

**AN ORDINANCE AMENDING THE SUBDIVISION ORDINANCE
OF THE TOWN OF DUCK, NORTH CAROLINA BY
UPDATING STANDARDS FOR EXEMPT PLATS**

Ordinance 17-16

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 Town Council has found this ordinance to be consistent with the Town's adopted CAMA Land Use Plan; and

WHEREAS, the Town Council has determined that is in public interest to update standards for exempt plats and expedited review for certain types of subdivisions in the Subdivision Ordinance in compliance with the N.C. General Statutes.

NOW THEREFORE BE IT ORDAINED by the Town Council for the Town of Duck, North Carolina that the Subdivision Ordinance shall be amended as follows:

PART I. That Subsection 155.01(E) of the Town Code be amended with the addition of the following subsection (5):

“(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 N.C. General Statutes.”

That Section 155.02 of the Town Code be amended by the addition of the following Subsection (A) providing an expedited review process for certain types of subdivisions:

“(A) *Expedited review and recordation.* Consistent with the standards of NCGS 160A-376, the Town of Duck will only require a plat for recordation for the division of a tract or parcel of land in single ownership if all of the following criteria are met:


- (1) The tract or parcel to be divided is not exempted under Subsection 155.01(E).
- (2) No part of the tract or parcel to be divided has been divided under the rules of this subsection in the ten (10) years prior to division.
- (3) The entire area of the tract or parcel to be divided is greater than five (5) acres.
- (4) After division, no more than three lots result from the division.

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

- (a) Any lot dimension size requirements of the applicable land-use regulations.
- (b) The use of the lots is in conformity with the applicable zoning requirements.
- (c) A permanent means of ingress and egress is recorded for each lot.”

Current subsections 155.02 (A), (B), and (C) will be relabeled as subsections (B), (C), and (D).

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


Don Kingston, Mayor

ATTEST:


Lori Ackerman, Town Clerk



Date adopted: February 7, 2018

Motion to adopt by: Councilor Jon Britt

Vote: 5 AYES 0 NAYS