

2.4.5 - Subdivision of Land

Subdivisions shall be subject to the following procedures and requirements in addition to any other applicable terms and conditions set forth in this Ordinance. Both preliminary and final plats and other documents required by this Ordinance shall be submitted for approval to the Planning Board and the Board of Commissioners.

(1) **Sketch Design Plan**

Prior to the filing of an application for approval of the preliminary plat, the subdivider shall submit to the Planning Board a sketch design plan and a vicinity sketch showing the relationship of the proposed subdivision to surrounding properties and areas of environmental concern. The Planning Board shall review the sketch design plan for compliance with the requirements of this Ordinance and inform the subdivider about the regulations that govern the proposed development and the procedure the subdivider is to follow in preparing and submitting the preliminary and final plats. The subdivider is to informally explain to the Planning Board the plans for developing the proposed subdivision, including the kind and extent of proposed improvements. The Planning Board is to discuss with the subdivider any suggested changes deemed advisable. Discussion of a sketch design plan with or without modifications shall not constitute or imply approval of any preliminary or final subdivision plat based on the sketch design plan.

Applicants shall submit twelve (12) copies of all required application materials. The sketch design plan and site planning sketches shall be drawn at an approximate scale of one (1) inch to one hundred (100) feet (1" = 100') and include:

- (i) The name and address of the owner and the subdivider.
- (ii) Existing conditions of the site including streets, roads, rights-of-way, easements, watercourses, wetlands, and structures.
- (ii i) Approximate location of lot lines, approximate number of lots, and total tract acreage.
- (iv) Proposed rights-of-way, easements, and any sites to be dedicated for places of worship or public use.

(2) **Preliminary Plat**

(A) **Application Requirements**

A preliminary plat shall be drawn at a scale of not less than one hundred (100) feet to the inch and show the following:

(i) **Name**

The subdivision name, the names and addresses of the owners and the designer of the subdivision and his qualifications.

(ii) **Date, Etc.**

Date, approximate north arrow and scale.

(iii) **Boundaries**

The boundary line of the tract to be subdivided drawn accurately to scale and with accurate linear and angular dimensions.

(iv) **Location Map**

A map with a scale of not less than one (1) inch equals one thousand (1,000) feet showing the location of the subdivision.

(v) **Contours, Contour Interval, and Finished Grades**

Contours with a vertical interval of two (2) feet referenced to sea level datum perimeter and in the interior shown in a manner that clearly distinguishes proposed elevations from existing elevations.

(vi) **Primary Dunes**

The location of the primary dunes as established by the NC Division of Coastal Management (CAMA) or CAMA Local Permit Officer (LPO).

(vii) **Existing Property Lines, Etc.**

The location of existing and platted property lines, streets, buildings, watercourses, railroads, bridges, water mains, sewers, culverts, drainpipes, and public utility easements, both on the land to be subdivided and on the land immediately adjoining and any other pertinent characteristics of the land. The names of adjoining subdivisions or the names of record owners of adjoining parcels of unsubdivided land.

(viii) Proposed Improvements

The names, proposed locations, and approximate dimensions of all proposed improvements. All subdivision plats which will create lots not directly abutting a dedicated and accepted public street shall include proposed improvements for roadway access, either public or private, to each of these lots and such roadways shall conform to the design standards for town streets specified in Chapter 6, section 6.1.5 of this Unified Development Ordinance.

(ix) **Proposed Changes**

In all cases, shall be shown in a manner that will distinguish them clearly from the existing characteristics of the land.

(x) **Drainage**

The preliminary plat shall also indicate and show surface water drainage plans and methods. The preliminary plat shall include a drawing showing storm water drainage supported by design computations. The design shall conform to the standards set forth in Chapter 6, section 6.3 of the UDO.

(xi) **Utilities**

The preliminary plat shall include all applicable utilities including street lighting. All utilities shall be underground. Utility distribution boxes; such as, water meter boxes and transformers, shall be located where side yard property lines intersect with street right-of-way lines (front yard property lines) and placed at the property corners in a manner that incompatible types of utility services will not conflict with each other. (i.e., electric services combined at a common corner of two (2) adjacent lots and water services combined at another common corner in order to serve two (2) lots from each location when possible.)

(xii) **Environmental Concern Standards**

In order to be in compliance with area of environmental concern standards, the preliminary plat shall contain a statement that the subdivision is located either within or without a North Carolina Coastal Area Management Act Area of Environmental Concern and shall show all required AEC data.

(xiii) Profiles

Profiles of all streets showing natural and finished grades drawn to scale of not less than one (1) inch equals forty (40) feet horizontal and one (1) inch equals four (4) feet vertical.

(xiv) Health Department Approval

Where public water and/or public sewage is not available for extension to each lot in the subdivision, a written report from the county health department shall be submitted as to the adequacy of the land area, and the suitability as to the soil and topography of the proposed subdivision to accommodate the proposed methods of water supply and sewage disposal.

(xv) Required Data

The preliminary plat shall be accompanied by a copy of all applications required by agencies other than the town. Applications must contain all pertinent data required to process applications.

(xvi) Street Access to Subdivided Lots

Except as otherwise provided by this chapter, every subdivision of property within the jurisdiction of the town shall include access to each and every lot of the subdivision by way of dedicated and accepted public streets or by establishment of private street systems which are platted and approved pursuant to the requirements of this chapter. All public or private streets shall meet the design standards for town streets specified in Chapter 6, section 6.1.5 of this Development Ordinance and/or any amendments thereof.

(xvii) Other Information

Other information as deemed necessary.

(B) Approval Procedure

The submission of a preliminary plat shall be accompanied by a letter of transmittal describing the proposed subdivision and a statement that the plat is in compliance with this Ordinance. The Planning Board shall review the preliminary plat and shall approve the preliminary plat if it finds that the subdivision meets or exceeds the standards of this Development Ordinance.

(C) Tentative Approval

Approval of a preliminary plat shall constitute tentative approval of a final subdivision plat. Such approval shall be valid for a period of one (1) year, with the exception of preliminary plats for subdivisions located within the NC Coastal Area Management Act Area of Environmental Concern (AEC), for which such approval shall be valid for a period of two (2) years.

(D) Approval and Conditional Approval

- (i) When a preliminary plat is approved, approval shall be so indicated on the preliminary plat by the Planning Director and forwarded to the Board of Commissioners for review and approval.
- (ii) When a preliminary plat is granted only a conditional approval, the reasons for conditional approval and the conditions to be met must be stated in writing. In lieu of granting conditional approval of the preliminary plat, the Planning Board may require the subdivider to resubmit the preliminary plat in a revised format that incorporates recommended changes.

- (iii) When a preliminary plat is disapproved by the Planning Board, reasons for such action shall be stated in writing. One (1) copy of the plat with the reasons for disapproval shall be provided to the subdivider and one such copy shall be retained by the Planning Director. The subdivider may make the recommended changes and submit a revised plat to the Planning Board for approval.
- (iv) If only conditional approval of a preliminary plat has been granted by the Planning Board, the preliminary plat, along with the conditions of approval shall be submitted to the Board of Commissioners for consideration.
- (v) If the Board of Commissioners approves the preliminary plat, one (1) copy approved by the Board of Commissioners shall be sent to the subdivider and one (1) to the Planning Director. If the preliminary plat is granted conditional approval, the conditions for approval by the Board must be noted and these conditions must be found by the Planning Director to be satisfied prior to the plat being deemed acceptable. If the preliminary plat is not acceptable to the Board of Commissioners, the plat, along with the reasons for non-approval, shall be returned to the Planning Board for further consideration and appropriate action.

(3) **Final Plat**

(A) **Application Requirements**

The final plat shall be a reproducible map on linen, film, or other permanent material and shall have an outside marginal size of twenty-four (24) inches by thirty-six (36) inches including one and one-half (1½) inches for binding on the left margin and one-half-inch border on each of the other sides. Where the size of land areas is of a suitable scale, to assure legibility requirements maps may be placed on two (2) or more sheets with appropriate match lines. It shall be drawn to the same scale as the preliminary plat, and shall contain the following:

(i) **Boundary, Etc.**

The exact boundary of the tract of land being subdivided, showing clearly the disposition of all portions of the tract into designated tracts, lots, streets, alleys, parks, open spaces, easements, or other classifications, the exact location and width of all existing or recorded streets intersecting the boundary of the tract being subdivided, and the names of adjoining subdivisions or the name of record owners or adjoining parcels of unsubdivided land, including the boundaries of all special flood hazard areas. All existing characteristics of the land shall be clearly defined from those characteristics that are proposed.

(ii) **Streets, Etc.**

The lines and names of all streets, alleys, boundary lines, lot lines, building lines, easements, areas devoted to public use, and lot and block numbers.

(iii) **Title**

A note shall appear on the final plat stating the deed reference under which title to the property being subdivided is held.

(iv) **Lines**

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

(v) **Monuments and Control Corners**

The accurate location, material, and size of all monuments and the designation of specific control corners in conformance with the letter and intent of G.S. 39-32.1, 39-32.2, 39-32.3, 39-32.4, shall be known.

(vi) **Name of Engineer, Etc.**

The title, including the name of the subdivision, the town, the name of the registered engineer or registered surveyor under whose supervision the plat was prepared, the date of the plat, and a north arrow. Indication shall be made as to whether the north index is true, magnetic, or grid.

(vii) **Certificate of Ownership and Dedication of Streets and Right-of-Way**

For any plat submitted which incorporates public roadways, streets, easements, and other rights-of-way, a certificate of ownership and dedication shall be shown properly completed and signed by the owners and all other interested parties, similar in wording to the following:

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

Signed _____."

(viii) Owners' Association Documents for Maintenance of Private Improvements

For any plat submitted incorporating private roadways, streets, easements, and other rights-of-way, the following documents shall be submitted simultaneously with the final plat in order to provide for ongoing maintenance of private improvements that will not be dedicated to the town:

- (a) Documents creating the owners' association. The documents creating the association shall provide for control by the property owners other than the developer at such time as over fifty (50) percent of the lots within the subdivision have been sold.
- (b) Proposed annual budget for the owners' association which includes the proposed monthly expenditures and income.
- (c) A proposed ten-year income and expense budget reflecting the establishment of a sinking fund for capital replacement.
- (d) A copy of the proposed bylaws of the association, and, when applicable, a declaration of unit ownership meeting the requirements of G.S. ch. 47A or 47C.
- (e) If the project is to consist of single-family dwellings, townhouses or structures other than condominiums, a copy of the proposed restrictions, covenants and assessments shall also be provided.

(ix) **Form for Endorsement**

A form for the endorsement of the town Board of Commissioners shall be similar to the following:

Approved by the Board of Commissioners of the Town of Emerald Isle, North Carolina, effective on the _____ day of _____ / _____ / _____, 20 _____.

Signed _____

Mayor

Town of Emerald Isle

(x) **Certification**

The plat shall show proper certificates of the engineer or surveyor, notary public and the probate clerk as required by state law.

(xi) **AEC Standards**

The AEC certification shall be similar to the following:

"This subdivision conforms to the standards of the North Carolina Coastal Area Management Act of 1974 and is not located within an Area of Environmental Concern.

Local Permit Officer"

"This subdivision conforms to the standards of the North Carolina Coastal Area Management Act of 1974, and portions of the subdivision located within an Area of Environmental Concern is duly noted.

Local Permit Officer"

(B) **Preparation of Final Plat**

Upon approval of the preliminary plat by the Board of Commissioners, the subdivider may proceed with the preparation of the final plat, and the construction of required improvements in accordance with the approved preliminary plat and the requirements of this Ordinance. Prior to approval of the final plat, the subdivider must complete the construction of all required improvements, or substantially complete all required improvements and guarantee completion by posting a letter-of-credit or cashiers check in accordance with subsection (H) below.

(C) **Planning Board Review**

The Planning Board shall review the final plat to insure that the subdivision meets or exceeds the standards of this Ordinance. Upon determination that these standards have been achieved, the Planning Board shall recommend to the Board of Commissioners that the final subdivision plat be approved.

(D) **Submitting Final Plat**

After the preliminary plat has been approved, the final subdivision plat shall be prepared and submitted for final approval within one (1) year after approval of the preliminary plat, with the exception of preliminary plats for subdivisions located within the NC Coastal Area Management Act Area of Environmental Concern (AEC), for which such approval shall be valid for a period of two (2) years. Such owner or subdivider shall submit an original linen, film, or other permanent material tracing, one (1) print on cloth, one (1) sepia, and two (2) blueprint copies of the final plat, properly signed and executed as required for recording in the office of the Register of Deeds of the county along with the necessary probate and recording fees to the Planning Director. Upon approval by the Board of Commissioners, the Planning Director, or designee, shall forward the final plat to the Register of Deeds for recording.

(E) Conformity with Preliminary Plat

The final plat shall conform with the preliminary plat as approved, and, if desired by the owner or subdivider, it may constitute only that portion of the approved preliminary plat that he proposes to record and develop at the time provided; however that:

- (i) The Planning Board shall find that the subdivision is reasonably located with respect to existing roads and utility lines; and
- (ii) Such portion shall conform to all requirements of this Ordinance.

(F) State Board Compliance

The final plat shall conform in all ways to the state statute (G.S. 47-30) as amended and to the state board of registration for professional engineers and land surveyors "Manual of Practice for Land Surveying."

(G) AEC Standards

Area of environmental concern standards certification shall be provided on the final plat by the local permit officer that the subdivision is either within or without a North Carolina Coastal Management Act of 1974 Area of Environmental Concern.

(H) Security for Uncompleted Improvements

If the required improvements and utilities are substantially complete, with only punch list items remaining, the owner or subdivider shall have the right to provide a letter-of-credit or cashiers check in an amount equal to one hundred fifty (150) percent of the estimated cost of the remaining improvements. The letter-of-credit or cashiers check shall guarantee the construction of required improvements and utilities and shall satisfy the requirements of this section to secure final plat approval. The expiration date on the letter-of-credit or cashiers check shall be established by the Board of Commissioners at the time of final plat approval.

(I) Areas for Use

All property shown on the plat as dedicated for public use shall be deemed to be dedicated for any other public use authorized by the Town Charter or any general, local, or special law pertaining to the Town, when such other use is approved by the Board of Commissioners as in the public interest.

(J) Recordation of Plat

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