Standard Designs and Details in conjunction with the adopted thoroughfare plan for the city.
- 10) Half-streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and where the Planning Board finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted and improved within such tract.

## SUBDIVISIONS

- 11) Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of or in alignment with the existing or platted street. Addresses shall be assigned in accordance with the address numbering system in effect in the City.
- 12) The vacation of any street or part of a street dedicated for public use, if such vacation interferes with the uniformity of the existing street pattern or any future street plans prepared for the areas, shall not be permitted.
- 13) Where a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow the opening of future streets and logical further resubdivision.
- 14) All buildings shall be located within proximity of an approved street in accordance with the Zoning Ordinance and within an acceptable distance to a fire hydrant, which has been connected to a public water supply system, approved by the City of Washington. Such hydrant shall be installed within the right-of-way or easement of a street or as otherwise approved by the Chief of Fire and Rescue and the Director of Public Works department. Hydrant locations and requirements shall be in accordance with the Manual of Standard Designs and Details.
- 15) Each lot created within a subdivision shall have direct access to an approved street in accordance with the Zoning Ordinance, or as provided in this Chapter.
- 16) Street jogs with centerline offsets of less than one hundred fifty (150) feet shall not be allowed.
- 17) Streets shall be designed to intersect as nearly as possible at right angles, and no street shall intersect another at less than sixty (60) degrees.
- 18) Loop/connecting streets which begin and terminate without intersecting another street system shall not exceed two thousand (2000) feet as measured along the centerline of such street.
- 19) Cul-de-Sac/terminal streets shall not exceed one thousand (1000) feet as measured along the centerline of such street from the right-of-way as projected from the intersecting street which provides direct access to the general street system (existing or proposed to their furthestmost point).
- 20) Private streets may be allowed to provide access to and from individual property in accordance with the following:
  - a. To provide access to two (2) or more individual units or lots within developments approved pursuant to the requirements of the Zoning Ordinance.
  - b. Design, location and improvement shall provide for safe intersection with public streets, safe passage of service and emergency vehicles and protection of adjoining property.
  - c. Where private streets are allowed, an appropriate association shall provide and perpetually maintain such private streets in suitable condition and state of repair for the City of Washington to provide normal delivery of services including, but not limited to, solid waste collection, police and fire protection, and electric, water or sewer service or installation. If at any time such private streets are not maintained by the association and travel upon them becomes or will be hazardous or inaccessible to the City of Washington service or emergency vehicles, the City of Washington may cause such repairs to be made after a reasonable period of notification to

## SUBDIVISIONS

the property owner and/or association. In order to remove safety hazards and ensure safety and protection for the development the City may assess the cost of such repairs to the property owner and/or association.

d. The City of Washington shall have no obligation or responsibility for maintenance or repair of such private streets as a result of the normal delivery of services or otherwise by the City of Washington or others using such streets.

e. No private street shall be allowed unless an appropriate association is established for the purpose of providing for and perpetually maintaining such street.

f. All private street easements shall be dedicated to the City as general utility easements.

- 21) Curve radius standards, property line radius standards, tangent distances between reverse curves, right-of-way widths, easement widths, pavement widths, pavement design and storm drainage system design provisions shall conform with and be in compliance with the standards found in the Manual of Standard Designs and Details and the adopted thoroughfare plan for the City.
- 22) Planned unoffensive industry (PUI) and planned industry (PI) districts street standards; exemptions.
  - a. PUI and PI districts shall be exempt from the maximum "loop-connecting" and "cul-de-sac-terminal" street standards listed above under Sections 17-61 (18) and (19).
  - b. PUI or PI districts shall comply with all other provisions of this Section.
- 23) The installation of curb and gutter is required on all streets located within the City Limits. Outside the City Limits, curb and gutter is required on all streets, unless all of the following conditions are met:
  - a. The street is designated as a minor residential street with marginal access; and
  - b. Public water and sewer is not available; and,
  - c. The land to be subdivided is ten (10) acres or less in size.If a subdivider is not required to install curb and gutter under this section, and subsequently subdivides adjoining property, so that the total land subdivided is ten (10) acres or more, then the entire subdivision, including land previously subdivided, shall be provided with curb and gutter.

(Code 1972, § 21-22; Ord. No. 96-2, 2-12-96; Ord. No. 97-7, 5-19-97)

### **Sec. 17-62. Utility easements.**

Easements for utilities shall be provided where necessary along front, rear or side lot lines, but shall not be required to center on such lines. Such easements shall be sufficiently wide to provide for installation of such utilities and access for maintenance and operation. The minimum width of the easements shall be as follows:

- (1) Water lines: Ten (10) feet.
- (2) Gas lines: Ten (10) feet.
- (3) Electrical lines: Ten (10) feet.
- (4) Storm sewer: As necessary on determination of the Public Works Director.

SUBDIVISIONS

(5) Sanitary sewer shall be in accordance with the following table:  
Minimum Easement Width

	Depth of Cover	(feet)
Force main	All	10
Gravity sewers	0-10	20
	10-15	30
	Greater than 15	

(6) Multipurpose: See Section 17-65, below.

(7) Hydrant: Five (5) feet as measured on the horizontal in all directions from the center of the hydrant.

(Code 1972, § 21-25; Ord. No. 96-2, 2-12-96)

**Sec. 17-63. Lot lines and utility easements.**

Lot lines shall be so arranged with respect to utilize easements as to permit efficient installation of utilities without unnecessary irregularities in alignment.

(Ord. No. 96-2, 2-12-96)

**Sec. 17-64. Projection of easements to adjacent undeveloped property.**

Where a new subdivision is adjacent to undeveloped property that does not have direct access to public utility lines or facilities, adequate easements may be reserved on each side of all rear lot lines and along certain side lot lines, where necessary, for future extension of utilities to such undeveloped property.

(Ord. No. 96-2, 2-12-96)

**Sec. 17-65. Multipurpose easements.**

Easements designated as general utility easements which contain multiple utility lines, structures or facilities shall be permitted only upon specific authorization of the Director of Public Works. The minimum acceptable width of such general utility easements shall be subject to approval on an individual case-by-case basis.

(Ord. No. 96-2, 2-12-96)

**Sec. 17-66. Minor drainage easements.**

Minor drainage easements providing for drainage of surface waters from four (4) or less lots and not involving regulated flood areas may be permitted to cross lots at points where such arrangements are found by the Director of Public Works to be necessary as a result of topography or soil conditions, and where suitable building sites are reserved. Such minor drainage easements may be required and designated to be maintained by the property owner.

(Code 1972, § 21-25; Ord. No. 96-2, 2-12-96)

## SUBDIVISIONS

### **Sec. 17-67. Major utilities, substation sites, etc.**

Where major utility substations, pumping stations, pressure regulating stations and the like are required, adequate provision to provide screening, consisting of local plant material and fence material or combination thereof, shall be required.

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-68. Preservation of significant water areas - Intent.**

It is the intent of these regulations both to safeguard existing and potential development in appropriate locations and to preserve and promote a desirable ecological balance. Therefore, insofar as it is reasonably practicable, subdivisions shall be located, designed and improved to preserve important natural water areas, related vegetation and wildlife habits; to avoid creation of upstream impoundments or downstream runoff which would be harmful to such complexes or to existing or potential development in appropriate locations; and to maintain desirable groundwater levels.

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-69. Preservation of significant water areas -maintenance of natural waterways and water areas; relationship to greenway plan.**

- (a) Where a proposed subdivision is traversed by or includes in whole or in part a natural watercourse, marsh, pond or lake of substantial significance in the ecology of the general area, the water body shall, to the maximum extent reasonably feasible, be maintained in its natural state, together with bordering lands and other suitable protective strip or buffer as required by the Planning Board. The minimum width of any protective strip or other buffer required pursuant to this Section shall not be less than fifteen (15) feet from the top of the bank as determined by the Director of Public Works.
- (b) Relationship to greenway plan. If any portion of the area proposed for subdivision lies within an area designated in the officially adopted greenway plan as a greenway corridor, the area so designated shall be dedicated and/or reserved to the public at the option of the City.
- (c) The City of Washington shall have right of access onto all designated and/or dedicated areas within all easements as required for the construction and/or maintenance of public facilities.

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-70. Preservation of significant water areas - Changes in location or extent of significant natural waterways and water areas.**

The Director of Public Works may permit changes in the location or extent of significant natural waterways and water areas only after making findings that such changes will not adversely affect desirable ecological conditions, drainage or water retention, or result in undesirable location or amount of upstream impoundment or downstream discharge.

(Ord. No. 96-2, 2-12-96)

## SUBDIVISIONS

### **Sec. 17-71. Drainage.**

Adequate storm drainage shall be provided by means of storm drainage pipe and appurtenances thereto or by open or unenclosed drainage channels, all of which shall be installed in accordance with the Manual of Standard Designs and Details. The Director of Public Works shall determine what type of storm drainage shall be required and what improvements shall be installed. In the consideration of storm drain pipe size to be installed, the Director of Public Works shall take into consideration the existing drainage conditions, the effect upon those conditions by the proposed development and the future needs within the immediate area of the proposed development.

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-72. Protection from flooding and other adverse water conditions.**

- (a) No subdivision shall be so located or improved to create impoundments of surface water on developable upstream land outside the subdivision, to increase surface drainage ways, to cause erosion onto neighboring property or into water areas, or to raise or lower groundwater levels in a manner which creates adverse effects within the subdivision or in surrounding areas. Where locations or improvements appear likely to have such effects, plats shall not be approved until suitable remedial measures have been provided.
- (b) As appropriate to the circumstances, such measures may include requiring the subdivider to make provision for the necessary enlargements or improvements in off-site drainage ways, establishing water retention and recharge areas, and mechanical and vegetative means to control runoff and erosion from the subdivision.

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-73. Sedimentation and erosion control.**

All subdivisions shall conform to the sedimentation and erosion control regulations as established by state law.

(Ord. No. 96-2, 2-12-96)

**State law reference**--NC Admin. Code, Title 15A, DHNR, Chapter 4

### **Sec. 17-74. Flood prone or flood hazard areas.**

All subdivisions shall conform to the flood zoning regulations as set forth in the Zoning Ordinance.

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-75. Block standards; general design.**

Block lengths, widths and areas within bounding streets shall meet the following requirements:

- 1) Adequate building sites, suitable for the contemplated or probable use of the property, are provided.
- 2) Zoning requirements regarding minimum lot dimensions and area are met.

## SUBDIVISIONS

- 3) Lengths between intersecting streets do not exceed one thousand four hundred (1,400) feet and are not less than three hundred (300) feet.
- 4) Sufficient widths are provided to allow two (2) tiers of lots where single-tier lots are required to separate development from traffic arteries, water areas, common areas or public property. Where double frontage lots are allowed, a nonaccess easement shall be provided as specified herein.
- 5) Planned unoffensive industry (PUI) and planned industry (PI) districts shall be exempt from the maximum block length listed under subsection (3) above.

(Code 1972, § 21-23; Ord. No. 96-2, 2-12-96)

### **Sec. 17-76. Pedestrian crosswalks within blocks.**

Where orientation or length of blocks or other considerations justify such action, the Planning Board may require pedestrian circulation and the provision of access to schools, playgrounds, shopping centers, transportation and other facilities. Where such crosswalks are provided, they shall be located, dimensioned, fenced, screened, or otherwise improved by the subdivider in such a manner as to provide security, tranquility, privacy, and safe use for occupants of adjoining property. Such pedestrian ways, if suitably improved, may be used by emergency vehicles but shall not be used by other motor vehicles.

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-77. Lots; general design.**

- (a) Lot dimensions and area shall not be less than the applicable requirements of the Zoning Ordinance.
- (b) All lots shall abut on their full frontage on an approved public street, or private street where applicable.
- (c) Where public water and/or sewer service is not available, all lots shall be subject to the applicable requirements of the Beaufort County Health Department and the City of Washington.
- (d) Side lot lines shall be substantially at right angles to straight streets or radial to curved street lines.
- (e) Corner lots for residential purposes shall have extra width to permit appropriate building setback from the orientation to both streets.
- (f) Lots abutting a pedestrian crosswalk or alley within a block shall not be considered corner lots.
- (g) All lots shall contain an adequate building site.
- (h) Lots subject to flooding and lots deemed to be uninhabitable shall not be platted for residential occupancy nor for such other uses as may increase danger to health, life or property, or which may aggravate the flood hazard, but such land within the plat shall be set aside for such uses which shall not be endangered by periodic or occasional inundation or which shall not produce unsatisfactory living conditions.
- (i) All remnants of lots or residual parcels of a larger tract shall be added to adjacent lots rather than allowed to remain as a substandard lot or as unusable parcels.

(Code 1972, § 21-24; Ord. No. 96-2, 2-12-96)

**Sec. 17-78. Double frontage lots.**

Double frontage lots shall be avoided except where essential to provide residential separation from traffic arteries or other incompatible uses. Where double frontage lots are allowed, a ten (10) foot nonaccess easement shall be provided along the street line outside any existing or future rights-of-way.

(Ord. No. 96-2, 2-12-96)

**Sec. 17-79. Driveways; conditions of lot access.**

Driveways providing ingress and/or egress to all lots within new subdivisions platted pursuant to these regulations shall conform to the Manual of Standard Designs and Details and the driveway standards of the City of Washington. However, in situations where, in the interest of public health, safety and welfare, the Planning Board finds that greater restrictions on the location and/or total number of driveways is necessary to insure said interests, such greater restriction shall be noted on the plat as a condition of approval. Where such conditions apply to all or several lots shown upon the plat, the Director of Public Works shall enforce the noted condition in addition to other applicable regulations in effect at the time of driveway permit application.

(Ord. No. 96-2, 2-12-96)

**Sec. 17-80. Public sites and open spaces; relation to quasi- public and private open space network; intent.**

- (a) To provide for efficiency, economy and amenity, it is the intent of these regulations to encourage and promote the development and maintenance of public open space systems.
- (b) It is intended that to the maximum extent reasonably feasible there shall be a continuous network of public lands adapted to multiple purposes, including preservation and maintenance of natural waterways and water areas, protection of watersheds, neighborhood or community service areas and other public uses requiring open space.
- (c) It is further intended that these regulations shall encourage and promote consolidation, combination and coordination of quasi-public and private common open space with the public land network where appropriate. The purposes of such action shall include the following, applied generally or under particular sets of circumstances:
  - 1) To increase the extent, effectiveness and amenity of the total open space network;
  - 2) To provide protection for areas of substantial ecological importance; and
  - 3) To minimize conflicts among automotive traffic, pedestrians and cyclists, and to provide safe, convenient movement systems for pedestrians and cyclists through open spaces not generally open to automotive traffic, in a pattern connecting their principal origins with destinations such as schools, parks and recreational facilities; and otherwise to insure the advantages arising from an open space network with multiple potentials for public use and reuse, as contrasted with scattered open spaces serving only limited functions.

## SUBDIVISIONS

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-81. Reservations for recreation areas - Generally.**

All subdivisions shall indicate recreation areas at the time of submission of the preliminary plat. If such subdivision is developed in Sections, such recreation area shall be contained within the first Section unless as otherwise approved by the Planning Board, upon recommendation of the Director of Parks and Recreation. At the time of submission of the final plat, the owner shall give the City a valid option on the land provided for as recreation area. The total development area shall be used as the basis for computation of the area reserved for recreation purposes.

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-82. Reservations for recreation area - Minimum area.**

The minimum amount of land which shall be reserved for recreation area in the subdivision plan shall be one (1) acre for each subdivision and in addition, for all subdivisions over twenty-five (25) acres in area, reservation of recreation space shall include one (1) acre plus four (4) percent of the gross total area over twenty-five (25) acres or four hundred (400) square feet for each lot over one hundred ten (110), whichever is greater.

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-83. Reservations for recreation area – Waiver provisions.**

Any subdivision owner may submit a map to the Planning Board of the area which is intended to be developed as a subdivision and request advice as to whether or not a recreation area shall be required in the proposed subdivision. Within thirty (30) days, the Planning Board shall make a decision as to whether a recreation area should be included in the subdivision plan. It is the intent of this Section to permit an early determination regarding recreation areas, especially of small subdivisions which, because of their proximity to other recreation areas or other good reasons, may not need recreation areas for the orderly development of the proposed subdivision. The owner or developer shall consider final any decision made pursuant to this Section only if the final subdivision plat is approved under the overall subdivision regulations within one (1) year from the date of any determination pursuant to this Section.

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-84. Reservations for recreation area - Authority of Planning Board to seek advice.**

The Planning Board may, from time to time, request opinions from the Recreation Advisory Committee and other competent authorities.

(Ord. No. 96-2, 2-12-96)

## SUBDIVISIONS

### **Sec. 17-85. Reservations for recreation area -Owner to give option to city; provisions of option.**

- (a) At the time of submission of the final plat, the owner shall give to the City a valid option on the land provided for as recreation area. This option shall be a separate agreement to be drawn by the owner and approved by the City Attorney as to form and effect. This option may contain such terms as shall be mutually agreed to by the owner and the City but shall contain the following:
- 1) Provision for payment of one hundred dollars (\$100.00) to the owner upon execution of the option, which shall be applied to the purchase price if the option is exercised.
  - 2) Provision that the owner shall sell the land at an agreed raw land value. The raw land value is the fair market value of the recreation area before improvements or development. Should the City and the owner fail to agree on the raw land value, they shall choose one M.A.I. appraiser to appraise the recreation area. The sum per acre determined by the M.A.I. appraiser shall constitute the price per acre for the land. Cost of this process shall be equally divided between the City and the owner.
  - 3) Provision that the option shall have a term of at least four (4) years unless terminated by exercise of the option to purchase by the City, or unless sooner terminated by the City by an instrument in writing.
  - 4) Provision that in addition to the stipulated purchase price if the option is exercised, the owner shall be entitled to interest on the purchase price from the date of execution of the option at six (6) percent per year.
  - 5) Provision that the option shall become effective upon recordation of the final subdivision plat containing such recreation area in the office of the Beaufort County Register of Deeds.

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-86. Reservations for recreation areas - Relation to bikeway plan.**

Arrangement, character, extent, width, grade, and location of the bikeway system for Washington shall conform to the bikeway plan of the City of Washington and elements thereof officially adopted.

(Ord. No. 96-2, 2-12-96)

## **ARTICLE IV. RESERVED**

**Secs. 17-87--17-114 Reserved.**

## **ARTICLE V. REQUIRED IMPROVEMENTS**

Sec. 17-115. Conformance with the Manual of Standard Design and Detail for the Design and Construction of Waste and Waste Water System Extensions for Public Works Department.

In addition to the requirements set forth herein, required improvements shall conform to any applicable specifications set forth in the Manual of Standard Designs and Details published by the City and the Manual for the Design and Construction of

## SUBDIVISIONS

Water and Waste Water System Extensions for the Public Works Department. In case of extraordinary subsurface conditions, terrain, the general pattern in the area, existing or probable development in the vicinity, or other circumstances, the Public Works Director, upon making supporting written findings, may establish greater or lesser requirements in particular cases.

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-116. Permanent monuments and markers.**

Permanent monuments and markers shall be placed in accordance with the Standards of Practice for Land Surveying in North Carolina and the North Carolina General Statutes which apply to the subdivision of land. The registered land surveyor preparing the final plat shall be responsible for the placement of all required monuments and markers. Such monuments and markers shall be in place at the time the City accepts the improvements within the subdivision.

(Code 1972, § 21-19; Ord. No. 96-2, 2-12-96)

### **Sec. 17-117. Streets and alleys - Grading and surfacing.**

All streets and alleys within the jurisdiction of the City of Washington shall be graded and surfaced in accordance with the design standards set out in this chapter and as specified in the Manual of Standard Designs and Details.

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-118. Streets and alleys - Curbs and gutters.**

Minimum requirements shall apply as to use of curbs and gutters or open ditches and shall be constructed in accordance with the Manual of Standard Designs and Details.

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-119. Street signs.**

Street name signs shall be installed in locations and according to specifications set forth in the Manual of Standard Designs and Details.

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-120. Street lights (public).**

Street lights shall be provided at such locations as approved by the City of Washington and shall be installed and maintained by the City of Washington Electric Department in accordance with current policy.

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-121. Street trees.**

In all residential subdivisions, street trees shall be preserved where possible; where they do not exist, appropriate trees may be provided, planted and serviced in accordance with the Manual of Standard Designs and Details. Such trees shall be

## SUBDIVISIONS

species which are resistant to damage and disease and which do not cause interference with utilities, street lighting or visibility at street intersections or at intersections of driveways or walkways with streets, and which do not cause heaving of pavements when planted in specified locations.

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-122. Ground cover.**

All land within the right-of-way which is not used for structures, vehicular or pedestrian traffic, or for other approved landscaping shall be provided with grass or other ground cover of a nature approved by the Manual of Standard Designs and Details. Such ground cover may include appropriate plant materials preserved in place.

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-123. Sidewalks; where to be installed.**

- (a) Sidewalks shall be provided by the subdivider, as deemed necessary by the Director of Development and installed in accordance with the Manual of Standard Designs and Details.
- (b) In such case where the necessity of sidewalks cannot be determined by the City Planner, the Planning Board shall reserve the right to determine the necessity of said sidewalk.

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-124. Drainage; conformance with Manual of Standard Designs and Details.**

All required storm drainage and surface water drainage systems shall be installed in accordance with the Manual of Standard Designs and Details.

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-125. All subdivisions to be adequately drained.**

All subdivided land shall be served by a storm and surface water drainage system located, designed and installed in such a manner as to preserve the public and private land from inundation during a storm of ten-year frequency.

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-126. Public water supply required; exceptions.**

- (a) Each lot intended for a use requiring public water shall be served by the City of Washington or the County of Beaufort and approved by the State of North Carolina, except where infeasibility is documented and such documentation is accepted by the Planning Board.
- (b) Where the Planning Board has accepted the infeasibility of service by a public system, it shall require approval of the lot by the Beaufort County Health Department. Such approval shall be based upon the studies and conclusions as specified by applicable law.

## SUBDIVISIONS

- (c) Nothing herein contained shall be deemed to prohibit installation of private systems where water is not used for human consumption.  
(Ord. No. 96-2, 2-12-96)

### **Sec. 17-127. Public sanitary sewerage required; exceptions.**

- (a) Each lot intended for a use requiring sanitary sewerage shall be served by the City of Washington and approved by the State of North Carolina, except where infeasibility is documented and such documentation is accepted by the Planning Board.
- (b) Where the Planning Board has accepted the infeasibility of service by a public system, it shall require approval of the lot by the Beaufort County Health Department. Such approval shall be based upon the studies and conclusions as specified by applicable law.
- (c) Nothing herein contained shall be deemed to prohibit installation of private systems where water is not used for human consumption.  
(Ord. No. 96-2, 2-12-96)

### **Sec. 17-128. General erosion protection; conservation of topsoil; preservation of desirable vegetation.**

In general, in preparation of the subdivision and installation of improvements, appropriate measures shall be taken to prevent erosion and damaging situations on the property and on adjoining land or water areas in accordance with the soil erosion and sedimentation control regulations as set forth by the City Code, and in compliance with the regulations of the State of North Carolina. In any grading or filling operations, described topsoil shall be conserved and redistributed as such, particularly to cover exposed subsoils. Trees, shrubs and ground cover existing at the beginning of development operations shall be preserved to the maximum extent reasonably feasible where they are of species and in locations likely to add amenity to the completed development. The Planning Board may require preservation of specified trees or other vegetation in connection with a particular development except upon findings that such preservation is infeasible in view of the requirements for the installation of public utilities and facilities.

(Ord. No. 96-2, 2-12-96)

**State law reference**--NC Admin. Code, Title 15A, DHNR, Chapter 4

### **Sec. 17-129. Fire protection facilities.**

All lots served by public water supply systems shall also be afforded fire protection by means of hydrants installed in accordance with the requirements and specifications of the Manual of Standard Designs and Details.

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-130. Wire installation to be underground; exceptions.**

Electrical distribution (defined for the purposes of these regulations as facilities for delivering electrical energy from a substation to a customer's meter), telephone and any other wire installation shall be underground unless the infeasibility of such

## SUBDIVISIONS

installation has been documented and the documentation accepted as satisfactory by the Planning Board. In making its decision on the adequacy of the documentation, the Board shall consider the terrain, load characteristics, reliability, accessibility, system flexibility, equipment availability, cost, safety, trimming, and customer desires.  
(Ord. No. 96-2, 2-12-96)

Secs. 17-131--17-140. Reserved.

### **ARTICLE VI. COMPLETION OF IMPROVEMENTS; MAINTENANCE GUARANTEES**

Sec. 17-141. Satisfactory completion of improvements; offers to dedicate; maintenance guarantees; prior to approval of final plats.

Except as hereinafter provided concerning performance guarantees, before final plats are approved:

- (1) All required improvements shall be completed by the owner or his agent, and inspected and approved by appropriate public officials or agencies; and
- (2) All required offers to dedicate, or to reserve for future dedication, shall be made, clear of all liens and encumbrances on the property and public improvements thus dedicated.

(Ord. No. 96-2, 2-12-96)

#### **Sec. 17-142. Performance guarantee.**

In lieu of completion of all or part of required improvements prior to approval of final plats, the applicant may post a performance guarantee in an amount sufficient to secure to the City the satisfactory construction and installation of the uncompleted portion of the required improvements.

(Ord. No. 96-2, 2-12-96)

#### **Sec. 17-143. Type of guarantee.**

The performance guarantee may be in the form of a performance bond, a certified check, a first deed of trust, an irrevocable letter of credit, or an escrow deposit. All performance guarantees shall not be accepted unless the City Attorney has made a review thereof and provided a written opinion that the interests of the City are fully protected.

(Ord. No. 96-2, 2-12-96)

#### **Sec. 17-144. Plans and construction programs.**

Plans, specifications, quantities, unit costs and estimated total costs shall be provided by the applicant to the Director of Public Works together with a schedule indicating time of initiation and completion of the work, as a whole or in stages. Number of copies shall be as required for records and processing in the particular case.

(Ord. No. 96-2, 2-12-96)

**Sec. 17-145. Amount and terms of performance guarantee; time limitations.**

- (a) Following receipt of the required estimate, the Director of Public Works shall prepare recommendations as to the terms of the performance guarantee, including time of initiation and completion of the work, as a whole or in stages, and provisions for release of portions of the guarantee upon completion of portions or stages of the work. The life of a performance guarantee shall not be less than six (6) months or greater than two (2) years, unless otherwise provided. The time between initiation and completion of development shall not exceed four (4) years, except as provided under subsection (c).
- (b) Based on such estimate, with such changes as deemed necessary, the Director of Public Works shall set the amount and terms of the performance guarantee, subject to necessary legal review of form as provided in Section 17-143.
- (c) When in the opinion of the Director of Public Works the required improvements or portions thereof cannot be completed within the specified time frame due to a physical condition and/or lack of an approved final plat on an adjoining property, the performance guarantee or portion thereof for such improvements may be extended beyond the maximum time stated in subsection (a) above. Following approval of a final plat on an adjoining property, the required improvements or portion thereof shall be installed within the life of the current performance guarantee or twelve (12) months, whichever is greater.
- (d) The Director of Public Works may accept a substitute performance guarantee from any party to cover the cost of all or a portion of the remaining improvements shown on an approved final plat. When a substitute performance guarantee is offered. The Director of Public Works shall give ten (10) days notice by certified mail to the party posting the original surety that the Director of Public Works intends to issue a "notice to proceed" for construction of the guaranteed improvements to the party offering the substitute surety. The "notice to proceed" will be issued to the party offering and posting the substitute surety unless the party posting the original surety makes a written request that the "notice to proceed" be issued to him, and has in place or offers a surety meeting the requirements of a substitute surety.
- (e) When a substitute performance guarantee is accepted, the following rules shall apply:
  - 1) The work covered by a substitute performance guarantee shall be completed within twelve (12) months.
  - 2) The original performance guarantee shall be released, reduced or returned to the party posting the original performance guarantee.
  - 3) The work performed under a "notice to proceed" shall conform to the original plans in accordance with the approved final plat.
  - 4) No extensions or substitutions of a substitute performance guarantee will be allowed.

(Ord. No. 96-2, 2-12-96)

## SUBDIVISIONS

### **Sec. 17-146. Inspections; inspection reports.**

- (a) The Director of Public Works shall make inspections to determine whether work has started as scheduled, shall make inspections as are necessary during the course of work, and shall make final inspections.
- (b) Within five (5) days of such inspections, copies of reports of the results thereof shall be provided to the file for public inspection.

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-147. Action on inspection reports - Reports indicating satisfaction of requirements.**

Where such reports indicate satisfactory completion of work within the time limit set and in accord with other terms of the performance guarantee, for agreed upon stages or for the entire work, the Director of Public Works shall so indicate to the applicant, any surety company involved, and the City Manager. The City Manager, upon such notification and any further assurance he may require from the City Attorney, shall then release all or portions of the performance guarantee in accordance with the terms thereof.

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-148. Action on inspection reports - Reports indicating failure to satisfy requirements.**

- (a) Where such reports indicate failure to initiate work on schedule or to complete work on schedule in full compliance with the terms of the performance guarantee, the Director of Public Works shall so indicate to the applicant, any surety company involved and the City Manager. Such notice shall indicate that unless action required under the terms of the performance guarantee is completed within thirty (30) days of the date of such notification, the performance guarantee or portions thereof set forth in its terms shall be called.
- (b) Unless such action is completed, as evidenced by inspections and reports of the Director of Public Works, the City Manager shall call the performance guarantee or affected portions thereof.

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-149. Action inspection reports - Reports indicating unsatisfactory progress.**

Where such reports indicate that work initiated appears likely not to be completed on schedule, and where the performance guarantee provides for extension of time for cause, the Director of Public Works shall notify the applicant and any surety company involved concerning potential need for an application for such extension. Where such notice has been given, no application for extension shall be considered after expiration of the original schedule date.

(Ord. No. 96-2, 2-12-96)

## SUBDIVISIONS

### **Sec. 17-150. Actions following failure to complete work under performance guarantee.**

When work required under the terms of any performance guarantee is not completed by the applicant as specified therein, the City Manager, following the call of the guarantee, shall take such action as is appropriate in the circumstances of the case to procure the completion of the required improvements at the earliest reasonable time, according to the plans and specifications and staging of construction approved in connection therewith.

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-151. Acceptance of guarantee of other governmental agency or utility.**

Where all or part of required improvements are to be completed by another governmental agency or utility, the City Manager may accept the written guarantee of such agency to complete such improvements within a time to be mutually agreed upon.

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-152. Building permits and certificates of occupancy prior to completion of improvements.**

- (a) Building permits may be issued for construction of buildings in subdivisions which have been given final approval and properly recorded prior to completion of the required improvements.
- (b) Certificates of occupancy may be issued, and buildings occupied only when all of the following improvements are available and as further provided below:
  - 1) Streets, passable for private, service and emergency vehicles under normal weather conditions, provided that distance along such streets shall not exceed one-fourth (1/4) mile by normal routes;
  - 2) Driveways passable under normal weather conditions;
  - 3) Drainage assuring that under normal weather conditions there will be no flooding of the building site or accessways to the site;
  - 4) Erosion protection acceptable under normal weather conditions; and
  - 5) Domestic water supply and sanitary sewerage.
- (c) No such permits or certificates shall be issued unless improvements are guaranteed and the applicant accepts tort liability pending completion of all required improvements.

(Ord. No. 96-2, 2-12-96)

### **Secs. 17-153--17-160. Reserved.**

## **ARTICLE VII. AMENDMENTS**

### **Sec. 17-161. Planning Board review; recommendation.**

All proposed amendments to these regulations, except those initiated by the Planning Board, shall be submitted to the Planning Board for its recommendations as to approval, approval with specified alterations, or denial. Unless such recommendation is forthcoming within sixty (60) days of submittal, or a longer period

## SUBDIVISIONS

is agreed upon in writing by the person or agency initiating the proposal, the City Council may proceed to act without a recommendation.  
(Code 1972, § 21-14; Ord. No. 96-2, 2-12-96)

### **Sec. 17-162. Public notice and hearing.**

No such proposed amendment shall be acted upon by the City Council until after a public hearing thereon, at least fifteen (15) days notice of which shall have been published in a newspaper of general circulation.  
(Ord. No. 96-2, 2-12-96)

### **Sec. 17-163. Limitation on resubmittal.**

Except when initiated by City Council or the Planning Board, no proposed amendment failing of passage shall be considered in substantially the same form within one (1) year of rejection.  
(Ord. No. 96-2, 2-12-96)

### **Secs. 17-164--17-170. Reserved.**

## **ARTICLE VIII. VIOLATIONS, PENALTIES AND REMEDIES**

### **Sec. 17-171. Penalties for violation.**

- (a) Any violation of this chapter shall subject the offender to a civil penalty in the amount of fifty dollars (\$50.00). Violators shall be issued a written citation which must be paid within seventy-two (72) hours.
- (b) Each day of continuing violation shall be a separate and distinct offense.
- (c) Notwithstanding subsection (a) above, provisions of this chapter may be enforced through equitable remedies issued by a court of competent jurisdiction.
- (d) In addition to or in lieu of remedies authorized in subsections (a) and (c) above, violations of this chapter may be prosecuted as a misdemeanor in accordance with applicable law.

(Ord. No. 96-2, 2-12-96)

### **Sec. 17-172. Remedies.**

Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct or abate violation and to prevent illegal occupancy of a building, structure or premises.  
(Ord. No. 96-2, 2-12-96)

### **Secs. 17-173--17-180. Reserved.**

## SUBDIVISIONS

### ARTICLE IX. VARIANCES

#### Sec. 17-181. Authorized; procedure.

- (a) The City Council may vary the requirements of this chapter where, because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this chapter could cause an unusual and unnecessary hardship on the subdivider.
- (b) In granting variances, the City Council may require such conditions as will secure, insofar as practicable, the objectives of the requirement(s) varied. Any variance thus recommended is required to be entered in writing in the minutes of the Board and the findings upon which departure was justified set forth.

(Ord. No. 96-2, 2-12-96)

#### Secs. 17-182--17-190. Reserved.

### ARTICLE X. FEES

#### Sec. 17-191. Fees for subdivision requests

- (a) The fees for subdivision requests are as follows:
  - 1) Request for approval of preliminary subdivision plat: \$50.00
  - 2) Request for approval of final subdivision plat: \$50.00
  - 3) Variance from regulations: \$150.00
  - 4) Amendment to the text: \$125.00
- (b) All fees are due at the time the requests are made. No request will be considered until the applicable fee is paid.

(Ord. No. 96-2, 2-12-96)

#### Secs. 17-192--17-199. Reserved.

### ARTICLE XI. LEGAL STATUS AND EFFECTIVE DATE

#### Sec. 17-200. Separability.

If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provisions or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances.

(Ord. No. 96-2, 2-12-96)

#### Sec. 17-201. Repeal.

Previous subdivision regulations in effect up to the effective date of these regulations are repealed as of the effective date of these regulations and shall be superseded thereby except insofar as actions remain pending under prior regulations.

SUBDIVISIONS

(Ord. No. 96-2, 2-12-96)

**Sec. 17-202. Effective date.**

These regulations shall be in full force and effect from and after its passage by the City Council of the City of Washington. **(2-12-96)**

(Ord. No. 96-2, 2-12-96)