

SUBDIVISION AND COMMERCIAL REGULATIONS
FOR THE
TOWN OF BELVILLE, NORTH CAROLINA
BRUNSWICK COUNTY

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Town of Belville
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Prepared by: Town of Belville

Town Board of Commissioners:

Betty Sutton, Mayor
Winnie Ford
Mike King, Mayor Pro Tem
Eunice Long
Jean Rhodes

Belville Planning Board:

Jim Cain
Buddy Ennis
Albert Ismert
Elly Lister
Cheryl Moody
Pete Negri
Stuart Smith

Technical Assistance provided by:

North Carolina Department of Commerce

Rick Carlisle, Secretary

Division of Community Assistance

William A. McNeil, Director

Thomas M. Cassell, Chief Planner
and responsible for this ordinance

Wilmington Regional Office
127 Cardinal Drive
Extension Wilmington, NC
28405-3845 910/350-2002
tomcassell@wiro.enr.state.nc.us

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ARTICLE I. INTRODUCTORY PROVISIONS

Section 101. Title

This ordinance shall be known and may be cited as the Subdivision Regulations for the Town of Belville, North Carolina, and may be referred to as the Subdivision Regulations

Section 102. Purpose

The purpose of this ordinance is to regulate and control the subdivision of land within the corporate limits of the Town of Belville in order to promote the public health, safety and welfare of the community. The regulations are designed to lessen congestion in streets and roadways; to further the orderly layout and use of land; to insure proper legal description and proper monumenting of subdivided lands; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land and avoid undue concentration of population; to facilitate adequate provisions for transportation, water, sewerage, open space, recreational areas and other public facilities; and to facilitate the further re-subdivision of larger tracts into small parcels of land.

Section 103. Authority

This ordinance is adopted under the authority and provisions of the General Statutes of North Carolina, Chapter 160A, Article 19, Part 2.

Section 104. Jurisdiction

These regulations govern each and every subdivision of land within the corporate limits of Belville, North Carolina, as now or hereafter established and as indicated on the Official Corporate Boundary Map of Belville, North Carolina.

Section 105. Prerequisite to Plat Recordation

After the effective date of this ordinance, and prior to recording the same, every final plat of a subdivision of land within the Town's jurisdiction shall be approved by the Town Administrator and/or his or her designee (hereinafter collectively referred to as the "Town Administrator") as prescribed herein.

Section 106. Acceptance of Streets

No street shall be maintained by the Town nor street dedication accepted for ownership and maintenance in any subdivision for which a plat is required to be approved unless and until the final plat of that subdivision has been approved by the Town Administrator as provided for herein.

Section 107 Compliance with Official Plans

Whenever the subdivision of a tract of land embraces any part of a thoroughfare or street shown on the Belville land Use Map or the Brunswick County Major Thoroughfare Plan, such part of such proposed public way shall be in compliance with the above names plans as well as the regulations contained herein. Due consideration shall be given to those areas shown in the Belville land Use Plan as potential sites for schools, parks, and other public facilities. Whenever such a designated area is located within a proposed subdivision, the Planning Board may require the reservation of the necessary land to accommodate such public facilities as a condition prior to the connection of municipal utilities. The local public agency responsible for the development of such schools, parks, or public facilities shall be notified by certified letter of the subdivision plans. The agency shall have 90 days after receipt of the certified letter to notify the planning board of their intent. If the agency wishes to purchase the property, they will have eighteen (18) months beginning when the subdivision is approved to acquire the site by purchase or by initiating condemnation proceedings. If the agency does not notify the Planning Board of their intent within 90 days, the subdivider shall be released from his obligation and shall be free to develop said site or sites for residential purposes. If the agency responds that they intend to purchase the property, they must obtain a written option to purchase the property within one year or the subdivider shall be released from his obligation and shall be free to develop said site or sites for residential purposes.

Section 108. Zoning and other Ordinances and Plans

Similarly, proposed subdivisions must comply in all respects with the requirements of the Zoning Ordinance in effect in the area to be subdivided, and any other officially adopted plans. Also, it is not the intent that this ordinance to repeal, abrogate, annul, impair or interfere with any 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 109. Definitions

Definitions are in Article 3 of the Zoning Ordinances for the Town of Belville, North Carolina.

Section 110. Word Interpretation

For the purpose of this ordinance, certain words shall be interpreted as follows:

1. Words used in the present tense include the future tense
2. Words used in the singular number include the plural and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.
3. The word "person" includes a firm, association, corporation, trust, and company as well as an individual.

4. The words "use for" shall include the meaning "designed for".
5. The word "structure" shall include the word "building"
6. The word "lot" shall include the words "plot", "parcel", or "tract"
7. The word "shall" is always mandatory and not merely directory .

ARTICLE II . LEGAL PROVISIONS

Section 201. General Procedure for Plat Approval/Duty of Brunswick County Review Officer

After the effective date of this ordinance, no final plat of a subdivision of land within the Town's jurisdiction shall be recorded until it has been approved by the Town Administrator as set forth in Section 105 of this ordinance, and until such approval is entered in writing on the face of the plat by the Town Administrator.

The Town of Belville shall file a copy of this ordinance with the Brunswick County Register of Deeds. The Brunswick County Subdivision Review Officer shall not file or record a plat of subdivision located within the territorial jurisdiction of the Town of Belville that has not been approved in accordance with these provisions, nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with this section.

Section 202. Statement by Owner/Agent

The owner of land shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the jurisdiction of any town.

Section 203. Effect of Plat Approval on Dedications

Pursuant to NCGS 160A-374, the approval of a plat shall not be deemed to constitute or effect the acceptance by the municipality or public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, the Town Board of Commissioners may by resolution 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.

Section 204. 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 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 terms 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 not exempt the transaction from this penalty. The Town of Belville through its attorney or other official designated by the Town Board of Commissioners may enjoin illegal subdivision, transfer, or sale of land by action for injunction. Further, violators of this ordinance shall be subject, upon conviction, to a fine of \$100 as provided by NCGS 14-4. Each day's continuing violation of this ordinance shall be a separate and distinct offense. Nothing in this section shall be construed to limit the use of remedies available to the Town. The Town may seek to enforce this ordinance by using any one, all or a combination of remedies.

Section 205. Separability

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such declaration shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 206. Variance

The Town Board of Commissioners may authorize a variance from these regulations when, in its opinion, undue hardship may result from strict compliance. The Town Board of Commissioners shall obtain a recommendation from the Belville Planning Board prior to considering a variance. In granting any variance, the Town Board of Commissioners shall make the findings required below, taking into account the nature of the proposed subdivision, the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Town Board of Commissioners finds:

- a. That the hardship was not created by the applicant;
- b. That there are special circumstances or conditions affecting said property such that the strict application of the provision of this ordinance would deprive the applicant of the reasonable use of his land;
- c. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner and that no reasonable use be made of the property without the variance;
- d. That the circumstances giving rise to the need for the variance are peculiar to the applicant's parcel and are not generally characteristic of other parcels in the jurisdiction of this ordinance; and
- e. That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to the other property in the territory in which said property is situated and will preserve the interest of the community as a whole.

Section 207. Amendments

The Town 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 up to seventy five (75) 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.

An amendment shall not be adopted by the governing body until the governing body has held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the Belville (Wilmington) area in accordance with NCGS 160A-364.

Section 208. Abrogation

It is not intended that this ordinance repeal, abrogate, annul, impair, or interfere with any 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 209. Effective Date

This ordinance shall take effect and be in force from and after this the 17th day of April, 2001.

Section 210. Adoption

Duly adopted by the Board of Commissioners of the Town of Belville, North Carolina, this the 17th day of April, 2001.

_____, Town Clerk
Betty Sutton Mayor

Section 211. Administrator

The town clerk is hereby appointed to serve as subdivision administrator.

ARTICLE III. PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

Section 301. Plat Required on Any Subdivision of Land

Pursuant to NCGS 160A-372, a final plat shall be prepared, approved and recorded in accordance with the provisions of this ordinance whenever any subdivision of land takes place, except for approved exceptions as defined by this ordinance.

Section 302. Approval Prerequisite to Plat Recordation

Pursuant to N.C.G.S. § 160A-373, no final plat of a subdivision within the jurisdiction of the Town as established in Section 104 of this ordinance shall be recorded by the Register of Deeds of Brunswick County until it has been approved by the Town Administrator as provided herein. To secure such approval of a final plat, the subdivider shall follow the procedures established in this article.

Section 303. Procedures for Review of Major and Minor Subdivisions

All subdivisions shall be considered major subdivisions except those defined as minor subdivisions in this section. Major subdivisions shall be reviewed in accordance with the procedures in Section 305 through 307. Minor subdivisions shall be reviewed in accordance with the procedures in Section 304. However, if the subdivider owns, leases, holds an option on, or holds any legal or equitable interest in any property adjacent to or located directly across a street, easement, road or right-a-way from the property to be subdivided, the subdivision shall not qualify under the abbreviated procedure. Furthermore, the abbreviated procedure may not be used a second time within three (3) years on any property less than fifteen hundred (1500) feet from the original property boundaries by anyone who owned, had an option on, or any legal interest in the original subdivision at the time the subdivision received preliminary or final plat approval.

A minor subdivision is defined as one not involving any new public or private streets or roads, right-of-way dedications, easements or utility extensions and where no more than four (4) lots result after the subdivision is completed.

Section 304. Procedure for Review of Minor Subdivision

304.1 Sketch Plan for Minor Subdivisions

Prior to the submission of a final plat, the subdivider shall submit to the Town Administrator three (3) copies of a sketch plan of the proposed subdivision containing the following information:

- a. A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads and waterways;
- b. The boundaries of the tract and the portion of the tract to be subdivided;
- c. The total acreage to be subdivided;
- d. The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it;
- e. The existing street layout and right-of-way width, lot layout and size of lots;
- f. The name, address and telephone number of the owner;

- g. The name, if any, of the proposed subdivision;
- h. Streets and lots of adjacent developed or platted properties;
- i. The zoning classification of the tract and of adjacent properties;
- j. Connection to public sewer; and
- k. Surveyed delineation of wetlands by Corp of Engineers or qualified consultant.

The Town Administrator shall review the sketch plan for general compliance with the requirements of this ordinance and the Zoning Ordinance. The Town Administrator shall advise the subdivider or his authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the final plat.

One (1) copy of the sketch plan shall be retained by the Town Administrator as a part of the official subdivision file, and one (1) copy shall be returned to the subdivider or his authorized agent.

304.2 Final Plat for Minor Subdivision

Upon approval of the sketch plan by the Town Administrator, the subdivider may proceed with the preparation of the final plat in accordance with the requirements of this ordinance. The subdivider shall submit the final plat so marked to the Town Administrator.

The final plat shall be prepared by a Professional Land Surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provision for plats, subdivisions and mapping requirements set forth in N.C.G.S. § 47-30 and the ***Manual of Practice for Land Surveying in North Carolina***.

Five (5) copies of the final Plat shall be submitted to the Town Administrator. Two (2) copies shall be on reproducible material and three (3) copies shall be black or blue line paper prints. Material and drawing medium for the original shall be in accordance with the ***Manual of Practice for Land Surveying in North Carolina***, where applicable, and the requirements of the Brunswick County Register of Deeds.

The final plat shall be of a size suitable for recording with the Brunswick County Register of Deeds and shall be at a scale of not less than one (1) inch equals two hundred (200) feet. Maps may be placed on more than one sheet with appropriate match lines.

Submission of the final plat shall be accompanied by the filing fee specified in the Belville Schedule of Fees. The final plat shall meet the specifications in Section 308 herein.

A. Certificate of Ownership and Dedication

I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the Town of Belville and that I hereby adopt this plan of subdivision with my free consent and establish minimum building setback lines as noted.

_____, Owner

_____ Date

B. Certificate of Survey and Accuracy

In accordance with the *Manual of Practice for Land Surveying in North Carolina*, on the face of each map prepared for recordation there shall appear a certificate executed by the person making the survey or map including deeds and any recorded data shown thereon. The certificate shall include a statement of error of closure calculated by latitudes and departures. Any lines on the map which were not actually surveyed must be clearly indicated on the map and a statement included in the certificate revealing the source of information.

The certificate shall take the following general form:

State of North Carolina

County of Brunswick

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 recorded in Book _____, Page _____, etc)(other); that the ratio of precision as 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 N.C.G.S. § 47-30, as amended.

Witness my hand and seal this ____ day of _____(year)

Professional Land Surveyor

Official Seal

Registration Number

Within forty-five (45) days after it has been submitted, the Town Administrator shall review the final plat and shall approve, conditionally approve with modifications to bring the plat into compliance, or deny the final plat. The reasons for any conditional approval or denial shall be set forth in a writing to the subdivider.

During the review of the final plat, the Town Administrator may appoint an engineer or Professional Land Surveyor to confirm the accuracy of the final plat or to provide comments or technical data. The costs related thereto shall be charged to the subdivider and the plat shall not be approved until such costs shall have been paid by the subdivider.

If the Town Administrator conditionally approves the final plat with modifications to bring the plat into compliance, he or she shall retain one (1) copy of the plat for record

purposes, and return two (2) reproducible copies of the plat to the subdivider along with the writing setting forth the reasons why and the conditions required for approval.

If the Town Administrator conditionally approves or denies the final plat, he or she shall instruct the subdivider in writing concerning the resubmission of a revised plat and the subdivider may make such changes as will bring the plat into compliance with the provisions of this ordinance. The subdivider may resubmit a revised plat, along with the required fee, for reconsideration by the Town Administrator or appeal the denial in accordance with the provisions of Section 311 *Appealing Subdivision Decisions* herein.

If the Town Administrator approves the final plat, such approval shall be shown on each copy of the plat by the following signed certificate:

C. Certificate of Approval for Recording

I hereby certify that the subdivision plat shown hereon complies with the Subdivision and Commercial Regulations For The Town of Belville, North Carolina and that this plat has been approved by the Town of Belville for recording in the Office of the Register of Deeds of Brunswick County.

Town Administrator
Town of Belville, North Carolina

Date

If the final plat is denied by the Town Administrator, the reasons for such denial shall be stated in writing and shall specify those provisions of this ordinance with which the final plat does not comply. Respective copies of the writing and the plat shall be retained by the Town Administrator and transmitted to the subdivider.

If the final plat is approved by the Town Administrator, one (1) copy of the plat shall be retained by the subdivider, one (1) reproducible tracing and one (1) copy shall be filed with the Town Clerk and one (1) copy shall be returned to the Town Administrator for his or her records.

The subdivider shall file the approved final plat with the Register of Deeds of Brunswick County within thirty (30) days of the Town Administrator's approval; otherwise such approval shall be null and void. One reproducible tracing as recorded by the Register of Deeds shall be returned to the Town Clerk.

Section 305. Sketch Plan for Major Subdivisions (Optional)

305.1 Number of Copies and Contents

Prior to the preliminary plan submission, the subdivider may submit to the Town Administrator two (2) copies of a sketch plan of the proposed subdivision containing the following information.

- a. A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, and waterways;
- b. The boundaries of the tract and the portion of the tract to be subdivided;
- c. The total acreage to be subdivided;
- d. The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it;
- e. The proposed street layout with approximate pavement and right-of-way width, lot layout and size of lots;
- f. The name, address, and telephone number of the owner;
- g. The name, if any, of the proposed subdivision;
- h. Streets and lots of adjacent developed or plated properties;
- i. The zoning classification of the tract and of adjacent properties,
- j. Connection to public sewer
- k. Surveyed delineation of wetlands by Corp of Engineers or qualified consultant
- l. Note that tract conforms to landscape ordinance

305.2 Submission and Review Procedure

The sketch plan is a conceptual plan which shall indicate the intentions of the subdivider with respect to all of the lands owned or controlled by the subdivider.

The Town Administrator shall review the sketch plan for general compliance with the requirements of this ordinance and the zoning ordinance; the Town Administrator shall advise the subdivider or his authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the preliminary and final plats.

One copy of the sketch plan shall be retained by the Town with the other copy being returned to the subdivider or his authorized agent.

Section 306. Preliminary Plan Submission and Review

306.1 Submission Procedure

For every subdivision within the territorial jurisdiction established by Section 104 of this ordinance, which does not qualify for the abbreviated procedure, the subdivider shall submit a

preliminary plan which shall be reviewed by the Planning Board and approved by the Planning Board before any construction or installation of improvements may begin.

The preliminary plan shall be consistent in concept with the previously submitted and approved sketch plan. The preliminary plan may constitute a portion of the Sketch Plan.

Submission of the preliminary plan shall be accompanied by the filing fee specified by the Belville Schedule of Fees.

Sixteen (16) copies of the preliminary plan (as well as any additional copies which the subdivision administrator determines are needed to be sent to other agencies) shall be submitted to the administrator of this ordinance at least sixteen (16) days prior to the Planning Board meeting at which the subdivider desires the Planning Board to review the preliminary plan.

Preliminary plans shall contain the information items as outlined in Section 308. Subdivisions shall be constructed and/or improved as required in Article IV.

306.2 Review by Other Agencies

After having received the preliminary plan from the subdivider, the subdivision administrator shall submit copies of the preliminary plan and any accompanying material to other officials and agencies concerned with new development including, but not limited to:

- a. Technical Review Committee consisting of the Planning Board Chairman, Belville Board of Commissioners representative, and appropriate city departmental heads, such as sewer and water, and, if deemed appropriate, a professional engineer or surveyor who shall confirm the accuracy of the preliminary plan and shall provide comments on technical data. The costs shall be charged to the subdivider;
- b. Brunswick County Health Department;
- c. Brunswick County Board of Education;
- d. The District Engineer, Wilmington Division, of the NCDOT;
- e. Brunswick County Soil Conservation Service Office;
- f. The N.C. Department of Environment and Natural Resources, appropriate divisions, Wilmington Regional Office;
- g. U.S. Army Corps of Engineers and/or Division of Coastal Management, Wilmington.
- h. Brunswick Regional Water and Sewer

- i. Leland Fire Department

306.3 Review Procedure

The Planning Board shall review the preliminary plan at or before its next regularly scheduled meeting which follows at least sixteen (16) days after the subdivision administrator receives the preliminary plan and any comments from the appropriate agencies. The Planning Board will hold a public hearing prior to approving or disapproving the plan.

The Planning Board shall, in writing, approve, conditionally approve with recommended changes to bring the plat into compliance, or disapprove with reasons within ten (10) days of its decision.

If the Planning Board approves the preliminary plan, it shall retain one (1) copy of the plat for its minutes and return one (1) copy of the plat, to the subdivider.

If the Planning Board conditionally approves the preliminary plan it shall keep one (1) copy of the plat for its minutes, and return the remaining copy of the plat and written notice of the approval conditions to the subdivider.

If the Planning Board disapproves the preliminary plan, it shall retain one (1) copy of the plat for its minutes, and return one (1) copy of the plat and written notice of the reasons for disapproval to the subdivider.

If the preliminary plan is disapproved, the subdivider may make the recommended changes and submit a revised preliminary plan, or appeal the denial in accordance with the provisions of Section 311 *Appealing Subdivision Decisions* herein.

306.4 Modifications to an Approved Preliminary Plat

Limited changes to an approved preliminary plat may be approved by the Town Administrator. In granting such approval, the Town Administrator may consult with other agencies as described in Section 306.2. Administrative approval of limited modifications shall not have the effect of extending the period of preliminary plat validity.

Significant changes to an approved preliminary plat, including but not limited to any increase in unit density, any decrease in area or change in configuration to open space, change in use of open space, reduction in landscape or screening buffers, elimination of sidewalks, change in street dedication (public or private), or alteration to street interconnectivity between phases of development or adjoining properties shall be resubmitted for review and approval as a new application.

Section 307. Final Plat Submission and Review

307.1 Preparation of Final Plat and Installation of Improvements

Upon approval of the preliminary plan 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 plan and the requirements of this ordinance. Prior to approval of a final plat, the subdivider shall have installed the improvements specified in this ordinance or guaranteed their installation as provided herein. The final plat shall constitute only that portion of the preliminary plan which the subdivider proposes to record and develop at that time; such portion shall conform to all requirements of this ordinance.

307.2 Submission Procedure

The subdivider shall submit the final plat, so marked, to the Town Administrator for review provided that the final plat for the first phase of the subdivision shall be submitted not more than twelve (12) months after the date on which the preliminary plat was approved; otherwise the approval of the preliminary plat shall be null and void unless a written extension of this limit is granted by the Planning Board on or before the twelve (12) month anniversary of any such approval.

The final plat shall be prepared by a Professional Land Surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in N.C.G.S. § 47-30 and the ***Manual of Practice for Land Surveying in North Carolina***.

Five (5) copies of the final plat shall be submitted to the Town Administrator. Two (2) copies shall be on reproducible material and three (3) copies shall be black or blue line paper prints. Material and drawing medium for the original shall be in accordance with the ***Manual of Practice for Land Surveying in North Carolina***, where applicable, and the requirements of the Brunswick County Register of Deeds.

The final plat shall be of a size suitable for recording with the Brunswick County Register of Deeds and shall be at a scale of not less than one (1) inch equals two hundred (200) feet. Maps may be placed on more than one (1) sheet with appropriate match lines.

Submission of the final plat shall be accompanied by the filing fee specified by the Belville Schedule of Fees to cover administrative cost.

The final plat shall contain the information and items required under the provisions of Section 308 hereof.

Subdivisions shall be constructed and/or improved as required by ARTICLE IV of this ordinance.

C. Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements.

I hereby certify that all streets, utilities and other required improvements have been installed in a manner approved by the appropriate state or local authority and according to Town of Belville's specifications and standards in the _____ Subdivision or that guarantees of the installation of the required improvements in an amount and manner satisfactory to the Town of Belville have been received, and that the filing fee for this plat has been paid.

Town Administrator

Engineer

Date

Within forty-five (45) days after it has been submitted, the Town Administrator shall review the final plat and shall approve, conditionally approve with modifications to bring the plat into compliance or deny the final plat. The reasons for any conditional approval or denial shall be set forth in a writing to the subdivider.

During the review of the final plat, the Town Administrator may appoint an engineer or a Professional Land Surveyor to confirm the accuracy of the final plat or to provide comments or technical data. The costs related thereto shall be charged to the subdivider and the plat shall not be recommended for approval until such costs shall have been paid by the subdivider.

If the Town Administrator conditionally approves the final plat with modifications to bring the plat into compliance, he or she shall retain one (1) copy of the plat for record purposes and return two (2) reproducible copies of the plat to the subdivider along with the writing setting forth the reasons why and the conditions required for approval.

If the Town Administrator conditionally approves or denies the final plat, he or she shall instruct the subdivider in writing concerning the resubmission of a revised plat and the subdivider may make such changes as will bring the plat into compliance with the provisions of this ordinance. The subdivider may resubmit the revised plat, along with the required fee in the case of denied plats, for reconsideration by the Town Administrator or the denial in accordance with the provisions of Section 311 *Appealing Subdivision Decisions* herein.

If the Town Administrator approves the final plat, such approval shall be shown on each copy of the plat by the following signed certificate:

D. Certificate of Approval for Recording

I hereby certify that the subdivision plat shown hereon complies with the Subdivision and Commercial Regulations For The Town of Belville, North Carolina and that this plat has been approved by the Town of Belville for recording in the Office of the Register of Deeds of Brunswick County

Town Administrator

Date

If the final plat is denied by the Town Administrator, the reasons for such denial shall be stated in writing and shall specify those pro Administrator visions of this ordinance with which the final plat does not comply. Respective copies of the writing and the plat shall be retained by the Town Administrator for record purposes and transmitted to the subdivider.

If the final plat is approved by the Town Administrator, one (1) copy of the plat shall be retained by the subdivider, one (1) reproducible tracing and one (1) copy shall be filed with the Town Clerk and one (1) copy shall be retained by the Town Administrator for record purposes.

The subdivider shall file the approved final plat with the Register of Deeds of Brunswick County within thirty (30) days of the Town Administrator's approval; otherwise such approval shall be null and void. One reproducible tracing as recorded by the Register of Deeds shall be returned to the Town Clerk.

Section 308. Information to be Contained in or Depicted on Preliminary and Final Plat

The preliminary and final plats shall depict or contain the information indicated in the following table.

An "x" indicates that the information is required.

Information	Preliminary Plan	Final Plat
Title Block Containing:		
-Name of Property	X	X
-Name of owner	X	X
-Location (including township, county and state)	X	X
-Date or dates survey was conducted and plat prepared	X	X
-A scale of drawing in feet per inch listed in words or figures	X	X
-A bar graph	X	X

-Name, address, registration number and seal of the Registered Land Surveyor	X	X
-The name of the sub divider	X	X
-A sketch vicinity map showing proposed subdivision and surrounding area	X	X
-Corporate limits, township boundaries, county lines if of the subdivision tract	X	X
-The names, addresses and telephone numbers of all owners, registered land surveyors, land planners, architects, and professional engineers responsible for the subdivision	X	X
-The registration numbers and seals of the professional engineers	X	
-Date of plat preparation	X	X
-North arrow and orientation	X	X
-The boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented with all bearings and distance shown	X	X
-The exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands	X	X
-The names of owners of adjoining properties	X	X
-The names of any adjoining subdivisions of record or proposed and under review		X
-Minimum building setback lines	X	
-The zoning classifications of the tract to be subdivided and adjoining properties	X	X
Information	Preliminary Plan	Final Plat
-Existing property lines on the tract to be subdivided and on adjoining properties	X	X
-Existing buildings or other structures, watercourses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land within 100 feet	X	X
-Proposed lot lines, lot and block numbers, and approximate dimensions	X	
-The lots numbered consecutively throughout the subdivision		X
-Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds and any other natural features affecting the site	X	X
-The exact location of the flood hazard zones from the community's Flood Insurance Rate Maps (FIRM)	X	X
-Base Flood Elevation (BFE) data if available, for subdivisions which contain at least fifty (50) lots or five (5) acres, whichever is less	X	X
<i>The following data concerning streets:</i>		
-Proposed streets	X	X
-Existing and plated streets on adjoining properties and in the	X	X

proposed subdivision		
-Rights-of-way, locations and dimensions	X	X
-Pavement widths	X	X
-Approximate grades	X	
-Design engineering data for all comers and curves	X	X
-Typical street cross sections	X	
-Street names	X	X
-Street maintenance agreement in accordance with Section 405.1 and 405.2 of this ordinance	X	
-Type of street dedication; all streets must be designated either "public" or "private". (Where public or private streets are involved which will be dedicated to a municipality, the sub divider must submit all street plans to the Town Board of Commissioners for approval prior to preliminary plan approval). Where public streets are involved which will not be dedicated to a municipality, the sub divider must submit the following documents to the N.C. Department of Transportation District Highway Office for review a complete site layout, including any future expansion anticipated; horizontal alignment indicating general curve data on-site layout plan; vertical alignment indicated by percent grade, PI station and vertical curve length on site plan layout; (the District Engineer may require the plotting of the ground profile and gradeline for roads where special conditions or problems exist); typical section indicating the pavement design and width and the slopes, widths and details for either the curb and gutter or the shoulder and ditch proposed; drainage facilities and drainage areas.	X	X
Information	Preliminary Plan	Final Plat
-Where streets are dedicated to the public, but not accepted into a municipal or the state system before lots are sold, a statement explaining the status of the street in accordance with Section 405.2 of this ordinance.	X	X ¹
<i>If any street is proposed to intersect with a state maintained road the sub divider shall apply for driveway approval as required by the North Carolina Department of Transportation Division of Highways' Manual on Driveway Regulations.</i>		
-Evidence that the sub divider has obtained such approval.		X
Statement by professional engineer that private roads meet DOT standards except for width and curvature – Section 406 and 406.1		X
<i>The location and dimensions of all:</i>		
-Utility and other easements	X	X
-Riding trails	X	X
-Natural buffers	X	X
-Pedestrian or bicycle paths	X	X

¹ submit with final plat for approval

-Parks and recreation areas with specific type indicated	X	X
-School sites	X	X
-Areas to be dedicated to or reserved for public use	X	X
-Areas to be used for purposes other than residential with the purpose of each stated	X	X
-The future ownership (dedication or reservation for public use to governmental body, for owners to duty constituted homeowners' association, or for tenants remaining in subdivider's ownership) of recreation and open space lands	X	
-Conservation Easements	X	X
<i>The plans for utility layouts including:</i>		
-public sanitary sewers	X	X ¹
-storm sewers	X	X ¹
-other drainage facilities, (if any)	X	X ¹
-water distribution lines	X	X ¹
Utility easements	X	X
<i>Illustrating connections to existing systems, showing line sizes, the location of fire hydrants, blow offs, manholes, force mains and gate valves.</i>		
-Plans for connection to public water supply and public sewer systems, if any.	X	X ²
-profiles based upon Mean Sea Level datum for sanitary sewers and storm sewers	X	
<i>Site calculations including:</i>		
-acreage in total tract to be subdivided	X	
-acreage in parks and recreation	X	
Information	Preliminary Plan	Final Plat
<i>Areas and other nonresidential uses:</i>		
-total number of parcels created	X	
-acreage in the smallest lot in the subdivision	X	
-linear feet in streets	X	
-The name and location of any property or buildings within the proposed subdivision or within any contiguous property that is located on the U.S. Department of Interior's National Register of Historic Places	X	X
-Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, central angles, and tangent distance for the centerline of curved property lines that are not the boundary line of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all	X	X

² Required on final plat only for minor subdivisions

angles to the nearest minute.		
-The accurate locations and descriptions of all monuments, markers and control points.	X	X
-A copy of any proposed deed restrictions or similar covenants. Such restrictions are mandatory when private recreation areas are established.	X	X
-A copy of the erosion control plan submitted to the Land Quality Section, DENR, Wilmington Regional Office. Required 30 days before land disturbance.		X ³
-Waters Classified by the NC Division of Water Quality, DENR	X	
-Topographic map with contour intervals of no greater than 1' at a scale of no less than 1" = 200'.	X	
CAMA counties and municipalities:		
-Boundaries of applicable Areas of Environmental Concern in accordance with the State Guidelines for AECs (15 NCAC 7H) pursuant to the Coastal Area Management Act of 1974	X	X
- surveyed delineation of wetlands	x	X ⁴
-All certifications required in Section 307	X	X
-Any other information considered by either the subdivider, the Planning Board to be pertinent and necessary to the review of the plat.	X	X
-Copy of homeowners association agreement to maintain common areas		X

Section 309. Recombination of Land

309.1 Any plat or any part of any plat may be vacated by the owner at any time before the sale of any lot in the subdivision by a written document to which a copy of such plat shall be attached, declaring the same to be vacated.

309.2 Such a document shall be approved by the same agencies as approved the final plat. The Town Board of Commissioners may reject any document that abridges or destroys any public rights in any of its public uses, improvements, streets or alleys.

309.3 Such an instrument shall be executed, acknowledged or approved and recorded and filed in the same manner as a final plat; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.

309.4 When lots have been sold, the plat may be vacated in the manner provided in Section 309.1 through 309.3 by all owners of the lots in such plat joining in the execution of such writing.

³ submit documentation with final plat

⁴ final plat shall indicate approval by Corp of Engineers

Section 310. Resubdivision Procedures

For any replatting or resubdivision of land, the same procedures, rules and regulations shall apply as prescribed herein for an original subdivision.

Section 311. Appealing Subdivision Decisions

Any party aggrieved by the decision to approve or deny a preliminary or final subdivision plat may seek to have that decision reviewed by filing an action in superior court in accordance with the provisions of G.S. § 160A-377(b).

ARTICLE IV. REQUIRED IMPROVEMENTS, DEDICATION, RESERVATION, MINIMUM STANDARDS OF DESIGN

Section 401. General

Each subdivision shall contain the improvements specified in this article, which shall be installed in accordance with the requirements of this ordinance and paid for by the subdivider, unless other means of financing is specifically stated in this ordinance. Land shall be dedicated and reserved in each subdivision as specified in this article. Each subdivision shall adhere to the minimum standards of design established by this article.

Section 402. Suitability of Land

402.1 The burden of proof that lots and acreage are suitable for development shall rest with the subdivider. A subdivision plat may be disapproved if the Planning Board determines that insufficient or inadequate data is submitted by the subdivider.

Land which has been determined by the Planning Board, on the basis of engineering or other expert surveys, to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed shall not be platted for that purpose, unless and until the subdivider has taken the necessary measures to correct said conditions and to eliminate said dangers.

The Planning Board shall use all available resources to ascertain the suitability of lots and acreage for development including but not limited to soils and drainage characteristics. Expenses created in documenting this data shall be the responsibility of the developer. Fees incurred shall be paid prior to final plat approval.

402.2 Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the Brunswick County Health Department, a structural engineer and a soils expert determine that the land is suitable for the purpose proposed.

402.3 All subdivision proposals shall be consistent with the need to minimize flood damage.

402.4 All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

402.5 All lots, structures and utilities shall comply with the applicable Areas of Environmental Concern (AEC) Standards 15 NCAC 7H pursuant to CAMA.

Section 403. Name Duplication

The name of the subdivision shall not duplicate nor closely approximate the name of an existing subdivision within Brunswick County. All subdivision names shall be approved by Brunswick County GIS.

Section 404. Subdivision Design

404.1 Blocks

- a. The 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 use contemplated; zoning requirements; needs for vehicular and pedestrian circulation; control and safety of street traffic; limitations and opportunities of topography; and convenient access to water areas.
- b. Blocks shall not be less than 400 feet or more than 1800 feet.
- c. Blocks shall have sufficient width to allow two (2) tiers of lots of minimum depth except where single tier lots are required to separate residential development from through vehicular traffic or another type of use, in nonresidential subdivisions, or where abutting a water area.
- d. Where deemed necessary by the Planning Board, a pedestrian crosswalk at least fifteen (15) feet in width may be required to provide convenient public access to a public area such as a park or school, to a water area, or to areas such as shopping centers, religious or transportation facilities.
- e. Block numbers shall conform to the town street numbering system, if applicable.

404.2 Lots

- a. All lots in new subdivisions shall conform to the zoning requirements of the district in which the subdivision is located. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of the zoning ordinance. It is not sufficient merely for the average lot to meet zoning requirements.

- b. Lots shall meet any applicable Brunswick County Health Department requirements.
- c. Double frontage lots shall be avoided wherever possible.
- d. Side lot lines shall be substantially at right angles to or radial to street lines.

404.3 Easements

Easements shall be provided as follows:

- a. Utility Easements-Easements for underground or above ground utilities shall be provided, where necessary, across lots or centered on rear or side lot lines and shall be at least 20 feet wide for water and sanitary sewer lines and as required by the companies involved, for telephone, gas and power lines. The Planning Board will determine whether one (1) easement is sufficient or whether several easements are necessary to accommodate the various facilities and the subdivider shall provide the required easements.
- b. Drainage Easements-Where a subdivision is traversed by a stream or drainage way, an easement shall be provided conforming with the lines of such stream and of sufficient width as will be adequate for the purpose. Provisions for the future maintenance and upkeep of all drainage easements shall be approved by the Planning Board prior to plat approval and such provisions shall be included with the final plat.

404.4 Wetlands

Ecological sensitive lands, such as marsh, swamps and pocosins when in the ownership of the owner/applicant, are to be preserved, for the public interest. An approximate determination of wetlands at preliminary plan stage and surveyed delineation of federally and state regulated wetlands by US Army Corps of Engineer and approved wetland surveyors or designee is required at final plat stage.

Section 405. Streets

405.1 Type of Streets Required

All subdivision lots shall abut on a public or private street. See **Section 406 Private Streets**. All public streets shall be dedicated to the Town of Belville, The State of North Carolina or the public as determined appropriately by the Planning Board. All public streets shall be built to the standards of this ordinance and all other applicable standards of the Town of Belville and the North Carolina Department of Transportation. Public streets not dedicated to the Town which are eligible for acceptance into the State Highway System shall be constructed to the standards necessary to be put on the State Highway System or the standards in this ordinance, whichever is stricter in regard to

each particular item, and shall be put on such system. Streets which are not dedicated to the Town which are not eligible to be put on the State Highway System because there are too few lots or residences shall, nevertheless, be dedicated to the public and shall be in accordance with the standards in this ordinance or standards necessary to be put on the State Highway System, whichever is stricter in regard to each particular item, so as to be eligible to be put on the system at a later date. A written maintenance agreement with provisions for maintenance of the street until it is put on the State system shall be included with the final plat.

405.2 Subdivision Street Disclosure Statement

All streets shown on the final plat shall be designated in accordance with G. S. 136-102.6 and designation as public shall be conclusively presumed an offer of dedication to the public. Where streets are dedicated to the public but not accepted into a municipal or State system, before lots are sold, a statement explaining the status of the street shall be included with the final plat.

405.3 Half-Streets

The dedication of half streets of less than sixty (60) feet at the perimeter of a new subdivision shall be prohibited. If circumstances render this impracticable, adequate provision for the concurrent dedication of the remaining half of the street shall be furnished by the subdivider. Where there exists a half-street in an adjoining subdivision, the remaining half shall be provided by the proposed subdivision. However, in circumstances where more than sixty (60) feet of right-of-way is required, a partial width right-of-way, not less than sixty (60) feet in width, may be dedicated when adjoining undeveloped property is owned or controlled by the subdivider; provided that the width of the partial dedication is such as to permit the installation of such facilities as may be necessary to serve abutting lots. When the adjoining property is subdivided, the remainder of the full required right-of-way shall be dedicated.

405.4 Marginal Access Streets

Where a tract of land to be subdivided adjoins a principal arterial street, the subdivider may be required to provide a marginal access street parallel to the arterial street or reverse frontage on a minor street for the lots to be developed adjacent to the arterial. Where reverse frontage is established, private driveways shall be prevented from having direct access to the principal arterial.

405.5 Access to Adjacent Properties

Where, in the opinion of the Planning Board, it is necessary to provide for access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turnaround provided. If access to adjoining property does not serve fronting lots, then a right of way dedication only may be considered.

405.6 Nonresidential Streets

The subdivider of a nonresidential subdivision shall provide streets in accordance with the Standards contained in the most current edition of the North Carolina Roads, Minimum Construction and the standards in this ordinance, whichever are stricter in regard to each particular item.

405.7 Design Standards

The design of all streets and roads within the jurisdiction of this ordinance shall be in accordance with the accepted policies of the North Carolina Department of Transportation, Division of Highways, as taken or modified from the American Association of State Highway Officials (AASHO) manuals. The most current edition of the N. C. Department of Transportation, Division of Highways' Subdivision Roads Minimum Construction Standards, shall apply for any items not included in this ordinance, or where stricter than this ordinance.

405.8 Street Paving Widths

Paving widths for street and road classifications other than local shall be as required by the Mutually Adopted Thoroughfare Plan where applicable.

405.9 Intersections

- a. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at an angle less than sixty (60) degrees.
- b. Property lines at intersections should be set so that the distance from the edge of pavement, of the street turnout, to the property line will be at least as great as the distance from the edge of pavement to the property line along the intersecting streets. This property line can be established as a radius or as a sight triangle. Greater offsets from the edge of pavement to the property line will be required, if necessary, to provide sight distance for the vehicle on the side street.
- c. Offset intersections are to be avoided unless exception is granted by the Division of Highways. Intersections which cannot be aligned should be separated by a minimum length of 200 feet between survey center lines.
- d. Intersections with arterials, collector and thoroughfares shall be at least one thousand (1000) feet from center line to center line, or more if required by the North Carolina Department of Transportation.

405.10 Cul-de-sacs

Permanent deadend streets should not exceed six hundred (600) feet in length unless necessitated by topography or property accessibility and in no case shall be permitted to be over nine hundred (900) feet. Measurements shall be from the point where the center line of the deadend street intersects with the center of the turnaround

of the cul-de-sac. Where one cul-de-sac intersects with another cul-de-sac, the end of each cul-de-sac shall be no more than 500 to 900 feet from a through street, measured as stated above. The distance from the edge of pavement on the vehicular turnaround to the right-of-way line shall not be less than the distance from the edge of pavement to right-of-way line on the street approaching the turnaround. Cul-de-sacs should not be used avoid connection with an existing street or to avoid the extension of an important street, unless exception is granted by the Planning Board.

405.11 Alleys

- a. Alleys shall be required to serve lots used for commercial and industrial purposes except that this requirement may be waived where other definite and assured provision is made for service access. Alleys shall not be provided in residential subdivisions unless necessitated by unusual circumstances.
- b. The width of an alley shall be at least twelve (12) feet.
- c. Alley right of ways shall be at least twenty (20) feet
- d. Deadend alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn around facilities at the deadend as may be approved by the Planning Board.
- e. Sharp changes in alignment and grade shall be avoided.
- f. All alleys shall be designed in accordance with N. C. Department of Transportation Standards.

405.12 Other Requirements

- a. Through Traffic Discouraged on Residential Collector and Local Streets.

Residential collector and local streets shall be laid out in such a way that their use by through traffic will be discouraged. Streets shall be designed or walkways dedicated to assure convenient access to parks, playgrounds, schools, or other places of public assembly.

405.13 Sidewalks

Sidewalks may be required by the Planning Board on one or both sides of the street in areas likely to be subject to heavy pedestrian traffic such as near schools and shopping areas. Such sidewalks shall be constructed to a minimum width of four (4) feet, and shall consist of a minimum thickness of four (4) inches of concrete. All sidewalks shall be placed in the right-of-way, unless the development is plated as a planned unit or group development.

405.14 Street Names

Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names in the county irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be checked with Brunswick County GIS to determine that names conform with this ordinance.

405.15 Street Name and Traffic Control Signs

The subdivider shall be required to provide and erect street name and traffic control signs to town standards at all appropriate locations within the subdivision.

405.16 Permits for Connection to State Roads

An approved permit is required for connection to any existing state system road. This permit is required prior to any construction on the street or road. The application is available at the office of the nearest district engineer of the Division of Highways.

405.17 Wheelchair Ramps

In accordance with Chapter 136, Article 2A, Section 136-44.14, all street curbs in North Carolina being constructed or reconstructed for maintenance procedures, traffic operations, repairs, correction of utilities, or altered for any reason, shall provide wheelchair ramps for the physically handicapped at all intersections where both curb and gutter and sidewalks are provided and at other major points of pedestrian flow.

405.18 Horizontal Width on Bridge Deck

- A. The clear roadway widths for new and reconstructed bridges serving two (2) lane, two (2) way traffic shall be as follows:
1. Shoulder Section Approach
 - a. Under 800 ADT Design Year
Minimum: 28 feet width face-to-face of parapets or rails or pavement width plus 10 feet, whichever is greater.
 - b. 800-2000 ADT Design Year
Minimum: 34 feet width face-to-face of parapets or rails or pavement width plus 12 feet, whichever is greater.
 - c. Over 2000 ADT Design Year
Minimum: 40 feet. Desirable: 44 feet width face to face of parapets or rails.

2. Curbs and Gutter Approach

- a. Under 800 ADT Design Year. Minimum: 24 feet face-to-face of curbs.
- b. Over 800 ADT Design Year. Width of approach pavement measured face-to-face of curbs. Where curb and gutter sections are used on roadway approaches, curbs on bridges shall match the curbs on approaches in height, in width of face-to-face curbs, and in crown drop. The distance from face to curb to face of parapet or rail shall be 1' 6 " minimum, or greater if sidewalks are required.

B. The clear roadway widths for new and reconstructed bridges having four (4) or more lanes serving undivided two-way traffic shall be as follows:

1. Shoulder Section Approach

Width of approach pavement plus width of usable shoulders on the approach left and right. Minimum 8'; Desirable 10'

2. Curb and Gutter Approach

Width of approach pavement measured face-to-face of curbs.

Section 405.19 Turn Lanes

Turn lanes may be required by the planning board or DOT

Section 406 Private Streets

Private streets may be permitted in subdivisions provided that all construction and maintenance responsibilities are assigned via private covenant to a homeowners or property owners association established in accordance with N.C. Unit Ownership Act, and to which all property owners must belong. The Town of Belville shall not in any way be responsible for the maintenance nor shall the Town accept the streets for future maintenance. All street construction must meet DOT requirements except for width and curvature.

406.1 Maintenance of Private Streets

The Town shall not maintain, repair, resurface, rebuild, or otherwise improve streets, signs, drainage improvements or any other appurtenance within general purpose public access and utility easements established for private streets. A private maintenance covenant recorded with the Clerk of Superior Court, Brunswick County, shall be required for any private street and other improvements within general purpose public access and utility easements established for private streets. The covenant shall set out the distribution of expenses, remedies for non-compliance with the terms of the

agreement, rights to the use of easements, and other pertinent considerations. The Covenant shall specifically include the following terms:

- A. The Covenant shall establish minimum annual assessments in an amount adequate to defray costs of ordinary maintenance and procedures for approval of additional needed assessments. The Covenant shall also specify that the funds from such assessments will be held by a homeowners or property owners association in cases of a subdivision of ten(10) or more lots fronting on a private street.
- B. The Covenant shall include a periodic maintenance schedule.
- C. The Covenant for maintenance shall be enforceable by any property owner served by the private street.
- D. The Covenant shall establish a formula for assessing maintenance and repair costs equitably to property owners served by the private street.
- E. The Covenant shall run with the land.

406.1(A) Exceptions to Accepting Private Streets for Maintenance

Given the number of anaccepted private streets within the Town, and the potential cost of maintaining the same should they be accepted into the Town's municipal street system, the Town Board of Commissioners recognizes the need for evaluating which streets may qualify to be accepted for maintenance as exceptions to the prohibition set forth in Section 406. Accordingly, the Town Board of Commissioners may grant, on a case by case basis, an exception to the prohibition against accepting private streets for maintenance provided the board finds that:

- 1. The private streets in question ("Private Streets") were constructed before April 17, 2001, the date on which this ordinance was adopted by the Town;
- 2. The Private Streets are constructed of asphalt or concrete and comply with the width requirements set forth in the North Carolina General Statutes provided for Powell Bill funding;
- 3. The Private Streets have a significant level of public use in that they are being used as connectors to public streets, public places, residences or other neighborhoods;
- 4. The legal owners of the Private Streets have made a sufficient dedication of those streets to the Town; and
- 5. The Town has sufficient funds with which to provide the maintenance provided for herein to Private Streets.

If the Town Board of Commissioners finds that the Private Streets qualify as an exception hereunder, the board may adopt an acceptance of the Private Streets provided, however, that any such acceptance shall be limited to only the Private Streets themselves and that such acceptance shall not include, nor shall the Town be responsible in any way for constructing, improving or maintaining, without limitation, any: right of ways or easements, including utility easements, abutting the Private Streets; adjacent or ancillary curbs, gutters, sidewalks, bikeways or walkways; adjacent or ancillary stormwater or drainage systems, infrastructure or fixtures of any type whatsoever; and any unimproved public or private alleyways.

The Town's maintenance of any Private Streets accepted as exceptions hereunder shall be limited to the following:

Base repairs, Patching, crack sealing, Pothole filling, Resurfacing, Sealing, and

Installation and maintenance of any traffic control devices deemed necessary by the Town Board of Commissioners.

The total cost of any particular maintenance which the Town may provide to any private streets accepted hereunder may be assessed, at the time of acceptance, on a "unit" basis, to the owners of the real property abutting the streets in question such that each abutter is assessed an equal share of the total cost of the particular maintenance without regard to the size of the abutter's property or length of frontage. In each such instance, the total cost of the particular maintenance may be reduced by any Powell Bill funds which are available to the Town and which, in the Board of Commissioner's discretion, have been allocated to that particular maintenance.

406.2 Specifications for Final Plats Involving Private Streets.

No final plat involving a private street shall be approved by the Town of Belville for recording unless and until it shall contain the following on the face of the plat:

- A. Deed book and page reference to the recorded covenant required in 406.1 above.
- B. Notice, the Town of Belville has no responsibility to build, improve, maintain, or otherwise service the private streets, drainage improvements, and other appurtenances contained within the general public purpose access and utility easement or easements for private streets shown on this plat.
- C. *Grant of Easement. The general purpose public access and utility easement(s) shown on this plat for private street(s) is hereby granted and said grant of rights shall be liberally construed to provide all necessary authority to the Town, and to public or private utility companies serving the subdivision, for the installation and maintenance of utilities, including, but not limited to electric lines, gas lines, telephone lines, water lines, sewer*

lines, cable television lines, and fiber optic cables, together with the right to trim interfering trees and brush, together with a perpetual right of ingress and egress for installation, maintenance, and replacement of such lines.

Signature of Property Owner

- D. The following certificate of dedication shall be required, unless the Town Board of Commissioners or other authorized representative of the Town of Belville waives the dedication requirement.

Certificate of Dedication. All water and sewer lines installed within the general purpose public access and utility easement(s) shown on this plat for private street(s) are hereby dedicated to the responsible public utility.

Signature of Property Owner

406.3 Requirement for Purchaser's Acknowledgement of Private Responsibilities.

Prior to the sale or as a condition of the closing of a real estate transaction involving any lot served by a private street in Belville, the subdivider or seller of said lot shall execute a notarized purchaser's acknowledgement of private street construction and drainage maintenance responsibilities set forth below. A copy of the purchaser's acknowledgement shall be retained by the purchaser and shall be required to be submitted as a condition of a building permit for a principal building on said lot:

Purchaser's Acknowledgement of Private Street and Drainage Maintenance Responsibility

(I) (We) have read the Declaration of Covenant which pertains to the lot that is the subject of this real estate transaction (insert address or attach legal description). (I) (We) understand that the Declaration of Covenant applies to the lot that (I am) (we are) purchasing and requires (me) (us) to provide a specified percentage or amount of the financing for the construction and maintenance of any private street and drainage facilities serving the lot which (I am) (we are) purchasing, and that owners of other lots in this plat may sue and recover for those costs which this covenant requires (me) (us) to pay, plus their damages resulting from (my) (our) refusal to contribute, plus reasonable attorneys fees. (I) (We), further understand that the town has no obligation to assist with the maintenance and improvement of the private street, drainage facilities, and other appurtenances within the general purpose public access and utility easement for the private road serving the lot in question. I (we) understand that a copy of this purchaser's acknowledgement shall be required as a condition of the issuance of a building permit for a principal building on the lot (I am) (we are) purchasing.

Purchaser

Section 407 Utilities

407.1 Water and Sanitary Sewer System

All lots in subdivisions must be connected to the local municipal water system and sewer system.

407.2 Storm Water Drainage System

The subdivider shall provide a surface water drainage system as it relates to streets and constructed to the standards of the North Carolina Department of Transportation, as reflected in the Handbook for the Design of Highway Surface Drainage Structures, (1973) subject to review by the Town's Consulting Engineer.

- A. Curb and gutter is strongly encouraged
- B. No surface water shall be channeled or directed into a sanitary sewer.
- C. Where feasible, the subdivider shall connect to an existing surface water drainage system.
- D. Where an existing surface water drainage system cannot feasibly be extended to the subdivision surface drainage system shall be designed to protect the proposed development from water damage.
- E. Surface drainage courses shall have side slopes of at least three (3) feet of horizontal distance for each one (1) foot of vertical distance, and courses shall be of sufficient size to accommodate the drainage area without flooding, and designed to comply with the standards and specifications for erosion control of the North Carolina Sedimentation Pollution Control Act, G.S. 143-34.12, Chapter 113A, Article 4 and the North Carolina Administrative Code Title 15, Chapter 4, and any locally adopted erosion and sedimentation control ordinances.
- F. The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one (1) foot in each two hundred (200) feet of horizontal distance.
- G. Stream banks and channels downstream from any land disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land disturbing activity in accordance with the North Carolina Sedimentation Pollution Control Act, G.S. 143-34.12, Chapter 113A, Article 4 and the North Carolina Administrative Code Title 15, Chapter 4.
- H. Anyone constructing a dam or impoundment within the subdivision must comply with the North Carolina Dam Safety Law of 1967 and the North Carolina Administrative Code Title 15, Subchapter 2 K.

- I. In all areas of special flood hazards, all subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- J. Stormwater runoff shall not increase more than 5% over preconstruction runoff.

Storm water drainage as it relates to runoff shall be controlled on site without the benefit of engineered systems which require intensive maintenance by the property owner. Consequently, the maximum lot coverage as provided for in the Belville Zoning Ordinance shall be adhered to in order to contain stormwater runoff.

407.3 Street Lights

All subdivisions shall have street lights installed throughout the subdivision in accordance with the standards approved by the Planning Board. The developer shall be required to pay to the electric company the cost of street lighting installation

407.4 Underground Wiring

All subdivisions shall have underground wiring. This requirement may be waived by the Planning Board if underlying rock is less than four (4) feet from surface, in areas where soils have a high water table, or if there is extensive preexisting overhead wiring on the street in the immediate neighborhood of the subdivision. Such underground wiring shall be installed in accordance with the standards of utility company serving the area. The subdivider shall be required to pay the charges for installation of the underground service, which charges will be made in accordance with then effective underground electric service plan as filed with the North Carolina Utilities Commission.

Section 408. Buffering Recreation and Open Space Requirements

408.1 Buffering

Whenever a residential subdivision is located adjacent to an office, institutional, commercial or industrial use which does not have a buffer, or property zoned for these uses, and a buffer is not required between these and the subdivision, the subdivider shall provide a buffer as determined by the Planning Board. The width of the buffer shall be in addition to the lot area required by the zoning ordinance. The buffer shall become part of the lot on which it is located, or in the case of commonly owned property, shall be deeded to the homeowners' association.

408.2 Recreation and Open Space

Minimum assured recreation (i.e., active) area shall be a percentage of the gross site area integrated throughout the subdivision and accessible to the housing units. In some instances, exceptions may be considered by the Planning Board. Assured Recreation/Open Space shall meet the following minimum requirements

Density Units per acre ⁵	% Open Space Minimum
≤1.5	10%
1.6 – 2.0	10%
2.1 – 2.5	15%
2.6 – 3.0	20%
3.1 – 3.5	25%
≥3.6	30%

408.3 Suitability of Land for Recreation

Criteria for evaluating suitability of proposed recreation, parks and open space areas shall include but not be limited to the following as determined by the Planning Board in consultation with Brunswick County Recreation Department.

- A. Unity. The dedicated land shall be a single parcel except where it is determined that two or more parcels would be in the public interest. The Planning Board may require that parcels be connected, and may require the dedication of a connecting path of up to sixty (60) feet, and in no case less than thirty (30) feet in width in addition to the land required in section 407.2(a) of this ordinance.
- B. Location. The dedicated land shall be located so as to serve the recreation needs of the immediate neighborhood within the subdivision.
- C. Accessibility. Public access to the dedicated land shall be provided either by an abutting street or public easement. Such easement may be required to be up to sixty (60) feet in width and shall in no case be less than thirty (30) feet in width.

⁵ If density results in a fraction, the calculated density shall be rounded to the nearest tenth

- D. Useability. The dedicated land shall be usable for active recreation. (Play areas, ball fields, tennis courts, or similar recreation uses). Lakes may not be included in computing amount of land to be dedicated unless acceptable to the Planning Board. If the Planning Board determines that active recreation needs are being met by other dedicated parcels or existing recreation facilities, then land that is suitable for open space may be dedicated.
- E. The Town Board of Commissioners may, in cases of unusual or exceptional nature allow adjustments in the dedication requirements established in or required by this ordinance. Such adjustments shall be reviewed by the Planning Board before action by the Town Board of Commissioners.
- F. Conservation and historic preservation easements shall comply with N.C. G.S. 121-34-42. All facilities and improvements and open spaces which the owner makes an offer of dedication to public use shall be maintained by the owner until such offer of dedication is accepted by the appropriate public authority.
- G. Ecologically sensitive lands such as marsh, Carolina Bays, pocosins and swamps are to be preserved whenever possible for the public interest. Full density credit is to be applied as long as such areas are granted as perpetual conservation easements. Credit shall not increase permitted density more than 25%.
- H. Wetlands and commercial recreational areas such as golf courses shall not compromise more than 50% of the total open space.

408.4 A homeowners association must be formed to maintain common areas.

Section 409. Other Requirements

409.1 Placement of Monuments

Unless otherwise specified by this ordinance, the Manual of Practice *for* Land Surveying as adopted by the N. C. State Board of Registration for Professional Engineers and Land Surveyors, under the provisions of Title 21 of the North Carolina Administrative Code, Chapter 56 (21 NCAC 56), shall apply when conducting surveys for subdivisions; to determine the accuracy for surveys and placement of monuments, control comers, markers, and property comer ties; to determine the location, design, and material of monuments, markers, control comers, and property comer ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions.

409.2 Construction Procedures

No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plan has been approved, and respective plans and specifications have been approved by the appropriate authorities.

No building, zoning or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this ordinance until all requirements of this ordinance have been met. The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the administrator of this ordinance to provide for adequate inspection. The approving authorities having jurisdiction or their representatives shall inspect and approve all completed work prior to release of the sureties,

409.3 Reserved

ARTICLE V. GUARANTEE OF IMPROVEMENTS AND REIMBURSEMENT FOR OVERSIZED IMPROVEMENTS

Section 501 Guarantee of Improvements

A. Agreement and Security Required

In lieu of requiring the completion, installation and dedication of all improvements prior to final plat approval the Town of Belville may enter into an agreement with subdivider whereby the subdivider shall agree to complete all required improvements. Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Town Board of Commissioners, if all other requirements of this ordinance are met. To secure this agreement, the subdivider shall provide, subject to the approval of the Town Board of Commissioners, either one or a combination of the following guarantees not exceeding 1.25 times (125%) the entire cost as provided herein:

1. Surety Performance Bond(s)

The subdivider shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina. The bonds shall be payable to the Town of Belville and shall be in an amount equal to 1.25 times (125%) the entire cost, as estimated by the subdivider and approved by the Town Board of Commissioners, of installing all required improvements. The duration of the bond(s) shall be until the improvements are accepted by the Town Board of Commissioners.

2. Cash or Equivalent Security

The subdivider shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the Town

or in escrow with a financial institution designated as an official depository of the Town. The use of any instrument other than cash shall be subject to the approval of the Town Board of Commissioners. The amount of deposit shall be equal to 1.25 times (125%) the cost, as estimated by the subdivider and approved by the Town Board of Commissioners, of installing all required improvements. If cash or other instrument is deposited in escrow with a financial institution as provided above, then the subdivider shall file with the Town Board of Commissioners an agreement between the financial institution and himself guaranteeing the following:

- a. The escrow account shall be held in trust until released by the Town Board of Commissioners and may not be used or pledged by the subdivider in any other matter during the term of the escrow; and
- b. In the case of failure on the part of the subdivider to complete the improvements, the financial institution shall, upon notification by the Town Board of Commissioners and submission by the Town Board of Commissioners to the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately either pay to the Town the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the Town any other instruments fully endorsed or otherwise made payable in full to the Town.

3. Default

Upon default, meaning failure on the part of the subdivider to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety, or the financial institution holding the escrow account shall, if requested by the Town Board of Commissioners pay all or any portion of the bond or escrow fund to the Town of Belville up to the amount needed to complete the improvements based on an engineering estimate. Upon payment, the Town Board of Commissioners, in its discretion, may expand such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The Town of Belville shall return to the subdivider any funds not spent in completing the improvements.

B. Release of Guarantee Security

The Town Board of Commissioners may release a portion of any security posted as the improvements are completed and recommended for approval by Planning Board. Within 14 days after receiving the Planning Board recommendation the Town Board of commissioners may approve said improvements. If the Town Board of Commissioners approves of the improvements, then it shall immediately release any security posted.

Section 502 Reimbursement of Oversized Improvements

The Town of Belville may require installation of certain oversized utilities or the extension of utilities to adjacent property when it is in the interest of future development. If the Town requires the installation of improvements in excess of the standards required in this ordinance, including all standards adopted by reference, the Town shall pay the cost differential between the improvement required and the standards in this ordinance. The Town may recoup this cost through acreage fees as set forth in the Town's Water and Sewer Extension Policies.

AMENDMENTS

January 15, 2002

Section 408.4 was added. 'Section 408.4 A homeowners association must be formed to maintain common areas.'

The following was added to p 28 Section 308, *Information to be contained in or Depicted on Preliminary and Final Plat*: copy of homeowners association agreement to maintain common areas must be included with final plat.

October 22, 2007 (Ord. 2007-14)

Subdivision Regulations amended to add Section 406.1(A), *Exceptions to Accepting Private Streets for Maintenance*

April 28, 2008 (Ord. 2008-02)

The following sections of the Subdivision Regulations were amended to provide for a revised definition of "Minor Subdivision" and to provide for the administrative approval of minor subdivisions and final major subdivisions:

Sections 105, *Prerequisite to Plat*

Recordation Section 106, *Acceptance of Streets*

Section 201, *General Procedure for Plat Approval/Duty of Brunswick County Review Officer*

Section 302, *Approval Prerequisite to Plat Recordation*

Section 303, *Procedures for Review of Major and Minor Subdivisions*

Section 304, *Procedure for Review of Minor Subdivision*

Section 306, *Preliminary Plan Submission and*

Review Section 307, *Final Plat Submission and Review*

November 22, 2010 (Ord. 2010-14)

All references to "Town Manager" were revised to reference "Town Administrator" due to change in form of government for the Town of Belville.

January 24, 2011 (Ord. 2011-01)

Added Section 306.4 *Modifications to an Approved Preliminary Plat*.