

AN ORDINANCE TO AMEND APPENDIX A "LAND USE" OF THE CODE OF ORDINANCES OF THE CITY OF NEW BERN

THAT WHEREAS, the Planning and Zoning Board of the City of New Bern recommends that certain amendments be made to Appendix A "Land Use" of the Code of Ordinances of the City of New Bern; and

WHEREAS, The City's development services staff further recommends approval of said proposed amendments; and

WHEREAS, the Board of Alderman of the City of New Bern deems it advisable and in the public interest to effect said revisions to Appendix A "Land Use" of the Code of Ordinances of the City of New Bern.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

SECTION 1. That Section 15. "Basic definitions and interpretations." of Article II. "Definitions" of Appendix A "Land Use" of the Code of Ordinances of the City of New Bern be and the same is hereby amended by deleting subsection (129) "Subdivision, minor" in its entirety and the following inserted in its stead:

"(129) Subdivision, minor: Any subdivision involving (i) no new public or private streets or rights-of-way dedication, (ii) no access easements, (iii) no utility extension, and (iv) where six or fewer lots result after the subdivision is completed and the resultant lots do not exceed 1 acre in size per lot. Also included in this definition and in addition to its provisions, is the division of lots created prior to 1953 and containing two or more detached residential dwellings, not including accessory structures (i.e., garages, dependencies, storage buildings, etc.), into separate lots with detached dwellings that may not meet the minimum lot standards of this ordinance, but comply with Section 15-78(e).

SECTION 2. That Section 78. "Minor subdivision approval." of Article XI. "Major and Minor Subdivision" of Appendix A "Land Use" of the Code of Ordinances of the City of New Bern be and the same is hereby amended by deleting subsection (e) in its entirety and the following inserted in its stead:

"(e) No more than a total of six lots may be created out of one tract using the minor subdivision plat approval process, regardless of whether the lots are created at one time or over an extended period of time.

(1) Planned unit developments (PUD's) may not be approved through the minor subdivision approval process as PUD's typically involve a deviation from the dimensional requirements prescribed in this ordinance.

(2) Non-conforming lots created prior to 1953 containing two or more detached single-family dwellings may be subdivided in accordance with the provisions of this section into lots containing individual detached single-family dwellings that may not meet the minimum lot standards of this ordinance, provided that:

(a) Each of the resulting subdivided lots meets the requirements for a minor subdivision, other than the minimum standards of this ordinance.

(b) No new street improvements or right-of-way dedication is required.

(c) No water and/or sewer utility extensions are required.

(d) Each of the resulting subdivided lots abuts a public street with street frontage not less than twenty-five (25) feet; and

(e) The resulting front setback from the public street to the front building line of each dwelling is within a range comprised of the minimum and maximum setbacks established by the actual front yard setbacks of all dwellings within 500 feet of each side of the resulting subdivided lots, including any existing dwellings on other resulting subdivided lots.


(f) The following notes shall appear on the plat of the resulting lots:

(1) "No further subdivision of these lots shall be permitted using the minor subdivision process."

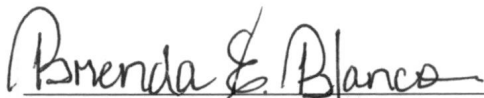
(2) "No change of use of these lots shall be permitted unless applicable requirements of this ordinance are met."

SECTION 3. This ordinance shall be effective from and after the date of its adoption.

ADOPTED this 10th day of June, 2025.



JEFFREY T. ODHAM, MAYOR



BRENDA E. BLANCO, CITY CLERK