

**5.6.1 Limitations**

- A. Family subdivisions are permitted on parcels that have been created and recorded in the Registry before March 29, 2004.
- B. A total of three parcels (excluding the remnant parcel, if the remnant parcel meets the requirements of this Ordinance) per qualified resident household will be allowed to be created under the family subdivision provisions.
- C. The division does not create a new public or private street.

**5.6.2 Requirements**

- A. The plat shall be clearly designated "Family Subdivision" in bold letters,
- B. Grantor and Grantee statement, located in Appendix D, shall appear on the plat and be signed by the Grantor(s) and Grantee(s) prior to approval.
- C. Certification by the Licensed Professional preparing the plat that each lot is adjacent to a natural drainage way or perennial stream or a 20 ft. drainage easement is recorded from each lot toward a natural drainage way or a perennial stream or if the lot or lots front on a NCDOT maintained road, approval from NCDOT for such lots to drain to the public road,
- D. The plat shows any designated Special Flood Hazard Areas located within the subdivision,
- E. The plat shows any designated Areas of Environmental Concern located within the subdivision
- F. An Improvement Authorization Permit from Environmental Health for each lot to be created, a soil suitability analysis for each lot to be created or approval to connect to existing public sewer
- G. The lots, other than those restricted for building development, shown on the plat meet the requirements of this Ordinance.
- H. ~~The lots created have access to an access easement as defined in this Ordinance.~~ All access easements shall be in conformance with Access Easement Requirements, Section 7.5.4
- I. ~~The access easement must provide access to a public street.~~
- J. Waste water disposal requirements – One of the following must be met:
  - 1) An Improvement Authorization Permit has been issued for each of the parcels,
  - 2) The soil suitability analysis shows that at least 5,000 sq. ft. of each lot is suitable for traditional on site waste disposal and the required 5000 sq. ft. is not within 10 ft of any lot boundary,
  - 3) Approval has been granted to connect to public sewer or community sewer or
  - 4) Lots not meeting the requirements of 1, 2, or 3 are indicated by the following note: "THIS PARCEL CANNOT BE USED FOR BUILDING DEVELOPMENT, UNLESS AN APPROVED WASTE WATER DISPOSAL METHOD HAS BEEN APPROVED AND PERMITTED BY THE PENDER COUNTY ENVIRONMENTAL HEALTH DEPARTMENT OR APPROPRIATE STATE AGENCY OR UNLESS A NEW PLAT IS APPROVED AND RECORDED AS REQUIRED UNDER THIS ORDINANCE."

a) For alternative, see Design Requirements, Lots Section of this Ordinance for “Special Purpose Lots”

- ~~K. The lots created have either direct access to a public street, private street or private access easement as defined in this Ordinance.~~
- ~~L. A minimum passable travel way 20 feet wide shall be provided within a forty five (45') foot easement at time of zoning approval.~~
- M. Clearing and grubbing shall be completed five feet of each edge of the travel way;
- N. Maintenance. Upon determination by the Administrator that such travel way as approved are not passable, the Administrator may, in addition to other remedies, prevent issuance of any further development approvals until such travel ways are in a proper state of maintenance as determined by the Administrator.
- O. The Administrator shall review the subdivision to insure that the development will not block future access to properties that are adjacent to the lots.
- ~~P. The plat contains the following note: “All new access easements shown or designated on this plat, include the transfer of an easement to public entities and public utilities for the purpose of installation and maintenance of water, sewer, electric and communication lines.”~~
- ~~Q. The plat must contain the following note: “All new access easements shown or designated on this plat include the transfer of an easement to Pender County, its employees and agents for access for emergency personnel (police, fire & rescue) and Pender County and its employees for administration of all Pender County Ordinances.”~~

### **THREE LOT DIVISION - NCDOT ROAD**

#### **5.7.1 Limitations – The following limitations will apply to three lot subdivisions:**

- A. Three lot subdivisions located on an existing NCDOT maintained or other public road will be limited to no more than three such parcels (excluding the remnant parcel, if the remnant parcel meets the requirements of this Ordinance) being created from any parcel that had been created and recorded in the Registry before March 29, 2004.
- B. The division does not create a new public or private street.

#### **5.7.2 Requirements**

The following shall be submitted to the Administrator with each proposal for a division of up to three lots fronting on an existing NCDOT maintained public road:

- A. Plat prepared as required by NCGS §47-30, The plat shall be clearly designated “Three Lot Subdivision on NCDOT Road” in bold letters,
- B. Certification by the Licensed Professional preparing the plat that each lot is adjacent to a natural drainage way or perennial stream or a 20 ft. drainage easement is recorded from each lot toward a natural drainage way or a perennial stream or if the lot or lots front on a NCDOT maintained road, approval from NCDOT for such lots to drain to the public road,
- C. The plat shows any designated Special Flood Hazard Areas located within the subdivision
- D. The plat shows any designated Areas of Environmental Concern located within the subdivision,
- E. An Improvement Authorization Permit from Environmental Health for each lot to be created, a soil suitability analysis for each lot to be created or approval to connect to existing public sewer.

- F. The lots, other than those restricted for building development, shown on the plat meet the requirements of this Ordinance,
- G. Waste water disposal requirements – One of the following must be met:
  - 1) An Improvement Authorization Permit has been issued for each of the parcels,
  - 2) The soil suitability analysis shows that at least 5,000 sq. ft. of each lot is suitable for traditional on site waste disposal and the required 5,000 sq. ft. is not within 10 ft of any lot boundary,
  - 3) Approval has been granted to connect to public sewer or community sewer or
  - 4) Lots not meeting the requirements of 1, 2, or 3 are indicated by the following note:  
 “THIS PARCEL CANNOT BE USED FOR BUILDING DEVELOPMENT, UNLESS AN APPROVED WASTE WATER DISPOSAL METHOD HAS BEEN APPROVED AND PERMITTED BY THE PENDER COUNTY ENVIRONMENTAL HEALTH DEPARTMENT OR APPROPRIATE STATE AGENCY OR UNLESS A NEW PLAT IS APPROVED AND RECORDED AS REQUIRED UNDER THIS ORDINANCE.”
    - a) For alternative, see Design Requirements, Lots Section of this Ordinance for “Special Purpose Lots.”
- H. The lots created have access to a NCDOT maintained public street.
- I. The Administrator determines that the subdivision complies with the limitations on Three Lot Subdivisions contained in the General Provisions Section of this Ordinance.
- J. The Administrator shall review the subdivision to insure that the development will not block future access to properties that are adjacent to the lots.
- K. The plat contains an ownership and dedication statement signed by the owner or owners in the format provided by this Ordinance.
- ~~L. The plat contains the following note: “All new access easements shown or designated on this plat, include the transfer of an easement to public entities and public utilities for the purpose of installation and maintenance of water, sewer, electric and communication lines~~ All access easements shall be in conformance with Access Easement Requirements, Section 7.5.4

### **THREE LOT DIVISION – PRIVATE ROAD/ACCESS EASEMENT**

#### **5.8.1 Limitations - The following limitations will apply to three lot subdivisions:**

- A. Three lot subdivisions located on an access easement will be limited to no more than three such parcels (excluding the remnant parcel, if the remnant parcel meets the requirements of this Ordinance) being created from any parcel that had been created and recorded in the Registry before March 29, 2004.
- B. Three lot subdivisions located on an access easement as defined in this Ordinance will be limited to three such parcels (excluding the remnant parcel, if the remnant parcel meets the requirements of this Ordinance) being created from any parcel that had been created and recorded in the Registry before March 29, 2004 or any parcel that has been created and approved by the Administrator under the provisions of this Ordinance.
- C. The division does not create a new public or private street.

#### **5.8.2 Requirements**

The following shall be submitted to the Administrator with each proposal for a division of up to three lots fronting on an access easement that provides access to an existing NCDOT maintained public road:

- A. Plat prepared as required by NCGS §47-30,
- B. The plat shall be clearly designated “Three Lot Subdivision on Access Easement” in bold letters,
- C. Certification by the Licensed Professional preparing the plat that each lot is adjacent to a natural drainage way or perennial stream or a 20 ft. drainage easement is recorded from each lot to a natural drainage way or a perennial stream or if the lot or lots front on a NCDOT maintained road, approval from NCDOT for such lots to drain to the public road,
- D. The plat shows any designated Special Flood Hazard Areas located within the subdivision,
- E. The plat shows any designated Areas of Environmental Concern located within the subdivision,
- F. An Improvement Authorization Permit from Environmental Health for each lot to be created, a soil suitability analysis for each lot to be created or approval to connect to existing public sewer.
- G. The lots, other than those restricted for building development or designated and reserved for open space, shown on the plat meet the requirements of this Ordinance
- H. Waste water disposal requirements – One of the following must be met:
  - 1) An Improvement Authorization Permit has been issued for each of the parcels,
  - 2) The soil suitability analysis shows that at least 5,000 sq. ft. of each lot is suitable for traditional on site waste disposal and the required 5,000 sq ft. is not within 10 ft of any lot boundary,
  - 3) Approval has been granted to connect to public sewer or community sewer,
  - 4) or Lots not meeting the requirements of 1, 2, or 3 are indicated by the following note:  
“THIS PARCEL CANNOT BE USED FOR BUILDING DEVELOPMENT, UNLESS AN APPROVED WASTE WATER DISPOSAL METHOD HAS BEEN APPROVED AND PERMITTED BY THE PENDER COUNTY ENVIRONMENTAL HEALTH DEPARTMENT OR APPROPRIATE STATE AGENCY OR UNLESS A NEW PLAT IS APPROVED AND RECORDED AS REQUIRED UNDER THIS ORDINANCE.”
    - a) For alternative, see Design Requirements, Lots Section of this Ordinance for “Special Purpose Lots.”
- ~~I. The lots created have access to an access easement as defined in this Ordinance, All access easements shall be in conformance with Access Easement Requirements, Section 7.5.4~~
- ~~J. The access easement that provides access to a public street is no longer than 500 ft.~~
- ~~K. A minimum passable travel way 20 feet wide shall be provided within a forty five (45') foot easement at time of zoning approval.~~
- L. Clearing and grubbing shall be completed five feet of each edge of the travel way;
- M. Maintenance. Upon determination by the Administrator that such travel way as approved are not passable, the Administrator may, in addition to other remedies, prevent issuance of any further development approvals until such travel ways are in a proper state of maintenance as determined by the Administrator.
- N. The Administrator determines that the subdivision complies with the limitations on Three Lot Subdivisions contained in the General Provisions Section of this Ordinance.
- O. The plat contains an ownership and dedication statement signed by the owner or owners.
- ~~P. The plat contains the following note: “All new access easements shown or designated on this plat, include the transfer of an easement to public entities and public utilities for the~~

purpose of installation and maintenance of water, sewer, electric and communication lines.”

~~Q. The plat must contain the following note: “All new access easements shown or designated on this plat include the transfer of an easement to Pender County, its employees and agents for access for emergency personnel (police, fire & rescue) and Pender County and its employees for administration of all Pender County Ordinances.”~~

#### 7.5.4 Access Easement Requirements

- A. Access easements must provide access to a public street
- B. Lots created have either direct access to a public street, private street or private access easement as defined by this ordinance.
- C. A minimum passable travel way 20 feet wide shall be provided within a forty five (45') foot easement at time of zoning approval.
- D. The plat contains the following note: “All new access easements shown or designated on this plat, include the transfer of an easement to public entities and public utilities for the purpose of installation and maintenance of water, sewer, electric and communication lines.”
- E. The plat must contain the following note: “All new access easements shown or designated on this plat include the transfer of an easement to Pender County, its employees and administration of all Pender County Ordinances”
- F. No more than four parcels may be approved to utilize one access easement.

