

ARTICLE 13. SUBDIVISION REGULATIONS

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PART I. PLAT PROCEDURE

SECTION 13.01 PRELIMINARY PLAT

- (A) The **preliminary plat** should be reviewed by the Technical Review Procedure (TRP) and a report of findings should be prepared for **Planning Board** review.
- (B) The Town **Planning Board** shall review the **preliminary plat** to ensure that the **subdivision** is equal to or exceeds the standards of this article and the applicable **zoning** regulations. Upon determination that these standards have been achieved, the **Planning Board** shall grant preliminary approval of the **subdivision** and inform the **Town Council** of this action at the next Council meeting.
- (C) Approval of a **preliminary plat** shall constitute tentative approval of a final **subdivision plat**. Such approval shall be valid for a period of one (1) year. The Planning Board may extend preliminary plat validity in six (6) month increments provided that reasonable progress has been made. A **preliminary plat** shall show the following:
- (1) *Name.* The **subdivision** name, the names and addresses of the owners, and the designer of the **subdivision**, and his/her qualifications.
 - (2) Date, approximate North arrow, and scale.
 - (3) **Lot Lines.**
 - (4) **Lot** Dimensions.
 - (5) *Boundaries.* The boundary line of the tract to be subdivided drawn accurately to scale and with accurate linear and angular dimensions.
 - (6) *Location Map.* A map showing the location of the **subdivision**.
 - (7) *Primary Dunes.* The location of the primary dunes as established by the **CAMA** regulations.
 - (8) *Existing Property Lines.* The location of existing and platted property lines, **streets**, buildings, water courses, railroads, bridges, water mains, sewers, culverts, drainpipes, and public utility **easements**, and the names of record owners of adjoining parcels of unsubdivided land.

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- (9) **Flood** hazard zones, **wetland** delineation, and **CAMA** jurisdiction all must be indicated on the **preliminary plat**.
 - (10) **Proposed Improvements**. The names, proposed location, and approximate dimensions of proposed improvements. Structural **encroachments**, such as gate houses, mail boxes, and entrance signs, etc., within private right-of-ways must show the dimensions of the **structure** and not be located in the site visibility triangle. Legal agreements stating the responsibility as to the maintenance of the **structures** will be provided.
 - (11) **Streets** marked public or private.
 - (12) Show all sidewalks and **street** profiles.
 - (13) Open Space Requirements for Single Family Developments reference Article 7.34 Supplemental Regulations.
- (D) The above required information should be graphical only, not requiring detailed computations of field work over and above what is needed to obtain the basic information. In all cases, proposed characteristics shall be shown in a manner that shall distinguish them clearly from the existing characteristics of the land.
- (E) In addition to the above, the following information shall be provided upon request by the **Planning Board**:
- (1) **Profiles**. When deemed necessary, profiles of all **streets** showing natural and finished grades drawn to scale may be required to eliminate standing water and erosion caused by excessive runoff.
 - (2) **Underground Electrical Service Approval** – Underground electrical service approval shall be submitted with the preliminary plat indicating that each lot has adequate land area and suitable topography to accommodate the proposed methods of electrical supply.
 - (3) **Water Supply and/or Sewage Disposal Approval**. Where public water or public sewer is not available for extension to each **lot** in the **subdivision**, a written statement from a certified soil scientist, approved by Brunswick **County**, shall be submitted with the **preliminary plat** indicating that each **lot** has adequate land area and suitable topography to accommodate the proposed methods of water supply or sewage **disposal**.

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- (4) Other information as deemed necessary by the **Planning Board**.
- (F) The **preliminary plat** shall show the location of the proposed **streets**, public or private, **alleys**, culs-de-sacs, or other public ways.
- (G) **Private Areas within Subdivisions.**
- (1) The **Planning Board** shall be assured, prior to **final plat** approval, that adequate provisions have been made through legal covenants and restrictions which shall govern a homeowners' association, or through other legal agreements, that the responsibility as to the maintenance of the **streets**, utilities, or other areas designated as private areas or as a common area will be accomplished by a source other than by public maintenance.
- (2) The subdivider shall provide and sign an acknowledgment of compliance as specified in Section 13.02. Such acknowledgment shall appear on the **final plat** of the **subdivision**.
- (H) **Sidewalks, Walkways, and Bikeways.**
- (1) Sidewalks, walkways, and other pedestrian ways shall be provided by the subdivider within or adjacent to a **subdivision**, as deemed necessary by the **Planning Board**, upon reasonable evidence that the sidewalks, walkways, or other pedestrian ways would be essential for pedestrian **access** to community facilities, that such is necessary to provide safe pedestrian movement outside the **street** or **street** right-of-ways area or that such is an extension or could reasonably become an extension of existing sidewalks, walkways, and other pedestrian ways. All sidewalks, walkways, and other pedestrian ways shall be aligned as required by the **Planning Board** and designed and constructed to conform to Chapter 98 of the Code of Ordinances. Sidewalks shall be indicated on all preliminary plans as outlined above.
- (2) **Private streets. Streets** designated as private in accordance with the paragraph above may be allowed in **subdivisions** when, in the opinion of the **Planning Board**, they provide adequate ingress and egress onto collector **streets**, and they provide sufficient assurance through legally established homeowners' or similar owners' associations, deed restrictions, and/or covenants, or other maintenance agreements, that said **street** shall be properly maintained and said agreements perpetually carried with the land. The **Planning Board** shall reserve the authority, when the public welfare and safety warrant, requiring the public dedication of **street**

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right-of-ways within *developments*. All *private streets* shall be designed and constructed to meet or exceed the public *street* standards as specified in Chapter 98 of the Code of Ordinances.

SECTION 13.02 FINAL PLAT

The Town *Planning Board* shall review the *final plat* to ensure that the *subdivision* is equal to or exceeds the standards of this article and the applicable *zoning* regulations and any applicable other federal, state, county or local regulations. No subdivision or planned residential development (PRD) shall be recorded nor any structural building permit issued within a proposed subdivision until all Town requirements have been met and all required infrastructure has been installed and approved by the appropriate Town officials. Upon determination that these standards have been achieved, the *Planning Board* shall grant *final plat* approval of the *subdivision* and inform the *Town Council* of this action at the next Council meeting.

- (A) *Submitting the Final Plat.* After the *preliminary plat* has been approved, and all required infrastructure installed and approved, the final *subdivision plat* as described in Section 13.05 shall be submitted electronically along with as-built plans showing water lines, wastewater lines, stormwater facilities, roads, utilities and any other improvements. This final *subdivision plat* must be submitted for final approval before any building permits may be issued and prior to expiration of the *preliminary plat*. Such owner or subdivider shall submit one (1) original mylar and two (2) paper copies of the *final plat* as required by the *County*, properly signed and executed as required for recording in the office of the *Register of Deeds* of the *County*.
- (B) *Conformity with Preliminary Plat.* The *final plat* shall conform with the *preliminary plat* as approved. If desired by the owner or subdivider, the *final plat* may constitute only that portion of the approved *preliminary plat* which the developer proposes to record and develop at the time, provided that the *Planning Board* shall find that the portion of the *subdivision* is reasonably located with respect to existing roads and utility lines, that such portion shall conform to all requirements of this article, and that all infrastructure is planned and installed to adequately serve all lots shown on the final plat.

SECTION 13.03 GUARANTEE OF IMPROVEMENTS

All required improvements required by Section 13.08, except the final lift of asphalt on roadways and minor improvements such as required landscaping, shall be installed, inspected, and approved prior to approval of any final plat. The County Engineer shall determine if the water and sewer utilities work is satisfactory and complete. A Subdivision Improvement Agreement shall be entered into for the purpose of guaranteeing the proper installation of the final lift of asphalt on roadways and any other approved minor improvements according to the requirements of this Section. In

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addition, a workmanship guarantee shall be provided for all required improvements according to the requirements of subsection E.

- (A) **Subdivision Improvement Agreements.** The **UDO Administrator** shall have the authority to review and approve all **subdivision** improvement agreements. The Subdivision Improvement Agreement shall guarantee completion of all eligible on-site and off-site public improvements no later than one (1) year following the date upon which the **final plat** is recorded. Such period may be extended for up to an additional six (6) months upon its expiration at the discretion of the **UDO Administrator**. The **Applicant** shall bear the responsibility to prepare a **Subdivision** Improvement Agreement. The Town Attorney shall approve any **Subdivision** Improvement Agreement as to form.
- (B) **Performance Security.** Whenever an **applicant** is subject to enter into a **Subdivision** Improvement Agreement, the **applicant** shall be required to provide sufficient security to ensure completion of the required public improvements. The security shall be in any form authorized by NCGS 160A-372(g)(1). If in the form of a surety bond, the bond shall be reviewed annually.

The letter of credit, cash escrow, or surety bond, or other approved guarantee shall be in an amount reflecting one hundred twenty-five percent (125%) of the cost of the improvements and shall be sufficient to cover all promises and conditions contained in the **Subdivision** Improvement Agreement. An engineer selected by the Town shall review and approve the estimated cost of improvements before the Agreement is executed. The **applicant** shall be required to be pay for the cost of such services. The estimated cost shall be broken down separately for each element of the agreement. In addition to all other security, when the Town participates in the cost of an improvement, the **applicant** shall provide a performance bond from the contractor, with the Town as a co-obligee. The issuer of any surety bond shall be subject to the approval of the Town Attorney and the **UDO Administrator**.

If security is provided in the form of a cash escrow, the **applicant** shall deposit with the Town Finance Director a cash amount or certified check endorsed to the escrow agent for a face value in an amount not less than the amount specified herein. The surety bond or cash escrow account shall accrue to the Town for administering the construction, operation, and workmanship of the improvements. Where oversized facilities are required, the **UDO Administrator** and **applicant** shall specify a reimbursement procedure in the **Subdivision** Improvement Agreement.

- (C) **Release of Performance Security.** Upon completion of all improvements required by the **Subdivision** Improvement Agreement, the **UDO Administrator** shall have the work

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inspected. If the **UDO Administrator** determines that the work is satisfactory and complete, the letter of credit, cash escrow, or surety bond shall be released. The **UDO Administrator** shall also require evidence from the subdivider that all contractors have been paid in full prior to the release of the performance security.

- (D) *Failure to Complete Improvements.* If a **Subdivision** Improvement Agreement has been executed and security has been posted and required public improvements are not installed pursuant to the terms of the Agreement, the **UDO Administrator** may:
- (1) Declare the Agreement to be in default thirty (30) days prior to the expiration of the guarantee instrument, and require that all public improvements be installed regardless of the extent of completion of the **development** at the time the agreement is declared to be in default;
 - (2) Obtain funds pursuant to the surety and complete the public improvements by itself or through a third party;
 - (3) Assign its right to receive funds pursuant to the surety in whole or in part to any third party, including a subsequent owner of the **subdivision** or addition for whom the public improvements were not constructed, in exchange for the subsequent owner's Agreement to complete the required public improvements; and/or
 - (4) Exercise any other rights available under the law.
- (E) *Workmanship Guarantee.* The **applicant** shall guarantee all improvements against defects in workmanship and materials for a period of one (1) year from the date of acceptance of such improvements.

Thirty (30) days prior to the expiration of the workmanship guarantee, if any defects in workmanship and/or materials are not repaired to the satisfaction of the **UDO Administrator**, the **applicant** shall be required to make all necessary repairs immediately. Failure to complete improvements will result in penalties as outlined in this Ordinance.

SECTION 13.04 RECORDING PLAT

No **plat** shall be recorded until the final **subdivision plat** is approved in accordance with this article.

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SECTION 13.05 INFORMATION TO BE SHOWN ON FINAL PLAT

The **final plat** shall be a reproducible map acceptable to the Brunswick **County Register of Deeds** office for recording purposes and shall contain the following:

- (A) **Boundaries.** The exact boundary of the tract of land being subdivided, showing clearly the disposition of all portions of the tract into designated tracts, **lots, streets, alleys**, parks, **open spaces, easements**, or other classifications, the exact location and width of all existing or recorded **streets** and intersecting the boundary of the tract being subdivided, and the names of adjoining **subdivisions** or the names of record owners of adjoining parcels of unsubdivided land.

- (B) **Streets.** The lines and names of all **streets, alleys, lines, lot lines**, building lines, **easements**, and areas devoted to public use, with notes stating their purposes and **lot** and block numbers. All **streets** must be designated on the **final plat** as "Public or Private."

- (C) **Title.** A note shall appear on the **final plat** stating the deed reference under which title to the property being subdivided is held.

- (D) **Lines.** Sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every **street** and **alley** line, **lot line, easement**, boundary line, block line, and building line whether straight or curved. This shall include tangent distance, the central angle, the radius, arcs, and chords of all curves. All linear dimensions shall be given in feet and hundredths thereof, and angular dimensions shall be of comparable accuracy within the limits of good surveying.

- (E) **Permanent Monuments.** Unless previously existing, a minimum of two (2) permanent control monuments of stone or concrete shall be placed at the point of intersection on the centerline of intersecting public or **private street** right-of-ways or at the point of intersection of the tangents of curves when such point lies within the pavement of the proposed **street**. Otherwise, monuments shall be placed on the centerline at the points of curvature and at the points of tangency of curves which are to be dedicated for **street** purposes. A table of dimensions, or dimensions between control monuments, shall be shown on the map. Metal castings or **access** boxes for the control monuments mentioned above shall be placed in the pavement prior to release of final sureties for road construction or final approval of road construction. Such monuments shall be set nine (9) inches below the finished grade of the pavement. A metal casting of approved type will be mounted over said monument with its base flange mounted on a brick foundation with mortar joints of at least two (2) course thickness, the top of which must be a minimum of one and three-quarters (1.75) inches higher than the highest point of the monument. Permanent

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monuments shall be at least thirty (30) inches in length, six (6) inches in diameter and shall have a metal pin or punch-marked metal plate embedded therein marking the point represented on the **final plat**.

In addition to the two (2) required Control Monuments, a control point (i.e., railroad spike, P.K. nail, iron rod, rebar, etc.) shall be set at all other centerline intersections, points of curvature, and points of tangency prior to recordation. In the event that these points are destroyed during initial project construction, it shall be the subdivider's responsibility to have said points replaced in their original horizontal positions.

- (1) **Lot Corners.** All **lot corners**, other than those marked by permanent monuments as described herein, shall be marked by metal stakes not less than three-quarters (0.75) inches in diameter, or less than two and one-half (2.5) feet in length.
 - (2) **Existing Public Right-of-Way.** When a **lot** or **lots** within a **subdivision** abut an existing public **street**, highway, or thoroughfare, the subdivider shall be responsible for the installation of all improvements to that portion adjacent to and which is to be utilized by that **subdivision**.
 - (3) **Pedestrian Crosswalks.** Where deemed necessary by the **Planning Board**, a pedestrian crosswalk at least fifteen (15) feet in width may be required through a block to provide convenient public **access** to a public or common area such as a park, **open space** area, school, or a water area.
- (F) **Name of Registered Surveyor.** The title, including the name of the **subdivision**, the name of the registered surveyor under whose supervision the **plat** was prepared, the date of the **plat**, and a North arrow.
- (G) **Required Statements, Certificates, and Forms.**
- (1) **Certificate of Ownership and Dedication.** A certificate of ownership and dedication shall be shown properly completed and signed by the owners and all other interested parties, similar in wording to the following:

"The undersigned hereby acknowledge(s) this **plat** and allotment to be (his, her, their) free act and deed, and hereby dedicate(s) to public use as **streets**, playgrounds, parks, **open spaces**, and **easements** forever all areas so shown or indicated on said **plat**.

Signed"

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- (2) All property shown on the **plat** as dedicated for a public use shall be deemed to be dedicated for any other public use authorized by the Town Charter or any general, local, or special law pertaining to the Town, when such other use is approved by the **Town Council** as in the public interest.
- (3) **Street**, utility, and drainage maintenance disclosure statements signed by the owner and/or subdivider for private **development**.
- (4) All **structures** to be constructed, improved, or rehabilitated within the area delineated as the one hundred (100) year **flood** area on the "**Flood** Boundary and **Floodway** Map, Town of Sunset Beach" shall be constructed, improved, or rehabilitated in conformance with the Town's **flood** management regulations (Article 12, Part I).
- (5) All **lots** as depicted on the **plat** meet or exceed the minimum area and dimensional requirements of the **zoning** district in which located.
- (6) The availability of water and/or sewer service to the **lots** in this **subdivision** is subject to the completion of certain water and/or sewer line extensions by the Town, and certificates of occupancy will not be issued for **structures** on such **lots** until such extensions are completed.
- (7) *Certificate of Registration by **Register of Deeds**.*

State of North Carolina
County of Brunswick

Filed for registration on the _____ day of _____, 20_____
at _____ (a.m./p.m.) and duly recorded in Map Book _____ at
Page _____.

Register of Deeds

- (8) *Certificate of Accuracy and Mapping.*

I, _____ certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision); deed description in Book _____, Page _____, Book _____, Page _____, etc. (other); that the error of closure as

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calculated by latitudes and departures is 1:____; that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____, Page _____; that this map was prepared in accordance with G.S. Section 47-30 as amended.

Witness my hand and seal this _____ day of _____, 20_____.

Surveyor

State of North Carolina
County of Brunswick

I, _____, a Notary Public for said County and State, do hereby certify that _____ personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this _____ day of _____, 20_____.

Official Seal
Notary Public
My Commission Expires: _____

(H) *Form of Endorsement.* A form for the endorsement of the Town shall be stamped on the **Final Plat** before recording.

(I) *Certificate of Ownership and Dedication.*

I (we) hereby certify that I am (we are) the owner (s) of the property shown and described hereon and that I (we) hereby adopt this plan of a **subdivision** with my (our) own free consent, establish minimum **setback** lines, and dedicate all **streets, alleys**, walks, parks and other sites to public or private use as noted.

Further, I (we) certify the land as shown hereon is within the **plattin** jurisdiction of the Town of Sunset Beach, North Carolina.

Date _____ Owner _____

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- (J) *State Board Compliance.* The **final plat** shall conform in all ways to G.S. ' 47-30 as amended and to the State Board of Registration for Professional Engineers and Land Surveyors "Manual of Practice for Land Surveying."
- (K) *Enforcement - No Service or Permits Until Final Plat Approved.* No **street** shall be accepted and maintained by the Town nor shall any **street** lighting be installed and added to the existing Town systems until the **final plat** is approved.

SECTION 13.06 CRITERIA; STANDARDS FOR APPROVAL

- (A) **Site Plan.** *Site plans* for all planned **development** shall show the location of the buildings, **streets, alleys**, walks, parking areas, **signs**, recreation areas, and tree covers that are **significant stands of trees** or of historical value. The **site plan** shall number and show the dimensions of all building sites and all **streets** and utility **easements** to be dedicated to the public. All areas on the **site plan** other than public **streets, easements**, or private building sites shall be shown and designated as common areas.
- (B) Adverse impacts upon the natural or existing topography and soil conditions shall be minimized.
- (C) Each phase of the planned **development** must show a plan for **significant stands of trees** that are to be preserved; except where the entire site is wooded or largely wooded in which case the developer shall seek to retain as many trees as is practical. In any case, removal of **regulated trees** will not be approved unless one or more of the following situations exist:

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- (1) The **applicant** is able to show that essential site improvements cannot be installed without removal of the **regulated tree(s)**. Examples of essential site improvements are **streets**, underground utilities, driveway storm water management facilities, and site amenities, and so on.
 - (2) The **regulated tree** is dead, severely diseased, injured, or in danger of falling close to existing or proposed **structures**.
 - (3) The **regulated tree** poses an identifiable threat to individuals or **public safety**.
 - (4) Removal of the **regulated tree** is necessary to enhance or protect the health or condition of adjacent trees.
- (D) Proposed **development** of commercial or professional property in all nonresidential zones, and additions or alterations to existing properties which increase building size or parking requirements, are subject to review and approval of a site **development** plan prior to a building permit being issued. A single **site plan** may be prepared to a scale of one (1) inch equals fifty (50) feet (minimum) or twenty four (24) inch by thirty six (36) inch sheets showing all required information, or separate plans may be submitted on the required categories as follows:
- (1) A current survey of the property signed and sealed by a licensed surveyor shall show the following:
 - (a) Vicinity or location map.
 - (b) Name of designer, engineer or surveyor.
 - (c) North arrow.
 - (d) Owner's or developer=s name and address.
 - (e) **Development** name.
 - (f) Date.
 - (g) Boundary line of tract to be developed drawn accurately to scale with linear and angular dimensions.
 - (h) Total gross acres in the tract.

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- (i) Total acres occupied by all **structures** (including parking areas).
 - (j) If proposed **new construction** is within the **CAMA** AEC, the survey and proposed **site plan** shall indicate the **CAMA setback** line and the **building setback line**.
- (2) Dimensional **site plan** showing:
- (a) Location of **structures**, including any proposed **signs**.
 - (b) Driveways.
 - (c) **Parking spaces**, handicapped spaces, and **access** ramps.
 - (d) Off-*street* loading.
 - (e) Dumpster locations and screening.
 - (f) Proposed **fences** and walls.
 - (g) Structural **encroachments** within private right-of-ways.
- (3) Landscape Plan Showing:
- (a) Perimeter **buffering**.
 - (b) **Street** and interior landscaping within parking areas and percentage ratio thereof.
 - (c) Maintenance.
- (4) *Adequate Drainage System*. **Subdivisions** will be required by the Town to provide a ten (10) foot **stormwater easement** around the perimeter of the **development**. The **subdivision** must comply with all of the requirements of the **stormwater** management plan.
- (5) All **streets, alleys, or easements** must meet the Standards of Chapter 98 of the Code of Ordinances.
- (6) Utilities plan showing:

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- (a) Location of tie-in of all utilities.
- (b) On-site water and sewer layout.
- (c) Location of fire hydrants.

If property abuts a North Carolina State highway, a copy of the driveway permit issued by the NCDOT must be submitted with the *site plan*.

SECTION 13.07 FEES

Refer to Section 2.16.

SECTION 13.08 REQUIRED IMPROVEMENTS AND MINIMUM STANDARDS OF DESIGN FOR SUBDIVISIONS

- (A) *Required Improvements.* Each *subdivision* of this Ordinance shall contain the following improvements:
- (1) Graded *Streets* or *Easements*.
 - (2) *Construction Entrances.* Where applicable, it is recommended that construction vehicles shall be afforded entrances and exits separate from the developed portions of the *subdivision* to preserve the integrity of paving in such areas; entrances and exits to such developed areas shall exhibit a *sign* or *signs* bearing the legend "NO CONSTRUCTION VEHICLES" and directing such traffic to the appropriate entrance.
 - (3) Adequate Drainage System.
 - (4) Installation of water distribution and sewage collection lines within the *subdivision* and connection to the Town's water and/or sewage system where the Town's system exists adjacent to the *subdivision* or the property being subdivided, where feasible.
 - (5) *Street* Name Markers.
 - (6) Monuments as required by the NCGS Chapter 39, Article 5.
 - (7) Official Speed Limit and Stop *Signs*.
 - (8) Underground electric service to serve all development within the subdivision.

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(B) *Design Standards.*

- (1) Design Standards for **Streets** as set forth in Chapter 98 of the Code of Ordinances.
- (2) **Marginal Access Streets.** Where a tract of land to be subdivided adjoins an existing major thoroughfare, the subdivider will be required to provide a marginal **access street** parallel to the major thoroughfare, or reverse frontage on a **subdivision street** to be developed adjacent to the major thoroughfare. Where reverse frontage is established, private driveways shall be prevented from having direct **access** to the major thoroughfare. If it is demonstrated that a marginal **access** or reverse frontage is not feasible, **lots** fronting on a major thoroughfare must be a minimum of one hundred (100) feet wide with a turning circle or a drive way with a three (3) point turn.
- (3) **Signs.** **Signs**, within the **subdivision**, desired by the developer, must be indicated on a plan showing the location of the **signs** and a description indicating height, color, wording, etc. The plan must be approved by the **Planning Board** before a **sign** permit may be issued. A permit must be issued before any **signs** are **erected**. Any changes in the **sign** plan approved by the **Planning Board** must be submitted to the **Zoning** Officer before a **sign** permit is issued.
- (4) **Official Traffic Signs.** All **subdivision streets** shall have official speed limit and stop **signs erected** in accordance with the NCDOT regulations. Posted speed limits shall be determined by Town Ordinances.

SECTION 13.09 PENALTY FOR TRANSFERRING LOTS IN UNAPPROVED SUBDIVISIONS

Any person who, being the owner or agent of the owner of land located within the regulatory jurisdiction of the Town, subdivides his/her land in **violation** of this Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a **plat** showing a **subdivision** of the land before the **plat** has been properly approved under the provisions of this Ordinance and recorded in the office of the Brunswick **County Register of Deeds**, shall be guilty of a 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 Town, through its attorney or other official designated by Council, may enjoin illegal subdivision, transfer, conveyance, or sale of land by action of injunction. The **UDO Administrator** will inform the **Town Council** of the action at the next Council meeting.

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PART II. PLANNED RESIDENTIAL DEVELOPMENT (PRD)

SECTION 13.10 PURPOSE

Through PRD, the Town can allow **development** of land that has a higher degree of consideration of physical features and natural constraints to **development** than would be possible under general **zoning** or **subdivision regulations**. PRD is expected to promote a more efficient use of the land, a higher level of amenities, and more creative designs than would otherwise be possible. In each case, the overall density of **dwelling** units shall be less than that permitted by the applicable **zoning** requirements.

SECTION 13.11 PRD AND GENERAL ZONING AND SUBDIVISION REGULATIONS

The standards in this section providing for PRD's are intended to accomplish the purposes of the Land Use Plan and its implementation vehicles, the general **Zoning** Ordinance, and the **Subdivision Regulations**; however, greater demands have been placed on the developer in this section so that the provisions of this section must be exclusive for a **development** electing to proceed using this method.

SECTION 13.12 EXCEPTIONS FOR PLANNED DEVELOPMENTS

The purpose of this section is to provide desirable **open space** in commonly owned areas, tree cover, recreation area, scenic vistas, and variety in **development** by allowing certain variations in **lot** size and design requirements and the establishment of cluster homes. A special permitted use is required. The design standards as set forth in this article may be modified by the **Planning Board** in the case of a plan and program for a planned **development** which may consist of **townhouses** and residences or any other desirable combination of these establishments which meet the requirements of this Ordinance. Proposed ownership of planned **developments** may be by one individual, partnership, corporation, cooperative, or any desirable combination. A preliminary and **final plat** of a planned **development** shall be submitted pursuant to the provisions of this section in conformity with the following:

- (A) *Common Areas.* All planned **developments** shall contain commonly owned land equal in area to thirty-five percent (35%) of the entire **development**. This commonly owned land shall consist of recreational and **open space** areas. Minimum assured recreation/**open space** shall be a percentage of the gross site area integrated throughout the PRD and accessible to the housing units. Assured recreation/**open space** shall be lands other than **wetlands**. In some instances, use of **wetlands** as **open space** may be presented for consideration by the **Planning Board**. When a PRD project is located on a **golf course**,

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the **golf course** may be counted as common area under the following conditions: the **Golf Club Property** shall be used only for a **golf course** facility, clubhouse and other uses consistent with the operation of a Golf Club Facility (which would have been previously defined as the **Golf Course** and other facilities located on the **Golf Club Property**, e.g., **swimming pool**, tennis and volleyball courts, and other amenities customarily associated therewith) and no **structure** or other improvement (which would be previously defined) shall be **erected**, altered, placed or permitted thereon, except as is consistent with the use of such property as a Golf Club Facility. Provided, however, that the **Planning Board** may allow such other usage of the **Golf Club Property** as the **Planning Board** considers consistent with the definition of **Open Space**. PRDs are allowed up to seventy-five percent (75%) credit toward the TOTAL applicable **open space** REQUIREMENT for commercial recreational areas such as **golf courses**.

- (B) When **golf courses**/golf properties (regardless of ownership) are used in any fractional part, from one percent (1%) to the maximum allowable in this section of seventy-five percent (75%) as a credit toward the applicable **open space** requirement in a PRD, the developer or any subsequent owner of said property may not alter the character or use of any of the **golf course** property and any associated recreational facilities (such as **swimming pools**, tennis and volleyball courts, and other such amenities) except to improve such facilities. These restrictions are to be made a permanent part of the deed(s) and recorded covenants for any PRD properties containing the aforesaid **open space** properties and may not be altered in any manner by current or any future owner or owners.
- (C) If the developer desires, improvements may be made within the common areas provided that maximum coverage of such improvement shall not exceed twenty-five percent (25%) of the entire common property. The developer shall submit and, after approval by the **Planning Board**, record a declaration of the covenants and restrictions that will govern the ownership, management, and maintenance of the common area.
- (D) *Site Plan.* **Site plans** for all planned **development** shall show the location of the buildings, **streets**, **alleys**, walks, parking areas, recreation areas, tree covers, and plantings. The **site plan** shall number and show the dimensions of all building sites and all **streets** and utility **easements** to be dedicated to the public. All areas on the **site plan** other than public **streets**, **easements**, or private building sites shall be shown and designated as common areas.
- (E) *Landscape Plan.* A landscape plan for all planned **development** shall show all existing and proposed plant material. The plan shall indicate the size and type of existing plant material and the size and type of plants to be planted.

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- (F) *Public Access, Easements, and Private Party Walls.* Building **lots** may abut or be provided with frontage on common areas, properly restricted through a property owners association to assure adequate **access**, if in the opinion of the **Town Council** a public **street** is within an acceptable distance and would allow adequate community services. **Easements** over the common areas for **access**, ingress, and egress from and to public **streets** and walkways and **easements** for enjoyment of the common areas, as well as for parking, shall be granted to each owner of a residential site. All common walls between individual residences shall be party walls and provisions for the maintenance thereof and restoration in the event of destruction or damage shall be established.
- (G) *Utilities and Improvements Required.* All planned **developments** shall include public water and sewer utilities, paved **streets** and parking areas, underground electric and telephone service, landscaping, and any other improvements considered necessary by the **Planning Board**.

PART III. PROCEDURE FOR PLANNED RESIDENTIAL DEVELOPMENT APPROVAL

SECTION 13.13 APPLICATION

The developer shall submit an application for a PRD to the **UDO Administrator** in the following format. The application will address natural features, existing conditions, and proposed **development** plans in terms of number and types of units and general location. This application will be accompanied by the following information.

- (A) Mapping at a scale of one (1) inch equals one hundred (100) feet:
- (1) Soil types;
 - (2) Topography;
 - (3) Vegetation (both general cover in term of hardwood or pine trees and shrub or brush, and specific types where they may be significant or unique);
 - (4) **Wetlands**;
 - (5) Areas of environmental concern; and
 - (6) Existing **structures**, utility lines, and such.

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- (B) A report on soils and their suitability for **development**.
- (C) Interpretive maps showing drainage and **flood** areas.
- (D) A rough, general map showing at the same scale:
 - (1) Proposed road and circulation system;
 - (2) Location of buildings; and
 - (3) Location and type of **open space**.
- (E) A report addressing the changes in the existing or natural system as a result of the proposed **development**.
- (F) A report addressing the impact on the fiscal resources of the Town, including additional tax revenues anticipated and additional costs, such as police, garbage, mosquito control, water, roads, and the like.

SECTION 13.14 REVIEW OF APPLICATION

Within thirty (30) days from the submission of an application, including supporting documents, the **UDO Administrator** shall review the application for completeness and indicate areas of insufficient information which shall be corrected. Nothing in this report shall constitute an acceptance of the plan of **development**. The developer shall cure any identified deficiencies within one hundred eighty (180) days of notice of same. In the event that the developer does not accept this determination, **appeal** shall be to the Board of Adjustment for a decision.

SECTION 13.15 CIRCULATION OF APPLICATION

Immediately following the submission of an application, the **UDO Administrator** shall take such steps as are necessary to obtain a review by the TRP to determine the completeness of the information and a preliminary indication of project and application completeness. The **UDO Administrator** shall also investigate requirements of the State and **County** concerning sanitary waste **disposal**. The results of this review, together with the indication of sufficiency of information, shall be presented to the **applicant**. The **UDO Administrator** will present the detailed plan to the **Town Council** for its review of the fiscal impact on the Town's financial planning (change in tax base and increase in services for police, garbage, and public works if applicable).

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SECTION 13.16 APPLICANT CONFERENCE

In the event that the **UDO Administrator** determines that the rough, general design in the application is unlikely to meet the standards in this section dealing with PRD's, or that a design which maximizes the objectives of this zone has not been considered, he/she may require the **applicant** to meet with him/her to discuss alternative designs. In this event, an additional thirty (30) days shall be added to the review of the application.

SECTION 13.17 SITE DEVELOPMENT PLAN

- (A) Following the determination of completeness of the information and the conference to consider alternative **development** plans (where necessary), the developer shall submit the following information:
- (1) A resubmission of information requested, see Section 13.13 (A) - (C) and a revision of Section 13.13(F).
 - (2) A **development** plan map showing;
 - (a) Location, size, and type of **structures**, and approximate sizes and dimensions of **lots**.
 - (b) Location, size, and dimensions of **open space**.
 - (c) Location, dimension of proposed road and circulation system, or off-**street** parking areas, loading and service area, **access** to public right-of-ways, pedestrian circulation system, and proposed utility systems.
 - (d) Landscaping plans, including areas to be cut and filled, cleared, and planted; alterations of drainage.
 - (e) Location and dimensions of other features required to be shown on a case by case basis, such as parking, recreation areas, beach **access** areas, public parks, and the like.
 - (3) A report analyzing the impacts on the existing or natural system as a result of the proposed **development**.
 - (4) A report setting forth a schedule of construction (phases and stages of **development**), a summary of quantitative data (total number and type of **dwelling**)

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units, parcel size, *lot* coverage, densities, amount of *open space*), a plan for the maintenance and ownership of *structures* and *open space*, and an analysis of design features used to reconcile the PRD with neighboring or adjoining property use.

- (B) Upon submission of the above information, to be referred to as the Preliminary Site *Development Plan*, the *UDO Administrator* shall request of the Board of Adjustment a date for hearing and review.

SECTION 13.18 BOARD OF ADJUSTMENT ACTION

The Board of Adjustment shall review the preliminary plan and approve, conditionally approve, or disapprove the plan. In order to assist them in their review, the *UDO Administrator* shall request that all administrative agencies in the *County* file formal reports of the site *development* plan analyzing the impacts relevant to them, the extent to which the plan appears to have addressed these impacts, and additional mitigation measures they recommend. The *UDO Administrator* shall also file a formal report addressing the plan and its impacts and alternative measures that might be used to mitigate impacts (if any).

SECTION 13.19 FINAL PLAT

The final plat of a Planned Residential Development (PRD) shall be approved in the same manner as a traditional subdivision pursuant to Part 1 of this Article, provided that an approved PRD Site Development Plan shall serve as an approved preliminary plat for the purposes of final plat approval and shall conform substantially with the approved Site Development Plan or phase or subsection thereof.

SECTION 13.20 STANDARDS FOR APPROVAL; CRITERIA

- (A) Instead of meeting the general *zoning* dimensional requirements and other standards, excluding those dealing with *signs*, the *planned residential development (PRD)* shall meet the following requirements:
- (1) The minimum parcel size shall be four (4) acres.
 - (2) The density for the entire tract shall be a combination of the proportionate shares of acreage in each of the *zoning* districts in which the tract is located. This is accomplished by clustering which involves the ability to transfer unused densities on one part of a tract to another part of a tract. Clustering would be a special permitted use in zones MR-1, MR-3, and BR-2 for a *planned residential development*.

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- (3) Buildings shall be arranged in such a manner that noise and illumination created from the **planned residential development** will not significantly interfere with the use of neighboring properties. No building shall exceed four (4) **dwelling** units under one (1) roof and shall be arranged on the site to provide maximum separation between buildings. In no case shall it be less than twenty (20) feet. **Bedrooms** under one roof shall not exceed twelve (12).
- (4) Buildings and **structures** closest to **adjacent property** lines shall be designed to complement the uses in the surrounding area.
- (5) No building or **structure** shall be within fifty (50) feet of an adjoining property line to the tract; a natural or artificial **buffer** consisting of fencing or a wall, trees, or shrubs of the type which are three (3) feet or greater at the time of planting with the likelihood of reaching six (6) feet within three (3) years, shall be constructed or planted between any building and adjoining property lines.
- (6) **Streets** carrying local traffic within the PRD shall have a minimum right-of-way of thirty (30) feet in width. Eighteen (18) feet of the right-of-way must be paved with shoulders a minimum width of six (6) feet. **Streets** and roads connecting directly to Town or State roads shall have a fifty (50) foot right-of-way within five hundred (500) feet of the intersection. A utility **easement** of at least ten (10) feet in width for use in maintenance activity by vehicles and equipment of the Town of Sunset Beach must be dedicated and recorded.
- (7) No buildings or **structures** shall be allowed to build in the **wetlands**.
- (8) All buildings shall be **floodproofed**.
- (9) No sewer system will be located within two hundred (200) feet of estuarine waters, or one hundred (100) feet of public trust waters.
- (10) Adverse impacts upon the natural or existing topography and soil conditions shall be minimized.
- (11) The amount of cut and fill shall be limited to affecting no more than fifty percent (50%) of the site.
- (12) Fill shall not encroach upon natural **watercourses**, their **flood** plains, or constructed channels in a manner so as to adversely affect other properties or the water bodies.

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- (13) Sediment traps, basins, and other control measures for limiting erosion shall be coordinated with construction plans.
- (14) **Existing trees** shall not be cut or otherwise damaged or destroyed within portions of property to be used for required **buffer** requirements.
- (15) **Significant stands of trees** containing five (5) or more hardwoods or fifteen (15) or more softwoods and exceptional or historical trees are to be preserved; except where the entire site is wooded or largely wooded in which case **development** shall seek to retain as much vegetation as is practical.
- (16) Natural vegetation will be retained within five (5) feet of any stream except where the vegetation is removed to provide for stream retention ponds and drainage improvements or if necessary to provide for road or utility right-of-way.
- (17) A combination of storage and controlled release of storm water runoff is required for all **development** and construction.
- (18) The release rate of storm water from all **developments** shall not exceed the storm water runoff from the area in its natural state for all intensities and durations of rainfall.
- (19) All free-flowing storm drainage systems shall be designed to accommodate the runoff generated by a fifteen (15) year **design storm**.
- (20) Retention facilities and **drainage structure** shall, where possible, use natural topography and natural vegetation. All on-site facilities shall be properly maintained by the owner so that they do not become nuisances. Nuisance conditions shall include improper storage resulting in uncontrolled runoff and overflow, stagnant water with concomitant algae growth, insect breeding, and odors.
- (21) Adverse effect on wildlife, fish, and marine life shall be identified and plans shall address methods which will be used to limit and reduce the impact.
- (22) Roads shall be designed to create the minimum feasible amount of land coverage and the minimum feasible disturbance to the soils.
- (23) Road alignment should follow natural terrain and no unnecessary cuts or fills shall be allowed in order to create additional **lots** or building sites.

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- (24) One-way **streets** shall be permitted and encouraged where appropriate for the terrain and where **public safety** would not be jeopardized; the right-of-way for a one-way **street** shall be twenty-four (24) feet. A minimum of twelve (12) feet of the right-of-way must be paved with shoulders a minimum width of six (6) feet. This would exclude parallel parking bays. If single lanes with a median are used then the minimum right-of-way must be forty-four (44) feet. Each single lane must be paved a minimum width of twelve (12) feet. The median must be a minimum width of eight (8) feet and the shoulders must have a minimum width of six (6) feet. A utility **easement** of at least ten (10) feet in width for use in maintenance activity by vehicles and equipment of Sunset Beach must be dedicated and recorded.
- (25) Standard vertical curbs and gutters shall be installed along both sides of all paved roadways.
- (26) Adequate parking will be provided for all units.
- (27) Combinations of collective private driveways, cluster parking areas, and on-**street** parallel parking bays shall be used to optimize the objectives of minimum soil disturbance, minimum impervious cover, excellence of design, and aesthetic sensitivity.
- (28) Slopes greater than fifteen percent (15%) shall not be used for **development**.
- (29) Thirty-five percent (35%) of the total area of the tract shall be common **open space**. Common **open space** is land not covered by buildings, parking **structures**, or **accessory structures** and which is accessible and available to all occupants of **dwelling** units in the PRD. An area shall be deemed accessible where ownership is held in common and where it is connected to the units by pedestrian or vehicular **access**.
- (30) Fifty percent (50%) of the common **open space** must be designed for passive recreation, including but not limited to walking, jogging, hiking, **flood** control, **wetlands**, wildlife, and similar uses.
- (31) Adequate provisions for the collection and **disposal** of garbage and refuse shall be provided in such a manner that the **planned residential development** will be maintained in a clean and orderly appearance.
- (32) Suitable plans for water service, **disposal** of sanitary sewage, and storm drainage shall be provided. All systems shall meet requirements of the **County** Health

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Department as well. Public water and sewer are required in the ***planned residential developments***.

- (33) Walls dividing individual units shall be separated by the use of separate exterior walls meeting the requirements for zero clearance from property lines as required by the type of construction and fire protection requirements, or by a party wall, or when not more than three (3) stories in height, may be separated by a single wall meeting the following requirements:
- (a) Such wall shall provide not less than two (2) hours fire resistance. Plumbing, piping, ducts, electrical, or other building services shall not be installed within or through the two (2)-hour wall.
 - (b) Such wall shall extend from the foundation to the underside of the roof sheathing.
 - (c) Each ***dwelling*** unit sharing such wall shall be designed and constructed to maintain its structural integrity independent of the unit on the opposite side of the wall.
- (B) Each ***planned residential development*** will be served water by a minimum of six (6) inch lines and the developer will provide fire hydrants a minimum of five hundred (500) feet from each unit as he/she installs these lines according to the Town's standards.

PART IV. DESIGN STANDARDS

SECTION 13.21 CONFORMANCE WITH PLAN

All proposed ***subdivisions*** shall be in conformity with a plan for the most advantageous ***development*** of the entire neighboring area and shall bear a sensible relationship to the existing or amended plans of the ***Planning Board***.

SECTION 13.22 RELATIONS OF PROPOSED STREETS TO ADJOINING STREET SYSTEMS

The proposed ***street*** system shall extend existing and projected ***streets*** at not less than the required minimum width. Where in the opinion of the ***Planning Board*** it is desirable to provide for ***street access*** to adjoining property, proposed ***streets*** shall be extended by dedication to the boundary of such property.

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SECTION 13.23 STREET NAMES

Proposed **streets** which are obviously in alignment with others already existing and named, shall bear the names of existing **streets**. In no case shall the name of proposed **streets** duplicate or be phonetically similar to existing **street** names, irrespective of the addition of a prefix, suffix, or word such as **street**, avenue, boulevard, drive, place, or court. In no case shall the total number of letters including spaces exceed fifteen (15).

SECTION 13.24 STREET CONSTRUCTION

All **streets** shall be constructed to the specifications of the Town. See Chapter 98 of the Code of Ordinances.

SECTION 13.25 INTERSECTIONS

Street intersections shall be as nearly to right angles as possible, and no intersections shall be at an angle less than forty-five (45) degrees.

SECTION 13.26 WHEN LOCAL IMPROVEMENTS MAY BE INSTALLED

No local improvements or utilities, including water or sewer, shall be constructed until the preliminary plan and completed detailed plans for such improvements have been examined, analyzed, and approved by the **Planning Board** and any State or Federal Agencies.