

HERTFORD COUNTY

North Carolina

SUBDIVISION ORDINANCE

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EFFECTIVE: November 15, 1999



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**PREPARED FOR THE
COUNTY OF HERTFORD, NORTH CAROLINA**

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TABLE OF CONTENTS

PREFACE	(A)
ARTICLE I. INTRODUCTORY PROVISIONS	1
SECTION 1. TITLE	1
SECTION 2. AUTHORITY AND PURPOSE	.....	1
SECTION 3. VIOLATIONS UNDER EXISTING SUBDIVISION ORDINANCE	.....	1
SECTION 4. JURISDICTION	.....	2
SECTION 5. SEPARABILITY	.....	2
SECTION 6. ABROGATION	.....	2
SECTION 7. COMPLIANCE WITH LOCAL ORDINANCES	.....	2
ARTICLE II. INCLUSIONS AND EXCEPTIONS	.....	3
SECTION 1. DEFINITION OF SUBDIVISION	.....	3
SECTION 2. PLATS NOT SUBJECT TO REGULATIONS	.....	4
ARTICLE III. DEFINITIONS	.....	5
SECTION 1. GENERAL	.....	5
ARTICLE IV. LEGAL PROVISIONS	.....	9
SECTION 1. DUTY OF GRANTOR AND GRANTEE OF DEED	.....	9
SECTION 2. DUTY OF REGISTER OF DEEDS	.....	9
SECTION 3. DUTY OF CLERK OF COURT	.....	9
SECTION 4. PENALTIES FOR VIOLATION	.....	9
SECTION 5. VARIANCES	.....	10
SECTION 6. AMENDMENTS	.....	10
SECTION 7. EFFECT OF PLAT APPROVAL ON DEDICATION	.....	11
SECTION 8. ADMINISTRATOR	.....	11
SECTION 9. EFFECTIVE DATE	.....	11
ARTICLE V. IMPROVEMENTS REQUIRED AND MINIMUM STANDARDS OF DESIGN	.....	12
SECTION 1. GENERAL	.....	12
SECTION 2. IMPROVEMENTS INSTALLATION	.....	13
SECTION 3. LOT DESIGN STANDARDS	.....	13
SECTION 4. UTILITIES	.....	14
SECTION 5. SEDIMENTATION AND EROSION CONTROL	.....	15
SECTION 6. BLOCKS	.....	16
SECTION 7. ROADWAY IMPROVEMENTS	.....	16
SECTION 8. EASEMENTS	.....	20
SECTION 9. PERMANENT REFERENCE POINTS	.....	20
SECTION 10. RECREATIONAL FACILITIES	.....	21
ARTICLE VI. SUBDIVISION REVIEW PROCESS	.....	23
SECTION 1. SKETCH PLAN REVIEW	.....	23
SECTION 2. PRELIMINARY PLAT REVIEW	.....	24
SECTION 3. FINAL PLAT REVIEW	.....	28
ARTICLE VII. CERTIFICATE TO BE APPLIED TO FACE OF PLAT	.....	33
SECTION 1. PRELIMINARY PLAT	.....	33
SECTION 2. FINAL PLAT	.....	34

PREFACE

A WORD TO THE SUBDIVIDER

Any property owner, partnership, limited liability corporation, limited liability partnership, corporate entity, real estate agent, developer, or builder who anticipates subdividing land in Hertford County shall become familiar with and adhere to these regulations. They have been designed and drafted to achieve user friendly, equal, impartial treatment for all, and to provide clear-cut procedures for the preparation, submission and the approval of subdivision applications. The Planning Board encourages any and all applicants to retain a qualified technician such as a land planner, landscape architect, engineer, surveyor, etc., to prepare the applications. This recommendation is made by the Planning Board, because it is important that a person desiring to subdivide land possess the necessary skill and imagination to produce the best design under given conditions.

TO AVOID DELAYS

1. Read thoroughly the material found in this Ordinance, as well as other applicable State Statutes, and County Ordinances.
2. CONSULT the Hertford County Planning and Zoning Administrator before proceeding with subdivision applications concerning the division and land use of property and the application process.
3. Make sure that the design of the subdivision meets the minimum standards of this Ordinance and other applicable Ordinances, County, Municipal, and State statutes.
4. Submit all items as required in the application and by this Ordinance, and/or other applicable Ordinances when presenting a Sketch Plan, preliminary or final plat to the Planning Board for approval.
5. Submit plan no later than Ten (10) Working Days prior to the next regularly scheduled meeting of the Planning Board, if consideration of the plat is expected at meeting.

ARTICLE I. INTRODUCTORY PROVISIONS

SECTION 1. TITLE

This Ordinance is entitled Subdivision Ordinance for Hertford County, North Carolina, and may be cited as the Subdivision Ordinance.

SECTION 2. AUTHORITY AND PURPOSE

This Ordinance is adopted pursuant to Article 18, Chapter 153A-330, etc. . . . of the General Statutes of North Carolina, as amended and supplemented, for the purpose of establishing procedures and standards for the development and subdivision of land within the limits of jurisdiction of Hertford County in order to promote the public health, safety, general welfare and orderly development of the County. This Ordinance is designed to lessen congestion of the streets and highways; to further the orderly layout, development and use of land; to insure proper legal description and proper monumenting of subdivided land; to secure safety from fire, panic and other dangers; to provide adequate open spaces, light, and air; to prevent the overcrowding of land and avoid undue concentration of population; to facilitate adequate provisions for housing, transportation, water, sewerage, schools, parks, playgrounds, and other public requirements; and to help conserve and protect the physical and economic resources of Hertford County and its surroundings.

SECTION 3. VIOLATIONS UNDER EXISTING SUBDIVISION ORDINANCE

All suits at law or in equity and/or all prosecutions resulting from the violation of any subdivision ordinance heretofore in effect, which are now pending in any of the courts of this State or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance, but shall be prosecuted to their finality the same as if this Ordinance had not been adopted, and any and all violations of the existing ordinance, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Ordinance shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending and/or which may heretofore have been instituted or prosecuted.

SECTION 4. JURISDICTION

This Ordinance shall govern all subdivisions of land lying within Hertford County except land within the subdivision jurisdiction of any municipality, unless such municipality shall have by written resolution, formally requested the County to enforce this Ordinance within the municipality's jurisdiction.

SECTION 5. SEPARABILITY

It is the legislative intent of the Board of Commissioners in adopting this chapter that all provisions and sections thereof shall be liberally construed to protect and preserve the peace, health, safety, and general welfare of the inhabitants of the County of Hertford and, further, that should any provision, portion, section, or subsection of this chapter be held to be unconstitutional or invalid, such holdings shall not be construed as affecting the validity of any of the remaining provisions, portions, sections or subsections; it being the intent of the Board of Commissioners that this chapter shall stand, notwithstanding the invalidity of any provision, or section or part thereof.

SECTION 6. ABROGATION

It is not intended that this ordinance repeal, abrogate, annul, impair, or interfere with 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 7. COMPLIANCE WITH LOCAL ORDINANCES

No plan shall be approved unless such plan complies in all respects with all officially adopted local policies and ordinances of the County of Hertford, related to responsible growth and land development.

ARTICLE II. INCLUSIONS AND EXCEPTIONS

SECTION 1. DEFINITION OF SUBDIVISION

A "subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and includes all divisions of land involving the dedication of a new street or a change in existing streets; however, the following shall not be included within this definition nor be subject to the regulations authorized by this Ordinance:

(a) The combination or recombination of portions of previously subdivided and recorded lots if, (1) the total number of lots is not increased and (2) the resultant lots are equal to or exceed the standards of the County as shown in its Subdivision Regulations;

(b) The division of land into parcels greater than ten (10) acres if no street right-of-way dedication is involved;

(c) The public acquisition by purchase of strips of land for widening or opening streets;

(d) The division of a tract in single ownership, the entire area of which is no greater than two (2) acres into not more than three (3) lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the County as shown by this Ordinance.

(e) The division of a tract into no more than four (4) parcels; following the conveyance of the third parcel from a tract, any further conveyances from this tract by the same owner (or by any of the same owners if in multiple ownership) shall be subject to the requirements of this Ordinance, unless the conveyances are excepted by one of the other subsections herein. For purposes of this subsection, conveyances made prior to November 15, 1999, shall not be considered in applying the limits of this subsection.

(f) The division of a tract in multiple ownership among some or all of the owners, provided the division is among family members with a common ancestor going back no more than four generations.

(g) The division of a tract in which each of the resultant lots adjoin a public road which is part of the State Highway System maintained by the North Carolina Department of

Transportation, provided that each such lot meets the minimum requirements as established in the Hertford County Zoning Ordinance.

(h) Lots or parcels of land that are part of a validly existing subdivision, and which are shown on a legally approved plat, which has been recorded in the Office of the Hertford County Register of Deeds prior to the enactment of this ordinance.

SECTION 2. PLATS NOT SUBJECT TO REGULATIONS

However, plats in the above eight (8) categories, (a – h), shall have the stamp “THIS PLAT IS NOT SUBJECT TO SUBDIVISION APPROVAL” signed and dated by the County Planning & Zoning Administrator, the Chairman of the Planning Board, or the County Manager before filing in the Office of the Register of Deeds, in as much as a determination must be made as to whether or not the resultant lots are equal to or exceed the standards of the County as shown in this Ordinance.

ARTICLE III. DEFINITIONS

SECTION 1. GENERAL

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

Areas of Environmental Concern – Is defined herein to mean salt-water marshes, estuarine environments, and other coastal related wetlands.

Board of Commissioners - The Board of County Commissioners; County Board of Commissioners; the governing body of the County of Hertford, North Carolina.

Building Setback Line - A line parallel to the front property line which establishes the minimum allowable distance between nearest portions of any building, steps, eaves, gutters, and similar fixtures, and the street right-of-way line when measured perpendicularly thereto.

CAMA - The Coastal Area Management Act of 1974, as amended and supplemented.

Corner Lot - A lot which occupies the interior angle at the intersection of two (2) street lines. The street line forming the least frontage shall be deemed the front of the lot except where the owner designates otherwise.

Cul-de-sac - A short street, having but one end open to traffic and the other end being permanently terminated with a vehicular turnaround provided.

Dedication - A gift, by the owner, of a right to use land for stated purposes. A dedication shall be made with a written instrument, in recordable form, and is completed with an acceptance and recordation.

Disclosure Statement - A statement prepared and signed by the subdivider and the buyer of the subject real estate, fully and completely disclosing the status (whether public or private) of the street upon which the lot fronts. The statement shall also include an explanation of the consequences and responsibility as to maintenance and construction of proposed roadways.

Double Frontage Lot - A continuous (through) lot of the same depth as the width of a block, containing two tiers of lots and which is accessible from both of the streets upon which it fronts.

Easement - A written grant in recordable form by the property owner for use by the public, a corporation or person(s) of a strip of land for specific reasons.

Lot - A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership or for development, or both. The word “lot” includes the word “parcel” or “plot”.

Lot of Record - A lot which is a part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Hertford County prior to the adoption of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this Ordinance.

Official Maps or Plan (Land Development Plan or Comprehensive Plan) - Any maps or plans officially adopted by the County Board of Commissioners as a guide for the development of the County, and CAMA Land Use Plans as mandated in coastal North Carolina counties.

Person - An individual, firm, association, partnership, entity, organization, or corporation.

Planning Board - The Planning Board of Hertford County.

Plat - A map or plan delineating a tract or parcel of land to be subdivided, land to be dedicated for public use, or right-of-way for street or utility purposes. The word plat shall include the terms “map”, “plot”, and “plan”.

Plat, Final - A map of subdivision prepared by a North Carolina Registered Professional Engineer and/or Surveyor in a form suitable for filing of record with necessary affidavits, dedications, acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets, public areas, and other dimensions of land, as prescribed by this Ordinance.

Plat, Preliminary - A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land, as prescribed by this Ordinance.

Private Roads or Streets - An area over which access, passage, or use is granted to owners of land within a subdivision, or to their invitees. Private roads need not be paved. Private roads are not eligible for acceptance on the state highway system unless said streets are paved according to Department of Transportation standards, and unless all properties receiving access from the street consent to the road becoming public.

Public Road or Streets - An area over which access, passage, or use is granted to all people. Public roads shall meet the applicable standards set forth in the North Carolina Department of Transportation's "SUBDIVISION ROADS MINIMUM CONSTRUCTION STANDARDS" including the requirement that the roads must be paved. Public roads shall be eligible for acceptance on the state highway system.

Reservation - A reservation of land not involving the transfer of property rights. It constitutes a written obligation in recordable form to keep property free from development for a stated period of time.

Shall - The word "shall" is always mandatory and not merely directory.

Single Tier Lot - A lot which backs upon a limited access highway, a railroad, a physical barrier, or a non-residential use and to which vehicular access from the rear is usually prohibited.

Sketch Plan - A schematic representation of the subdivision layout and design, which may, but need not be, prepared by a surveyor or engineer, intended as, the initial step in the subdivision review process.

Structure - Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having more or less permanent location on the ground.

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

Technical Review - Individuals designated by the County Planning Board, representing different areas of expertise valuable to the field inspection of a subdivision, including but not limited to, County Planner, County Building Inspector/CAMA Officer, Public Works Director, County Health Department, Emergency Services, North Carolina Department of Transportation District Engineer, and County Land Records. The Technical

Review shall be conducted by such individuals as the Board feels necessary to adequately complete the review process.

ARTICLE IV. LEGAL PROVISIONS

SECTION 1. DUTY OF GRANTOR AND GRANTEE OF DEED

A plat must be prepared, approved, and recorded whenever the subdivision of land takes place, as defined in this Ordinance, unless the subdivision falls within one of the exceptions specified in Article II, Section 1. The owner of land shown on a subdivision plat submitted for recording, or his/her authorized agent, shall sign a statement on the plat stating whether any land shown thereon is within the subdivision regulation jurisdiction of Hertford County.

SECTION 2. DUTY OF REGISTER OF DEEDS

From the time that this Subdivision Ordinance is filed with the Register of Deeds of Hertford County, no subdivision plat of land, within the County's jurisdiction, may be filed or recorded until it has been submitted to and approved by the appropriate board or agency, as specified in this Ordinance, and until this approval is entered in writing on the face of the plat by the chairman or head of the board or agency. The Register of Deeds of Hertford County shall not file or record a plat of subdivision of land located within the territorial jurisdiction of Hertford County that has not been approved in accordance with this Ordinance.

SECTION 3. DUTY OF CLERK OF COURT

The Clerk of Superior Court may not order or direct the recording of a plat where such recording would be in conflict with Article IV, Section 2.

SECTION 4. PENALTIES FOR VIOLATION

After the effective date of this ordinance, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this ordinance, thereafter subdivides his/her land in violation of this ordinance or transfers or sells land by reference to, exhibition of, or any other uses of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this ordinance and recorded in the Office of

the Register of Deeds of Hertford County, shall be guilty of a first (1st) degree misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The County of Hertford, through its attorney or other official designated by the County Commissioners, may enjoin illegal subdivision, transfer or sale of land, and the Court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the Subdivision Ordinance. Further, violators of this ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by statute.

SECTION 5. VARIANCES

Where, because of severe topographical and/or other non-self imposed conditions peculiar to the site, strict adherence to the provisions of this Ordinance would cause an unnecessary hardship, the County Zoning Board of Adjustment may, authorize a variance to the terms of this Ordinance only to the extent that is absolutely necessary and not to an extent which would violate the purpose and intent of this Ordinance.

SECTION 6. AMENDMENTS

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

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

SECTION 7. EFFECT OF PLAT APPROVAL ON DEDICATION

The approval of a plat does not constitute or effect the acceptance by the county or the public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat and shall not be construed to do so.

SECTION 8. ADMINISTRATOR

The Holder of the office of the Planning & Zoning Administrator is hereby appointed to serve as Subdivision Administrator.

SECTION 9. EFFECTIVE DATE

This Ordinance shall take effect and shall supersede the Hertford County Subdivision Ordinance as adopted November 16, 1987, and June 27, 1988, and shall be in force from and after November 15, 1999.

Duly adopted by the Board of Commissioners of the County of Hertford, North Carolina, this the 18th day of October 1999.

ATTEST: _____ Chairwoman of the Board of Commissioners
Vernice B. Howard

ARTICLE V. IMPROVEMENTS REQUIRED AND MINIMUM STANDARDS OF DESIGN

SECTION 1. GENERAL

Approval of the final plat by the Planning Board is subject to the subdivider having installed the improvements required by applicable Hertford County Ordinances and this Ordinance. Each subdivision shall contain the improvements in Article V.

A. Suitability of Land

Land subject to periodic flooding, irregular drainage conditions, excessive erosion or topographical and other reasons unsuitable for residential use as determined by the appropriate board or agency, shall not be platted for residential use nor for any other use by a citizen that will continue or increase the danger to health, safety, or property unless the hazards can be and are corrected; however, a limited amount of land that is within an unsuitable zone may be included on a plat so long as sufficient area for building sites and improvements are included for each lot, and so long as the area of the unsuitable zone is disclosed to the buyer. The 100 year flood plan established for Hertford County by FEMA and the State Building Code require certain elevations.

B. Fill Areas

Areas that have been used for the disposal of solid waste or liquid shall not be subdivided into commercial or residential building sites. This shall include those areas that have been used for disposal of trash, demolition waste, chemical waste and other waste materials. Fill Areas can be accepted when using suitable soils as found in USDA Textural Classifications or in Unified Soil Classification Systems for fill materials. Any appropriate soil test or load bearing test may be required by the Building Inspector.

C. AECs

All lots, structures and utilities shall comply with the applicable Area of Environmental Concern (AEC) Standards, as amended, in accordance with the State Guidelines for AECs (15 NCAC 7H) pursuant to the Coastal Area Management Act of 1974.

D. Name Duplication

The name of the subdivision or street in the subdivision shall not duplicate nor closely approximate the name of an existing subdivision or street within Hertford County.

SECTION 2. IMPROVEMENTS INSTALLATION

A. Completion of improvements

Prior to final plat submission or approval, the subdivider shall complete and dedicate in a manner satisfactory to the Planning Board all required improvements as specified either on the approved preliminary plat or on that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time. The subdivider shall certify in writing the dedication of said improvements in accordance with Section 2, B. as shown below.

B. Certificate of Dedication and Maintenance

The certificate of dedication and maintenance shall stipulate the following:

1. That all property and improvements are owned by the subdivider and free of any encumbrances or lien except as enumerated;
2. That the subdivider has freely dedicated or reserved in writing, all required right-of-way easements, streets, utilities, open spaces, or other improvements to public or private use as noted on the approved preliminary plat and has freely established minimum building setback lines. A purchaser of a lot shown thereon accepts the lot subject to said dedication, reservations, and restrictions.

This certificate shall be filed with the final plat and forwarded to the Register of Deeds to be recorded.

SECTION 3. LOT DESIGN STANDARDS

A. General

The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

B. Subdivisions Subject to Zoning Ordinance District Regulations

Lots in subdivisions located within a district specified by the Zoning Ordinance shall meet and conform to all lot sizes, minimum building lines, dimensions, building setback and density requirements of said zoning district. The Hertford County Zoning Ordinance is incorporated herein by reference, as if set forth herein at length.

SECTION 4. UTILITIES

All lots to be subdivided must be capable of being served by on site wells and septic tank systems or public sanitary sewer and water facilities or private community water and sewage disposal systems approved by the appropriate local and state agencies.

A. Individual on Site Wells and Septic Tank Systems

1. Wells should be no closer than approved by the Health Department to any septic tank or filter field whether on the same lot or another lot.
2. Water supply and sewage facilities shall comply with applicable State, County, and Municipal Public Health Laws and regulations in all aspects not specifically mentioned in this Ordinance.
3. The subdivider, at his/her own expense, shall have the site investigated under the supervision of the County Health Department and shall present written proof to the Planning Board, or its appointed agent, that required and appropriate soil tests have been conducted and that each lot in the subdivision not served by public water and public sewage disposal systems meets standards set by the County Health Department for individual waste supplies and individual sewage disposal systems. This action shall be taken prior to approval of the preliminary plat.

B. Public Sanitary Sewer and Water Facilities or Private Community Sanitary Sewer and Water Facilities

Upon submittal of a preliminary plat, plans and specifications prepared and sealed by a North Carolina Licensed Engineer and/or Surveyor shall be provided by the subdivider to the Planning and Zoning Administrator's Office showing necessary sanitary sewer lines, water mains and items accessory to each that lie wholly within the rights-of-way in the subdivisions. After approval of the preliminary plat and these plans and specifications by the Planning Board and applicable agencies, installation of the improvements by the subdivider can begin. The County Building Inspector or his/her designee shall act as inspector to see that the approved plans and specifications are faithfully and completely carried out. Where existing sanitary sewer lines and water mains are within a reasonable distance, proposed sanitary sewer lines and water mains shall connect with the existing system in accordance with prescribed and approved specifications. Where sanitary sewer lines and water mains are not within a reasonable distance, but plans have been formulated for their installation, the sanitary sewer lines and water mains may be required at the Board's discretion. When sanitary sewer lines and water mains are not within a reasonable distance, and plans do not exist, the installation of such facilities will not be required.

The use of a private water or sanitary sewage disposal system approved by the Hertford County Health Department and other authorizing agencies will be permitted the subdivider. The total cost of installation of any sanitary sewer and water distribution improvements and accessories is to be borne by the subdivider. Each deed describing a lot within a subdivision served by a private water or sanitary sewage disposal system shall state that the system is private in nature, and shall state the party or parties responsible for maintenance of the system.

SECTION 5. SEDIMENTATION AND EROSION CONTROL

Persons engaged in land disturbing activities shall take all reasonable measure to protect public and private property from damage by such activities. Land disturbing activities are defined in N.C. G.S. 113A-52, as amended and supplemented, and may mean any use of land that results in a change in the natural cover or topography and that may change or contribute to sedimentation. When any land-disturbing activity is to be undertaken on a tract

where more than one contiguous acre is to be uncovered, the subdivider shall notify the North Carolina Sedimentation Control Commission to determine whether a Sedimentation and Erosion Control Plan is required. Violators of the North Carolina Sedimentation and Pollution Control Act of 1973 (N.C. G.S. 113A-50 et seq.) may be fined pursuant to statute.

SECTION 6. BLOCKS

The location, lengths, widths, and shapes of blocks shall be determined with due regard to: provision of adequate building sites suitable to the special needs of the type of permitted use contemplated; requirements as to lot sizes and dimensions; needs for vehicular and pedestrian circulation, control, and safety of roadway traffic; limitations and opportunities of topography; and convenient access to adequate water supplies. Blocks shall not be less than five hundred (500) feet, nor more than fifteen hundred (1,500) feet, in length.

SECTION 7. ROADWAY IMPROVEMENTS

A. Private Roads

Access to lots or parcels formed by a tract of land constituting a subdivision may be served by a private road. A private road shall meet the most current design and construction criteria as referenced in SUBDIVISION ROADS MINIMUM CONSTRUCTION STANDARDS, published periodically by the North Carolina Department of Transportation, **excluding the requirement** that the roads must be paved. The following shall be considered the acceptable, minimum standards of design for private subdivision streets and in no case shall be less than those of the North Carolina Department of Transportation as referenced above.

1. Such road shall have a private right-of-way easement in width required by the North Carolina Department of Transportation.
2. Such road shall be graded and stabilized according to minimum standards of the North Carolina Department of Transportation.
3. The alignment of such road shall meet applicable standards of the North Carolina Department of Transportation.

4. Street names, which duplicate or are phonetically similar to existing street names in the county shall be prohibited. A proposed street, which is in alignment with an existing street, shall bear the name of the existing street.

Appropriate street name signs, which meet the Division of Highways policies, shall be installed by the developer at all street intersections.

Stop and Yield traffic signs shall be installed by the developer at appropriate street intersections as required by the Division of highways. Any supplemental signs deemed necessary to safety and welfare by the Planning Board shall also be required for installation.

5. The subdivider shall pave the first (1st) twenty-five (25') feet into the subdivision from the public road.

6. Subdivision Streets Disclosure Statement

Each deed conveying a lot within a subdivision served by a private road shall state that the road serving said lot is private in nature, and is not constructed to the present minimum standards of The North Carolina Department of Transportation for admission to the State Highway System, thus is not eligible for State maintenance, unless said road is constructed and paved according to current Department of Transportation standards, and unless the requisite number of parties receiving access from the road pursuant to statute consent, in writing, to the road becoming public. It shall contain the name, address, and telephone number of the party or parties responsible for maintenance and shall further state that Hertford County accepts no liability to provide any maintenance or improvement assistance whatsoever for said road. In addition the subdivision plat, as a condition precedent to being recorded, shall contain a signed Subdivision Streets Disclosure Statement, signed by both the developer and initial buyer of each lot, which shall set forth the limitations herein above set forth, and

contain an acknowledgement by the parties that they have read, understand, and accept the road limitations.

7. Certificate for Private Roads

The developer shall receive a written certificate from a North Carolina Department of Transportation Engineer, that the roads as constructed meet the current minimum standards as set forth in The North Carolina Department of Transportation's Subdivision Roads Minimum Construction Standards. This certificate shall also be on the Final Plat and be part of the Planning Board Final Plat approval prior to recordation.

B Public Roads

Access to lots or parcels formed by a tract of land constituting a subdivision may be served by a public road. Public roads shall meet the present design and construction criteria as referenced in SUBDIVISION ROADS MINIMUM CONSTRUCTION STANDARDS, published periodically by the North Carolina Department of Transportation, including the requirement that the roads must be paved. The following shall be considered the acceptable minimum standard of design for new public subdivision streets, and in no case shall be less than those of the North Carolina Department of Transportation as referenced above.

1. Such road shall have a public right-of-way easement in a width required by the North Carolina Department of Transportation.
2. Such road shall be graded, stabilized, and paved according to accepted policies of the North Carolina Department of Transportation.
3. The alignment of such road shall meet applicable standards of the North Carolina Department of Transportation.
4. Street names which duplicate or are phonetically similar to existing street names in the County shall be prohibited. A proposed street, which is in alignment with an existing street, shall bear the name of the existing street.

Appropriate street name signs, which meet the Division of Highways policies, shall be installed by the developer at all street intersections.

Stop and Yield traffic signs shall be installed by the developer at appropriate street intersections as required by the Division of Highways. Any supplemental signs deemed necessary to safety and welfare by the Planning Board shall also be required for installation.

5. Subdivision Streets Disclosure Statement

Each deed describing a lot within a subdivision served by a public road which is not yet a part of the state-maintained highway system, shall state that the road serving said lot is public in nature, and is constructed to present standards of The North Carolina Department of Transportation for admission to the State Highway System, but is not yet eligible for State maintenance. It shall reveal the party or parties responsible for maintenance until the road is taken over by the North Carolina Department of Transportation, and shall further state that Hertford County accepts no liability to provide any maintenance or improvement assistance for said road. In addition, a separate Subdivision Streets Disclosure Statement shall be executed by the developer and initial buyer of the lot, and filed with the County Register of Deeds. The Subdivision Streets Disclosure Statement shall set forth the qualifications hereinabove and contain an acknowledgement of the parties that they have read and understand those qualifications.

6. Certificate for Public Roads Not on the State Highway System

The developer shall obtain a certificate from a Registered Engineer, or from the North Carolina Department of Transportation, that the roads as constructed meet applicable standards set forth in the North Carolina Department of Transportation's Subdivision Roads Minimum Construction Standards. This certificate shall be filed with

the County Planning and Zoning Administrator prior to the Planning Board's approval of the final plat for recordation.

SECTION 8. EASEMENTS

A. The subdivider shall convey written easements in recordable form to the County or appropriate utility company for both underground and overhead utility installation where needed. Easements shall be a minimum of fifteen (15) feet wide, or wider if required by utility companies, and normally centered along front lot lines. Wider easements may be required if the topography along the proposed right-of-way is such that maintenance equipment cannot reasonably operate within the fifteen (15) feet wide easement, or if primary voltage lines or transmission lines are within the subdivision. The conveyance of the easement may be made after the approval of the final plat.

B. Where a subdivision is traversed by a water source, drainage way, channel or stream, there shall be provided a written storm water easement or drainage right-of-way in recordable form conforming substantially with the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose of managing storm water runoff in a manner that will safeguard the health and property of the citizens of Hertford County.

SECTION 9. PERMANENT REFERENCE POINTS

Prior to the approval of the final plat, permanent reference points shall have been established in accordance with the requirements set forth in this Section.

A. Subdivision Corner Tie

At least one corner of the subdivision shall be designed by course and distance (tie) from a readily discernible reference marker. If a corner is within two thousand (2,000) feet of a U.S. Geodetic Survey or N.C. Coordinate Grid System coordinated monument, or Hertford County coordinated system if such exists, then this corner shall be marked with a monument so designated by computed X & Y coordinates which shall appear on the map with a statement identifying this monument to an accuracy of at least 1:10,000. When such a monument is not available, the tie shall be made to some pertinent and readily

recognizable landmark or identifiable point, physical object or structure. However, if in the opinion of the Planning Board, a subdivision is of such small size, or if there is an existing tie within a reasonable distance of the subdivision, this shall not be required.

B. Monuments

Within each block of a subdivision, at least two (2) monuments designed and designated as control corners shall be installed. The surveyor shall employ additional monuments, if required. All monuments shall be constructed of concrete and shall be at least four (4) inches in diameter or square and not less than three (3) feet in length. A monument shall be set thirty (30) inches in the ground, unless this requirement is impractical because of unusual conditions. All monuments shall be shown on the final plat.

C. Property Markers

A steel or wrought iron pipe or the equivalent of not less than three-fourths (3/4) inches in diameter and at least thirty (30) inches in length shall be set at all corners, except those located by monuments. A marker shall also be set at a point of curve, and point of tangency, unless a monument has already been placed at said points.

SECTION 10. RECREATIONAL FACILITIES

A. Provisions For Subdivision Recreation Areas

Every subdivider who subdivides or develops land for residential purposes shall set aside as a common area a portion of such land for the purpose of recreation to serve the residents of the subdivision, if they meet the following categories:

1. Subdivisions consisting of twenty-five (25) or more lots shall reserve twenty thousand (20,000) square feet of recreational area per twenty-five (25) lots.
2. If twenty-five (25) or more lots front on the water, then at least half of this reserved area shall abut the water front. Each recreation site shall not be less than ten thousand (10,000) square feet, with a minimum width of thirty-five (35) feet on the waterfront, and shall be suitable for recreational purposes.

3. Subdivisions containing less than twenty-five (25) lots, any of which front on a waterway, shall provide a twenty (20) feet easement, located along a property line, to provide private pedestrian access for owners of non-water front lots within the subdivision.

B. Maintenance

The responsibility for maintenance of recreation areas shall be revealed in writing by the subdivider prior to the sale of lots. The County shall not be responsible for maintenance.

C. Public Access To Navigable Streams

The Planning Board encourages but does not require that subdivisions adjoining navigable streams provide for public access to the water.

ARTICLE VI. SUBDIVISION REVIEW PROCESS

The following steps outline the requirements for subdivision plat approval. The subdivider shall submit a Sketch Plan, a Preliminary Plat, and a Final Plat.

SECTION 1. SKETCH PLAN REVIEW

A. General

The subdivider shall present a sketch plan of the proposed subdivision to the Planning and Zoning Administrator for review. This sketch plan may, but need not be, prepared by a surveyor or engineer.

B. List of Requirements for Sketch Plan

1. General description of the proposed subdivision.
2. Name of proposed subdivision and its location by municipality, township, county, and state.
3. Sketch vicinity map showing the relationship between the proposed subdivision and relation to the surrounding area, including but not limited to contiguous and neighboring tracts.
4. Proposed street right-of-way and lot layout.
5. Minimum lot size and the total number of lots.
6. Location of all existing or proposed water and sewer lines and sizes, if applicable.
7. Approximate location of land to be dedicated or reserved for public or private use and the approximate amount of area.
8. The location of all designated Areas of Environmental Concern within the subdivision.
9. Any additional information, which would be supportive to the review process, as required by the Planning Department.

C. Review of Sketch Plan

The Planning and Zoning Administrator shall review and discuss with the subdivider the sketch plan for general compliance with the requirements of this Ordinance, and any other applicable regulation, ordinance, and/or statute. When sufficient information is available Planning and Zoning Administrator shall request that a Preliminary Plat be prepared by the subdivider.

SECTION 2. PRELIMINARY PLAT REVIEW

A. Outside Agencies

It shall be the duty of the developer to insure that the following agencies have reviewed and made recommendations concerning, the proposed subdivision.

1. The Division of Highways District Engineer as to proposed roadways, driveways, and/or curb cuts.
2. The Hertford County Health Department or North Carolina Department of Human Resources, Division of Health Services as appropriate, for proposed water and sewage systems.
3. The local CAMA Permit Officer, to determine if the property lies within a designated Area of Environmental Concern and what permits are required.
4. The Zoning Administrator as to appropriate zoning.
5. The Hertford County Land Records office, which shall plot the subdivision for closure.
6. Any other agencies or officials as the Planning Board may deem necessary or desirable.
7. County Public Works Director. (County Water and Sewer Superintendent).

B. General

The subdivider shall submit fifteen (15) copies of the completed and signed application and preliminary plat(s) and any supplementary materials to the Planning and Zoning Administrator's office at least ten (10) work days prior to the regularly scheduled

meeting of the Planning Board. The Planning and Zoning Administrator, upon receipt of the filing fee, will place the preliminary plat on the Planning Board's agenda, provided the plat contains all the information required below, and provided recommendations have been received by the outside agencies specified above.

C. List of Requirements for Preliminary Plat

1. The name of the subdivision
2. A sketch vicinity map showing the relationship between the proposed subdivision and surrounding area at an appropriate scale. All preliminary and final plats shall be at a scale not less than 1"=100 feet, and the scale denoted both graphically and numerically.
3. Site location.
4. A topographic map showing vertical contours five (5) feet or less.
5. Total acreage of tract to be subdivided with the location of previously subdivided lots within the tract.
 - (a) Flood Hazard designation.
6. Name of township, county, and state in which the subdivision is located.
7. Corporate limits, township boundaries, county lines, and extraterritorial town planning jurisdiction boundaries, if on the subdivision tract.
8. The names, addresses and telephone numbers of all subdividers, owners, mortgagees, registered surveyors, land planners, and professional engineers responsible for the subdivision.
9. The registration numbers and seals of the professional engineers and registered surveyors.
10. Date of survey and plat preparation prepared by North Carolina Registered/Licensed Engineer and/or Surveyor.
11. An accurately positioned north arrow.

12. The names, addresses and telephone numbers of adjoining property owners, zoning of contiguous property, and existing uses of contiguous property.
13. The boundaries of the tract or portion thereof to be subdivided distinctly and accurately represented with all bearings and distances shown, including:
 - (a) Total Number of Lots
 - (b) Lot Size (in square feet)
 - (c) Each lot shall be numbered
14. The name and location of any adjoining subdivisions of record or proposed and under review.
15. Minimum building setback lines.
16. Existing buildings or structures, sewers, water lines, water courses, railroads, bridges, culverts, storm drains, sanitary sewers.
17. The blocks numbered consecutively throughout the subdivision and the lots numbered consecutively throughout each block.
18. Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams, or stream beds, and any other natural features affecting the site, including the location of known areas subject to flooding.
19. Proposed roadways, existing and platted streets on adjoining properties and in the proposed subdivision, right-of-way widths, and pavement widths.
20. Street names.
21. The location and dimensions of all rights-of-way, utility or other easements.
22. Letter of tentative approval of water supply and sewage disposal plans by appropriate county and state authorities.
23. Certificate from the designated Coastal Area Management Act (CAMA) Permit Officer certifying whether the subdivision is located within an Area of Environmental Concern (AEC).

24. Type of street dedication; all streets must be designated either "private" or "public" road.
25. Letter from the Department of Transportation as to proposed roadway alignment and proposed construction.
26. Letter of approval from the Zoning Administrator.
27. A copy of any deed restriction or similar covenants running with the land, in recordable form.
28. A copy of the deed Subdivision Streets Disclosure Statement where proposed roadways are designated private roads, or where proposed roadways are public roads not yet a part of the State Highway System. Article V, Section 7(A)(6) and Article V, Section 7(B)(5).
29. Letter of approval from the Hertford County Land Records Office.
30. Any other information considered by either the subdivider, Planning and Zoning Administrator, Building Inspector, Planning Board or Board of Commissioners to be pertinent to the review of the plat.
31. Applicable Certificates in Article VII, Section 1.

D. Action

After review of the preliminary plat, the Planning Board may approve, conditionally approve, or disapprove the plat.

If the Planning Board approves the plat, such approval shall be noted on five (5) copies of the plat. One (1) copy shall be retained by the Board of Commissioners, two (2) copies shall be retained in the Planning and Zoning Administrator's Office records and two (2) copies shall be given to the subdivider.

If the Planning Board disapproves the preliminary plat, it shall give the subdivider the reasons in writing and shall instruct the subdivider concerning possible resubmission of the plat to the Planning Board, if deficiencies can be corrected.

Upon approval of the preliminary plat by the Planning Board, 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. Preliminary plat approval shall in no way be construed as

constituting an official action of approval for recording of the subdivision as required by this Ordinance.

SECTION 3. FINAL PLAT REVIEW

A. General

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. No final plat shall be approved unless and until the subdivider shall have installed in that area represented on the final plat all improvements required by this Ordinance.

The final plat, representing either the entire tract or one or more sections indicated on the preliminary plat, shall be submitted with complete executed application and proof of payment of appropriate fee not more than twelve (12) months after the date on which the preliminary plat was approved, otherwise approval of the preliminary plat shall be null and void, unless a written extension of this time limit is granted by the Planning Board on or before the one (1) year anniversary of the approval.

The subdivider or authorized agent shall submit eight (8) copies of the final plat to the Planning and Zoning Administrator's Office at least ten (10) work days prior to the next regularly scheduled Planning Board meeting. The Planning and Zoning Administrator will place the final plat on the Planning Board agenda, provided the plat contains all the information required below.

B. List of Requirements for Final Plat

1. The name of the subdivision.
2. A sketch vicinity map showing the relationship between the proposed subdivision and surrounding area at an appropriate scale. All preliminary and final plats shall be at a scale not less than 1" 100 feet, and the scale shall be denoted both graphically and numerically.
3. Site location.
4. Total acreage of tract to be subdivided with the location of previously subdivided lots within the tract.

5. Name of township, county, and state in which the subdivision is located.
6. Corporate limits, township boundaries, county lines, and extraterritorial town planning jurisdiction boundaries, if on the subdivision tract.
7. The names, addresses, and telephone numbers of all owners, mortgagees, registered surveyors, land planners, and professional engineers responsible for the subdivision.
8. The registration numbers and seals of the professional engineers and registered surveyors.
9. Date of survey and plat preparation.
10. An accurately positioned north arrow.
11. The exact boundary lines of the tract to be subdivided, fully dimensioned by length, bearings, and the location of existing boundary lines of adjoining lands, including:
 - (a) Total Number of Lots
 - (b) Lot Size (in square feet)
 - (c) Each lot shall be numbered
12. The names, addresses, and telephone numbers of adjoining property owners, zoning of contiguous property(ies), and existing uses of contiguous property(ies).
13. The name of any adjoining subdivision proposed and under review.
14. Minimum building setback lines.
15. Existing building or structures, water lines, water courses, railroads, bridges, culverts, storm drains, and sanitary sewer.
16. Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line, and building setback line, whether curved or straight., This should include the radius central angle, and tangent distance for the center line of curved property lines that are not boundaries of

- curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.
17. The blocks numbered consecutively throughout the subdivision and the lots numbered consecutively throughout each block.
 18. Proposed roadways, existing and platted streets on adjoining properties and in the proposed subdivision, right-of-way widths, and pavement widths.
 19. Street names.
 20. The location and dimensions of all rights-of-way, utility or other easements.
 21. The plans for utility layouts including sanitary sewers, storm sewers, water distribution lines, natural gas, telephone and electric service where applicable.
 22. Improvement permit or letter of approval for water and sewage systems by appropriate county and state authorities, if any system is to be installed by subdividers.
 23. Certificate from the designated Coastal Area Management, Act (CA.MA) Permit Officer certifying whether the subdivision is located within an Area of Environmental Concern (AEC).
 24. Type of street dedication; all streets must be designated either “private” or “public” road.
 25. Letter of approval from a District Engineer (private roads or public roads not on the State Highway System), or from the Department of Transportation (public road that is part of the State Highway System) stating whether the new roadway is constructed to appropriate standards.
 26. Letter of approval from the Zoning Administrator.
 27. A written copy in recordable form of any deed restrictions or similar covenants running with the land.

28. A copy of the deed disclosure statement where proposed roadways are designated private roads, or where proposed roadways are public roads not yet a part of the State Highway System.
29. The accurate locations and descriptions of all monuments, markers, and control points.
30. Any other information considered by either subdivider, Subdivision Review Committee, Planning and Zoning Administrator, Building Inspector, Planning Board or Board of Commissioners to be pertinent to the review of the plat.
31. The description contained in any map or plat that is to be registered and that creates or more fully defines a parcel or parcels not previously plotted on the county large-scale cadastral maps and for which a parcel identifier number does not exist must be sufficiently precise to create a consistent closed parcel boundary within a plotting accuracy of 1/40 (one-fortieth) of an inch as determined by the Hertford County Land Records Office.
32. Applicable Certificates in Article VII, Section 2.

C. Action

The Planning Board shall review the final plat as to compliance with the approved preliminary plat and shall take action on the final plat within sixty (60) business days from the submittal date. Final approval will be based on compliance and satisfactory completion of required improvements.

The Planning Board shall appoint the Building Inspector, or appoint a technical committee, to check the final plat in the field, and it may appoint an engineer, to check the final plat against the subdivision preliminary layout for accuracy, charging the costs to the subdivider.

The Planning Board shall approve or disapprove the final plat. Should the Planning Board approve the final plat, such approval shall be indicated on all copies of the plat by the signed Certificate of Approval for Recording.

If the final plat is disapproved by the Planning Board, the reasons for such disapproval shall be stated in writing and one (1) copy shall be retained for the Planning and Zoning Administrator's Office records, one (1) copy to the Clerk to the Board of the Hertford County Board of Commissioners, and one (1) copy shall be transmitted to the subdivider. If the final plat is disapproved, the subdivider may make such changes as will bring the plat into compliance with the Ordinance and resubmit it to the Planning Board for review, or the subdivider may appeal the Planning Board's decision to the Board of County Commissioners, in writing, within thirty (30) days from the date of the Planning Board action, to the Clerk to the Board of Commissioners and the County Planning and Zoning Administrator.

D. Approval Does Not Constitute Acceptance of Dedications

The approval of a plat in accordance with this Ordinance shall not be deemed to constitute or affect the acceptance by the County, a governmental unit, of a public utility line or other facility shown on the plat. However, the Board of County Commissioners may by resolutions, accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision regulation jurisdiction.

ARTICLE VII. CERTIFICATE TO BE APPLIED TO FACE OF PLAT

SECTION 1. PRELIMINARY PLAT

1. The Hertford County Planning Board hereby (approves) (conditionally approves) (disapproves) this preliminary subdivision plat. This action shall in no way be construed as constituting approval for recording.

_____, 19____
Date

Chairman, Hertford County
Planning Board

2. The area designated herein is (in part located within) (is in totality located within) (is not located within) an Area of Environmental Concern, and (requires), (does not require) a CAMA Permit prior to construction of improvements.

_____, 19____
Date

Coastal Area Management Act
Permit Officer

SECTION 2. FINAL PLAT

1. Certificate of Dedication, Maintenance, and Approval of Subdivision for Recordation

I hereby certify that the land as shown hereon is:

(1) within the subdivision regulations jurisdiction of the County of Hertford, State of North Carolina;

(2) owned by _____, free and clear of any encumbrances or liens except as stated below:

(3) that the subdivider, by the recording of this plat, freely dedicates or reserves all required right-of-way easements, streets, utilities, open spaces, or other improvements to public or private use as noted on the approved preliminary plat, and has freely established minimum building setback lines which conform to existing County ordinances, Zoning and other. A purchaser of a lot shown hereon accepts the lot subject to said dedication, reservations, and restrictions.

(4) the owner/authorized agent consents to the within subdivision and the recording of same with the appropriate Hertford County recording officials.

_____, 19_____
Date

Owner or Authorized Agent

2. (a) The public streets designated hereon are constructed in accordance with the minimum standards of the Department of Transportation for acceptance of the subdivision streets on the state highway system for maintenance. This certificate of approval shall not be deemed an acceptance of the dedication of such streets designated herein.

_____, 19_____

Highways Date District Engineer, Division of

2. (b) The private streets designated hereon are constructed in accordance with and meet applicable standards set forth in the North Carolina Department of Transportation’s “SUBDIVISION ROADS MINIMUM CONSTRUCTION STANDARDS”, excluding the requirement that the roads must be paved. These private streets are not eligible for acceptance on the state highway system for maintenance, unless said streets are paved according to Department of Transportation standards, and unless all parties receiving access from said streets consent, in writing, to the street becoming public. This certificate of approval shall not be deemed an acceptance of the dedication of such streets designated herein.

_____, 19____
Date

District Engineer of the State of North Carolina



3. State of North Carolina, County of _____

I, _____ certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey by me) (an actual survey made under my supervision) (deed description recorded in Book _____ Page _____; etc.) (other); that the ratio of precision as calculated by latitudes as departures is _____ (1:7500 as a minimum standard); that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____, Page _____.

Witness my hand and seal, this _____ day of _____ 19____.

Surveyor or Engineer Licensed by the State of North Carolina

Sworn to and subscribed before me this _____ day of _____ 19 _____.

Notary Public

My commission expires:

4. I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of Hertford County by the Hertford County Planning Board and/or Subdivision Review Committee and that it has been approved for recording in the Office of the Register of Deeds.

_____, 19_____
Date

_____, 19_____
Date

Chairman, Hertford County
Planning Board

OR

Planning and Zoning Administrator

5. The area designated hereon is (in part located within) is in totality (located within) (is not located within) an Area of Environmental Concern, and appropriate permits (have) (have not) been acquired by the subdivider.

_____, 19_____
Date

Coastal Area Management Act
Permit Officer
