

ARTICLE 24. SUBDIVISION REGULATIONS

PART I. GENERAL PROVISIONS

Section 24-1. Purpose

The purpose of this Article is to establish procedures and standards for the development and subdivision of land within the jurisdiction of the town. 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-ways or easement for street and utility purposes; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety, and the general welfare. This Article 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 of land.

Section 24-2. Acceptance of Streets

No street shall be maintained by the town nor street dedication accepted for ownership and maintenance in any subdivision for which a plat is required to be approved unless and until such final plat has been approved by the town.

Section 24-3. Thoroughfare Plan

Where a proposed subdivision includes any part of a thoroughfare which has been designated as such upon the officially adopted thoroughfare plan of the Town, such part of such thoroughfare shall be shown.

Section 24-4. School Plans

This Article may provide for the reservation of school sites in accordance with comprehensive land use plans approved by the Town Board. In order for this authorization to become effective, before approving such plans the Town Board and the Board of Education with jurisdiction over the area shall jointly determine the specific location and size of any school sites to be reserved, which information shall appear in the school plans. Whenever a subdivision is submitted for approval which includes part or all of a school site to be reserved under the plan, the Town Board shall immediately notify the Board of Education and the Board shall promptly decide whether it still wishes the site to be reserved. If the Board of Education does not wish to reserve the site, it shall so notify the Town Board or the Planning Board, and no site shall be reserved. If the Board of Education does wish to reserve the site, the subdivision shall not be approved without such reservation. The Board of Education shall then have eighteen (18) months beginning on the date of final approval of the subdivision within which to acquire the site by purchase or by initiating condemnation to condemn the site within eighteen (18) months, after eighteen (18) months the subdivider may treat the land as freed of reservation.

Section 24-5. Unified Development Ordinance and Other Plans

Proposed subdivisions must comply in all respects with the requirements of this ordinance, and any other officially adopted plans.

Section 24-6. Design Standards for Stormwater Drainage

- (A) Design of Drainage Courses. Surface drainage course shall have side slopes of at least three feet of horizontal distance for each one foot of vertical distances. Courses shall be of sufficient size to accommodate the drainage area without flooding.
- (B) Bottom Grade. The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one (1) foot in each three hundred (300) feet of horizontal distance.

Section 24-7. Sedimentation Pollution Control

In order to prevent soil erosion and sedimentation pollution of streams, springs, flat water bodies, or other drainage network; the subdivider shall comply with all requirements of the “North Carolina Sedimentation Pollution Control Act of 1973.”

Section 24-8. Stormwater Runoff Disposal

All North Carolina Coastal Counties are subject to North Carolina Administrative Code 15 NCAC 2H.1000-Stormwater Runoff Disposal for the management of stormwater runoff. All stormwater runoff disposal plans shall be approved by the Division of Environment and Natural Resources (DENR) and delivered to the Administrator.

Section 24-9. Design Standards for 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 preferably centered on rear or side lot lines, and shall be at least ten (10) feet in width.
- (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

PART II. MAJOR AND MINOR SUBDIVISIONS

Section 24-10. Plat Shall be Required on Any Subdivision of Land

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

Section 24-11. Approval Prerequisite to Plat Recordation

Pursuant to NC General Statutes 160A-373, no final plat of a subdivision within the jurisdiction of the Town, as established in Section 1-4 of this Ordinance, shall be recorded by the Register of Deeds of Brunswick County until it has been approved as provided herein. To secure any approval of a final plat, the subdivider shall follow the procedures established in this Article.

Section 24-12. Procedures for Review of Major and Minor Subdivisions

All subdivisions shall be considered major subdivisions except those defined as minor subdivisions by Section 2-2. Major subdivisions shall be reviewed in accordance with the procedure in Sections 24-10 and 24-12 through 24-14. Minor subdivisions shall be reviewed in accordance with the

provisions in Section 24-13. However, if the subdivider owns, leases, holds an option on, or holds any legal or equitable interest in any property adjacent to or located directly across a street, easement, road, or right-of-way from the property to be subdivided, the subdivision shall not qualify under the minor subdivision procedure. Furthermore, the minor subdivision procedure may not be used a second time within three (3) years on any property less than fifteen hundred (1,500) feet from the original property boundaries by anyone who owned, had an option on, or any legal interest in the original subdivision at the time the subdivision received preliminary or final plat approval.

Section 24-13. Procedure for Review of Minor Subdivisions

The subdivider shall submit the final plat so marked to the Administrator for approval. The final plat shall be prepared by a Registered Land Surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in NC General Statutes 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 black or blue line paper prints. Material and drawing medium for the original shall be in accordance with the Standards of Practice for Land Surveying in North Carolina.

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

Submission of the final plat shall be accompanied by a filing fee as set forth in the Town’s Fee Schedule. The final plat shall meet the specifications of this section. The following signed certificate shall appear on all five (5) copies of the final plat.

- (A) Certificate of Ownership and Dedication. I (We), _____, hereby certify that I am (we are) the owners of the property shown and described hereon which was conveyed to me (us) by deed recorded in Book ____, Page ____, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building lines, and dedicate all drainage ways and other open space to public or private use as noted. Further, I (we) certify that the land as shown hereon is within the subdivision regulation jurisdiction of the Town of Calabash.

Owner(s)

Date

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 thereon. 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 acknowledgments 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:

- (B) Certificate of Survey and Accuracy. I, _____, 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. 20 ____.”

Seal or Stamp

Surveyor

Registration Number

- (C) I, _____, Registered or Professional Land Surveyor, certify to one or more of the following:
- (a) That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
 - (b) That the survey is of an existing parcel or parcels of land;
 - (c) That the survey is of another category, such as recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision;
 - (d) That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of his/her professional ability as to provisions contained in (a) through (c) above.

Registered or Professional Land Surveyor

The Administrator shall review the final plat and shall proceed with approval, conditional approval with modifications to bring the plat into compliance, or disapproval of the final plat with reasons within twenty-eight (28) days of initial receipt of the plat.

During review of the final plat, the Zoning Administrator may appoint an engineer or surveyor to confirm the accuracy of the final plat, if agreed to by the Town Administrator. If errors are found which make the plat non-recordable, the costs shall be charged to the subdivider, and the plat shall not be recommended for approval until such errors have been corrected.

If the Administrator approves the final plat, he/she shall secure all required Town signatures and transmit the final plat to the subdivider for recording with the Brunswick County Register of Deeds office.

If the Administrator recommends conditional approval of the final plat with modifications to bring the plat into compliance, he/ she shall retain one (1) print of the plat for the Town's records and return his written recommendation and two (2) reproducible copies of the plat to the subdivider.

If the Administrator disapproves the final plat, he/she shall instruct the subdivider concerning resubmission of a revised plat, and the subdivider may make such changes as will bring the plat into compliance with the provisions of this Ordinance and resubmit same for reconsideration by the Administrator.

Failure of the Administrator to approve or make a written recommendation within twenty-eight (28) days after receipt of the subdivision plat shall constitute grounds for the subdivider to apply to the Town Board for approval.

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

Certificate of Approval for Recording. I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Town of Calabash, North Carolina, and that this plat has been approved by the Administrator for recording in the Office of the Register of Deeds of Brunswick County.

Town Clerk
Calabash, North Carolina

Date

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

If the final plat is approved by the Town Board, the original tracing and two (2) prints of the plat shall be retained by the subdivider. One (1) reproducible tracing and one (1) print shall be filed with the Town Clerk.

The subdivider shall file the approved final plat with the Register of Deeds of Brunswick County within thirty (30) days of approval; otherwise, such approval shall be null and void.

Section 24-14. Major Subdivision Sketch Design Plan Submission and Review

- (A) Submission Requirements. The developer shall submit a sketch design plan prior to submitting a preliminary plat.
- (B) Procedural Requirements. The procedural requirements for receiving sketch plan approval are as follows: The subdivider shall submit to the Administrator or designated agent no less than twenty-one (21) days prior to the regularly scheduled Planning Board meeting at which time the plan will be considered, ten (10) copies of the proposed sketch prepared in accordance with the requirements of this Ordinance. An application for subdivision review shall accompany the sketch.

- (C) Sketch Plan Contents. The proposed sketch plan shall be prepared by a registered land surveyor or engineer, or registered landscape architect to render said service in the State of North Carolina and shall depict the following information:
- (1) Vicinity map showing the name and location of the proposed subdivision in relation to neighboring tracts, subdivisions, roads, and waterways;
 - (2) The date that the sketch plan was prepared or revised;
 - (3) North arrow;
 - (4) Proposed total number of lots;
 - (5) Adjoining property lines within 100 feet of the property;
 - (6) Existing structures, wells, and septic systems;
 - (7) Proposed total acreage to be subdivided and acreage left in open spaces or for other uses;
 - (8) Proposed property boundaries and proposed lot lines;
 - (9) Existing public roads and accesses within 400 feet of the property;
 - (10) Name and address of owner or developer; and
 - (11) Maps submitted shall include one (1) full-size set and ten(10) 11 x 17" copy sets.
- (D) Planning Board Review and Approval. The Planning Board shall review the sketch plan and any other reports or recommendations pertaining to the plan and shall approve, approve with conditions, or disapprove the sketch plan.
- (1) If the Planning Board grants the conditional approval of the sketch plan, the conditions and reasons thereof shall be stated in writing.
 - (2) If the Planning Board disapproves of the sketch plan, the reasons for disapproval shall be stated in writing and reference shall be made to the specific section(s) of this Ordinance with which the plan does not comply.
 - (3) If the Planning Board approves the sketch plan, the developer is authorized to proceed with the preparation of the preliminary plat.
 - (4) If the Planning Board fails to render a recommendation on the sketch plan within sixty (60) days from the date that the plan is initially reviewed by the Planning Board, the developer may proceed with the preparation of a preliminary plat.

Section 24-15. Major Subdivision Preliminary Plat Submission and Review

- (A) Submission Procedure. For every subdivision within the territorial and extra-territorial jurisdiction established by Section 1-4 of this Ordinance which does not qualify for the

minor subdivision procedure, the subdivider shall submit a preliminary plat which shall be reviewed by the Planning Board and approved by the Town Board before any construction or installation of improvements may begin.

Twelve (12) 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 twenty-one (21) days prior to the Planning Board meeting at which the subdivider desires the Planning Board to review the preliminary plat. Preliminary plats shall meet the specifications in Section 24-13.

- (B) Review by Other Agencies. The Administrator may, at his discretion, or as directed by the Planning Board, submit copies of the plat to other agencies or contract services for review and comment.
- (C) Review Procedures.
- (1) The Administrator shall review the preliminary plat before the next regularly scheduled meeting of the Planning Board which follows at least twenty-one (21) days after the Administrator receives the preliminary plat.
 - (2) The Administrator shall, in writing, recommend approval, conditional approval with recommended changes to bring the plat into compliance, or disapproval with reasons within twenty-one (21) days following receipt of the preliminary plat.
 - (3) If the Administrator recommends approval of the preliminary plat, copies of the plat shall be submitted to the Planning Board with the Administrator's recommendation.
 - (4) If the Administrator recommends conditional approval of the preliminary plat, copies of the plat and the recommendation shall be transmitted to the Planning Board, and a copy of the plat and Administrator's recommendation submitted to the subdivider.
 - (5) If the Administrator recommends disapproval of the preliminary plat, copies of the plat and the Administrator's recommendation shall be transmitted to the Planning Board, and a copy of the plat and Administrator's recommendation submitted to the subdivider.
 - (6) If the preliminary plat is disapproved by the Planning Board, the subdivider may make the recommended changes and submit a revised preliminary plat, or appeal the decision to the Town Board.
 - (7) If the Planning Board does not make a written recommendation within forty-five (45) days after its first consideration of the plat, the subdivider may apply to the Town Board for approval or disapproval.
 - (8) If the Town Board approves the preliminary plat, such approval shall be noted on two (2) copies of the plat. One (1) copy of the plat shall be retained by the Town, and one (1) copy shall be returned to the subdivider. If the Town Board approves the preliminary plat with conditions, approval shall be noted on two (2) 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 Town, and one (1) copy of the preliminary plat along with the conditions shall be returned to the subdivider. If the Town Board 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 Town, and one (1) copy shall be returned to the subdivider.

Section 24-16. Major Subdivision Final Plat Submission and Review

- (A) Preparation of Final Plat and Installation of Improvements. Upon approval of the preliminary plat by the Town Board, the subdivider may proceed with the preparation of the final plat, and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this Ordinance. Prior to approval of a final plat, the subdivider shall have installed the improvements specified in this Ordinance, or guaranteed their installation as provided herein. No final plat will be accepted for review by the Planning Board or the Town Board unless accompanied by written notice by the Town Clerk acknowledging compliance with the improvement and guaranteeing standards of this Ordinance. The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at this time; such portion shall conform to all requirements of this Ordinance. Developers must provided a digitized database with all final plats in a form to be determined by the Administrator.
- (B) Improvements Guarantees.
- (1) Agreement and Security Required. In lieu of requiring the completion, installation and dedication of all improvements prior to final plat approval, the Town may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements. The cost of completing the improvements should be estimated by the Town's engineer. Once said agreement is signed by both parties, and the security required herein is provided, the final plat may be approved by the Town Board, if all other requirements of this Ordinance are met. To secure this agreement, the subdivider shall provide, subject to the approval of the Town Board, either one or a combination of the following guarantees equal to 1.25 times the entire cost as provided herein:
- (a) Cash or Equivalent Security. The subdivider shall deposit cash or an irrevocable letter of credit, either with the Town of Calabash or in escrow with a financial institution designated as an official depository of the Town. The use of any instrument other than cash shall be subject to the approval of the Town Board. The amount of deposit shall be equal to 1.25 times the cost, as estimated by the Town's engineer and approved by the Town Board, of installing all required improvements.

If cash or other instrument is deposited in escrow with a financial institution as provided above, then the subdivider shall file with the Town Board an agreement between the financial institution and himself guaranteeing the following:

1. That such escrow account shall be held in trust until released by the Town Board, and may not be used or pledged by the subdivider in any other matter during the term of the escrow; and
 2. That in the case of a failure on the part of the subdivider to complete said improvements, the financial institution shall, upon notification by the Town Board, and submission by the Town Board to the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately either pay to the Town the funds estimated to complete the improvement, up to the full balance of the escrow account, or deliver to the Town any other instruments fully endorsed or otherwise made payable in full to the Town.
- (2) Default. Upon default, meaning failure on the part of the subdivider to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety, or the financial institution holding the escrow account, shall, if requested by the Town Board, pay all or any portion of the bond or escrow fund to the Town of Calabash, up to the amount needed to complete the improvements based on an engineer's estimate. Upon payment, the Town 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 subdivider any funds not spent in completing the improvements.
- (3) Release of Guarantee Security. The Town Board may release a portion of any security posted as the improvements are completed, not to exceed once per month. If the Town Board approves said improvements, then it shall immediately release any security posted.
- (C) Submission Procedure. The subdivider shall submit the final plat, so marked, to the Administrator not less than twenty-one (21) days prior to the Town Board meeting at which it will be reviewed; further, then final plat for the first stage of the subdivision shall be submitted not more than twenty-four (24) months after the date on which the preliminary plat was approved; otherwise such approval shall be null and void, unless a written extension of this limit is granted by the Town Board upon written request of the subdivider on or before the twenty-four (24) month anniversary of the approval. For subdivisions developed in stages, each successive final plat for a stage of the subdivision shall be submitted for approval within twenty-four (24) months of the date of approval of the previous final plat for a stage of the subdivision, unless an extension is provided by the Town Board.

The final plat shall be prepared by a Registered Land Surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provision for plats, subdivisions, and mapping requirements set forth in NC General Statutes 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 in accordance with the Standards of Practice for

Land Surveying in North Carolina, where applicable, and the requirements of the Brunswick County Register of Deeds.

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

Submission of the final plat shall be accompanied with a filing fee as established by the Town's fee schedule. The final plat shall meet the specifications in Section 24-15 of this Ordinance.

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

- (1) Certificate of Ownership and Dedication. I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon, which was conveyed to me (us) by deed recorded in Book ____, Page ____, and that I (we) hereby adopt this plat of subdivision with my (our) free consent, establish the minimum building lines, and dedicate all streets, alleys, walks, parks, drainage ways, and other open spaces to public or private use as noted. Futher, I (we) certify that the land as shown hereon is within the Subdivision Regulation jurisdiction of the Town of Calabash.

Owner(s)

Date

- (2) Certificate of Survey and Accuracy. I (We), _____, 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 GS 47-30 as amended. Witness my original signature, registration number and seal this _____ day of _____, A.D. 20____."

Seal or Stamp

Surveyor

Registration Number

- (3) I hereby certify that this subdivision, entitled _____, is generally suitable for individual septic tank systems and individual water supplies. However, this certification does not constitute "blanket issued subject to the approval of each individual lot by the Brunswick County Health Department and the issuance of an improvements permit for each lot as required by the General Statutes of North Carolina." Any artificial drainage measures installed or proposed for installation in this subdivision to control water table must be properly maintained. Lots must be properly landscaped to control

surface water in order to decrease the changes in septic tank system malfunctions.

Brunswick County Health Director
Or Authorized Representative

Date

- (4) I, _____, Registered or Professional Land Surveyor, certify to one or more of the following:
- (a) That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
 - (b) That the survey is of an existing parcel or parcels of land;
 - (c) That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, and other exception to the definition of a subdivision;
 - (d) That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of his/her professional ability as to provisions contained in (a) through (c) above.

Registered or Professional Land Surveyor

- (5) Certification that private streets and roads meet the construction standards of this Ordinance, signed by the subdivider's engineer or surveyor.
- (6) Public subdivision streets and roads Construction Standards Certification signed by the District Highway Engineer.
- (7) I hereby certify that the subdivision as depicted hereon has been granted final approval pursuant to the Town of Calabash Subdivision Regulations.

Town Clerk, Town of Calabash

Approval expires if not recorded on or before _____ (date) and must be resubmitted for approval.

- (8) I hereby certify that streets, utilities, and other improvements have been installed in an acceptable manner and according to Town specifications in the subdivision entitled _____ or that a security bond or irrevocable letter of credit in the amount of \$_____ have been posted with the Town of Calabash to ensure the installation thereof.

Town Clerk

Date

- (9) In order for the Planning Board to approve the final plat, all of the above certificates must be properly signed and dated. The Planning Board shall review the final plat at or before the next regularly scheduled meeting which follows at least twenty-one (21) days after the Administrator receives the final plat and shall recommend approval, conditional approval with modifications to bring the plat into compliance, or disapproval of the final plat with reasons within forty-five (45) days of its first consideration.
 - (10) During its review of the final plat, the Planning Board may appoint a Registered Land Surveyor to confirm the accuracy of the final plat, if agreed to by the Town Administrator. If errors are found which make the plat non-recordable, the costs shall be charged to the subdivider, and the plat shall not be recommended for approval until such errors have been corrected.
 - (11) If the Planning Board approves the final plat, it shall transmit all copies of the plat and its written recommendations to the Town Board through the Administrator.
 - (12) If the Planning Board recommends conditional approval of the final plat with modifications to bring the plat into compliance, it shall retain one (1) print of the plat for its minutes, return its written recommendation and two (2) reproducible copies of the plat to the subdivider, and transmit one (1) print of the plat and its written recommendation to the Town Board through the Administrator.
 - (13) If the Planning Board disapproves the final plat, it shall instruct the subdivider concerning resubmission of a revised plat, and the subdivider may make such changes as will bring the plat into compliance with the provisions of this Ordinance and resubmit same for reconsideration by the Planning Board, or appeal the decision to the Town Board.
 - (14) Failure of the Planning Board to make a written recommendation within forty-five (45) days shall constitute grounds for the subdivider to apply to the Town Board for approval.
 - (15) If the Planning Board recommends approval or conditional approval with modifications to bring the plat into compliance, or the subdivider appeals to the Town Board, the Town Board shall review and approve or disapprove the final plat within forty-five (45) days after the plat and recommendations of the Planning Board have been received by the Administrator.
- (D) If the Town Board approves the final plat, such approval shall be shown on each copy of the plat by the following signed certificate:

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

Date

Town Clerk
Calabash, North Carolina

- (1) If the final plat is disapproved by the Town Board, the reasons for such disapproval shall be stated in writing, specifying the provisions of this Ordinance with which the final plat does not comply. One (1) copy of such reasons and one (1) copy of the plat shall be retained by the Town Board as part of its proceedings; one (1) copy of the reasons and three (3) copies of the plat shall be transmitted to the subdivider. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance and resubmit same for reconsideration by the Planning Board and Town Board.
- (2) If the final plat is approved by the Town Board, the original tracing and one (1) print of the plat shall be retained by the subdivider. One (1) reproducible tracing and one (1) print shall be filed with the Town Clerk, and one (1) print shall be returned to the Town Board for its records.
- (3) The subdivider shall file the approved final plat with the Register of Deeds of Brunswick County within thirty (30) days of the Town Board's approval; otherwise, such approval shall be null and void.

Section 24-17. Information to be Contained in or Depicted on Preliminary and All Final Plats

The preliminary and final plats shall depict or contain at a minimum the information indicated in the following table. An “x” indicates that the information is required.

Information	Sketch Plan	Preliminary Plat	Final Plat
Title Block Containing: –Property Designation –Name of Owner –Location (including Township, county, and state) –Date or dates survey was conducted and plat prepared –A scale of drawing in feet per inch listed in words or figures –A bar graph –Name, address, registration number, and seal of the Registered Land Surveyor	x x x	x x x x x x x	x x x x x x x
The name of the subdivider		x	x
A sketch vicinity map showing the relationship between the proposed subdivision and surrounding area. Scale: 1" = 400'	x	x	x
Corporate limits, Township boundaries, ETJ boundary, county lines if on the subdivision tract		x	x
The names, addresses, and telephone numbers of all owners, mortgagees, registered land surveyors, land planners, architects, landscape architects, and professional engineers responsible for the subdivision		x	x
The registration numbers and seals of the professional engineers		x	x

Information	Sketch Plan	Preliminary Plat	Final Plat
Date of plat preparation	x	x	x
North arrow and orientation	x	x	x
The boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented with all bearings and distances shown	x	x	
The exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands			x
The names of owners of adjoining property		x	x
The names of any adjoining subdivisions of record or proposed and under review		x	x
Building line minimum (setbacks) per lot		x	x
The zoning classifications of the tract to be subdivided and adjoining properties		x	
Existing property lines on the tract to be subdivided and on adjoining properties	x		x
Existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining	x	x	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, rock outcrops, ponds or lakes, streams or streambeds, wetland areas, and any other natural features affecting the site		x	
The exact location of the flood hazard, floodway, and floodway fringe areas from the Brunswick County Official Flood Insurance Map		x	x
The following data concerning streets:			
–Proposed public streets		x	x
–Existing and platted streets on adjoining properties and in the proposed subdivision Thoroughfare plan road as approved in Thoroughfare Plan for Town	x	x	x
–Rights-of-way, location, and dimensions in accordance with Part		x	x

Information	Sketch Plan	Preliminary Plat	Final Plat
IV of this Article			
-Pavement widths		x	x ¹
-Approximate grades		x	x ¹
-Design engineering data for all corners and curves		x	x
-Typical street cross-sections		x	x ¹
-Street names		x	x
-Type of street dedication; all streets must be designated either "public" or "private." The subdivider must submit all public street plans to the Administrator for approval prior to preliminary plat approval. Where public streets are involved which will not be dedicated to the Town of Calabash, the subdivider must submit the following documents to the NC Department of Transportation District Highway Office for review: a complete site layout, including any future expansion anticipated; horizontal alignment indicating general curve data on site layout plan; vertical alignment indicated by percent grade, PI station and vertical curve length on site plan layout; the District Engineer may require the plotting of the ground profile and grade line for roads where special conditions or problems exist; typical section indicating the pavement design and width and the slopes, widths, and details for either the curb and gutter or the shoulder and ditch proposed; drainage facilities and drainage areas		x	x
-Where streets are dedicated to the public, but not accepted into the Town of Calabash system or the state system before lots are sold, a statement explaining the status of the street in accordance with Part IV of this Article			x
-If any street is proposed to intersect with a state-maintained road, the subdivider shall apply for driveway approval as required by the North Carolina Department of Transportation, Division of Highways' Manual on Driveway Regulations. Evidence that the subdivider has obtained such approval		x	
The location and dimension of all of the following:			
-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

Information	Sketch Plan	Preliminary Plat	Final Plat
–Areas to be dedicated to or reserved for public use		x	x
–Areas to be used for purposes other than residential with the zoning classification of each stated		x	x
–The future ownership (dedication or reservation for public use to governmental body, for owners to duly constituted homeowners’ association, or for tenants remaining in subdivider’s ownership) of recreation and open space lands		x	
The plans for utility layouts including: –Sanitary sewers –Storm sewers –Other drainage facilities, if any –Water distribution lines –Natural gas lines –Telephone lines –Electric lines illustrating connections to existing systems, showing line sizes, the location of fire hydrants, blowoffs, manholes, force mains, and gate valves		x x x x x x x	x ¹ x ¹ x ¹ x ¹ x ¹ x ¹ x ¹
Plans for individual water supply and sewage disposal systems, if any		x	x
–Profiles based upon Mean Sea Level datum for sanitary sewers and storm sewers		x	
Site calculations including:			
–Acreage in total tract to be subdivided	x	x	
–Acreage in parks and recreation and open space areas and other nonresidential areas	x	x	
–Total number of parcels created	x	x	
–Acreage in the smallest lot in the subdivision		x	
–Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, central angles, and tangent distance for the center line of curved property lines that are not the boundary line of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute			x
–The accurate locations and descriptions of all monuments, markers, and control points			x
–A copy of any proposed deed restrictions or similar covenants. Such restrictions are mandatory when private recreation areas or		x	x

Information	Sketch Plan	Preliminary Plat	Final Plat
open space areas are established			
–Where land disturbing activity is an acre or more in size, a copy of the erosion control plan submitted to the appropriate office of the North Carolina Department of Environment and Natural Resources, which complies with NCGS 113A, Article 4 (Sedimentation Pollution Control Act of 1973). Evidence of approval must be provided prior to submittal of a final plat for approval		x	
–Topographic maps with contour intervals of no greater than five (5) feet at a scale of no less than one (1) inch equals four hundred (400) feet		x	
–404 wetland areas as determined by the Wilmington District office of the U.S. Army Corps of Engineers		x	x
–Boundaries of applicable areas of environmental concern in accordance with the state guidelines for AEC’s (15A NCAC 7H) pursuant to the Coastal Area Management Act of 1974		x	x
–All certifications required in Section 24-14			x
–Any other information considered by either the subdivider, the Planning Board, or Town Board, to be pertinent to the review of the plat	x	x	x
–All mapping shall comply with G.S. 47-30	x	x	x
–Developers must provide a digitized database.			x
Soil and Stormwater requirements as per Town Standards		X	X

¹Required on final plat only for minor subdivisions.

Section 24-18. Recombination of Land

- (A) Any plat or any part of any plat may be nullified 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.
- (B) 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.
- (C) 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.

Section 24-19. Resubdivision Procedures

public interest, in which case the path shall not be less than thirty (30) feet wide for the purpose of accommodating a path or trail.

- (B) Shape, Topography and Subsoils. The shape, topography and subsoils of the dedicated parcel or parcels of land shall be such as to be usable for active recreation (play areas, ballfields, tennis courts or similar recreation uses).
- (C) Location. The dedicated or reserved recreation or park land shall be located so as to reasonably serve the recreation needs of the subdivision for which the dedication was made.
- (D) Accessibility. Public access to the dedicated land shall be provided either by an abutting street or public easement. Such easement shall be not less than thirty (30) feet wide.
- (E) Usability. The dedicated land shall be usable for recreation. Lakes may not be included in computing dedicated land area unless acceptable to the Planning Board. Where the Planning Board determines that recreation needs are being adequately met, either by other dedicated parcels or existing recreation facilities, then land that is not used for recreation may be dedicated as open space.
- (F) Plans. Municipal and county plans shall be taken into consideration when evaluating land proposals for dedication.
- (G) Vegetative Cover. The vegetative cover, if feasible, shall be sufficient to lend attractiveness to the land parcel, protection from the sun's rays and suitability for a variety of a nature related recreation opportunities.

Section 24-24. Homeowners Association or Nonprofit Organizations

Where park or recreation space is deeded to a homeowners association or any nonprofit ownership in lieu of public dedication or fee payment, the subdivider or owner shall record a declaration of covenants and restrictions that will govern the open space of the association or nonprofit organization. This shall be submitted with the application for preliminary plat approval. Provisions shall include but not be limited to the following:

- (A) The homeowner's association shall be established before recording final plat.
- (B) Membership shall be mandatory for each home buyer and all successive buyers.
- (C) The association shall be responsible for the liability insurance, local taxes, and the maintenance of recreation and other facilities.
- (D) Any sums levied by this association that remain unpaid shall become a lien on the individual homeowner's property which shall be subordinate only to tax and mortgage liens.
- (E) If all or any portion of property held by the association is being disposed of, or if the association is dissolved, adequate open space shall be deeded to the Town with Town Board approval to satisfy the requirements for public recreation facilities under this Section.

Section 24-25. Limitations

Nothing herein shall be construed to limit the amount of privately controlled open-space land which may be included under an agreement, over and above the recreation and park site obligation.

Section 24-26. Adjustments

Notwithstanding provisions of this section to the contrary, the Town Board may, in cases of an unusual or exceptional nature, allow adjustments in the dedication regulations established in and required by this section. Such adjustments shall be reviewed by the Planning Board before the action by the Town Board.

PART IV. STREETS

Section 24-24. Coordination and Continuation of Streets

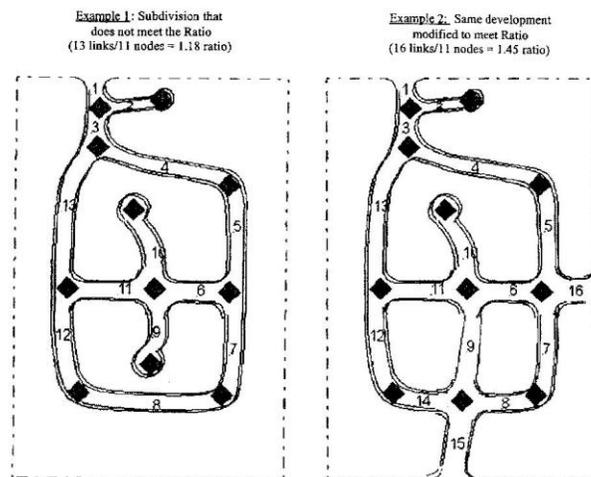
The proposed street layout within a subdivision shall be coordinated with the existing street system of the surrounding area, and where possible, existing principal streets shall be extended.

Section 24-28. Street Connectivity Requirements

- (A) An interconnected street system is necessary in order to protect the public health, safety, and welfare in order to ensure that streets will function in an interdependent manner, to provide adequate access for emergency and service vehicles, to enhance nonvehicular travel such as pedestrians and bicycles, and to provide continuous and comprehensible traffic routes.
- (B) All proposed streets shall be continuous and connect to existing or platted streets without offset with the exception of cul-de-sacs as permitted and except as provided below. Whenever practicable, provisions shall be made for the continuation of planned streets into adjoining areas.
- (C) The street network for any subdivision shall achieve a connectivity ratio of not less than 1.40 (see example in Figure 1). The phrase “connectivity ratio” means the number of streets links divided by the number of nodes or link ends, including cul-de-sac heads. A “link” means and refers to that portion of a street defined by a node at each end or at one end. Approved stubs to adjacent property shall be considered links. However, alleys shall not be considered links. A “node” refers to the terminus of a street or the intersection of two (2) or more streets, except that intersections that use a roundabout shall not be counted as a node. For the purposes of this section, an intersection shall be defined as:
 - (1) Any curve or bend of a street that fails to meet the minimum curve radius as established in the second table of Sections 24-33 and 24-43, or
 - (2) Any location where street names change (as reviewed and approved by the Administrator).
- (D) For the purposes of this section, the street links and nodes within the collector or thoroughfare streets providing access to a proposed subdivision shall not be considered in computing the connectivity ratio.

- (E) Residential streets shall be designed so as to minimize the length of local streets, to provide safe access to residences with minimal need for steep driveways and to maintain connectivity between and through residential neighborhoods for autos and pedestrians.
- (F) Where necessary to provide access or to permit the reasonable future subdivision of adjacent land, rights-of-way, and improvements shall be extended to the boundary of the development. A temporary turnaround may be required where the dead end exceeds 500 feet in length. The platting of partial width rights-of-way shall be prohibited except where the remainder of the necessary right-of-way has already been platted, dedicated, or established by other means.
- (G) Exemption. New subdivisions that intend to provide one new cul-de-sac street shall be exempt from the connectivity ratio standard as set forth in this section, provide the Administrator determines that there is:
 - (1) No options for providing stub streets due to topographic conditions, adjacent developed sites, or other limiting factors; and
 - (2) Interconnectivity (use of a looped road) within the development cannot be achieved or is unreasonable based on the constraints of the property to be developed.

Figure 1



Section 24-29. Private Streets

Streets designated as private may be allowed in subdivisions when in the opinion of the Board of Commissioners, they provide adequate ingress and egress onto collector streets, and sufficient assurance is provided through a legally established homeowners' association, that the street shall be properly maintained.

All such streets shall be designated a "Private Street" on the preliminary plans and final plats. Whenever a private street intersects a US or NC highway or NC secondary road, a statement of approval for the intersection, signed by the District Engineer, North Carolina Department of Transportation, Division of Highways for Brunswick County, shall be submitted concurrent with the final plat.

All private streets must meet Department of Transportation standards for construction and maintenance.

A homeowners' association shall be established for each subdivision containing private streets and drainage systems. The final plat for each such subdivision shall contain a certificate indicating the book and page number of the homeowners' association covenants, conditions, and restrictions. The covenants, conditions, and restrictions shall specify lot owners' responsibilities for maintenance of private streets and drainage systems, and shall provide for assessments to finance all maintenance activities. Covenants shall provide that the homeowners' association will construct all stub streets prior to offering any connecting for acceptance by NCDOT or the town. Final plats for subdivisions containing private streets and drainage improvements will not be approved until the subdivider's homeowners' association documents have been submitted and approved by the Board of Commissioners.

Section 24-30. Marginal Access Streets

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

Section 24-31. Subdivision Street Disclosure Statement

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

Section 24-32. Half-Streets

The dedication of half streets shall be prohibited.

Section 24-33. 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 irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be subject to the approval of the Brunswick County GIS.

Section 24-34. Collector and Minor Streets

Collector and minor streets shall be so laid out that their use by through traffic will be discouraged. Streets shall be designed or walkways dedicated to assure convenient access to parks, playgrounds, schools, and other places of public assembly.

Section 24-35. Design Standards

The design of all streets and roads within the jurisdiction of this Ordinance shall be in accordance with the accepted policies of the North Carolina Department of Transportation, Division of Highways, as taken or modified from the American Association of State Highway Officials (AASHO) manuals. The NC Department of Transportation, Division of Highways' Subdivision Roads, Minimum Construction

Standards, January 1, 2000, or the current NC Department of Transportation standards, shall apply for any items not included in this Ordinance, or where stricter than this Ordinance.

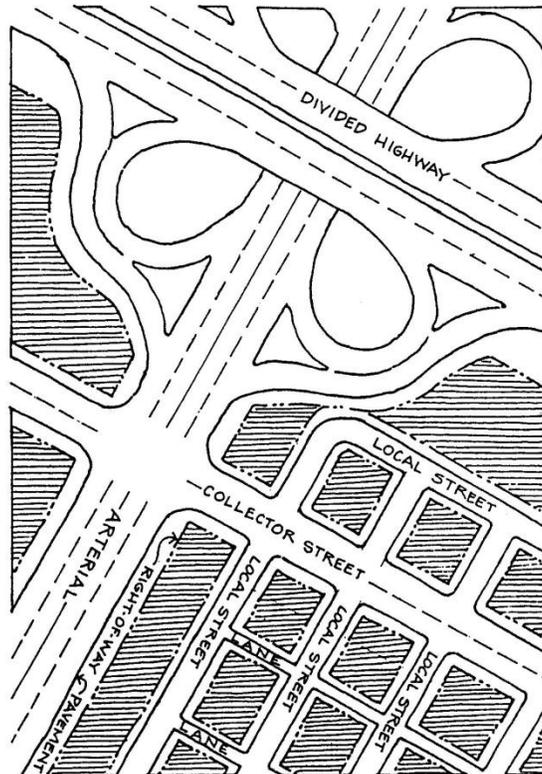
Section 24-36. Nonresidential Streets

The subdivider of a nonresidential subdivision shall provide streets in accordance with I.F.-4 of the North Carolina Roads, Minimum Construction Standards, January 1, 2000; or current applicable North Carolina Department of Transportation Standards; and the standards of this Ordinance, whichever are stricter in regard to each particular item.

Section 24-37. Right-of-Way Widths

Right-of-way widths shall not be less than the following:

	<u>Minimum Right-of-Way (ft.)</u>
Major Collector	80
Major Thoroughfare other than Freeway and Expressway	70
Minor Thoroughfare	60
Local Street	50
Cul-de-sac	(may be no less than 40 feet if approved by the Town Board due to special conditions) 100' diameter for turnaround and 80' for street right-of-way



Section 24-38. Pavement Widths

Pavement widths or graded widths shall be as follows unless other state or county agencies advise otherwise:

	<u>Streets with Curb and Gutter</u>	<u>Streets without Curb and Gutter</u>
Minor Thoroughfare	46 ft.	40 ft.
Local Road	24 ft.	18 ft.
Marginal Access (frontage)	24 ft.	22 ft.
Cul-de-sac	24 ft.	22 ft.
Cul-de-sac turnaround	100 ft. in dia.	80 ft. in dia.

Pavement widths for principal arterials and major thoroughfares shall be determined in concert with the Town of Calabash and/or county and state agencies or the NC Department of Transportation standards and the current Calabash Thoroughfare Plan.

Section 24-39. Roads and Street Surfaces

All public subdivision streets and roads shall be constructed and paved to meet the current requirements of the North Carolina Department of Transportation, Division of Highways’ standards for state maintenance.

Section 24-40. Tangents

A tangent of at least one hundred (100) feet shall be provided between reverse curves on all major collector, major thoroughfare streets. A tangent of at least fifty (50) feet shall be provided between reverse curves on all minor and local streets.

Section 24-41. Street Intersections

Street intersections shall be laid out as follows:

- (A) All streets shall intersect as nearly as possible at right angles and no street shall intersect at less than sixty (60) degrees.
- (B) Intersections with a major street shall be at least one thousand (1,000) feet apart, measured from centerline to centerline.
- (C) Where a centerline offset (jog) occurs at an intersection, the distance between centerline of the intersecting streets shall be not less than two hundred (200) feet.
- (D) Property lines at intersections should be set so that the distance from the edge of pavement of the street turnout to the property line will be at least as great as the distance from the edge of pavement to the property line along the intersecting streets. The 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.

Section 24-42. 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) All alleys shall be designed in accordance with the Department of Transportation, Division of Highways' specifications and standards and shall meet the following requirements:

Right-of-way width	20 feet
Property line radius at alley intersection	10 feet
Minimum centerline radius when deflection angle of not More than 10 degrees occurs	35 feet
Minimum turnaround diameter of dead end alley (right- of-way width)	80 feet
- (C) Sharp changes in alignment and grade shall be avoided.
- (D) All alleys shall be designed in accordance with NC Department of Transportation Standards-, unless approved by the Town Administrator.

Section 24-43. Cul-de-Sacs

Cul-de-sacs shall not exceed 750 feet in length and shall meet requirements of NC Fire Code-, unless approved by the town administrator, Local Fire Department and Fire Inspector.

Section 24-44. PUD/PRD Streets

- (A) A dense network of narrow streets with reduced curb radii may be fundamental to sound design. This network serves to both slow and disperse vehicular traffic and provide a pedestrian friendly atmosphere. Such alternate guidelines are encouraged in PUDs/PRDs when the overall design ensures that non-vehicular travel is to be afforded every practical accommodation that does not adversely affect safety considerations. The overall function, comfort, and safety of a multi-purpose or "shared" street are more important than its vehicular efficiency alone.
- (B) PUDs/PRDs should have a high proportion of interconnected streets, sidewalks, and paths. Streets and rights-of-ways are shared between vehicles (moving and parked), bicycles, and pedestrians. A dense network of PUD/PRD streets will function in an interdependent manner, providing continuous routes that enhance non-vehicular travel. Most PUD/PRD streets should be designed to minimize through traffic by the design of the street and the location of land uses. Streets should be designed to only be as wide as needed to accommodate the usual vehicular mix for that street while providing adequate access for moving vans, garbage trucks, fire engines, and school buses (see Appendix II). Plan approval required by local Fire Department and Fire Inspector.

Section 24-45. Materials

- (A) Portland cement concrete for curb and gutter, driveways, and sidewalks shall have a minimum 28 compressive strength of 3,000 psi, a nonvibrated slump between 2.5 and 4

inches, a minimum cement of 564 pounds per cubic yard, an air entrainment of 5% through 7%, and a maximum water-cement ratio of 0.532.

- (B) Joint filler shall be a nonextruding joint material conforming to ASTM C1751.
- (C) Concrete curing agents shall be free from any impurities which may be detrimental to the concrete and meet Section 926 of the NCDOT Standard Specifications for Roadways and Structures.
- (D) Aggregate for portland cement concrete shall meet the requirements for fine and course aggregate of Section 914 of the NCDOT Standard Specifications for Roadways and Structures.
- (E) Portland cement and admixtures shall meet the requirements of Section 924 of the NCDOT Standard Specifications for Roadways and Structures.
- (F) Water for mixing or curing the concrete shall be free from injurious amounts of oil, salt, acid or other products injurious to the finished product.
- (G) Aggregate base course shall consist of an approved coarse aggregate produced in accordance with the requirements indicated in Section 910 for either Type A, B, or C aggregate as described in the NCDOT Standard Specifications for Roadways and Structures.
- (H) Bituminous surface course, Type I-2, shall consist of a mixture of coarse and fine aggregates, asphalt cement, and shall meet the requirements in Section 645 of the NCDOT Standard Specifications for Roadways and Structures.
- (I) Bituminous concrete base course, Type HB, shall conform to the general, material and construction specifications as specified in Section 610 and Section 630 of the NCDOT Standard Specifications for Roadways and Structures.
- (J) Bituminous concrete binder course Type H, shall conform to the general, material and construction specifications as specified in Section 610 of the NCDOT Standard Specifications for Roadways and Structures.
- (K) Tack coat shall be asphalt or asphalt cement and shall meet the general, material and construction specifications as specified in Section 605 of the NCDOT Standard Specifications for Roadways and Structures.
- (L) Concrete pavement shall meet Section 700 of the NCDOT Standard Specifications for Roadways and Structures.
- (M) Concrete pavers may be used on privately maintained streets, or on areas of Town maintained streets as approved by the Town Board or the Town's duly authorized representative.
- (N) Brick pavers may be used on privately maintained streets, or on areas of Town maintained streets as approved by the Town Board or the Town's duly authorized representative.

Section 24-46. Earthwork

- (A) Earthwork shall be defined as removal of earth or soft rock from its natural location or as the depositing of such material into the proper fill areas as designated on the plans.
- (B) Rock excavation shall be defined as all ledge rock or boulders of 0.5 cubic yard that cannot be excavated without blasting.
- (C) A written permit for blasting must be obtained from the Town and coordinated with the local fire department, a minimum of 48 hours before any explosive material or blasting agents are transported into the corporate limits of the Town.
- (D) Backfill material shall be free from construction material, debris, frozen material, organic matter or unstable material. For the top two (2) feet below finished subgrade, no fill material shall be used weighing less than one hundred (100) pounds per cubic foot. The top two (2) feet of backfill material shall be free from stones greater than four (4) inches.
- (E) The top six (6) inches of subbase, and the entire base course shall be compacted to a density of 100% maximum dry density as determined by AASHTO method T99. For that portion of backfill under roadways and extending at a slope on one to one beyond the back of curb, compact to a density of no less than ninety percent (90%) of the maximum dry density as determined by AASHTO method T99. Backfill material shall be placed in lifts of twelve (12) inches or less of uncompacted soil.
- (F) Other fill material shall be compacted to a density of no less than ninety percent (90%) of the maximum dry density as determined by AASHTO method T99. Backfill material shall be placed in lifts of twelve (12) inches or less of uncompacted soil.

Section 24-47. Construction and Inspection

- (A) General Requirements. No construction shall be conducted until the following applicable items have been obtained: all grading permits, NCDOT encroachment agreements, performance bonds, and Town plan approval.
- (B) Streets.
 - (1) No base material shall be placed on a roadway until the storm sewer, subgrade, utilities, and all appurtenances have been inspected and meet the specifications of the governing authority or agency.
 - (2) The governing agency may require a proctor analysis of the subgrade soils from a certified soils laboratory. The soils laboratory shall submit sufficient proctors to allow the governing agency to determine the density of different soils used in the street. The governing agency may also require a proctor analysis of the ABC used and a asphalt mix formula before either is inspected or approved.
 - (3) The subgrade shall be compacted as described in Section 24-47(E). The inspection of the subgrade prior to placement of base course, and the inspection of the base course prior to placement of asphalt, shall may be performed by proof rolling at the direction of the governing agency.

(C) Curb and Gutter, Driveways, and Sidewalks.

- (1) No concrete shall be placed until the forms and subgrades have been inspected.
- (2) The surface of sidewalks shall be finished to grade and cross-sectioned with a float, trowled smooth and finished with a broom.
- (3) Subgrade shall be excavated to the required depth, and shaped to the proper cross-section. Where tree roots are encountered, they shall be removed to a depth of one foot for the full width of the excavation. The subgrade shall be stable and thoroughly compacted.
- (4) Forms shall be set and maintained true to the required lines, grades and dimensions. Forms shall be constructed with material of such strength and rigidity to prevent any appreciable deflection between supports. Straight forms shall be within a tolerance of one-half-inch in ten feet from a true line horizontally or vertically. Forms shall be thoroughly cleaned of all dirt, mortar and foreign material before being used. All inside form surfaces shall be thoroughly coated with commercial quality form oil.
- (5) Grooved contraction joints shall be cut to a depth equal to at least one-third of the total slab thickness. The joint shall be no less than one-eighth-inch in width of the sidewalk. A one-half-inch expansion joint filled with joint filler shall be placed between all rigid objects and placed no farther than fifty (50) feet apart for sidewalks and curb and gutter, extending the full depth of the concrete with top of the filler one-half-inch below the finished surface.

PART IV. UTILITIES

Section 24-48. Water and Sewerage Systems

- (A) When available, the subdivider shall connect to the water and sewerage systems owned and operated by the County. For all residential and commercial development, the County may require that the developer install lines larger than required by the development in order to support future growth.
- (B) Where public or community water supply and/or sewerage systems are not available or to be provided, a written statement from the County Health Department shall be submitted with the preliminary plat indicating that each lot has adequate land area and soil conditions suitable to accommodate the proposed methods of water supply and sewage disposal. The statement from the County Health Department shall be based upon a field investigation. The field investigation for sewage disposal shall include a sufficient number of percolation tests (at least one per acre) to determine absorption capacity of the soil and test holes at least six (6) feet deep (as needed) to determine the depth to the ground water table, and the presence of rock formations or other impervious strata.
- (C) All utilities shall be installed per County requirements at the direction of the County Public Utilities Director.

Section 24-49. Electric Power

Every principal use and every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of such use and every lot within such subdivision. Compliance with this requirement shall be determined as follows:

- (A) If the use is not a subdivision and is located on a lot that is served by an existing power line and the use can be served by a simple connection to such power line (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center), then no further certification is needed.
- (B) If the use is a subdivision or is not located on a lot served by an existing power line or a substantial internal distribution system will be necessary, then the electric utility service provider must review the proposed plans and certify to the Town that it can provide service that is adequate to meet the needs of the proposed use and every lot within the proposed subdivision.

Section 24-50. Telephone Service

Every principal use and every lot within a subdivision must have available to it a telephone service cable adequate to accommodate the reasonable needs of such use and every lot within such subdivision. Compliance with this requirement shall be determined as follows:

- (A) If the use is not a subdivision and is located on a lot that is served by an existing telephone line and the use can be served by a simple connection to such line (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center), then no further certification is necessary.
- (B) If the use is a subdivision or is not located on a lot served by an existing telephone line or a substantial internal distribution system will be necessary, then the telephone utility company must review the proposed plans and certify to the Town that it can provide service that is adequate to meet the needs of the proposed use and every lot within the proposed subdivision.

Section 24-51. Underground Utilities

- (A) All electric power lines (not to include transformers or enclosures containing electrical equipment including, but not limited to, switches, meters, or capacitors which may be pad mounted), telephone, gas distribution, and cable television lines in subdivisions constructed after the effective date of this Ordinance shall be placed underground in accordance with the specifications and policies of the respective utility service providers with notification of the Town.
- (B) Whenever an unsubdivided development is hereafter constructed on a lot that is undeveloped on the effective date of this Ordinance, than all electric power, telephone, gas distribution, and cable television lines installed to serve the development that are located on the development site outside of a previously existing public street right-of-way shall be placed underground in accordance with the specifications and policies of the respective utility service providers with notification of the Town.

Section 24-52. Utilities to be Consistent with Internal and External Development

- (A) Whenever it can reasonably be anticipated that utility facilities constructed in one, upon the effective date of this Ordinance, development will be extended to serve other adjacent or nearby developments, such utility facilities (i.e., water or sewer lines) shall be located and constructed so that extensions can be made conveniently and without undue burden or expense or unnecessary duplication of service.
- (B) All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

PART V. LOT STANDARDS

Section 24-53. Lot Standards

The following standards shall apply to all lots within a proposed subdivision:

- (A) Conformation to Zoning. All lots shall conform to the dimensional requirements and the setback and side yard requirements as set forth in Article 11 of this Ordinance.
- (B) Lots located on the turning circle of a cul-de-sac may have individual minimum frontages of less than the minimum frontage set forth in Article 11 provided the lot has the Article 11 minimum width (75) feet from the rear property line and the entire lot meets the minimum square footage shown in Article 11.
- (C) Lots Restricted to Public Streets and Approved Private Streets. Every lot shall front or abut on a public street or approved private street.

Section 24-54. Land Disturbing Activities

There will be no land disturbing activities in any subdivision until all applicable/required local, state, and federal permits are approved and submitted to the Town of Calabash.

Section 24-55. Exceptions

- (A) Exceptions. The Planning Board may recommend and the Board of Commissioners approve subdivision plats which vary from the requirements of design, but not of procedure or improvement. Such an exception may be granted only where topographic or other existing physical conditions are such that compliance with the requirements of this Ordinance would cause an unusual and unnecessary hardship on the subdivider above and beyond what other subdividers would meet, and provided that such exceptions will not have the effect of nullifying the interest and purpose of these requirements. Such exceptions shall be approved only with a majority affirmative vote of all Board of Commissioners members.
- (B) Procedure for Exceptions.
 - (1) The subdivider must submit a written request stating the reasons for each modification. The Planning Board and Board of Commissioners may require such conditions as will, in its judgement, preserve the spirit and intent of these regulations. These conditions may include but shall not be limited to: surety,

performance, or maintenance bonds, affidavits, covenants, or other legal instruments, as will assure conformity to and achievement of the plan.

- (2) Any modifications thus authorized are required to be entered in writing in the minutes of the Planning Board and Board of Commissioners and the reasonings on which the departure was justified set forth.

Section 24-56. Construction Procedures

- (A) No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved, and all plans and specifications have been approved by the appropriate authorities.
- (B) No building, zoning, or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this Ordinance until the final plat has been approved and recorded. The subdivider, prior to commencing any work within the subdivision, shall make arrangements ~~with the Administrator of this Ordinance~~ to provide for adequate inspections by the Town of Calabash. The approving authorities having jurisdiction or their representatives, shall inspect and approve all completed work prior to release of the sureties.
- (C) As-Built Drawings Required. Whenever a developer installs or causes to be installed any utility line in any public right-of-way, the developer shall, as soon as practicable after installation is complete, and before acceptance of any water or sewer line, furnish the town with a copy of a drawing that shows the exact location of such utility lines. Such drawings must be verified as accurate by the utility service provider. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing such development.