

TOWN OF WATHA

SUBDIVISION REGULATIONS

Adopted by the Town of Watha Board of Commissioners:
March 27, 1995, includes amendments through May 2, 2022

Prepared by:



Wilmington, North Carolina

WATHA, NORTH CAROLINA
SUBDIVISION ORDINANCE

ARTICLE I

TITLE AND PURPOSE

1. TITLE

This ordinance shall be known and may be cited as the Subdivision Ordinance for the Town of Watha, North Carolina, and may be referred to as the Subdivision Ordinance.

2. PURPOSE

The purpose of this Ordinance is to establish procedures and standards for the development and subdivision of land within the territorial jurisdiction of the Town of Watha. It is further designed to provide for the orderly growth and development of the Town of Watha, for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities such as water, sewer and drainage lines; for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and of rights-of-way or easements for street and utility purposes; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety, and the general welfare. This Ordinance is designed to further facilitate adequate provision for water, sewerage, parks, schools, and playgrounds, and also facilitate the further resubdivision of larger tracts into smaller parcels of land.

ARTICLE II

AUTHORITY AND JURISDICTION

1. AUTHORITY

This Ordinance is hereby adopted under the authority and provisions of the General Statutes of North Carolina, Chapter 160D.

2. JURISDICTION

The regulations contained herein shall govern each and every subdivision of land within the Town of Watha as provided in N.C.G.S. 160D, including any established extraterritorial areas of the Town of Watha.

ARTICLE III

PREREQUISITE TO PLAT RECORDATION AND APPROVAL OF PUBLIC SERVICES

1. PREREQUISITE TO PLAT RECORDATION

After the effective date of this Ordinance, each individual subdivision plat of land within the jurisdiction of the Town of Watha shall be approved by the Town of Watha Planning Board in accordance with the procedures for submission and approval as set forth herein.

2. APPROVAL OF PUBLIC SERVICES

No construction permits shall be issued, nor shall water, or other Town facilities or services be extended to or connected with any Subdivision for which a plat is required to be approved unless, and until, such final plat has been approved by the Town of Watha Planning Board and recorded in the Office of the Pender County Register of Deeds.

3. TRANSFER OF LOTS IN UNAPPROVED SUBDIVISION PLATS

- A. Any person who, being the owner or agent of the owner of any land located within the planning and development regulation jurisdiction of the Town, thereafter subdivides his land in violation of the regulation 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 under such regulation and recorded in the office of the Pender County Register of Deeds, shall be guilty of a Class 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 Town may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision ordinance. Building permits required pursuant to NCGS 160D-1108 may be denied for lots that have been illegally subdivided. In addition to other remedies, the Town 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.
- B. 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 regulation or recorded with the Pender County Register of Deeds, provided the contract does all of the following:
 - 1. 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.
 - 2. 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.

3. Provides that if the approved and recorded final plat does to 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.
 4. 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.
- C. 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 regulation or recorded with the Perquimans County 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 regulation and recorded with the Perquimans County Register of Deeds.

ARTICLE IV

LEGAL PROVISIONS

1. ADMINISTRATION

The Town of Watha Planning Board shall be the administrator of this Ordinance. The Town of Watha Planning Board shall be responsible for plat approvals and any other duties consistent with the administration of this Ordinance. The Board shall report any violations of any provisions of this Ordinance of which it is aware to the Board of Commissioners of the Town of Watha with its recommendations to prevent and remedy such violations.

2. PROCEDURE FOR PLAT APPROVAL AND RECORDING

After the effective date of this Ordinance, no subdivision plat of land within the jurisdiction of the Town of Watha shall be filed or recorded until it has been submitted to and approved by the Town of Watha Planning Board as set forth in Article III, Section 1 of this Ordinance, and until this approval is entered in writing on the face of the plat by the Chairman, Vice Chairman, or their official designee.

The Register of Deeds shall not file or record a plat of subdivision of land located within the territorial jurisdiction of the Town of Watha that has not been approved in accordance with these provisions, nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with this section.

3. ENFORCEMENT

A. Register of Deeds – After the effective date of this Ordinance, the Register of Deeds of Pender County shall not permit the recordation of any subdivision plat of land unless such plat has been submitted to and approved by the Town of Watha Planning Board in accordance with the provisions of this ordinance. After the effective date of this Ordinance the Pender County Register of Deeds shall not permit the recordation of any deed of land transfer until a map group and parcel number has been assigned to the parcel of land for which the deed was drawn by the Pender County Tax Supervisor’s Office and such number is indicated on the deed.

B. County Tax Supervisor – After the effective date of this Ordinance, the Pender County Tax Supervisor shall not issue any (map group) parcel numbers unless the parcel to which the number is to be assigned is (a) depicted on subdivision final plat that is recorded in the office of the Register of Deeds of Pender County, before the effective date of this Ordinance; (b) that has been approved by the Town of Watha Planning Board; or (c) the final plat is stamped “No Approval Required” and signed by the Clerk to the Town of Watha Planning Board in accordance with the provisions of this Ordinance.

4. PENALTIES FOR VIOLATIONS

After the effective date of this Ordinance, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this Ordinance, subdivides his 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 land before the plat has been properly approved under the terms of this Ordinance and recorded in the Office of Pender County Register of Deeds, shall be guilty of a misdemeanor. The description of a parcel of land bounds, as distinguished from description by reference to a plat, as 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 Town of Watha through its attorney or other official designated by the Board of Commissioners of the Town of Watha, may enjoin illegal subdivision, transfer or sale of land by action for injunction. Further, violators of this Ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by N.C.G.S. 14.4.

5. EFFECT OF PLAT APPROVAL ON DEDICATIONS

The approval of a plat to this Ordinance shall not be deemed to constitute or effect the acceptance by the Town of Watha of the dedication or maintenance of any street or other land area, public utility line, or other public facility shown on the plat. Acceptance of the dedication or maintenance of any such facility shall require a resolution of acceptance and/or maintenance by the Board of Commissioners of the Town of Watha.

6. 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.

7. VARIANCES

Where, because of severe topographical or other conditions peculiar to the site, strict adherence to the provisions of this Ordinance would cause an unnecessary hardship, the Board Adjustment may authorize a variance to the terms of this Ordinance only to the extent that is absolutely necessary and not to an extent which would violate the intent of this Ordinance. An application for a variance shall be submitted to the Board of Adjustment by filing a copy of the application with the Administrator. Applications shall be handled in the same manner as applications for plat approvals.

When unnecessary hardships would result from carrying out the strict letter of the Ordinance, the Board of Adjustment shall vary any of the provisions of the Ordinance upon a showing of all of the following:

A. Unnecessary hardship would result from the strict application of the Ordinance regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

B. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

C. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

D. The requested variance is consistent with the spirit, purpose, and intent of the Ordinance regulation, such that public safety is secured and substantial justice is achieved.

Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other ordinance development regulation that regulates land use or development may provide for variances from the provisions of those ordinances consistent with the provisions of this subsection.

The nature of the variance and any conditions attached to it shall be entered on the face of the subdivision plat, or the subdivision plat may simply note the issuance of the variance and refer to the written record of the variance for further information. All such conditions are enforceable in the same manner as any other applicable requirement of this Ordinance.

8. AMENDMENTS

The Board of Commissioners of the Town of Watha may, from time to time, amend the terms of this Ordinance, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Town of Watha Planning Board for review and recommendation. The Planning Board shall have thirty (30) days within which to submit its report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have approved the amendment.

No amendment shall be adopted by the governing body until they have held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the Town of Watha area at least once a week for two (2) consecutive calendar weeks prior to the hearing. The initial notice shall appear not more than twenty-five (25) nor less than ten (10) days prior to the hearing date. In computing the ten (10) and twenty-five (25) day periods, the date of publication is not to be counted, but the date of the hearing is.

9. APPEAL OF ADMINISTRATIVE SUBDIVISION DECISIONS

Administrative subdivision decisions are appealed to the Board of Adjustment. Appeals of an administrative decision may be appealed directly to the Superior Court. Quasi-judicial subdivision decisions are appealed to Superior Court in the nature of certiorari.

10. ABROGATION

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

11. EFFECTIVE DATE

Ratified, approved and duly passed and adopted in regular meeting, duly assembled and in full force and effect this, the 27th day of March, 1995, and includes amendments through May 2, 2022.

ATTEST:



Town Clerk



Mayor

APPROVED AS TO FORM:



Town Attorney

INTRODUCING COMMISSIONERS Samuel Stadsvold

SECONDING COMMISSIONERS Joseph Craig

The following Commissioners voting in the affirmative:

Samuel Stadsvold _____

Joseph Craig _____

The following Commissioners voting in the negative:

ARTICLE V

COMPLIANCE WITH OFFICIAL PLANS

1. THOROUGHFARE PLANS

Where a proposed subdivision includes any part of a proposed thoroughfare which has been designated as such on an officially adopted Thoroughfare Plan for the Town of Watha, all parts of such thoroughfare shall be platted by the subdivider in the location shown on the Plan and at the right-of-way width specified in this Ordinance.

2. ZONING ORDINANCES

Where a proposed subdivision is located in an area in which the Board of Commissioners of the Town of Watha has adopted a Zoning Ordinance and Zoning Map, said subdivision must comply in all respects with the requirements of the Zoning Ordinance.

ARTICLE VI

PROCEDURES FOR REVIEW AND REQUIREMENTS FOR APPROVAL OR SUBDIVISION PLATS

1. PROCEDURE FOR REVIEW

A. Preliminary Plat

The subdivider or his authorized agent shall submit three copies of preliminary plat, and any supplementary materials, to the Town of Watha Planning Board at least (14) days prior to a regular meeting of that Board.

At the next regularly scheduled meeting of the Town of Watha Planning Board that follows at least fourteen (14) days after the plat is submitted, the Planning Board shall review the preliminary plat for compliance with the requirements of this Ordinance and Zoning Ordinance.

If the preliminary plat meets the requirements of this Ordinance and is approved, the approval stamp of the Town of Watha Planning Board shall be placed on at least two (2) copies of the preliminary plat and shall be signed by the Chairman or Vice Chairman of the Town of Watha Planning Board. One stamped and signed copy of the preliminary plat shall be returned to the subdivider or his authorized agent and a copy shall be retained as an official record of the Town of Watha Planning Board. If the preliminary plat is disapproved, the subdivider may correct the deficiencies noted in the reasons for disapproval and submit a revised preliminary plat.

B. Improvements

Upon approval of the preliminary plat by the Town of Watha Planning Board, the subdivider may proceed with the preparation of the final plat, and the installation or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this Ordinance.

C. Final Plat

Upon installation or arrangement of the required improvements, the subdivider shall submit a final plat, so labeled, to the Town of Watha Planning Board not more than twelve (12) months

after the date on which the preliminary plat was approved. If a final plat is not submitted within a twelve (12) month time period, the preliminary plat must be submitted in accordance with Section B above.

No final plat shall be approved unless and until the subdivider has installed in that area, represented on the final plat, all improvements required in Article VII of this Ordinance. A final plat may include the total or portions of the area included on the approved preliminary plat. Any and all such portions must fully comply with the requirements for approval of a final plat as set forth in this Ordinance.

The Town of Watha Planning Board shall review the final plat for consistency with the approved preliminary plat and for compliance with the requirements for final plats as set forth in this Article. The Planning Board shall, through on-site inspection, ensure that those improvements required have been installed in accordance with Article VII of this Ordinance.

When the final plat is found to be consistent with the approved preliminary plat and to contain the required information and materials, the Chairman of the Town of Watha Planning Board shall place the stamp of approval of the Planning Board and his/her signature of the Chairman of the Planning Board shall constitute approval of the final plat.

2. REQUIREMENTS FOR APPROVAL OF SUBDIVISION PLATS

A. Preliminary Plat

1. Number of Copies and Graphic Media

A minimum of three (3) copies of the preliminary plat shall be submitted. No specific graphic media must be employed.

2. Plat Preparation

It is not required that the preliminary plat be prepared by a registered land surveyor. The subdivider or another individual may prepare this plat so long as it meets the requirements as specified in this Ordinance.

3. Certificate of Proposed Utilities

Preliminary plats shall be accompanied by a letter from the County Health Director (or designee) stating that the proposed utility system(s) (water acquisition and sewage disposal) would feasibly meet existing adopted for minimum health safety; in the case of a situation in which the proposed utility system(s) does not come under the regulatory authority of the County Board of Health, such certification (letter) must be provided by the North Carolina Division of Environmental Management or appropriate State agency. Any Major Subdivision Plat (or portioned thereof) not receiving this certification shall be affixed with the below notation (on the final plat) prior to receiving the Town of Watha Planning Board Stamp of Approval:

Note: The water/sewerage system(s) for this parcel(s) has not received County Health Department/N.C. Division of Environmental Management certification for meeting minimum health standards. Such certification must be obtained prior to the use of this parcel(s) for human habitation.

4. Certification of Proposed Public Streets

Preliminary plats shall be accompanied by a letter from the North Carolina Department of Transportation, Division of Highways, District Engineer, stating that all proposed streets intended for public use meet minimum design standards for subdivision streets as set forth by the State Secondary Roads Council, in accordance with N.C.G.S. 136-102 (c).

5. Certification of Proposed Drainage Systems

Preliminary plats shall be accompanied by a letter from the District Conservationist (or designee) of the Pender Soil and Water Conservation District stating that proposed drainage system would provide effective drainage of the area in the proposed subdivision and providing any current soils information available for the property being divided.

6. Contents Required

The preliminary plat shall depict or contain the following information:

- a. Name of the proposed subdivision and name, address, and telephone number of the owner of the proposed subdivision;
- b. Name of the designer of the proposed subdivision;
- c. Name of the county, township and state in which the proposed subdivision is located;
- d. A sketch or vicinity map (with scale and north arrow) depicting the surrounding area including the distance from a proposed property corner to the intersection of two State maintained roads (in lieu of the intersection of two State maintained roads, a bridge, culvert or other permanently fixed point and a State maintained road may be utilized);
- e. Approximate corporate boundaries, township boundaries and county lines as appropriate;
- f. Date of plat preparation;
- g. North arrow with approximate indication whether true grid or magnetic;
- h. Scale indicated in words or numbers and a bar graph;
- i. Approximately the length of all existing and proposed property lines including the boundaries of all lots being created by the division;
- j. The total number of lots being created by the division and the minimum lot size, lots numbered consecutive and block numbers if applicable;
- k. Approximate location of existing roads, water courses, marshes, swamps, ponds or lakes, railroads, bridges, culverts, storm drains and drainage ditches;
- l. Names of owners of adjoining properties and recorded plats;

- m. Description of the proposed utility systems (water, sewage); i.e. on-site well and septic, community water and/or sewerage system, public water and/or sewerage system, etc.;
 - n. Proposed drainage systems with an indication of any provisions that are proposed for perpetual maintenance of these systems;
 - o. Location of proposed streets, existing and platted streets on adjoining properties and in the proposed subdivision, right-of-way for streets, pavement widths.
- NOTE: If any street is proposed to intersect with a State maintained road, the preliminary plat shall be accompanied by an application for driveway approval as required by the Department of Transportation, Division of Highways Manual on Driveway Regulations;
- p. All streets designated as either “Public” or “Private”;
 - q. Site calculations including: 1) acreage in total tract being subdivided; 2) acreage in proposed parks and other nonresidential use; 3) linear feet in proposed streets;
 - r. Proposed location and size of parks, school sites, or other recreational or open spaces, if any, and their future ownership (dedication for public use to governmental body, for property owners’ use to duly constituted homeowners or community association or for tenants with property remaining in subdividers ownership);
 - s. Any proposed natural buffers; pedestrian, bicycle or other rights-of-way; utility; drainage or other easements; their location and width and purpose;
 - t. Any other information considered by either the subdivider or the Town of Watha Planning Board to be pertinent to the review of the preliminary plat;
 - u. Present zoning classification.

B. Final Plat

1. Guarantees

- a. Performance Guarantees. In lieu of requiring the completion, installation and dedication of all improvements prior to final plat approval, the Town of Watha may enter into an agreement with the subdivider whereby the subdivider shall agree to complete any remaining required improvements as specified by the approved preliminary plat for that portion of the subdivision to be shown on the final plat within a mutually agreed upon specified time period not to exceed one (1) year. Once agreed upon by both parties and the security required herein is provided, the final plat may be approved by the Board of Commissioners, if all other requirements of this Ordinance are met. The Town shall require a certified cost estimate from a licensed contractor or engineer for the cost of completion of such improvements.

- i. Type. The subdivider shall provide one of the following Performance Guarantees, elected at the subdivider's discretion, in lieu of installation:
 - Surety bond issued by any company authorized to do business in this State.
 - Letter of credit issued by any financial institution licensed to do business in this State.
 - Other form of guarantee that provides equivalent security to a surety bond or letter of credit.
- ii. Duration. The duration of the performance guarantee shall initially be one year, unless the subdivider determines that the scope of work for the required improvements necessitates a longer duration. In the case of a bonded obligation, the completion date shall be set one year from the date the bond is issued, unless the subdivider determines that the scope of work for the required improvements necessitates a longer duration.
- iii. Extension. A developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the performance guarantee or any extension. If the improvements are not completed to the specifications of the County, and the current performance guarantee is likely to expire prior to completion of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period; provided, however, that the extension shall only be for a duration necessary to complete the required improvements. If a new performance guarantee is issued, the amount shall be determined by the procedure provided in subdivision v of this subsection and shall include the total cost of all incomplete improvements.
- iv. Release. The performance guarantee shall be returned or released, as appropriate, in a timely manner upon the acknowledgment by the County that the improvements for which the performance guarantee is being required are complete. The county shall return letters of credit or escrowed funds upon completion of the required improvements to the specifications of the County, or upon acceptance of the required improvements, if the required improvements are subject to County acceptance. When required improvements that are secured by a bond are completed to the specifications of the County, or are accepted by the County, if subject to County acceptance, upon request by the developer, the County shall timely provide written acknowledgement that the required improvements have been completed.
- v. Amount. The amount of the performance guarantee shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion at the time the performance guarantee is issued. The County may determine the amount of the performance guarantee or use a cost estimate determined by the developer. The reasonably

estimated cost of completion shall include 100% of the costs for labor and materials necessary for completion of the required improvements. Where applicable, the costs shall be based on unit pricing. The additional 25% allowed under this subdivision includes inflation and all costs of administration regardless of how such fees or charges are denominated. The amount of any extension of any performance guarantee shall be determined according to the procedures for determining the initial guarantee and shall not exceed 125% of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.

- vi. Timing. The county, at its discretion, may require the performance guarantee to be posted either at the time the plat is recorded or at a time subsequent to plat recordation.
- vii. Coverage. The performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion.
- viii. Legal Responsibilities. No person shall have or may claim any rights under or to any performance guarantee provided pursuant to this subsection or in the proceeds of any such performance guarantee other than the following:
 - The county to whom such performance guarantee is provided.
 - The subdivider at whose request or for whose benefit such performance guarantee is given.
 - The person or entity issuing or providing such performance guarantee at the request of or for the benefit of the developer.
- ix. The county may release a portion of any security posted as the improvements are completed and recommended for approval by the Subdivision Administrator. Within thirty (30) days after receiving the Subdivision Administrator's recommendation, the Board of Commissioners shall approve or not approve said improvements. If the Board of Commissioners approves said improvements, then it shall immediately release any security posted.
- x. For subdivisions which are underwritten or constructed with federal funds and for which the specifications for facilities or improvements are equal to or of a higher standard than those required by the County, the bond-posting requirement may be waived and the final plat approved prior to completion of facilities or improvements.
- xi. Multiple Guarantees. The subdivider shall have the option to post one type of a performance guarantee as provided for in subdivision (a) of this subsection, in lieu of multiple bonds, letters of credit, or other equivalent security, for all development matters related to the same project requiring performance guarantees. Performance guarantees

associated with erosion control and stormwater control measures are not subject to the provisions of this section.

- b. 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.

2. Plat Prepared

The final plat shall be prepared by or under the supervision of a land surveyor licensed and registered to practice in the State of North Carolina.

3. Number of Copies and Graphic Media

A minimum of three (3) copies of the final plat shall be submitted to the Town of Watha Planning Board for approval; one of these shall be drawn in ink on reproducible material (reproducible by traditional ozalid process), including an original drawing on vellum paper, linen, mylar or other transparent material or a sepia copy. The other two copies may be submitted as a blackline or photocopy.

4. Scale

Scale to be to such a size that all pertinent information will be clearly shown on the final plat.

5. Certification Required

The following signed certificate shall appear on all copies of the final plat which are submitted to the Town of Watha Planning Board for approval:

a. Certificate of Dedication and Ownership

“The undersigned hereby acknowledge(s) that the land shown on this plat is within the subdivision regulation jurisdiction of the Town of Watha and that this plat and allotment is my (our) free act and deed.”

Owner's Signature

6. Contents Required

The final plat shall depict and contain all of the information listed below:

- a. 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 of a foot and all angles to the nearest ten seconds or better;

- b. All plats shall conform to NCGS 47-30. Should this Ordinance be in conflict with NCGS 47-30, then the General Statute shall prevail;
- c. A statement signed by the land surveyor who prepared the final plat or under whose supervision it was prepared indicating the source of the information depicted on the plat (whether actual survey or from recorded deeds). The signature on this statement shall be certified as true by a Notary Public or Clerk of Superior Court;
- d. North arrow with indication whether true or magnetic, and date of magnetic reading;
- e. Statement of ownership as shown in item #5 above.

ARTICLE VII

REQUIRED IMPROVEMENTS AND MINIMUM STANDARDS OF DESIGN FOR SUBDIVISIONS

1. REQUIRED IMPROVEMENTS

Each subdivision within the jurisdiction of this Ordinance shall contain the following improvements:

- A. Graded streets.
- B. Adequate drainage system.
- C. Installation of water distribution and sewerage collection lines within the subdivision and connection to a county or municipal water and/ or sewerage system where a county or municipal system exists adjacent to the subdivision or the property being subdivided.
- D. Street name markers.
- E. Control monuments such as Center Line PC's, PT's, or at PI's shall be set at a depth sufficiently below ground level so as not to be disturbed with road maintenance.
- F. Tie lines shall conform to standards of practice for land surveyors in N.C.

2. DESIGN STANDARDS

A. Design standards for streets.

- 1. All proposed public streets in any subdivision within the jurisdiction of this Ordinance shall be designed to meet the standards established by the Department of Transportation with regard to subdivision streets.

- 2. Reserve strips

Reserve strips shall be permitted.

- 3. Marginal access streets

Where a tract of land to be subdivided adjoins an existing State maintained road, the subdivider may be required to provide a marginal access street parallel to the State maintained road, or reverse frontage on a subdivision street to be developed adjacent

to the State maintained road. Where reverse frontage is established, private driveways shall be prevented from having direct access to the expressway.

4. Street name markers

All subdivision streets shall be name and street name markers shall be installed in the subdivision.

5. Half streets

Half streets shall be permitted.

6. Cul-de-sac

Permanent deadline streets shall not exceed five hundred (500) feet in length unless necessitated and shall be provided with a turn-around having a minimum right-of-way radius of fifty (50) feet, a minimum stabilized surface radius of thirty-five (35) feet.

B. Design Standard for Blocks

1. General – The lengths, width, and shapes of blocks shall be determined with due regard to: Provision of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements as to lot sizes and dimensions; needs for vehicular and pedestrian circulation, control and safety of street traffic; limitation and opportunities of topography; and convenient access to water areas.
2. Block Lengths – Blocks shall not be less than four hundred (400) nor more than thirteen hundred twenty (1,320) feet in length.
3. Block Width – Blocks shall have sufficient width to allow two (2) tiers of lots minimum depth except where single-tier lots are required to separate residential development from through vehicular traffic or another type of use, or when abutting a water area.

C. Design Standards for Storm Water Drainage

The subdivider shall provide an adequate drainage system for the proper drainage of all surface water. Such a system shall show the computation designed by a registered Land Surveyor and/or Professional Engineer and shall be shown on the preliminary plat.

D. Design Standards

1. General Design

All major subdivisions shall be designed so as to minimize flood damage to any lots, buildings or other facilities within the development.

2. Utilities

- a. All utilities in a subdivision including water systems, sewerage systems, gas lines, and electrical distribution facilities shall be designed and constructed so as to minimize flood damage to those facilities.

- b. All water supply and sewerage systems within a proposed minor subdivision shall be designed so as to eliminate infiltration of flood waters into the systems and eliminate discharges from the systems into flood waters.
- c. Any on-site waste disposal system shall be located so as to avoid impairment of the system or contamination from the system during flooding.
- d. Utility (electric and telephone) poles and any other similar facilities shall not be placed closer than one (1) foot to the corner of any property so as to facilitate surveying and prevent the destruction of survey markers.

ARTICLE VIII

DEFINITIONS

1. "SUBDIVISION" DEFINED*

For the purpose of this Ordinance, "subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions 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, the following is not included within the definition and is not subject to any regulations enacted pursuant to this Ordinance:

- A. The combination or recombination of portions of previously platted lots where total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town of Watha, as shown in its subdivision regulations;
- 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;
- D. 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 the Town of Watha, as shown in this Ordinance.
- 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 24 of the General Statutes.

2. OTHER DEFINITIONS

For the purpose of this Ordinance, certain words or terms used herein shall be defined as follows:

- A. Alley – A minor right-of-way privately or publicly owned, primarily for service access to the back or side of properties.
- B. Buffer Strip – A solid fence or wall, or a planted strip at least five (5) feet in width composed of deciduous and/ or evergreen trees spaced not more than ten (10) feet apart, and let less than one (1) row of dense shrubs spaced not more than five (5) feet apart, which is required under the terms and provisions of this Ordinance.

- C. Building Setback Line – A line parallel to the front property line behind which a structure shall be erected.
- D. Dedication – A gift, by the owner, or a right to use the 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 from the Board of Commissioners of the Town of Watha.
- E. Easement – A grant by the property owner of a strip of land for a specified purpose and use by public, a corporation, or persons.
- F. Lot – A portion of subdivision, or any other parcel of land, intended as a unit for transfer of ownership or for development or both.
- G. Lot of Record – A lot which is part of a subdivision, a plat of which has been recorded in the Office of Register of Deeds of Pender County prior to the adoption of Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this Ordinance.
- H. Lot Types
 - 1. Corner Lots – A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lots lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
 - 2. Interior Lot – A lot other than a corner lot with only one frontage on a street.
 - 3. Through Lot or a “Double Frontage Lot” – A lot other than a corner lot with frontage on more than one street. Through abutting two streets may be referred to as double frontage lots.
 - 4. Reversed Frontage Lot – A lot on which the frontage is at right angles or approximately right angles (interior angle less than 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.
- I. Official maps or plans – Any map or plans officially adopted by the Board of Commissioners of the Town of Watha as a guide to the physical development of the Town of Watha.
- J. Open Space – An area (land and/or water) generally lacking in manmade structures and reserved for enjoyment in its unaltered state.
- K. P.C. – Point of curvature.
- L. P.I. – Point of intersection.
- M. P.T. – Point of termination.
- N. Plan – Any documented and approved program of recommended action, policy, intention, etc., which sets forth goals and objectives along with criteria, standards and implementing procedures necessary for effectively guiding and controlling decisions relative to facilitating development and growth management.
- O. Planning Board – The Planning Board of the Town of Watha.

- P. Plat – a map or plan of a parcel of land which is to be, or has been subdivided.
- Q. Private Driveway – A roadway serving two (2) or fewer lots, building sites or other division of land and not intended to be public ingress or egress.
- R. Private Street – An undedicated private right-of-way which affords access to abutting properties and requires a subdivision streets disclosure statement in accordance with N.C.G.S. 136-102.6.
- S. Public Street – A public right-of-way which affords access to abutting properties and when such rights-of-way are designated as public, it shall be presumed to be an offer of dedication to the public. All public streets shall be designed and constructed so as to meet minimum right-of-way and construction standards for acceptance into the State Secondary Roads System in accordance with N.C.G.S. 136-102.6 (c). The following classification shall apply:
 - 1. Cul-de-sac – A short street having but one end open to traffic and the other end being permanently terminated and a vehicular turn-around provided.
- T. Public Sewage Disposal System – A system serving two (2) or more dwelling units and approved by the Pender County Health Department of the North Carolina Department of Natural and Economic Resources, Division of Environmental Management.
- U. Public Water Supply – Any water supply furnishing potable water to ten or more residences or businesses, or combination of residences or businesses. Approval by the Sanitary Engineering Division, State Board of Health, Department of Human Resources is required.
- V. 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 manmade features that accommodate such activities.
- W. Reservation – A reservation of land does not involve any transfer of property rights. It simply constitutes an obligation to keep property free from development.
- X. 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.
- Y. Subdivider – Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.
- Z. Town Board of Commissioners – the Board of Commissioners of the Town of Watha, North Carolina.

3. WORD INTERPRETATION

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

- A. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.
- B. The word “structure” shall include the word “building.”
- C. The word “used for” shall include the meaning “designed for.”
- D. The word “lot” shall include the words “plot,” “parcel,” and/ or tract “tract.”
- E. The word “shall” is always mandatory and not merely directory.
- F. The word “person” includes a firm, association, corporation, trust or company, as well as an individual.