

Article 21. SUBDIVISION REGULATIONS

PART I. ADMINISTRATION

Section 21-1: No Service or Permits Until Requirements of Ordinance are Met

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 an administrative agent or department of the Town of Ayden for the construction of any building or other improvement requiring a permit, upon any land concerning which a plat or subdivision plat is required to be approved, unless and until the requirements set forth in this Ordinance have been complied with and same approved by the Town Board of Commissioners.

Section 21-2: Penalties

After the effective date of this Ordinance, any person who, being the owner or agent of the owner of any land located within the subdivision regulation jurisdiction of the Town of Ayden as defined herein, hereafter transfers or sells land by reference to a plat showing a subdivision of land before such plat has been properly approved under this Ordinance and recorded in the Office of the Register of Deeds of Pitt County, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer shall not exempt the transaction from such penalties. The Town, through its attorney or other official designated by the Town Board, 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 in NCGS 14-4.

Section 21-3: Duty of the Register of Deeds of Pitt County

The Town of Ayden shall file a copy of this Ordinance with the Register of Deeds of Pitt County. The Register of Deeds shall not thereafter file or record a plat of a subdivision located within the territorial jurisdiction of the Town of Ayden without the approval of the legislative body or Administrator as required in this Ordinance. The landowner shown on a subdivision plat submitted for recording or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the territorial jurisdiction of the Town of Ayden as defined herein. The filing or recording of a plat of a subdivision without the approval of the municipal legislative body or Administrator as required by this Ordinance, shall be null and void. The Clerk of Superior Court of Pitt County shall not order or direct the recording of a plat where such recording would be in conflict with this Section.

Section 21-4: Severability

Should any section or provision of these regulations be for any reason held void or invalid, it shall not affect the validity of any other section or provision hereof which is not itself void or invalid.

Section 21-5: Amendments

Refer to Article 20.

Section 21-6: 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 imposes greater restrictions, the provisions of this Ordinance shall govern.

Section 21-7: Variances

Where, because of topographical or other conditions peculiar to the site, strict adherence to the provisions of the regulations of this Ordinance would cause an unnecessary hardship, the Zoning Board of Adjustment may authorize a variance, if such variance can be made without destroying the intent of this Ordinance. Any variance thus authorized is required to be entered in writing in the Minutes of the Zoning Board of Adjustment and the reasoning on which the departure was justified set forth.

PART II. MAJOR AND MINOR SUBDIVISIONS

Section 21-8: Plat Shall be Required on Any Subdivision of Land

Pursuant to NCGS 160A-372, a final plat shall be prepared, approved, and recorded pursuant to the provisions of this Ordinance whenever any subdivision of land takes place.

Section 21-9: Approval Prerequisite to Plat Recordation

Pursuant to NCGS 160A-373, no final plat of a subdivision within the jurisdiction of the Town, as established in Section 1-3 of this Ordinance, shall be recorded by the Register of Deeds of Pitt County until it has been approved as provided herein. To secure any approval of a final plat, the subdivider shall follow the procedures established in this Article.

Section 21-10: Procedures for Review of Major and Minor Subdivisions

All subdivisions shall be considered major subdivisions except those defined as minor subdivisions by Section 2-2. Major subdivisions shall be reviewed in accordance with the

procedure in Sections 21-12, 21-13, and 21-14. Minor subdivisions shall be reviewed in accordance with the provisions in Section 21-11. However, if the subdivider owns, leases, holds an option on, or holds any legal or equitable interest in any property adjacent to or located directly across a street, easement, road, or right-of-way from the property to be subdivided, the subdivision shall not qualify under the minor subdivision procedure. Furthermore, the minor subdivision procedure may not be used a second time within three (3) years on any property less than fifteen hundred (1,500) feet from the original property boundaries by anyone who owned, had an option on, or any legal interest in the original subdivision at the time the subdivision received preliminary or final plat approval.

Section 21-11: Procedure for Review of Minor Subdivisions

- (A) The subdivider shall submit a sketch plan showing all structures and easements on the property to be subdivided along with the final plat so marked to the Administrator for approval. The final plat shall be prepared by a Registered Land Surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in NCGS 47-30 and the Standards of Practice for Land Surveying in North Carolina.
- (B) Five (5) copies of the final plat shall be submitted; two (2) of these shall be on reproducible material; three (3) shall be black or blue line paper prints. Material and drawing medium for the original shall be in accordance with the Standards of Practice for Land Surveying in North Carolina.
- (C) The final plat shall be of a size suitable for recording with the Pitt County Register of Deeds and shall be at a scale of not less than one (1) inch equals two hundred (200) feet. Maps may be placed on more than one sheet with appropriate match lines.
- (D) Submission of the final plat shall be accompanied by a filing fee as set forth in the Town's Fee Schedule. The final plat shall meet the specifications of this Section. The following signed certificate shall appear on all five (5) copies of the final plat.
 - (1) *Certificate of Ownership and Dedication.* I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the Town of Ayden and that I hereby adopt this plan of subdivision with my free consent and establish minimum building setback lines as noted.

Owner

Date

- (2) *Certificate of Survey and Accuracy.* In accordance with NCGS 47-30: There shall appear on each plat a certificate by the person under whose supervision such survey or such plat was made, stating the origin of the information shown on the plat,

including recorded deed and plat references shown thereon. The ratio of precision as calculated by latitudes and departures before any adjustments must be shown. Any lines on the plat that were not actually surveyed must be clearly indicated and a statement included revealing the source of information. The execution of such certificate shall be acknowledged before any officer authorized to take acknowledgments by the registered land surveyor preparing the plat. All plats to be recorded shall be probated as required by law for the registration of deeds. Where a plat consists of more than one sheet, only the first sheet must contain the certification and all subsequent sheets must be signed and sealed.

The certificate required above shall include the source of information for the survey and data indicating the accuracy of closure of the plat before adjustments, and shall be in substantially the following form:

"I, _____, certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (deed description recorded in Book ___, Page ___, etc.) (other); that the boundaries not surveyed are shown as broken lines plotted from information found in Book ___, Page ___; that this plat was prepared in accordance with NCGS 47-30 as amended. Witness my original signature, registration number and seal this ___ day of _____, A.D. 20__." (within thirty days or it becomes void)

Surveyor

{Seal or Stamp}

Registration Number

The certificate of the Notary shall read as follows:

"North Carolina, _____ County

I, a Notary Public of the County and State aforesaid, certify that _____, a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this ___ day of _____, 20__.

Notary Public

{Seal or Stamp}

My Commission expires _____."

- (E) The Administrator shall review the final plat and shall proceed with approval, conditional approval with modifications to bring the plat into compliance, or disapproval of the final plat with reasons within twenty-eight (28) days of initial receipt of the plat.
- (F) During review of the final plat, the Administrator may appoint an engineer or surveyor to confirm the accuracy of the final plat. If errors are found which make the plat non-recordable, the costs shall be charged to the subdivider, and the plat shall not be recommended for approval until such errors have been corrected.
- (G) If the Administrator approves the final plat, he shall secure all required Town signatures and transmit the final plat to the subdivider for recording with the Pitt County Register of Deeds office.
- (H) If the Administrator recommends conditional approval of the final plat with modifications to bring the plat into compliance, he shall retain one (1) print of the plat for the Town's records and return his written recommendation and two (2) reproducible copies of the plat to the subdivider.
- (I) If the Administrator disapproves the final plat, he shall instruct the subdivider concerning resubmission of a revised plat, and the subdivider may make such changes as will bring the plat into compliance with the provisions of this Ordinance and resubmit same for reconsideration by the Administrator.
- (J) Failure of the Administrator to approve or make a written recommendation within twenty-eight (28) days after receipt of the subdivision plat shall constitute grounds for the subdivider to apply to the Board of Commissioners for approval.
- (K) If the Administrator approves the final plat, such approval shall be shown on each copy of the plat by the following signed certificate:

(1) *Certificate of Approval for Recording.* I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Town of Ayden, North Carolina, and that this plat has been approved by the Administrator for recording in the Office of the Register of Deeds of Pitt County.

Administrator

Date

Ayden, North Carolina

- (L) If the final plat is disapproved by the Administrator, the reasons for such disapproval shall be stated in writing, specifying the provisions of this Ordinance with which the final plat

does not comply. One (1) copy of such reasons and one (1) copy of the plat shall be retained by the Administrator for record; one (1) copy of the reasons and three (3) copies of the plat shall be transmitted to the subdivider. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance and resubmit same for reconsideration by the Administrator.

(M) If the final plat is approved by the Administrator, the original tracing and two (2) prints of the plat shall be retained by the subdivider. One (1) reproducible tracing and one (1) print shall be filed with the Town Clerk.

(N) The subdivider shall file the approved final plat with the Register of Deeds of Pitt County within six (6) months of Administrator approval; otherwise, such approval shall be null and void.

Section 21-12: Major Subdivision Preliminary Plat Submission and Review

(A) *Submission Procedure.* Eleven (11) copies of the preliminary plat (as well as any additional copies which the Administrator determines are needed to be sent to other agencies) shall be submitted to the Administrator of this Ordinance at least twenty (20) days prior to the Planning Board meeting at which the subdivider desires the Planning Board to review the preliminary plat. Preliminary plats shall meet the specifications in Section 21-15.

For every subdivision within the territorial jurisdiction established by Section 1-3 of this Ordinance which does not qualify for the minor subdivision procedure, the subdivider shall submit a preliminary plat which shall be reviewed by the Administrator and then the Planning Board and approved by the Board of Commissioners before any construction or installation of improvements may begin.

(B) *Review by Other Agencies.* The Administrator may submit copies of the plat to the following agencies and individuals for review and comment:

- (1) Superintendent of Schools when residential subdivision is involved.
- (2) County Health Director when septic systems are involved.
- (3) DOT District Engineer.
- (4) Town Engineer.
- (5) Town of Ayden Department Heads.

(C) *Review Procedures.*

(1) The Administrator shall receive the preliminary plat twenty (20) days prior to the next scheduled meeting of the Planning Board. The Administrator shall review the

preliminary plat for administrative requirements within ten (10) days and provide comments to the applicant, if necessary.

- (2) The Administrator shall recommend to the Planning Board approval, conditional approval with recommended changes to bring the plat into compliance, or disapproval with reasons.
- (3) If the Planning Board recommends approval of the preliminary plat, copies of the plat shall be submitted to the Board of Commissioners.
- (4) If the Planning Board recommends conditional approval of the preliminary plat, copies of the plat and the recommendation shall be transmitted to the Board of Commissioners.
- (5) If the Planning Board recommends disapproval of the preliminary plat, copies of the plat and the Planning Board's recommendation shall be transmitted to the Board of Commissioners, and a copy of the plat and Planning Board's recommendation submitted to the subdivider.
- (6) If the Planning Board does not make a written recommendation within forty-five (45) days after its first consideration of the plat, the subdivider may apply to the Board of Commissioners for approval or disapproval.
- (7) If the Board of Commissioners approves the preliminary plat, such approval shall be noted on two (2) copies of the plat. One (1) copy of the plat shall be retained by the Town, and one (1) copy shall be returned to the subdivider. If the Board of Commissioners approves the preliminary plat with conditions, approval shall be noted on two (2) copies of the plat along with a reference to the conditions. One (1) copy of the plat along with the conditions shall be retained by the Town, and one (1) copy of the preliminary plat along with the conditions shall be returned to the subdivider. If the Board of Commissioners disapproves the preliminary plat, the reasons for such disapproval shall be specified in writing. One (1) copy of the plat and the reasons shall be retained by the Town, and one (1) copy shall be returned to the subdivider. The subdivider may make the necessary revisions and submit a revised preliminary plat to the Administrator.

Section 21-13: Construction Plans, Permits, and Pre-sale of Lots

- (A) After approval of the preliminary plan, the subdivider shall work directly with the Administrator in the preparation and final design of construction plans for the installation of the improvements as required by this Ordinance. The subdivider shall concurrently secure a sedimentation and erosion control permit.

- (B) Upon satisfactory completion of the construction plans, the Administrator shall issue a construction permit for the installation of the required improvements in accordance with the approved preliminary plan and the design standards as specified by this Ordinance.
- (C) In accordance with G.S. 160A-372(c), S. 814, Sec. 2, the subdivider may enter into contracts to sell or lease lots that have received preliminary plat approval. Consumer purchasers of pre-sold lots are entitled to a copy of the preliminary plat and various disclosures when their contract is executed.*

Section 21-14: Major Subdivision Final Plat Submission and Review

- (A) *Preparation of Final Plat and Installation of Improvements.* Upon approval of the preliminary plat by the Board of Commissioners, the subdivider may proceed with the preparation of the final plat, and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this Ordinance. Prior to approval of a final plat, the subdivider shall have installed the improvements specified in this Ordinance, or guaranteed their installation as provided herein. No final plat will be accepted for review by the Planning Board or the Board of Commissioners unless accompanied by written notice by the Administrator acknowledging compliance with the improvement and guaranteeing standards of this Ordinance. The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at this time; such portion shall conform to all requirements of this Ordinance.
- (B) *Improvements Guarantees.*
 - (1) *Agreement and Security Required.* In lieu of requiring the completion, installation, and dedication of all improvements prior to final plat approval, the Town may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements. Once said agreement is signed 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. To secure this agreement, the subdivider shall provide, subject to the approval of the Board of Commissioners, either one or a combination of the following guarantees equal to 1.25 times the entire cost as provided herein:
 - (a) *Surety Performance Bond(s).* The subdivider shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina. The bond(s) shall be payable to the Town of Ayden, and shall be in amount equal to 1.25 times the entire cost, as estimated by the subdivider and approved by the Board of Commissioners, of installing all required improvements. The duration of the bond(s) shall be until such time as the improvements are accepted by the Board of Commissioners.
 - (b) *Cash or Equivalent Security.* The subdivider shall deposit cash, an irrevocable letter of credit, or other instrument readily convertible into cash at face value,

either with the Town of Ayden or in escrow with a financial institution designated as an official depository of the Town. The use of any instrument other than cash shall be subject to the approval of the Board of Commissioners. The amount of deposit shall be equal to 1.25 times the cost, as estimated by the subdivider and approved by the Board of Commissioners, of installing all required improvements.

If cash or other instrument is deposited in escrow with a financial institution as provided above, then the subdivider shall file with the Board of Commissioners an agreement between the financial institution and himself guaranteeing the following:

1. That such escrow account shall be held in trust until released by the Board of Commissioners, and may not be used or pledged by the subdivider in any other matter during the term of the escrow; and
2. That in the case of a failure on the part of the subdivider to complete said improvements, the financial institution shall, upon notification by the Board of Commissioners, and submission by the Board of Commissioners to the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately either pay to the Town the funds estimated to complete the improvement, up to the full balance of the escrow account, or deliver to the Town any other instruments fully endorsed or otherwise made payable in full to the Town.

(2) *Default.* Upon default, meaning failure on the part of the subdivider to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety, or the financial institution holding the escrow account, shall, if requested by the Board of Commissioners, pay all or any portion of the bond or escrow fund to the Town of Ayden, up to the amount needed to complete the improvements based on an engineer's estimate. Upon payment, the Board of Commissioners, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The Town shall return to the subdivider any funds not spent in completing the improvements.

(3) *Release of Guarantee Security.* The Board of Commissioners may release a portion of any security posted as the improvements are completed. If the Board of Commissioners approves said improvements, then it shall immediately release any security posted.

(C) *Submission Procedure.*

- (1) The subdivider shall submit the final plat, so marked, to the Administrator not less than twenty (20) days prior to the Planning Board meeting at which it will be reviewed;

further, the final plat for the first stage of the subdivision shall be submitted not more than twenty-four (24) months after the date on which the preliminary plat was approved; otherwise such approval shall be null and void, unless a written extension of this limit is granted by the Board of Commissioners upon written request of the subdivider on or before the twenty-four (24) month anniversary of the approval. For subdivisions developed in stages, each successive final plat for a stage of the subdivision shall be submitted for approval within twenty-four (24) months of the date of approval of the previous final plat for a stage of the subdivision.

- (2) The final plat shall be prepared by a Registered Land Surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provision for plats, subdivisions, and mapping requirements set forth in NCGS 47-30 and the Standards of Practice for Land Surveying in North Carolina.
- (3) Five (5) copies of the final plat shall be submitted, two (2) of these shall be on reproducible material, three (3) shall be in accordance with the Standards of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the Pitt County Register of Deeds.
- (4) The final plat shall be of a size suitable for recording with the Pitt County Register of Deeds and shall be at a scale of not less than one (1) inch equals two hundred (200) feet. Maps may be placed on more than one sheet with appropriate match lines.
- (5) Submission of the final plat shall be accompanied with a filing fee as set forth in the Town's fee schedule in addition to an electronic copy of the plat (diskette or CD) in dwg or .dxf (AutoCad) format. The final plat shall meet the specifications in Section 20-15 of this Ordinance.*
- (6) The following signed certificates shall appear on all five (5) copies of the final plat.

(a) *Certificate of Ownership and Dedication.* I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the Town of Ayden and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parks, open space, and other sites and easements to public or private use as noted. Furthermore, I hereby dedicate all sanitary sewer, storm sewer, and water lines to the Town of Ayden.

Owner

Date

(b) *Certificate of Survey and Accuracy.* In accordance with NCGS 47-30: There shall appear on each plat a certificate by the person under whose supervision such survey or such plat was made, stating the origin of the information shown on the

plat, including recorded deed and plat references shown thereon. The ratio of precision as calculated by latitudes and departures before any adjustments must be shown. Any lines on the plat that were not actually surveyed must be clearly indicated and a statement included revealing the source of information. The execution of such certificate shall be acknowledged before any officer authorized to take acknowledgments by the registered land surveyor preparing the plat. All plats to be recorded shall be probated as required by law for the registration of deeds. Where a plat consists of more than one sheet, only the first sheet must contain the certification and all subsequent sheets must be signed and sealed.

The certificate required above shall include the source of information for the survey and data indicating the accuracy of closure of the plat before adjustments, and shall be in substantially the following form:

"I, _____, certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (deed description recorded in Book ___, Page ___, etc.) (other); that the boundaries not surveyed are shown as broken lines plotted from information found in Book ___, Page ___; that this plat was prepared in accordance with NCGS 47-30 as amended. Witness my original signature, registration number and seal this ___ day of _____, A.D. 20__." (within thirty days or it becomes void)

{Seal or Stamp}

Surveyor

Registration Number

The certificate of the Notary shall read as follows:

"North Carolina, _____ County

I, a Notary Public of the County and State aforesaid, certify that _____, a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this ___ day of _____, 20__.

{Seal or Stamp}

Notary Public

My Commission expires _____."

(c) *Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements.* I hereby certify that all streets, utilities, and other

required improvements have been installed in accordance with NC Department of Transportation specifications and standards, or that guarantees of the installation of the required improvements in an amount and manner satisfactory to the Town of Ayden has been received, and that the filing fee for this plat as set forth in the Town's fee schedule, has been paid.

Administrator, Town of Ayden

Date

(d) *Certificate of Disclosure; Pitt County Floodplain Management Regulations*, if applicable, to be signed by owner: I (we) hereby certify that prior to entering any agreement or any conveyance with a prospective buyer, I (we) shall prepare and sign, and the buyer of the subject real estate shall receive and sign a statement which fully and accurately discloses that the subject real estate, or a portion of the subject real estate, is located within a flood hazard area and that the buyer must satisfy the requirements of the Pitt County floodplain management regulations prior to the issuance of building permits.

Date

Owner's Signature

Owner's Signature

(e) *Acknowledgment of Compliance (Private Developments)*. I, _____, (name of developer and/or seller) hereby certifies that the streets, parks, open space, or other areas delineated hereon and dedicated to private use, and all traffic markings and control devices shall not be the responsibility of the public or the municipality, acting on behalf of the public, to maintain. Furthermore, prior to entering any agreement or any conveyance with any prospective buyer, I shall prepare and sign, and the buyer of the subject real estate shall receive and sign, an acknowledgment of receipt of a disclosure statement. The disclosure statement shall fully and completely disclose the private areas and include an examination of the consequences and responsibility as to the maintenance of the private areas, and shall fully and accurately disclose the party or parties upon whom the responsibility for construction and maintenance of such private areas shall rest.

Date

Signature of Developer and/or Seller

Signature of Developer and/or Seller

(f) *Street Maintenance Disclosure.* Maintenance of the public street(s) shown on this plat is (are) intended to be the responsibility of the NC Department of Transportation or Town of Ayden, provided that all requirements for acceptance are met. Until such time as the NCDOT or Town of Ayden accepts the street(s), I (we) will provide for necessary maintenance. (NOTE: This statement shall not serve as a substitute for any other statutory disclosure requirements.)

Date

Owner(s) Signature

This certification, depending on the circumstances, may or may not be applicable.

(g) Notwithstanding any other provision contained in this section, it is the duty of the surveyor, by a certificate on the face of the plat, to certify to one of the following:

1. That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
2. That the survey is located in such portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;
3. That the survey is of an existing parcel or parcels of land;
4. That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, and other exception to the definition of a subdivision;
5. That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of his or her professional ability as to provisions contained in Section 21-14(C)(6)(a) through (C)(6)(e) above.

However, if the plat contains the certificate of a surveyor as stated in 1., 4., or 5., above, then the plat shall have, in addition to said surveyor's certificate, a certification of approval, or no approval required, as may be required by local ordinance from the appropriate government authority before the plat is presented for recordation. If the plat contains the certificate of a surveyor as stated in 2., and 3., above, nothing shall prevent the recordation of the plat if all other provisions have been met.

- (7) The Planning Board shall review the final plat at or before the next regularly scheduled meeting which follows at least twenty (20) days after the Administrator receives the final plat and shall recommend approval, conditional approval with modifications to bring the plat into compliance, or disapproval of the final plat with reasons within forty-five (45) days of its first consideration.

- (8) During its review of the final plat, the Planning Board may appoint a registered land surveyor to confirm the accuracy of the final plat, if agreed to by the Town Manager. If errors are found which make the plat non-recordable, the costs shall be charged to the subdivider, and the plat shall not be recommended for approval until such errors have been corrected.
- (9) If the Planning Board recommends approval of the final plat, it shall transmit all copies of the plat and its written recommendations to the Board of Commissioners through the Administrator.
- (10) If the Planning Board recommends conditional approval of the final plat with modifications to bring the plat into compliance, it shall retain one (1) print of the plat for its minutes, return its written recommendation and two (2) reproducible copies of the plat to the subdivider, and transmit one (1) print of the plat and its written recommendation to the Board of Commissioners through the Administrator.
- (11) If the Board of Commissioners disapproves the final plat, the reasons for such disapproval shall be specified in writing. One (1) copy of the plat and the reasons shall be retained by the Town, and one (1) copy shall be returned to the subdivider. The subdivider may make the necessary revisions and submit a revised final plat to the Administrator.
- (12) Failure of the Planning Board to make a written recommendation within forty-five (45) days shall constitute grounds for the subdivider to apply to the Board of Commissioners for approval.
- (13) The Board of Commissioners shall review and approve or disapprove the final plat within forty-five (45) days after the plat and recommendations of the Planning Board have been received by the Administrator.
- (14) If the Board of Commissioners approves the final plat, such approval shall be shown on each copy of the plat by the following signed certificate:

Certificate of Approval for Recording. I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Town of Ayden, North Carolina, and that this plat has been approved by the Board of Commissioners for recording in the Office of the Register of Deeds of Pitt County.

Administrator

Date

Ayden, North Carolina

- (15) If the final plat is disapproved by the Board of Commissioners, the reasons for such disapproval shall be stated in writing, specifying the provisions of this Ordinance with which the final plat does not comply. One (1) copy of such reasons and one (1) copy of the plat shall be retained by the Board of Commissioners as part of its proceedings; one (1) copy of the reasons and three (3) copies of the plat shall be transmitted to the subdivider. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance and resubmit same for reconsideration by the Planning Board and Board of Commissioners.
- (16) If the final plat is approved by the Board of Commissioners, the original tracing and one (1) print of the plat shall be returned to the subdivider and two (2) prints shall be retained by the Zoning Administrator.
- (17) The subdivider shall file the approved final plat with the Register of Deeds of Pitt County within thirty (30) days of the Board of Commissioners' approval; otherwise, such approval shall be null and void.
- (18) No final plat shall be approved until the subdivider has installed in the area represented on the final plat all improvements required by this Ordinance, including but not limited to, the plans for utility layout, sanitary sewers, storm sewers, water distribution lines, natural gas, telephone and electric service, illustrating connections to existing systems or plans for individual water supply systems and/or sewerage disposal systems. Plans must show line sizes, the location for fire hydrants, blowoffs, manholes, pumps, force mains, and gate valves, or shall have guaranteed their installation as provided in Section 21-14(B).*

Section 21-15: Information to be Contained in or Depicted on Major Preliminary and All Final Plats

The preliminary and final plats shall depict or contain the information indicated in the following table. An "x" indicates that the information is required.

Information	Preliminary Plat	Minor Final Plat	Major Final Plat
Title Block Containing:			
-Property Designation	x	x	x
-Name of Owner	x	x	x
-Location (including township, county, and state)	x	x	x
-Date or dates survey was conducted and plat prepared	x	x	x
-A scale of drawing in feet per inch listed in words or figures	x	x	x
-A bar graph			
-Name, address, registration number, and seal of the Registered Land Surveyor	x	x	x
	x	x	x
The name of the subdivider	x	x	x
A sketch vicinity map showing the relationship between the proposed subdivision and surrounding area. Scale: 1" = 400'	x	x	x

Corporate limits, township boundaries, county lines if on the subdivision tract	x	x	x
The names, addresses, and telephone numbers of all owners, mortgagees, registered land surveyors, land planners, architects, landscape architects, and professional engineers responsible for the subdivision	x	x	x
The registration numbers and seals of the professional engineers	x	x	x
Date of plat preparation	x	x	x
North arrow and orientation	x	x	x
The boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented with all bearings and distances shown	x	x	x
The names of owners of adjoining property	x	x	x
The names of any adjoining subdivisions of record or proposed and under review	x	x	x
Building line minimum	x	x	x
The zoning classifications of the tract to be subdivided and adjoining properties	x	x	x
Scale: 1" = 100' or less	x	x	x
Existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining	x		
Proposed lot lines, lot and block numbers, and approximate dimensions	x	x	x
The lots numbered consecutively throughout the subdivision	x	x	x
Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site	x		
100-year floodplain delineation	x	x	x
The exact location of the flood hazard, floodway, and floodway fringe areas from the Pitt County Official Flood Insurance Map	x	x	x
The following data concerning streets:			
–Proposed public streets	x		x
–Proposed private streets	x		x
–Existing and platted streets on adjoining properties and in the proposed subdivision	x		x
–Rights-of-way, location, and dimensions in accordance with Section 20-20 of this Ordinance	x		x
–Pavement widths	x		x
–Approximate grades	x		x
–Design engineering data for all corners and curves	x		x
–Typical street cross-sections	x		x
–Street names	x		x

-Type of street dedication; all streets must be designated "public." The subdivider must submit all public street plans to the Administrator for approval prior to preliminary plat approval. Where public streets are involved which will not be dedicated to the Town of Ayden, the subdivider must submit the following documents to the NC Department of Transportation District Highway Office for review: a complete site layout, including any future expansion anticipated; horizontal alignment indicating general curve data on site layout plan; vertical alignment indicated by percent grade, PI station and vertical curve length on site plan layout; the District Engineer may require the plotting of the ground profile and grade line for roads where special conditions or problems exist; typical section indicating the pavement design and width and the slopes, widths, and details for either the curb and gutter or the shoulder and ditch proposed; drainage facilities and drainage areas	x		x
-Where streets are dedicated to the public, but not accepted into the Town of Ayden system or the state system before lots are sold, a statement explaining the status of the street in accordance with Sections 20-13 and 20-20(D) of this Ordinance			x
-If any street is proposed to intersect with a state-maintained road, the subdivider shall apply for driveway approval as required by the North Carolina Department of Transportation, Division of Highways' Manual on Driveway Regulations. Evidence that the subdivider has obtained such approval	x		
The location and dimension of all of the following, if proposed:			
-Utility and other easements	x	x	x
-Riding trails	x		x
-Natural buffers	x		x
-Pedestrian or bicycle paths	x		x
-Parks and recreation areas with specific type indicated	x		x
-Areas to be dedicated to or reserved for public use	x		x
-Areas to be used for purposes other than residential with the zoning classification of each stated	x		x
-The future ownership (dedication or reservation for public use to governmental body, for owners to duly constituted homeowners' association, or for tenants remaining in subdivider's ownership) of recreation and open space lands	x		
The plans for utility layouts including: -Sanitary sewers -Storm sewers -Other drainage facilities, if any -Water distribution lines -Natural gas lines -Telephone lines -Electric lines illustrating connections to existing systems, showing line sizes, the location of fire hydrants, blowoffs, manholes, force mains, and gate valves	x x x x x x x		

Plans for individual water supply and sewage disposal systems, if any	x		
-Profiles based upon Mean Sea Level datum for sanitary sewers and storm sewers	x		
Site calculations including:			
-Acreage in total tract to be subdivided	x	x	
-Acreage in parks and recreation and open space areas and other nonresidential areas	x		
-Total number of parcels created	x		
-Acreage in the smallest lot in the subdivision	x		
-Sufficient engineering data to determine readily and reproduce on the ground every straight or curved 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 distance for the center line of curved property lines that are not the boundary line of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute			x
-The accurate locations and descriptions of all monuments, markers, and control points		x	x
-A copy of any proposed deed restrictions or similar covenants. Such restrictions are mandatory when private recreation areas or open space areas are established	x	x	x
-Where land disturbing activity is an acre or more in size, a copy of the erosion control plan submitted to the appropriate office of the North Carolina Department of Environment and Natural Resources, which complies with NCGS 113A, Article 4 (Sedimentation Pollution Control Act of 1973). Evidence of approval must be provided prior to construction stage submittal of a final plat for approval	x		
-Topographic maps with contour intervals of no greater than five (5) feet at a scale of no less than one (1) inch equals four hundred (400) feet	x		
-404 wetland areas as determined by the Wilmington District office of the U.S. Army Corps of Engineers	x	x	x
-All certifications required in Section 20-11 or 20-14		x	x
-Any other information considered by either the subdivider, the Planning Board, or Board of Commissioners, to be pertinent to the review of the plat	x	x	x
-All mapping shall comply with NCGS 47-30	x		x

Section 21-16: Nullification of Plat or Portion of a Subdivision

(A) Any plat or any part of any subdivision may be nullified by the owner at any time before the sale of any lot in the subdivision by a written instrument to which a copy of such plat shall be attached, declaring the same to be vacated.

- (B) Such an instrument shall be approved by the same agencies as approved the final plat. The governing body may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys.
- (C) Such an instrument shall be executed, acknowledged or approved, and recorded and filed in the same manner as a final plat; and being duly recorded or filed, shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.
- (D) When lots have been sold, the plat may be nullified in the manner provided in Sections (A) through (C) above, by all owners of the lots in such plat joining in the execution of such writing.

Section 21-17: Resubdivision Procedures

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

Section 21-18: Construction Procedures

- (A) No construction or installation of improvements shall commence in a proposed subdivision until in a proposed subdivision until the preliminary plat has been approved, and all plans and specifications have been approved by the appropriate authorities.
- (B) No building, zoning, or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this Ordinance until the final plat has been approved and recorded. The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the Administrator of this Ordinance to provide for adequate inspection. The approving authorities having jurisdiction, or their representatives, shall inspect and approve all completed work prior to release of the sureties.
- (C) *As-Built Drawings Required.* Whenever a developer installs or causes to be installed any utility line in any public right-of-way, the developer shall, as soon as practicable after installation is complete, and before acceptance of any water or sewer line, furnish the town with a copy of a drawing that shows the exact location of such utility lines. Such drawings must be verified as accurate by the utility service provider. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing such development.

Section 21-19: Home Owner's Associations*

- (A) No final plat shall be approved until all required legal instruments have been reviewed and approved by the Town as to compliance with the requirements of this Section and as to legal form and effect.

(B) If common open space or common facilities is/are deeded to, or are otherwise to be maintained by, a home owners' association, the owner or developer shall file a declaration of covenants, conditions, and restrictions that will govern such association. The provisions of such declaration of covenants, conditions, and restrictions shall include, but not be limited to, the following:

- (1) The home owners' association must be established before any property is sold in the development;
- (2) Membership must be mandatory and automatic when property is purchased in the development;
- (3) The common open space or common facilities requirement must be maintained in perpetuity, not just for a period of years;
- (4) The association must be responsible for liability insurance, ad-valorem taxes and assessments, and maintenance of common open space and common facilities;
- (5) Home owners must pay their pro rata share of the cost; the assessment levied by the association can become a lien on the property of the home owner;
- (6) The association must be able to adjust the assessment to meet changing needs;
- (7) Covenants for maintenance assessments shall run with the land;
- (8) Provision insuring that control of such association will be gradually and totally vested in the homeowner's association; and
- (9) All lands so conveyed shall be subject to the right of each grantee or grantees to enforce maintenance and improvement of the common facilities.

PART III. DESIGN STANDARDS

Section 21-20: Conformity to Existing Maps or Plans

In all new subdivisions, the street layout shall conform to the arrangement, width, and location indicated on any official plans for the Town of Ayden or for the planning area. In instances where such plans have not been completed, the streets shall be designed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, and to the proposed use of land to be served by such streets.

All subdivisions of property, planned building groups, and conditional use permits shall be designed and approved to accommodate right-of-way(s) for proposed Town of Ayden, North Carolina Department of Transportation, and federal road improvements or construction of new

roads as shown in the Town of Ayden Comprehensive Plan, the Greenville Urban Area Thoroughfare Plan, or in the North Carolina Department of Transportation - Transportation Improvement Plan.*

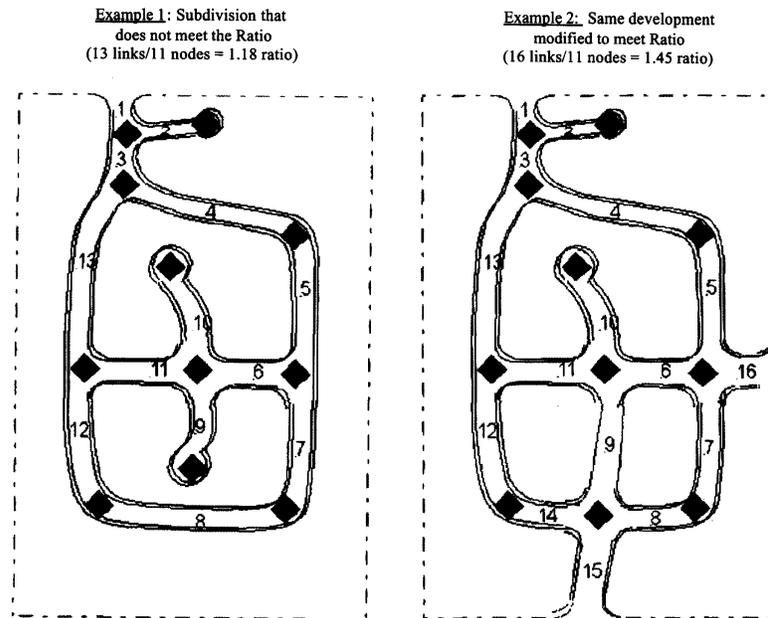
Section 21-21: Streets

(A) *Coordination and Continuation of Streets.* The proposed street layout within a subdivision shall be coordinated with the existing street system of the surrounding area, and where possible, existing principal streets shall be extended.

(B) *Street Connectivity Requirements.*

- (1) The Board of Commissioners hereby finds and determines that an interconnected street system is necessary in order to protect the public health, safety, and welfare in order to ensure that streets will function in an interdependent manner, to provide adequate access for emergency and service vehicles, to enhance non-vehicular travel such as pedestrians and bicycles, and to provide continuous and comprehensible traffic routes.
- (2) All proposed streets shall be continuous and connect to existing or platted streets without offset with the exception of cul-de-sacs as permitted and except as provided below. Whenever practicable, provisions shall be made for the continuation of planned streets and utilities into adjoining areas. Additionally, the Board of Commissioners may require a proposed street to extend to an adjacent property line when it finds that the future extension of the street through the adjacent property will provide a desirable link in the area's street network.*
- (3) The street network for any subdivision shall achieve a connectivity ratio of not less than 1.40 (see example in Figure 1). The phrase "connectivity ratio" means the number of street links divided by the number of nodes or link ends, including cul-de-sac heads. A "link" means and refers to that portion of a street defined by a node at each end or at one end. Approved stubs to adjacent property shall be considered links. However, alleys shall not be considered links. A "node" refers to the terminus of a street or the intersection of two (2) or more streets, except that intersections that use a traffic circle shall not be counted as a node. For the purposes of this section, an intersection shall be defined as:
 - (a) Any curve or bend of a street that fails to meet the minimum curve radius as established in the current NCDOT Design Standards, or
 - (b) Any location where street names change (as reviewed and approved by the Administrator).

Figure 1



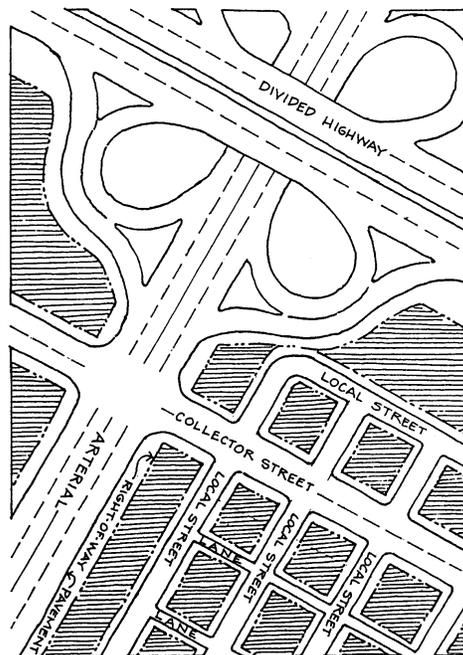
- (4) For the purposes of this section, the street links and nodes within the collector or thoroughfare streets providing access to a proposed subdivision shall not be considered in computing the connectivity ratio.
- (5) Residential streets shall be designed so as to minimize the length of local streets, to provide safe access to residences with minimal need for steep driveways and to maintain connectivity between and through residential neighborhoods for autos and pedestrians.
- (6) Where necessary to provide access or to permit the reasonable future subdivision of adjacent land, rights-of-way, and improvements shall be extended to the boundary of the development. A turnaround is required on any dead end 500 feet or greater in length. The platting of partial width rights-of-way shall be prohibited except where the remainder of the necessary right-of-way has already been platted, dedicated, or established by other means (see Section 21-21 (E)).
- (7) *Exemption.* New subdivisions that intend to provide one new cul-de-sac street shall be exempt from the connectivity ratio standard as set forth in this Section, provided the Administrator determines that there is:
 - (a) No options for providing stub streets due to topographic conditions, adjacent developed sites, or other limiting factors; and
 - (b) Interconnectivity (use of a looped road) within the development cannot be achieved or is unreasonable based on the constraints of the property to be developed.

- (C) *Frontage Roads.* Where a tract of land to be subdivided adjoins a principal arterial street, the subdivider may be required to provide a marginal access street parallel to the arterial street or reverse frontage on a minor street for the lots to be developed adjacent to the arterial street. Where reverse frontage is established, private driveways shall be prevented from having direct access to the arterial street.
- (D) *Subdivision Street Disclosure Statement.* All streets shown on the final plat shall be designated in accordance with NCGS 136-102.6, and designation as public shall be conclusively presumed an offer of dedication to the public. Where streets are dedicated to the public but not accepted into a municipal or the state system, before lots are sold, a statement explaining the status of the street shall be included with the final plat.
- (E) *Half-Streets.* The dedication of half streets at the perimeter of a new subdivision shall be prohibited. If circumstances render this impractical, adequate provision for the concurrent dedication of the remaining half of the street shall be furnished by the subdivider. Where there exists a half-street in an adjoining subdivision, the remaining half shall be provided by the proposed development.
- (F) *Street Names.* Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided, and in no case shall the proposed name be phonetically similar to existing names irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be subject to the approval of the Board of Commissioners, and must be coordinated with 911 addressing office.
- (G) *Collector and Minor Streets.* Collector and minor streets shall be so laid out that their use by through traffic will be discouraged. Streets shall be designed or walkways dedicated to assure convenient access to parks, playgrounds, schools, and other places of public assembly.
- (H) *Design Standards.* The design of all streets and roads within the jurisdiction of this Ordinance shall be in accordance with the accepted policies of the North Carolina Department of Transportation, Division of Highways, as taken or modified from the American Association of State Highway Officials (AASHO) manuals. The NC Department of Transportation, Division of Highways' Subdivision Roads, Minimum Construction Standards, January 2000, or the current NC Department of Transportation Standard Specifications for Roads and Structures, shall apply for any items not included in this Ordinance, or where stricter than this Ordinance.
- (I) *Nonresidential Streets.* The subdivider of a nonresidential subdivision shall provide streets in accordance with I.F.-4 of the North Carolina Roads, Minimum Construction Standards, January 2000; or current applicable North Carolina Department of Transportation Standard Specifications for Roads and Structures; and the standards of this Ordinance, whichever are stricter in regard to each particular item.

(J) *Right-of-Way Widths.* Right-of-way widths shall not be less than the following:

Arterials	80 feet **
Collector streets	66 feet**
Local or minor streets	55 feet (curb and gutter)* 60 feet (drainage swells)
Marginal access streets	66 feet
Cul-de-sac	50 feet (curb and gutter)** 55 feet (drainage swells)
Cul-de-sac turnarounds	100 feet diameter
All streets located beyond the corporate limits of the Town and within one mile thereof	66 feet

The right-of-way widths prescribed above may be modified (increased or decreased) by the Planning Administrator when a particular street's right-of-way is identified in the Ayden Comprehensive Plan, the Greenville Urban Area Thoroughfare Plan, or in the North Carolina Department of Transportation Transportation Improvement Plan.**



(K) *Pavement Widths.* Pavement widths or graded widths shall be as follows:

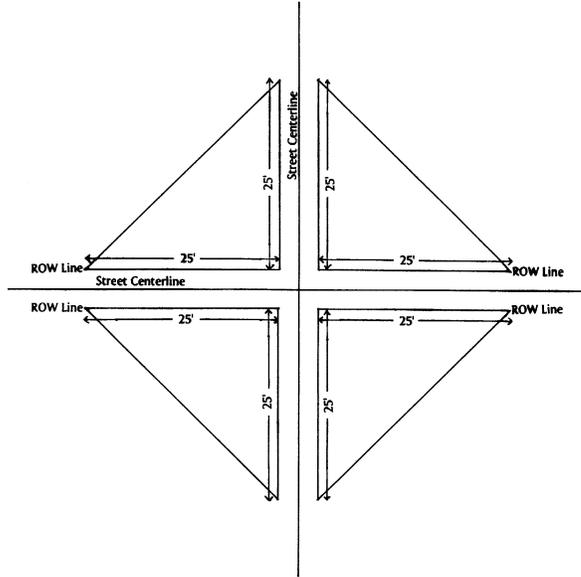
	<u>Streets with Curb and Gutter (measured face-to-face of curb)</u>	<u>Streets without Curb and Gutter</u>
Arterial or major streets	48 feet	44 feet
Collector streets	40 feet	36 feet
Local or minor streets	26 feet	24 feet
Marginal access streets	26 feet	24 feet
Cul-de-sac	26 feet	24 feet

The pavement widths prescribed above may be modified (increased or decreased) by the Planning Administrator when a particular street's proposed or preferred cross-section is identified in the Ayden Comprehensive Plan, the Greenville Urban Area Thoroughfare Plan, or in the North Carolina Department of Transportation Transportation Improvement Plan.*

(L) *Roads and Street Surfaces.* All public and private subdivision streets and roads shall be constructed and paved to meet the current requirements of the North Carolina Department of Transportation, Division of Highways' standards for state maintenance.

(M) *Street Intersections.* Street intersections shall be laid out as follows:

- (1) Streets shall intersect as nearly as possible at right angles and no street shall intersect at less than sixty (60) degrees.
- (2) Intersections with a major street or highway shall not be less than six hundred (600) feet apart, measured from centerline to centerline.
- (3) Property lines at street intersections shall be rounded with a minimum radius of twenty (20) feet. At an angle of intersection of less than ninety (90) degrees, a greater radius may be required by the Planning Board.
- (4) No planting, fence, or other obstruction to visibility of vehicles shall be erected, planted, maintained, or allowed to exist in any district within the range of three (3) feet to ten (10) feet above the centerline grades of the intersecting streets in the triangular area bounded by the street right-of-way lines of such corner lots and a line joining points along these street lines twenty-five (25) feet from the point of intersection.



(N) *Alleys.* An alley shall be provided to the rear of all lots used for other than residential purposes. Alleys are prohibited in residential blocks unless approved by the Planning Board. All alleys shall be constructed in accordance with Town specifications and standards and shall meet the following requirements:

Right-of-way width	20 feet
Minimum centerline radius when deflection angle of not more than ten (10) degrees occurs	35 feet
Property line radius at alley intersection	15 feet

(O) *Horizontal Curves.* Where a centerline deflection angle of more than ten (10) degrees occurs, a circular curve shall be introduced having a centerline radius of not less than the following:

Major streets	300 feet
Collector streets	200 feet
Local or minor streets	100 feet

Proper superelevation shall be provided for curves on major streets and highways to comply with NCDOT Design Standards.

(P) *Vertical Curves.* All vertical curves shall have such length as necessary to provide safe sight distance to comply with NCDOT Design Standards.

(Q) *Cul-De-Sac.* Permanent dead-end streets shall not exceed five hundred (500) feet in length unless adequate firefighting capability is in place in which case maximum length of street will be 1,000 feet and shall be provided with a turnaround having the dimensions stated above.

(R) *Blocks*. The maximum and minimum length and width of blocks shall be as follows:

(1) *Length*. Block lengths shall not exceed one thousand (1,000) feet nor be less than four hundred (400) feet. Where deemed necessary by the Planning Board, a pedestrian crosswalk of at least four (4) feet minimum in width shall be provided.

(2) *Width*. 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 nonresidential uses.

(3) *Variations*. Subject to the approval of the Planning Board, block lengths may be varied when, in the opinion of the Board, such variance is necessary and desirable for sound growth and development.

(S) *Minimum Number of Access Points*. Residential developments shall be required to provide access to their development in accordance with the following*:

(1) *Single Family and Duplex Developments*. *Single Family and Duplex Developments* containing more than thirty (30) dwelling units shall be required to provide a second approved access.

(2) *Multifamily Developments*. Multifamily developments containing more than one-hundred (100) dwelling units shall be required to provide a second approved access, except that when all proposed buildings and dwelling units are proposed to have sprinkler systems, then a second approved access is not required unless the development contains more than two-hundred (200) dwelling units.

(3) The Planning Board, upon consultation with the Fire Chief, may increase or decrease the number of approved accesses required by this Section. In doing so, the Planning Board shall consider the overall number of lots served by the street system, the proposed street system pattern, the number of proposed stub streets that may be extended in the future, the configuration of the tract of land and the amount of road frontage available.

(4) For the purpose of this Section, the following may qualify as a "second approved access" upon approval of the Planning Board.

(a) A public street constructed to town standards.

(b) A private street constructed to town standards.

(c) A private drive connecting to a public street or commercial development with an internal drive network leading to a public street (for multifamily developments only).

- (d) A public street that serves as the primary access may also serve as the second access if it has a divided median running from the subdivision entrance to the first non-dead end street within the development (for single family and duplex developments only). When this provision is utilized the following shall apply:
1. The median must be at least eight feet in width and be landscaped with a combination of trees and shrubs approved by the Planning Board.
 2. Each drive lane of the divided entrance street must have at least twenty (20) feet of pavement width and no on street parking shall be permitted along said street.
 3. An additional fifteen (15) feet of right-of-way shall be required for streets built to these standards.

(T) *Geometric Characteristics*. Shall comply with current NCDOT Design Standards.

(U) *Minimum Sight Distances*. Shall comply with current NCDOT Design Standards.

(V) *Design Speeds*. Shall comply with current NCDOT Design Standards.

(W) *PUD Streets*. A dense network of narrow streets with reduced curb radii may be fundamental to sound design. This network serves to both slow and disperse vehicular traffic and provide a pedestrian friendly atmosphere. Such alternate guidelines are encouraged in PUDs when the overall design ensures that non-vehicular travel is to be afforded every practical accommodation that does not adversely affect safety considerations. The overall function, comfort, and safety of a multi-purpose or "shared" street are more important than its vehicular efficiency alone.

PUDs should have a high proportion of interconnected streets, sidewalks, and paths. Streets and rights-of-ways are shared between vehicles (moving and parked), bicycles, and pedestrians. A dense network of PUD streets will function in an interdependent manner, providing continuous routes that enhance non-vehicular travel. Most PUD streets should be designed to minimize through traffic by the design of the street and the location of land uses. Streets should be designed to only be as wide as needed to accommodate the usual vehicular mix for that street while providing adequate access for moving vans, garbage trucks, fire engines, and school buses.

Section 21-22: Lots

Lot sizes, shapes, and locations shall be made with due regard to topographic conditions, contemplated use, and the surrounding area. Land subject to flooding and land deemed by the Planning Board to be uninhabitable for other reasons shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life, or property, or aggravate the flood hazard; but such land may be set aside for such uses as will not be endangered by periodic or occasional inundation, or will not produce unsatisfactory living

conditions. All lots shall conform, with the minimum standards or dimensions noted herein and those contained in an applicable zoning ordinance, building codes, or other official regulations.

(A) *Setbacks and Other Dimensional Requirements.* All lots shall conform to the Zoning Regulations for the Town of Ayden with respect to the minimum setback and dimensional requirements according to zoning district. These regulations should be consulted by the subdivider, and will be used by the Planning Board and Town Board of Commissioners in reviewing proposed subdivisions.

(B) *Double Frontage Lots.* Double frontage lots shall be avoided, except where required to separate residential development from through traffic and other forms of nonresidential development.

(C) *Requirements for Lots Not Having Public Water and Sewer Facilities.* Where public water and sewer facilities are not available and individual water supplies or individual sewage disposal systems are planned, the subdivider, at his own expense, shall have the site investigated under the supervision of the County Health Department or other person approved by the County Health Department to determine whether or not such individual facilities are feasible and shall present proof to the Planning Board that appropriate soil tests have been conducted and each lot in the subdivision not served by public water or sewage disposal systems has been approved by the County Health Department for individual water supplies and/or sewage disposal systems. The site investigation for sewage disposal shall include sufficient number of percolation tests, and test holes of sufficient depth to determine the absorption capacity of the soil and the locations of the ground water table, and of rock formations and other impervious strata. The number of percolation tests required and the depth of test holes shall be determined by the County Sanitarian.

(D) *Lots Fronting on Major and Minor Thoroughfares.**

(1) New Residential Major Subdivisions shall be required to serve all lots adjacent to a Major or Minor Thoroughfare with internal subdivision streets. No such lot may have direct drive access to the Major or Minor Thoroughfare.

(a) For the purpose of this Section the term "Major or Minor Thoroughfare" shall mean a street so designated by the Greenville Urban Area Thoroughfare Plan.

(b) The Planning Board may permit a waiver of this requirement if it finds that:

1. No other reasonable alternative for providing access is available; or
2. The existing development pattern and extent of development along the corridor warrants allowing additional driveways fronting on the corridor.

(c) When a Residential Major Subdivision is developed adjacent to a Major or Minor Thoroughfare the property owner or developer may not subdivide the property directly adjacent to the Major or Minor Thoroughfare into a separate lot that will not be developed as part of the residential subdivision unless that frontage is zoned for nonresidential use. This restriction is intended to prevent a property owner or developer from attempting to circumvent the intent of this Section by creating a separate parcel adjacent to the Major or Minor Thoroughfare and then apply for a minor plat to create lots with direct access to said thoroughfare.

(2) Where the lots created by new Residential Major Subdivisions abut but have no access to Major or Minor Thoroughfares, one of the following types of screens shall be provided adjacent to the thoroughfare right-of-way:

(a) Any combination of existing or new vegetation that provides an opaque screen to a height of six-feet.

(b) A six-foot opaque fence or wall constructed of wood, vinyl, stone, block, or brick supplemented with at least one large tree, one medium tree and five shrubs per fifty (50) linear feet of corridor frontage.

1. The finished side of any wood or vinyl fence used to meet this requirement shall face the public right-of-way.
2. All plantings used to meet this requirement shall be located between the fence or wall and the public right-of-way.

(c) A three to four foot tall berm supplemented with at least one large tree, one medium tree and five shrubs per fifty (50) linear feet of corridor frontage.

1. The slope of all berms shall not exceed a 1.5:1 ratio (horizontal to vertical) and shall have a top width at least one-half the berm height.
2. All berms shall be stabilized with a grass or other approved vegetative ground cover.
3. All plantings used to meet this requirement shall be located either on top of the berm or between the berm and the public right-of-way.

(d) The Planning Board may allow deviations to the specific landscaping requirements of subsections (b) and (c) above when it finds that alternative plantings are necessary due to proximity to utilities or that an alternative landscape design will provide preferable results.

Section 21-23: Easements

Easements shall be provided as follows:

- (A) Utility Easements. Easements, with metes and bounds descriptions, for underground utilities shall be provided, where necessary, adjacent to street rights-of-way and shall be at least ten (10) feet wide for water, sanitary sewer and electric lines, and as required by the companies involved for other utilities. Easements shall be provided where necessary along lot lines. The Board of Commissioners will determine whether one (1) easement is sufficient or whether several easements are necessary to accommodate the various utilities and the subdivider shall provide the required easements at no cost to the Town. These requirements may be modified only by written approval from the Board of Commissioners where a Planned Unit Development is involved.
- (B) Drainage Easements. Where a subdivision is traversed by a watercourse, drainage way, channel, swale, stream, or contains a water storage area or facility, there shall be provided, at no cost to the Town, a storm water easement or drainage right-of-way of adequate width to conform substantially to the lines of said feature, and to provide for the possibility of flooding, protection of banks on adjacent properties, future maintenance and/or construction, and other necessary purposes. The width of said easement and/or right-of-way will be determined by the Town insofar as sufficiency for its/their intended purposes. To the extent practicable, easements shall be "along lot lines."
- (C) Access, Maintenance, and/or Construction Easements. The Town of Ayden, in the interest of its public health, safety, and welfare may, as a condition of approving a subdivision, require an access, maintenance, and/or temporary construction easement on and over the property, which is the subject matter of the subdivision. The obtaining of these easements, as may be required, shall be at no cost to the Town of Ayden.
- (D) All easements as depicted on a preliminary and/or final plat shall be so delineated on the preliminary and/or final plat as to the type of easement and shall contain a metes and bounds description.
- (E) Easements, Appurtenances/Utility Boxes and/or Related Structures. Where utility boxes or easement appurtenances and/or related structures are deemed necessary, they shall not be located directly in front of the dwelling, and shall be screened by plantings, blocking their view from both dwelling and street. Said planting and/or screening is the obligation of the developer and/or purchaser of the property, and shall be installed prior to the Certificate of Occupancy being issued.

PART IV. REQUIRED IMPROVEMENTS

Section 21-24: Survey Monuments

Permanent monuments of stone or concrete shall be placed at one (1) or more corners of the subdivision to be designated as control corners. Permanent monuments shall also be placed at the point of intersection on the centerlines of intersecting streets and at the point of intersection of the tangents or curves when such point lies completely within the right-of-way of the proposed street. Otherwise, monuments shall be placed on the centerline at the points of curvature and also at the points of tangency of all curved areas which are to be dedicated for street purposes. Such monuments shall be set nine (9) inches below the finished grade of pavement. A metal casting of approved type shall be mounted over said monument with its base flange mounted on a brick foundation with mortar joints of at least two (2) course thickness, the top of which must be a minimum of one and three-quarters (1-3/4) inches higher than the highest point of the monument. Permanent monuments shall be either of stone or concrete. They shall be at least thirty (30) inches in length, six (6) inches in diameter, and shall have a metal pin or punch-marked metal plate imbedded therein marking the point represented on the final plat. The location of all monuments shall be shown on the final plat.

Markers. All lot corners, all points where street lines intersect the exterior boundaries of the subdivision, all angle points and points of curve in each street shall be marked with iron pipe not less than three-fourths (3/4) inches in diameter and thirty (30) inches long.

Section 21-25: Improvements within the Town Zoning Jurisdiction

To ensure consistent quality and long-term maintenance, all streets or roads created after the date of this ordinance shall be paved and dedicated as public streets or roads. The streets or roads shall conform to the minimum construction standards for subdivision roads as described by the North Carolina Department of Transportation and/or with Town of Ayden requirements, whichever of the two is more stringent.

Approval of the final plat shall be subject to the subdivider having installed the improvements hereinafter designated or having guaranteed, to the satisfaction of the Town as to the installation of the said improvements.

(A) *Street Improvements.* The following requirements shall apply to all streets within the corporate limits of the Town of Ayden.

- (1) *Grading.* All streets shall be graded to their full right-of-way width. Finished grade, cross-section, and profile shall be approved by the Town Engineer.
- (2) *Paving.* Road base and paving shall be installed in accordance with Town specifications and standards.

- (3) *Curbs and Gutter.* Combination curbs and gutter shall be installed in accordance with the Town specifications and standards. This requirement may be waived by the Board of Commissioners, upon recommendation of the Planning Board, in residential subdivisions in which each building lot is in excess of fifteen thousand (15,000) square feet and the Town Engineer ascertains that stormwater drainage is adequately handled by other means.*
- (4) Streets shall be related appropriately to the topography. In particular, streets shall be designed to facilitate the drainage and storm water runoff objectives set forth in Section 21-24(B), and street grades shall conform as closely as practicable to the original topography.
- (5) The maximum grade at any point on a street constructed without curb and gutter shall be 4 percent. On streets constructed with curb and gutter, the grade shall not exceed 4 percent unless no other practicable alternative is available. However, in no case may streets be constructed with grades that, in the professional opinion of the director of utilities, create a substantial danger to the public safety.

(B) *Drainage*

- (1) Street rights-of-way are designed and developed to serve several functions: (i) to carry motor vehicle traffic and, in some cases, allow on-street parking; (ii) to provide a safe and convenient passageway for pedestrian traffic; and (iii) to serve as an important link in the town's drainage system. In order to fulfill these objectives, all public streets shall be constructed to meet either the standards set forth in Subsection (2) or Subsection (3).
- (2) When curb and gutter is waived by the Board of Commissioners upon recommendation of the Planning Board in accordance with Section 21-25(A)(3), streets may be constructed with six-foot wide shoulders and drainage swales on either side in lieu of curb and gutter, so long as the street grade does not exceed a grade of 6 percent and continuous subgrade piped stormwater drainage is provided consistent with Town of Ayden specifications.*
- (3) Except as otherwise provided in Subsection (2), all streets shall be constructed with curb and gutter and shall conform to the other requirements of this subsection. Only standard 90 degree curb may be used, except that roll-type curb shall be permitted along minor and local streets within residential subdivisions. Street pavement width shall be measured from curb face to curb face where 90 degree curb is used, and from the center of the curb where roll-type curb is used.

- (4) All developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:
 - (a) The retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or storm water runoff control plan; or
 - (b) The retention is not substantially different in location or degree than that experienced by the development site in its predevelopment stage, unless such retention presents a danger to health or safety.
- (5) No surface water may be channeled or directed into a sanitary sewer.
- (6) Whenever practicable, the drainage system of a development shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets.
- (7) Construction specifications for drainage swales, curb and gutters, and storm drains are contained in Town of Ayden construction standards.

(C) *Storm Water Management*

All developments shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such developments. More specifically:

- (1) No development may be constructed or maintained so that such development unreasonably impedes the natural flow of water from higher adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties; and
- (2) No development may be constructed or maintained so that surface waters from such development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties.

(D) *Sidewalks.**

- (1) Sidewalks shall be required on one side of all newly constructed streets within residential and nonresidential major subdivisions, except that no sidewalk shall be required around a cul-de-sac or along a cul-de-sac street that serves eight or fewer building lots.

- (2) For any new development in the LI, HI, O/I, B-1, and B-2 districts, sidewalks are required along streets; on corner lots, sidewalks shall be installed along both streets. Sidewalks and sidewalk/driveway intersections shall be constructed consistent with the specifications of the Town of Ayden as they may be amended from time to time.
 - (3) The sidewalk installation requirements prescribed by this section may be waived by the Board of Commissioners upon recommendation of the Planning Board when the Board of Commissioners finds that the installation of sidewalk would provide no reasonable pedestrian connection.
 - (4) As provided in NCGS 136-44.14, whenever curb and gutter construction is used on public streets, wheelchair ramps for the handicapped shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with published standards of the NCDOT.
 - (5) Sidewalks shall be constructed to a minimum width of four (4) feet, and shall consist of a minimum thickness of four (4) inches of concrete. All sidewalks shall be placed in the right-of-way, unless the development is platted as a planned unit or group development. Sidewalks shall consist of a minimum of six (6) inches of concrete at driveway crossings.
- (E) *Trees.* At least one large or medium tree, as defined in Article 10, shall be provided on each building lot within any residential major subdivision. The tree shall be located between the front minimum building line and the street. The location of all proposed trees must be approved by the Planning Administrator upon consultation with the Department of Public Works.*
- (F) *Utilities.* Storm sewers, sanitary sewers, electric, cable, natural gas, telephone, and water systems shall be designed by a registered engineer and shall be approved by the Town Engineer. Storm sewers, sanitary sewers, and water mains shall be installed in accordance with Town specifications and standards. Should private water and sewerage systems be provided (allowable only in areas where Town services are not available), such shall meet the requirements of the health regulations of the State of North Carolina and of Pitt County.
- (G) *Guarantee of Improvements.* Where the required improvements have not been completed prior to the submission of the plat for final approval, the approval of said plat shall be subject to the subdivider guaranteeing the installation of said improvements in one of the following methods:
- (1) Filing a performance or surety bond in an amount to be determined by the Town.

- (2) Depositing or placing in escrow a certified check or cash in an amount to be determined by the Town. Portions of the security deposit may be released as work progresses.
- (3) Entering into an agreement with the Town guaranteeing the completion of the required work, said agreement to be binding on subsequent purchasers of the property and to be recorded at the option of the Town. The agreement shall provide that satisfactory security be furnished guaranteeing the completion of the necessary improvements before each section is developed.
- (4) In the event of approval of only a portion of a subdivision at a time, all required improvements shall be made or guaranteed by cash deposit with the Town on all portions of streets in the subdivision necessary to be traversed in order to reach the lots approved.

Section 21-26: Street Lighting

Refer to Article 14, Part II.

Section 21-27: Street Name Signs

The Planning Board may require the subdivider to install at the intersection of all streets proposed to be dedicated, a street name sign of a design specified by the Planning Board.

Section 21-28: Erosion and Sedimentation Control

The subdivider shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be so mulched, seeded, sodded, or otherwise protected that erosion, siltation, sedimentation, and washing are prevented in accordance with county plans and specifications and within such time periods approved under the requirements of the Pitt County Sediment and Erosion Control Ordinance.

Where applicable, erosion and sedimentation control provisions shall be taken in conformity with rules and regulations adopted by the North Carolina Sedimentation Control Commission.

Section 21-29: Floodplain Ordinance

Compliance with the Pitt County Floodplain Ordinance is required.

Section 21-30: Construction Standards

Construction and design standards and specifications for streets, sidewalks, and curbs and gutters shall comply with Town of Ayden design standards.

Section 21-31: Guidelines for Handicapped Persons

In order to remove restrictive barriers which severely impede the daily movements of physically handicapped and elderly persons, the subdivider shall comply with all requirements in NCGS 136-44.14.

Section 21-32: Improvements Beyond the Town Limits

It shall be mandatory that a subdivision located beyond the Town limits shall comply with the requirements of this Article as a condition precedent for final approval. All existing utilities in outside areas shall become the property of the Town without cost to the Town when these areas are taken into the Town limits.

PART V. RECREATION SITES

Section 21-33: Dedication and Reservation of Public Lands and Permanent Open Space

Whenever a tract of land to be subdivided embraces all or any part of a proposed public playground, park, school site, open space site, street, highway, drainageway, and other public way which has been designated in adopted regional, county, or town comprehensive plans or adopted plan components or on the thoroughfare plan maps of Pitt County or the Town of Ayden, said public lands shall be made a part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan or map. The subdivider shall reserve such proposed public land for a period not to exceed one (1) year, unless extended by mutual agreement, for acquisition by the public agency having jurisdiction, except, however, the Pitt County Board of Education shall have a period of eighteen (18) months in which to acquire sites.

Every person, firm, or corporation who subdivides land for residential and/or nonresidential purposes shall be required to dedicate a portion of such land for the purpose of public recreation/open space, including the preservation of natural and cultural resources, to serve the leisure needs of the residents of the subdivision and the Town of Ayden (if recreation area is publicly dedicated). In all cases, the Ayden Recreation Director shall review and make recommendations to the Planning Board and Board of Commissioners on the provision or dedication of recreation and/or open space areas.

Section 21-34: Exceptions

- (A) If dedicated land is to be less than 2,000 square feet, and where that area cannot be combined with an existing or planned recreation area, then provision or dedication of that area will not be required.
- (B) If the Board of Commissioners determines that assembling a piece of land to meet the requirements of Section 21-33, either (a) would create undue hardships, or (b) is not

necessary because the needs of the subdivision are already being met by dedicated land, it may waive any requirements of that subsection.

(C) If the site abuts designated greenways or future greenways on the Town's Comprehensive Land Use Plan, then provision or dedication of land will not be required. The Planning Board may recommend, and the Board of Commissioners may require, the dedication of a connecting path to the designated or future greenway. Where a connection path is necessary, a path of up to fifty (50) feet in width may be required, but in no case shall the path be less than thirty (30) feet in width. Also, the path must connect with an existing street that is accessible to all residents of the subdivision.

Section 21-35: Dimensional Requirements

At least one fifty-seventh of an acre (1/57) shall be dedicated for each dwelling unit planned or provided for in the subdivision plan, except where land is located in the floodplain of a stream or river as indicated by the floodplain maps of the Federal Insurance Administration and/or is characterized by steep slopes (15% or greater), then at least one-twentieth (1/20) of an acre of such land shall be dedicated for each dwelling unit.

The total land area dedicated as part of a nonresidential subdivision shall be determined by an analysis of the site, the use(s) to be located thereon, and the designation of recreation and/or open space sites as shown on the adopted Comprehensive Plan. The site analysis shall be prepared by the applicant and shall identify in written and graphic form those areas characterized by steep slopes (15% or greater), floodplains and wetlands, rock outcroppings, mature woodlands (trees of 18 inches or greater in diameter), existing structures and cemeteries, and lakes, ponds, rivers and other water sources. A written and graphic description shall also be submitted by the applicant which identifies the proposed use of each lot in the subdivision, the approximate amount of building and parking coverage for each lot, and the approximate number of employees associated with each use.

Section 21-36: Site Suitability

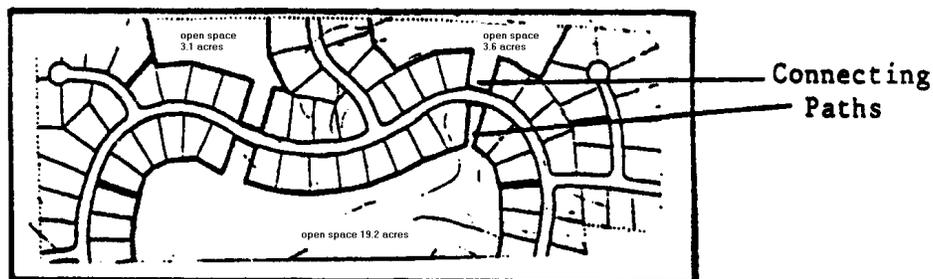
Land provided or dedicated for active recreational purposes shall be of a character, slope, and location suitable for use as play areas, tennis courts, multi-purpose courts, picnic areas, ball fields, and other similar recreation uses. Active recreation areas shall be located on land that is relatively flat (0 to 7-1/2% slopes), free of wetlands and/or floodplains, free of easements for public utility transmission lines, and is otherwise capable of accommodating active recreation uses.

Land provided or dedicated for passive recreation and open space purposes shall be of a character, slope, and location suitable for use for walking, jogging, reading, and similar quiet activities, and the preservation of natural features and cultural resources such as steep slopes, rock outcrops, native plant life and wildlife cover, mature woodlands, and water resources.

In all cases, active and passive recreation sites as well as open space areas designated on the adopted Comprehensive Plan shall be incorporated into the design of the subdivision.

Criteria for evaluating the suitability of proposed recreation areas shall include, but not be limited to, the following:

- (A) *Location.* Land dedicated for recreation purposes shall be located so as to serve the needs of the residents of the subdivision and the residents of the immediate neighborhood within which the subdivision is located. Recreation areas shall be located so as to provide, insofar as possible, reasonable accessibility to all residents of the subdivision and residents living in the immediate neighborhood. Recreation areas shall be located where more land better suited for recreational purposes due to shape, level slopes, and/or dry soil conditions is present. Where proposed park sites are shown on the adopted Comprehensive Plan, and a subdivision contains a portion of the park site, then the developer may be required to locate the recreation area in accordance with the park site as shown thereon.
- (B) *Unity.* Land dedicated for recreation purposes shall be a single parcel except where it is determined that two (2) or more parcels are suited to the needs of a particular subdivision. The Planning Board may recommend, and the Board of Commissioners may require, the dedication of a connecting path in addition to the land required in Section 20-35 of this Ordinance. Where a connecting path is necessary, a path of up to fifty (50) feet in width may be required, but in no case shall the path be less than thirty (30) feet in width.
- (C) *Accessibility.* Land dedicated for recreational purposes shall have at least fifty (50) feet of frontage on at least one (1) street within the subdivision. Where a recreation area is not accessible due to lot arrangement, the Planning Board may recommend, and the Board of Commissioners may require, the dedication of connecting paths which link the recreation area with other streets within the subdivision (see figure below). Connecting paths so required shall be in addition to the land required in Section 20-35 of this Ordinance. Connecting paths of up to fifty (50) feet in width may be required, but in no case shall the paths be less than thirty (30) feet in width.



Section 21-37: Site Improvements

Private recreation facilities, either required or provided at the option of the applicant, shall meet the standards for site improvements contained herein. When choosing improvements for a recreational area, the anticipated characteristics and needs of the residents shall be considered in conjunction with the size of the development, any physical constraints posed by the site, and the availability of other improvements within the same general area as the subdivision. As an example, the existence of a multi-purpose court in an adjacent, existing subdivision and the availability of the facility for use by residents of the proposed subdivision may indicate to the applicant that another facility, such as a tennis court, would be more appropriate. Recreation facilities which are suitable for various age groups include, but are not limited to, those shown on the following pages. Trash receptacles shall be provided for all recreational areas regardless of the number and type of other improvements located thereon.

RECREATION FACILITY DEVELOPMENT STANDARDS

Age Group	Facility	Recommended Space Requirements	Recommended Size and Dimensions	Recommend Orientation
Families	Tot Lot. 1. Enclosed play area with play apparatus and sand box. 2. Open, turfed area for active play. 3. Shaded area for quiet activity.	2,000 - 4,000 sq. ft.	Enclosed play area of 21 sq. ft. per family. Turfed area and shaded area of at least 40 sq. ft. each.	None specified.
Families and Adults	Basketball Court	4,400 - 8,000 sq. ft.	46' x 74' to 50' x 94' Court dimensions with 5' unobstructed space on all sides.	Long axis north - south.
Families	Badminton Court	1,500 -2,600 sq. ft.	Singles-17' x 44' Doubles- 20' x 44' with 5' unobstructed space on all sides.	Long axis north - south.
Families, Adults, Senior Citizens	Tennis Courts	6,200 -8,400 sq. ft.	36' x 78' with 12' clearance on both sides; 21' at both ends.	Long axis north - south.
Families, Adults	Volleyball Court	2,800 - 4,000 sq. ft.	30' x 60' with 10' clearance on all sides.	Long axis north-south.
Families, Adults	Softball Field	1.5 - 2.0 acres	Baselines-65'. Pitching distance 40'-46'. Field radius from plate 275' between foul lines.	Locate home plate so pitcher throwing across sun and batter not facing it. Line from home plate through pitchers mound runs east-north-east.

Age Group	Facility	Recommended Space Requirements	Recommended Size and Dimensions	Recommend Orientation
Families	Soccer Field	1.7-2.1 acres	195' to 225' x 300' to 360' with 10' minimum clearance on all sides.	Fall season-long axis northwest to southeast; for longer periods, north to south.
Families, Adults	Handball Court (3-Wall)	1,000 sq. ft.	20' x 40'- Minimum of 10' to rear. Minimum 20' overhead clearance.	Long axis north south. Front wall at north end.
Families, Adults, Senior Citizens	Swimming Pool	None	Minimum of 27 sq. ft. of water surface per swimmer. Ratio of 2:1 deck vs. water.	None-although care must be taken in siting of lifeguard stands in relation to afternoon sun.
Families, Adults, Senior Citizens	Pedestrian Paths	None	Well defined head room with maximum 10' width. Maximum average grade 5%, not to exceed 15%. Path width 6' minimum.	None
Senior Citizens	Shuffleboard	570 sq. ft.	10' x 52' with 2.5' clearance at both ends. 2' clearance on both sides.	Long axis north-south.
Senior Citizens	Horseshoes	240 sq. ft.	6' square pitchers box. Steel stakes 1" diameter, 14" above ground, spaced 40' apart.	Long axis north-south.
Senior Citizens	Croquet Court	1,800 sq. ft.	25' x 55' playing area with 2.5' clearance on all sides.	Long axis north-south.
Families, Adults, Senior Citizens	Park bench, picnic tables and grills, and trash receptacles.	One (1) picnic table per 50 residents 50 sq. ft. of land per table.	Minimum table dimensions- 36"W x 72"L x 30"H. Tables, benches, and other similar facilities securely anchored to ground.	None other than provision of shading for picnic tables and benches.
Families, Adults, Senior Citizens	Picnic shelter structure.	One (1) open shelter per 60 residents.	Minimum shelter dimensions - 20' x 30' with minimum of ten (10) picnic tables and accompanying benches located therein and securely anchored to ground. Fire place shall be installed at one end.	None.

In addition to land provided or dedicated for active recreation purposes, sufficient area shall be provided to make available a minimum of five (5) off-street parking spaces for the first two (2) acres of each recreation site and one (1) space for each additional acre thereafter.

Where any of the following facilities are also provided, off-street parking as required shall be provided in addition to the general standard above.

Swimming pool	One (1) space for each five (5) patrons
Soccer and ball fields	Eight (8) spaces per acre
Tennis/handball courts	Two (2) spaces per court
Picnic shelter area	One (1) space for each ten (10) patrons
Basketball courts	Five (5) spaces per court

Each off-street parking space shall be a minimum of nine (9) feet in width and eighteen (18) feet in length. A minimum back-up aisle of twenty-four (24) feet in width shall be provided for access to and from each space. Entrance to and exit from each parking area shall be by forward motion of the vehicle. One (1) of the parking spaces provided must be barrier-free and identified for use by individuals with physical disabilities. Handicapped spaces shall be at least twelve (12) feet in width and shall be designed as follows:

- (A) So that handicapped individuals are not compelled to wheel or walk behind parked cars;
- (B) So that handicapped individuals can get into and out of an automobile onto a level surface, suitable for wheeling and walking; and
- (C) In conjunction with sidewalk cut-ways and/or ramps, not exceeding five percent (5%) slope.

Section 21-38: Method of Provision or Dedication

Land dedicated for public recreation area as required by this Ordinance shall be designated on both the preliminary and final plat(s) of the subdivision and must be dedicated to an appropriate unit of local government. Determination of the appropriate unit of local government shall be made by the Board of Commissioners, upon recommendation from the Recreation and Parks Advisory Council and the Planning Board. Acceptance of the dedication may be one in trust if deemed appropriate by the Board of Commissioners.

Land provided for private recreation purposes must be conveyed to the trustees provided in an indenture establishing an association of homeowners. The recreation area must be conveyed to the trustees subject to covenants and easements to be approved by the Planning Board and Board of Commissioners and which provide for the continued maintenance and control of the recreation area in a manner which assures its continuing use for its intended purpose. Where the recreation area is conveyed to a homeowners' association, the subdivider

shall file a declaration of covenants and restrictions in accordance with the provisions of Section 21-14 Major Subdivision Final Plat Submission and Review.

Section 21-39: Payments in Lieu of Dedication

Any subdivider required to dedicate recreation area pursuant to this Ordinance may, with the approval of the Board of Commissioners, make a payment in lieu of dedication or make a combination of land dedicated and payment. Before approving a payment in lieu of dedication, the Board of Commissioners shall find that no recreation and/or open space sites have been designated on the adopted Comprehensive Plan for the property in question.

The payment in lieu of dedication shall be equal to the appraised value of the required acreage of land within the subdivision based on an appraisal prepared by a licensed appraiser and submitted by the developer. If the Town disagrees with the submitted appraisal, it may have a second appraisal prepared. If the appraisals are within 15% of each other, the developer's appraisal will be utilized to establish value. If the appraisals differ by more than 15%, the value will be based on the average of the two appraisals.

Where a combination of land dedication and payments in lieu are approved, the subdivider shall be given a credit equivalent to the appraised value per acre of land dedicated for recreation purposes. The credit amount shall be determined by multiplying the number of acres to be dedicated by the appraised value per acre. If the total payment in lieu as determined above is larger than the credit amount, the subdivider shall pay the difference between the two amounts. If the credit amount is larger than the total payment in lieu as determined above, no additional payment in lieu is required. However, the subdivider may not transfer the excess credit from one subdivision to another.

Upon approval by the Board of Commissioners, payment in lieu of dedication shall be made at the time of final subdivision plan approval or within one (1) year of approval of the preliminary subdivision plan, whichever occurs first. All monies received by the Town of Ayden pursuant to these requirements shall be used only for the acquisition and development of recreation, park, and open space sites to serve the residents of the development and the residents of the immediate neighborhood within which the development is located. The Board of Commissioners shall also have the authority to sell land dedicated pursuant to these provisions with the proceeds of any such sale used solely for the acquisition of other recreation, park, or open space sites within the immediate neighborhood within which the development is located.