



SUBDIVISION REGULATIONS

Town of Richlands
Onslow County, North Carolina
November 21, 2000

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ARTICLE I

DEFINITIONS

Section 101. "Subdivision Defined"

For the purposes of this ordinance, "subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to any regulations enacted pursuant to this ordinance.

- a) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipality as shown in this ordinance;
- b) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
- c) The public acquisition by purchase of strips of land for the widening or opening of streets, and
- d) The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality as shown in this ordinance.

Section 102. Other Definitions

For the purpose of this ordinance, certain words or terms used herein shall be defined as follows:

Block. A piece of land bounded on one or more sides by streets or roads.

Building Setback Line. A line parallel to the front property line in front of which no structure shall be erected. Setbacks shall be figured from the right-of-way line.

Dedication. A gift, by the owner, or a right to use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument, and is completed with an acceptance.

Easement. A grant by the property owner of a strip of land for a specified purpose and use by the public, a corporation, or persons.

Half Street. A street whose centerline coincides with a subdivision plat boundary, with one-half (1/2) the street right-of-way width being contained within the subdivision plat. Also, any existing street to which the parcel of land to be subdivided abuts on only one side.

Lot. A portion of a subdivision, or any other parcel of land, intended as a unit of transfer of ownership or for development or both.

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

Sidewalk. A sidewalk is a 4 foot wide paved strip of concrete or similar aggregate material which is to be located no less than two feet (24 inches) from the curb.

Lot Types:

Corner Lot. A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

Double Frontage Lot. A continuous (through) lot which is accessible from both streets upon which it fronts.

Interior Lot. A lot other than a corner lot with only one frontage on more than one street.

Through Lot or a "Double Frontage Lot." A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

Reversed Frontage Lot. A lot on which the frontage is at right angles or approximately right angles (interior angles less than one hundred thirty-five (135) degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot, an interior lot or a through lot.

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

Official Maps or Plans. Any maps or plans officially adopted by the Town of Richlands Town Board.

Open Space. An area (land and/or water) generally lacking in man-made structures

and reserved for enjoyment in its unaltered state

Plat. A map or plan of a parcel of land which is to be, or has been subdivided.

Public Water System. An approved water supply system serving fifteen (15) or more connections including county, municipal and sanitary district water systems designated to serve particular subdivisions at full development and constructed to specifications of the Onslow County Health Department in consultation with the NC Department of Environment and Natural Resources.

Public or Community Sewage System. An approved sewage disposal system serving two (2) or more connections including private, municipal and sanitary district sewage systems designated to serve particular subdivisions at full development and constructed to specifications of the County Health Department in consultation with the NC Department of Environment and Natural Resources.

Private Driveway. A roadway serving two (2) or fewer lots, building sites or other division of land and not intended to be public ingress or egress.

Private Street. A undedicated private right-of-way which affords access to abutting properties and requires a sub-division streets disclosure statement in accordance with NCGS 136-102.6.

Reservation. A reservation of land does not involve any transfer of property rights. It simply constitutes an obligation to keep property free from development for a stated period of time.

Septic Tank System. A ground absorption sewage treatment and disposal system consisting of a septic tank and a nitrification field, necessary pipe lines, conduits, pump stations, and other appurtenances required for proper collection, distribution, treatment, disposal, operation and performance, or any other system approved by the Onslow County Health Department.

Street. A dedicated and accepted public right-of-way for vehicular traffic (or a private road only if permitted by this ordinance). The following classifications shall apply:

Urban Streets:

Major Thoroughfares. Major thoroughfares consist of interstate, other freeway and expressway links, and major streets that provide for the expeditious movement of volumes of traffic within and through urban areas.

Minor Thoroughfares. Minor thoroughfares are important streets in the urban system and perform the function of collecting traffic from local access streets and carrying it to the Major Thoroughfare system by facilitating a minor through traffic movement and may also abutting property.

Local Street. A local street is any link not part of a higher-order urban system which serves primarily to provide direct access to abutting land and access to higher systems.

Specific Type Rural or Urban Streets:

Alley. A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

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

Engineer. Any person currently registered to practice professional engineering by the State Board of Registration for Professional Engineers of the State of North Carolina.

Freeway, Expressway, or Parkway. Divided multilane road-way designed to carry large volumes of traffic at relatively high speeds. A freeway is a divided highway providing for continuous flow of vehicles with no direct access to abutting property or streets and with access to selected crossroads provided via connecting ramps. An expressway is a divided highway with full or partial control of access and generally with grade separations at major intersections. A parkway is a highway for noncommercial traffic, with full or partial control of access, and usually located within a park or a ribbon of park like development.

Frontage Road. A local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.

Local Residential Street. Cul-de-sacs, loop streets less than 2,500 feet in length, or streets less than one mile in length that do not connect thoroughfares, or serve major traffic generators, and do not collect traffic from more than 100 dwelling units.

Residential Collector Street. A local access street which serves as a connector street between local residential streets and the thoroughfare system. Residential collector streets typically collect traffic from 100 to 400 dwelling units.

Rural Street. A street which is designed to carry traffic in rural areas. These streets are designed to carry traffic from rural areas into Richlands and from Richlands into the surrounding rural areas. Rural streets to be located within Richlands' planning jurisdiction will be required to have curb and gutter.

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

Surveyor. A licensed surveyor in the State of North Carolina

Section 103. Word Interpretation

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

Words used in the present tense include the future tense.

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.

The word "person" includes a firm, association, corporation, trust, and company as well as an individual.

The word "use for" shall include the meaning "designed for".

The word "structure" shall include the word "building".

The word "lot" shall include the words "plot", "parcel", or "tract".

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

ARTICLE II

INTRODUCTORY PROVISIONS

Section 201. Title

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

Section 202. Purpose

The purpose of this ordinance is to establish procedures and standards for the development and subdivision of land within the territorial jurisdiction of the Town of Richlands. It is further designed to provide for the orderly growth and development of the Town; for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities; for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and of rights-of-way or easements for street and utility purposes; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety, and the general welfare. This ordinance is designed to further facilitate adequate provision of water, sewerage, parks, schools, and playgrounds, and also to facilitate the further re-subdivision of larger tracts into smaller parcels of land.

Section 203. Authority

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

Section 204. Jurisdiction

The regulations contained herein, as provided in NCGS 160A, Article 19 shall govern each and every subdivision within the Town of Richlands.

Section 205. Prerequisite to Plat Recordation

After the effective date of this ordinance, each individual subdivision plat of land within the Town's jurisdiction shall be approved by the Town Board.

Section 206. 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 such final plat has been approved by the Town of Richlands.

Section 207. Thoroughfare Plan

Where a proposed subdivision includes any part of a thoroughfare which has been designated as such upon the officially adopted thoroughfare plan of the Town, the Onslow County Board of Commissioners or the NC Department of Transportation, such part of the thoroughfare plan shall be platted by the subdivider in the location shown on the plan and at the width specified in this ordinance by the Town of Richlands and/or the North Carolina Department of Transportation, as applicable.

Section 208. School Sites on Land Use or Comprehensive Plan

If the Town Board of the Town of Richlands and Onslow County Board of Education have jointly determined the specified location and size of any school sites to be reserved and this information appears in the Land Use Plan Update, the Subdivision Administrator shall immediately notify the Board of Education whenever a sketch plan for a subdivision is submitted which includes all or part of a school site to be reserved. The Board of Education shall promptly decide whether it still wishes the site to be reserved. If the Board of Education does not wish to reserve the site, it shall so notify the Planning Board. If the Board of Education does wish to reserve the site, the subdivision shall not be approved without such reservation. The Board of Education shall then have eighteen (18) months beginning on the date of final approval of the subdivision within which to acquire the site by purchase or by initiating condemnation proceedings. If the Board of Education has not purchased or begun proceedings to condemn the site within eighteen (18) months, the subdivider may treat the land as freed of the reservation.

Section 209. Zoning and Other 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 or ordinances.

ARTICLE III

LEGAL PROVISIONS

Section 301. General Procedure for Plat Approval

After the effective date of this ordinance, no subdivision plat of land within the Town's jurisdiction shall be filed or recorded until it has been submitted to and approved by the Town Board as set forth in Section 105 of this ordinance, and until this approval is entered in writing on the face of the plat by the Mayor of the Town of Richlands and by the Town Clerk.

The Register of Deeds shall not file or record a plat of a subdivision of land located within the territorial jurisdiction of the Town 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 302. Statement by Owner

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 subdivision regulation jurisdiction of the Town of Richlands, North Carolina.

Section 303. Effect of Plat Approval on Dedications

Pursuant to NCGS 160A-374, the approval of a plat does not constitute or effect the acceptance by the Town or public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat and shall not be construed to do so. However, the Town of Richlands 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 and meets the Town's requirements.

Section 304. Penalties for Violation

304.1 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 Onslow 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 the Town Board may enjoin illegal subdivision, transfer or sale of land by action for injunction. Further, violators of this ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by NCGS 14-4.

304.2 The violation of any provision of this ordinance shall subject the offender to a civil penalty in the amount of \$50.00 to be recovered by the Town. Violators shall be issued a written citation which must be paid within ten (10) days.

304.3 Each day's continuing violation of this ordinance shall be a separate and distinct offense.

304.4 Notwithstanding Subsection 204.2 above, this ordinance may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.

304.5 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 305. Separability

Should any section or provision of this ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision 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 306. Variances

The Town Board of Richlands may authorize a variance from these regulations when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Town Board 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 finds:

- a) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land.
- b) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- c) That the circumstances giving rise to the need for the variance are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this ordinance.
- d) That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which said property is situated.

Section 307. Amendments

The Town Board 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. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have recommended approval of the amendment.

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

Section 308. 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 309. Effective Date

This ordinance shall take effect and be in force from and after adoption.

Section 310. Adoption

Duly adopted by the Town Board of the Town of Richlands, North Carolina, on the twenty first day of November, 2000.

Town Clerk

Mayor

Section 311. Administrator

The holder of the Office of Town Administrator is hereby appointed to serve as subdivision administrator.

ARTICLE IV

PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

Section 401. Plat Shall Be Required on Any Subdivision of Land

Pursuant to NCGS 160A-372 a final plat shall be prepared, approved, and recorded pursuant to the provisions of this ordinance whenever any subdivision of land takes place.

Section 402. Approval Prerequisite to Plat Recordation

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

Section 403. 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 provisions 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-of-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 involving no new public or private streets or roads, or right-of-way dedication, no easements, no utility extension, where the entire tract to be subdivided is five (5) or fewer lots after the subdivision is completed. Minor subdivisions creating three (3) lots or less may follow an expedited process and receive approval from the Subdivision Administrator at his discretion. Approval as noted in Section 404 may also be required at the discretion of the Subdivision Administrator.

Section 404. Procedure for Review of Minor Subdivisions

404.1 Sketch Plan for Minor Subdivision

Prior to submission of a final plat, the subdivider shall submit to the subdivision 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 plated properties;
- i) The zoning classification of the tract and of adjacent properties;
- j) A statement from the Onslow County Health Department that a copy of the sketch plan has been submitted to them, if a septic tank system or other on site water or wastewater systems are to be used in the subdivision.

The sketch plan shall be submitted at least fourteen (14) days prior to the Planning Board meeting at which it will be reviewed. The Planning Board shall review the sketch plan for general compliance with the requirements of this ordinance and the zoning ordinance; the Planning Board 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 as a part of the minutes of the Planning Board, and one (1) copy shall be returned to the subdivider or his authorized agent.

404.2 Final Plat for Minor Subdivisions. Upon approval of the sketch plan by the Planning Board 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 subdivision administrator not less than fifteen (15) days prior to the Planning Board meeting at which it will be reviewed.

The final plat shall be prepared by a Registered 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 NCGS 47-30 and the Manual of Practice for Land Surveying in North Carolina.

Five copies of the final plat shall be submitted, two (2) of these shall be on reproducible material; three (3) 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 Onslow County Register of Deeds.

The final plat shall be of a size suitable for recording with the Onslow 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 a filing fee of \$50.00 to cover administrative cost.

The final plat shall meet the specification in Section 308.

The following signed certificate shall appear on all five (5) copies of the final plat.

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 Richlands and that I hereby adopt this plan of subdivision with my free consent and establish minimum building setback lines as noted.

_____ Date _____ Owner

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 acknowledged before an officer authorized to take acknowledgments and 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 Onslow County

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 _____, 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 NCGS 47-30, as amended.

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

Registered Land Surveyor

Official Seal

Registration Number

I (officer authorized to take acknowledgments) do hereby certify that (name of registered surveyor) personally appeared before me this day and acknowledged the due execution of this certificate. Witness my hand and (where an official seal is required by law) official seal this the _____ day of _____ (year).

Signature of Officer

Official Seal

The Planning Board shall review the final plat at or before its next regularly scheduled meeting which follows at least fifteen (15) days after the subdivision administrator receives the final plat and shall recommend approval, conditional approval with modifications to bring the plat into compliance, or disapproval of the final plat with reasons within forty-five (45) days of its first consideration of the plat.

During its review of the final plat the Planning Board may appoint an engineer or Registered Land Surveyor to confirm the accuracy of the final plat or to provide comments on technical data. The costs shall be charged to the subdivider and the plat shall not be recommended for approval until such engineering fees have been paid.

If the Planning Board recommends approval of the final plat it shall transmit all copies of the plat and its written recommendations to the Town Board through the subdivision administrator.

If the Planning Board recommends conditional approval of the final plat with modifications to bring the plat into compliance, it shall retain one (1) print of the plat for its minutes, return its written recommendation and two (2) reproducible copies of the plat to the subdivider, and transmit one (1) print of the plat and its written recommendations to the Town Board through the subdivision administrator.

If the Planning Board recommends disapproval of the final plat, it shall instruct the subdivider concerning re-submission of a revised plat and the subdivider may make such

changes as will bring the plat into compliance with the provisions of this ordinance and resubmit same for reconsideration by the Planning Board, or appeal the decision to the Town Board.

Failure of the Planning Board to make a written recommendation within forty-five (45) days after its first review shall constitute grounds for the subdivider to apply to the Town Board for approval.

If the Planning Board recommends approval or conditional approval with modifications to bring the plat into compliance, or the subdivider appeals to the Town Board, the Town Board shall review and approve or disapprove the final plat within forty-five (45) days after the plat and recommendations of the Planning Board have been received by the subdivision administrator.

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

Certificate of Approval for Recording

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Town of Richlands, North Carolina and that this plat has been approved by the Town Board for recording in the Office of the Register of Deeds of Onslow County.

Mayor, Town of Richlands, North Carolina

Date

If the final plat is disapproved by the Town Board the reasons for such disapproval shall be stated in writing, specifying the provisions of this ordinance with which the final plat does not comply. One (1) copy of such reasons and one (1) print of the plat shall be retained by the Town Board as part of its proceedings; one (1) copy of the reasons and three (3) copies of the plat shall be transmitted to the subdivider. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance and resubmit same for reconsideration by the Planning Board and the Town Board or by the Town Board as determined by the Town Board.

If the final plat is approved by the Town Board, one (1) print of the plat shall be retained by the subdivider. One (1) reproducible tracing and one (1) print shall be filed with the Town Clerk, and one (1) print shall be returned to the Planning Board for its records.

The subdivider shall file the approved final plat with the Register of Deeds of Onslow County within thirty (30) days of Town Board 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 405. Sketch Plan for Major Subdivisions

405.1 Number of Copies and Contents

Prior to the preliminary plat submission, the subdivider shall submit to the Planning Board two (2) copies of a sketch plan of the proposed subdivision (or three (3) copies if the abbreviated procedure is to be used) 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) A statement from the Onslow County Health Department that a copy of the sketch plan has been submitted to them, if a septic tank system or other on site water or wastewater systems are to be used in the subdivision.

405.2 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 sketch plan shall be submitted at least fourteen (14) days prior to the Planning Board meeting at which it will be reviewed. The Planning Board shall review the sketch plan for general compliance with the requirements of this ordinance and the zoning ordinance; the Planning Board 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 as a part of the minutes of the Planning Board with the other copy being returned to the subdivider or his authorized agent.

Section 406. Preliminary Plat Submission and Review

406.1 Submission Procedure

For every subdivision within the territorial jurisdiction established by Section 204 of this ordinance, which does not qualify for the abbreviated procedure¹, the subdivider shall submit a preliminary plat 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 plat shall be consistent in concept with the previously submitted and approved sketch plan. The preliminary plat may constitute a portion of the Sketch Plan.

Twelve (12) copies of the preliminary plat (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 twenty (20) days prior to the Planning Board meeting at which the subdivider desires the Planning Board to review the preliminary plat.

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

406.2 Review by Other Agencies

After having received the preliminary plat from the subdivider, the subdivision administrator shall submit copies of the preliminary plat 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 Town Administrator and appropriate Town departmental heads and, if deemed appropriate, a professional engineer or surveyor who shall confirm the accuracy of the preliminary plat and shall provide comments on technical data. The costs shall be charged to the subdivider;
- b) Onslow County Health Department;
- c) Onslow County Board of Education;
- d) The District Engineer of the NC DOT;
- e) Onslow County Soil Conservation Service Office;
- f) U.S. Army Corps of Engineers, Wilmington, NC.

¹ The "abbreviated procedure" is a reference to the minor subdivision process. There is no other abbreviated process or procedure available.

406.3 Review Procedure

The Planning Board shall not approve the preliminary plat and final plat of the same subdivision at the same meeting. The Planning Board shall review the preliminary plat at or before its next regularly scheduled meeting which follows at least thirty (30) days after the subdivision administrator receives the preliminary plat and the comments from the appropriate agencies.

The Planning Board shall, in writing, recommend approval, conditional approval with recommended changes to bring the plat into compliance, or disapproval with reasons within sixty (60) days of its first consideration of the plat.

If the Planning Board recommends approval of the preliminary plat, 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 recommends conditional approval of the preliminary plat it shall keep one (1) copy of the plat for its minutes, and return the remaining copy of the plat and its recommendation to the subdivider.

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

If the preliminary plat is disapproved, the subdivider may make the recommended changes and submit a revised preliminary plat, or appeal the decision to the Town Board.

If the Planning Board does not make a written recommendation within sixty (60) days after its first consideration of the plat, the subdivider may apply to the Town Board for approval.

Section 407. Final Plat Submission and Review

407.1 Preparation of Final Plat and Installation of Improvements

Upon approval of the preliminary plat by the Planning Board, the subdivider may proceed with the preparation of the final plat, and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this ordinance. 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. No final plat will be accepted for review by the Planning Board or the Town Board unless accompanied by written notice by the Town Clerk acknowledging compliance with the improvement and guarantee standards of this ordinance. The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at that time; such portion shall conform to all requirements of this ordinance.

407.2 Improvements Guarantees

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 Richlands may enter into an agreement with the 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, 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, either one, or a combination of the following guarantees not exceeding 1.25 times 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 Richlands and shall be in an amount equal to 1.25 times the entire cost, as estimated by the subdivider and approved by the Town Board, of installing all required improvements. The duration of the bond(s) shall be until such time as the improvements are accepted by the Town Board.

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. The amount of deposit shall be equal to 1.25 times the cost, as estimated by the subdivider and approved by the Town Board, 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 an agreement between the financial institution and himself guaranteeing the following:

- (i) That said escrow account shall be held in trust until released by the Town Board and may not be used or pledged by the subdivider in any other matter during the term of the escrow; and
- (ii) That in the case of a failure on the part of the subdivider to complete said improvements the financial institution shall, upon notification by the Town Board, and submission by the Town

Board 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 improvement, 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. All interest earned shall be retained by the Town.

b) 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, pay all or any portion of the bond or escrow fund to the Town of Richlands up to the amount needed to complete the improvements based on an engineering estimate. Upon payment, the Town Board, at its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The Town shall return to the subdivider any funds not spent in completing the improvements. All interest earned shall be retained by the Town.

c) Release of Guarantee Security

The Town Board may release a portion of any security posted as the improvements are completed and recommended for approval by the Planning Board. Within thirty (30) days after receiving the Planning Board's recommendation, the Town Board shall act on the recommendation. If the Town Board approves said improvements, then it shall immediately release any security posted.

407.3 Submission Procedure

The Subdivider shall submit the final plat, so marked, to the subdivision administrator not less than thirty (30) days prior to the Planning Board meeting at which it will be reviewed; further, the final plat for the first stage of the subdivision shall be submitted not more than twelve (12) months after the date on which the preliminary plat was approved; otherwise such approval shall be null and void, unless a written extension of this limit is granted by the Town Board on or before the twelve (12) month anniversary of the approval.

The final plat shall be prepared by a Registered 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 NCGS 47-30 and the Manual of Practice for Land Surveying in North Carolina.

Ten (10) copies of the final plat shall be submitted; two (2) of these shall be on

supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book _____,

Page _____, Book _____, Page _____, etc.) (other); that the ratio of precision as calculated by latitudes and departure 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 NCGS 47-30, as amended.

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

Registered Land Surveyor
Official Seal

Registration Number

I, (officer authorized to take acknowledgments) do hereby certify that (name of registered surveyor) personally appeared before me this day and acknowledged the execution of this certificate.

Witness my hand and (where an official seal is required by law) official seal this the _____ day of _____ (year).

Signature of Officer

Official Seal

- 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 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 Richlands has been received, and that the filing fee for this plat, in the amount of \$75.00 has been paid.

Subdivision Administrator

Engineer

Date

The Planning Board shall review the final plat at or before its next regularly scheduled meeting which follows at least thirty (30) days after the subdivision administrator receives the final plat and shall recommend approval, conditional approval with modifications to bring the plat into compliance or disapproval of the final plat with reasons within forty-five (45) days of its first consideration of the plat.

During its review of the final plat the Planning Board may appoint an engineer or a Registered Land Surveyor to confirm the accuracy of the final plat or to provide comments on technical data. The costs shall be charged to the subdivider and the plat shall not be recommended for approval until such fees have been paid.

If the Planning Board recommends approval of the final plat it shall transmit all copies of the plat and its written recommendations to the Town Board through the subdivision administrator.

If The Planning Board recommends conditional approval of the final plat with modifications to bring the plat into compliance, it shall retain one (1) print of the plat for its minutes, return its written recommendations and two (2) reproducible copies of the plat to the subdivider, and transmit one (1) print of the plat and its written recommendation to the Town Board through the subdivision administrator.

If the Planning Board recommends disapproval of the final plat, it shall instruct the subdivider concerning re-submission of a revised plat and the subdivider may make such changes as will bring the plat into compliance with the provisions of this ordinance, and resubmit same for reconsideration by the Planning Board, or appeal the decision to the Town Board.

Failure of the Planning Board to make a written recommendation within sixty (60) days shall constitute grounds for the subdivider to apply to the Town Board for approval.

If the Planning Board recommends approval or conditional approval with modifications to bring the plat into compliance, or the subdivider appeals to the Town Board, the Town Board shall review and approve or disapprove the final plat within forty-five (45) days after the plat and recommendations of the Planning Board have been received by the subdivision administrator.

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

Certificate of Approval for Recording

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Town of Richlands, North Carolina, and that

this plat has been approved by the Town Board for recording in the Office of the Register of Deeds of Onslow County.

Town Administrator, Town of Richlands, North Carolina

Date

If the final plat is disapproved by the Town Board, the reasons for such disapproval shall be stated in writing, specifying the provisions of this ordinance with which the final plat does not comply. One (1) copy of such reasons and one (1) print of the plat shall be retained by the Town Board as part of its proceedings; one (1) copy of the reasons and three (3) copies of the plat shall be transmitted to the subdivider. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance and resubmit same for reconsideration by the Planning Board and the Town Board or by the Town Board as determined by the Town Board.

If the final plat is approved by the Town Board, one (1) print of the plat shall be retained by the subdivider. One (1) reproducible tracing and one (1) print shall be filed with the Town Clerk, and one (1) print shall be retained by the Planning Board for its records.

The subdivider shall file the approved final plat with the Register of Deeds of Onslow County within thirty (30) days of Town Board 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 408. 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.

<u>Information</u>	<u>Preliminary Plat</u>	<u>Final Plat</u>
-Title Block Containing		
-Property designation	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 subdivider	x	x
-A sketch vicinity map showing the relationship between the proposed subdivision and surrounding area	x	x
-Corporate limits, township boundaries, county lines if on the subdivision tract	x	x
-The names, addresses and telephone numbers of all owners, mortgagees, registered land surveyors, land planners, architects, and professional engineers responsible for the subdivision	x	x

<u>Information</u>	<u>Preliminary Plat</u>	<u>Final Plat</u>
-The registration numbers and seals of the professional engineers	X	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 distances 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
-The names of owners of adjoining properties	X	X
-The names of any adjoining subdivisions of record or proposed and under review	X	X
-Minimum building setback lines	X	X
-The zoning classifications of the tract to be subdivided and adjoining properties		X
-Existing property lines on the tract to be subdivided and on adjoining properties	X	X
-Existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining	X	X

<u>Information</u>	<u>Preliminary Plat</u>	<u>Final Plat</u>
-Proposed lot lines, lot and block numbers, and approximate dimensions	X	X
-The lots numbered consecutively throughout the subdivision		X
-Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds and any other natural features affecting the site	X	X
-The exact location of the flood hazard zone from the community's Flood Insurance Rate Maps (FIRM)	X	X

The following data concerning streets:

-Proposed streets	X	X
-Existing and plated streets on adjoining properties and in the proposed subdivision	X	X
-Rights-of-way, locations and dimensions ²	X	X
-Pavement widths ³	X	X
-Approximate grades ⁴	X	X

² The subdivider must submit all street plans to the Town Clerk for approval as a part of the preliminary plat approval process.) Where public streets are involved which will not be dedicated to a municipality, the subdivider 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 grade line 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.

³ Ibid.

⁴ Ibid.

<u>Information</u>	<u>Preliminary Plat</u>	<u>Final Plat</u>
-Design engineering data for all corners and curves	X	X
-Typical street cross sections	X	X
-Street names	X	X
-Street maintenance agreement in accordance with Section 505.1 and 505.22 of this ordinance		X
-Type of street dedication; all streets must be designated either "public" or "private".	X	X
-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 in accordance with Section 505.2 of this ordinance.	X	X
-If any street is proposed to intersect with a state maintained road, the subdivider shall apply for the appropriate clearances and approvals from the NC DOT.	X	X
Driveway approval as required by the North Carolina Department of Transportation, Division of Highways' Manual on Driveway Regulations.		X
Evidence that the subdivider has obtained driveway approval.		X
The location and dimensions of all:		
-Utility and other easements		X
-Riding trails	X	X
-Natural buffers	X	X

<u>Information</u>	<u>Preliminary Plat</u>	<u>Final Plat</u>
-Pedestrian or bicycle paths	X	X
-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 duly constituted homeowners' association, or for tenants remaining in subdivider's ownership) of recreation and open space lands	X	X
-Conservation Easements	X	X
The plans for utility layouts including:		
-public or private sanitary sewers	X	X
-storm sewers	X	X
-other drainage facilities, (if any)	X	X
-water distribution lines illustrating connections to existing systems, showing line sizes, the location of fire hydrants, blow offs, manholes, force mains and gate valves.	X	X
-natural gas lines	X	X
-telephone lines	X	X
-electric lines	X	X

<u>Information</u>	<u>Preliminary Plat</u>	<u>Final Plat</u>
Plans for individual water supply and septic tank systems, if any	X	X
-profiles based upon Mean Sea Level datum for sanitary sewers and storm sewers		X
Site calculations including:		
-acreage in total tract to be subdivided	X	X
-acreage in parks and recreation areas and other nonresidential uses	X	X
-total number of parcels created	X	X
-acreage of 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 center line 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 angles to the nearest minute.		X

<u>Information</u>	<u>Preliminary Plat</u>	<u>Final Plat</u>
-The accurate locations and descriptions of all monuments, markers and control points.		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	X
-Waters Classified by the Division of Water Quality, DENR	X	X
-Topographic map with contour intervals of no greater than 1' at a scale of no less than 1" = 200'.	X	X
-All certifications required in Section 507	X	X
-May require a financial statement of the Developer's capability to perform and accomplish improvements indicated on preliminary plat. Statement to be submitted to Town Clerk and kept confidential.		X
-Any other information considered by either the subdivider, the Planning Board or the Town Board to be pertinent to the review of the plat.	X	X

Section 409. Recombination of Land

409.1 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 sub- division by a written instrument to which a copy of such plat shall be attached, declaring the same to be vacated.

409.2 Such an instrument shall be approved by the same agencies as approved the final plat. The Town Board may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets or alleys.

409.3 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.

409.4 When lots have been sold, the plat may be vacated in the manner provided in Section 409.1 through 409.3 by all owners of the lots in such plat joining in the execution of such writing.

Section 410. Resubdivision Procedures

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

**ARTICLE V
REQUIRED IMPROVEMENTS, DEDICATION, RESERVATION,
MINIMUM STANDARDS OF DESIGN**

Section 501. 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 502. Suitability of Land

502.1 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 plated 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 for use of septic tanks 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.

Lots and acreage determined by the Planning Board to be unsuitable for development shall be so indicated on the final plat and shall not be made available for sale to the public by the subdivider. Such lots and acreage shall not be developed for inhabitable buildings or structures but may be used otherwise for the public or community benefit.

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

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

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

Section 503. Name Duplication

The name of the subdivision shall not duplicate nor closely approximate the name of an existing subdivision within Onslow County. The name of streets shall not duplicate nor closely approximate the name of any existing street within Onslow County.

Section 504. Subdivision Design

504.1 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; and limitations and opportunities of topography.
- 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, or to areas such as shopping centers, religious or transportation facilities.
- e) Block numbers shall conform to the Town street numbering system, if applicable.

504.2 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 Onslow County Health Department requirements.
- c) Double frontage lots shall be avoided wherever possible.
- d) Side lot lines shall be substantially at right angles to radial to street lines.
- e) To promote energy conservation, lots in the subdivision shall, to the extent possible in light of topographic and other considerations, face streets which run in an east-west direction, to provide greater opportunity for south orientation of windows in buildings. In manufactured home subdivisions, if units will be sited with the long axis perpendicular to the street, lots shall, to the extent possible, face streets which run in a north-south direction.

504.3 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.

Section 505. Streets

505.1 Type of Streets Required

All subdivision lots shall abut on a public or private street. (See Section 505.22 Private Streets.) All public streets shall be dedicated to the Town of Richlands, 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 Richlands and the North Carolina Department of Transportation. Public streets 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.

505.2 Subdivision Street Disclosure Statement

All streets shown on the final plat shall be designated in accordance with NCGS 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. The provisions outlined in 505.1 will apply.

505.3 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.

505.4 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.

505.5 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.

505.6 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 Standards booklet; and the standards in this ordinance, whichever are stricter in regard to each particular item.

505.7 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.

505.8 Right-of-way Widths:

Right-of-way widths shall not be less than the following and shall apply except in those cases where right-of-way requirements have been specifically set out in the Thoroughfare Plan.

<u>Streets</u>	<u>Minimum Right-of-way (Feet)</u>
1. Major Thoroughfare other than Freeway and Expressway	80
2. Minor Thoroughfare (Amended June 10, 2008)	60*
3. Local Street (Amended June 10, 2008)	50*
4. Cul-de-sac	variable**

*Curb, gutter, and sidewalk will be required on all minor thoroughfares, local streets, and cul-de-sacs.

**The subdivider will only be required to dedicate a maximum of 100 feet of right-of-way. In cases where over 100 feet of right-of-way is desired, the subdivider will be required only to reserve the amount in excess of 100 feet. In all cases in which right-of-way is sought for an access controlled facility, the subdivider will only be required to make a reservation.

505.9 Street Paving Widths

Paving widths for street and road classifications shall be as required by the Mutually Adopted Thoroughfare Plan where applicable and according to the minimum standards adopted by the NC Department of Transportation

505.10 Minimum Sight Distances

In the interest of public safety, no less than the minimum sight distance applicable (for roads), according to the NC Department of Transportation, shall be provided in every instance.

505.11 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 off-sets 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.

505.12 Cul-de-sacs

Permanent dead end streets should not exceed five hundred (500) 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 dead end 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.

505.13 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 twenty (20) feet.
- c) Dead end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn around facilities at the dead end as may be approved by the Planning Board.
- d) Sharp changes in alignment and grade shall be avoided.
- e) All alleys shall be designed in accordance with N. C. Department of Transportation Standards.

505.14 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.

505.15 Sidewalks

Sidewalks will be required by the Planning Board on one or both sides of the street for minor subdivisions in areas likely to be subject to heavy pedestrian traffic such as near schools and shopping areas. Sidewalks will be required on both sides of the street in major subdivisions. 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 platted as a planned unit or group development. Sidewalks shall consist of a minimum of six (6) inches of concrete at driveway crossings. Sidewalks will be required in major subdivisions. In minor subdivisions sidewalks may be required.

505.16 Curb and Gutter

In a minor subdivision curb and gutter may be required. Curb and gutter will be required on all local streets in major subdivisions. Curb and gutter will be required on all streets to be taken over by the Town of Richlands.

505.17 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 subject to approval of the Planning Board.

505.18 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.

505.19 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.

505.20 Offsets to Utility Poles

Poles for overhead utilities should be located clear of roadway shoulders, preferably a minimum of at least thirty (30) feet from the edge of pavement on major thoroughfares. On streets with curb and gutter, utility poles should be set back a minimum distance of six (6) feet from the face of curb.

505.21 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.

505.22 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.
Min. 8'; Des. 10'

2. Curb and Gutter Approach

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

Private streets must be built to the standards of this ordinance or the State Highway System standards, whichever is stricter. All construction and maintenance responsibilities for private streets must be assigned to a homeowners association established in accordance with the N.C. Unit Ownership Act. The Town of Richlands shall not in any way be responsible for the maintenance of these streets.

Section 506. Utilities

506.1 Water and Sanitary Sewer System

All lots in subdivisions not connected to the Richlands or the Onslow County Water system and/or any sewer system must have a suitable source of water supply and sanitary sewage disposal, which complies with the regulations of the appropriate permitting agency. Lots connected to private utility systems shall submit evidence authorizing the connection from the permitting agency.

506.2 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) No surface water shall be channeled or directed into a sanitary sewer.
- b) Where feasible, the subdivider shall connect to an existing surface water drainage system.
- c) Where an existing surface water drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to protect the proposed development from water damage.
- d) 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, NCGS 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.
- e) 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.
- f) Streambanks 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, NCGS 143-34.12, Chapter 113A, Article 4 and the North Carolina Administrative Code Title 15, Chapter 4.

- 7) 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 2K.
- h) In all areas of special flood hazards, all subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

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 Town of Richlands Zoning Ordinance shall be adhered to in order to contain stormwater runoff.

- i) When there is a natural stream traversing property subject to this ordinance and beavers and/or animals which may cause a problem (flooding) are present, the developer shall take whatever measures necessary to eliminate the animals in accordance with the law. Once every effort has been expended to eliminate the problem, the Town will thereafter assume responsibility for problems created by indigenous wildlife.

506.3 Street Lights

All subdivisions in which the size of the smallest lot is less than ten thousand (10,000) square feet 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 that exceeds four (4) times the continuing annual revenue. If underground wiring of street lighting is requested by the developer or the Town the developer may be required to install all fixed items such as conduit, pads, manholes and pole foundations; the Town will own and maintain the said fixed items.

506.4 Underground Wiring

All subdivisions in which the smallest lot is less than forty thousand (40,000) square feet 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 Carolina Power & Light Company. 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 507. Buffering, Recreation and Open Space Requirements.

507.1 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.

507.2 Recreation and Open Space

- a) Every person or corporation who subdivides land for residential purposes shall be required to dedicate a portion of such land, as set forth in this ordinance for the purposes of park, recreation, and open space sites to serve the residents of the subdivision. The amount of land required to be dedicated by a subdivider shall be based on a formula. The actual amount of land to be dedicated shall be determined as follows:

The minimum amount of land that shall be dedicated for recreation, parks, or open space in all subdivisions shall be one half (1/2) acre for each subdivision or five (5) percent of the gross acreage, whichever is greatest. No parcels containing less than 1/2 acre shall be accepted. All land so dedicated shall have at least 20' of access upon a public street or walkway, and the size, shape, topography, and subsoils of the dedicated land shall be such as to be useable for active recreation.

507.3 Suitability of Land

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 Town of Richlands Recreation Advisory Board:

- 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.

- d) Usability. The dedicated land shall be usable for active recreation. (Play areas, ballfields, 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 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.
- f) Conservation and historic preservation easements shall comply with NCGS 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.

Section 508. Other Requirement

508.1 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 corners, markers, and property corner ties; to determine the location, design, and material of monuments, markers, control corners, and property corner ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions.

508.2 Construction Procedures

No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved, and all 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.

508.3 Oversized Improvements

The Town of Richlands 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 appropriate Town ordinance.

508.4 Planned Unit Development or Planned Residential Development

Planned Unit Development or Planned Residential Development shall meet the requirements in Article III, L of the Town of Richlands Zoning Ordinance.