

TOWN OF HERTFORD

Subdivision Regulations

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ARTICLE I - IN GENERAL

AUTHORITY AND ENACTMENT: THE TOWN COMMISSIONERS OF THE TOWN OF HERTFORD, NORTH CAROLINA, PURSUANT TO THE AUTHORITY CONFERRED BY THE GENERAL ASSEMBLY OF THE STATE OF NORTH CAROLINA IN GENERAL STATUTES, CHAPTER 160A, Part 2 SUBDIVISION REGULATIONS, SECTIONS 160A-371-376 DOES HEREBY ORDAIN AND ENACT INTO LAW THESE ARTICLES AND SECTIONS.

Section 1-1 Short Title

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

Section 1-2 Jurisdictions

These regulations shall govern each and every subdivision of land within the corporate limits of the Town of Hertford, North Carolina, on and after December 11, 1967 and as amended

Section 1-3 Purpose

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

ARTICLE II - PROPER INCLUSIONS AND EXCEPTIONS

Section 2-1 Inclusion

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

Section 2-2 Exceptions

Section 2-2.1 Combination or Re-combination of Platted Lots

A “subdivision” shall not include the combination or re-combination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of these regulations or other ordinances of the Town of Hertford.

Section 2-2.2 Division of Parcels over 10 acres

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

Section 2-2.3 Strips for Widening or Opening Streets

A “subdivision” shall not include the public acquisition by purchase of strips of land for the widening or opening of streets.

Section 2-2.4 Division of Small Tracts

A “subdivision” shall not include the division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved, and where the resultant lots are equal to or exceed the standards of these regulations or other ordinances of the Town of Hertford

**ARTICLE III - DUTY OF THE REGISTER OF DEEDS AND
CLERK OF SUPERIOR COURT**

Section 3-1 Duty of the Register of Deeds

The Town of Hertford shall file this Ordinance with the Register of Deeds of Perquimans County. The Register of Deeds shall not thereafter file or record a plat of any subdivision located within the jurisdiction, as defined in Article I of this Ordinance, of the Town of Hertford without the written approval of the legislative body as required in this Ordinance. *The filing or recording of a plat of a subdivision without the approval of the municipal legislative body as required by this Ordinance, shall be null and void.*

Section 3-2 Duty of the Clerk of Superior Court

The Clerk of Superior Court of Perquimans County shall not order or direct the recording of a plat where such recording would be in conflict with this Article.

ARTICLE IV - DEFINITIONS AND INTERPRETATIONS

Section 4-1 Definitions

Section 4-1.1 Alley

A minor right-of-way dedicated to public use, which gives a secondary means of pedestrian access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

Section 4-1.2 Block

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

Section 4-1.3 Building Setback Line

A line parallel to the front, side and rear property lines in front of which no structure shall be built.

Section 4-1.4 Corner Lot

A lot abutting two or more streets at the street intersections.

Section 4-1.5 Double Frontage Lot

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

Section 4-1.6 Easement

A grant by the property owner for the use, by the public, a corporation or person(s) of a strip of land for specific purposes.

Section 4-1.7 Group Development

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

Section 4-1.8 Improvement

Any development of land or buildings through the expenditure of money or labor that is designed to do more than merely replace, repair or restore to the original

condition. Improvements are generally thought of as permanent and fixed, and supposedly increases the value of the property.

Section 4-1.9 Lot

A 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.”

Section 4-1.10 Official Maps or Plans

Any maps or plans officially adopted by the Planning Board or the Town Commissioners as a guide for the development of Hertford and its surrounding area, consisting of maps, charts and text.

Section 4-1.11 Permanent Markers

An iron pipe not less than three-fourths (3/4) of an inch in diameter and thirty (30) inches long.

Section 4-1.12 Plat

Includes the terms map, plan, replat, or replot; a map or plan of a tract or parcel of land which is to be, or which has been subdivided.

Section 4-1.13 Plat, Preliminary

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

Section 4-1.14 Plat, Final

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

Section 4-1.15 Public Utilities and/or Services

The utilities and/or services offered and operated by the Town of Hertford.

Section 4-1.16 Street

A dedicated and accepted public right-of-way for vehicular traffic.

- A. Major Street: A street or highway which is used for moving heavy traffic volumes or high speed traffic, or both, or which has been designated as a major thoroughfare on the Thoroughfare Plan.
- B. Minor Street: A street whose primary purpose is to provide access to adjacent properties and which is designed in a manner that will discourage use by through traffic.
- C. Collector Street: A minor street which collects traffic from another street (minor) and serves as the most direct route to a major street or a community facility.
- D. Marginal Access Street: A minor street located beside a limited access street or highway or a railroad, which provides access to abutting properties, provides protection from through traffic, and controls access.
- E. Cul-de-sac: A minor street having one end open to vehicular traffic and having one end permanently terminated by a vehicular turn-around.

Section 4-1.17 Subdivider

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

Section 4-2 Tense and Number

Section 4-2.1 Tenses

The present tense includes the future tense and the future tense includes the present tense.

Section 4-2.2 Numbers

The singular number includes the plural number and the plural number includes the singular number.

Section 4-3 Word Interpretations

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

- 8 The word “may” is permissive.
- 9 The words “shall” and “will” are mandatory.
- 10 The word “building” includes the word “structure.”
- 11 The words “town or city” shall mean the “Town of Hertford,” a municipal corporation of the State of North Carolina.
- 12 The words “ordinance” and “regulations” shall mean the “Subdivision Regulations of the Town of Hertford, North Carolina.”
- 13 The words “Planning Board” shall mean the “Town of Hertford Planning and Zoning Board.”
- 14 The words “Town Commissioners” shall mean the “Town Commissioners of Hertford, North Carolina.”
- 15 The words “Register of Deeds” shall mean the “Recorder of Deeds for Perquimans County, North Carolina.”
- 16 The word structure includes fences, etc.

**ARTICLE V - PROCEDURES FOR SECURING APPROVAL OF
SUBDIVISION PLATS**

Section 5-1 General

The subdivider shall follow the procedure set forth in this Article for securing approval of subdivision plats.

Section 5-2 Sketch Design

Section 5-2.1 Number of copies and submittal Procedure

The subdivider shall submit five (5) copies of the sketch plan and any supplementary material to the Town Manager's office at least thirty (30) days prior to the scheduled Planning Board meeting at which said plat is to be considered.

Section 5-2.2 Preparer and Scale

Since this an informal process to exchange information, the sketch plan does not have to be prepared by a licensed surveyor or land use planner. The sketch design shall be drawn at a scale of approximately one (1) inch to two hundred (200) feet.

Section 5-2.3 Content

- A. The sketch design shall show existing and tentative street layout, other rights-of-way and easements, lot arrangements, existing structures, water courses, sites dedicated or proposed to be dedicated for parks, schools, churches or other public and semi-public uses.
- B. Data shall be given regarding acreage in total tract, minimum lot size, maximum lot size, average lot size, and acreage left in open space or other uses.
- C. A sketch map showing the relationship between the subdivision and the surrounding area shall also be submitted.

Section 5-2.4 Planning Board Review

At this meeting, the subdivider shall discuss his ideas and concepts regarding the proposed subdivision. The Planning Board may make suggestions on layout to the subdivider.

Section 5-3 Preliminary Plat

Section 5-3.1 Number of copies and submittal Procedure

The subdivider shall submit eight (8) copies of the preliminary plat and any supplementary material to the Town Manager's office at least thirty (30) days prior to the scheduled Planning Board meeting at which said plat is to be considered.

Section 5-3.2 Preparation and scale

The preliminary plat shall be prepared by a registered surveyor, an engineer, or a land planner and shall be drawn in pencil or ink at a scale no less than one (1) inch to one hundred (100) feet.

Section 5-3.3 Contents of Preliminary Plat

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

- 8 The location of existing and platted property, buildings, streets, railroads, bridges, culverts, water courses, transmission lines, sewers, drain-pipes, water mains, town and county boundary lines, and other public utility easements.
- 9 Boundaries of tracts shown with bearings, distances and closures.
- 10 Marsh, swamp, floodplain, and any other physical conditions affecting the site. An erosion and sedimentation control plan shall be submitted to the Department of Environment and Natural Resources if any disturbed area exceeds one acre.
- 11 Existing zoning classification both on the land to be subdivided and on adjacent land.
- 12 Names of adjacent property owners or subdivisions.
- 13 Proposed streets, street names, rights-of-way, pavement widths, and approximate grades.
- 14 Locations of proposed utility lines (storm and sanitary sewers, water, gas, electricity and telephone) showing connections to existing supply and disposal system or planned supply and disposal systems.
- 15 The location, widths, and purposes of other proposed rights-of-way or easements.

- 16 Proposed areas for parks, school sites, or public open spaces.
- 17 Proposed lot lines, lot and block numbers, and lot dimensions.
- 18 Proposed minimum building setback lines.
- 19 Title, date, magnetic and true north arrows, and graphic scale.
- 20 Name of owner and surveyor, engineer, or land planner.
- 21 Data shall be given regarding acreage in total tract to be subdivided or developed, acreage in park or other public usage (other than streets or easements), minimum lot size, maximum lot size, average lot size, total number of lots, lineal feet in streets, lineal feet in other easements.
- 22 A location map showing the relationship between the subdivision and the surrounding area shall also be submitted.

Section 5-3.4 Review of the Preliminary Plat by the Town Manager

The Town Manager shall review the plat with the other Town officials for compliance with Town Ordinances and Regulations. It shall be the duty of the Town Manager to insure that the District Highway Engineer, the County Health Director, the County School Superintendent and such other agencies and officials have an opportunity to review and make recommendations concerning the proposed subdivision plat before approval is given by the Planning Board.

Section 5-3.5 Review of Preliminary Plat by the Planning Board

The preliminary plat shall be reviewed by the Town Planning Board as set forth in this Article.

- A. The Town Manager shall report recommendations to the Planning Board received from other Town, County and State agencies and officials reviewing the plat.
- B. The Planning Board shall discuss the plat with the subdivider, changes deemed advisable, if any, and the kind and extent of improvements to be made by the subdivider.

Section 5-3.6 Approval of Preliminary Plat by the Planning Board

The Planning Board shall approve, conditionally approve, disapprove the Preliminary Plat or defer action for a period not to exceed sixty (60) days.

- A. If approval is granted, the Planning Board shall transmit the Preliminary Plat to the Town Commissioners for review and action.
- B. If conditionally approved, the conditions and reasons thereof shall be noted in the minutes and a revised plat may be required of the subdivider.
- C. If the Preliminary Plat is conditionally approved and a revised plat is not required, the Planning Board shall transmit the Preliminary Plat with conditions attached to the Town Commissioners for review and action.
- D. If the Preliminary Plat is disapproved, the reasons for such action shall be noted in the minutes and recommendations made on the basis of which the proposed subdivision may be approved. A request for reconsideration may be made by the subdivider provided the recommended changes have been made and verified by the Town Manager.

Section 5-3.7 Approval of the Preliminary Plat by the Town Commissioners

The Town Council shall approve or disapprove the Preliminary Plat.

- A. Approval of the Plat constitutes the authorization to proceed with the construction of the required improvements.
- B. The disapproval of the Plat shall be accompanied by the stated reasons for such action and recommendations made on the basis of which the proposed plat could be approved.

Section 5-4 Final Plat

Section 5-4.1 Submission of Final Plat to Planning Board

At the time of the request for consideration of the Final Plat by the Planning Board, the subdivider shall also submit three (3) copies of the Final Plat to the Town Manager's office at least fourteen (14) days prior to the scheduled Planning Board meeting at which said plat is to be considered.

Section 5-4.2 Submittal of Final Plat within 12 Months

The final plat shall be submitted within twelve (12) months after approval of the Preliminary Plat to the Town Commissioners; otherwise, such approval shall become null and void unless an extension of time is applied for and granted by the Planning Board.

Section 5-4.3 Consistency between Preliminary and Final Plat

The Final Plat shall conform substantially to the Preliminary Plat as approved by the Town Commissioners.

Section 5-4.4 Phase Development

The Final Plat shall include only that portion of the approved Preliminary Plat which the subdivider proposes to record and develop, provided that such portion conforms to all requirements of the Ordinance.

Section 5-4.5 Preparer and Scale

The Final Plat shall be prepared by a registered surveyor, an engineer, or a land planner and shall be drawn at a scale no less than one (1) inch to one hundred (100) feet.

Section 5-4.6 Contents of Final Plat

The Final Plat shall show the information set forth below:

- A. The lines and names of all streets and roads.
- B. Lot lines, lot sizes, and block numbers.
- C. Minimum building setback lines.
- D. Reservations, easements, alleys, and any roads to be dedicated to public uses or sites for other than residential use with notes stating their purpose and any limitations.
- E. Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line (with error of closure), block line and building line, whether curved or straight, and including true and magnetic north point. This should include the radius, centered angles, point of tangency, tangent distance and arcs and chords of all curved property lines.

- F. Accurate location and description of all monuments and markers.
- G. The names and locations of adjoining subdivisions and streets, and the location and ownership of adjoining subdivided property.
- H. Title, date, name, and location of subdivision and graphic scale.
- I. Name of subdivider, registered (sealed) surveyor, engineer, or land planner.
- J. Utility layouts for water, gas, sanitary sewer, storm drainage, electrical and telephone lines, and erosion and sedimentation plan.
- K. The following certificates shall also appear on each copy of the final plat submitted to the Planning Board by the subdivider:
 - 1. Certificate of Ownership and Dedication, signed.
 - 2. Certification of Approval of Water Supply and Sewage Disposal Systems, signed.
 - 3. Certificate of Accuracy and Mapping, signed.
 - 4. Reference to any separate instruments, including restrictive covenants, filed in the Register of Deeds Office which directly affects the land being subdivided.

Section 5-4.7 Approval of the Final Plat by the Planning Board

The Planning Board shall review the Final Plat for compliance with the provisions of this ordinance.

- A. The Planning Board may request reports from any person or agency directly affected by the proposed development. Such reports shall certify compliance with or note deviations from the approved Preliminary Plat and the requirements of this Ordinance.
- B. The Planning Board may appoint professional and/or qualified persons to check the Final Plat against the subdivision's actual layout for correctness; charging the cost to the subdivider.
- C. If the Final Plat is found to be in compliance, the Planning Board Chairman shall transmit the Final Plat, together with recommendations, to the Town Commissioners for final action.

- D. If the Final Plat is found not to be in compliance or if changes have been made from the approved Preliminary Plat, the Planning Board shall review and transmit the Final Plat, together with the recommendations thereon, to the Town Commissioners for final action.

Section 5-4.8 Approval of the Final Plat by the Town Commissioners

- A. Approval of the Final Plat by the Town Commissioners is authorization for the Clerk of Court to probate and for the plat to be filed with the Register of Deeds within thirty (30) days.
- B. If the Town Commissioners should disapprove the Final Plat, or part thereof, the reasons for such action shall be noted in the minutes and recommendations made on the basis of which the proposed subdivision could be approved.
- C. The actions of the Town Commissioners shall be noted on the original drawing and three (3) copies of the Final Plat. One (1) copy shall be returned to the subdivider. One (1) copy and the original drawing shall be transmitted to the Register of Deeds of Perquimans County for recording if approval is granted and one (1) copy shall be retained for the permanent files of the Planning Board.
- D. Upon receiving the Final Plat the Register of Deeds shall record the document in compliance with the G.S. 160A-373.
- E. No Final Plat shall be approved until all improvements are properly installed to meet the requirements set forth by this Ordinance, all required fees have been paid, and the certificates required by this Ordinance to appear on the Final Plat have been properly filled out and signed.

Section 5-4.9 Fees for the Examination and Approval of Plats

The Town Commissioners, by resolution, shall establish a schedule of fees for the examination and approval of plats to be collected by the Town Clerk and deposited to the credit of the general fund.

ARTICLE VI - DESIGN STANDARDS

Section 6-1 General Provisions

Any land area within the jurisdiction of this Ordinance subject to flooding and other land deemed by the Planning Board to be uninhabitable shall be prohibited for residential occupancy, or for other use that may jeopardize the life, health, or property, or may increase the flood hazard. Lands of this nature shall be used only for such uses that will not be endangered by periodic or occasional flooding.

Section 6-2 Specific Requirements

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

Section 6-2.1 Blocks

- A. Blocks shall be laid out with special attention given to the type of use contemplated.
- B. Block lengths shall not exceed one thousand five-hundred (1,500) feet or be less than four hundred (400) feet. Blocks shall not be more than one thousand (1,000) feet unless there is an approved pedestrian alley dividing the blocks.
- C. Blocks shall have a sufficient width to allow two (2) tiers of lots of minimum depth. Blocks may consist of single tier lots where such are required to separate residential development from through vehicular traffic or non-residential uses.

Section 6-2.2 Buffer Strips

It is recommended that in residential districts a buffer strip of at least twenty (20) feet in depth, in addition to the normal lot depth required, be provided adjacent to all railroads, limited access highways, watercourses, and commercial and industrial developments. This strip shall be part of the platted lots, but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees or shrubs by the owner; the building of structures hereon is prohibited."

Section 6-2.3 Building Setback Lines

The minimum building front, side, and rear setbacks shall not be less than those prescribed in the Zoning Ordinance for the Town of Hertford for the appropriate zone or zones in which the subdivision exists.

Section 6-2.4 Cul-de-sac

A cul-de-sac shall not exceed five hundred (500) feet in length measured from the entrance to the center of the turn-around. A street designed to be permanently closed shall be provided at the closed end with a turn-around having a minimum right-of-way diameter of one-hundred (100) feet and a minimum travel surface diameter of eighty (80) feet or a circular driveway twenty (20) feet wide around an island improved with suitable landscaping. Adequate sewer and water line right-of-way should be reserved to eliminate water line dead-ends and to provide sewerage outfalls.

Section 6-2.5 Easements

- A. Easements, not less than 25' in width, shall be provided where a subdivision is traversed by a watercourse, drainage way, channel, or stream. There shall be provided a storm easement or drainage right-of-way substantially in conformity with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose.
- B. Easements not less than (10) feet wide, centered on lot lines for both underground and above ground facilities, for use by both public and private utilities shall be provided along each rear lot line. A five (5) foot easement along side lot lines of individual lots may be required when necessary for use by public and private utilities.

Section 6-2.6 Intersections

Street intersections shall be laid out as follows:

- A. Streets shall intersect as nearly as possible at right angles, and no street shall intersect at less than seventy-five (75) degrees.
- B. Intersections with a major street shall be at least eight hundred (800) feet apart measured from centerline to centerline.
- C. Property lines at street intersections shall be curved with a minimum radius of twenty (20) feet. Where a street intersects a highway maintained by the Department of Transportation, the design standards of the NCDOT shall apply.

- D. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.

Section 6-2.7 Lots

Lots shall be laid out as follows:

- A. Lot sites, shapes, and locations shall be made with due regard to topographic conditions, contemplated use, and the surrounding area. Every lot shall front or abut, for a distance of at least fifty (50) feet, on a public street which has a minimum right-of-way width of fifty (50) feet.
- B. Where public water and sewer facilities are available, every lot shall contain not less than the area prescribed in the Zoning Ordinance of the Town of Hertford for the appropriate zone or zones in which this subdivision exists.
- C. Residential lots where not served by public sewer and water shall be at least twenty thousand (20,000) square feet in area, not less than one hundred (100) feet wide at the building line nor less than one hundred fifty (150) feet deep.
- D. Residential lots served by public water, but not public sewer, shall be at least fifteen thousand (15,000) square feet in area, not less than ninety (90) feet wide at the building line nor less than one hundred fifty (150) feet deep.
- E. Corner lots for residential use shall have an extra width of ten (10) feet to permit adequate building setback from side streets.
- F. Double frontage or reverse frontage lots shall be avoided except where necessary to separate residential development from through traffic or nonresidential uses.
- G. Side lot lines shall be substantially at right angles or radial to street lines.
- H. Any lot requiring off-street service and parking facilities shall adequately provide for those facilities.
- I. In no instance shall the area of a residential lot be less than the size determined to be adequate by the Chowan, Perquimans, and Pasquotank District Health Department after investigation of soil conditions, proposed individual disposal system, and depth of ground water. All lots shall conform with the zoning ordinance of the Town of Hertford.

Section 6-2.8 Pedestrian Walkways

A. Residential Requirements

- 1) Walkways and trails shall be designed to maximize the safety of users and the security of adjoining properties with respect to location, visibility, and landscaping.
- 2) The following requirements shall apply to single and multi- family residential preliminary subdivision approvals.
 - a. Unless the Hertford Planning and Zoning Board of Adjustment approves an alternate walkway location, a conventional sidewalk shall be provided within the right of way along all new public street according to the table below:

| Type of Street | Pedestrian Facility |
|-------------------------|---------------------|
| Major Thoroughfares | Both Sides |
| Collector Streets | Both Sides |
| Minor Streets | One Side |
| Marginal Access Streets | One Side |
| Cul-de-sacs | One Side |

- b. Sidewalks shall be required along existing streets where new subdivisions are developed.
- c. If no pedestrian facilities are located adjacent to the subdivisions, the developer will provide adequate right of way for future connections.
- d. A developer may propose a sidewalk layout which varies from the requirements above in order to accommodate the unique character of the site or to utilize innovative design as long as the HPZBOA finds the design to provide a logical and functional pedestrian network as well or better than the above requirements.
- e. Sidewalks shall be required as described in the Hertford Pedestrian Plan.
- f. Sidewalk requirements can be waived by the Town Council upon a recommendation by the HPZBOA if shown to be impractical for specific development.

B. Nonresidential Requirements

- 1) Sidewalks shall be required for all nonresidential developments of new construction or additions of 2500 sq. ft. or more.
- 2) A developer may not be required to construct a pedestrian facility along a frontage or service road where it can be shown to be impractical.
- 3) Sidewalks shall be required where a street is being widened with curb and gutter unless permitted otherwise by the HPZBOA.
- 4) Sidewalks shall be required within the Perquimans County Commerce Center unless otherwise permitted by the HPZBOA.

C. Offsite, Adjacent Connections

- 1) The developer shall make all necessary contiguous connections to pedestrian facilities that are located on adjacent property to new sub divisions.

D. Dimensions and Location

- 1) Sidewalks shall be a minimum of 5 feet in width except where connections are made to existing facilities that are not the minimum requirement.
 - a) a planting strip or buffer of at least 5 feet shall be required directly behind the curb and gutter on any road with a speed limit of 45 miles per hour or greater.
 - b) No fence or hard structure shall be allowed within 12 inches adjacent to either side of the sidewalk.

Section 6-2.9 Rights-of-Way and Pavement Widths

Minimum street rights-of-way and pavement width shall be in accordance with the Thoroughfare Plan and shall not be less than the following:

| Street Types | Right-of-Way | Pavement Width |
|-------------------------|--------------|----------------|
| Major Thoroughfares | 80 | 46 |
| Collector Streets | 60 | 38 |
| Minor Streets | 50 | 30 |
| Marginal Access Streets | 50 | 30 |
| Cul-de-sacs | 50 | 30 |

Section 6-2.10 Streets

- A. The arrangement, character, extent, width, grade, and location of all streets shall conform to all of the elements of official plans for the community and shall be designed in accordance with the provisions of this Ordinance.
- B. Minor streets shall be laid out so that their use by through traffic will be discouraged.
- C. There shall be no private streets platted in any subdivision. Every subdivided property shall be served from a publicly dedicated street.
- D. Proposed streets which are obviously in alignment with other existing and named streets shall bear the assigned name of the existing streets. In no case shall the name for proposed streets duplicate or be phonetically similar to existing street names.

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

ARTICLE VII - IMPROVEMENTS

Section 7-1 General Provisions

Section 7-1.1 Improvements Installed or Guarantees Provided

Final plats for all subdivisions shall not be approved until all the required improvements listed in this article have been installed or the subdivider has guaranteed to the satisfaction of the Town Commissioners that such improvements will be installed.

Section 7-1.2 Construction Consistent with Town Standards

All improvements shall be made in conformity with the requirements and standards set forth in this Ordinance and other specifications and policies of the Town of Hertford. All improvements shall be inspected and approved by the Town Manager as conforming to requirements of the Town. All improvement specifications of the Town of Hertford are on file in the Office of the Town Clerk.

Section 7-2 Guarantees

Section 7-2.1 Guarantees in Lieu of Completed Improvements

No final subdivision plat shall be approved by the Town Commissioners or accepted for record by the Register of Deeds of Perquimans County until the required improvements have been constructed in a satisfactory manner and approved by the Building Inspector or, in lieu of such prior construction the Town Commissioners accept a bond with surety and conditions satisfactory to the Town of Hertford in an amount equal to the estimated cost of the installation. The Town may also accept in lieu of a bond a certified check or a cash deposit with the Town of Hertford equal to the estimated cost of the installation. With either of these guarantees, improvements may be made and utilities installed without cost to the Town of Hertford or Perquimans County in the event of default by the subdivider. The cost estimate shall be determined by the Town of Hertford.

Section 7-2.2 Defects Guarantees

The owner of the subdivision shall require the contractor constructing streets, curbs, gutters, sidewalks, drainage facilities, and/or water and sewer lines to give bond guaranteeing the work against defects.

Section 7-3 Improvements

Section 7-3.1 Curbs and Gutters

Curbs and gutters are required with permanent paving meeting the minimum requirements of the Town's standards. Curbs and gutters shall be a combination curb and gutters or such other construction the Town Manager, with technical assistance from the town consulting engineer, may approve.

Section 7-3.2 Electrical , Telephone, and CATV Service

All electrical, cable TV (CATV), telephone and telegraph utilities shall be installed as required by the Town of Hertford's Utility Department. All subdivisions shall be designed in order that all utilities are installed underground.

Section 7-3.3 Grading

The subdivider of any subdivision designed to be used for residential, commercial, industrial, or other purposes shall clear and grade all streets to their full right-of-way width so as to provide adequate shoulders and pedestrian walkways.

Section 7-3.4 Paving

The subdivider shall be responsible for the cost and installation of the road foundation and paving necessary to serve his needs. All paving done shall be in accordance with Town standards, which shall be the same as the N C Department of Transportation, as amended.

Section 7-3.5 Sewage Disposal

Subdivides shall connect to the sewer system of the Town of Hertford in order to provide sewer service to every lot within the Development. Sewer connections shall comply with the regulations of the Town of Hertford and the North Carolina Department of Environment and Natural Resources, or any other appropriate agency.

Section 7-3.6 Streets

Street construction in subdivisions shall be in conformity with the street paving policy and specifications of the Town of Hertford.

Section 7-3.7 Street Name Markers

Street name markers shall be provided at all subdivision street intersections and at any other point within the subdivision as deemed necessary by the Town. The placement and construction of such signs shall conform to specifications of the Town of Hertford.

Section 7-3.8 Street Trees

Street trees shall be planted in all subdivisions. The planting of street trees is considered a service to be expected of the subdivider, as well as good business practice. Street trees are a protection against excessive heat and glare and enhance the attractiveness and value of property. If trees are planted they shall be located inside the property lines where they are less subject to injury, decrease the chance of motor accidents, and enjoy more favorable conditions for growth.

Section 7-3.9 Surface Water Drainage

- A. No surface water drainage shall empty into a sanitary sewer.
- B. Where, in the opinion of the Planning Board, a public storm water sewer is reasonably accessible, before a subdivision is approved and accepted, the subdivider shall connect with the public storm water sewer system. The subdivider shall provide all grading and all structures necessary to carry the water to the storm drainage system. Drainage and construction of drainage structures shall conform to Town specifications and standards. Where a storm drainage system is not accessible, before a subdivision is approved and accepted by the Town of Hertford, the subdivider shall do all grading and provide all drainage structures necessary to properly carry the water to locations, which are acceptable to the Town of Hertford.
- C. Where drainage ditches exceed grades of four (4) percent, the ditches shall be paved in accordance with Town standards.

Section 7-3.10 Water Supply

- A. Each lot in every subdivision shall be provided with a water supply which is ample for the needs of the type of development proposed.
- B. Each lot in every subdivision shall be supplied with water from the Town of Hertford. The water system shall be worked out between each subdivider and the Town of Hertford according to the water service policies of the Town.
- C. Each lot in every subdivision within the Hertford Town Limits shall be located within five hundred (500) feet of a six (6) inch water line and a fire hydrant.

Section 7-4 Cost of Improvements

The Subdivider shall grade all streets and alleys to Town specifications, erect all required street name markers, install sewage disposal, water facilities, surface water drainage, and construct all culverts and bridges in accordance with Town standards. All connections to the Town facilities are the responsibility of the subdivider.

ARTICLE VIII - ADMINISTRATION

Section 8-1 Variances

8-1.1 Town Commissioner Approval

The Town Commissioners may approve subdivision plats which vary from Hertford's design standards upon the recommendation of the Planning Board but not from the procedures or improvements contained in these regulations.

8-1.2 Planning Board Approval

Where topography or other existing physical conditions are such that compliance with the requirements of this ordinance would cause an unusual and unnecessary hardship on the subdivider above and beyond what other subdividers would meet, the minimum requirements as set forth in this Ordinance may be varied by the Town Commissioners upon recommendation of the Planning Board, provided that such variations will not have the effect of nullifying the interest and purpose of these regulations.

Section 8-2 Exceptions

The standards and requirements of this ordinance may be modified by the Planning Board and/or the Town Commissioners in the case of a plan and program for a group, cluster or planned unit development, which, in the judgment of the Planning Board, provides adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the Land Use Plan formulated and adopted by the Town Commissioners.

Section 8-3 Procedure for Exceptions

8-8.1 Written Requests Only

The subdivider must submit a written request to the Zoning Administrator stating the reasons for each modification. The Planning Board may require such conditions as will, in its judgment, preserve the spirit and intent of these regulations. These conditions may include but shall not be limited to: surety, performance, or maintenance bonds; affidavits, covenants, or other legal instruments, as will assure conformity to and achievement of the plan.

8-8.2 Written Authorization with Specific Reasons Cited

Any modifications thus authorized are required to be entered in writing in the Minutes of the Planning Board and/or Town Commissioners and the reasoning on which the departure was justified set forth.

Section 8-4 Amendment

The Town Commissioners of the Town of Hertford may from time to time amend these regulations, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendations. The Planning Board shall have forty-five (45) days within which to submit a report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have approved the amendment.

Section 8-5 Separability

Should any section or provision of this ordinance be declared by the courts to be invalid for any reason, such declaration shall not affect the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 8-6 Conflict

When the requirements of this ordinance conflict with the requirements of other lawfully adopted rules, regulations, or ordinances of the Town of Hertford, the more stringent or higher requirements shall govern.

Section 8-7 No Service or Permit Until Final Plat Approval

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

Section 8-8 Compliance with Official Plans

8-8.1 Approved Transportation Systems Included on Plats

When a tract of land to be subdivided embraces any part of a proposed major or minor thoroughfare, parkway or boulevard designed in Official Maps and Plans, the proposed way shall be platted and dedicated by the subdivider in the location and at the width specified.

8-8.2 Open Space for Public Purposes

To insure orderly development of the community in accordance with the general principles set forth in the Land Use Plan, the Planning Board may require that the subdivider reserve open spaces up to ten (10) percent for such public purposes as parks, playground, schools and fire stations. The Town will have an option to buy this land at the fair market value for a period of six months from the date of submission of the preliminary plat.

Section 8-9 Town Costs When Oversize Facilities are Required

Whenever the Planning Board requires that the developer install improvements or facilities that are either larger, more costly or not normally required by this ordinance, the municipality shall pay one hundred (100) percent of the extra cost. The subdivider shall be required to pay only the portion of the cost of construction that would equal the cost of an improvement required to serve only the subdivision, as determined by the Town Commissioners.

Section 8-10 Penalty

The following penalties as proposed in the General Statutes of North Carolina shall prevail. Any person who, being the owner or agent of the owner of any land located within the platting jurisdiction granted to the municipality (General Statutes 160A-375) thereafter transfers or sells such land by reference to a plat showing a subdivision of such land before such plat has been approved by said legislative body and recorded in the office the Register of Deeds, shall be guilty of a misdemeanor and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. Said municipality, through its town attorney or other official designated by its local legislative body, may enjoin such transfer or sale by action for injunction.

APPENDICES

CERTIFICATES

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

_____, 20__
Date

Owner

Owner

CERTIFICATE OF ACCURACY AND MAPPING

I hereby certify that the plat shown and described hereon is a true and correct survey to the accuracy required by the Hertford Planning Board and that the monuments have been placed as shown hereon, in accordance with the requirements of the Subdivision Regulations for the Town of Hertford, North Carolina.

_____, 20__
Date

Registered Surveyor

PERFORMANCE BOND

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

_____, 20__
Date

(1) Town Manager

(2) Town Clerk

CERTIFICATE OF APPROVAL BY THE PLANNING BOARD

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

_____, 20__
Date

Chairman, Hertford Planning Board

CERTIFICATE OF APPROVAL BY THE TOWN COMMISSIONERS

I, _____, Town Clerk of the Town of Hertford, North Carolina, do certify that on the ____ day of _____, 20__, the Town Commissioners approved this plat for recording and accepted the dedication of the streets, easements, rights-of-way, public parks and other sites for public purposes as shown hereon, but assumed no responsibility to open or maintain same until, in the opinion of the governing body of the Town of Hertford, it is in the public interest to do so.

_____, 20__

Town Clerk

(SEAL)

CERTIFICATE OF APPROVAL OF WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS

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

_____, 20__

Date

District Health Officer

PRELIMINARY PLAT CHECK LIST

SUBDIVISION RECORD

PRELIMINARY PLAT

DATE SUBMITTED

NAME OF SUBDIVISION _____

LOCATION _____

OWNER _____ ADDRESS _____ PHONE _____

DESIGNER _____ ADDRESS _____ PHONE _____

Check List:

- _____ Sketch vicinity map embracing subdivision and surrounding area.
- _____ Three (3) copies of preliminary plat at proper scale.
- _____ Name of Subdivision and owner.
- _____ North point, graphic scale, date.
- _____ Boundaries of tract with bearings and distances.
- _____ Name of adjoining property owners.
- _____ The location of existing sewers, water and gas mains, and other utilities.
- _____ The location of existing streets, roads, bridges, culverts, railroads, water courses, etc.
- _____ Names, locations, and approximate dimensions of proposed streets, easements, parks, and reservations, lot lines, sanitary sewers, storm sewers, water mains, culverts, electric and gas lines, and other surface and subsurface structures and pipe lines.
- _____ Contour maps.
- _____ Proposed lot lines, building lines and approximate dimension.
- _____ Lot and block numbers.
- _____ Zoning classification on land to be subdivided and on adjoining land.

_____ Conforms to general requirements and minimum design standards.

_____ Areas to be used for purposes other than residential.

_____ Total acreage in the tract.

APPROVED - _____ TO PROCEED TO
Name & Date

FINAL PLAT SUBJECT TO THE FOLLOWING MODIFICATIONS:

- 1)
- 2)
- 3)
- 4)
- 5)

DISAPPROVED - _____ FOR THE FOLLOWING REASONS:
Name & Date

- 1)
- 2)
- 3)
- 4)
- 5)

FINAL PLAT CHECK LIST

SUBDIVISION RECORD _____ DATE SUBMITTED _____

FINAL PLAT _____ PRELIMINARY APPROVAL DATE _____

NAME OF SUBDIVISION _____

LOCATION _____

OWNER _____ ADDRESS _____ PHONE _____

SURVEYOR _____ ADDRESS _____ PHONE _____

Check List:

- _____ Submitted within twelve (12) months of preliminary approval.
- _____ Three (3) copies of final plat.
- _____ Proper scale of map.
- _____ Conforms substantially to preliminary plat.
- _____ Names and rights-of-way of streets and roads.
- _____ Lot lines and building lines.
- _____ Lot and block numbers.
- _____ Reservations, easements, public areas, or sites for other residential use with explanation or purpose.
- _____ Legal description of boundary lines, street lines, lot lines, building lines, etc.
- _____ Contour map.
- _____ North Point, graphic scale, date.
- _____ Location and description of monuments.
- _____ Names and location of adjoining subdivisions and streets and the location and ownership of adjoining unsubdivided property.
- _____ Conforms to general requirements and minimum design standards.

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

_____ Required certificates.

1) APPROVED _____ BY PLANNING BOARD
Name & Date

2) APPROVED _____ FOR RECORDING BY
Name & Date
TOWN COMMISSIONERS

3) DISAPPROVED _____ FOR THE FOLLOWING
Name & Date
REASONS:

- 1)
- 2)
- 3)
- 4)
- 5)

