

# **SUBDIVISION REGULATIONS FOR THE TOWN OF KENANSVILLE, NC**

## **ARTICLE 1**

### **INTRODUCTORY PROVISIONS**

#### **Section 101. Title**

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

#### **Section 102. Purpose**

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

#### **Section 103. Authority**

This ordinance is hereby adopted under the authority and provisions of the General Statutes of North Carolina, Chapter 160A, Article 19, Part 2. Section 160A-371.

#### **Section 104. Jurisdiction**

The regulations contained herein, as provided in G.S. 160A, Article 19 shall govern each and every subdivision within Duplin County outside of the jurisdiction of any incorporated municipality.

#### **Section 105. Prerequisite to Plate Recordation**

After the effective date of this ordinance, each individual subdivision plat of land within the County's jurisdiction shall be approved by the Kenansville Planning Board according to the procedure set forth in this ordinance.

#### **Section 106. Zoning and Other Plans**

The proposed subdivisions must comply in all respects with the requirements of any zoning ordinance in effect in the area to be subdivided, and any other officially adopted plans.

ARTICLE II  
LEGAL PROVISIONS

Section 201. General Procedure for Plat Approval

After the effective date of this ordinance, no subdivision plat of land within the town's jurisdiction shall be filed or recorded until it has been submitted to and approved by the Planning Board as set forth in Section 105 of this ordinance. The administrator of this ordinance shall not certify a plat for recording that has not been approved in accordance with this ordinance. The Clerk of Superior Court may not order or direct the recording of a plat if the recording would be in conflict with this ordinance.

The Register of Deeds shall not file or record a plat of a subdivision of land located within the territorial jurisdiction of the county that has not been approved in accordance with these provisions.

Section 202. Statement by Owner

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

Section 203. Effect of Plat Approval on Dedications

Pursuant of G.S. 160A-374, the approval of a plat does not constitute or effect the acceptance by the county or the public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat and shall not be construed to do so.

Section 204. Penalties for Violation

- 204.1 After the effective date of this ordinance, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this ordinance, therefore subdivides his land in violation of this ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this ordinance and recorded in the Office of the Duplin County Register of Deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The town through its attorney or other official designated by the Board of Commissioners may enjoin illegal subdivision, transfer or sale land by action for injunction. Further, violators of this ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by G.S. 14-4.
- 204.2 Each day's continuing violation of this ordinance shall be a separate and distinct offense.
- 204.3 Nothing in this section shall be construed to limit the use of remedies available to the town. The town may seek to enforce this ordinance by using any one, all, or a combination of remedies.

Section 205. Separability

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

Section 206. Variances

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

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

Section 207. Amendments The provisions and requirements of this ordinance may be amended by the Board of Commissioners.

Amendment shall not become effective unless proposed by or submitted to the Planning Board for review and recommendation. The Planning Board shall have forty-five (45) days from the time the proposed amendment is submitted to it within which to submit its report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have recommended approval of the amendment.

No amendment shall be adopted by the Board of Commissioners until a public hearing has been held on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the area at least once a week for two (2) successive calendar weeks prior to the hearing. The initial notice shall appear not more than twenty-five (25) or less than ten (10) days prior to the hearing. In computing the ten (10) --twenty-five (25) day period, the date of the publication is not to be counted, but the date of the hearing is.

Section 208. Abrogation

It is not intended that this ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

Section 209. Effective Date

This ordinance shall take effect and be in force from and after the 1<sup>ST</sup> Day of May 2005.

Section 210. Adoption

Duly adopted by the Kenansville Board of Commissioners, this 4th day of April, 2005.

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Mayor

## ARTICLE III

### PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

#### Section 301. Plat Shall Be Required On Any Subdivision of Land

Pursuant of N.C.G.S. 153A-331, a final plat shall be prepared, approved, and recorded pursuant to the provisions of this Ordinance whenever any subdivision of land takes place including town houses, condominiums, planned unit developments and non-residential subdivisions. However, the sub divider may qualify for an exemption to filing a subdivision plat if the conditions in subsections 301.1 are met, provided that the exemption outlined below shall not be self-executing.

#### Section 302. Approval Prerequisite to Plat Recordation

Pursuant to G.S. 160A-372, no final plat of a subdivision within the jurisdiction of the Town of Kenansville as established in Section 104 of this ordinance shall be recorded by the Duplin County Register of Deeds until it has been approved as provided herein. To secure such approval of a final plat, the sub divider shall follow the procedures established in this article.

#### Section 303. Procedure for Review and Approval of Final Minor Subdivision Plats

The intent of the minor subdivision provision of this ordinance is to provide an abbreviated plat submission procedure where a developer may progress directly to a final plat for subdivision where no major improvements are proposed that would necessitate a preliminary plat for construction purposes.

A minor subdivision constitutes any subdivision of land consisting of ten (10) or fewer lots each containing at twenty-one thousand seven hundred and eighty (21,780) sq. ft. and one hundred twenty (120) feet of frontage abutting on an existing state maintained road. Minor subdivisions shall not include any new streets or road or utility extensions nor conflict with any provision or portion of the county land use plan and/or zoning ordinance.

##### 303.1 Lots on Private Roads

The intent of this provision is to allow the creation of a limited number of parcels accessible by private ingress and egress easement in lieu of the street design requirements specified in Article IV. The sub divider may qualify for the private easement exemption if all the conditions of subsections 303.2 are met.

- 303.2 Subdivisions that qualify for the private easement exemption follow the procedural requirements for minor subdivisions as required in section 304 provided all the following are met.
- A. All parcels created by the subdivision abut a private ingress and egress easement of at least 50' in width.
  - B. The subdivision creates a maximum of three contiguous parcels.
  - C. All new parcels shall have no less than twenty feet (20) of frontage along the ingress and egress easement.
  - D. Adequate documentation concerning the ownership and perpetual maintenance of the private ingress and egress easement is submitted with the plat and noted on the plat.

- E. In addition, the private easement exemption may be used only once for any parent parcel or unit of ownership.

Section 304. In lieu of the procedural requirements established herein for major subdivisions, the developer may receive final approval for any minor subdivision through procedures expressed herein. The procedural requirements for procuring minor final subdivision plat approvals are as follows:

- A. The sub divider shall submit to the county planning department two (2) mylar reproducible copies, and six (6) blue line prints of the proposed minor subdivision in order that copies thereof may be distributed to a representative of the environmental health department, tax office, water department and the state department of transportation for perusal and compliance with other applicable standards.
- B. The sub divider shall submit the final plat so labeled to the ordinance administrator not less than 7 days prior to the Planning Board meeting at which it will be reviewed.

A review fee of \$10.00 per lot shall accompany submission of the final plat.

- C. The final plat shall be prepared by a Professional Land Surveyor currently licensed by the State of North Carolina State Licensing Board for Professional Engineers and Professional Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions and mapping requirements set forth in G.S. 47-30 and the "Standards of Practice for Board Rule 1600" and shall also depict the following information.

1. The name of the subdivision;
2. The location of existing and platted property, streets, railroads, bridges, culverts, water courses, transmission lines, sewers, drainpipes, water mains and other public utility easements, town and county boundary lines;
3. Boundaries of tracts shown with bearings, distances and closures;
4. Existing zoning classification of land to be subdivided and adjacent properties, if applicable;
5. Names of adjacent property owners or subdivisions;
6. Adjacent streets, street names and rights-of way;
7. Locations of proposed utility easements (storm and sanitary sewer, water, gas, electricity and telephone);
8. Proposed areas for parks, school sites or public open spaces;
9. Proposed lot lines, lot and block numbers and lot dimensions;
10. Proposed building setback lines;
11. Title of subdivision, date, north arrow properly labeled and graphic scale;
12. Location of 100-year floodplain boundary and floodway;
13. Approximate mean high water mark (mhw) of state waters classified as outstanding resource waters, if applicable;

14. Wetland areas or areas of environmental concern;
15. Name, address and phone number of owner and surveyor who prepared the plat;
16. Data shall be provided relative to acreage in total tract to be subdivided or developed, acreage in parks or other public usage, other than streets or easements, smallest lot size and total number of lots; and
17. A location map depicting the relationship between the proposed subdivision and the adjacent area.

The following statements and certificates shall appear on all copies of the final plat.

A. Certificate of Ownership and Dedication

I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the Town of Kenansville and that I hereby adopt this plan of subdivision with my free consent and install and construct all improvements in this subdivision in compliance with the minimum design requirements as established by this ordinance.

B. Certificate of Survey and Accuracy

\_\_\_\_\_, certify that this map was drawn under my direction and supervision from an actual survey of land; that the error of closure as calculated by latitudes and departures is 1: \_\_\_\_\_; that the boundaries not surveyed are shown as broken lines; that this map was prepared in accordance with G.S. 47-30 as amended. Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

C. Certificate of Approval for Recording

I hereby certify that the subdivision plat shown hereon has been found to comply with Section 303 of the Kenansville Subdivision Ordinance and is hereby approved for Recording in the Office of the Register of Deeds of Duplin County.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Subdivision Administrator, Town of Kenansville

The Planning Board shall review the final plat of the proposed minor subdivision at its next regular scheduled meeting which follows submittal to the Subdivision Administrator.

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

Failure of the Planning Board to make a written finding by the second regularly scheduled meeting after a plat has been submitted for consideration shall constitute approval by the Planning Board.

## Exemption to Planning Board Approval of Final Minor Subdivision Plats

The intent of this section is to allow staff review and approval of minor subdivision plats that meet all of the following requirements:

- A. The proposed subdivision shall abut a state maintained road;
- B. The proposed subdivision shall create only five new parcels; and
- C. The minimum dimensions of all resulting new parcels shall be no less than 21,780 sq. ft. in area and shall have no less than one hundred and twenty feet (120) of road frontage abutting a state maintained road.

### A. Approval

If the Planning Board approves the final plat, the original shall be returned to the owner for submittal to the subdivision administrator and the Town shall retain recordation and one (1) reproducible copy.

### B. Conditional Approval

If the Planning Board recommends conditional approval of the final plat with modifications to bring the plat into compliance, it shall retain one (1) print of the plat for its minutes, return its written recommendations, the original and the reproducible copy of the plat to the sub divider. The sub divider shall have sixty (60) days in which to make the changes needed to bring the plat into compliance. The sub divider shall submit the original plat and the reproducible copy to the subdivision administrator who will review it to ensure that the recommended changes have been completed. If the sub divider fails to resubmit the plats within sixty (60) days, and then the resubmitted final plat must be reviewed again by the Planning Board before approval can be given.

### C. Disapproval

If the final plat is disapproved by the Planning Board, the reasons for such disapproval shall be stated in writing, specifying the provisions of this Ordinance with which the final plat does not comply. One (1) copy of such reasons and one (1) print of the plat shall be retained by the Planning Board as part of its proceedings; one (1) copy of the reasons, the original and the reproducible copy of the plat shall be returned to the sub divider.

If the Planning Board recommends disapproval of the final plat, the sub divider may submit a revised plat to be considered before the second regularly scheduled meeting of the board from the date the plat was disapproved. The developer shall submit the plat to be reconsidered, with corrections, to the subdivision administrator at least seven (7) days prior to the regular meeting of the Planning Board at which it is to be considered.

If the Planning Board disapproves the revised plat, or if the developer does not submit a revised plat for consideration at least seven (7) days before the second regularly scheduled Planning Board meeting after the plat was disapproved, the original disapproval shall stand and the plat shall become null and void.

Subdivision plats resubmitted after being disapproved by the Planning Board as outlined above shall be treated as a newly submitted plat. The subdivision application procedure must be completed by the developer, as well as payment of all applicable fees.

The developer shall submit the plat to the review officer for recordation within twelve (12) months of Planning Board approval or approval becomes null and void. The Planning Board at its discretion may grant a six-month extension to the original approval.

Section. 305. Sketch Plan for Major Subdivisions

305.1 Number of Copies and Contents

Prior to the preliminary plat submission, the sub divider shall submit to the Planning Board three (3) copies of a sketch plan of the proposed subdivision containing the following information:

- A. A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, and waterways;
- B. The boundaries of the tract and the portion of the tract to be subdivided.
- C. The total acreage to be subdivided;
- D. The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it;
- E. The proposed street layout with approximate pavement and right-of-way width, lot layout and size of lots;
- E. The name, address, and telephone number of the owner;
- G. The name, if any, of the proposed subdivision;
- H. Streets and lots of adjacent developed or platted properties;
- I. A zoning classification of the tract and of adjacent properties;
- J. Topographic information with contours on at least 2' interval showing existing and proposed surface and subsurface drainage, ditches, ponds, wooded areas, wetlands, etc...
- K. Area of 100 years flood and areas of environmental concern;

305.2 Submission and Review Procedure

The sketch plan shall be submitted at least 7 working days prior to the Planning Board meeting at which it will be reviewed. The Planning Board shall review the sketch plan for general compliance with the requirements of this ordinance and any zoning ordinances. The Planning Board shall advise the sub divider or his authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the preliminary and final plats.

One copy of the sketch plan shall be retained as a part of the minutes of the Planning Board. One copy will be submitted to the Duplin County Health Department if appropriate with the other copy being returned to the sub divider or his authorized agent.

Section 306. Preliminary Plat Submission and Review

306.1 Submission Procedure

For every subdivision within the territorial jurisdiction established by Section 104 of this ordinance, which does not qualify for the abbreviated procedure, the sub divider shall submit a preliminary plat, which shall be reviewed and approved by the Planning Board before any construction, or installation of improvements may begin.

Six copies of the preliminary plat (as well as any additional copies which the administrator determines are needed to be sent to other agencies) shall be submitted to the administrator of this ordinance at least seven days prior to the Planning Board meeting at which the sub divider desires the Planning Board to review the preliminary plat.

Preliminary plats shall meet the specifications in Section 309.

Section 307. Review

307.1 Review by other Agencies

After having received the preliminary plat from the sub divider, the administrator may submit copies of the preliminary plat and any accompanying material to other officials and agencies concerned with new development to invite their comment including but not limited to:

- A. The N.C. Department of Transportation
- B. The Duplin County Health Department
- C. The Duplin County Water Department
- D. Utility companies
- E. Other agencies or individuals as deemed necessary by the administrator

307.2 Review Procedure

The Planning Board shall review the preliminary plat at its next regularly scheduled meeting, which follows the receipt of comments from the appropriate agencies. Other review agencies will have 60 days in which to comment on the proposed plat.

The Planning Board shall, in writing, approve, conditionally approve, or disapprove the preliminary plat within 60 days of its first consideration of the plat. If the Planning Board recommends approval of the preliminary plat, it shall retain one (1) copy of the plat for its minutes and transmit two (2) copies of the plat, to the owner with its determination.

If the Planning Board grants conditional approval of the preliminary plat it shall keep one (1) copy of the plat for its minutes and return one copy of the plat and the reasons for granting conditional approval to the sub divider. If the Planning Board disapproves the preliminary plat, it shall retain one (1) copy of the plat for its minutes and return one copy of the plat and its recommendation to the sub divider.

If the preliminary plat is disapproved, the sub divider may make the recommended changes and submit a revised preliminary plat, or appeal the decision to the Board of Commissioners.

If the Planning Board does not make a written recommendation within 60 days after its first consideration of the plat, the sub divider may apply to the Board of Commissioners for approval or disapproval.

If the Board of Commissioners approved the preliminary plat, such approval shall be noted on three (3) copies of the plat, one (1) copy of the plat shall be retained by the Board of Commissioners and one copy shall be sent to the Planning Board and one (1) copy shall be returned to the sub divider. If the Board of Commissioners approves the preliminary plat with conditions, approval shall be noted on three (3) copies of the plat along with a

reference to the conditions. One (1) copy of the plat along with the conditions shall be retained by the Board of Commissioners, one copy shall be sent to the Planning Board and one (1) copy of the preliminary plat along with the conditions shall be returned to the sub divider. If the Board of Commissioners disapproves the preliminary plat, the reasons for such disapproval shall be specified in writing. One (1) copy of the plat and the reasons shall be retained by the Board of Commissioners, one copy shall be sent to the Planning Board and one (1) copy shall be returned to the sub divider.

Section 308. Final Plat Submission and Review

308.1 Preparation of Final Plat and Installation of Improvements

Upon approval of the preliminary plat by the Planning Board, the sub divider may proceed with the preparation of the final plat, and the installation of or arrangements for required improvements in accordance with the approved preliminary plat and the requirements of this ordinance. Prior to approval of a final plat, the sub divider shall have installed the improvements specified in this ordinance or guaranteed their installation as provided herein. The Planning Board will accept no final plat for review unless accompanied by written notice by the Subdivision Administrator acknowledging compliance with the improvement and guarantee standards of this ordinance. The final plat shall constitute only that portion of the preliminary plat, which the sub divider proposes to record, and develop at that time; such portion shall conform to all requirements of this ordinance.

308.2 Improvements Guarantees

A. Agreement and Security Required

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

1. Surety Performance Bond(s)

The sub divider shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina. The bonds shall be payable to the Town of Kenansville and shall be in an amount equal to 1.25 times the entire cost, as estimated by the design engineer and approved by the Planning Board, of installation all required improvements. The duration of the bond(s) shall be until such time as the improvements are installed in accordance with the approved Preliminary Plat.

2. Cash or Equivalent Security

The sub divider shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the town or in escrow with a financial institution designated as an official depository of the town. The use of any instrument other than cash shall be subject to the approval of the town. The amount of deposit shall be equal to 1.25 times the cost, as estimated by the design engineer and approved by the Planning Board, of installing all required improvements. If cash or other instrument is deposited in escrow with a financial institution as provided above, then the sub divider shall file with the Planning Board an agreement between the financial institution and himself guaranteeing the following:

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

#### B. Default

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

#### C. Release of Guarantee Security

The Planning Board may, on request of a professional engineer or surveyor, release a portion of any security posted as the improvements are completed. If the Planning Board approves said improvements, then it shall immediately release any security posted.

#### 308.3 Submission Procedure

The sub divider shall submit the final plat, so marked, to the subdivision administrator not less than 7 working days prior to the Planning Board meeting at which it will be reviewed. The final plat for the first stage of the subdivision shall be submitted not more than 12 months after the date on which the preliminary plat was approved; otherwise such approval shall be null and void. Upon the sub dividers request, the Planning Board may grant a 12-month extension of the preliminary plat on or before the 12-month anniversary of the approval of the preliminary plat.

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

Five (5) copies of the final plat shall be submitted; two (2) of these shall be on reproducible material; three (3) shall be on black or blue line paper prints. Material and drawing medium for the original shall be in accordance with the Standard of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the Duplin County Register of Deeds.

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

A filing fee of \$10.00 per lot not to exceed \$ 150.00 shall accompany submissions of the final plat.

The final plat shall meet the specifications in Section 308 of this ordinance.

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

A. Certificate of Ownership and Dedication

I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the Town of Kenansville and that I hereby adopt this subdivision plat with my free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted.

\_\_\_\_\_ Date \_\_\_\_\_ Owners

B. Certificate of Survey and Accuracy

In accordance with G.S. 47-30:

There shall appear on each plat a certificate by the person under whose supervision such survey or such plat was made, stating the origin of the information shown on the plat, including recorded deed and plat references shown hereon. The ratio of precision as calculated by latitudes and departures before any adjustments must be shown. Any lines on the plat that were not actually surveyed must be clearly indicated and a statement included revealing the source of information. The execution of such certificate shall be acknowledged before any officer authorized to take acknowledgements by the registered land surveyor preparing the plat. All plats to be recorded shall be probated as required by law for the registration of deeds. Where a plat consists of more than one sheet, only the first sheet must contain the certification and all subsequent sheets must be signed and sealed.

The certificate required above shall include the source of information for the survey and data indicating the accuracy of closure of the plat before adjustments and shall be in substantially the following form:

" \_\_\_\_\_, 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 shown as broken lines plotted from information found in Book\_\_\_\_, Page\_\_\_\_\_; 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 \_\_\_\_\_, A.D., 19\_\_\_\_\_.

\_\_\_\_\_ Surveyor

Seal or Stamp

\_\_\_\_\_ Registration Number

C. Certificate of approval of the design of streets shall read as follows:

I hereby certify that the streets indicated on this plat have been designed in an acceptable manner according to the current North Carolina Department of Transportation Minimum Construction Standards for Subdivision Roads.

_____ N.C. Department of Transportation District Engineer	_____ Date
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D. The Certificate of the Duplin County Health Department shall read as follows:

In the event that artificial drainage is to be installed within the subdivision the following addendum shall be included:

Artificial drainage has been installed in this subdivision according to plans and specifications prepared by (Name of Certifier) and based upon the requirements of the Duplin County Health Department to keep the seasonal high water table a minimum of twelve inches (12") below the septic tank nitrification lines. Proper landscaping and maintenance of these drainage facilities are the responsibility of the property owners to insure that septic tank malfunctions do not occur. The Duplin County Health Department assumes no responsibility for the design, maintenance, or the guaranteed performance of the artificial drainage measures and their effects.

_____ Certifier of Drainage Facilities	_____ Date
_____ Environmental Health Specialist	_____ Date

E. The Certificate of Approval for Recording shall read as follows:

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

_____ Subdivision Administrator	_____ Date
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F. Exemption Certification

Where the subdivision is exempt from this ordinance, but a plat is prepared for recording, the following exemption certification may be shown on the plat to specify the section of the ordinance allowing the exemption:

The property shown on this plat is within the subdivision jurisdiction of the Town of Kenansville and is exempt from the subdivision regulation per section \_\_\_\_\_ of the Kenansville Subdivision Regulations.

The Planning Board shall review the final plat at or before its next regularly scheduled meeting which follows at least fifteen (15) days after the subdivision administrator receives the final plat. The Planning Board shall approve, conditionally approve, or disapprove the final plat. The subdivision administrator shall notify the applicant on action taken by the Planning Board with an explanation of any conditional approval or disapproval.

During its review of the final plat, the Planning Board may appoint an appropriate consultant to confirm the accuracy of the final plat (if agreed to by the Board of Commissioners). If substantial errors are found, the consultant fees incurred shall be charges to the sub divider and the plat shall not be recommended for approval until such errors have been corrected.

Failure of the Planning Board to act on a subdivision application within sixty (60) days after its first review of the final plat shall constitute grounds for the sub divider to appeal to the Board of Commissioners for consideration.

If the Planning Board approves the final plat, the Planning Board Chairman shall sign the Certificate of Approval for Recording on each plat.

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

If the final plat is approved by the Planning Board, the original and one print shall be returned to the sub divider. One (1) reproducible copy and one (1) print shall be retained by the subdivision administrator.

The sub divider shall file the approved final plat with the Register of Deeds of Duplin County within twelve (12) months of Planning Board approval; otherwise such approval shall be null and void.

Section 309. Information to be contained in or depicted on preliminary and final plats

The preliminary and final plats shall depict or contain the information indicated in the following table. An X indicates that the information is required.

Preliminary	Final	Information
		<i>Title block containing</i>
X	X	Property designation
X	X	Name of owner
X	X	Location (including township county and state)
X	X	Date or dates survey was conducted and plat prepared
X	X	Scale drawing in feet per inch in words or figures and a bar graph
X	X	Name, address, registration number and seal of the registered land surveyor and or engineer who prepared the plat

X	X	Sketch vicinity map showing the relationship between the proposed subdivision and surrounding area
X	X	Corporate limits, township boundaries, county lines if on subdivision tract
X	X	The names, addresses, and telephone numbers of all owners, registered land surveyors, land planner, architects, landscape architects and professional engineers responsible for the subdivision
X	X	The registration numbers and seals of the professional engineers
X	X	North arrow and orientation
X	X	The boundaries of the tract or portion thereof to be subdivided distinctly and accurately represented with all bearings and distances shown
	X	The exact boundary lines of the tract to be subdivided, full dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands
X	X	The names of owners of adjoining properties
X	X	The name of any adjoining subdivision of record or those under review
X	X	Minimum building setback lines
X	X	The zoning classifications of the tract to be subdivided and adjoining properties if applicable
X	X	Existing property lines on the tract to be subdivided
X		Existing buildings or other structures, watercourses, railroads, bridges
X		Proposed lot lines, lot and block numbers and approximate dimensions
X	X	The lots numbered consecutively throughout the subdivision
X		Wooded areas, marshes, swamps, out-crops, ponds or lakes, streams or stream beds and other natural features affecting the site
X	X	The exact location of the flood hazard areas from the community's FHBM or other FEMA maps
X	X	Base flood elevations
X	X	404 Wetland boundaries
		<i>The following data concerning streets</i>
X	X	Proposed streets
X	X	Existing and platted streets on adjoining properties and in the proposed subdivision
X	X	Right-of-way, locations and dimensions
X		Pavement widths
X		Approximate grades
X	X	Design engineering data for all corners and curves
X		Typical street cross sections
X	X	Street names
	X	Street maintenance agreement
	X	Evidence that the sub divider has obtained approval (DOT) approval on street design and driveway permits
X	X	Utility and other easements
X	X	Riding trails
X	X	Natural buffers
X	X	Pedestrian or bicycle paths
X	X	Parks and recreation areas with specific type indicated
X	X	School sites
X	X	Areas to be dedicated to or reserved for public use

X	X	Areas to be used for purpose other than residential with the purpose of each stated
X	X	The future ownership (dedication or reservation for public use to government body, for owners to duly constituted homeowner's association or for tenants remaining in sub divider's ownership) of recreation and open space lands
		<i>Plans for utility layouts including</i>
X		Sanitary sewers
X		Storm sewers
X		Other drainage facilities, if any
X		Water distribution lines
X		Natural gas lines
X		Telephone lines
X		Electric lines
X		Illustration of connections to existing systems, showing line sizes, the location of fire hydrants, blowoffs, manholes, force mains and gate valves
X		Profiles based upon mean sea level datum for sanitary sewers and storm sewers
		<i>Site calculations including</i>
X	X	Acreage in total tract to be subdivided
X	X	Acreage in parks and recreation areas and other nonresidential uses
X	X	Total number of parcels created
X		Size of the smallest lot in the subdivision
X		Linear feet in streets
X	X	The name and location of any property buildings within the proposed subdivision or within any contiguous property that is located on the U.S. Department of Interior's National Register of Historic Places
	X	Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, right-of-way, easement line, and setback line, including dimensions, bearings or deflection angles, radii, central angles, and tangent distance for the centerline of curved property lines that are not the boundary line of curved streets. All dimensions shall be measured to the nearest one one-hundredth of a foot and all angles to a minimum angular accuracy of the nearest minute.
	X	The accurate locations and descriptions of all monuments, markers and control points
	X	A copy of any proposed deed restrictions in mandatory when private recreation areas, roads or common areas are established
	X	Evidence of erosion control plan approval
X		Topographic map with contour intervals as determined by the subdivision administrator-
X		Building envelopes (if required by the subdivision administrator)

Section 310. Recombination of Land

- 310.1 Any plat or any part of any plat may be vacated by the owner at any time before the sale of any lot in the subdivision by a written instrument to which a copy of such plat shall be attached, declaring the same to be vacated.
- 310.2 Such an instrument shall be approved by the same agencies as approved the final plat. The governing body may reject any such instrument, which abridges or destroys any public rights in any of its public uses, improvements, streets or alleys.

- 310.3 Such an instrument shall be executed, acknowledged or approved and recorded and filed in the same manner as a final plat; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.
- 310.4 When lots have been sold, the plat may be vacated in the manner provided in Section 309.1 through 309.3 by all owners of the lots in such plat joining in the execution of such writing.

Section 311. Re-subdivision procedures

For any re-platting or re-subdivision of land, the same procedure, rules and regulations shall apply as prescribed herein for an original subdivision except that lots sizes may be varied on an approval plat after recording.

Section 312. Multifamily developments

For condominium, multifamily developments and townhouse subdivisions, all information as requested in this ordinance shall be submitted. In addition, the following shall be required prior to Planning Board approval:

- A. All documents as required by law (N.C. Condominium Act).
- B. All documents pertaining to property owners association or the like including provisions for the maintenance of all improvements such as streets, parking areas and common areas.
- C. All restrictive covenants.
- D. Survey data and descriptive material to establish building locations and envelopes.

All private streets shall be built to the construction standards and specifications of the North Carolina Department of Transportation. Such standards may also apply to the construction of accessways and driveways where deemed necessary by the Planning Board. Parking areas and other off-street areas requiring pavement shall be installed according to sound engineering standards as approved by the Planning Board.

Section 313. Homeowner's association and common area

A homeowner's association shall be established for each subdivision containing common areas. The covenants, conditions and restrictions shall specify lot owner's responsibilities for maintenance of common facilities, and shall provide for assessments to finance all maintenance activities. Final plats for subdivisions containing common areas will not be approved until the sub divider's homeowner's association documents have been submitted and approved by the Planning Board.

All areas on the preliminary and final plat other than building sites and public rights-of-way, shall be shown and designated as common areas, the fee simple title to which shall be conveyed by the developer to the homeowner's association. All common areas shall be designated as a single parcel regardless of the proximity of each common area to one (1) or all of the other common areas, and such areas shall not be subdivided or conveyed by homeowner's association. This shall be stated in the covenants and restrictions and shall be noted on the final plat.

## ARTICLE IV

### REQUIRED IMPROVEMENTS, DEDICATION, RESERVATION, MINIMUM DESIGN STANDARDS

#### Section 401. General

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

#### Section 402. Suitability of land

- 402.1 Land which has been determined by the Planning Board on the basis of engineering or other expert surveys to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed shall not be platted for that purpose, unless and until the sub divider has taken the necessary measures to correct said conditions and to eliminate said dangers.
- 402.2 Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the Duplin County Health Department, a structural engineer and a soils expert determine that the land is suitable for the purpose proposed.
- 402.3
- A. All subdivision proposals shall be consistent with the need to minimize flood damage and shall conform with the Kenansville Flood Damage Prevention Ordinance.
  - B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- 402.4 Applicants for subdivisions adjoining public trust waters and other publicly owned water bodies are encouraged to provide for public access to the water.
- 402.5 All residential construction located within the 100 year flood plain as identified on the Kenansville Flood Hazard Boundary maps or the flood insurance rate maps as prepared by the Federal Emergency Management Agency shall comply with the requirements of the Kenansville Flood Damage Prevention Ordinance.

#### Section 403. Name Duplication

The name of the subdivision shall not duplicate nor closely approximate the name of an existing subdivision within Kenansville.

#### Section 404. Subdivision Design

##### 404.1 Block

- A. The lengths, widths, and shapes of blocks shall be determined with due regard to: provision of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements; needs for vehicular and pedestrian circulation; control and safety of street traffic; limitations and opportunities of topography; and convenient access to water areas.
- B. Blocks shall not be less than 400 feet or more than 1000 feet.

- C. Blocks shall have sufficient width to allow two (2) tiers of lots minimum depth except where single tier lots are required to separate residential development from through vehicular traffic, or another type of use, nonresidential subdivisions, or where abutting a water area.
- D. Where deemed necessary by the Planning Board, a pedestrian crosswalk at least fifteen (15) feet in width may be required to provide convenient public access to a public area such as a park or school, to a water area, or to areas such as religious or transportation facilities.

404.2. Lots

- A. All lots in new subdivision shall conform to the zoning requirements of the district in which the subdivision is located. Conformance to zoning requirements means, among things, that the smallest lot in the subdivision must meet all dimensional requirements of the zoning ordinance. It is not sufficient merely for the average lot to meet zoning requirements.
- B. Lots shall meet any applicable Duplin County Health Department Requirements
- C. Double frontage lots shall be avoided wherever possible.
- D. Side lot lines shall be substantially at right angles to or radial to street lines.
- E. Lots shall have a minimum 20' road frontage, except town houses. Flag lots shall be prohibited unless a variance is approved by the Planning Board.

404.3 Easements

Easements shall be provided as follows:

A. Utility Easements

Easements for underground or above ground utilities shall be provided, where necessary, across lots or centered on rear or side lot lines and shall be at least 20 feet wide for water and sanitary sewer lines and as required by the companies involved, for telephone, gas and power lines.

The Planning Board will determine whether one (1) easement is sufficient or whether several easements are necessary to accommodate the various facilities and the sub divider shall provide the required easements.

B. Drainage Easements

Where a subdivision is traversed by a stream or drainage way, an easement shall be provided conforming with the lines of such stream and of sufficient width as will be adequate for the purpose.

404.4 Buffer Strips

In residential districts a buffer strip at least twenty five feet (25') in depth in addition to the normal lot size and depth required shall be provided adjacent to all railroads and controlled access highways, commercial and/or industrial developments, multi-family housing and mobile home parks, and any other land use that the Planning Board deems necessary and

where there may be potential conflict. This strip shall be a part of the platted lots, but shall have the following restrictions lettered on the face of the plat: "This strip shall be reserved for the planting of trees or shrubs by the owner; the building of structures hereon is prohibited."

## Section 405. Streets

### 405.1 Public Streets

Except as allowed by Section 303 and Article V, all subdivision lots shall abut on a public street. All streets shall be built to the standards of this ordinance and all other applicable standards of the county and the North Carolina Department of Transportation. Public streets which are eligible for acceptance into the State Highway System shall be constructed to the standards necessary to be put on the State Highway System or the standards in the ordinance, whichever is stricter in regard to each particular item, and shall be put on such system. Streets which are not eligible to be put on the State Highway System because there are too few lots or residences shall, nevertheless, be dedicated to the public and shall be in accordance with the standards in this ordinance or the standards necessary to be put on the State Highway System, whichever is stricter in regard to each particular item, so as to be eligible to be put on the system at a later date. A written maintenance agreement with provisions for maintenance of the street until it is put on the State System shall be included with the final plat.

### 405.2 Subdivision Street Disclosure Statement

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

### 405.3 Half-Streets

The dedication of half streets of less than the N.C. Department of Transportation requirements at the perimeter of a new subdivision shall be prohibited. If circumstances render this impractical; adequate provision for the concurrent dedication of the remaining half of the street shall be furnished by the sub divider. Where there exists a half-street in an adjoining subdivision, the remaining half shall be provided by the propose subdivision.

### 405.4 Driveway Access

Where a tract of land 5 acres or more abuts a state maintained road, the subdivision shall be forwarded to the NC Dept. of Transportation for review prior to approval by the planning board.

### 405.5 Access to Adjacent Properties

Where, in the opinion of the Planning Board, it is necessary to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turn around provided.

### 405.6 Nonresidential Streets

The sub divider of a nonresidential subdivision shall provide streets in accordance with the North Carolina Roads, Minimum construction Standards, January 1, 1999; and the standards in this ordinance, whichever are stricter in regard to each particular item.

405.7 Design Standards

Except as allowed by Section 303 and Article V, the design of all streets and roads within the jurisdiction of this ordinance shall be in accordance with the N.C. Department of Transportation, Division of Highways' Subdivision Roads Minimum Construction standards.

405.8 Intersections

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

405.9 Cul-de-sacs

Permanent dead-end streets should not exceed one thousand (1000) feet in length unless necessitated by topography, or property accessibility. Suitable provisions for emergency vehicles to turn around shall be provided every 2500 feet. The distance from the edge of pavement on the vehicular turnaround to the right-of-way line shall not be less than the distance from the edge of pavement to right-of-way line on the street approaching the turnaround. Cul-de-sacs should not be used to avoid connection with an existing street or to avoid the extension of an important street, unless exception is granted to the Planning Board.

405.10 Alleys

- A. Alleys shall be required to serve lots used for commercial and industrial purposes except that this requirement may be waived where other definite and assured provision is made for service access.
- B. The width of an alley shall be at least twenty (20) feet.
- C. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the dead-end as may be approved by the Planning Board.
- D. Sharp changes in alignment and grade shall be avoided.
- E. All alleys shall be designed in accordance with N.C. Department of

Transportation Standards.

405.11 Other Requirements

A. Through Traffic Discouraged on Residential Collector and Local Streets

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

B. Sidewalks

Sidewalks may be required by the Planning Board on one or both sides of the street in areas likely to be subject to heavy pedestrian traffic such as near schools and shopping areas. Such sidewalks shall be constructed to a minimum width of four (4) feet, and shall consist of a minimum thickness of four (4) inches of concrete. All sidewalks shall be placed in a right-of-way, unless the development is platted as a planned unit or group development. Sidewalks shall consist of a minimum of six (6) inches of concrete at driveway crossings.

C. Street Names

Proposed streets, which are, obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names in the town irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be approved by Duplin County's E-911 addressing department prior to final plat approval.

D. Street Name Signs

The sub divider shall be required to provide and erect street name signs to town standards at all intersections within the subdivision.

E. Permits for Connection to State Roads

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

F. Offsets to Utility Poles

No utility poles shall be located within the road right of way.

G. Wheelchair Ramps

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

Section 406. Utilities

- 406.1 A. (1) Each lot shall be provided with an approved water supply in accordance with 15A NCAC 18A.1700. Provided the water supply and distribution system serves 15 or more connections, it is classified as a "public water system" and must be listed with the Public Water Supply Section, Division of Environmental Health (2) Each lot must be connected to an approved sewage disposal system as determined by the Duplin County Health Department. The approval of water supply and sewage disposal system is a condition for approval of electrical service to each lot.
- B. When public or community water systems or sewage systems are available, the developer shall, at his expense, make connection to those systems. Availability will be determined by the Planning Board.

Water and sanitary sewer lines, connections, and materials shall be in accordance with policies and procedures for utility extensions maintained by the county utilities department.

406.2 Storm Water Drainage System

The sub divider shall provide a surface water drainage system constructed to the standards of the N.C. Department of Transportation.

- A. No surface water shall be channeled or directed into a sanitary sewer.
- B. Where feasible, the sub divider shall connect to an existing storm drainage system.
- C. Where an existing storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to protect the proposed development from water damage.
- D. Surface drainage courses shall have side slopes of at least three (3) feet of horizontal distance for each one (1) foot of vertical distance, and courses shall be of sufficient size to accommodate the drainage area without flooding, and designed to comply with the standards and specifications for erosion control of the North Carolina Sedimentation Pollution control Act, G.S. 143-34.12, Chapter 113A, Article 4 and the N.C. Administrative Code Title 15, Chapter 4, and any locally adopted erosion and sedimentation control ordinances.
- E. The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one (1) foot in each two hundred (200) feet of horizontal distance.
- F. Stream banks and channels downstream from any land disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land disturbing activity in accordance with the North Carolina Sedimentation Pollution Control Act, G.S. 143-34.12, Chapter 114A, Article 4 and the North Carolina Administrative Code Title 15, Chapter 4.
- G. Anyone constructing a dam or impoundment within the subdivision must comply with the North Carolina Dam Safety Law of 1967 and the North Carolina Administrative Code Title 15, subchapter 2 K.

- H. In all areas of special flood hazards, all subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

406.3 Private Streets

A disclosure statement shall be issued in accordance with G.S. 136-102.6. Such shall be submitted prior to final plat approval. The provision for road maintenance including parking areas shall be stated on the final plat.

Subdivisions meeting all the requirements of section 303.2, with private ingress and egress easements, shall construct private streets to the following standards:

Streets shall have a traveled way, a minimum of 18 feet wide and shall be graded, drained and stabilized.

The street surface shall consist of a minimum of 4" of compacted stone or rock.

406.4 Review by Board of Commissioners

The Board of Commissioners may review each and every subdivision proposal prior to final plat and submit findings to the Planning Board for consideration. If final plat approval is denied by the Planning Board, the applicant may appeal to the Board of Commissioners.

406.5 Federal Wetlands

All areas within a subdivision identified as federal wetlands shall be delineated on the final plat along with a statement as to applicable restrictions. Such delineation shall be certified in a manner acceptable to the Kenansville Planning Board as being the true and actual boundary of any 404 Wetland areas consistent with policies and regulations of the U.S. Army Corps of engineers.

406.6 Deed Information

The Planning Board may require that provisions for the maintenance of roads, drainage systems, easements, or other special conditions pertaining to all or part of a subdivision be made a part of the deed, other legal form of conveyance or restrictive covenants for a lot or a group of lots. The development of suitable restrictive covenants shall be encouraged by the Planning Board.

406.7 Private Driveways

Interior lots may be accessed by a driveway platted and recorded as such with provisions for maintenance appearing on the final plat. No driveway may serve more than two (2) lots and driveways shall not be used to circumvent good design practices of the requirement for a street built according to the provisions of this ordinance.

406.8 Environmental Impact Statement

Pursuant to Chapter 113 of the North Carolina General Statutes, the Planning Board may require the sub divider to submit an environmental impact statement due to the nature of the land to be subdivided or peculiarity in the proposed lay out.

406.9 Eligibility for National Flood Insurance

If a proposed subdivision is in a location subject to the 100-year flood, an appropriate statement indicating such location shall appear on the final plat. If a proposed subdivision

is within the area subject to the 100-year flood and is not eligible for participation in the National Flood Insurance Program, an appropriate statement indicating such exclusion shall be placed on the final plat.

406.10 Cautions and Certifications

The Planning Board may require that cautions and other specialized certifications be affixed to the final plat prior to approval.

## ARTICLE V

### PLANNED UNIT DEVELOPMENT

#### Section 501. Introduction

A planned unit development is intended to encourage unified development of property in an innovative manner using contemporary design patterns and sound engineering principals.

#### Section 502. Planned unit development (PUD)

Planned unit development means an area of land, controlled by one (1) or more landowners, to be developed under unified control or unified plan of development for residential, commercial, educational, recreational, or industrial uses, or any combination of the forgoing, the plan for which does not correspond in lot size, bulk or type of use, density, lot coverage, open space, or other restrictions to the existing land use regulations.

#### Section 503. Common open space

"Common open space" means a parcel of land, an area of water, or a combination of land and water, within the site designated for a planned unit development, designed and intended primarily for the use or enjoyment of residents, occupants and owners of the planned unit development. Areas included in driveways or otherwise required to move cars in or out of parking spaces shall not be considered as common open space.

#### Section 504. Plan

"Plan" means the provision for development of a planned unit development, which may include, but need not be limited to easements, covenants and restrictions relating to use, location and bulk of building and other structures, intensity of use or density of development, utilities, private and public streets, ways, roads, pedestrian areas, and parking facilities, common open space, and other public facilities. "Provisions of the plan" means the written and graphic material referred to in this definition.

#### Section 505. Purposes and objective of development

PUD's shall be designed to meet the following objectives:

- A. To provide for necessary commercial, recreational and educational facilities conveniently located to housing;
- B. To provide well-located, clean, safe and pleasant industrial sites;
- C. To encourage innovations in residential, commercial and industrial development;
- D. To encourage a more efficient use of land and of public services, or private services in lieu thereof;
- E. To minimize the impact of traffic on streets and highways;
- F. To conserve the value of the land;
- G. To provide a procedure which can relate the type, design and layout of residential, commercial and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics; and
- H. To encourage integrated planning in order to achieve the purposes of the development.

Section 506. Conformity with land-use plan required

No PUD shall be approved the Planning Board that is found to be inconsistent with the town's visioning plan.

Section 507. Subdivision provisions modification authorized

It is recognized that the uniqueness of each proposal for a PUD requires that the specifications, standards, and requirements for various facilities, including but not limited to streets, highways, alleys, utilities, curbs, gutters, sidewalks, streetlights, parks, playgrounds, school grounds, storm drainage, water supply and distribution, and sewage collections and treatment, may be subject to modification from the specifications, standards and requirements established in the subdivision regulations.

The town may, therefore, waive or modify the specifications, standards and requirements which would be otherwise applicable to the proposed development.

Section 508. Compatibility of land use elements

It is recognized that certain individual land uses, regardless of their adherence to all the design elements provided for in this article, might not exist compatibly with one another. Therefore, a proposed PUD shall be considered from the point of view of land use compatibility and no PUD shall be approved which contains incompatible elements.

Section 509. Conditions for approval

The Planning Board may approve a proposed PUD upon finding that it will implement the purposes of this ordinance and will meet the standards and requirements set forth in this ordinance.

Section 510. Site plan criteria, general requirements

The PUD shall meet the following site plan criteria, depicted on a site plan furnished by the developer, unless the applicant can demonstrate that one (1) or more of them is not applicable or that another practical solution has been otherwise achieved:

- A. The PUD shall have an appropriate relationship to the surrounding area, with adverse effects on the surrounding area being minimized.
- B. The PUD shall provide an adequate internal street circulation system designed for the type of traffic generated, safety, separation from the living areas, convenience and access. Private internal streets may be permitted provided that adequate access for police, fire and emergency protection is maintained; streets are named in a logical fashion to avoid confusion; and provisions for using and maintaining such streets are imposed upon the private users and approved by the Planning Board.
- C. The PUD shall provide parking areas adequate in terms of location, area, circulation, safety, convenience, separation and screening.
- D. The PUD shall provide common open space adequate in terms of location, area and type of the common open space, and in terms of the uses permitted in the PUD. The PUD shall provide for preservation of natural features of the terrain.
- E. The PUD shall provide for variety in housing types and densities, other facilities and common open space.
- F. The PUD shall provide adequate privacy between dwelling units.

- G. The PUD shall provide pedestrian ways adequate in terms of safety, separation, convenience, access to points of destination and attractiveness.

Section 511. Off-street parking

The number of off-street parking spaces for each use in a PUD shall be determined by the Planning Board through consideration of the following factors.

- A. Estimated number of cars to be used by occupants of dwelling in the PUD.
- B. Temporary and permanent parking needs of non-dwelling uses.
- C. Varying time periods of use whenever joint use of common parking areas is proposed and
- D. Parking and storage needs for recreational vehicles including but not necessarily limited to camper shells, boats, and travel trailers.

Section 512. Minimum land area

The minimum size of land that may comprise a PUD shall be 25 acres.

Section 513. Lot area and coverage, setbacks and clustering

The minimum lot areas and the minimum setback restrictions may be decreased below and the maximum lot coverage may be increased above those applicable to like lots and buildings to accommodate specific building types with unusual orientation on the lot or relationship between buildings. The averaging of lot areas shall be permitted to provide flexibility in design and relate lot size to topography, but each lot shall contain an acceptable building site. The clustering of development with useable common open areas shall be permitted to encourage provision for and access to common open areas and to save street and utility construction and maintenance costs. Such clustering is also intended to accommodate contemporary building types which are not spaced individually on their own lots but share common sidewalls, whether or not providing for separate ownership of land and buildings.

Section 514. Residential density

The proposed subdivision must comply in all respects with the requirements of the town's zoning ordinance.

Section 515. Permitted uses

- A. Subject to the provisions of Section 508, the following uses, separate or in combination, may be permitted in a PUD;
  - a. Single-family and multifamily residential dwelling units in detached, semidetached, attached, clustered or multistoried structures, or any combination thereof;
  - b. Sale or rental of goods or services;
  - c. Recreation facilities;
  - d. Public and private offices;
  - e. Convention facilities;
  - f. Restaurants;
  - g. Lodging places, including motels, hotels, and dormitories;

- h. Schools and other education institutions;
  - i. Churches and hospitals;
  - j. Business and commercial uses;
  - k. Industrial uses; and
  - l. Any other uses shown to be appropriate.
- B. The uses which shall be permitted in any particular PUD shall be only those permitted by the approved PUD plan.

Section 516. Common open space

A minimum of twenty-five (25) percent of the total area within the boundary of any residential PUD shall be devoted to useable and accessible common open space; provided, however, that the planning board may reduce such requirement if it finds that such decrease is warranted by the design of, and the amenities and features incorporated into, the plan and that the needs of the occupants of the PUD for common open space can otherwise be met in the proposed PUD and the surrounding area.

Section 517. Application for PUD review

The plan shall show generally within the PUD where each type of use will be located and shall indicate the total acreage which will be devoted to each use. The precise location of each use and the location of lots, blocks or other parcels within each area devoted to each use shall be shown.

The minimum lot area, maximum lot coverage; minimum setbacks, maximum height of buildings and all other use and occupancy restrictions applicable to any PUD, shall only be those which are approved at the time of final plat approval by the Planning Board.

The applicant shall initiate any request for PUD approval in writing, and shall include with his written request the following:

- A. A legal description of the area and a statement of the ownership of all interests in the property to be included in the PUD, and the written consent of all of the owners and, upon request of the planning board, evidence of title in such quality as is acceptable to the board;
- B. A plan indicating the broad concept of the proposed development. Such plan shall indicate:
  - a. The maximum number of dwelling units proposed within the overall area,
  - b. The minimum acreage which will be dedicated to common open space,
  - c. The type of uses proposed and the acreage devoted to each use,
  - d. Major internal vehicular traffic circulation system,
  - e. The acreage which will be dedicated for school sites or other public uses,
  - f. The general nature and location of commercial and industrial uses, if any,
  - g. Provision for water, sewer, telephone, electricity and other utilities,

- h. Other restrictions proposed by the applicant such as building setbacks, height limits and access requirements to be applied to particular areas,
  - i. How the common open space will be owned and maintained;
- C. A location map, on a scale of one (1) inch equaling not more than four hundred (400) feet, illustrating site boundaries, acreage, existing structures and adjacent property owners and land uses;
- D. A map, on a scale of one (1) inch equaling not more than one hundred (100) feet, illustrating site boundaries, acreage, existing structures and
- E. A site plan on a scale of one (1) inch equaling not more than one hundred (100) feet, depicting site plan criteria which the applicant is required to meet in Section 510;
- F. A topographic map of the site or phase, showing at a scale of one (1) inch equaling not more than one hundred (100) feet showing streams, rivers, ditches, and areas subject to 100-year flooding.
- G. The written request shall additionally contain the following information;
  - a. An explanation of the objectives to be achieved by the PUD and an agreement to abide by the provisions of this ordinance.
  - b. A development schedule indicating the approximate dates when construction of the various stages of the PUD can be expected to begin and be completed,
  - c. Copies of any special easements, covenants, conditions, and restrictions which will govern the use or occupancy of the PUD; provided, however, that the applicant may impose additional covenants, conditions and restrictions on any particular area in connections with the platting of such areas.
  - d. A statement and findings by a Professional Engineer which shall provide evidence of the following as adequate to service the PUD:
    - 1. The proposed water distribution system,
    - 2. The proposed method of sewage collection,
    - 3. The general manner in which storm drainage will be handled, and
    - 4. The general manner in which provision will be made for any potential natural hazards in the area,
  - e. Easement showing vested legal access for ingress and egress, if applicable
  - f. Evidence that the PUD has been designed with consideration of the natural environment of the site and the surrounding area and does not unreasonably destroy or displace wildlife, natural vegetation, or unique natural or historic features,
  - g. A statement of financial capability
  - h. A discussion of the major internal vehicular system and its relation to the existing system of streets, roads or highways,
- H. The applicant may submit any other information or exhibits which he deems pertinent in evaluating his proposed PUD.

Section 518. Planning Board

The Planning Board is responsible for initially investigating all PUD applications, plans and accompanying information in detail to ensure conformity with the provisions of this ordinance. Within thirty (30) days from receipt, the Board shall approve a PUD application, disapprove it, or approve it upon the imposition of conditions reasonably related to the intent of this PUD section.

Approval may be given on a conditional basis provided the developer submits a written agreement, approved by the Planning Board to incorporate such conditions upon approval of the final PUD application and plan.

ARTICLE VI  
DEFINITIONS

Section 601. "Subdivision Defined"

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

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

Section 602. Other Definitions

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

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

Buffer Strip - A 25 foot strip of land in addition to the lot size and depth planted with one or more species of trees and or shrubs at spacings which will provide a permanent, continuous, year round visual screen.

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

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

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

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

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

Lot of Record - A lot which is part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of Duplin County prior to the adoption of this ordinance, or a lot described by meters and bounds, the description of which has been so recorded prior to the effective date of this ordinance.

Lot types:

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

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

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

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

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

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

Official Maps or Plans - Any maps or plans officially adopted by the Planning Board.

Open Space - An area (land and/or water) generally lacking in man-made structures and reserved for enjoyment in its unaltered state.

Planned Unit Development - (PUD) same as section 502

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

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

Private Street - An undedicated private right-of-way which affords access to abutting properties and requires a subdivision streets disclosure statement in accordance with G.S. 136-102.6.

Recreation Area or Park - An area of land or combination of land and water resources that is developed for active and/or passive recreation pursuits with various man-made features that accommodate such activities.

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

Street - A dedicated and accepted public right-of-way for vehicular

Sub divider - Any person, firm or corporation who subdivides or develops any land deemed to be subdivision as herein defined.

Subdivision Administrator – The person appointed by the Town of Kenansville to enforce the provisions of the subdivision regulations.

Section 603: Word Interpretation

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

Words used in the present tense include the future tense.

Words used in the singular number include the plural and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.

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

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

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

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

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