

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE
OF THE TOWN OF NORTH TOPSAIL BEACH, NORTH CAROLINA BY
UPDATING STANDARDS FOR EXEMPT PLATS AND PROVIDING FOR CERTAIN
EXPEDITED REVIEW PURSUANT TO SESSION LAW 2017-10**

Ordinance 18-03

WHEREAS, N.C. Session Law 2017-10 created new standards for the approval process of certain types of subdivisions that apply throughout North Carolina; and

WHEREAS, the Planning Board has reviewed the proposed standards and recommended approval of this ordinance; and

WHEREAS, the Board of Aldermen has found this ordinance to be consistent with the Town's adopted CAMA Land Use Plan; and

WHEREAS, the Board of Aldermen has determined that it is in public interest to update standards for exempt plats and expedited review for certain types of subdivisions in the Unified Development Ordinance in compliance with the N.C. General Statutes.

NOW THEREFORE BE IT ORDAINED by the Board of Aldermen for the Town of North Topsail Beach, North Carolina that the Unified Development Ordinance shall be amended as follows:

PART I. That Subsection 6.01.03 of the Unified Development Ordinance be amended with the addition of the following:

§ 6.01.03 Exemptions**Definition of Subdivision.** For the purpose of this ordinance, “subdivision” shall mean all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets.

(A) Exemptions. The following exemptions shall not be included within this definition nor be subject to any regulations enacted pursuant to this ordinance, however, all lots created under these exemptions must be in compliance with the CAMA Land Use Plan and meet the impervious limits, minimum area, lot width and setback standards of the Unified Development Ordinance. The following shall not be included within the definition of a subdivision, nor be subject to the subdivision regulations; provided, however, that any Any document or plat to be recorded pursuant to such exclusions shall have the proper notation of “no approval required” and the signature of the Planning Director, before filing with the County Register of Deeds:

- (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipality as shown in this ordinance;
- (2) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;
- (3) The public acquisition by purchase of strips of land for the widening or opening of

streets; and

- (4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality as shown in this ordinance.

- (5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

- (6) Family Division. The division of land by any method of transfer from a grantor to a grantee (or grantees) who is a member of the grantor's immediate family, solely for the residential use of the grantee (or grantees). For the purposes of this Section, the term "immediate family" shall include only direct lineal descendants (children and grandchildren) and direct lineal ascendants (father, mother, grandfather, and grandmother). The following is a list of requirements/statements that must be submitted with an exempt plat for a subdivision of property for family purposes:

- (a) A plat listing the names of the family members and identifying which lots are to be conveyed to each with a statement that "the lot(s) shown are created for the purpose of family ownership";
- (b) Where lots are not adjacent in a public street, a note on the plat stating that the lot is benefited by a permanent easement for access and utilities;
- (c) The following note shall appear on the plat: "No additional lots, including the resubdivision of the lots served by the access easement and utility, shall be permitted unless the access and utility easement is upgraded to meet or exceed the standards of the Unified Development Ordinance.";
- (d) A note stating that the property owners are responsible for the upkeep and maintenance of the access and utility easement shall be placed on the plat; and
- (e) A septic permit or letter of sewer availability shall be required for each lot to be created or a statement shall be placed on the plat that the property is being conveyed as forestland or farmland.

Items (b), (c) and (d) only apply only when the lot(s) created do not have direct access to a public street.

- (B) The Town may provide for expedited review of specified classes of subdivisions.

- (C) The Town may require only a plat for recordation for the division of a tract or parcel of land in single ownership if all the following criteria are met:

- (1) The tract or parcel to be divided is not exempted under this Ordinance.
- (2) No part of the tract or parcel to be divided has been divided under this Ordinance in the 10 years prior to division.
- (3) The entire area of the tract or parcel to be divided is greater than five acres.
- (4) After division, no more than three lots result from the division.

(5) After division, all resultant lots comply with all of the following:

- (a) Any lot dimension size requirements of the zoning, subdivision, and other development regulations of the Unified Development Ordinance and the CAMA Land Use Plan.
- (b) The use of the lots is in conformity with the applicable zoning requirements of the Unified Development Ordinance and the CAMA Land Use Plan.
- (c) A permanent means of ingress and egress is recorded for each lot.

PART II. This ordinance shall be effective upon its adoption.