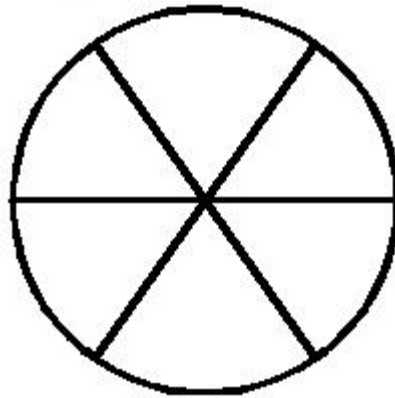


Subdivision Ordinance

People Working



For People

**Town of Navassa
Brunswick County, North Carolina**

Adopted March 19, 2009

Amended October 15, 2009

Amended December 16, 2010

Amended May 19, 2011

Town Council

Eulis Willis, Mayor,
Michael Ballard, Mayor Pro-Tem
Jerry Merrick
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Article 1 - General Provisions

1.1 Authority and Enactment

The Town Council of the Town of Navassa, North Carolina does hereby ordain and enact into law, the following articles and sections. This is with regard to Article 19, Part 2 of Chapter 160A of the General Statutes of North Carolina (N.C.G.S.).

1.2 Title

These regulations shall be known, cited, and referred to as the Town of Navassa Subdivision Ordinance.

1.3 Policy

1.3.1 It is hereby declared to be the policy of the Town of Navassa to consider the subdivision of land and the subsequent development of the subdivided plat as subject to control of the Town pursuant to all adopted plans in an effort to ensure that orderly, planned, and efficient growth is realized.

1.3.2 Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace and land shall not be subdivided until available public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, and transportation facilities.

1.3.3 The proposed public improvements to be encumbered by the developer shall conform to the recommendations of the prevailing land use plan or other applicable studies which address said improvements.

1.4 Purpose

The regulations as herein described are adopted for the following purposes:

1.4.1 To establish procedures and standards of design for the development and subdivision of land within the territorial jurisdiction of the Town of Navassa.

1.4.2 To protect and provide for the public health, safety and general welfare of the citizens of Navassa and any extraterritorial jurisdiction.

1.4.3 To provide for the orderly growth and development of the Navassa planning area in accordance with the adopted plans.

1.4.4 To prevent the pollution of air, streams, and parks; to secure safety from fire, flood, and danger; to assure the adequacy of drainage facilities; to protect the water table; and to encourage the rational and efficient use and management of natural resources in order to preserve the integrity, stability, and beauty of the community and the value of the land.

1.4.5 To coordinate the use of land and buildings and the circulation of traffic, with particular regard for the avoidance of congestion in the streets and highways, and the creation of pedestrian facilities appropriate for the various uses of the land and buildings.

1.4.6 To facilitate adequate provision of water, sewerage, schools, parks, playgrounds, recreation and other public requirements and facilities sufficient to accommodate the needs of the proposed subdivision.

1.4.7 To provide for the dedication or reservation of recreation areas and open spaces serving residents of the immediate neighborhood within the subdivision and of rights-of-way or easements for street and utility purposes.

1.4.8 To protect and conserve the value of land, the value of buildings or other improvements thereupon, and to minimize the conflicts among the uses of land and buildings.

1.5 Jurisdiction

1.5.1 The subdivision regulations shall govern each and every subdivision of land lying within the Town of Navassa and any extraterritorial jurisdiction.

1.5.2 No land shall be subdivided within the subdivision jurisdiction of the Town until said subdivision has received the approval of the Town of Navassa pursuant to the provisions of this ordinance.

1.5.3 No plat for the subdivision of land within the Town of Navassa shall be filed, accepted for recording, or recorded, nor shall the Clerk of the Superior Court order the recording of a plat until it has been submitted to and approved by the Town of Navassa.

1.5.4 No building permit, certificate of occupancy or any other permit required by other applicable laws or ordinances shall be issued for any parcel or plot of land which was created by subdivision after date of, and not in conformity with, the provisions of these regulations and no excavation of land or construction of any public or private improvements shall commence except in accordance with the provision as herein expressed.

1.6 Conditions

Regulation of the subdivision of land and the attachment of reasonable conditions thereupon is a valid exercise of the police power granted to the Town of Navassa by the State of North Carolina. The developer must encumber the responsibility to comply with conditions imposed by the Planning Board and/or Town Council for design, dedication, improvement, and restrictive use of the property in question.

1.7 Compliance with Zoning Ordinance

Subdivisions of land 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 ordinances and plans.

1.8 Legal Provisions

1.8.1 Severability

It is hereby declared to be the intention of the Town Council of the Town of Navassa that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance because the same would have been enacted without the incorporation into this Ordinance of such unconstitutional or invalid section, paragraph, sentence, clause, or phrase.

1.8.2 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.

Wherever the provisions of any other lawfully adopted ordinance, regulation, rules, deed restrictions, or covenants impose higher standards than are required by the provisions of this ordinance, the provisions of such law, ordinance or regulations shall govern, provided, however, that the Town will not regulate or enforce private agreements such as deed restrictions or covenants.

1.8.3 Saving Provision

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations; or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue or as affecting the liability of any person, firm, or corporation; or as waiving any right of the Town under any section or provision existing at the time of adoption of the regulations; or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the county except as shall be expressly provided for in these regulations.

1.8.4 Repeal

Upon adoption of these regulations as prescribed by law, all ordinances of the Town of Navassa are hereby repealed to the extent necessary to give this ordinance full force and effect.

1.8.5 Effective Date

This Ordinance, adopted by the Town Board, Town of Navassa, North Carolina, shall take effect and be in force from and after this 19th day March, 2009.

1.8.6 Adoption

Duly adopted by the Town Council of the Town of Navassa, North Carolina,

Eulis Willis, Mayor

Charlena Alston, Clerk

Article 2 - Interpretation of Terms and Definitions

2.1 General Provisions

For the purpose of interpreting this ordinance, certain words or terms are defined in this article. Except as defined herein or in other sections of this ordinance, all words used in this ordinance shall have their customary dictionary definition. Unless the context clearly indicates otherwise, the terms defined in this ordinance shall have the meanings indicated below.

2.2 Interpretation of Terms

2.2.1 Words used in the present tense include the future tense.

2.2.2 Words used in the singular number include the plural and words uses in the plural number include the singular. Words used in the masculine gender include the feminine gender.

2.2.3 The word "person" includes a firm, joint venture, association, organization, partnership, corporation, trust, and company, as well as an individual.

2.2.4 The word "lot" includes the words "plot," "parcel," or "tract."

2.2.5 The word "building" includes the word "structure."

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

2.2.7 The word "use," as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used."

2.2.8 The word "may" is conditional and should not be construed as mandatory.

2.2.9 The word "street" includes the words "road" and "highway."

2.2.10 The words "governing body," and "Town Council" shall refer the Town Council of the Town of Navassa, North Carolina.

2.2.11 The words "planning board" shall refer to the Planning Board of the Town of Navassa, North Carolina.

2.2.12 Words used to describe time periods exclude weekends and holidays.

2.3 Definitions

Accessory Building. A detached subordinate structure operated and maintained under the same ownership and located on the same lot as the principal structure and is not used for residential occupancy.

Alley. A minor right-of-way privately or publicly owned, primarily for service access to the rear or side of properties that have principal frontage on some other street.

Block. A tract of land bordered by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines or water courses or boundary lines of municipalities.

Building. Any structure, either temporary or permanent, having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal or property of any kind, including tents, awnings, or vehicles situated on private property and used for purposes of building.

Building Inspector. The person designated by the Town of Navassa to enforce the building codes within its territorial jurisdiction.

Building Permit. A permit which is issued by the building inspector before a building or structure is started, improved, enlarged or altered as proof that such action is in compliance with the building code.

Building Setback Line. A line located a minimum horizontal distance from and parallel to the right-of-way line of a street or a property line.

Buffer Strip. An area within a property or site, generally adjacent to and parallel with a property line, consisting of natural existing trees, shrubs, fences, and/or berms designed to limit continuously the view of and/or the sounds from the site to adjacent sites and properties.

Central Sewage Disposal System. Any sewage disposal system, whether operated publicly or privately, other than a pit privy or a septic tank located on the lot.

Central Water Supply System. A system operated publicly or privately, whereby the watercourse is not located on the lot of the consumers and the number of connections must be at least ten (10) and approved by Brunswick County.

Certificate of Occupancy. A statement signed by Brunswick County setting forth that the building, structure or use complies with this ordinance and/or any applicable ordinances, and that the same may be used for the purposes stated herein.

Certificate of Zoning Compliance (Zoning Permit). A statement signed by the Zoning Administrator certifying that a building, structure, site or use complies with this ordinance and/or any applicable ordinances.

Common Area. Land within a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development. This may include complementary structures and improvements.

Condominium. An estate in real property consisting of an undivided interest in common in a portion of a parcel in real property, together with separate interest in the space in a residential, industrial, or commercial building on such real property such as an apartment, office, or store.

Construction Plan. The maps or drawings submitted as part of a major subdivision application, depicting the specific location and design of improvements to be installed therein.

Crosswalk. A public right-of-way used primarily for pedestrian travel across a street or through or across any portion of a block.

Dedication. An offer of real property by its owner(s) for any general or public use.

Developer. The owner of land proposed to be subdivided or his representative.

Dwelling. A building or structure or portion thereof designed for occupancy by one household for residential purposes. In no case shall a motor home, trailer coach, automobile chassis, tent, or other portable building be considered a dwelling.

Easement. Authorization by a property owner for the use by another party, and for a specified purpose, of any designated part of his or her property without conferring exclusive possession.

Engineer, Town. The person or persons designated by the Town of Navassa to perform engineering duties for the Town.

Extraterritorial Jurisdiction (ETJ). An area adjacent to and outside of the Town of Navassa in which the Town has authority to exercise planning and zoning.

Fee In-Lieu Dedication. Cash payments that may be required of an owner or developer as a substitute for dedication of land or physical improvements.

Frontage. All property abutting on one (1) side of a street measured along the street line.

Grade. The slope of a road, street, or other public way specified in percentage (%) terms.

Grading. The act of excavating, filling, or any combination thereof, or any leveling to smooth horizontal or sloping surface on a property.

Half Street. A street whose width is equal to one-half (1/2) the required street width, typically where the street centerline follows a property boundary and only one-half (1/2) of the street is constructed on only one property. This type of street is generally prohibited, pursuant to Section 4.3.18 of this ordinance.

Improvements. See Lot Improvement.

Individual Sewage Disposal System. A septic tank, seepage tile sewage disposal system or any other approved sewage treatment device not otherwise classified as a Central Sewage Disposal System.

Individual Water System. The provision of a potable water system by means of an on-site well or any other water supply system not otherwise classified as a Central Water Supply System.

Land disturbing activity. Any use of the land by any person in residential, industrial, educational, institutional or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation except activities that are exempt under N.C.G.S. 113A-53(6).

Lot. A contiguous parcel of land in identified ownership throughout, bounded by other lots or streets, and used or set aside and available for use as the site of one or more buildings or other definite purpose.

Lot Area. The two-dimensional size of a parcel of land enclosed within the boundaries formed by the property lines plus one-half of any alley abutting the lot between the boundaries of the lot, if extended.

Lot, Corner. Any parcel of land having frontage on more than one street (road) which abuts an intersection of those streets roads.

Lot Depth. The average distance from the street line of the lot to its rear line measured in a general direction of the side lines of the lot.

Lot, Double Frontage. A continuous lot of the same depth as the width of a block, accessible from both rights-of-way upon which it fronts.

Lot, Flag. A tract or lot of land of uneven dimensions in which the portion fronting on a street is less than the required minimum width required for construction of a building or structure on that lot.

Lot Improvement. Any building, structure, place, work of art, or other object, or improvement of the land in which said improvement is situated which contributes a physical betterment of real property or any part of such betterment.

Lot Line. Any boundary of a parcel of land.

Lot Line, Front. The line separating said lot from that street which is designated as the front street on the building permit, certificate of occupancy, or subdivision plat.

Lot Line, Rear. The lot boundary opposite and most distant from the front line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line, not less than 30 feet long and wholly within the lot.

Lot Line, Side. A side lot line is any boundary lot not a front line or rear lot line.

Lot of Record. A lot which has been approved according to the provisions herein, and recorded in the Register of Deeds, of Brunswick County.

Lot Width. The width of a lot at the required building setback line measured at right angles to its depth.

Nonresidential Subdivision. A subdivision having intended use other than residential, such as commercial or industrial or recreational.

Official Plan. Any plan officially adopted by the Town Council of the Town of Navassa as a guide for the development of the Town consisting of maps, charts, and/or texts.

Open Space. Land areas retained for use as active or passive recreation areas or for resource protection in an essentially undeveloped state.

Ordinance. Any legislative action, however denominated, of a local government, which has the force of law, including any amendment or repeal thereof.

Owner. Any person, firm, partnership, association, estate, trust, or corporation or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under this ordinance.

Performance Guarantee. Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Town of Navassa.

Planning Board. For the purposes of this ordinance, the Town of Navassa Planning Board.

Plan, Sketch. A rough sketch of a proposed subdivision or site, showing roads, lots, and any other information if sufficient accuracy to be used for discussion of the road system and the proposed development pattern.

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

Plat, Final. The final map or plan of a subdivision and any accompanying material as described herein submitted in accordance with Article 3 of this ordinance and in such a form as required by Brunswick County for the purpose of recording.

Plat, Preliminary. The preliminary map or plan and any accompanying material described herein, indicating the proposed manner or layout of the subdivision, to be submitted in accordance with Article 3 of this ordinance.

Private Street. A vehicular right-of-way not dedicated or offered for dedication as a public street, serving residential lots within a subdivision and dedicated for the

exclusive use of property owners abutting the street and permitted guests. Private road maintenance responsibilities are shared jointly by abutting property owners or by a homeowners association.

Public Improvement. Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking areas, lot improvement, or other facility for which the local government may ultimately assume for the maintenance or operation thereof, or which may affect an improvement for which the local government responsibility is established.

Public Street. A dedicated public right-of-way for vehicular traffic which has been accepted by NCDOT or the Town of Navassa for maintenance, or has not yet been accepted, but in which the roadway design and construction have been approved under public standards for vehicular traffic. Alleys are specifically excluded.

Reserve Strip. A narrow strip of land overlying a dedicated street right-of-way for the purpose of controlling access to adjacent property.

Resubdivision. A change in a map of an approved or recorded subdivision plat if such change affects any street layout or such map or area reserved thereon or public use or if said resubdivision reduces any lot or other tract of land smaller than the area as originally depicted.

Right-of-Way. A strip of land held exclusive from abutting properties, usually dedicated for use as a public way, and normally including the area containing or to contain roadway, curbs, crosswalks, lawn strips, sidewalks, lighting, and drainage facilities.

Right-of-Way Width. The distance between property lines measured at right angles to the center line of the street.

Road. See Street.

Same Ownership. Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity or, unincorporated association.

Setback. The distance between the minimum building line and the street right-of-way line. Where no street right-of-way is involved, the property line or easement line, whichever is farther from the street, shall be used in establishing the setback.

Sidewalk. An improved pedestrian surface that is typically located adjacent to a roadway.

Site. A lot or group of lots with frontage on a street, devoted or intended for use or occupied by a building or group of buildings.

Site Triangle. A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Street. A public or private thoroughfare which affords access to abutting property and is recorded as such in the office of the Brunswick County Register of Deeds. Particular kinds of streets are as follows:

Collector. A street whose principal function is to provide access to abutting properties, but which is also designed to be used or is used to connect local streets and streets of higher classification.

Cul-de-Sac. A short local street having one end open to traffic and the other end permanently terminated by a vehicular turnaround.

Dead End. A street generally less than two-thousand and five-hundred (2,500) feet in length, open only at one end without special provision for turning around and have no collector characteristics.

Local Road. A street which has been designed primarily to afford access to abutting properties.

Marginal Access. A minor street which is parallel to and adjacent to major highways; and which provides access to abutting properties and protection from through traffic.

Major Thoroughfare. A thoroughfare consisting of interstate, other freeway, expressway, or parkway links, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.

Minor Thoroughfare. A thoroughfare that collects traffic from collector and local streets and carries it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating movement of moderate volumes of traffic within and through urban areas and may also serve abutting property.

Stub. A non-permanent dead-end street intended to be extended in conjunction with the subdivision and development of the adjacent land.

Subdivider. Any person, firm, partnership, association, estate, trust, or any other group or combination, acting as a unit, dividing or proposing to divide land so as to constitute a subdivision, as defined herein, and including any agent of the subdivider.

Subdivision. All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose, whether immediate or future, of sale or building development, and all division of land involving the dedication of new streets or a change in existing streets. The following are not considered subdivisions for the purpose of this ordinance.

- (1) 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 as contained herein.
- (2) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets.
- (4) 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 as prescribed herein.

Subdivision, Major. A subdivision of six (6) lots or more, or any subdivision not meeting the requirements of a minor subdivision.

Subdivision, Minor. A subdivision containing not more than five (5) lots including any residual parcels of land, where:

- (1) All proposed parcels of land meet the requirements of this ordinance;
- (2) No new streets are required to serve any proposed lots;
- (3) No extension of public utilities are needed for the development of any proposed lots;
- (4) No major drainage improvements will be required to develop any lots;
- (5) The subdivision will not adversely affect the future development of adjoining property; and
- (6) No parcel has been subdivided as a minor subdivision in the last three (3) years.

Subdivision Administrator. The official charged with administration and enforcement of the provisions of this Ordinance, or his designated agent.

Town Council. The Town Council of the Town of Navassa, North Carolina.

Vested Right. The right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan or an approved phased development plan.

Zoning Permit. See Certificate of Zoning Compliance.

Article 3 - Procedures for Review and Approval of Subdivisions

3.1 Applicability of Subdivision

3.1.1 The division of land defined as a subdivision in Article 2 is subject to the provision of this article pursuant to N.C.G.S. 160A-376.

3.1.2 No final plat of a subdivision, pursuant to N.C.G.S. 160A-373, within the jurisdiction of the Town of Navassa shall be recorded by the Register of Deeds of Brunswick County until it has been approved as provided by the requirements of this ordinance. To secure such approval of a final plat, the subdivider shall follow the procedures established in this article.

3.1.3 Plats deemed an exception to the provisions of this ordinance as specified in this ordinance, or divisions of land not involving immediate or future building development or sale of lots, such as court ordered settlements, may be recorded provided the owner desiring to record such plats shall obtain a Certificate of Exception, to be shown on the face of the plat, from the Subdivision Administrator or his designee, as provided for in Appendix 2-7 of this ordinance. The owner shall present such plat showing the Certificate of Exception to the recorder as proof the exception condition is present.

3.2 Minor Subdivision Review Procedures

3.2.1 Applicability and General Procedures

- (A) Procedures as expressed herein are established in an effort to condense and simplify the review process for routine minor subdivisions with due regard to protection of the public interest.
- (B) The applicant for minor subdivision plat approval is encouraged to meet with the Subdivision Administrator prior to submitting a minor subdivision plat to determine whether the approval process authorized by this section can and should be used. The Subdivision Administrator may require the applicant to submit information necessary to determine whether or not the proposed subdivision is eligible for approval under the minor subdivision approval process.

3.2.2 Preliminary Plat Review Procedures for Minor Subdivisions

- (A) The subdivider shall submit to the Subdivision Administrator any required application form, application fee, and six (6) copies of the plat of the proposed minor subdivision. Copies of the plat may be distributed to a representative of the Brunswick County Health Department, Soil Conservation Service, Tax Office, and other governmental agencies for review, comment and compliance with other applicable standards.
- (B) The minor preliminary plat shall be prepared by a registered land surveyor or engineer licensed to render said service in the State of North Carolina at a scale of no less than one (1) inch to one hundred (100) feet and shall contain all information outlined in Appendix 1: Information Required with Submission Applications.
- (C) The Subdivision Administrator may waive the topographical requirements of a minor subdivision plat if, after making a field investigation and in consultation with the soil conservationist and a representative of the Brunswick County Health Department, it

is evident that the topography of the site is such that a survey showing contours is not required.

- (D) The Subdivision Administrator shall review the preliminary plat of the proposed minor subdivision and shall render the determination that the proposal constitutes a minor subdivision and meets all requirements for minor subdivisions. Based upon those findings, the Subdivision Administrator shall approve, disapprove or conditionally approve the preliminary minor subdivision plat. The Subdivision Administrator shall render a decision within ten (10) working days after receipt of the proposed minor subdivision. Failure of the Subdivision Administrator to render a decision within said time shall constitute approval thereof.
- (E) If the subdivision is disapproved or conditionally approved, the Subdivision Administrator shall promptly furnish the applicant with a written statement of the reasons for disapproval, or in the case of conditional approval, the items necessary to bring the plat into compliance with this ordinance.
- (F) If approval is granted, written confirmation shall be made on three (3) copies of the preliminary plat. One copy of the approved preliminary plat shall be returned to the applicant and two (2) copies retained on file with the Town of Navassa. Preliminary plat approval shall be valid for a period of twelve (12) months from the date of approval of the plat by the Subdivision Administrator unless a longer time period is established under the vested right provision. Preliminary plats whose approval has lapsed shall be resubmitted in accordance this subsection.
- (G) The decision of the Subdivision Administrator may be appealed to the Planning Board by the applicant. Such appeal shall be made in writing within 30 days of the decision being appealed.

3.2.3 Final Plat Review Procedures for Minor Subdivisions

- (A) The subdivider shall submit to the Subdivision Administrator at least four (4) copies of the plat of the proposed minor subdivision of a size that is acceptable for recording by the Brunswick County Register of Deeds.
- (B) The minor final plat shall be prepared by a registered land surveyor or engineer licensed to render said service in the State of North Carolina at a scale of no less than one (1) inch to one hundred (100) feet and shall contain all information outlined in Appendix 1: Information Required with Submission Applications, and all applicable certificates required in Appendix 2: Certificates.
- (C) The Subdivision Administrator shall review the final plat of the proposed minor subdivision and shall render the determination whether said plat is in substantial conformance with the approved preliminary plat. Based upon such finding, the Subdivision Administrator shall approve or disapprove the proposed final minor subdivision plat. The Subdivision Administrator shall render a decision within fifteen (15) working days after receipt of the proposed minor subdivision. Failure of the Subdivision Administrator to render a decision shall constitute approval thereof.

- (D) If the subdivision is disapproved, the Subdivision Administrator shall promptly furnish the applicant with a written statement of the reasons for disapproval, specifying in what ways the final plat deviates substantially from the approved preliminary plat.
- (E) If approval is granted, written confirmation shall be made on four (4) copies of the final plat. Two (2) copies of the plat shall be returned to the subdivider and two (2) copies shall be filed with the Town of Navassa.
- (F) The decision of the Subdivision Administrator may be appealed to the Planning Board by the applicant. Such appeal shall be made in writing within 30 days of the decision being appealed.
- (G) An applicant whose final plat has been disapproved, either by the Subdivision Administrator or by the Planning Board, must pursue one of the following options:
 - (1) Resubmit a final plat that substantially conforms to the approved preliminary plat for review in accordance with this subsection;
 - (2) Submit a new preliminary plat in accordance with Section 3.2.2; or
 - (3) Withdraw the subdivision application.

3.3 Major Subdivision Review Procedures

3.3.1 Applicability and General Procedures

- (A) The procedures for the review of a major subdivision generally involve:
 - (1) Sketch plan review by Subdivision Administrator (required for all subdivisions of 30 or more lots);
 - (2) Preliminary plat review by the Technical Review Committee;
 - (3) Preliminary plat review and recommendation by the Planning Board;
 - (4) Preliminary plat review and approval by Town Council;
 - (5) Final plat review by Subdivision Administrator;
 - (6) Final plat review and recommendation by the Planning Board; and
 - (7) Final plat review and approval by Town Council.
- (B) The procedures for the review of a major subdivision, within an approved PUD generally involve:
 - (1) Sketch plan review by Subdivision Administrator (required for all subdivisions of 30 or more lots);
 - (2) Preliminary plat review by the Technical Review Committee;
 - (3) Preliminary plat review and approval by the Planning Board;
 - (4) Final plat review by Subdivision Administrator;
 - (5) Final plat review and approval by the Planning Board

- (C) In the event that a subdivision is to be developed in phases, a preliminary plat shall be submitted for the entire development, except when a PUD District and accompanying concept plan have been previously approved. A final plat may be submitted separately for each phase of the subdivision.
- (D) For major subdivisions occurring within an approved PUD, the Planning Board has the authority to review and approve preliminary and final plats without having a review by the Town Council as long as the following requirements are met:
 - (1) The major preliminary plat shall conform to the approved PUD District and accompanying concept plan; and
 - (2) No amendments are required pursuant to Section 6.7 (10) of the Navassa Zoning Ordinance.

3.3.2 Sketch Plan Submission, Procedural Requirements

- (A) It is recommended that the applicant for subdivision approval submit a sketch plan for review by the Subdivision Administrator. This plan should, in simple sketch form, show the location of the development, size of the property, proposed layout of streets, lots and other features, and location of the property in relation to existing streets and surrounding areas.
- (B) Sketch Plans shall be a requirement for any subdivision of thirty (30) lots or more.
- (C) The subdivider shall submit four (4) copies of the proposed sketch plan, prepared in accordance with the requirements of this ordinance, to the Subdivision Administrator .
- (D) The sketch plan shall include all information required in Appendix 1: Information Required with Subdivision Applications. The Subdivision Administrator may waive specific information required on sketch plans as specified in Appendix 1, if such information is not necessary to convey a general overview of the proposed size, layout, and lot features of the subdivision. No specific size requirements apply to sketch plans and no certification is required.
- (E) The Subdivision Administrator shall review the sketch plan for general compliance with the requirements of the ordinance, and shall advise the subdivider of the regulations applicable to the proposed subdivision and procedures to be followed in preparation and submission of the preliminary plat. This review shall in no way be construed as constituting an official action of subdivision approval. No review fee shall be required for pre-application conferences or sketch plans.
- (F) Within ten (10) business days following the submission, the Subdivision Administrator will schedule a meeting with the subdivider to review and discuss the sketch plan proposal.
- (G) At the first Planning Board meeting following the sketch plan review meeting, the applicant shall present the sketch plan to the Planning Board for preliminary comment.

- (H) Following the sketch plan review, two (2) copies of the sketch plan shall be retained on file with the Town of Navassa, and the other two (2) copies returned to the subdivider.

3.3.3 Preliminary Plat Review Procedures for Major Subdivisions

- (A) Submission Requirements
 - (1) The subdivider shall submit ten (10) copies of the plat of the proposed subdivision, prepared in accordance with the requirements of this ordinance, to the Subdivision Administrator no less than twenty-five (25) working days prior to the regularly scheduled planning Board meeting at which time the plat will be considered. The applicant shall also submit any required application forms and fee and plat submittal shall not be considered complete without receipt of required fees and completed application forms.
 - (2) The major preliminary plat shall be accompanied by a survey, signed by the U.S. Army Corps of Engineers (ACE), delineating wetlands on the site or correspondence from the ACE indicating their determination of the waters or wetlands status on the site that are under the jurisdiction of the United States.
 - (3) The major preliminary plat shall be prepared by a registered land surveyor or engineer licensed to render said service in the State of North Carolina at a scale of no less than one (1) inch to one hundred (100) feet and shall include all information included in Appendix 1: Information Required with Subdivision Applications.
 - (4) The preliminary plat shall conform substantially to the sketch plan, if applicable, subject to the recommendations of the Subdivision Administrator.
- (B) Review and Recommendation by Technical Review Committee
 - (1) Upon receipt of the complete preliminary plat application, the Subdivision Administrator shall distribute copies of the preliminary plat of the proposed major subdivision to various agencies representing the Technical Review Committee (TRC) for review of street design, erosion and sedimentation control, sewage disposal systems, water and sanitary sewer systems, stormwater management, public safety, and public services.
 - (2) The Subdivision Administrator shall consult with members of the TRC to review the preliminary plat. Following review, TRC members shall provide any findings and recommendations in writing to Subdivision Administrator.
 - (3) The Subdivision Administrator shall forward the TRC findings and recommendations, along with the preliminary plat of the major subdivision, to the Planning Board for review and approval at least five (5) days prior to the Planning Board meeting.

- (4) If the TRC determines that the preliminary plat is incomplete, the Subdivision Administrator shall notify the applicant of the deficiencies in writing. The subdivider may make the recommended changes and resubmit the revised preliminary plat in accordance with the provisions of Section 3.3.3. Preliminary plats shall not be forwarded to the Planning Board until all deficiencies have been corrected.

(C) Planning Board Review and Recommendation

- (1) After considering any input and/or recommendations received in connection with the proposed subdivision, in addition to any comments the subdivider may have, the Planning Board shall recommend approval, denial or conditional approval of the proposed major subdivision preliminary plat.
- (2) If the Planning Board recommends approval of the preliminary plat, the plat shall be forwarded to Town Council for review and decision pursuant to Section 3.3.3 (D).
- (3) If the Planning Board recommends conditional approval of the preliminary plat, the conditions and reasons thereof shall be stated in writing for review by the Town Council and the plat shall be forwarded to the Town Council for review and decision pursuant to Section 3.3.3 (D).
- (4) If the Planning Board recommends denial of the preliminary plat, the reasons shall be stated in writing and references shall be made to the specific section(s) of this ordinance with which the plan does not comply. The subdivider may make the recommended changes and resubmit the revised preliminary plat in accordance with the provisions of Section 3.3.3 or the subdivider may request that the preliminary plat be forwarded with the Planning Board's recommendation for denial to the Town Council for review and decision pursuant to Section 3.3.3 (D).
- (5) The Planning Board may fail to render a decision within sixty-five (65) days after the complete preliminary plat and accompanying documents are received by the Subdivision Administrator. In this case the Subdivision Administrator shall forward the preliminary plat without recommendation by Planning Board to the Town Council for review and decision pursuant to Section 3.3.3 (D).

(D) Town Council Review and Decision

- (1) After considering any input and/or recommendations received in connection with the proposed subdivision, in addition to any comments the subdivider may have, the Town Council shall approve, disapprove or conditionally approve the proposed major subdivision preliminary plat:
- (2) If the Town Council grants conditional approval of the preliminary plat, the conditions and reasons thereof shall be stated in writing.
- (3) If the Town Council disapproves the preliminary plat, the

reasons for disapproval shall be stated in writing and references shall be made to the specific section(s) of this ordinance with which the plan does not comply. The subdivider may make the recommended changes and resubmit the revised preliminary plat in accordance with the provisions of Section 3.3.3.

- (4) If approval is granted, written confirmation by the Subdivision Administrator shall be made on three (3) copies of the preliminary plat. One (1) copy of the approved preliminary plat shall be returned to the applicant and two (2) copies retained on file with the Town of Navassa.
- (5) Failure of the Town Council to render a decision within thirty-five (35) days after the first Town Council meeting following Planning Board's final action shall constitute approval thereof.
- (6) Preliminary plat approval shall be valid for a period of twelve (12) months from the date of approval by the Town Council. The Town Council, at its discretion, may grant an extension for a period not to exceed two (2) years beyond the date of original preliminary plat approval. Due consideration shall be given for the health, safety, and welfare of the public in granting extensions. Preliminary plats whose approval has lapsed shall be resubmitted in accordance with Section 3.3.3.
- (7) All preliminary plat approvals shall be conditional upon receipt of all other necessary permits or approvals from the Town of Navassa or other governmental agencies. In cases where such permits or approvals require changes to the preliminary plat, any previously approved preliminary plat shall be nullified and the applicant shall submit an amended preliminary plat reflecting the required changes.

3.3.4 Preliminary Plat Review Procedures for Major Subdivisions Within an Approved PUD

(A) Submission Requirements

- (1) The subdivider shall submit ten (10) copies of the plat of the proposed subdivision, prepared in accordance with the requirements of this ordinance, to the Subdivision Administrator no less than twenty-five (25) working days prior to the regularly scheduled Planning Board meeting at which time the plat will be considered. The applicant shall also submit any required application forms and fee and plat submittal shall not be considered complete without receipt of required fees and completed application forms.
- (2) The major preliminary plat shall be accompanied by a survey, signed by the U.S. Army Corps of Engineers (ACE), delineating wetlands on the site or correspondence from the ACE indicating their determination of the waters or wetlands status on the site that are under the jurisdiction of the United States.
- (3) The major preliminary plat shall be prepared by a registered

land surveyor or engineer licensed to render said service in the State of North Carolina at a scale of no less than one (1) inch to one hundred (100) feet and shall include all information included in Appendix 1: Information Required with Subdivision Applications.

- (4) The preliminary plat shall conform substantially to the sketch plan, if applicable, subject to the recommendations of the Subdivision Administrator.
- (B) Review and Recommendation by Technical Review Committee
- (1) Upon receipt of the complete preliminary plat application, the Subdivision Administrator shall distribute copies of the preliminary plat of the proposed major subdivision to various agencies representing the Technical Review Committee (TRC) for review of street design, erosion and sedimentation control, sewage disposal systems, water and sanitary sewer systems, stormwater management, public safety, and public services.
 - (2) The Subdivision Administrator shall consult with members of the TRC to review the preliminary plat. Following review, TRC members shall provide any findings and recommendations in writing to Subdivision Administrator.
 - (3) The Subdivision Administrator shall forward the TRC findings and recommendations, along with the preliminary plat of the major subdivision, to the Planning Board for review and approval at least five (5) days prior to the Planning Board meeting.
 - (4) If the TRC determines that the preliminary plat is incomplete, the Subdivision Administrator shall notify the applicant of the deficiencies in writing. The subdivider may make the recommended changes and resubmit the revised preliminary plat in accordance with the provisions of Section 3.3.4. Preliminary plats shall not be forwarded to the Planning Board until all deficiencies have been corrected.
- (C) Planning Department Review and Approval
- (1) After considering any input and/or recommendations received in connection with the proposed subdivision, in addition to any comments the subdivider may have, the Planning Department shall recommend approval, denial or conditional approval of the proposed major subdivision preliminary plat.
 - (2) If the Planning Department recommends approval of the preliminary plat, the plat shall be forwarded to Planning Board for review and decision pursuant to Section 3.3.4 (D).
 - (3) If the Planning Department recommends conditional approval of the preliminary plat, the conditions and reasons thereof shall be stated in writing for review by the Planning Board and the plat shall be forwarded to the Planning Board for review and decision pursuant to Section 3.3.4 (D).
 - (4) If the Planning Department recommends denial of the

preliminary plat, the reasons shall be stated in writing and references shall be made to the specific section(s) of this ordinance with which the plan does not comply. The subdivider may make the recommended changes and resubmit the revised preliminary plat in accordance with the provisions of Section 3.3.4 or the subdivider may request that the preliminary plat be forwarded with the Planning Department's recommendation for denial to the Planning Board for review and decision pursuant to Section 3.3.4 (D).

- (5) The Planning Department may fail to render a decision within sixty-five (65) days after the complete preliminary plat and accompanying documents are received by the Subdivision Administrator. In this case the Subdivision Administrator shall forward the preliminary plat without recommendation by Planning Department to the Planning Board for review and decision pursuant to Section 3.3.4 (D).

(D) Planning Board Review and Decision

- (1) After considering any input and/or recommendations received in connection with the proposed subdivision, in addition to any comments the subdivider may have, the Planning Board shall approve, disapprove or conditionally approve the proposed major subdivision preliminary plat.
- (2) If the Planning Board grants conditional approval of the preliminary plat, the conditions and reasons thereof shall be stated in writing.
- (3) If the Planning Board disapproves the preliminary plat, the reasons for disapproval shall be stated in writing and references shall be made to the specific section(s) of this ordinance with which the plan does not comply. The subdivider may make the recommended changes and resubmit the revised preliminary plat in accordance with the provisions of Section 3.3.4.
- (4) If approval is granted, written confirmation by the Subdivision Administrator shall be made on three (3) copies of the preliminary plat. One (1) copy of the approved preliminary plat shall be returned to the applicant and two (2) copies retained on file with the Town of Navassa.
- (5) Failure of the Planning Board to render a decision within thirty-five (35) days after the first Planning Board meeting scheduled to review the plat shall constitute approval thereof.
- (6) Preliminary plat approval shall be valid for a period of twelve (12) months from the date of approval by the Planning Board. The Planning Board, at its discretion, may grant an extension for a period not to exceed two (2) years beyond the date of original preliminary plat approval. Due consideration shall be given for the health, safety, and welfare of the public in granting extensions. Preliminary plats whose approval has lapsed shall be resubmitted in accordance with Section 3.3.4.

- (7) All preliminary plat approvals shall be conditional upon receipt of all other necessary permits or approvals from the Town of Navassa or other governmental agencies. In cases where such permits or approvals require changes to the preliminary plat, any previously approved preliminary plat shall be nullified and the applicant shall submit an amended preliminary plat reflecting the required changes.

3.3.5 Construction Plan Review Procedures for Major Subdivisions

- (A) Following Town Council approval of the preliminary plat, the developer shall submit four (4) sets of road, water, and sewer construction plans for approval by the town engineer, and by the applicable utility where applicable. Any costs incurred by the town for review of construction plans shall be paid by the applicant.
- (B) If the subdivision includes a new public road(s) or an extension of an existing road, road construction plans shall conform to the most current road standards for the Town of Navassa and NC Division of Highways.
- (C) Following approval of all construction plans, the developer is authorized to proceed with the installation or arrangement of the required improvements and the preparation of a final plat. Prior to approval of the final major subdivision plat, the subdivider shall have installed the improvements specified on the plat or guaranteed their installation as provided for in Section 3.6.

3.3.6 Construction Plan Review Procedures for Major Subdivisions within an Approved PUD

- (A) Following Planning Board approval of the preliminary plat, the developer shall submit four (4) sets of road, water, and sewer construction plans for approval by the town engineer, and by the applicable utility where applicable. Any costs incurred by the town for review of construction plans shall be paid by the applicant.
- (B) If the subdivision includes a new public road(s) or an extension of an existing road, road construction plans shall conform to the most current road standards for the Town of Navassa and NC Division of Highways.
- (C) Following approval of all construction plans, the developer is authorized to proceed with the installation or arrangement of the required improvements and the preparation of a final plat. Prior to approval of the final major subdivision plat, the subdivider shall have installed the improvements specified on the plat or guaranteed their installation as provided for in Section 3.6.

3.3.7 Final Plat Review Procedures for Major Subdivisions

- (A) Submission Requirements
 - (1) The subdivider shall submit ten (10) copies of the final plat of the proposed subdivision, in a size acceptable to the Brunswick County Register of Deeds and prepared in

accordance with the requirements of this ordinance, to the Subdivision Administrator no less than thirty (30) days prior to the Planning Board meeting for which the plat is requested to appear on the agenda. When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision.

- (2) Written certification from the Town Engineer of approval of the infrastructure construction plans required in Section 3.3 above shall be included with the final plat submission.
- (3) The final plat shall be prepared by a registered land surveyor or engineer licensed to render said service in the State of North Carolina at a scale of no less than one (1) inch to one hundred (100) feet and shall contain all information outlined in Appendix 1: Information Required with Submission Applications, and all applicable certificates required in Appendix 2: Certificates.

(B) Conformance with Preliminary Plat

The final plat shall conform substantially to the approved preliminary plat. If the submitted final plat deviates in its overall design from the approved preliminary plat, or if the applicant requests a waiver from any of the standards of this ordinance, the Subdivision Administrator shall consult with the Technical Review Committee and refer the findings and recommendations of the TRC to the Town Council for decision. Such review shall follow the same review and approval procedures set forth in Section 3.3.3 (c).

(C) Required Improvements

No major final plat shall be approved until all improvements are installed as specified in the approved preliminary plat and construction plans, or until the subdivider has issued performance guarantees as established in Section 3.6, and the certificates as depicted thereon have been signed. The required improvements include:

- (1) Roads within the subdivision and improvements to existing roads required for safe and adequate access to the subdivision.
- (2) Public or community water supply and sewage disposal systems.
- (3) Drainage facilities and easements, and stormwater management devices.
- (4) Essential utilities.
- (5) Erosion and sedimentation control devices.
- (6) Any other improvement required as a condition for preliminary plat approval.

(D) Review by the Subdivision Administrator

- (1) The final plat shall be reviewed by the Subdivision Administrator for compliance with the approved preliminary

plat. The Subdivision Administrator may appoint an engineer to certify the final plat against the subdivision's actual layout for correctness, charging the costs to the subdivider.

- (2) If the Subdivision Administrator finds that the final plat is in compliance with this ordinance and consistent with the approved preliminary plat, including any amendments approved by the Town Council to an approved preliminary plat, the Subdivision Administrator shall recommend in writing approval of the final plat.
- (3) If the Subdivision Administrator finds that the plat does not comply with this ordinance or deviates from the approved preliminary plat, the findings of the Subdivision Administrator shall be stated in writing. In such cases the applicant may: resubmit a final plat that conforms to the approved preliminary plat in accordance with this subsection; request that the final plat be forwarded with the Subdivision Administrator's findings to the Planning Board for review; or withdraw the subdivision application.
- (4) If the Subdivision Administrator fails to act within thirty-five (35) days after the final plat is submitted, the applicant may request that the final plat be forwarded to the Planning Board for review without a recommendation by the Subdivision Administrator. The Subdivision Administrator may at any time, however, refer an application for final plat approval to the TRC and the Planning Board.

(E) Review and Recommendation by Planning Board

- (1) If the Subdivision Administrator recommends approval of a final plat; or if the applicant requests that the Planning Board review the final plat with a finding of non-conformance by the Subdivision Administrator, then the Planning Board shall review the plat at the next regularly scheduled Planning Board meeting.
- (2) If the Planning Board finds that the final plat is in compliance with the ordinance and in significant conformance with the approved preliminary plat, including any amendments approved by the Town Council to an approved preliminary plat, the Planning Board shall recommend in writing approval of the final plat.
- (3) If the Planning Board finds that the plat does not comply with this ordinance or deviates from the approved preliminary plat, the findings of the Planning Board shall be stated in writing. In such cases the applicant may:
 - (a) Resubmit a final plat that conforms to the approved preliminary plat in accordance with this subsection;
 - (b) Request that the final plat be forwarded with the Planning Board's findings to the Town Council for review; or
 - (c) Withdraw the subdivision application.

- (4) The Planning Board shall take expeditious action on a final plat. If the Planning Board fails to act within thirty-five (35) days after the final plat is received from the Subdivision Administrator, the applicant may request that the final plat be forwarded to the Town Council for review without a recommendation by the Planning Board.
- (F) Review and Approval by Town Council
 - (1) If the Planning Board recommends approval of a final plat, or if the applicant requests that the Town Council review the final plat with a finding of non-conformance by the Planning Board, the Town Council shall review the plat at the next regularly scheduled Town Council meeting.
 - (2) If the Town Council finds that the final plat is in compliance with the ordinance and consistent with the approved preliminary plat, including any amendments approved by the Town Council to an approved preliminary plat, the Town Council shall approve the final plat. If approval is granted, written confirmation shall be made on four (4) copies of the final plat. Two (2) copies of the plat shall be returned to the subdivider and two (2) copies shall be filed with the Town of Navassa.
 - (3) If the final plat is disapproved by the Town Council, the applicant shall be furnished with a written statement of the reasons for disapproval and reference shall be made to the specific section(s) of this ordinance with which the plat does not comply.

3.3.8 Final Plat Review Procedures for Major Subdivisions within an Approved PUD

- (A) Submission Requirements
 - (1) The subdivider shall submit ten (10) copies of the final plat of the proposed subdivision, in a size acceptable to the Brunswick County Register of Deeds and prepared in accordance with the requirements of this ordinance, to the Subdivision Administrator no less than thirty (30) days prior to the Planning Board meeting for which the plat is requested to appear on the agenda. When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision.
 - (2) Written certification from the Town Engineer of approval of the infrastructure construction plans required in Section 3.3 above shall be included with the final plat submission.
 - (3) The final plat shall be prepared by a registered land surveyor or engineer licensed to render said service in the State of North Carolina at a scale of no less than one (1) inch to one hundred (100) feet and shall contain all information outlined in Appendix 1: Information Required with Submission Applications, and all applicable certificates required in

Appendix 2: Certificates.

(B) Conformance with Preliminary Plat

The final plat shall conform substantially to the approved preliminary plat. If the submitted final plat deviates in its overall design from the approved preliminary plat, or if the applicant requests a waiver from any of the standards of this ordinance, the Subdivision Administrator shall consult with the Technical Review Committee and refer the findings and recommendations of the TRC to the Planning Board for decision. Such review shall follow the same review and approval procedures set forth in Section 3.3.4 (c).

(C) Required Improvements

No major final plat shall be approved until all improvements are installed as specified in the approved preliminary plat and construction plans, or until the subdivider has issued performance guarantees as established in Section 3.6, and the certificates as depicted thereon have been signed. The required improvements include:

- (7) Roads within the subdivision and improvements to existing roads required for safe and adequate access to the subdivision.
- (8) Public or community water supply and sewage disposal systems.
- (9) Drainage facilities and easements, and stormwater management devices.
- (10) Essential utilities.
- (11) Erosion and sedimentation control devices.
- (12) Any other improvement required as a condition for preliminary plat approval.

(D) Review by the Subdivision Administrator

- (1) The final plat shall be reviewed by the Subdivision Administrator for compliance with the approved preliminary plat. The Subdivision Administrator may appoint an engineer to certify the final plat against the subdivision's actual layout for correctness, charging the costs to the subdivider.
- (2) If the Subdivision Administrator finds that the final plat is in compliance with this ordinance and consistent with the approved preliminary plat, including any amendments approved by the Planning Board to an approved preliminary plat, the Subdivision Administrator shall recommend in writing approval of the final plat.
- (3) If the Subdivision Administrator finds that the plat does not comply with this ordinance or deviates from the approved preliminary plat, the findings of the Subdivision Administrator shall be stated in writing. In such cases the applicant may: resubmit a final plat that conforms to the approved preliminary plat in accordance with this subsection; request that the final plat be forwarded with the Subdivision Administrator's findings

to the Planning Board for review; or withdraw the subdivision application.

- (4) If the Subdivision Administrator fails to act within thirty-five (35) days after the final plat is submitted, the applicant may request that the final plat be forwarded to the Planning Board for review without a recommendation by the Subdivision Administrator. The Subdivision Administrator may at any time, however, refer an application for final plat approval to the TRC and the Planning Board.

(E) Review and Recommendation by Planning Department

- (1) If the Planning Department finds that the final plat is in compliance with the ordinance and in significant conformance with the approved preliminary plat, including any amendments approved by the Planning Board to an approved preliminary plat, the Planning Department shall recommend in writing approval of the final plat.
- (3) If the Planning Department finds that the plat does not comply with this ordinance or deviates from the approved preliminary plat, the findings of the Planning Department shall be stated in writing. In such cases the applicant may:
 - (d) Resubmit a final plat that conforms to the approved preliminary plat in accordance with this subsection;
 - (e) Request that the final plat be forwarded with the Planning Department's findings to the Planning Board for review; or
 - (c) Withdraw the subdivision application.
- (4) The Planning Department shall take expeditious action on a final plat. If the Planning Department fails to act within thirty-five (35) days after the final plat is received from the applicant, the applicant may request that the final plat be forwarded to the Town Council for review without a recommendation by the Planning Department.

(F) Review and Approval by Planning Board

- (1) If the Planning Department recommends approval of a final plat, or if the applicant requests that the Planning Board review the final plat with a finding of non-conformance by the Planning Department, the Planning Board shall review the plat at the next regularly scheduled Planning Board meeting.
- (2) If the Planning Board finds that the final plat is in compliance with the ordinance and consistent with the approved preliminary plat, including any amendments approved by the Planning Board to an approved preliminary plat, the Planning Board shall approve the final plat. If approval is granted, written confirmation shall be made on four (4) copies of the final plat. Two (2) copies of the plat shall be returned to the subdivider and two (2) copies shall be filed with the Town of Navassa.

- (3) If the final plat is disapproved by the Planning Board, the applicant shall be furnished with a written statement of the reasons for disapproval and reference shall be made to the specific section(s) of this ordinance with which the plat does not comply.

3.4 Recordation of Final Plats

3.4.1 Recording of Final Plat

Upon procuring approval of the final plat by the Subdivision Administrator, the subdivider shall file the plat with the Brunswick County Register of Deeds within sixty (60) days or such action shall become null and void.

3.4.2 Dedication and Acceptance

(A) Rights-of-Way

The approval and recordation of a final plat does constitute an offer to dedicate, but does not constitute dedication to and acceptance for maintenance responsibility by the Town or the public of any public road, alley, or utility or drainage easement shown on such plat. Improvements within such rights-of-way or easements, such as utility lines, road paving, drainage facilities, or sidewalks may, however, be accepted for maintenance by the North Carolina Department of Transportation or by the private utility provider upon compliance with applicable NCDOT and private utility provider guidelines and standards.

(B) Open Space

- (1) Land designed as public open space on a final plat shall be considered to be offered for dedication until such offer is officially accepted by the Town. The offer may be accepted by the Town through:
 - (a) Express action by the Town Council;
 - (b) Express action by an administrative officer designated by the Town Council; and
 - (c) Conveyance of fee simple marketable title (unencumbered financially and environmentally) of the property to the Town at the time of final plat recordation.
- (2) Until such dedication has been accepted, land so offered may be used for open space purposes by the owner or owners' association. Land so offered for dedication shall not be used for any purpose inconsistent with the proposed public use.

3.4.3 Permits and Certificates of Occupancy

Unless otherwise provided in this Subdivision Ordinance, upon recordation of the final plat, the applicant shall be eligible to apply for building and any other permits required by this ordinance, if the roads are determined by the Subdivision Administrator to be in an acceptable condition. No certificates of occupancy shall be issued until all improvements are complete and approved

by the appropriate agency or body. Lots, parcels or properties created illegally or by procedures other than those expressly detailed in this ordinance shall not be eligible for building permits, certificates of zoning compliance, or any other permits or approvals by the Town. Lots, parcels or properties created through such means shall not be recognized by the Town as separate lots of record.

3.5 Owners Associations

3.5.1 Establishment of Owners Associations

- (A) An Owners Association shall be established to fulfill the requirement of the North Carolina Condominium Act or to accept conveyance and maintenance of all privately owned and maintained common areas and facilities within a development containing common areas.
- (B) Where developments have common areas for facilities servicing more than one dwelling unit, these areas shall be conveyed to the Owners Association in which all owners of lots in the development shall be members, provided that duplex units shall be treated as one dwelling unit for the purposes of this subsection. All areas other than public road rights-of-way, other areas dedicated to the Town, and lots shall be shown and designated as common areas. The fee-simple title of the common area shall be conveyed by the subdivider or developer to the Owners Association.
- (C) Common areas shall not be subsequently subdivided or conveyed by the Owners Association unless a revised preliminary plat and a revised final plat showing such subdivision or conveyance have been submitted and approved.

3.5.2 Submission of Owners Association Declaration

Prior or concurrently with the submission of the final plat for review and approval, the applicant shall submit a copy of the proposed Bylaws of the Owners Association containing covenants and restraints governing the Association, plats, and common areas. The submitted documents shall be reviewed by the Town Attorney and a recommendation made to the Planning Board as to their sufficiency. The restrictions shall include provisions for the following:

- (A) The Owners Association declaration shall be organized and in legal existence prior to the conveyance, lease-option, or other long-term transfer of control of any unit or lot in the development.
- (B) Membership in the Owners Association shall be mandatory for each original buyer and each successive buyer of a lot or unit. Provisions shall be made for the assimilation of owners in subsequent sections of the development.
- (C) The Owners Association Declaration shall state that the association is responsible for:
 - (1) The payment of premiums for liability insurance and local taxes;
 - (2) Maintenance of recreational and/or other facilities located on

common areas; and

- (3) Payment of assessments for public and private improvements made to or for the benefit of the common areas.
- (D) **Default of Owners Association.** Upon default by the Owners Association in the payment to the Town any assessments for public improvements or ad valorem taxes levied against common areas, which default shall continue for a period of six (6) months, each owner of a lot in the development shall become personally obligated to pay to the Town a portion of the taxes or assessments in an amount determined by dividing the total taxes and/or assessments due to the town by the total number of lots in the development. If the sum is not paid by the owner within thirty (30) days following receipt of notice of the amount due, the sum shall become a continuing lien on the property of the owner, his heirs, devisees, personal representatives and assigns. The Town may either bring an action at law against the owner personally obligated to pay the same, or may elect to foreclose the lien against the property of the owner.
- (E) **Power of the Association.** The Owners Association is empowered to levy assessments against the owners of lots or units within the development. Such assessments shall be for the payment of expenditures made by the Owners Association for the items set forth in this Section 3.5, and any assessments not paid by the owner against whom such assessments are made shall constitute a lien on the lot of the owner.
- (F) **Easements.** Easements over the common areas for access, ingress, and egress from and to public roads and walkways and easements for enjoyment of the common areas, and for parking, shall be granted to each lot owner.

3.6 Performance Guarantees

3.6.1 In the event that the required improvements have not been completed prior to the submission of the major final plat, the developer shall guarantee the completion of the required improvements in a subdivision by means of a bond with surety or other guarantees satisfactory to the Town Council in an amount equal to one hundred and twenty-five (125) percent of the estimated cost of the required improvements whereby improvements may be made and utilities installed within a reasonable period of time as agreed upon by the developer and Town Council. One of the following methods may be pursued by the developer to ensure the installation of said improvements:

- (A) Filing a performance or surety bond with the developer/property owner as principal and a surety approved by the Town Council upon recommendation of the Planning Board; or
- (B) Depositing or placing in escrow a certified check or cash in an amount to be determined by the Town Council upon recommendation of the Planning Board. Portions of the security deposit may be released as the work progresses; or
- (C) Filing an irrevocable letter of credit guaranteeing payment to the Town of Navassa in the event of default in an amount to be determined by the Town Council upon recommendation of the Planning Board.

3.6.2 When the required improvements have been completed, the developer shall notify the Subdivision Administrator. The Subdivision Administrator shall request comments relative to those improvements from the North Carolina Department of Transportation, the Brunswick County Health Department and Soil and Water Conservation Department, either the Town's consulting engineer or the North Brunswick Sanitary District, and any other relevant regulatory or governmental bodies, who will notify the Subdivision Administrator that the improvements have been installed to their satisfaction. The Subdivision Administrator shall request in writing to the Town Administrator to release the bond, letter of credit or funds from escrow. In the event of default by the developer, the Town Administrator is authorized to call for payment of the bond or letter of credit or to release security from escrow and to utilize such funds for the completion of improvements in a manner as determined by the Town Council.

3.7 Resubdivision Procedures

For any replatting or resubdivision of land, the same procedure, rules and regulations shall apply as prescribed herein for an original subdivision, except that lot sizes may be varied on an approved plat after recording, provided that:

3.7.1 No lot or tract of land shall be created or sold that is smaller than the size shown on the approved plat;

3.7.2 Drainage, easements or rights of-way shall not be changed;

3.7.3 Street alignment and block sizes shall not be changed;

3.7.4 The property lines between the back of the lot shall not be changed;

3.7.5 The rear portion of lots shall not be subdivided from the front part; and

3.7.6 The character of the area shall be maintained.

Article 4 - Design Standards

4.1 General Provisions

4.1.1 Design

All proposed subdivisions shall comply with this Article and Appendix 4, shall be designed to promote beneficial development of the community, and shall bear a reasonable relationship to the approved plans of the Town.

4.1.2 Development Name

In no case shall the name of a proposed subdivision duplicate or be phonetically similar to an existing development name in the Town of Navassa or Brunswick County, unless the proposed development lies adjacent to the existing development.

4.1.3 Reasonable Relationship

All required improvements, easements, and rights-of-way (other than required reservations) shall substantially benefit the development or bear a reasonable connection to the need for public facilities attributable to the new development.

4.1.4 Natural Features and Assets

In the subdividing of land, due regard shall be shown for all natural features, such as tree growth, watercourses, historic sites, or similar conditions which, if preserved, will add attractiveness to the proposed development and safety from hazards.

4.2 Lots

4.2.1 Adequate Buildable Area Required

Lot sizes, shapes, and locations shall be made with due regard to topographic conditions, contemplated uses, and the surrounding area. Each lot shall contain an adequate building site not subject to flooding and outside the limits of any existing easements or required building setback lines. Land subject to flooding, improper drainage or erosion, and land deemed by the Town Council to be uninhabitable for other reasons shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard; but such land may be set aside for such uses as will not be endangered by periodic or occasional inundation, or will not produce unsatisfactory living conditions.

4.2.2 Conformance with Other Regulations

All lots shall conform to the minimum standards or dimensions noted herein and those contained in any applicable building codes, or other official regulations, including the Town of Navassa Zoning Ordinance.

4.2.3 Lot Remnants

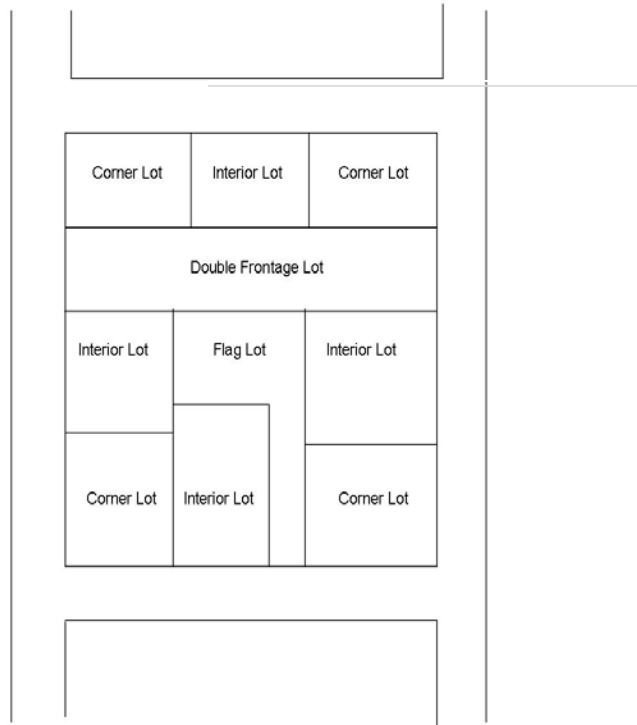
All remnants of lots left over after subdivision of a larger tract and smaller than the required minimum lot size that is required must be added to adjacent lots rather than remain as separate parcels. The Subdivision Administrator may permit a lot remnant for a specific purpose such as a retention pond,

provided that access and design is appropriate and the lot remnant is restricted to specific non-building uses.

4.2.4 Corner Lots

Corner lots for residential use shall have an extra width of ten (10) feet from the side yard that adjoins the side street to allow for adequate building setback from side streets (see Figure 4-1).

Figure 4-1: Types of Lots



4.2.5 Double Frontage Lots

All efforts should be made to avoid double frontage lots (see Figure 4-1), except where required to separate residential development from thoroughfares, where a recorded alley provides rear access to lots, or to overcome specific disadvantages of topography or orientation. If double frontage lots must be included, private driveways shall be prevented from having direct access through the lot and, where applicable, shall provide access to the minor street where practical.

4.2.6 Flag Lots

No lot shall be approved which constitutes a flag lot except with special approval from the Town Council due to extreme topographic or natural circumstances, and in no case shall greater than two (2) percent of lots be flag lots (see Figure 4-1).

4.2.7 Side Lot Lines

Side lot lines shall be at or near right angles or radial to curved street lines. No intersection of lot lines shall have an angle of less than sixty (60) degrees.

4.2.8 Lot Lines and Drainage

Lot boundaries shall coincide with natural and pre-existing man-made drainage ways to the extent practicable to avoid lots that can be built upon only by altering such drainage ways.

4.2.9 Access Requirements

Every lot shall front or abut on a dedicated public street and have frontage meeting the requirements set forth in the Zoning Ordinance, except lots of record provided that there is recorded access and the use is limited to only two (2) single family dwellings and their accessory buildings.

4.2.10 Lots on Roads with Capacity Deficiencies

Subdivisions shall not be approved that propose individual residential lots with direct vehicular access to roads that are recognized as having significant traffic mobility concerns as identified by the North Carolina Department of Transportation (NCDOT) Functional Classification System, including all Major Arterials, Major Collectors, and Minor Collectors with a current Average Daily Trips (ADT) over one thousand (1000) (ADT shall be calculated by using the latest NCDOT published data plus three percent (3%) for each year in which current information is not available and then adding ten (10) trips per lot proposed in the subdivision), except as follows:

- (A) The minimum lot width shall be at least one and one-half (1.5) times the minimum width for the zoning district in which the lot is located;
- (B) The property may not be further subdivided below the required frontage as provided for in Section 4.2; and
- (C) Only one principal structure is allowed per lot.

4.2.11 Water and Sewage Disposal

Every subdivision lot intended for building purposes shall be served by a central water supply system and central sewage disposal system that: 1) is adequate to accommodate the reasonable needs of the proposed use of the lot, and 2) complies with all applicable health regulations. Where public water and sewer facilities are not available and individual water supplies or individual sewage disposal system are planned, the subdivider, at his own expense, shall have the site investigated under the supervision of the Brunswick County Health Department or other person approved by the Brunswick County Health Department to determine whether or not such individual facilities are feasible. The subdivider shall present proof to the

Town Council that appropriate soil tests have been conducted and each lot in the subdivision not served by a public water or sewage disposal system has been approved by the County Health Department for individual water supplies and/or sewage disposal systems.

4.3 Streets

4.3.1 Conformance with Plans

In any new subdivision, the street layout shall conform to the general arrangement, width and location included on any official plans for the Town of Navassa. In areas for which such plans have not been completed, the streets shall be designed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, and to the proposed use of land to be served by such streets.

4.3.2 Dedication of Future Right-of-Way

Whenever a tract to be subdivided intersects any part of a major thoroughfare designated in the official plans for Brunswick County, Town of Navassa, or the Wilmington Metropolitan Planning Organization such part of such proposed public way shall be platted and dedicated by the subdivider in the location and at the width specified.

4.3.3 Conformance with Adjoining Road Systems

The proposed street layout shall be made according to good land planning practice for the type of development proposed, and shall be coordinated with the street system of the surrounding areas. Proposed streets shall connect to or intersect with adjacent existing streets where possible.

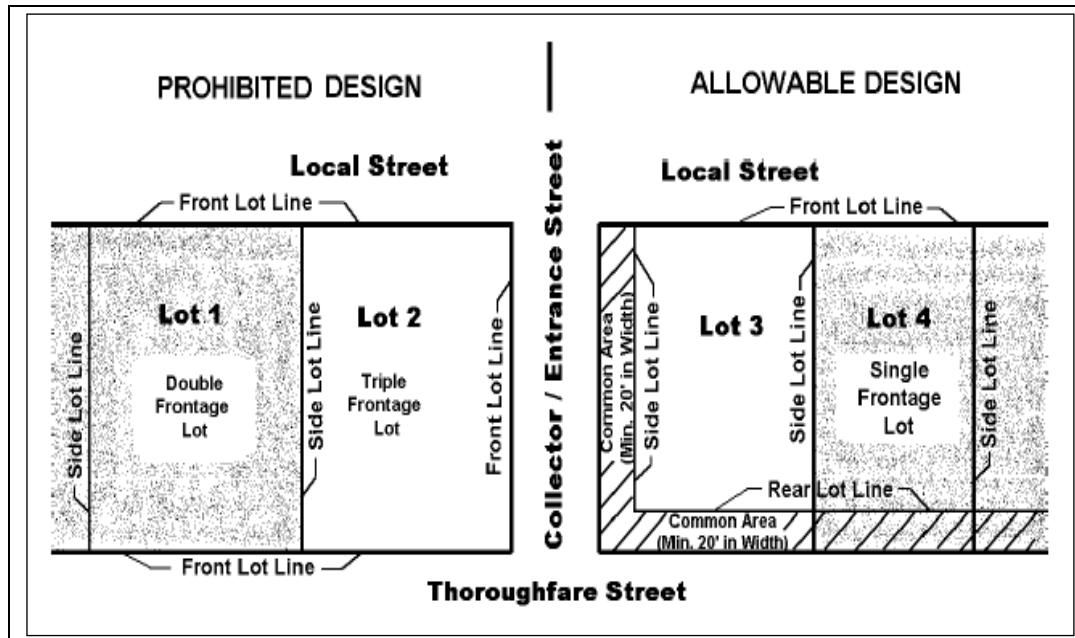
4.3.4 Frontage

All subdivisions shall have direct access from a public street improved to the Town of Navassa and the North Carolina Department of Transportation standards. Such public streets shall include streets that have been dedicated to but not accepted by the Town of Navassa and are privately maintained pursuant to 4.3.8(B).

4.3.5 Access to Thoroughfares

Access to thoroughfares from lots in the subdivision shall be managed to minimize vehicle conflict points. Where a tract of land to be subdivided adjoins a major thoroughfare, the subdivider may be required to provide a marginal access street parallel to the highway or reverse frontage on an interior street for the lots to be developed adjacent to the highway. The subdivider shall be required to provide a twenty (20) foot easement on the rear and side of the property abutting the higher volume road, parallel and adjacent to the right-of-way of the road. Such easement shall be restricted to the planting of trees or shrubs for screening purposes and shall be in addition to all other easements required by this Ordinance. (see Figure 4-2)

Figure 4-2: Interior Street Access and Buffering Requirements



4.3.6 Access to Adjoining Property

All streets shall provide for the continuation or approximate projection of principal streets in surrounding areas and provide reasonable means of ingress and egress for surrounding acreage tracts.

- (A) A proposed street shall be extended to an adjacent property, or a connecting street shall be provided to the adjacent property as a through road within the local road network. Such street shall be designed and dedicated as public street to the adjacent property and located so as to best ensure the safe, convenient, and efficient movement of traffic within a local road network as well as the orderly development of adjacent properties.
- (B) Dead end streets shall be prohibited. Where an existing dead end street abuts the property proposed for development, the proposed development shall connect to the existing dead end street. This provision shall not preclude use of stub streets as part of a phased development or in anticipation of future development.
- (C) Where a stub street is used, the subdivider shall post a sign notifying present and future residents that the road will connect in the future.
- (D) All new subdivisions must connect to stub streets when they adjoin the property to be developed.

4.3.7 Design Standards

The design of all streets and roads within the Town of Navassa, whether public or private, shall be constructed and built to the standards and accepted policies of the North Carolina Department of Transportation (NCDOT) as published in the most recent edition of the NCDOT Subdivision Roads Minimum Construction Standards manual or the NCDOT Traditional Neighborhood Development (TND) Guidelines manual, or shall be

constructed and built to other applicable standards of the Town of Navassa. The applicant shall determine whether additional right-of-way is required to accommodate sidewalks and planting strips, where required.

4.3.8 Dedication of Streets and Rights-of-Way

- (A) All streets constructed within the Town of Navassa pursuant to this ordinance, whether public or private, shall be dedicated to the Town. No street shall be accepted for ownership and maintenance by the Town of Navassa 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 Navassa.
- (B) On occasion and in certain circumstances, the Town Council may wish to permit certain subdivision streets to be privately owned and maintained. In these cases:
 - (1) Streets shall still be offered for dedication to the public, but the Town shall not accept such dedication, provided that the Town may accept such dedication if requested by the individuals or association responsible for maintenance or if the individuals or association responsible for maintenance fail to maintain the road to the satisfaction of the Town;
 - (2) Streets shall be maintained by adjacent property owners or by an owners association properly established pursuant to Section 4.3.8. The final plat, pursuant to Section 4.3.9 below, any owners associations agreements, and all deeds for the sale or transfer of property within the subdivision shall clearly describe the maintenance responsibilities for all privately maintained streets

4.3.9 Disclosure Statement

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

4.3.10 Reserve Strips

Reserve strips adjoining road rights-of-way for the purposes of preventing access to adjacent property shall not be permitted under any condition.

4.3.11 Street Intersections

Streets shall be laid out so as to intersect as nearly as possible at right angles (ninety (90) degrees) and no street shall intersect any other street at less than seventy-five (75) degrees. All roads crossing natural areas, wetlands, or stream buffers must cross at or as near to ninety (90) degrees as possible within topographic limits. All street intersections must meet minimum sight distance standards as required by the NCDOT.

- (A) Where there is an offset in the alignment of a street across an intersection, the offset of the center lines shall be no less than one hundred and fifty (150) feet. (see Figure 4-3).
- (B) Intersections with a major street or highway shall be at least eight hundred (800) feet apart from corner property line to corner property line. For the purposes of this subsection, major streets or highways are Cedar Hill Road, Mount Misery Road, and the I-140 Bypass.
- (C) Property lines at street intersections shall be rounded with a minimum radius of fifteen (15) feet or of a greater radius when required by the Town Council.
- (D) Proper sight distances shall be maintained at all intersections of streets and at driveway intersection with streets. Any intersection with a major street or highway shall have drawn on the plat a sight triangle easement with dimensions of ten (10) feet along the lower order street and seventy (70) feet along the higher order street. No building or obstruction that impedes vision beyond the extent noted above shall be permitted in this area (see Figure 4-4).

Figure 4-3: Street Offset

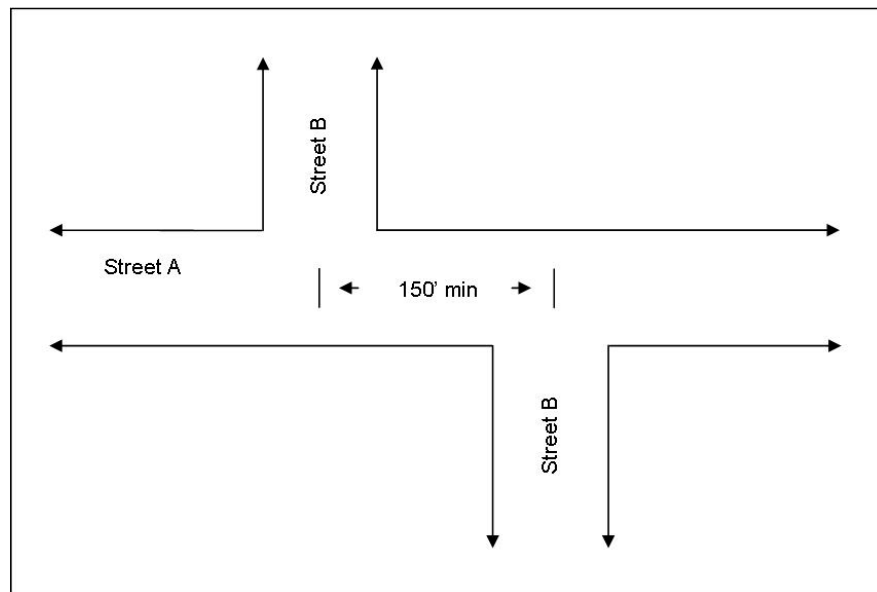
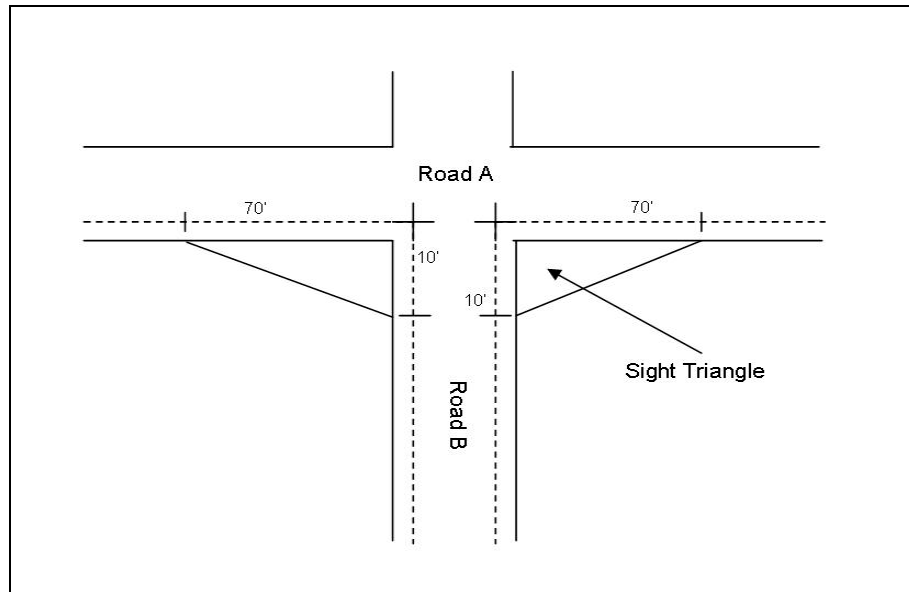


Figure 4-4: Sight Triangle



4.3.12 Temporary Turnarounds

Roads stubbed to adjoining property or phase lines may be required to have a temporary turnaround at the end of the road which will be sufficient to accommodate service vehicles.

4.3.13 Cul-De-Sacs

- (A) In general, cul-de-sacs should be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area indicate that a through street is not essential in the location of the proposed cul-de-sac, or where sensitive environmental features such as streams, floodplains, or wetlands would substantially be disturbed by making road connections.
- (B) Cul-de-sacs shall be no longer than eight-hundred (800) feet. The length of the cul-de-sac shall be measured from the center of the intersection at the beginning of the cul-de-sac running along the centerline to the center point of the turnaround.

4.3.14 Alleys

- (A) Commercial or Industrial: The Town Council may require the subdivision to construct alleys in commercial or industrial zoning districts to provide access for service and delivery vehicles.
- (B) Residential: Alleys may be appropriate in residential zoning districts, especially Traditional Neighborhood Developments, to provide rear garages, parking, or access for service vehicles.
- (C) All permanent dead end alleys shall be provided with a turnaround. No alley shall have access from a major street or highway but shall have its access points confined to minor streets.

4.3.15 Street Names

Streets which are obviously in alignment with existing streets shall bear the name of the existing street. Street names for all subdivision plats shall be subject to the approval of the Town Council. New street names shall not duplicate or be similar to existing street names and existing street names shall be projected wherever possible.

4.3.16 Street Name Signs

Street name signs shall be posted at all street intersections. The developer shall install street signs of a design approved by the Town Council to be placed at each intersection in accordance with NCDOT and Town standards.

4.3.17 Street Addresses

Street address numbers shall be assigned by the Subdivision Administrator following preliminary plat approval. These addresses shall be so noted on the final plat. These numbers shall be the official address for use by the U.S. Postal Service until or unless changed by the USPS or the Town.

4.3.18 Half Streets

The dedication of half streets at the perimeter of a new subdivision is prohibited. If circumstances render this impracticable, adequate provision for the concurrent dedication of the remaining half of the street must be furnished by the subdivider and adjacent property owner. Where a half street exists in an adjoining subdivision, the remaining half shall be provided by the proposed development.

4.3.19 Grading

Unless necessitated by exceptional topography, and subject to the approval of the Town Council, the grades shall be not more than ten percent (10%) or less than one-half of one percent (0.5%) on any street.

- (A) Grades approaching intersections shall not exceed five percent (5%) for a distance of not less than one hundred (100) feet from the center line of said intersection.
- (B) Street grades shall be established wherever practical in such a manner as to avoid excessive grading, the promiscuous removal of ground cover and tree growth and general leveling of the topography.
- (C) All changes in street grades shall be connected by vertical curves having a minimum length equivalent to fifteen (15) feet for each degree of difference between the grades of the streets.

4.4 Blocks

4.4.1 Blocks shall be laid out with due regard for the type of use to be established in the block, zoning requirements, needs for vehicular and pedestrian circulation, traffic control and safety, and environmental protection.

4.4.2 Intersecting streets shall be laid out at such intervals that block lengths are between four-hundred (400) feet and eight-hundred (800) feet except where, in the opinion of the Town Council, existing conditions justify a modification of this requirement.

4.4.3 Blocks shall have sufficient width to provide for two (2) rows of lots of appropriate depth, except where otherwise required to separate residential development from through traffic or nonresidential uses.

4.4.4 Block numbers shall conform to the Town of Navassa street numbering system, if applicable.

4.5 Buffer Strips

4.5.1 A buffer strip at least fifty (50) feet in depth, in addition to the normal lot depth or width required, shall be provided adjacent to all railroads and limited access highways in residential districts. The buffer strip shall contain the planting requirements of a Type I buffer pursuant to Section 13.3.1(C) in the Town of Navassa Zoning Ordinance.

(A) Where an Owners Association is required, this strip shall be dedicated to the Association and the following restrictions shall be lettered on the face of the plat: "This strip is reserved for the planting of trees or shrubs by the Owners Association; the building of structures hereon is prohibited."

(B) Where an Owners Association is not required, this strip shall be part of the platted lots and the following restrictions shall be lettered on the face of the plat: "This strip is reserved for the planting of trees or shrubs by the property owner; the building of structures hereon is prohibited."

4.5.2 Where a residential subdivision is adjacent to an office, institutional, commercial or industrial use, landscape buffers shall be provided, by the subdivider, as specified by the Town of Navassa Zoning Ordinance, where they do not already exist.

4.6 Roads and Utilities

4.6.1 Plans

Construction Plans for all road facilities shall be submitted to the Town of Navassa and/or NCDOT before final plat approval. Construction plans for all water and sanitary sewer facilities shall be submitted to the appropriate utility provider before final plat approval. For each subdivision section, the road and utility construction plans shall include all improvements lying within or adjacent to that section, as well as all water and sanitary sewer lines lying outside that section and being required to serve that section.

4.6.2 Construction Approval Required

No road improvements shall be constructed until the road construction plans have been approved by the Town of Navassa or NCDOT. No utility improvements shall be constructed until the utility construction plans have been approved by the appropriate utility provider. Any additional costs incurred for construction plan approval shall be the responsibility of the applicant.

4.6.3 Permits for Connecting to State Roads

An approved permit is required to connect a subdivision street to an existing state road. This permit is required prior construction of the new street. The

application is available at the office of the nearest District Engineer of the NCDOT.

4.6.4 Inspection

Work performed pursuant to approved road and utility construction plans shall be inspected and approved by the Town of Navassa or the town's designated agent, the NCDOT, and/or the appropriate utility provider. Any additional costs incurred for construction plan inspection and approval shall be the responsibility of the applicant.

4.6.5 Water and Sewer Connection

Connection of each lot to public water and sewer utilities shall be required, at the subdivider's expense, if the proposed subdivision is within the town limits and within five-hundred (500) feet of the nearest adequate lines of a public system, provided that no geographic or topographic factors would make such connection infeasible. Where public sewer is not available, lots shall meet applicable Brunswick County environmental health regulations. Approval of the Brunswick County Health Department shall be obtained prior to preliminary plat approval. The final plat shall show the Certificate of Approval from the Environmental Health Department as shown in Appendix 2.

4.6.6 Public Water and Sewer Construction Requirements

Water and sewer lines, connections, and equipment shall be constructed in accordance with state and local regulations and to the specifications of the utility provider.

4.6.7 Underground Utilities

All electric, telephone, television, and cable lines, both main and service connections, servicing new developments shall be provided by underground wiring within easements or dedicated public rights-of-way, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services.

- (A) Where street trees are provided for within the public right-of-way (see Section 4.7.5), the placement of underground utilities shall be a minimum of five (5) feet from the tree planting area. Installation of underground utilities outside the right-of-way may be located along the rear lot line, in alleyways, or in a utility easement located behind the sidewalk.
- (B) Lots that abut existing easements or public rights-of-way where overhead utility lines and service connections have previously been installed may be supplied with service from those overhead lines, but the service connections for the utilities' overhead lines shall be installed underground. In the case of existing overhead utilities, should a road widening, or an extension of service, or other such condition occur as a result of the subdivision and necessitate the replacement or relocation of such utilities, such replacement or relocation shall be underground.
- (C) The Town Council may make the determination that underground utility installation is not feasible on a particular site. Where overhead lines are permitted as the exception, the placement and alignment of

poles shall be designed to lessen the visual impact of overhead lines. Alignments and pole locations shall be carefully routed to avoid locations along horizons and utility lines should be located at the rear of the lot lines or along rear alleys where feasible.

- (D) The Town of Navassa does not obligate itself in assuming any cost incurred in developing underground utilities.

4.6.8 Utility Easements

- (A) Easements centered on the front, rear or side lot lines shall be provided for electrical, telephone, natural gas, television, cable, water, and sewer utilities, where necessary, and shall be at least ten (10) feet wide. The subdivider and the utility shall agree on the location and exact width of such easements. The location of such easements shall be reviewed and approved by the Town prior to final plat approval.
- (B) Utility easements shall be kept free and clear of any buildings or other improvements that would interfere with the proper maintenance or replacement of utilities. The Town shall not be liable for damages to any improvement located within the utility easement area caused by maintenance or replacement of utilities.
- (C) The subdivider shall transfer to the applicable utility provider the necessary ownership or easement rights to enable the utility provider to operate and maintain the utility facilities. In addition, the subdivider shall dedicate sufficient easement rights to accommodate the extension of utility service to adjacent or nearby properties whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments.

4.6.9 Stormwater Drainage

The subdivider shall meet the requirements of the Navassa Phase II Stormwater Ordinance and provide the subdivision with an adequate drainage system for the proper drainage of all stormwater. The system shall prevent storm and flood water damage to lots, structure, streets, and utilities, as well as to upstream and downstream areas. The system should also serve to protect water quality.

4.6.10 Oversized Improvements

The Town of Navassa may require certain oversized improvements be installed or extended to adjacent property when it is in the best interest of future development. If the Town requires improvements to be installed in excess of the standards necessary to serve the subdivision, the Town shall negotiate an agreement to reimburse the applicant based on the projected difference in cost between the minimum improvement required and the oversized improvement.

4.7 Other Improvements

4.7.1 Curb and Gutter

Curb and gutter are required in subdivisions and on thoroughfares, collectors,

and streets with the exception of alleys and in accordance with Appendix 4, Required Improvements. Standard raised curb and gutter is the preferred type, provided that concrete valley curb and gutter may be installed along local residential streets and flat curbing may be permitted by special exception when used in conjunction with Stormwater Best Management Practices. All curb and gutter shall be constructed in accordance with the design criteria of the NCDOT.

The curb and gutter requirement may be waived by the Town Council and ditches, shoulders, and/or drainage swales used when it can be demonstrated that:

- (A) Soil and topography make the use of ditches, shoulders, and/or swales preferable; and
- (B) The Subdivision adheres to the requirements and technical standards found in the Brunswick County Low Impact Development Manual.

4.7.2 Street Drainage, No Curb and Gutter

Where curb and gutter is not provided, drainage ditches, shoulders, and/or drainage swales shall be provided according to the applicable NCDOT Subdivision Minimum Construction Standards and Guidelines for Drainage Studies and Hydraulic Design, unless the requirements and technical standards of the Brunswick County Low Impact Development Manual are adhered to.

- (A) A minimum of thirty-five (35) feet shall be left between drainage ditches along dedicated street right-of-ways.
- (B) Drainage pipes shall be installed under driveways which cross a drainage ditch and these pipes shall have a minimum inside dimension of fifteen (15) inches.
- (C) Driveways shall be constructed so that drainage water will not run into the road or highway.

4.7.3 Sidewalks

Sidewalks shall be required for major subdivisions in accordance with Appendix 4, Required Improvements. Sidewalks shall be a minimum of five (5) feet in width. A five (5) foot vegetative strip with grass plantings shall separate the sidewalk from the curb. The abutting property owner or an owners association shall be responsible for mowing the vegetative strip and this requirement shall be noted on the final plat and on all deeds. All sidewalks shall comply with the American with Disabilities Act.

4.7.4 Crosswalks

Pedestrian ways or crosswalks, not less than fifteen (15) feet in width, shall be provided, where deemed essential in the opinion of the Town Council to provide adequate pedestrian circulation or access to schools, shopping areas, churches, parks, playgrounds or other similar facilities or to connect existing or planned pedestrian facilities.

4.7.5 Street Trees

Where required in accordance with Appendix 5, Required Improvements,

street trees shall be planted on both sides of the street in accordance with the following standards:

- (A) Trees planted to satisfy the requirements of this Section shall have a minimum mature height of twenty (20) feet.
- (B) Trees shall be planted at intervals of forty (40) feet as measured from the center of the trunk.
- (C) At the time of planting, each tree shall be a minimum of six (6) feet in height and one and one-half (1.5) inches in diameter as measured 6 inches above ground level.
- (D) Required trees shall be planted a minimum of 5 feet and a maximum of 15 feet from the edge of pavement
- (E) Along streets that are well-forested or new streets that are to be maintained in a forested condition by the developer, the requirements of this Article may be reduced or eliminated upon approval of the Subdivision Administrator to minimize grading and enhance preservation of existing, mature trees. Tree planting requirements may be modified where extreme topography would require excessive grading to meet the specific standards above.
- (F) All street trees shall be on the approved list of street trees identified by Appendix 5, Recommended Street Trees, provided however that additional trees may be approved if the applicant provides written documentation from the Brunswick County Cooperative Extension or from a licensed arborist certifying that the additional tree or trees can satisfy standards A-D above and are appropriate for the climate of Brunswick County. Trees that are drought-tolerant and/or native to southeastern North Carolina are encouraged.

4.7.6 Street Lighting

Public streets, sidewalks, or other common areas or facilities in subdivisions shall be sufficiently illuminated to ensure the public safety and security of property in accordance with Appendix 4, Required Improvements. Street lighting shall be installed in new subdivisions pursuant to a street lighting plan which shall be submitted in accordance with Appendix 1. All street lights shall be compatible with any applicable standards of the electric utility provider.

- (A) Streetlights shall be located at all intersections and mid-block locations with spacing of fixtures not to exceed four-hundred (400) feet.
- (B) Where feasible and practical, street light varieties shall be the same throughout the subdivision or individual phases of the subdivision.
- (C) The height of street lights shall not exceed fourteen (14) feet in residential subdivisions and twenty five (25) feet in commercial and industrial subdivisions.
- (D) All streetlights shall be placed at least two (2) feet inward from the street or sidewalk.
- (E) All lighting shall use a full or sharp cut-off fixture to limit glare and light spillage.

- (F) All costs associated with the installation of street lighting are the responsibility of the subdivider. The Town will not accept streets for dedication until all street lighting has been installed. Upon acceptance of public streets by the Town Council, the Town of Navassa will assume the responsibility for maintaining street lights located within the public right-of-way.
- (G) All lighting fixtures and bulbs are strongly encouraged to be as energy efficient as possible to help conserve energy and reduce operating costs.

4.7.7 Fire Hydrants

Fire hydrants of sufficient water pressure to provide adequate fire protection shall be provided in accordance with all applicable Town and County standards. Fire hydrants shall be located with spacing between hydrants not to exceed five-hundred (500) feet.

4.7.8 Permanent Monuments

- (A) Permanent Monuments

Unless previously existing, a minimum of two (2) permanent control monuments of stone or concrete shall be placed within each subdivision. The monuments shall be located at the point of intersection on the centerline of intersecting public or private street rights-of-way or, when such point lies within the pavement of the proposed street, at the point of intersection of the tangents of curves.

Otherwise, monuments shall be placed on the centerline at the points of curvature and at the points of tangency of curves which are to be dedicated for street purposes.

A table of dimensions, or dimensions between control monuments, shall be shown on the map. Metal castings or access boxes for the control monuments mentioned above shall be placed in the pavement prior to release of final sureties for road construction or final approval of road construction. (Reference N.C.G.S. 39-32.1).

Such monuments shall be set nine (9) inches below the finished grade of the pavement. A metal casting of approved type will be mounted over said monument with its base flange mounted on a brick foundation with mortar joints of at least two (2) course thickness, the top of which must be a minimum of one and three-quarters (1 3/4) inches higher than the highest point of the monument.

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

In addition to the two (2) required control monuments, a control point (i.e. railroad spike, P.K. nail, iron rod, rebar . . . etc.) shall be set at all other centerline intersections, points of curvature, and points of

tangency prior to recordation. In the event that these points are destroyed during initial project construction, it shall be the subdivider's responsibility to have said points replaced in their original horizontal position.

(B) Lot Corners

All lot corners, other than those marked by permanent monuments as described herein, shall be marked by metal stakes not less than three-quarters (3/4) inch in diameter, nor less than two and one-half (2 1/2) feet in length.

4.8 Sites for Public Use

To ensure orderly development of the planning area in accordance with the general principles set forth in any applicable comprehensive plan, the subdivider shall give due consideration to the reservation of open spaces for parks, schools, fire stations, and/or playgrounds in accordance with the procedures in N.C.G.S. 160A-372.

4.8.1 Reservation of School Sites

If the Town of Navassa Town Council and the Brunswick County Schools have jointly determined the specific location and size of any school sites to be reserved and this information appears in the Navassa adopted plans, the Subdivision Administrator shall immediately notify the Brunswick County Schools when a plat for a subdivision is submitted which includes all or part of a school site to be reserved. The Brunswick County Schools shall promptly decide whether it still wishes the site to be reserved. If the Brunswick County Schools does not wish to reserve the site, it shall so notify the Subdivision Administrator. If the Brunswick County Schools does wish to reserve the site, the subdivision shall not be approved without such reservation. The Brunswick County Schools shall 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 Brunswick County Schools 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.

4.8.2 Parks, Recreation and Open Space

- (A) Every person or corporation who subdivides land for residential purposes shall at the time of final approval of the subdivision plan be required to dedicate a portion of such land, as set forth in this section, for the purpose of providing park, recreation, and open space sites to service the future residents of the neighborhood in which the subdivision is located. This section shall apply to major subdivisions only.
- (B) As an alternative to dedication of such land by the subdivider, or where it is determined by the Town Council that a dedication of land is not feasible in a given plat or incompatible with the Town's plan, the subdivider may make provisions for an equitable amount of land in another location or pay the Town a fee in lieu of dedication as provided in this section.
- (C) Computation of Size of Area Required for Dedication

The amount of qualifying land (in acres) required to be dedicated by a subdivider shall be equal to four hundredths (.04) of an acre times the number of dwelling units or lots, whichever is greater, unless the subdivision is part of an approved PUD where the open space requirements have already been determined.

- (D) 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 Town Council.
- (1) Unity. The dedicated land shall be a single parcel except where it is determined that two (2) parcels or more would be in the public interest. The Town Council may require that parcels be connected, and may require the dedication of a connecting path of up to thirty (30) feet in width.
 - (2) Shape. The dedication area shall be sufficiently round or square in order to be usable for recreational activities such as softball/baseball, tennis, basketball, and other related activities, provided that, upon a favorable recommendation by the Planning Board, the Town Council may approve a dedication area of an alternate shape where it can be shown by the applicant that such shape will accommodate desirable recreational facilities.
 - (3) Location. The dedicated land shall be located so as to serve the recreation needs of the immediate neighborhood within the subdivision and shall bear a reasonable relationship to the use of the area by the future inhabitants of the subdivision or residential development.
 - (4) Access. Public access to the dedicated land shall be provided either by an abutting street or public easement at least twenty (20) feet in width.
 - (5) Usability.
 - (a) No less than twelve and a half (12.5%) of the dedicated land shall be usable for active recreation (play areas, ballfields, tennis courts, or similar recreation uses).
 - (b) The Town Council may allow significant natural waterbodies (SNWs) such as natural lakes and streams to be counted as qualifying open space provided that:
 - (i) public ancillary features such as docks, piers, launching facilities, adjacent walking trails or paddle trails are provided;
 - (ii) SNWs shall comprise no more than fifty percent (50%) of passive open space; and
 - (iii) SNWs shall be counted at a rate of 1:2, where one (1) acre of required qualifying open space shall be equivalent to two (2) acres of SNWs.
 - (c) The following shall be counted at a rate of 1:2, where one (1) acre of required qualifying open space shall be

equivalent to two (2) acres:

- (i) land that lies within an area of the one hundred-year (100) floodplain;
 - (ii) land that has slopes greater than fifteen percent (15%); or
 - (iii) land that is included within overhead utility easements.
- (d) If the Town Council determines that active recreation needs are being met by other dedicated parcels or existing recreation facilities, they may require that land suitable for open space be dedicated.
- (i) Topography. Generally areas dedicated for recreation shall not exceed slopes of five percent (5%), subject to 4.8.2(D)(5) (c) above.
 - (ii) Plans. Municipal and county plans shall be taken into consideration when evaluating land for dedication.

(E) Payments in Lieu of Dedication

- (1) Where a fee is paid in lieu of dedication, the amount of such payment shall be the product of the number of acres required to be dedicated, as outlined in Section 4.8.2(C) above, and the average fair market value of the land being subdivided at the time of the submission of the preliminary subdivision plan. The Town Council shall decide the average fair market value of the land based on the value of the land for property tax purposes, information submitted by the subdivider, including an appraisal by an appraiser licensed in North Carolina, and other relevant information. The cost of the appraisal shall be the responsibility of the subdivider.

The payment in lieu of dedication shall not exceed the fair market value of the land that would otherwise have been required to be dedicated by the subdivision.

- (2) Upon approval by the Town Council, payment in lieu of dedication shall be made to the Town at the time of final subdivision plat approval or within one year of approval of the preliminary subdivision plat, whichever occurs first. All monies received by the Town of Navassa pursuant to these requirements shall be placed into the Navassa Open Space Improvement Fund, which shall be used only for the acquisition of public open space, providing capital improvements to public open spaces, landscaping of public open space, tree plantings, and beautification projects of public open spaces within the Town of Navassa. The Town shall also have the authority to sell land dedicated pursuant to these provisions with the proceeds of any such sale used solely for the acquisition and/or development of other

recreation or park sites within the immediate service area.

(F) Standards for Selection of Dedication or Fee

- (1) Whether the Town Council accepts the land dedication or elects to require payment of a fee in lieu thereof shall be determined by consideration of the following:
 - (a) the recreational element of the Town's Coastal Area Management Act (CAMA) Land Use Plan or other applicable plan;
 - (b) the recommendation of the Planning Board;
 - (c) topography, geology, access, and location of land available for dedication in the subdivision; and
 - (d) size and shape of the subdivision.
- (2) The determination by the Town Council as to whether land shall be dedicated or whether a fee should be exacted shall be final and conclusive.

(G) Procedures

(1) Subdivider

At the time of submitting a preliminary subdivision plat, the subdivider shall, as part of such submission, indicate whether dedication of the property for park and recreational purposes is proposed, or whether the subdivider proposes to pay a fee in-lieu thereof. If the subdivider proposes to dedicate land for this purpose, the subdivider shall designate the area on the preliminary subdivision plat as submitted.

(2) Town Action

At the time of preliminary subdivision review, the Planning Board shall recommend to the Town Council whether to require a dedication of land within the subdivision or payment of fee in-lieu thereof, pursuant to standard listed in 4.8.2.

(3) Approval of Final Plat

Where dedication is required, such dedication shall be shown on the final plat for the subdivision submitted for approval. Where fees are required, the same shall be deposited with the Town prior to the recording of the final plat for subdivision. Open space covenants for park or recreational facilities shall be submitted to the Town prior to approval of the final plat and shall be record with the final plat.

(H) Use of Land by Town

- (1) Generally. The land received by the Town under this article shall be used only for the purpose of providing neighborhood open space, park and recreational areas, but shall not be so restricted should the town decide to sell the land as provided by the following paragraph.
- (2) Fee collected in lieu of dedications and any proceeds from the

sale of dedicated land shall be held in the Navassa Open Space Improvement Fund by the Town, and the funds shall be used by the Town for the sole purpose of acquisition of public open space, providing capital improvements to public open spaces, landscaping of public open space, tree plantings, and beautification projects of public open spaces within the Town of Navassa. The depository for such funds may be the same as permitted for other funds of the Town and pending their expenditure in accordance with the terms of this section, such funds may be invested as other funds of the Town. The Town may, as its discretion, add additional monies to the fund for the purpose of purchasing public recreational land to be used for public recreational purposes. On all matters not specifically provided for in this section, the Local Government Budget and Fiscal Control Act shall be controlling.

(I) Privately Owned Park and Recreational Areas

Private parks and recreational facilities are encouraged; however, such facilities cannot be credited toward the requirement of dedication for public park and recreation purposes, unless approved by the Town Council.

(J) Greenways and Multi-Use Trails.

Greenways and Multi-Use Trails land may be credited toward the dedication provided that such greenway or trail system is dedicated for public use.

Article 5 - Administration

5.1 Staff, Boards, and Committees

5.1.1 Subdivision Administrator

The Subdivision Administrator shall be appointed by the Town Council and is duly charged with the enforcement of the provisions of this Ordinance. If the Subdivision Administrator finds that any of the provisions of this Ordinance are being violated, he shall notify in writing the person(s) responsible for such violations, indicating the nature of the violation and ordering the action(s) necessary to correct it. He shall also take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

5.1.2 Town Council

The Town Council shall have the following duties with respect to administration of the Subdivision Ordinance:

- (A) Review and adopt amendments to this Ordinance.
- (B) Review and approve major subdivisions in accordance with Article 3.

5.1.3 Planning Board

As directed by the Town Council, the Planning Board shall have the following

duties with respect to administration of the Subdivision Ordinance:

- (A) Review and make recommendations to the Town Council on amendments of the Subdivision Ordinance.
- (B) Review and make recommendations to the Town Council on major subdivisions in accordance with Article 3.
- (C) Review and approve major subdivisions within an approved PUD in accordance with Article 3.
- (D) Perform any other duties assigned by the Town Council.

5.1.4 Technical Review Committee

There is hereby created a Technical Review Committee (TRC) consisting of the Subdivision Administrator, a subcommittee of Town Council and/or Planning Board members, and representatives of the following agencies as designated by the Director of each agency: North Carolina Department of Transportation Division of Highways; Brunswick County Health Department; Brunswick County Emergency Services; Brunswick County Soil and Water Conservation District; Brunswick County Schools; Navassa Police Department; Navassa Fire Department; any public water and/or sewer utility serving the subdivision under review; and any additional agencies or organizations for which the Town will consult on subdivision review and approval.

The Technical Review Committee (TRC) shall have the following duties:

- (A) To review and comment on the technical aspects of all applications for approval of subdivision plats, major site plans, and master development plans.
- (B) To provide the Subdivision Administrator, for transmission to the Town Council and Planning Board, with reports and recommendations regarding requests for approval before such bodies.
- (C) To perform any other related duties that this Ordinance may authorize or that the Town Council may direct.

The Subdivision Administrator shall serve as the chairperson of the TRC.

The Subdivision Administrator shall determine the most effective means of communicating with members of the TRC for review and recommendations regarding subdivision plats. Communication with TRC members can be in the form of in-person meetings, written correspondence, phone consultations, or other avenues of communication as deemed necessary by the Subdivision Administrator. Failure of a TRC member to provide comments prior to the first Planning Board meeting at which the subdivision is to be reviewed shall in no way prevent the Planning Board from reviewing and making recommendations on said subdivision.

5.2 Effect of Plat Approval on Dedications

The approval of a plat (pursuant to N.C.G.S. 160A-374), shall not be deemed to constitute or affect 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 Council 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. Acceptance of dedication of lands or facilities located within the subdivision regulation jurisdiction but outside the corporate limits of the Town shall not place on the Town any duty to open, operate, repair, or maintain any street, utility line, or other land or facility. The Town shall in no event be held to answer in any civil action or proceeding for failure to open, repair, or maintain any street located outside its corporate limits.

5.3 Filing of Plat

Following adoption of this Ordinance by the Town Council, the Brunswick County Register of Deeds shall not thereafter file or record a plat of a subdivision located within the plating jurisdiction of the Town of Navassa without the approval of the subdivision by the Town Council as required in this Ordinance. All approvals of final plats shall be recorded by the property owner/developer. The property owner/developer shall remit to Brunswick County such recordation fees in addition to review fees, before the final plat is recorded. The landowner shown on the subdivision plat submitted or recording or his authorized agent shall sign a statement on the plat stating whether or not any land shown thereon is within the platting jurisdiction of the Town of Navassa as defined in Section 1.5 of this Ordinance. The filing or recording of a plat of subdivision without the approval of the Town Council as required by this Ordinance shall be null and void.

5.4 Modifications

The standards and requirements of this Ordinance may be modified by the Town Council in the case of a Planned Unit Development, which provides adequate public spaces and improvements of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the approved site specific development plan. The Town Council shall consider the recommendations of the Planning Board and Technical Review Committee and may impose such conditions necessary to ensure adequate design and development of the subdivision.

5.5 Variances

Where because of topographical or other conditions peculiar to the site, strict adherence to the provisions of the regulations of this Ordinance would cause an unnecessary hardship; the Board of Adjustment may authorize a variance, if such variance can be made without changing the intent of this Ordinance. Any variance thus authorized is required to be entered in writing in the minutes of the Board of Adjustment and the reasoning on which the departure was justified shall be set forth.

5.6 Amendments

This Ordinance may be amended from time to time by the Town Council as herein specified, 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 forty-five (45) days within which to submit its recommendation. Failure of the Board to submit its recommendation within this time period shall constitute a favorable recommendation.

A public hearing shall be held by the Town Council before adoption of any proposed

amendment to this Ordinance. A notice of such public hearing shall be given once a week for two (2) consecutive calendar weeks in a newspaper of general circulation in the Town of Navassa. Said notice shall be published the first time not less than ten (10) days or more than twenty-five (25) days prior to the date established for such public hearing.

5.7 Penalty

Any person who, being the owner or agent of the owner of any land within the subdivision regulation jurisdiction of the Town of Navassa as defined herein, thereafter subdivides his land in violation of this Ordinance or hereafter transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of land before such plat has been properly approved under this Ordinance and recorded in the Office of the Register of Deeds of Brunswick County, shall be guilty of a Class one (1) 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 such penalties. The Town, through its Town Attorney or other official designated by the Town Council, may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the Subdivision Ordinance. Building permits required pursuant to N.C.G.S. 160A-417 may be denied for lots that have been illegally subdivided. In addition to other remedies, the Town may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.

5.8 Pre-Sale Contracts

The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved under the Subdivision Ordinance or recorded with the register of deeds, provided the contract does all of the following:

- 5.8.1** Incorporates as an attachment a copy of the preliminary plat referenced in the contract and obligates the owner to deliver to the buyer a copy of the recorded plat prior to closing and conveyance.
- 5.8.2** Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contract, that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat, that changes between the preliminary and final plats are possible, and that the contract or lease may be terminated without breach by the buyer or lessee if the final recorded plat differs in any material respect from the preliminary plat.
- 5.8.3** Provides that if the approved and recorded final plat does not differ in any material respect from the plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than five days after the delivery of a copy of the final recorded plat.
- 5.8.4** Provides that if the approved and recorded final plat differs in any material respect from the preliminary plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than fifteen (15) days after the delivery of the final recorded plat, during which fifteen (15) day period the buyer or lessee may terminate the contract without

breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.

- 5.8.5** The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease land by reference to an approved preliminary plat for which a final plat has not been properly approved under the Subdivision Ordinance or recorded with the register of deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential, commercial, or industrial buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved under the Subdivision Ordinance and recorded with the register of deeds.

Appendix 1: Information Required with Subdivision Applications

A1-1 Required Information for Minor and Major Subdivision Plats

Submission of all plats shall contain the following information for submission to the Town of Navassa for review. An 'X' indicates required information. The Subdivision Administrator may waive required items if it is judged that they are not necessary to complete the subdivision review.

Table A1-1.1: Plat Submission Requirements for Subdivisions

Required Elements	Sketch Plan	Minor Subdivisions		Major Subdivisions	
		Prelim	Final	Prelim	Final
1. Title Block containing the following:					
Name of Subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the Brunswick County Register of Deeds	X	X	X	X	X
Name of the property owner (s) with address and daytime telephone number	X	X		X	
Location of the subdivision, including town, county, and state	X	X	X	X	X
Name, address, and registration number of the surveyor or engineer, date of the survey, and seal of the surveyor		X	X	X	X
Scale according to which the sketch or plat is drawn in feet per inch or scale ratio in words or figures and bar graph, and true north arrow (plats shall be at a scale of no less than one (1) inch to one-hundred (100) feet)	X	X	X	X	X
Name of the plat (sketch, minor, major, preliminary, final)	X	X	X	X	X
Name and address of the developer (if different from the property owner)	X	X		X	
Date(s) map(s) prepared or revised	X	X	X	X	X
2. Plat Size Requirements:					
Plats submitted shall not exceed a maximum size of 24" x 36"		X		X	

Required Elements	Sketch Plan	Minor Subdivisions		Major Subdivisions	
		Prelim	Final	Prelim	Final
Standard size requirements are 18" x 24" sheet for plats to be recorded with a minimum 1 1/2" border on the left side and a minimum 1/2" border on all other sides; or as required by the Brunswick County Register of Deeds; and in accordance with N.C.G.S. 47-30(A).			X		X
Original plats shall be reproducible and shall be submitted on material as required by the Brunswick County Register of Deeds; and in accordance with N.C.G.S. 47-30(B).			X		X
3. Specific Information to be shown					
Sufficient data to readily ascertain and reproduce on the ground the location, bearing, and distance (in feet or meters) of every lot line, boundary line (with error of closure), block line, and building setback, whether curved or straight. This should include the inclines, centered angles, point of tangency, tangent distance and arcs and chords of all curved property and boundary lines		X	X	X	X
Location and descriptions of all monuments, markers, and control corners, where established			X		X
Names of all adjacent property owners (or subdivisions or developments or record with plat book reference)		X	X	X	X
Vicinity map (location map) showing location of site relative to surrounding areas at a scale of 1"=2,000'	X	X	X	X	X
Boundaries of the tract to be subdivided or developed (N.C.G.S. 47-30(F9)) tied to the nearest street intersection (within 300' if applicable), and location of intersecting boundary lines or adjoining properties (sketch plan boundaries are not required to be tied to markers)	X	X	X	X	X
Town limits and Extra Territorial Jurisdiction boundaries, if any, on the tract		X	X	X	X
Existing property lines on tract to be subdivided. If existing property lines are to be changed, label as 'old property lines' and show as dashed lines	X	X	X	X	X
Existing zoning classification of land to be subdivided and adjacent properties	X	X		X	

Required Elements	Sketch Plan	Minor Subdivisions		Major Subdivisions	
		Prelim	Final	Prelim	Final
Existing land use within the property to be subdivided and adjacent properties	X	X		X	
Tax map, block, and parcel number(s)		X	X	X	X
Source of information on plat, including plat book or deed book reference; any lines not surveyed must be clearly marked and information source indicated		X	X	X	X
Proposed lot layout and approximate lot lines and lot sizes	X				
4. Site Calculations:					
Acreage in total tract to be subdivided	X	X	X	X	X
Acreage in public parks and open space				X	X
Total number of lots, lot sizes (in sq ft for lots less than 1 acre; in acres for lots greater than 1 acre), and lot dimensions		X	X	X	X
Lots sequenced or numbered consecutively		X	X	X	X
Linear feet in new street improvements				X	X
5. Natural and Historic Features:					
Location of the one-hundred year floodplain boundary and flood fringe area, if applicable	X	X	X	X	X
All watercourses, including ponds, lakes, and streams, located within or crossing any boundary line of the property shown	X	X	X	X	X
Wooded areas, marshes, swamps, rock outcrops, and any other natural features affecting the site	X	X		X	
Evidence of notification to the US Army Corps of Engineers of earth-disturbing activities in wetlands, if applicable, and location of wetlands	X	X		X	
The name and location of any property on the National Register of Historic Places or locally designated historic properties	X	X		X	

Required Elements	Sketch Plan	Minor Subdivisions		Major Subdivisions	
		Prelim	Final	Prelim	Final
Location of common areas or open space, whether publicly owned or under control of an owners' association		X	X	X	X
Topography of tract and 100' beyond property showing existing contour intervals of no greater than 5' (2' where available) and labeling at least two contours per map and all other at 10' intervals from sea level (sketch plan – contours intervals of 10' intervals permitted)	X	X		X	
6. Roads, Buildings, Utilities and Infrastructure:					
Existing public roads and accesses within 400 feet	X	X		X	
Existing and proposed right-of-way lines within and adjacent to the property, total right-of-way width, and right-of-way width dimension from centerline of existing public roads (sketch plan can show approximate widths and layout)	X	X	X	X	X
Existing and proposed roads showing pavement or curb lines, pavement width dimension, and cul-de-sac pavement radius (sketch plan can show approximate widths and layout)	X			X	
Road profile with cross section				X	
Existing and proposed road and street names, which name shall not duplicate the name of any existing road or street in the town		X	X	X	X
Road address as assigned by the Town of Navassa for each new lot			X		X
Existing railroads and bridges	X	X	X	X	X
Existing and proposed sidewalks and bike paths		X		X	X
Existing structures, wells, and septic tanks	X	X		X	
Location, use, and dimensions of all existing and proposed buildings; distances between buildings measured at the closet point; distance from buildings to the closest property lines; building setback lines		X		X	
Locations of existing utility lines (storm and sanitary sewers, water, gas, electricity and telephone)		X		X	

Required Elements	Sketch Plan	Minor Subdivisions		Major Subdivisions	
		Prelim	Final	Prelim	Final
Utility layout plan showing connection to existing systems, line sizes, material of lines, location of fire hydrants, blowoffs, valves, manholes, catch basins, force mains, etc. for sanitary sewer, water distribution, natural gas, electric, cable television, and any other applicable utilities				X	
All easements, reservations, and areas to be dedicated to the public or local jurisdiction (access, utility, park/recreation, school, other)	X			X	X
Recreation areas and facilities	X			X	X
Landscaping plan to include the location of any required planting yard or parking lot plantings; size of planting yard; and walls, berms or fences				X	
Existing and proposed signs (location, height and area)				X	
Lighting plan				X	

A1-2 Documents and Written Information in Addition to Maps and Plans

In addition to the written application and the plans, whenever the nature of the proposed development makes information or documents such as the following relevant, such documents or information shall be provided. The following is a representative list of the information or documents that may be requested at the time of plat submission:

A1-2.1 Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person.

A1-2.2 Certifications from the appropriate agencies that proposed utility systems are or will be adequate to handle the proposed development and that all necessary easements have been provided.

A1-2.3 Detailed descriptions of recreation facilities to be provided.

A1-2.4 Legal documentation establishing homeowners' associations or other legal entities responsible for control over required common areas and facilities.

A1-2.5 Bonds, letters of credit, or other surety devices.

A1-2.6 A traffic impact study performed and prepared by a licensed transportation or traffic engineer; see NCDOT "Policy on Street and Driveway Access to North Carolina Highways" manual for traffic impact study guidelines.

A1-2.7 Time schedules for the completion of phases in staged developments.

A1-2.8 The environmental impact of a development, including its effect on historically significant or ecologically fragile or important areas and its impact on pedestrian or traffic safety or congestion.

A1-2.9 Proposed deed restrictions or covenants to be imposed upon newly created lots.

Appendix 2: Certificates

A2-1 Required Certificates and Statements

Type of Certificates	Preliminary Plat (minor & major)	Final Minor Plat	Final Major Plat
Certificate of Ownership and Dedication			X
Certificate of Survey Accuracy		X	X
Certificate of Brunswick County Health Department		X	X
Certificate of Plat Approval	X	X	X
Certificate of Purpose of Plat		X	X
Certificate of Subdivision Exception	Required for subdivisions deemed an exception to Article 3		

A2-2 Certificate of Ownership and Dedication

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon, which is located within the subdivision jurisdiction of the Town of Navassa, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building lines, and dedicate all streets, alleys, walks, easements, parks, and other open spaces to public or private use as noted. I (we) will maintain all such areas until the offer of dedication is accepted by the appropriate public authority.

Owner(s)

Date

A2-3 Certificate of Survey and Accuracy

I hereby certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book____, page____, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book____, page____; that the ratio of precision as calculated is 1:____; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this ____ day of _____, 20__.

Registered Engineer or Land Surveyor

Seal or Stamp of Surveyor

Registration Number

A2-4 Certificate of the Brunswick County Health Department

The following statement shall be placed on all subdivision plats which include buildable lots that do not have public service available to them and have not been issued improvement permits:

I hereby certify that the Brunswick County Health Department has performed a preliminary field evaluation of this Subdivision entitled _____, and said property may be subdivided into lots as shown hereon; provided, however, that each individual lot must undergo a satisfactory field investigation for an improvements permit for a ground absorption sewage disposal system and water supply prior to the issuance of a building permit.

Brunswick County Health Director or Authorized Representative

Date

- a. The following statement shall be placed on all subdivision plats which include buildable lots that do not have public service available to them and have been issued improvement permits:

I hereby certify that lots shown on this plat of Subdivision entitled _____ have been evaluated for space and soil requirements for sewage disposal and water supply systems by the Brunswick County Health Department. Based on this review, an improvements permit has been issued for a specific use and site. Any change in the intended use or site, or soil alteration, will subject the permit to revocation. No construction on any lot shall commence until the Brunswick County Health Department has also issued an authorization for wastewater system construction.

Brunswick County Health Director or Authorized Representative

Date

A2-6 Certificate of Purpose of Plat

The Final plat shall contain one of the following statements, signed and sealed by the plat preparer:

- a. This survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
- b. This survey is located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;
- c. This survey is of an existing parcel or parcels of land and does not create a new road or change an existing road;
- d. This survey is of any existing building or other structure, or natural feature, such as a water course;
- e. This survey is a control survey;
- f. This survey is of another category, such as the recombination of existing parcels, a court ordered survey, or other exception to the definition of subdivision; or
- g. The information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor’s professional ability as to provisions contained in(a) through (d) above.

Registered Engineer or Land Surveyor

Date

Seal or Stamp of Surveyor

A2-7 Certificate of Exception

I (we) hereby certify that I am (we are) the Owner(s) of the property shown and described hereon, which was conveyed to me (us) by deed recorded in Book____, Page____, and that said property qualifies as an exception to the provisions of the Subdivision Regulations of the Town of Navassa.

Owner(s)

Date

Subdivision Administrator

Date

Appendix 3 – Residential Design Guidelines

Purpose: The purpose of the residential design guidelines is to provide for flexibility in the residential subdivision design, while at the same time promoting residential development in the Town of Navassa that is varied and interesting in character.

Applicability: All guidelines are voluntary. However, developers are strongly recommended to incorporate the design guidelines as they relate to housing sizes, heights, floor plans, materials, color, and other recommended applications in order to provide for a variety of housing choices that meet various community needs.

Guidelines:

1. Eaves (roof overhangs) should be provided according to the following guidelines:
 - a. Homes with pitched roofs should have eaves on all sides of the house that extend a sufficient distance to create shadow lines.
 - b. Variety: the subdivision should have a variety of different roof overhang profiles in keeping with any applicable historic architecture in the area
 - c. Extension: the overhang, not including gutter, should extend at least eight (8) inches beyond the wall of the plane
 - d. Exception: the minimum overhang should not be applied to architectural styles where overhangs were traditionally not present or in unique individual designs

Illustration 3-1: Eave Length

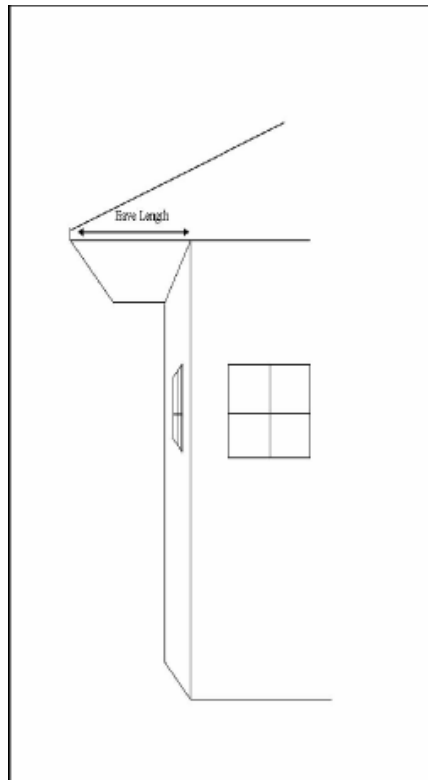
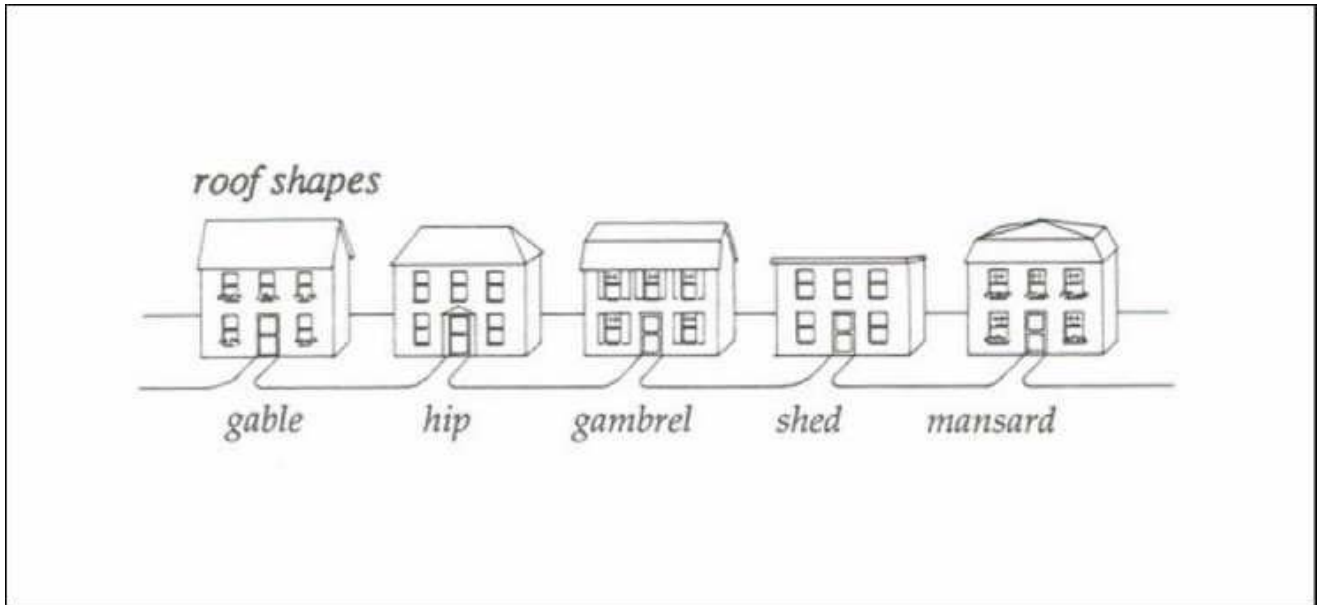
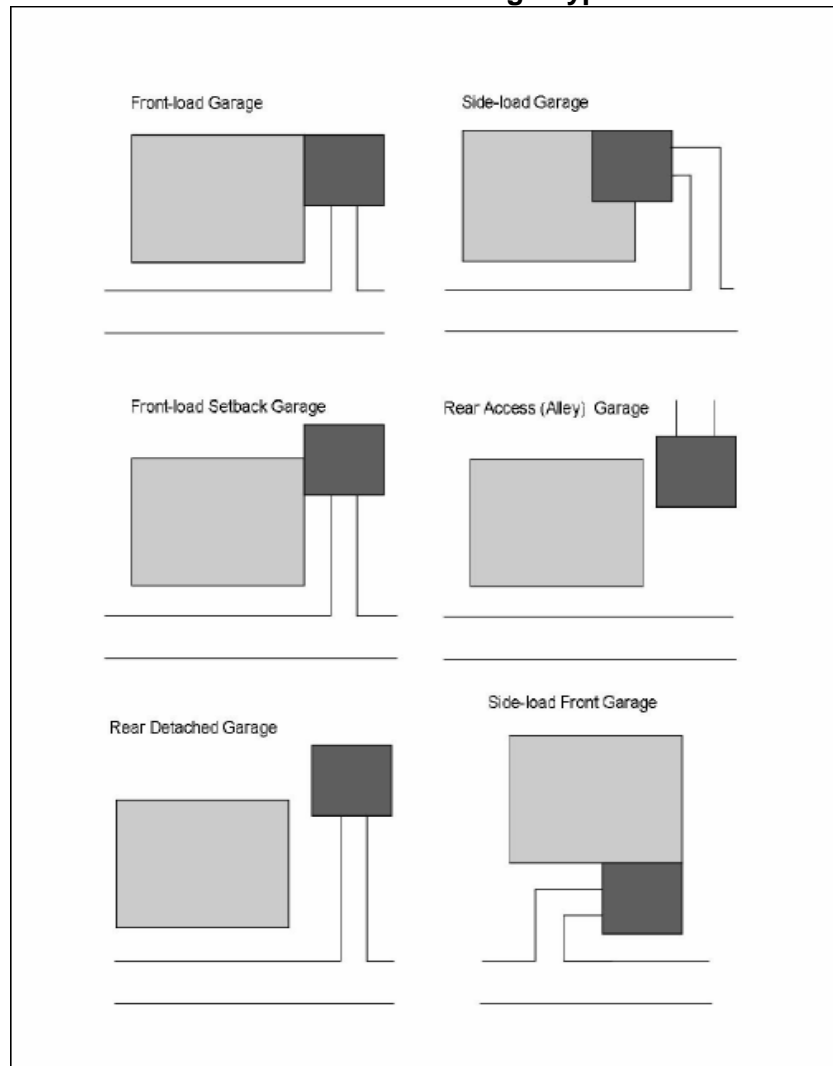


Illustration 3-2: Roof Variety



2. Three-hundred sixty (360) degree detailing should be provided for according to the following guidelines:
 - a. Windows and doors: The home should have a similar style and quality of windows, doors, and trim on all exterior building elevations with consistent alignment of windows
 - b. Blank walls and “false fronts” should be avoided
 - c. Building materials: Similar siding materials or veneers should be used on all sides of the house. This should not prevent the use of veneers or changes of materials on a façade where materials change at the second floor or windowsill height. Wing projections may be used to give emphasis to the structure, provided that the materials are applied to the entire wing.
 - d. Architectural details should be incorporated on all sides of the house including:
 - i. Entryways
 - ii. Patterns with materials or trim
 - iii. Decorative moldings
 - iv. Bay windows
 - v. Dormers
3. Garages should be provided for according to the following guidelines:
 - a. Garage orientation: The garage orientation should vary to include frontloaded, side-loaded, rear-loaded, and detached garages. Garage access from rear alleys is also encouraged.
 - b. Garage setback: When front facing, the garage should be setback from the front door façade by a minimum of eight (8) feet.
 - c. Garage doors: Provide for variety in single-wide and double-wide garage doors.
 - d. Garage roofs: Garage roofs should be varied by adding gables or dormers

Illustration 3-3: Garage Types



4. Monotony in house design and architecture should be avoided through incorporation of the following measures:

- a. Variation of floor plans and orientation: The floor plan defines the arrangement of rooms, windows, and doors. A building rotated 90 degrees will not appear identical to the next even when the floor plans are identical. Flipping or reversing the floor plan creates a different look.
- b. Variation in rooflines, pitches, and building height: Rotating the orientation of the roof peak, or otherwise altering the roofline in a significant manner can alter the appearance of a house.
- c. Variation in materials: Different exterior materials include brick, stone, natural wood, aluminum or vinyl siding, and stucco, among others.
- d. Addition of architectural features such as porches, towers, balconies, and dormers
- e. Small variations in lot width and setbacks
- f. Variation in placement on blocks
- g. Variations in color

Illustration 3-4: Variations to Address Monotony

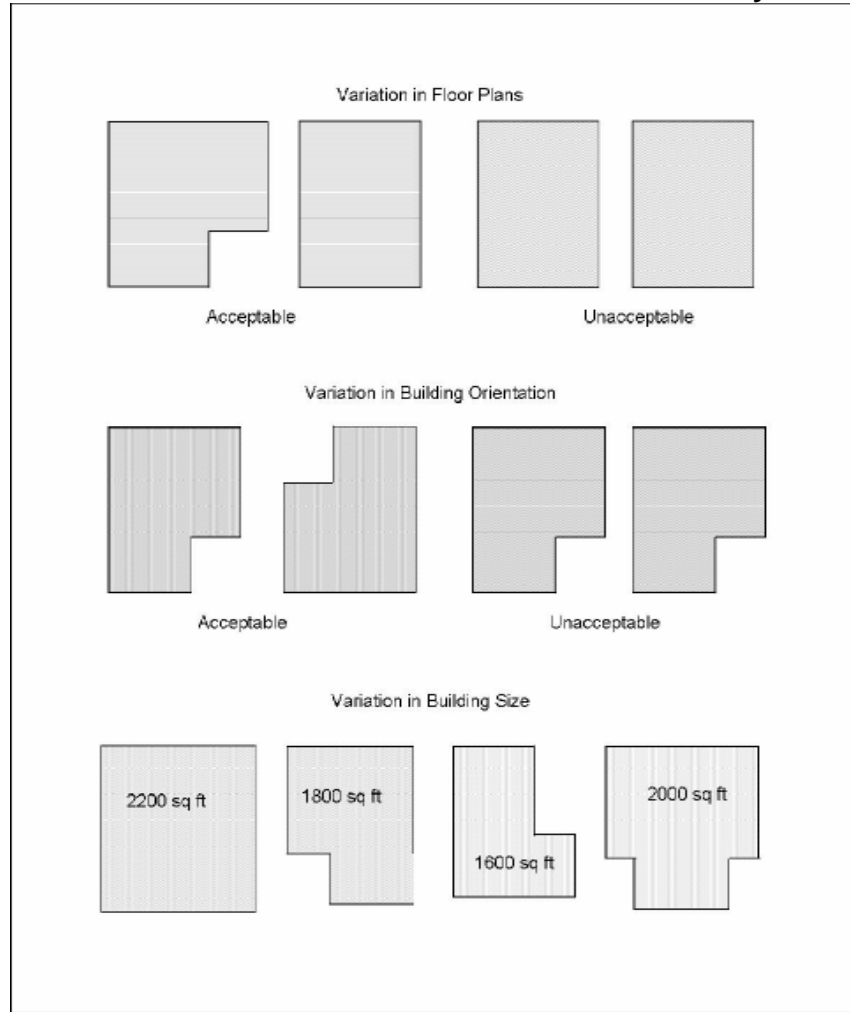
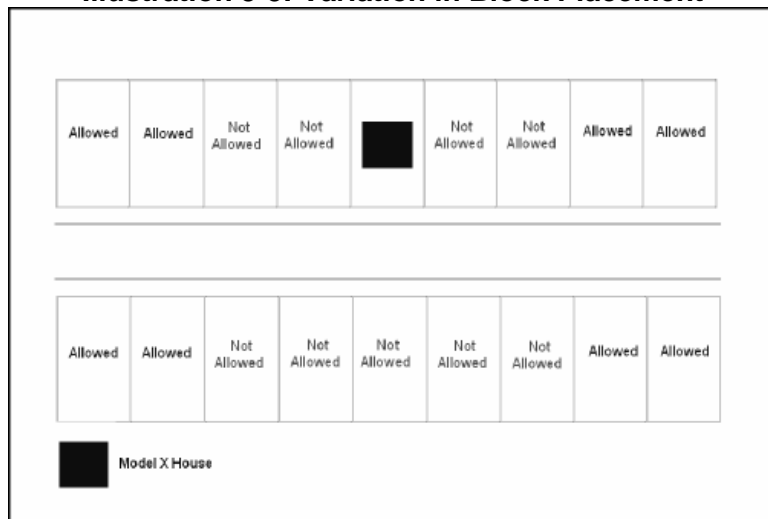


Illustration 3-5: Variation in Block Placement



Appendix 4: Required Improvements

Approval of the final major plat shall be subject to the subdivider having installed or having guaranteed the installation of the following improvements:

Required Improvements	Zoning District								Non - Residential Subdivision
	RU	R-MH	R-20	R-15	R-10	R-8	R-6	R-MF	
Graded Streets	NA	X	X	X	X	X	X	X	X
Paved Streets	NA	X	X	X	X	X	X	X	X
Curb & Gutter	NA	x ²			X	X	X	X	X
Public Water ³	NA	x ¹		X	X	X	X	X	X
Public Sewer ³	NA	x ¹		X	X	X	X	X	X
Sidewalks on both sides of street	NA	x ²			X	X	X	X	X
Sidewalks on one side of street	NA	x ¹		X					
Street Lights	NA	X	X	X	X	X	X	X	X
Street Trees	NA		Major subdivisions of 20 units or more						X
Under-ground Utilitie	NA	x ¹	X	X	X	X	X	X	X
Recreation Area Dedication	NA	x ¹	X	X	X	X	X	X	

¹ Greater than 20 units.

² Greater than 100 units.

³ Where available.

Appendix 5 - Recommended Street Trees

Scientific Name	Common Name
<u><i>Acer barbatum</i></u>	<u>Southern Sugar Maple</u>
<u><i>Acer rubrum</i></u>	<u>Red Maple</u>
<u><i>Amelanchier Canadensis</i></u>	<u>Shadblow Serviceberry</u>
<u><i>Betula nigra</i></u>	<u>River Birch</u>
<u><i>Cercis Canadensis</i> *</u>	<u>Redbud *</u>
<u><i>Cornus florida</i> *</u>	<u>Dogwood *</u>
<u><i>Cunninghama lanceolata</i></u>	<u>Chinafir</u>
<u><i>Diospyrus virginiana</i></u>	<u>Common Persimmon</u>
<u><i>Eriobotrya japonica</i></u>	<u>Loquat</u>
<u><i>Ficus carica</i> Common</u>	<u>Fig</u>
<u><i>Fraxinus Americana</i></u>	<u>White Ash</u>
<u><i>Ginkgo biloba</i></u>	<u>Ginkgo</u>
<u><i>Gleditsia triacanthos inermis</i></u>	<u>Thornless Honeylocust</u>
<u><i>Koelreuteria paniculata</i></u>	<u>Goldenraintree</u>
<u><i>Lagerstroemia indica</i></u>	<u>Crape Myrtle</u>
<u><i>Liquidambar styraciflua</i></u>	<u>American Sweetgum</u>
<u><i>Magnolia x soulangiana</i></u>	<u>Saucer Magnolia</u>
<u><i>Myrica cerifera</i></u>	<u>Southern Waxmyrtle</u>
<u><i>Nyssa sylvatica</i></u>	<u>Black Gum</u>
<u><i>Oxydendrum arboreum</i></u>	<u>Sourwood, Sorrel Tree</u>
<u><i>Pinus palustris</i></u>	<u>Longleaf Pine</u>
<u><i>Pinus thunbergiana</i></u>	<u>Japanese Black Pine</u>
<u><i>Prunus serrulata</i> 'Kwanzan'</u>	<u>Kwanzan Flowering Cherry</u>
<u><i>Prunus yedoensis</i></u>	<u>Yoshino Cherry</u>
<u><i>Pyrus calleryana</i> 'Brandford'</u>	<u>Brandford Pear</u>
<u><i>Quercus alba</i></u>	<u>White Oak</u>
<u><i>Quercus falcata</i></u>	<u>Southern Red Oak</u>
<u><i>Quercus laurifolia</i> "Darlington"</u>	<u>Darlington Laurel Oak</u>
<u><i>Quercus nigra</i></u>	<u>Water Oak</u>
<u><i>Quercus pheios</i></u>	<u>Willow Oak</u>
<u><i>Quercus virginiana</i></u>	<u>Southern Live Oak</u>
<u><i>Sassafras albidum</i></u>	<u>Common Sassafras</u>
<u><i>Taxodium distichum</i></u>	<u>Common Baldcypress</u>

* Requires partial to full shade