

BERTIE COUNTY NORTH CAROLINA



SUBDIVISION ORDINANCE

Effective September 1, 2005

Amendments Effective

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BERTIE COUNTY SUBDIVISION ORDINANCE

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APPENDICES

Appendix A – Session Law 2007-87, House Bill 836

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**ARTICLE I
INTRODUCTORY PROVISIONS**

Section 101 Title

This ordinance shall be known and may be cited as the *Subdivision Ordinance for Bertie County, North Carolina*, and may be referred to as the *County Subdivision Ordinance*.

Section 102 Authority & Purpose

This ordinance is adopted pursuant to the authority set forth in Chapter 160D-8-4 of the General Statutes of North Carolina, as amended and supplemented. The purpose and intent of this ordinance is to provide for the orderly growth and development of the county; for the coordination of transportation networks and utilities within proposed subdivisions with existing or planned streets and highways and with other public facilities; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions that substantially promote public health, safety, and the general welfare.

Section 103 Jurisdiction

Upon adoption, this ordinance shall govern each and every subdivision of land within Bertie County as provided in N.C.G.S. 160D-8-1, except those lands lying within the legal subdivision jurisdiction of any municipality, unless such municipality, shall, by resolution, formally request the county to administer this ordinance within its municipal jurisdiction.

Section 104 Prerequisite to Plat Recordation

After the effective date of this ordinance, each individual subdivision plat of land within the County's jurisdiction shall receive approval by the Bertie County Planning Board and/or by the Bertie County Subdivision Administrator, whichever is applicable according to this ordinance.

Section 105 Compliance with Other Official County Plans

Proposed subdivisions must comply in all respects with the rules and regulations of the Bertie County Water District(s) and with all other officially adopted plans in effect in the area to be subdivided.

ARTICLE II LEGAL PROVISIONS

Section 201 Duty of Subdivider or Authorized Agent

A plat must be prepared, approved, and recorded whenever the subdivision of land takes place, as defined in this ordinance. The owner of land shown on a subdivision plat submitted for recording, or an authorized agent, shall sign a statement on the plat stating whether any land shown thereon is within the subdivision regulation jurisdiction of Bertie County.

Section 202 Duty of Register of Deeds & Clerk of Court

The Register of Deeds shall not file or record a plat, plan, map of a subdivision of land within the jurisdiction of Bertie County that has not been approved in writing in accordance with this ordinance, nor shall the Clerk of Superior Court order or direct the recording of a plat, plan, map if the recording would be in conflict with this ordinance.

Section 203 Duty of Review Officer

The Review Officer, pursuant to G.S. 47-30.2, shall not certify a subdivision plat that has not been approved in accordance with these provisions.

Section 204 Effect of Plat Approval on Dedications

Pursuant to N.C.G.S. 160D-8-6, the approval of a plat does not constitute or effect the acceptance by the County or the public of the dedication of any street or other ground, public utility line, infrastructure, or other public facility shown on the plat and shall not be construed to do so. If a public dedication of any street or other ground, public utility line, infrastructure, or other public facility is required, the subdivider must include a statement identifying the party/entity legally responsible for maintaining the required streets, grounds, infrastructure, utilities or facilities.

Section 205 Penalties for Violation

After the effective date of this ordinance, any person who, being the owner or agent of the owner of any land located within the jurisdiction of this ordinance, thereafter subdivides land in violation of this ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved in writing under the terms and conditions of this ordinance and recorded in the Office of the Bertie County Register of Deeds, shall be guilty of a Class One (1) Misdemeanor.

The description, by metes and bounds, in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The county, through its attorney or other official designated by the Bertie County Board of Commissioners, may enjoin illegal subdivision, transfer or sale of land by commencing an action

for injunction. Further, violators of this ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by G.S. 153A-123 and G.S. 14-4, as amended and supplemented.

Building permits required pursuant to G.S. 160D-11-8 may be denied for lots that have been illegally subdivided. In addition to other remedies, Bertie County may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.

The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved under the subdivision ordinance or recorded with the register of deeds, provided the contract does all of the following:

- a. Incorporates as an attachment a copy of the preliminary plat referenced in the contract and obligates the owner to deliver to the buyer a copy of the recorded plat prior to closing and conveyance.
- b. Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contract, that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat, that changes between the preliminary and final plats are possible, and that the contract or lease may be terminated without breach by the buyer or lessee if the final recorded plat differs in any material respect from the preliminary plat.
- c. Provides that if the approved and recorded final plat does not differ in any material respect from the plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than five days after the delivery of a copy of the final recorded plat.
- d. Provides that if the approved and recorded final plat differs in any material respect from the preliminary plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than 15 days after the delivery of the final recorded plat, during which 15-day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.

The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease land by reference to an approved preliminary plat for which a final plat has not been properly approved under the subdivision ordinance or recorded with the register of deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential, commercial, or industrial buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved under the subdivision ordinance and recorded with the register of deeds.

Section 205.1 Penalty

The violation of any provision of this ordinance shall subject the offender to a civil penalty in the amount of \$100 per day to be recovered by Bertie County. Violators shall be issued a written citation, which must be paid within ten (10) days of being served personally or otherwise.

Section 205.2 Continuing Violations

Each day's continuing violation of this ordinance shall be considered a separate and distinct offence and penalized as such.

Section 205.3 Court Action

Notwithstanding the subsection of this section above, this ordinance may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.

Section 205.4 Other Remedies

Nothing in this section shall be construed to limit the use of remedies available to the county. The county may seek to enforce this ordinance by using any one, all or a combination of remedies.

Section 206 **Severability**

Should any section or provision of this ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 207 **Variances**

The Planning Board may authorize a variance from these regulations when, in its considered and informed opinion, undue hardship may result from strict compliance. In granting any variance, the Planning Board shall make the findings required below, taking into account the nature of the proposed subdivision, the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon the contiguous properties, surrounding area, and traffic conditions in the vicinity. No variance shall be granted unless the Planning Board finds the following criteria:

- a. That there are special physical circumstances or topographical conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land;
- b. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner(s);
- c. That the circumstances giving rise to the need for the variance are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this ordinance;

- d. That the granting of the variance will not be detrimental to the public health, safety, and welfare or injurious to other property in the territory in which said property is situated; and
- e. The need for the variance is not the result of a self-created hardship.

Requests for variances shall be submitted in writing to the Planning Director for inclusion on the agenda for the next regular Planning Board meeting. Requests shall be submitted a minimum of seven (7) business days prior to the regular Planning Board meeting.

Appeal to the Planning Board's ruling on a variance shall be to the Bertie County Board of Commissioners. Request for appeal shall be filed within ten (10) days from the date of the Planning Board's ruling. The Board of Commissioners will hear the case to determine if the Planning Board:

1. Exceeded its authority or jurisdiction;
2. Acted erroneously;
3. Failed to use proper procedure
4. Acted arbitrarily or capriciously; or
5. Failed to act as required by law or rule.

Appeal to the Board of Commissioners' ruling shall be to a court of competent jurisdiction.

Section 208 Amendments

The County Board of Commissioners may from time-to-time amend the provisions of this ordinance. Amendments will be reviewed and recommended by the Planning Board to the Board of Commissioners for adoption in accordance with G.S. 160D-6-1.

Section 209 Abrogation

It is not intended that this ordinance repeal, abrogate, annul, impair, or interfere with any legally existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously legally adopted or issued pursuant to law. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

Section 210 Re-enactment & Repeal of Existing Ordinances

This ordinance in part carries forward by re-enactment some of the provisions of the Bertie County Subdivision Ordinance adopted on July 11, 2005, effective September 1, 2005, and it is not the intention to repeal but rather re-enact and continue to enforce such existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced. All provisions of the Subdivision Ordinance, which are not re-enacted herein, are hereby repealed. All suits at law or in equity and/or all prosecutions, resulting from the violation of any subdivision ordinance heretofore in effect, which are now pending in any of the courts of the State of North Carolina or of the United States, shall be prosecuted to their finality the same as if this ordinance has not been adopted; and any and all violations of the existing ordinance, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and

nothing in this ordinance shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending and/or which may heretofore have been instituted or prosecuted.

Section 211 Administrator

The Bertie County Planning Director and/or his/her designee is hereby appointed to serve as Subdivision Administrator.

Section 212 Minimum Standards

Wherever the provisions of any other law, ordinance or regulation impose higher standards than are required by the provisions of this ordinance, the provisions of such law, ordinance or regulation shall govern.

Section 213 Word Interpretation

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

- a. The word "may" is permissive.
- b. The words "shall" and "will" are mandatory.
- c. The present tense includes the future tense and the future tense includes the present tense.
- d. The singular includes the plural and plural includes the singular.

**ARTICLE III
INCLUSIONS AND EXCEPTIONS**

Section 301 Definition of a Subdivision

All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions are created for the purpose of sale or building development (whether immediate or future) and includes all divisions of land involving the dedication of a new street or a change in existing streets; however, that the following shall not be included within this definition and is not subject to the regulations enacted pursuant to North Carolina G.S. 160D-8-2:

- a. The combination or re-combination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown in its subdivision regulations. The survey shall contain a statement that lots are a combination or recombination.
- b. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.
- c. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
- d. The division of a tract in single ownership, the entire area of which is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved, and if resultant lots are equal to or exceed the standards of the County as shown by its subdivision regulations.
- e. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.
- f. The division of land by any method of transfer from a grantor to a grantee (or grantees) who is a member of the grantor's immediate family, solely for the residential use of the grantee (or grantees) for as long as the use is appropriate under local ordinances. For the purposes of this subdivision, the term "immediate family" includes only direct lineal descendants (children & grandchildren) and direct lineal ascendants (parents and grandparents). Divisions of land in this category must have access to an established public or private right-of-way or an easement for ingress and egress. (SL 2007-87, See Appendix A)

Bertie County further allows the following exemptions from the Subdivision Ordinance:

1. Home sites existing prior to the date of this ordinance may be exempt from the subdivision review process if any relocated property lines meet the setback requirement, if minimum access requirements of this and any other applicable ordinance are met; if the location(s) of any septic system and drain lines are proven to be located entirely within proposed lot lines; and there is proven to be adequate space for the septic repair area located entirely within proposed lot lines.
2. Divisions of lots or parcels labeled *bona-fide agricultural* as defined in G.S.106-581.1 (See Appendix B) or as *non-buildable* although building permits shall not be

issued for properties bearing these titles unless such parcels are resubmitted for subdivision approval, approved and recorded as a legal subdivision.

3. Divisions of property by the exercise of eminent domain
4. Court-ordered surveys.
5. Cemeteries.

The burden shall be on any conveyor of land to provide proof as to why their conveyance does not constitute a subdivision. This proof must be presented, in writing, to the designated Subdivision Administrator. If found to qualify for an exemption from this ordinance, the Subdivision Administrator shall note so on the plat.

Section 302 Expedited Review

The County may require only a plat for recordation for the division of a tract of land in single ownership if all of the following criteria are met [N.C.G.S. 160D-8-2(c)]:

1. The tract or parcel to be divided is not exempted under Section 301 of this Ordinance.
2. No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.
3. The entire area of the tract to be divided is greater than five (5) acres.
4. After division, no more than three (3) lots result from the division.
5. After division, all resultant lots comply with all of the following:
 - a. Any lot dimension size requirements of the applicable land-use regulations, if any.
 - b. The use of the lots is in conformity with the application zoning requirements, if any.
 - c. A permanent means of ingress and egress is recorded for each lot.

ARTICLE IV
(Reserved for Future Use)

**ARTICLE V
PROCEDURES FOR SUBMISSION, REVIEW AND APPROVAL OF
SUBDIVISION PLANS**

Section 501 Sketch Plan

A sketch plan of a proposed subdivision may be submitted by the owner/subdivider for discussion and conceptual approval/disapproval by the Subdivision Administrator. Bertie County encourages all subdividers to take advantage of this service. The Subdivision Administrator will review the sketch plan for general compliance with the requirements of this ordinance and any other applicable ordinances.

The sketch plan shall be drawn to a convenient, readable scale. A scale of 100 feet = 1 inch is optional, but encouraged. It must include a general description of the proposed subdivision as well as the following items as may be applicable:

- a. The total acreage of the proposed subdivision;
- b. The tentative street, block, and lot arrangement, with proposed street widths;
- c. The name, address, and telephone number of both the owner and the subdivider;
- d. The proposed lot sizes and number of lots;
- e. The existing and proposed uses of the land within the subdivision and adjoining it;
- f. Zoning classification of the tract and adjoining properties, where applicable; and
- g. Sketch vicinity map.

Section 502 Minor Subdivision Submission and Review Process

Section 502.1 Purpose

The minor subdivision review procedure facilitates the division of parcels of land that will have little impact on Bertie County's overall subdivisions of land.

Section 502.2 Definition

A minor subdivision shall be defined as a subdivision that conforms to the following conditions:

- a. Involves no more than five (5) lots per parent parcel (expressed or planned), fronting on an existing dedicated, accepted, and improved paved street; or
- b. Not involving any new street either on periphery of property or for perspective interior access; and
- c. Not requiring extension of public water or sewer; and
- d. Does not create any new or residential parcels that do not conform to the requirements of the Bertie County Subdivision Ordinance and/or Zoning Ordinance, where applicable; and

- e. Does not constitute an enlargement or extension of a previously approved minor subdivision above five (5) lots maximum. The sixth lot (expressed or planned) constitutes a major subdivision.

Section 502.3 Plat Review

The subdivider shall submit to the Subdivision Administrator seven (7) copies of the proposed final plat, and a completed application, accompanied by appropriate fees. One copy of the final plat shall be drawn on reproducible film.

Section 502.4 Content of Plat

The plat shall be prepared by a North Carolina Professional Registered Land Surveyor. It shall be drawn to the scale of one inch to one hundred feet (1"=100'). Sheet sizes shall be eighteen inches by twenty-four inches (18" x 24"), and in accordance with the standards and practices of the Bertie County Register of Deeds Office. The plat shall contain the following information:

1. Non-duplicative subdivision name, boundaries, north point, legend, date, revision date, and purpose if applicable, scale, title block, and certifications;
2. The name(s), address(es) of the land owner(s), subdivider, mortgagee, North Carolina Professional Registered Land Surveyor, as well as the telephone numbers of any other professionals engaged in the design of the subdivision;
3. Tax parcel identification number;
4. Any existing structures contained thereon;
5. Floodplain statement including references and flood boundary delineation, if any;
6. Sketch vicinity map showing the location of the subdivision in relation surrounding area;
7. The total acreage of the proposed subdivision and layout of lot arrangement, including block/lot lines, block/lot dimensions, and block/lot numbers;
8. Plans for proposed easements for right-of-ways, sanitary sewers, storm sewers, water distribution lines, street lighting, telephone, electric service, illustrating connections to existing systems, or plans for individual water supply systems and/or sewer disposal systems, showing line size, and location of fire hydrants and manholes;
9. Wooded areas and/or farm lands proximate to the proposed subdivision;
10. Plat shall be accompanied by a copy of any proposed deed restrictions or restrictive covenants, if any (Note: Bertie County will not enforce any private deed restrictions or covenants);
11. Certificate of Ownership and Dedication
12. Certificate of Approval for Recording
13. Certificate of Review Officer
14. Certificate of Accuracy

Section 502.5 Review Process

The final plat shall be reviewed by the Subdivision Administrator and/or other members of the county staff for plat compliance with this ordinance, with other applicable state statutes, and county ordinances. The County Manager, at the request of the Subdivision Administrator, or on his/her own initiative may retain appropriate professionals to check the final plat for technical compliance with appropriate statutes, regulations, or ordinances, charging the cost to the subdivider.

The Subdivision Administrator shall check the plat for compliance with the Bertie County Subdivision Ordinance, and distribute prints of the proposed subdivision to any governmental agency or agencies having a specific interest in the subdivision for their comments or recommendations, including where applicable but not limited to the Bertie County Environmental Health Department, North Carolina Department of Transportation, the Land Resources Division of the North Carolina Department of Environment and Natural Resources, the Division of Coastal Management District Planner, the USDA Natural Resources Conversation Service, and Bertie County Schools.

The Subdivision Administrator shall approve or disapprove the final plat within thirty (30) days of receipt of the plat.

If the Subdivision Administrator disapproves the final plat, he/she shall state in writing his/her reasons for such action, specifying the provisions of this ordinance with which the plat does not comply. One copy of this statement shall be transmitted to the subdivider by certified mail with return receipt within seven (7) days of disapproval; and one (1) copy shall be retained by the Subdivision Administrator. Appeal of the Subdivision Administrator's ruling shall be by petition to the Planning Board to be heard at their regularly scheduled meeting; Appeal to the Planning Board decision shall be by petition to the Board of County Commissioners and then to a court of competent jurisdiction. Written notice of appeals must be petitioned with the Board within thirty (30) days of receipt of disapproval notice.

The original tracing and one (1) paper print of the final plat shall be returned to the subdivider. One (1) paper print shall be retained in the Planning Department file.

If the final plat is approved, the subdivider shall file the approved final plat with the Bertie County Register of Deeds for recording within thirty (30) days from the date of approval; otherwise, such approval shall be null and void.

The approval of a final plat shall not be deemed to constitute or affect the acceptance by Bertie County of any dedication shown on the plat. However, the Board of Commissioners, by resolution, may accept any dedication made to the public of lands or facilities for parks or other public purposes, when the lands or facilities are located within its subdivision regulation jurisdiction. Acceptance of dedication of lands or facilities located within the subdivision regulations jurisdiction shall not place on Bertie County any duty to open, operate, repair or maintain any land or facility.

Section 503 Major Subdivision Submittal & Approval Process

Section 503.1 Purpose

The major subdivision review process provides for a more thorough analysis of the proposed subdivision. The process is lengthier and more involved due to the likely impact of a larger subdivision on the county, its surroundings, resources, utilities, infrastructure, service requirements, environment, and roads, which must be carefully reviewed. The review process allows for the determination and prevention of any adverse affects and assures quality development.

Section 503.2 Definition

Major subdivisions shall include any subdivision other than that, which meets the definition of minor subdivision.

Section 503.3 Submission Requirements for Planning Board

The subdivider shall submit fifteen (15) copies of the preliminary plat, eighteen by twenty-four inches (18" x 24") in size, and any supplementary material to the Subdivision Administrator a minimum of twenty (20) business days prior to the regularly scheduled Planning Board meeting at which said plat is to be considered. The subdivider shall also include with the submittal one (1) reduced copy of the plat of eleven by seventeen inches (11" x 17") in size. Upon submission of the preliminary plat, the subdivider shall pay a processing fee to Bertie County in accordance with the approved subdivision fee schedule adopted by the Bertie County Board of Commissioners.

Section 503.4 Content of Plat

The plat shall depict or contain the following information:

1. Non-duplicative subdivision name, the boundaries, north point, legend, date, revision date, and purpose if applicable, scale, title block, and appropriate certifications;
2. The name(s), address(es) of the land owner(s), subdivider, mortgagee, North Carolina Professional Registered Land Surveyor, as well as the telephone numbers of any other professionals engaged in the design of the subdivision;
3. Tax parcel identification number;
4. The existing and proposed uses of the land within the subdivision, and adjoining it, along with any structures contained thereon;
5. Floodplain statement, the location of the base flood elevation, and flood boundary, if any;
6. The location of existing and platted property lines, streets, buildings, water courses, railroads, transmission lines, sewers, bridges, culverts, storm drains, water mains,

and any public utility easements, both on the land subdivided and on the land immediately adjoining.

7. The boundary lines of the tract to be subdivided drawn accurately with all bearings and distances shown.
8. Existing structures and wooded areas and/or farmland areas, marshes, and any peculiar, natural conditions affecting the site and/or proximate to proposed subdivision.
9. Name(s) and address(es) of adjoining property owners and subdivisions.
10. Existing and proposed lines of streets, lots, easements, reservations, dedications, and public or common areas within the subdivision, and sufficient information to determine the location, direction, and length of every street, cul-de-sac, lot line, easement, reservation, dedication, and boundary line, and to establish those lines on the ground.
11. The total acreage of the proposed subdivision and layout of lot arrangement, including lot and block lines, lot dimensions, and block and lot numbers;
12. Proposed streets, existing and platted streets on adjoining properties, and in the proposed subdivision, designated either public or private, indicating right-of-way and/or easement depths, pavement widths, and centerline curve or corner radius data, including site distances, and typical street cross sections.
13. Plans for proposed utility easements, including sanitary sewers, storm sewers, water distribution lines, street lighting, telephone electric service, illustrating connections to existing systems, or plans for individual water supply systems and/or sewer disposal systems, showing line size accompanied by preliminary approval from Bertie County Environmental Health Department, and location of fire hydrants and manholes.
14. Other proposed rights-of-way or easements, location, width, or purpose.
15. Proposed minimum building setback lines.
16. Contours with vertical intervals of two feet (2') or less shall be shown when any improvements (i.e. streets, utility lines) are proposed.
17. Proposed location and size of parks, school sites, or other public open spaces, if any.
18. Sketch vicinity map showing relationship between subdivision and surrounding area.

Section 503.5 Review by Interested Agencies

The Subdivision Administrator shall check the plat for compliance with county ordinances and distribute prints of the proposed subdivision to any governmental agency or agencies having a specific interest in the subdivision for their comments or recommendations, including where applicable but not limited to the Bertie County Environmental Health Department, North Carolina Department of Transportation, the Land Resources Division of the North Carolina Department of Environment and Natural Resources, the Division of Coastal Management District Planner, the USDA Natural Resources Conversation Service, Bertie County Schools, County Engineer, and any other appropriate agencies or county staff,. The Subdivision Administrator shall consolidate such recommendations and present them, together with his/her own, to the Planning Board.

Section 503.6 Planning Board Review

The Planning Board shall review the preliminary plat and shall approve, conditionally approve, or disapprove with reasons.

- a. **Approval** - If the Planning Board approves the preliminary plat, such approval shall be noted on three (3) copies of the plat, one (1) copy to be returned to the subdivider and two (2) copies to be kept in the permanent records of Bertie County Planning Department.
- b. **Conditional Approval** - If the Planning Board conditionally approves the preliminary, it shall retain two (2) copies of the originally submitted preliminary plat and shall return one (1) copy to the subdivider with its written conditions for approval. The subdivider shall make the changes needed to bring the plat into compliance on the final plat. The Subdivision Administrator will review the final plat in accordance with this ordinance, ensuring conditions for preliminary plat approval have been met.

Disapproval - If the preliminary plat is disapproved by the Planning Board, the reasons for such disapproval shall be stated in writing, specifying the provisions of this ordinance with which the subdivider has not complied. One (1) copy of such reasons and one (1) copy of the plat shall be retained in the permanent records of the Planning Department. One (1) copy of the reasons and one (1) copy of the plat shall be returned to the subdivider. Written notice of appeals must be petitioned with the Board within thirty (30) days of receipt of disapproval notice.

A subdivision plat resubmitted after being disapproved by the Planning Board shall be treated as a new submittal and begins the preliminary plat approval process again, including payment of fees.

Section 504 Final Plat

Section 504.1 Submission Required Within Twelve (12) Months

Within twelve (12) months of approval of the preliminary plat, the subdivider or his/her agent shall submit to the Subdivision Administrator six (6) copies and one (1) Mylar. An extension of time for submission of the final plat may be requested, *in writing*, from the Planning Board and *authorized in writing* by the Planning Board. If a final plat is not submitted or extension of time allowed within twelve (12) months of approval of the preliminary plat, the preliminary plat shall become null and void.

Section 504.2 Content of Plat

The final plat shall be prepared and sealed by either a North Carolina Registered Surveyor or Engineer. The final plat shall be drawn at a scale of one (1) inch to one hundred (100) feet or larger, on sheets eighteen inches by twenty-four inches (18" x 24"), and shall conform to the preliminary plat as it was approved. One (1) copy of the final

plat shall be an original drawn in ink on film suitable for reproduction (Mylar). The final plat shall depict and contain the following information:

1. The exact boundary lines for the tract to be subdivided fully dimensioned by length and bearings, and the location of intersecting boundary lines of adjoining lands, with adjacent subdivisions identified by official names and recording data.
2. The accurate locations and descriptions of all monuments, markers, and control points.
3. Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, central angles and tangent distances for the center line of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest one-hundredth (1/100) of a foot and all angles to the nearest thirty (30) seconds.
4. The location, with a metes and bounds description, of all rights-of-way, reservations, easements, and areas to be dedicated to public use with the purpose of each stated.
5. The accurate location, purpose, and dimensions of areas to be used for purposes other than residential and public.
6. Right-of-way lines, widths, pavement widths, and names of all streets and location and widths of all adjacent streets and easements.
7. The name of the subdivision, the names and addresses of the owner/subdivider and North Carolina Registered Surveyor or Engineer and any other professional engaged in the plan design.
8. The date of the survey and plat preparation, a north arrow indicating whether true north or magnetic, graphic scale, legend, title block, revision dates, if any, and purpose.
9. Tax parcel identification number.
10. The deed restrictions, if any, proposed for the subdivision must accompany the final plat. (Note: Bertie County will not enforce private deed restrictions or covenants)
11. Street maintenance disclosure statement, if applicable, shall be signed on original plat.
12. Vicinity map showing the location of the subdivision in relation to the surrounding area.
13. Minimum building setback lines.
14. Proposed location and size of parks, school sites, or other open public spaces, if any.
15. Floodplain statement, base flood elevation, and flood boundary, if any.

16. Certificate of Ownership and Dedication.
17. Certificate of Approval for Recording.
18. Certificate of Review Officer.
19. Certificate of Accuracy.
20. Certificate of Public Street Design Approval, if applicable.
21. Street Maintenance Disclosure Statement, if applicable.

No final plat shall be approved until the subdivider has installed in the area represented on the final plat all improvements required by this ordinance, including but not limited to, the plans for utility layout, sanitary sewers, storm sewers, water distribution lines, natural gas, telephone and electric service, illustrating connections to existing systems or plans for individual water supply systems and/or sewerage disposal systems. Plans must show line sizes, the location of fire hydrants, blowoffs, manholes, pumps, forcemains, and gate valves, or shall have guaranteed their installation as required by this ordinance.

Section 504.3 Final Plat Approval Before Installation of Improvements.

In lieu of prior completion of the improvements, Bertie County may, for the purpose of approving a final plat, accept a guarantee from the developer that improvements shown on the preliminary plat will be completed at the expense of the developer. The guarantee provided by the developer to Bertie County will be one of the following:

- a. a surety bond made by a surety company licensed to do business in North Carolina;
- b. a certified check drawn in favor of Bertie County;
- c. cash deposited with Bertie County; or
- d. an irrevocable letter of credit.

Such guarantees shall equal one hundred twenty-five percent (125%) of the cost of improvements as determined by a North Carolina Registered Professional Engineer and verified by the County Engineer. Guarantees shall run for Eighteen (18) Months. As twenty-five (25%), fifty (50%), seventy-five (75%) and one hundred (100%) percent of the project is completed, a corresponding percentage of the guarantee may be released.

Section 504.4 Guarantee Against Defects

In addition, the County shall require a bond guaranteeing utility taps, curbs, gutters, sidewalks, drainage facilities, electric, water and sewer lines, infrastructure, and other improvements against defects for one year. This bond shall be in an amount determined by the County Engineer and shall be made by a surety company authorized to do business in North Carolina.

Section 504.5 Approval of Final Plat

If the final plat is in compliance with this ordinance, the Subdivision Administrator shall approve the final plat. Such approval shall be indicated on the original plat by the signed

Certificate of Approval for Recording. If any substantial changes from the approved preliminary plat are shown on the final plat, the changes must be approved by the Planning Board prior to final plat approval.

Section 504.6 Disapproval of Plat

If the Subdivision Administrator disapproves the final plat, he/she shall state in writing his/her reasons for such action, specifying the provisions of this ordinance with which the plat does not comply. One copy of this statement shall be transmitted to the subdivider by certified mail with return receipt within seven (7) days of disapproval; and one (1) copy shall be retained by the Subdivision Administrator. Appeal of the Subdivision Administrator's ruling shall be by petition to the Planning Board to be heard at their regularly scheduled meeting; Appeal to the Planning Board decision shall be by petition to the Board of County Commissioners and then to a court of competent jurisdiction. Written notice of appeals must be petitioned with the Board within thirty (30) days of receipt of disapproval notice.

Section 504.7 Final Plat Recordation

The subdivider shall file the approved final plat with the Bertie County Register of Deeds within thirty (30) days of approval; otherwise, such approval shall be null and void.

**ARTICLE VI
DESIGN AND CONSTRUCTION STANDARDS**

Section 601 General

Each proposed subdivision shall contain the improvements specified in this article and state statutes, to the extent required. They shall be installed in accordance with the requirement of this ordinance and as stated in the sentence immediately next preceding, and paid for by the subdivider, unless other means of financing is specifically stated in this ordinance or the regulations set forth previously in this paragraph. Land shall be dedicated and reserved in each subdivision as may be required by Bertie County, and at no cost to the county. Each subdivision shall adhere to the design standards established by the Bertie County, as enunciated in this ordinance and applicable ordinances of the Bertie County.

The subdivider shall observe all design standards for land subdivision as herein provided. These standards shall be considered minimum standards and shall be varied from or waived, in writing, only as provided herein.

Land that the county finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features that will reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas shall not be subdivided or developed unless and until adequate methods are formulated by the developer and approved by the Coastal Resources Commission, if applicable, Planning Board; and Board of Commissioners, upon written recommendation of the County Engineer, to solve the problems created by the unsuitable conditions. Such land shall be set aside for uses as shall not involve any danger to public health, safety, and welfare.

Section 602 Design Guides

Section 602.1 Minimum Lot Size

All lots created after the date of adoption of this ordinance shall conform to a minimum lot size as set forth herein and required in other applicable Bertie County ordinances, as amended and supplemented.

Section 602.2 Mitigation

Design and construction shall reduce, to the extent reasonably possible, the following:

- a. volume of cut and fill;
- b. area over which existing vegetation will be disturbed; especially on land adjoining a wetland, river, pond, or stream, or overlying easily eroded soils;
- c. number of mature trees or percentage of tree cover removed;
- d. extent of waterways altered or relocated;
- e. number of driveways exiting onto existing streets;

- f. alteration of groundwater or surface water elevations or chemical constituents;
- g. disturbance of important wildlife habitats, outstanding botanical features, and scenic or historic envisions; and
- h. soil loss or instability during and after construction (as per N.C.G.S. 113A-50).

Section 602.3 Enhancement

Design and construction shall increase, to the extent reasonably possible, the following:

- a. vehicular use of collector streets to avoid traffic on streets providing house frontage; driveways on corner lots should be accessed by internal street;
- b. visual prominence of natural features of the landscape; and
- c. legal and physical protection of views from public streets.

Section 602.4 Access Adequacy

Every lot shall have access that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use.

Section 602.5 Easements

Easements shall be provided as follows:

- a. **Utility Easements** - Easements, in writing and recordable form, with metes and bounds descriptions, for underground utilities shall be provided, where necessary, adjacent to street right-of-ways and shall be at least ten feet (10') wide for water, sanitary sewer and electric lines, and as required by the companies involved for other utilities. Easements shall be provided where necessary along lot lines. The subdivider shall provide the required easements at no cost to the county.
- b. **Drainage Easements** - Where a subdivision is traversed by a watercourse, drainage way, channel, swale, stream, or contains a water storage area or facility, there shall be provided, at no cost to the county, a written storm water easement or drainage right-of-way of adequate width to conform substantially to the lines of said feature, and to provide for the possibility of flooding, protection of banks on adjacent properties, future maintenance and/or construction, and other necessary purposes. The width of said easement and/or right-of-way will be determined by the county in so far as sufficiency for its/their intended purposes. To the extent practicable, easements shall be "along lot lines."
- c. **Access, Maintenance** - The county, in the interest of its public health, safety, and welfare may as a condition of approving a subdivision, require an access and maintenance easement on and over the property. The obtaining of these easements, as may be required, shall be at no cost to Bertie County.
- d. **Easements, Appurtenances/Utility Boxes and/or Related Structures** - Where utility boxes or easement appurtenances and/or related structures are deemed necessary, it shall not be located directly in front of the dwelling, and shall be

screened by plantings, blocking their view from both dwelling and street. Said planting and/or screening is the obligation of the developer and/or purchaser of the property, and shall be installed prior to the Certificate of Occupancy being issued.

All easements as depicted on a preliminary and/or final plat shall be so delineated on the preliminary and/or final plat as to the type of easement and shall contain a metes and bounds description.

Section 603 Streets

All streets shown on the final plat shall be designated as public or private and designed in accordance with N.C.G.S. 136-102.6, as amended and supplemented.

Section 603.1 Design and Layout

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.

Section 603.2 Street Intersections

Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than 60 degrees. Centerline offsets for intersecting streets shall not be less than 150 feet.

Minimum sight triangle for stop condition when connecting new local residential roads or residential collector roads to existing state maintained roads is 70 feet along the existing road right of way and 10 feet along the new road right of way.

New streets shall be laid out in such a way that their use by through traffic will be discouraged. Streets shall be designed or walkways dedicated to assure convenient access to parks, playgrounds, schools, or other places of public assembly.

Section 603.3 Cul-de-sacs

Permanent dead-end streets shall not exceed one thousand five hundred (1,500) feet in length. Measurement shall be from the point where the centerline of the dead end street intersects with the center of a through street to the center of the turn-around of the cul-de-sac. Where one cul-de-sac intersects with another cul-de-sac, the end of each cul-de-sac shall be no more than five hundred (500) feet from a through street, measured as stated above. The distance from the edge of the pavement on the vehicular turn-around to the right-of-way line shall not be less than the distance from the edge of the pavement to the right-of-way line on the street approaching the turn-around.

Section 603.4 Driveways

Driveways to individual lots shall be provided and installed by the developer/subdivider prior to final plat approval and shall be developed according to the NCDOT's "Policy on Street and Driveway Access on North Carolina Highways" as amended and supplemented.

Section 603.5 Street Names and House Numbers

Street names shall be assigned by the developer subject to the approval of Bertie County as to names and numbers. Proposed streets that are in alignment with existing streets shall be given the same name. Newly created streets shall be given names that neither duplicate nor are phonetically similar to existing streets within Bertie County's planning jurisdiction, regardless of the use of different suffixes. Building numbers shall be assigned by the county.

Section 603.6 Street Name Signs

The subdivider shall be required to provide and erect, at no cost to the county, street name signs to Bertie County and NCDOT (public streets) standards at all intersections within the subdivision. Street name signs shall be installed prior to final plat approval.

Section 603.7 Sidewalks

The developer may choose to install sidewalks on one or both sides of the street in areas likely to be subject to heavy pedestrian traffic, including but not limited to schools, public buildings, medical facilities, houses of worship, and shopping areas. Such sidewalks shall be constructed to the minimum standards of NCDOT.

Section 603.8 Drainage Requirements

Streets may be constructed with six foot shoulder and drainage swales or with curb and gutter. All new streets shall be installed according to the drainage requirements of NCDOT.

Section 603.9 Private Streets

Private streets shall be designated on preliminary and final plats and shall meet the *Minimum Construction Standards for Subdivision Roads* by North Carolina Department of Transportation as to drainage, base and surface course, and paving. Private streets shall be approved by the County Engineer and Planning Board.

Each deed conveying a lot within a subdivision served by a private road shall state that the road serving said lot is private in nature, and is not constructed to all of the current minimum standards of NCDOT for admission to the state highway system, thus is not eligible for state maintenance. It shall contain the name, address, and telephone number of the party or parties responsible for maintenance and shall further state that Bertie County accepts no liability to

provide any maintenance or improvement assistance whatsoever for said road. In addition the subdivision plat, as a condition precedent to being recorded, shall contain a signed Private (Street/Road) Disclosure Statement, signed by the developer which shall set forth the limitations herein.

All private streets shall have a property owner's association and maintenance agreement attached to deeds of lots that depend on the private road for access. The document should declare each individual lot owner's financial responsibility and how the road is to be maintained.

Section 603.10 Construction

The construction of all streets within the jurisdiction of this ordinance shall be in accordance with the accepted policies of NCDOT. The standards contained in the most recent edition of NCDOT's *Minimum Construction Standards for Subdivision Roads* shall apply for any items not included in this ordinance, or where stricter than this ordinance.

Section 603.11 Clearing and Grubbing

Clearing and grubbing shall be performed to remove stumps, brush, roots, and like material from the area of the traveled way, shoulder, sidewalks, and utility trenches. Existing vegetation shall be protected whenever possible.

Section 603.12 Right-of-way and Pavement Widths

All streets shall have a minimum right-of-way and pavement width as shown in the following table:

Street Type	Right of Way		Pavement	
	Shoulder Section	Curb & Gutter	Shoulder Section	Curb & Gutter
Private	45'	40'	18'	26' G-G*
Public	50'	50'	20'	34' G-G*
Cul-de-sac Radius	50'	45'	35'	37' - G*
Cul-de-sac Diameter	100'	90'	70'	74' - G*

*G-G refers to face to face of standard curb and gutter section, bottom of the "V" to the bottom of the "V" for the valley types section.

Section 604 Lots

Each lot shall have direct access to a public or private street. Private easements for providing ingress and egress to subdivided lots are not acceptable.

Except as otherwise allowed, each lot shall meet the minimum area and lot width requirements outlined in the following table. Notwithstanding these standards, the subdivider shall provide

sufficient area on each lot to ensure that all other requirements of this article or other applicable development regulations can be met. Lot width shall be measured at the building setback line.

Lot width for lots on the bulb of a cul-de-sac may be reduced to forty (40) feet, as measured along the right-of-way.

	IMPROVEMENTS	AREA (Square Feet)	LOT WIDTH (feet)
1.	Public water and sewer	10,000	80
2.	Public water and sewer; corner lot	12,500	80
3.	Public water; soil classified suitable for septic tanks	20,000	100
4.	Public water; soil classified provisionally suitable for septic tanks due to drainage	25,000	125
5.	Public water; soil classified provisionally suitable for septic tanks due to characteristics other than drainage	35,000	140
6.	Private well; soil suitable for septic tanks	25,000	125
7.	Private well; soil provisionally suitable for septic tanks	35,000	140

Section 604.1 Flag Lots

Flag lots may be allowed in cases where it is not feasible to install a street. The number of flag lots in a subdivision shall not exceed five percent (5%) of the total number of lots.

Flag lots shall connect to an approved public or private right-of-way and provide sufficient width at the right-of-way line so that driveways can be at least ten feet (10') from any lot boundary line, but in no case be less than thirty feet (30') in width.

The minimum lot area required shall be computed, excluding area provided for access (flag pole or panhandle).

Section 604.2 Lot Size Reduction

Where the minimum lot size required above is twenty thousand (20,000) square feet or twenty-five thousand (25,000) square feet because of a provisionally suitable classification as to drainage or soil type, a reduction in lot size may be allowed, provided that the

subdivider submits sufficient information, in writing, to demonstrate that the reduction in appropriate. In no case, however, shall the lot size be reduced by more than fifteen percent (15%) of the minimum area required. The subdivider shall show, that:

- a. Adequate area is provided for a septic tank and sewage disposal system and one hundred percent (100%) repair area in compliance with regulations and requirements of Bertie County Environmental Health Department;
- b. Adequate area is available for easements for all surface drainage, subsurface drainage, and utilities; and
- c. All setback requirements can be met.

In order to qualify for such a lot size reduction, a construction plan shall be submitted. The construction plan shall identify each lot for which a reduction is requested. The plan shall be drawn at an appropriate scale to clearly show such features as the building envelope, limits of cleared area, number of bedrooms for each proposed structure, required sewage disposal system layout and repair area, surface and subsurface drainage, and all easements and setbacks.

Section 604.3 Setbacks

The following minimum setbacks, measured from the identified line (property line or minimum building line), shall apply to all structures:

Street right-of-way line; external road or highway	75 feet
Street right-of-way; internal subdivision street	30 feet
Other lot boundary lines	20 feet

Section 605 Storm Water Management & Soil Erosion Sedimentation Control

Stormwater permits will be required by the Department of Environment and Natural Resources (DENR), Division of Water Quality (DWQ) when:

- a. A major CAMA permit is required or has been issued; and/or
- b. One or more acres of land disturbing activity occurs and an erosion and sediment control plan is required.

Building permits shall not be issued for any subdivision that requires a major CAMA permit until a stormwater permit has been issued by DWQ.

Section 606 Floodplain Areas

The Planning Board may, when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property that lies within the floodplain or any stream or drainage course. These floodplain areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the Planning Board.

Any subdivision submittal that has any portion located within the floodplain shall delineate the flood boundary and provide a statement of the flood zone, base flood elevation, if established, and note references used in the determination.

Section 607 Proper Drainage

All developments shall provide a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:

- a. The retention results from a technique, practice or device deliberately installed as part of an approved Sedimentation or Storm Water Control Plan; or
- b. The retention is not substantially different in location or degree than that experienced by the development site in its pre-development stage, unless such retention presents a danger to health or safety.

Whenever practicable, the drainage system of a development shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets.

The Planning board may require drainage easements where needed. Septic systems and repair areas shall not be located within drainage easements.

Section 608 Utilities

Section 608.1 Water Supply

All new subdivisions shall connect to the Bertie County Public Water System if any perimeter property line is within a reasonable distance of an existing water line, as determined by Bertie County. The cost of connection shall be in accordance with Bertie County ordinances as amended and supplemented.

Section 608.1.1 Private Supply Standards

Where individual lots will be served by private wells, this situation will be duly noted on the preliminary and final plat. Wells must be located at least 100 feet from any ground absorption system.

Section 608.1.2 Design and Construction

Water mains shall be designed and installed in accordance to Bertie County specifications.

Before installation, a complete set of construction plans and specifications for the proposed system, prepared by a registered professional engineer, shall be submitted for approval by the Bertie County Water Department and County Engineer. A copy shall be submitted to the North Carolina Division of Health Services.

Water supply systems shall be approved by the Bertie County Water Department and County Engineer as to location and size of mains.

Water mains shall not be less than 6 inches in diameter, except that smaller mains may be used on permanent dead-end streets upon approval of the Bertie County Water Department and County Engineer.

The county may require installation of oversize mains when it is in the interest of future development. The county may pay for the portion of the improvement which exceeds the standards of this ordinance.

Section 608.2 Sewage Disposal

All lots shall be approved for septic tank usage in accordance with Bertie County Environmental Health Department prior to final plat approval.

Where a private package treatment system is proposed, the preliminary plat shall be accompanied by a written report under seal from a licensed North Carolina Soil Scientist, supporting the utilization of the proposed system at the subject location. A land application system, rather than surface water discharging system, is required when a private package system is proposed.

Section 608.3. Other Utilities

Section 608.3.1 Wiring

Underground wiring for electric, telephone, and cable TV is required.

Section 608.3.2 Street Lighting

All public streets, sidewalks, and other community areas or facilities in subdivisions created after the effective date of this ordinance shall be sufficiently illuminated, as determined by Bertie County, to ensure the security and the safety of persons using such streets, sidewalks, and other common areas or facilities. To the extent that fulfillment of this requirement would normally require street lights installed along public streets, this requirement shall be applicable to all subdivisions located within the jurisdiction of the county. The quantity, design, and location of all lighting shall be approved by the county. The lighting called for in this section, to the extent required, shall be at no cost to the county.

Section 609 Clean-up

Upon completion of the work, the subdivider shall remove from the street and adjoining property all temporary structures, debris, tree stumps, loose rocks, and surplus materials which may have accumulated during the prosecution of the work, leaving the subdivision in a neat and orderly condition.

**ARTICLE VII
CLUSTER AND PLANNED UNIT DEVELOPMENTS**

Section 701 Cluster and Planned Unit Development

The standards and requirements of this ordinance may be modified by the Planning Board in the case of a plan and program for a cluster, or planned unit development, which in the judgment of the Planning Board, provides adequate public spaces and improvements for circulation, recreation, light, air, and service needs of the tract when fully developed and populated, and also provide such covenants, or other legal instruments, as will assure conformity to and achievement of the development plan. The maximum allowable density shall meet the requirements in Section 702. These developments are herein referred to as PUDs.

It is the objective of this Article to encourage cluster and PUD proposals that exhibit such special qualities or concepts that they may deviate from standard ordinance requirements. These regulations are established in order that each cluster and PUD proposal will be evaluated on its own merits. It is recognized that some proposals or concepts will be more successful than others and the approval of a specific proposal would be acceptable in other circumstances. It is also recognized that only through ingenuity, imagination, and high quality design can residential or commercial developments be produced which are in keeping with the intent of this Article but which are not constrained by the strict application of conventional use and dimensional requirements of the Subdivision Ordinance.

Clusters and PUDs will be permitted only when a community or public sanitary disposal is provided and must meet all requirements of this Ordinance, as well as all other applicable ordinances, unless expressly exempted.

Section 702 Density Requirements

The minimum parcel size for a cluster and PUD is ten (10) acres.

The normal lot size, setbacks and frontage requirements are hereby waived for lots or building sites within the cluster or PUD, provided that the spirit and intent of this Article are complied with in the total development plan, as determined by the Planning Board.

The intent of this section is to authorize the developer to decrease lot sizes and leave land as common open space, thereby lowering development costs and increasing the amenity of the project without increasing the density beyond what would be permissible if the land were subdivided into the size of lots required by Article VI of this Ordinance. The maximum density allowed is 4.35 dwelling units per acre. The area remaining from the reduced lot size shall be utilized for common open space.

In any development, no more than a maximum of sixteen (16) dwelling units or 42 bedrooms, sleeping no more than two persons each, shall be located on any individual acre of land.

Section 702.1 Multi-family and Single-family Attached dwellings

The maximum project area covered by multi-family and single-family attached dwellings shall not exceed thirty percent (30%) of the total project area, less wetlands. All multifamily structures must have access to a paved street.

Section 703 Parking Space Requirements

Each detached single family dwelling shall have a minimum of two (2) 10' x 18' paved off-street parking spaces.

Multi-family and Single-family attached structures shall have paved off-street parking using the following formula:

- a. 1.5 spaces for each 1-bedroom unit
- b. 2.5 spaces for each 2-bedroom unit
- c. 3 spaces for each 3-bedroom unit
- d. 1.5 spaces for each additional bedroom above three

Parking space for commercial/office shall consist of one off-street parking space for each 200 square feet of gross floor area. Loading and unloading space for commercial/office uses shall consist of one space at least 300 square feet in size for each 5000 square feet of gross floor area.

Section 704 Height

The maximum height for all structures in a cluster and PUD shall be fifty-five feet (55'), measured from original grade to the ridge line.

Section 705 Setbacks

The setbacks required by the normal standards of the Subdivision Ordinance are reduced for structures within cluster and PUDs to ten feet (10') from property lines. Exceptions may be made for structures that are designed as traditional town development.

For cluster and PUDs where property being subdivided abuts public trust or estuarine waters, a minimum setback of seventy-five feet (75') setback is required, measured from the normal high water line; However, only a minimum setback of thirty feet (30') will be required from man-made bodies of water, such as harbors, canals or turn basins.

Section 706 Open Spaces and Common Areas

The amount of common open space that must be set aside shall be determined by:

- A. Subtracting from the standard square footage requirement set forth in Article VI of this Ordinance, the amount of square footage of each lot that is smaller than the standard; and
- B. Adding together the results obtained for each lot.

Fifty percent (50%) of open space must be designed for passive or active recreation, including, but not limited to walking, jogging, hiking, bicycling and other uses which involves general pedestrian access. The remainder of the open space may include areas providing visual relief, but not offering general pedestrian access such as natural areas. Recreational uses such as swimming pools, tennis courts, useable ponds and manmade lakes may also be used. Retaining ponds may be used to meet no more than ten percent (10%) of the required open space.

Wetlands shall not be used to meet any portion of the open space requirements.

Section 707 Greenways, Trails and Bicycle Paths

Greenways, trails or bicycle paths shall be included throughout all cluster and PUDs and shall not be less than six feet (6') wide. Trail systems should be designed to connect the residential area to the commercial component and to trails in existing and future adjacent developments. Clusters and PUDs with multiple parcels shall be connected by a trail system.

Section 708 Roads

Roads shall be constructed in accordance with the policies of the North Carolina Department of Transportation and shall reduce stormwater to the fullest extent possible.

Section 709 Sidewalks

Sidewalks shall be concrete and must be not less than four feet (4') wide with a minimum of a five-foot (5') wide grass strip between the sidewalk and curb. Sidewalks are required on only one (1) side of the street. The design of all sidewalks shall be in accordance with the most current accepted policies of the North Carolina Department of Transportation.

Maintenance of sidewalks will be the responsibility of the homeowners' association or comparable individual, or group that has responsibility for other common areas. Maintenance of sidewalks shall be addressed in the organizational papers and by-laws.

Section 710 Street Trees

Street trees are required to be planted between the sidewalk and curb. One tree, minimum two (2) inches in caliper, shall be planted for every fifty (50) feet of frontage along each road. The design of all planting strips and street trees shall be in accordance with the most current accepted policies or the North Carolina Department of Transportation.

Installation and construction of such features is the responsibility of the developer. Maintenance of such right of way features will be the responsibility of the home owners' association or comparable individual, or group that has responsibility for other common areas. Maintenance of such right of way features shall be addressed in the organizational papers and by-laws.

Section 711 Water Access

For clusters and PUDs where property being developed abuts public trust or estuarine waters, adequate areas suitable for access to those waters by the general public are required as follows: Ten percent (10%) of the development's waterfront, up to a maximum of 100 lineal waterfront feet. Features such as bath houses, walkways and garbage receptacles are suggested. Areas used for water access may be counted as part of the open space requirements. A minimum of ten (10) parking spaces is required at each access site. All accesses and any accessory structures must comply with all current CAMA rules.

Section 712 Buffering

Buffers are required to protect any subdivision comprised of residential use from commercial, industrial, office, or institutional use, which does not have a buffer. A buffer is also required around the perimeter of each cluster and PUD. The principal use of the buffer is to provide spatial and visual separation between these uses. In addition, the buffer will provide absorption and/or deflection of excessive noise. This regulation benefits both the developer and the adjoining property owners by insuring solid separation, and protects the value of all properties involved.

Section 712.1 Specifications

Buffers shall be in the form of natural plantings or open space. Where existing natural screening will be used, the Subdivision Administrator shall determine whether the existing planting meets the requirements of this section. In incidents where buffers are found not to meet the requirements of this section, additional plantings shall be required by the Subdivision Administrator. The area of the buffer shall be in addition to the lot area required by this Ordinance. The buffer shall become part of the lot on which it is located, or in the case of commonly-owned property, shall be deeded to the Homeowner's Association.

- a. Natural Plantings - Where natural plantings are used, a buffer of at least seventy-five feet (75') in width shall be planted. This buffer shall be free of all encroachments by structures, parking areas, or other impervious surfaces. All natural planting buffers shall be opaque to a height of at least six (6) feet tall at maturity in 2 to 3 years. The minimum amounts and type of buffer materials to be planted per one-hundred (100) feet shall be as follows:
 1. A minimum of four (4) large canopy trees shall be in place, of which two (2) shall be evergreen. The average canopy spread shall be a minimum of twenty (20) feet in width at maturity.
 2. A minimum of three (3) understory trees shall be in place. The average canopy spread shall be a minimum of ten (10) feet in width at maturity.
 3. A minimum of twenty (20) shrubs shall be in place. These shrubs shall all be of evergreen nature, and at maturity be three (3) feet wide and six (6) feet tall.

- b. Open space buffer – Existing natural vegetation may be used as a buffer in its predevelopment condition, subject to Planning Board approval. An area seventy-five feet (75') in width shall be reserved as a buffer.

All buffers shall be opaque to a height of six feet (6'), where there is no visual contact between uses. Also, these buffers shall have enough density to minimize the admittance of light and shall have the ability to reduce noise. The Bertie County Planning Department shall provide to any developer a list of recommended species for the use of natural planting buffers at the request of the developer.

Section 713 Signs

There may be one freestanding sign erected per public road frontage. The sign shall not exceed three feet in height and 25 square feet in sign area.

Section 714 Property Owner's/Homeowner's Association

When cluster and PUDs include residential uses, the developer shall submit a draft of the Articles of Incorporation for the Property Owners' Association, or Homeowners' Association. These Articles shall provide that all owners of property within the development share automatic membership rights and assessment obligations for the maintenance of commonly owned areas (including common areas, areas for recreation and private streets). The automatic membership rights and assessment obligations of all property owners within the cluster or PUD shall be so covered by covenants running with the land and other contractual provisions as to insure the property maintenance of all commonly owned areas, and shall include provisions for liens against the individual properties and legally enforceable personal obligations on the part of the individual property owners within the development. Before granting final plat approval, the Articles of Incorporation shall be approved by the County Attorney.

Section 715 Utilities

Section 715.1 Water Supply

All planned unit developments shall connect to the Bertie County Public Water System. All costs of connection and any expansion, extension, and increased capacity of infrastructure shall be incurred by the developer. Reimbursement of fees will not be made.

Section 715.1.1 Design and Construction

Water mains shall be designed and installed in accordance to Bertie County specifications.

Before installation, a complete set of construction plans and specifications for the proposed system, prepared by a registered professional engineer, shall be submitted for approval by the Bertie County Water Department and County Engineer. A copy shall be submitted to the North Carolina Division of Health Services.

Water supply systems shall be approved by the Bertie County Water Department and County Engineer as to location and size of mains.

Water mains shall not be less than 6 inches in diameter, except that smaller mains may be used on permanent dead-end streets upon approval of the Bertie County Water Department and County Engineer.

The county may require installation of oversize mains when it is in the interest of future development. These costs shall be incurred by the developer.

Section 715.1.2 Private Water Supply Not Allowed

In the interest of the health, safety and general welfare of Bertie County citizens, private community water supply systems, including private wells, will not be allowed for the service of planned unit developments nor individual lots within such developments. Bertie County recognizes that the use of private water systems for large development could pose a risk to other existing private wells in the area.

Section 715.2 Sewage Disposal

The preliminary plat shall be accompanied by a written report under seal from a licensed North Carolina Soil Scientist, supporting the utilization of the proposed sewage system at the subject location. A land application system, rather than surface water discharging system, is required for private package systems.

Section 715.3 Other Utilities

Section 715.3.1 Wiring

Underground wiring for electric, telephone, and cable TV is required.

Section 715.3.2 Street Lighting

All public streets, sidewalks, and other community areas or facilities in developments created after the effective date of this ordinance shall be sufficiently illuminated, as determined by Bertie County, to ensure the security and the safety of persons using such streets, sidewalks, and other common areas or facilities. To the extent that fulfillment of this requirement would normally require street lights installed along public streets, this requirement shall be applicable to all planned unit developments located within the jurisdiction of the county. The quantity, design, and location of all lighting shall be approved by the county. The lighting called for in this section, to the extent required, shall be at no cost to the county.

Section 716 Approval Process

The review and approval process for submittals of clusters and planned unit developments shall include a master plan, preliminary plats, and final plats.

Section 716.1 Master Plans

All applications for approval of a planned unit development shall be accompanied by a master plan which shall include, but not be limited to the following:

1. General layout of the development
2. Total acreage of the development
3. Preservation of significant natural features
4. Land use of adjacent properties
5. Attempts to mitigate potential impacts on adjoining properties
6. Planned parks, playgrounds and open areas to be developed, reserved or dedicated
7. Maximum gross density of the entire group, cluster or PUD
8. Maximum gross and net densities of individual use districts
9. Numbers and types of all units
10. Conceptual delineation of areas to be constructed in phases or sections and sequential order that will be followed in development including a written statement from the applicant indicating the date for beginning each phase or section of construction and the estimated date of completion
11. Conceptual traffic circulation patterns and right of way widths of all streets or alleys
12. Soil maps
13. Statement that waste and wastewater systems, water service and all other local utility requirements will be constructed in accordance with applicable state and local standards
14. Planned means for adequate storm drainage systems to be constructed in accordance with state and local requirements
15. Planned means for adequate SESC measures to be implemented in accordance with state and local requirements
16. Access
17. Parking
18. Lighting
19. Drafts of any covenants which create a homeowners association for the maintenance of all privately owned common areas
20. Planned means for all utilities to be installed underground, except for electric feeder lines approve by the governing board and electric company
21. Planned means for the access of fire fighting and refuse disposal equipment; to include the method of refuse disposal such as compactors, dumpsters, etc.
22. Proposed commercial areas with a schedule indicating the dates construction will begin and be completed within such areas

23. An analysis of anticipated population by age groups and evidence clearly showing the manner in which plans have been made for future schools which may be required

The master plan must be submitted to the Planning Department a minimum of twenty (20) business days prior to a regular meeting of the Planning Board. The Planning Board shall review the master plan and make recommendation for acceptance or denial to the Board of Commissioners. The Board of Commissioners will approve or deny said plan within thirty (30) days of receiving same from the Planning Board.

Upon approval of the master plan, a preliminary plat for the development, either in its entirety or in phase format, must be submitted within the applicable vesting period. Preliminary and final plat submittals must comply with Sections 503 and 504 of this Ordinance. The Subdivision Administrator shall determine whether the submittals comply with Sections 503 and 504. If deemed in compliance, then the Subdivision Administrator shall approve such submittal. If, however, the Subdivision Administrator determines that a submittal conflicts with Sections 503 or 504, or that there are substantial deviations from the approved Master Plan, then the Subdivision Administrator shall forward the submittal to the Planning board for final approval pursuant to Sections 503 and 504.

**ARTICLE VIII
VESTED RIGHTS**

Section 801 Establishment

- a. A “vested right” as defined herein and as defined pursuant to N.C.G.S. §160D-1-2(33) shall be deemed established with respect to any real property subject to these subdivision regulations of Bertie County upon approval by the appropriate permit-issuing authority of a Site Specific Vesting Plan following notice as provided by N.C.G.S. §160D-1-8 (d)(3)(d) and public hearing thereon.
- b. The establishment of a vested right shall not preclude the application of overlay zoning or other development regulation that imposes additional requirements but does not affect the allowable types or intensity of uses, or ordinances or regulations that are general in nature and are applicable to all property subject to development regulation by Bertie County, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new regulations shall become effective with respect to property that is subject to a vested right established under this section upon the expiration or termination of the vested right in accordance with this section.

Section 802 Site Specific Vesting Plan

- a. “Site Specific Vesting Plan” is defined in Article X.
- b. The permit-issuing authority may approve a Site Specific Vesting Plan upon such terms as may be reasonably necessary to protect the public health, safety and welfare.
- c. The specific requirements of other Sections of this Subdivision Ordinance or other applicable Ordinances shall be the presumptive minimum standards which applicants must meet; however, the Board of Commissioners of Bertie County, only, may waive those minimum requirements upon (i) the applicant’s specific written request for a waiver and (ii) the presentation of satisfactory, competent evidence by the applicant justifying said waiver.
- d. The Subdivision Administrator shall determine whether a particular development submittal constitutes a Site Specific Vesting Plan for purposes of this Article VIII.

Section 803 Duration and Termination of Vested Right

- a. A Site Specific Vesting Plan which has been vested as provided for in this Section shall remain vested for a period of two (2) years. This vesting shall not be extended by any amendments or modifications to a Site Specific Vesting Plan unless expressly provided by the permit-issuing authority at the time the amendment or modification is approved. Before the expiration of the initial vesting period, an owner of property subject to a Site Specific Development Plan may request an extension of the vesting period for up to three (3) additional years for a total vesting period of five (5) years.

- b. The Board of Commissioners of Bertie County may provide that rights regarding a Site Specific Vesting Plan shall be vested for a period exceed two (2) years, but not exceeding five (5) years, if warranted by the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions or other considerations. This determination shall be in the discretion of the Board of Commissioners of Bertie County and shall be made following the process specified by N.C.G.S 160D-1-8(d)(3)(c) .
- c. Following approval or conditional approval of a statutory vested right, Bertie County may make subsequent reviews and require approvals by Bertie County to ensure compliance with the terms and conditions of the original approval, provided such reviews and approvals are not inconsistent with the original approval. Bertie County may revoke the original approval for failure to comply with applicable terms and conditions of original approval or applicable Bertie County development regulations.

Section 804 Identification of Document

A document that establishes a vested right pursuant to this Section shall be so identified at the time of its approval by notification thereon as follows: “A vested right pursuant to N.C.G.S. §160D-1-2 (33) and Article VIII of the Subdivision Ordinance of Bertie County is established as of the date hereof.

Section 805 Exceptions

A vested right, once established as provided for in this section, precludes any action by Bertie County that would change, alter, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved vested right, except:

- a. With written consent of the affect landowner;
- b. Upon findings, after notice and an evidentiary hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the approved vested right;
- c. To the extent that the affected landowner receives compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal and other consultant’s fees incurred after approval by Bertie County, together with interest as is provided in N.C.G.S. 160D-1-6. Compensation shall not include any diminution in the value of the property that is caused by such action;
- d. Upon finding, after notice and an evidentiary hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations that made a difference in the approval by Bertie County of the vested right; or

- e. Upon enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the approved vested right, in which case Bertie County may modify the affected provisions, upon finding that the change in the State or federal law has a fundamental effect on the plan, after notice and an evidentiary hearing.

**ARTICLE IX
REQUIRED CERTIFICATES**

Section 901 Certificates to be applied to face of plats

A. Certificate of Ownership and Dedication

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon which was conveyed to me (us) by deed recorded in Book _____, Page _____, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, and dedicate all streets, alleys, walks, parks and other open spaces to public use unless otherwise noted. Further, I (we) certify that the land as shown hereon is within the subdivision regulations jurisdiction of Bertie County and all dedications are free and clear of any lien, lease, deed of trust or any other encumbrance.

Date

Owner or Authorized Agent

B. Certificate of Accuracy

State of North Carolina, Bertie County, I _____ certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey by me) (an actual survey made under my supervision) (deed description recorded in Book ____, Page ____), (other); that the ratio of precision as calculated by Latitudes and departures is 1:7,500; that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____, Page _____.

Witness my hand and Seal this ____ day of _____, _____.

Registered Land Surveyor

Registration Number

C. Certificate of District Highway Engineer

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

Date

District Engineer
N.C. Department of Transportation, Division of Highways

D. Certificate to Subdivision Classification

I, _____, RLS L-_____, certify to one of the following as indicated:

- a. That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
- b. That the survey is located in such portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;
- c. That the survey is of an existing parcel or parcels of land;

ARTICLE X DEFINITIONS

Section 1001 General Definition of Terms

For the purpose of this ordinance, certain terms and words used herein shall be used, interpreted and defined as follows:

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

Authorized Agent - One who is authorized, in writing, to act as representative for, or by the written authority of the subdivider.

Block - A legal piece of land bounded on one or more sides by streets or roads.

Board of Commissioners - The Board of Commissioners; County Board of Commissioners; the governing body of Bertie County, North Carolina.

Bona-fide agriculture - (G.S. 106-581.1) The terms "agriculture" and "agricultural", and "farming" shall refer to the all of the following: (1) The cultivation of soil for production and harvesting of crops, including but not limited to fruits, vegetables, sod, flowers and ornamental plants; (2) the planting and production of trees and timber; (3) Dairying and the raising, management, care, and training of livestock, including horses, bees, poultry, deer, elk, and other animals for individual and public use, consumption, and marketing; (4) Aquaculture as defined in G.S. 106-758; (5) The operation, management, conservation, improvement, and maintenance of a farm and the structures and buildings on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation; and (6) When performed on the farm, "agriculture", "agricultural", and "farming" also include the marketing and selling of agricultural products, agritourism, the storage and use of materials for agriculture.

Buffer Strip - An area of land that shall not be developed, required to separate land uses deemed incompatible front yard setbacks and side yards are examples of buffers. In some cases, additional screening, landscaped or otherwise may be required.

Building Setback Line - A line parallel to the front property line which establishes the minimum allowable distance between nearest portions of any buildings, steps, eaves, gutters, and similar fixtures, and the street right-of-way line when measured perpendicularly thereto.

CAMA - The Coastal Area Management Act of 1974, as amended and supplemented.

Cluster Development – The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including minimizing stormwater runoff impacts. This term includes nonresidential development as well as single-family residential and

multi-family developments. For the purpose of this Ordinance, planned unit developments and mixed use developments are considered as cluster developments.

Corner Lot - A legal lot, which occupies the interior angle at the intersection of two (2) street lines. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal; in which case, the owner shall be required to specify which is the front when requesting a building permit.

Cul-de-sac - These are very short roads, open at one end only, with a special provision for turning around. They have a “bulb” end design with a specific turning radii and a limited number of lots.

Dedication - A gift, by the owner, or a right to use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument and is completed with an acceptance. All dedications must be recorded in the Register of Deeds Office at the expense of the owner/developer.

Disclosure Statement - A statement prepared and signed by the owner/subdivider and the buyer of the subject real estate, fully and completely disclosing the status (whether public or private) of the street upon which the lot fronts. The statement shall also include an explanation of the consequences and responsibility as to maintenance and construction of proposed roadways.

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

Dwelling, Multi-family - a building containing more than one dwelling unit

Dwelling, Single-family - a site-built structure containing one dwelling unit only

Dwelling, Single-family Attached - same as multi-family

Dwelling Unit - consists of one or more rooms which are arranged, designed, or used as living quarters for one family only. Individual bathroom(s) and complete kitchen facilities, permanently installed, shall always be included for each “dwelling unit”

Easement - A written grant by the property owner, in recordable form, for use by the public or others of a strip of land for specified purposes.

Height, Building - The vertical distance from the average sidewalk grade or street grade or finished grade at the building line, whichever is the highest, to the highest point of the building.

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

Lot - A legally created portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership or for development, or both. The word “lot” includes the word “parcel” or “plot”.

Lot of Record - A legal lot which is a part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Bertie 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.

Official Maps or Plan - (Land Development Plan or Comprehensive Plan) – Any maps or plans officially adopted by the County Board of Commissioners as a guide for the development of the county.

Open Space - Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

Parent Parcel - Parcel of land as it existed on record in the Office of the Register of Deeds on or before September 1, 2205 before any divisions of land meeting the definition of a subdivision have taken place.

Planned Unit Development - A land development project comprehensively planned as an entity via a unitary site plan which permits flexibility in building siting, mixtures of building types and land uses, recreational areas and useable open spaces and the preservation of significant natural features. Included within this definition shall be planned unit residential developments and planned unit non-residential developments or combination thereof.

Planning Board - The Planning Board of Bertie County.

Plat - A map or plan delineating the boundaries of a tract or parcel of land to be subdivided, land to be dedicated for public use, or right-of-way for street or utility purposes. The word plat shall include the terms “map”, “plot”, and “plan”.

Plat, Final - A map of all or a portion of a land subdivision prepared in a form suitable for filing of record with required affidavits, dedications, signatures, seals, acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets, infrastructures, public areas, and other dimensions of land, as prescribed by this ordinance.

Plat, Preliminary - A map of proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land, as prescribed by this ordinance.

Plat, Sketch - A concept, informal map of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

Private Driveway - A roadway serving a single building site not intended for public use.

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

Reservation - A reservation of land not involving the transfer of property rights. It simply constitutes a written obligation to keep property free from development for a stated period of time.

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

Shoulder - The graded part of the right-of-way that lies between the edge of the main pavement, concrete, cement (main traveled way) and the curb line.

Single-Tier Lot - A lot which backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.

Site Specific Vesting Plan – [G.S. 160D-1-8 (d.)(3.)(c,)] A plan of land development which has been submitted to Bertie County by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such plan shall include the approximate boundaries of the site; significant topographical and other natural features affecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways.

A variance shall not constitute a Site Specific Development Plan, and approval of a Site Specific Vesting Plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained.

Neither a sketch plan nor any other document which fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property may constitute a Site Specific Development Plan.

Approval of a major subdivision, pursuant to Section 503 of Article V above, or approval of a cluster or planned unit development, pursuant to Section 716 of Article VII above shall constitute approval of a Site Specific Vesting Plan.

The Subdivision Administrator shall determine whether a particular development submittal constitutes a Site Specific Vesting Plan for purposes of Article VIII.

Street, Private - A street that has not been accepted nor planned for acceptance by North Carolina Department of Transportation or other governmental entity.

Street, Public - A right-of-way dedicated and accepted by North Carolina Department of Transportation or other governmental agency for public vehicular traffic.

Collector Road - A road, which serves as the connecting street between local residential roads and the thoroughfare system.

Freeway, Expressway, or Parkway - Divided multi-lane roadway designed to connect widely separated areas to carry large volumes of traffic at relatively high speeds. A freeway providing for continuous flow of vehicles with no direct access to abutting property or streets and with access to selected crossroads provided via connecting ramps. An expressway is a divided highway with full or partial control of access and generally with grade separations at major intersections. A parkway is a highway for non-commercial traffic, with full or partial control of access, and usually located within a park or a ribbon of park-like development.

Frontage Road - A service road, usually parallel to a highway, designed to reduce the number of driveways that intersect the highway.

Half Street - A street whose center line coincides with a subdivision plat boundary, with one-half (½) the street right-of-way width being contained within the subdivision plat. Also, any existing street to which the parcel of land to be subdivided abuts on only one side.

Local Residential Street - Cul-de-sacs, loop streets less than 2,500 feet in length, or streets less than one mile in length that do not connect thoroughfares, or serve major traffic generators, and do not collect traffic from more than 100 dwelling units.

Local Street - A local street is any link not part of a higher-order system, which serves primarily to provide direct access to abutting land and access to higher systems.

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

Minor Arterial - A rural link in a network joining cities and larger Towns and providing intrastate and intercounty at relatively high overall travel speeds with minimum interference to through movement. This network would primarily serve traffic.

Minor Collector - A road which provides service to small local communities and links locally important traffic generators with their rural hinterland.

Minor Street - A street whose primary function is to provide access to abutting properties and is designed to discourage use by through traffic. Minor streets may also be referred to as “neighborhood” streets.

Principal Arterial - A rural link in a network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel and existing solely to serve traffic. This network would consist of interstate routes and other routes designed as principal arterials.

Thoroughfare - A street connecting widely separated areas and designed to carry a large volume of traffic which may be fast, heavy or both. Arterial streets are sometimes referred to as “thoroughfares”, “freeways”, etc. and are usually numbered State or Federal Highways.

Structure - Anything constructed or erected, the use of which requires more or less permanent location on the ground of which is attached to something having more or less permanent location on the ground.

Subdivider/Developer - Any person, firm, entity, partnership, or corporation who subdivides or develops any land deemed to be a subdivision as defined in this ordinance.

Subdivision, Major - Any subdivision of land of six (6) lots or more; any division of land that includes a change in existing street(s)/right(s) of way or proposes any new street(s)/right(s) of way; any division of land that proposes or requires the extension of public utilities. The sixth (6th) lot divided from the parent parcel constitutes a major subdivision.

Subdivision, Minor - Divisions of land that involve no change in existing street(s)/right(s) of way, no extension of public utilities and consist of five (5) lots or less per parent parcel.

Subdivision Administrator - That person designated to administer the provisions of this ordinance; the Planning Director or the County Manager and/or his/her designee.

Through Lot or a “Double Frontage Lot” - A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lot.

Vested Right – The right to undertake and complete the development and use of property under the terms and conditions of an approval secured as specified in G.S. 160D-1-8 or under common law.

**ARTICLE XI
EFFECTIVE DATE**

Section 1101 Effective Date

This ordinance shall take effect and shall be in force on and after September 1, 2005, amended February 6, 2006, March 19, 2007, September 17, 2007, May 19, 2008, and January 1, 2021. Duly adopted by the Board of Commissioners of the County of Bertie, North Carolina, this the 2nd day of November, 2020.

ATTEST:



Chairman, of the Board of Commissioners



Clerk to the Board of Commissioners

APPENDIX A

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2007

SESSION LAW 2007-87
HOUSE BILL 836

AN ACT RELATING TO THE DEFINITION OF SUBDIVISIONS IN BERTIE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-335 reads as rewritten:

"§ 153A-335. "Subdivision" defined.

(a) For purposes of this Part, "subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions are created for the purpose of sale or building development (whether immediate or future) and includes all division of land involving the dedication of a new street or a change in existing streets; however, the following is not included within this definition and is not subject to any regulations enacted pursuant to this Part:

- (1) The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in its subdivision regulations.
- (2) The division of land into parcels greater than 10 acres if no street right-of-way dedication is involved.
- (3) The public acquisition by purchase of strips of land for widening or opening streets or for public transportation system corridors.
- (4) The division of a tract in single ownership the entire area of which is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the county as shown by its subdivision regulations.
- (5) The division of land by any method of transfer from a grantor to a grantee (or grantees) who is a member of the grantor's immediate family, solely for the residential use of the grantee (or grantees) for as long as the use is appropriate under local ordinances. For the purposes of this subdivision, the term "immediate family" includes only direct lineal descendants (children and grandchildren) and direct lineal ascendants (parents and grandparents). Divisions of land in this category must have access to an established public or private right-of-way or an easement for ingress and egress.

(b) A county may provide for expedited review of specified classes of subdivisions."

SECTION 2. This act applies to Bertie County only.

SECTION 3. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 18th day of June, 2007.

**s/ Beverly E. Perdue
President of the
Senate**

**s/ Joe Hackney
Speaker of the House of Representatives**

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APPENDIX B

§ 106-581.1. Agriculture defined.

For purposes of this Article, the terms "agriculture", "agricultural", and "farming" refer to all of the following:

- (1) The cultivation of soil for production and harvesting of crops, including but not limited to fruits, vegetables, sod, flowers and ornamental plants.
- (2) The planting and production of trees and timber.
- (3) Dairying and the raising, management, care, and training of livestock, including horses, bees, poultry, and other animals for individual and public use, consumption, and marketing.
- (4) Aquaculture as defined in G.S. 106-758.
- (5) The operation, management, conservation, improvement, and maintenance of a farm and the structures and buildings on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation.
- (6) When performed on the farm, "agriculture", "agricultural", and "farming" also include the marketing and selling of agricultural products, agritourism, the storage and use of materials for agricultural purposes, packing, treating, processing, sorting, storage, and other activities performed to add value to crops, livestock, and agricultural items produced on a farm, and similar activities incident to the operation of a farm.
- (7) A public or private grain warehouse or warehouse operation where grain is held 10 days or longer and includes, but is not limited to, all buildings, elevators, equipment, and warehouses consisting of one or more warehouse sections and considered a single delivery point with the capability to receive, load out, weigh, dry, and store grain. (1991, c. 81, s. 1; 2005-390, s. 18; 2006-255, s. 6; 2013-347, s. 2; 2017-108, s. 8.1.)