

# ONSLOW COUNTY SUBDIVISION ORDINANCE

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## **ARTICLE I. INTRODUCTORY PROVISIONS**

### **Section 101. Title**

This ordinance shall be known as the Onslow County Subdivision Ordinance 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 Onslow County. It is further designed to provide for the orderly growth and development of the County; for the dedication or reservation of rights-of-way or easements for street and utility purposes; and for the distribution of populations 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, sewage, parks, schools, and also to facilitate the further resubdivision of large tracts into smaller parcels of land where such subdivision is in the best interest of the public.

### **Section 103. Authority**

This ordinance is hereby adopted under the authority and provisions of the General Statutes of North Carolina, Chapter 160D-8-1.

### **Section 104. Jurisdiction**

The regulations contained herein shall govern each and every subdivision within Onslow County outside of any incorporated municipality or their extraterritorial jurisdiction.

### **Section 105. Subdivision Defined**

For the purpose of this ordinance, “subdivision” shall mean all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets.

### **Section 106. Exemptions**

Pursuant to NCGS 160D-8-2, the following actions shall not be included within this definition nor be subject to any regulations enacted pursuant to this ordinance; however, all lots created under these exemptions must meet the wastewater, area, and setback standards of this ordinance and the County zoning 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 resulting lots are equal to or exceed the standards of this ordinance and the Onslow County Zoning Ordinance;
- B.** The division of land into parcels **greater** than 10 acres where no street right-of-way dedication is involved;
- C.** The public acquisition by purchase of strips of land for the widening or opening of streets or other public purposes;
- D.** The division of a tract in single ownership whose entire area is no greater than

two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and the resultant lots are equal to or exceed the standards of this ordinance.

**E. Family Divisions.**

1. Type I. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes. When a person dies without a will, a person dies intestate. This division of land is an exemption due to its purpose being to settle an estate either through a will or through intestate succession.
2. Type II. Properties may be divided for family purposes under providing the following standards are met:
  - a. The property must not be in a corporate name (except for family corporations or corporate estate names).
  - b. The plat shall list the names of the family members and identify which lots are to be conveyed to each with a statement that “the lot(s) shown are created for the purpose of family ownership” and no one family member can be granted more than two lots/parcels. In instances where a split is proposed for deed of trust purposes, the statement shall read: “this plat is intended for deed of trust purposes and not sale.”
  - c. Where lots are not adjacent in a public street, an access/utility easement must be shown with a note on the plat stating that the lot is benefited by a permanent easement for access and utilities and the easement must have a minimum width of 30 feet. When a new easement is being established, the grantor(s) must sign a dedication statement on the face of the plat (includes the formalization of prescribed easements). A note is required on the plat that a deed of dedication of the easement(s) must be recorded with the Onslow County Register of Deeds.
  - d. A note stating that the property owners are responsible for the upkeep and maintenance of the access and utility easement shall be placed on the plat.
  - e. The following note shall appear on the plat: “No additional lots, including the resubdivision of the lots served by the access easement and utility, shall be permitted unless the access and utility easement is upgraded to meet or exceed the access standards for major subdivisions of the Onslow County Subdivision Ordinance.”
  - f. The owner(s) of record at the time of platting shall sign the following statement on the face of the plat: “This division of land is a family division and is in no way intended to circumvent the provisions of the Onslow County Subdivision Ordinance. The lots/parcels shown are to

be conveyed to the family member(s) as identified on the plat.” In instances where a split is proposed for deed of trust purposes, the second sentence shall read: “This plat is intended for deed of trust purposes and not sale.”

- g. When existing structures are within 5 feet of a required setback, those structures need to be located on the plat.
- h. The plat shall note/show one of the following for each lot/parcel being created:
  - i. The existing septic system permit number(s) and the location of the system(s) and repair area(s). When there is no permit on file with Environmental Health, the surveyor shall note that fact on the plat and provide the approximate location as directed by the property owner or a soil scientist;
  - ii. The permit number for a proposed system(s) or a soil scientist certification on the plat; and/or
  - iii. A note that the lot/parcel is being conveyed as forestland or farmland.

#### **106.1 Exempt Plat Requirements.**

Each exempt plat presented to the Subdivision Administrator shall contain the following:

- A.** A certificate for signature by the Subdivision Administrator referencing the appropriate exemption; and
- B.** A note stating that any of these exemptions are not final until a deed has been recorded with the Onslow County Register of Deeds referencing the Map Book and Page number of the exempt plat.
- C.** All new lots must meet the zoning area/dimension standards and access standards.
- D.** Existing septic system permit number(s) shall be included in the notes and the location of the system(s) and repair area(s) shall be located on the plat. When there is no permit on file with Environmental Health, the surveyor shall note that fact on the plat and provide the approximate location as directed by the property owner or a soil scientist.
- E.** When existing structures are within 5 feet of a required setback, those structures need to be located on the plat.

#### **Section 107. Types of Subdivisions**

- A. Major Subdivision** – Any subdivision which does not qualify as a minor or Special Purpose Subdivision.

**B. Minor Subdivisions**

Type I – This Minor Subdivision is a division of property into 10 or fewer lots, including the residual parcel, where each lot will have street frontage along an existing public or private street, where no new street improvements and/or right-of-way dedication is required, and where no water and/or sewer utility extensions are required. The Minor Subdivision procedure shall not be permitted to be used to subdivide land from either a residual parcel on which the procedure was previously used in the preceding three (3) calendar years or a resultant parcel created by the Minor Subdivision procedure in the preceding three (3) calendar years.

Type II – This Minor Subdivision involves a parcel (or group of parcels) under single ownership greater than 5 acres being divided into no more than 3 lots, including the residual parcel. The property could not have been created under an abbreviated process within 10 years. All resulting lots must meet all dimensional requirements of this Ordinance and the Onslow County Zoning Ordinance and all lots must be served by a permanent means of ingress/egress.

- C. Special Purpose Subdivision** – A subdivision of land where the resultant lot(s) are restricted for specially identified purposes to include, but not limited to, well sites, communication towers, off-site septic systems, private cemeteries, mail cluster boxes, and utility substations.

**Section 108. Subdivision Administrator**

The Director of Planning and Development and/or his designee is hereby appointed to serve as Subdivision Administrator.

**Section 109. Technical Review Committee Established.**

For the purpose of ensuring the timely and thorough review of Major and Minor subdivisions submitted for approval, a Technical Review Committee (TRC) is hereby established to assist the Subdivision Administrator in the review process. The TRC may be comprised of the following members and agency representatives, who shall be consulted on proposed subdivision reviews that are deemed necessary by the Subdivision Administrator:

- A. Subdivision Administrator
- B. Zoning Administrator
- C. North Carolina Department of Transportation
- D. Onslow County Fire Marshal
- E. ONWASA
- F. Environmental Health
- G. Onslow County Onslow County GIS

- H.** Onslow County Board of Education
- I.** Onslow County Division of Environmental Health
- J.** Onslow County Sherriff's Department
- K.** Onslow County Parks and Recreation Department
- L.** USMC Community Plans & Liaison Office
- M.** Municipal and Private Utility Systems
- N.** Municipal and Volunteer Fire Departments
- O.** JUMPO (Jacksonville Urban Metropolitan Planning Organization)
- P.** DERPO (Down East Rural Planning Organization)
- Q.** NC Department of Environmental Quality
- R.** US Fish and Wildlife Service
- S.** US Army Corps of Engineers
- T.** Forestry Service
- U.** Other agencies deemed necessary

The Subdivision Administrator shall be the chairman of the TRC and shall establish a regular meeting schedule and a distribution and review schedule to ensure the timely review of all submitted plats.

## **ARTICLE II. LEGAL PROVISIONS**

### **Section 201. Prerequisite to Plat Recordation**

After the effective date of this ordinance, no subdivision plat of land within the County's jurisdiction shall be filed or recorded until it has been submitted to and approved by the Subdivision Administrator, as set forth herein, and until such approval is entered in writing on the face of the plat by the Administrator.

The Register of Deeds shall not file or record a plat of subdivision of land located within the territorial jurisdiction of the County that has not been approved in accordance with these provisions, nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with this section, except in those cases where the subdivision is exempted by NCGS 160D-8-2(5).

### **Section 202. Effect of Plat Approval on Dedications**

Pursuant to NCGS 160D-8-6, the approval of a plat does not constitute or effect automatic acceptance by any public or private entity of the dedication of any street, land, utility line, or other public land or facility shown on the plat. Until such time of acceptance, these areas shall remain reserved for such intended use as indicated on the approved plat and maintained by the developer.

### **Section 203. Word Interpretation**

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

- A.** Words used in the present tense include the future tense.
- B.** 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.
- C.** The word “person” includes a firm, association, corporation, trust and company as well as an individual.
- D.** The words “subdivider” and “developer” may be used interchangeably
- E.** The words “used for” shall include the meaning “designed for”.
- F.** The word “structure” shall include the word “building”.
- G.** The word “lot” shall include the words “plot”, “parcel”, or “tract”.
- H.** The words “plat” and “plan” are inclusive of one another.
- I.** The words “shall” and “must” is always mandatory
- J.** The words “could” and “should” are not mandatory but are recommended.
- K.** Words used to identify one gender shall be interpreted as including all genders.

### **Section 204. Violations**

- 2041** After the effective date of this ordinance, any person whom being the owner, or agent of the owner, of any land located within the territorial jurisdiction of this ordinance, thereafter subdivides his land in violation of this ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of land before the plat has been properly approved under the terms of this ordinance and recorded in the Office of the Onslow County Register of Deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring land shall not exempt the transaction from this penalty.
- 2042** Failure to comply with any provision of this ordinance shall be deemed a violation and shall subject the violator to the remedies and penalties set forth herein.
- 2043** Each day’s continuing violation of this ordinance shall be a separate and distinct offense.

**Section 205. Remedies and Penalties**

- 205.1** The violation of any provision of this ordinance shall subject the offender to a civil penalty in the amount of five hundred dollars (\$500.00). Violators shall be issued a written citation which must be paid within 10 calendar days.
- 205.2** The County may, at its discretion, pursue the enforcement of a violation of this Ordinance as a criminal matter pursuant to the authority in NCGS 14-4. The initiation of a criminal complaint for a violation of this Ordinance may take place at any time following the discovery of a violation, and may occur, before, simultaneously with, or following the initiation of any other remedy as set forth in this Ordinance.
- 205.3** The County may enjoin the subdivision, transfer or sale of land in violation of this ordinance by action for injunction in Onslow County Superior Court.
- 205.4** Notwithstanding any other provision, this ordinance may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.
- 205.5** Nothing in this section shall be construed to limit the use of remedies available to the County. The County may seek to enforce this ordinance by using any one, all, or combination of remedies.

**Section 206. Variances**

The Board of Adjustment may approve a variance from the standards of this ordinance when it finds that special circumstances or conditions exist that are unique to the land for which the variance is sought. The provisions of NCGS 160D-3-2 shall apply to the operations and procedures of the Board of Adjustment when hearing requests for Variances from the Subdivision Ordinance.

The Board of Adjustment shall make positive findings on all of the following in order to grant a variance from the standards of the Subdivision Ordinance:

- A. Unnecessary hardship would result from the strict application of the Subdivision Ordinance. It is not required to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- B. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the area, may not be the basis for granting a variance.
- C. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge circumstances exist that may justify the granting of a variance will not be regarded as a self-created hardship.
- D. The requested variance is consistent with the spirit, purpose, and intent of the



Subdivision Ordinance, such that public safety is secured, and substantial justice is achieved.

### **Section 207. Appeals**

- 207.1** Pursuant to NCGS 160D-4-5 the Board of Adjustment will hear and decide appeals of final decisions by the Subdivision Administrator to approve or deny preliminary or final subdivision plats, and of any allegation that there is an error in any written order, requirement, decision, interpretation or determination made by the Subdivision Administrator in the application and enforcement of this Ordinance. Appeals to the Board of Adjustment may be initiated by any person aggrieved or affected by any written decision of the Subdivision Administrator. For purposes of this Subsection, an “aggrieved or adversely affected party” means any person that will suffer an adverse effect to an interest protected or furthered by this Ordinance. The adverse interest may be shared in common with other members of the community at large but must exceed in degree the general interest in community good shared by all persons.
- 207.2** The provisions of NCGS 160D-3-2 shall apply to the operations and procedures of the Board of Adjustment when hearing appeals.
- 207.3** The final written decision of the Board of Adjustment on any appeal authorized by this ordinance may be further appealed to the Superior Court of Onslow County in accordance with NCGS 160D-14-3(b).

### **Section 208. Amendments**

The Board of County Commissioners may from time to time amend the terms of this ordinance in accordance with the procedures established in NCGS 160D-6-1(a). No amendment shall be adopted by the Board of County Commissioners until a public hearing on the amendment has been held. Notice of the public hearing shall be published in a newspaper of general circulation in Onslow County at least once per week for two (2) consecutive weeks prior to the hearing. The initial notice shall appear not more than twenty-five (25) days, nor fewer than ten (10) days prior to the hearing date.

### **Section 209. Repeal of Existing Subdivision Ordinance**

The adoption of this ordinance repeals the Onslow County Subdivision Ordinance, originally adopted on January 20, 2004, and any subsequent amendments. All suits at law or in equity and/or all prosecutions resulting from the violation of any subdivision ordinance heretofore in effect, which are now pending in any of the courts of this state or of the United States, shall be prosecuted to their finality the same as if this ordinance had not been adopted; and any and all violations of the prior ordinance, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this ordinance shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending and/or which may heretofore be instituted or prosecuted.

### **Section 210. 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 that have been previously adopted or issued pursuant to law.

**Section 211. Severability**

Should any section or provision of this ordinance be determined 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 212. Effective date**

This ordinance shall take effect and be in force from and after July 20, 2020.

### **ARTICLE III. DEFINITIONS**

The words contained in this section shall have the meaning assigned to them. Those terms not defined herein but defined in the Onslow County Zoning Ordinance shall be given the meaning assigned to them in the Zoning Ordinance. Words not defined in either ordinance shall use the definition found in Webster's New World College Dictionary.

**Building Setback Line(s):** Lines parallel to the property lines between which no structure may be built or placed.

**CAMA:** The Coastal Area Management Act of 1974.

**Common Open Space:** A parcel of land, an area of water, or a combination of land and water, within a development designed and intended primarily for the use and enjoyment of owners within said development. Areas included in driveways, multi-user septic areas, stormwater BMP's and parking areas shall not be considered a part of the open space.

**Corner lot:** A lot located at the intersection of two (2) or more streets.

**Dedication:** A proposed unilateral and perpetual offer of a gift by the owner to the County or other public entity of property or easement for a specified purpose or purposes. Because a transfer of property rights is entailed, dedications must be made by written instrument and clear notation on a subdivision plat. For purposes of all subdivisions approved under this ordinance, where property is dedicated to a public use on a plat, the County or other designated public entity may unilaterally elect to accept the dedication at any time of its convenience and until such time of acceptance the property shall remain undeveloped and reserved for such public use.

**Double frontage lot:** A (through) lot which has both front and rear lot lines on a street and/or proposed right-of-way.

**Driveway:** An entrance/exit access to an approved public/private street designed to serve vehicular traffic. For the purposes of this ordinance, a driveway can serve as many as three residential lots before having to be upgraded to meet the standards of a private lane.

**Easement:** A grant by the property owner of a strip or portion of land for a specified purpose or use by the public, a corporation, or person(s).

**Flag lot:** An irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm or "pole" consisting of a narrow strip of land.

**Frontage Road:** A road on the interior of a subdivision and located in front of a tier of lots running parallel to an exterior road to provide access to the tier of lots fronting on the exterior road.

**Interior Lot:** A lot other than a corner lot with only one (1) frontage on a street.

**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 Width:** The distance between side lot lines measured at the front building setback line shown on the recorded plat.

**Official Maps or Plans:** Any maps or plans officially adopted by the Onslow County Commissioners, a municipality within Onslow County, the State of North Carolina or other applicable official body as a guide for development, consisting of maps, charts, and texts.

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

**Public Sewer System:** A system serving two or more dwelling units that is permitted by the State of North Carolina.

**Reservation:** A reservation of land does not involve any current transfer of property rights. Reservations constitute an obligation to keep property free from development in perpetuity or for a stated period of time.

**Special Purpose Common Space:** Areas reserved for specific uses other than open space such as off-site septic, parking areas, cluster box mail units, stormwater BMP's and other related utilities that are to be maintained by an HOA or public/private entity.

**Street:** A public or private right-of-way providing for vehicular traffic. The following classifications shall apply:

- A. **Alley** – An access set aside primarily for vehicular service access to the back or side of properties otherwise abutting a public street.
- B. **Cul-de-sac** – A short street having one end permanently closed with a circular or other approved vehicular turnaround provided.
- C. **Local residential road or access street** - Either cul-de-sacs, loop roads, or roads that do not connect thoroughfares or serve major traffic generators.
- D. **Major arterial street** – Streets that serve the rural areas with characteristics of major and minor thoroughfares and are identified as part of the thoroughfare system.
- E. **Major thoroughfares** – An interstate, other freeway and expressway links, and major streets that provide for the expeditious movement of volumes of traffic within and through urban areas.
- F. **Minor thoroughfares** – Streets in the urban system that perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system by facilitating a minor through traffic movement and may also serve abutting property.
- G. **Residential collector roads** – A road which serves as the connecting street between local residential roads and the thoroughfare system

**H. Subdivision access road** – A road built through vacant property to provide access to the property being developed. This road would not have lots platted along it.

These street classifications are subject to change to be compatible with NCDOT.

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

**Subdivision Administrator:** The individual appointed to administer the provisions of this ordinance.

**Technical Review Committee (TRC):** The committee chaired by the Subdivision Administrator that is charged with assisting them in their review of proposed subdivisions.

## **ARTICLE IV. REVIEW AND APPROVAL PROCEDURES**

### **Section 401. Minor Subdivision and Special Purpose Subdivision Review**

#### **401.1 Review Process.**

Applicants for Minor Subdivision and Special Purpose Subdivision plat approval shall submit a recordation plat in accordance with the requirements set forth in Article V for a Final Plat and a complete application in accordance the submittal policy established by the Planning and Development Department.

- A.** The Subdivision Administrator shall distribute the plat to the Technical Review Committee (TRC) for review and comment. Within 10 working days following plan distribution, the Subdivision Administrator shall provide a summary of comments to the applicant.
- B.** Following receipt of the comments, the applicant shall have 15 working days to submit their revised plan. Failure to resubmit within this time period constitutes denial and a full resubmittal is required.
- C.** The Subdivision Administrator shall transmit their decision for approval or denial within 5 working days of the receipt of the revised plan.
- D.** If approval is granted, the applicant shall submit the mylar for recordation, along with the recordation fee, within 60 days of approval. Failure to submit an approved plat for recordation within 60 days shall render the plat null and void.

### **Section 402. Major Subdivision Review**

#### **402.1 Concept Plan.**

Prior to the submission of a Preliminary Plat, the subdivider shall submit a Concept Plan for the proposed subdivision for the Subdivision Administrator to review and offer comments and/or recommendations.

- A.** The Subdivision Administrator shall distribute complete applications based on the established plan submittal policy, to the Technical Review Committee (TRC) for review and comment.
- B.** Following the TRC meeting, the Subdivision Administrator shall compile written comments from the TRC review meeting and provide them to the applicant within 5 working days.
- C.** Following the receipt of comments, the applicant shall have 30 working days to submit their revised plan; however, the Subdivision Administrator may grant a 30-day extension upon request. Failure to resubmit within this time period constitutes denial and a full resubmittal is required
- D.** The Subdivision Administrator shall transmit their decision for approval or

denial of the Concept Plan within 10 working days of the receipt of the revised plan.

- E. The concept plan approval is valid for 12 months. The approval of a preliminary plat for any portion of the concept plan vests the concept plan.
- F. A revised concept plan is required when there has been an increase in density, street layout changes, and or utility service changes. The revised concept plan will be processed in the same manner as a new concept plan.

#### **402.2 Preliminary Plat.**

Following the approval of a concept plan, and prior to the installation of any improvements, the subdivider shall submit a Preliminary Plat and a complete application in accordance with the requirements set forth in Article V and the submittal policy established by the Planning and Development Department.

- A. The Subdivision Administrator shall review the application for completeness and consistency with the approved concept plan and then distribute complete applications, based on the established plan submittal policy, to the Technical Review Committee (TRC) for review and comment.
- B. Following the TRC meeting, The Subdivision Administrator shall compile written comments from the TRC review and provide them to the applicant within 5 working days.
- C. Following receipt of the comments, the applicant shall have 30 working days to submit their revised plat; however, the subdivision administrator may grant a 30-day extension upon request. Failure to resubmit within this time period constitutes denial and a full resubmittal is required.
- D. The Subdivision Administrator shall transmit their final decision for approval or denial of the Preliminary Plat within 10 working days of the receipt of the revised Preliminary Plat.
- E. Preliminary plat approval shall remain valid for 24 months. The recordation of a final plat for any portion of preliminary plat vests plan approval. Following the expiration of Preliminary Plat approval, a new Concept Plan review is required prior to resubmitting a Preliminary Plat.
- F. A revised preliminary plat is required when there has been an increase in density, street layout changes, and/or utility service changes. The revised preliminary plat will be processed in the same manner as a new preliminary plat.

#### **402.3 Construction of Improvements.**

The installation of improvements shall not commence in a proposed subdivision until the Preliminary Plat has been approved, and all required plan approvals and/or permits have been secured.

#### **402.4 Final Plat.**

The Subdivision Administrator shall review the application for completeness and consistency with the approved preliminary plat and then distribute complete applications, based on the established plan submittal policy, to the Technical Review Committee. A complete application shall include all items as outlined in Section 503.

- A.** The Subdivision Administrator shall distribute the plat to the Technical Review Committee (TRC) for review and comment. Within 10 working days following plan distribution, the Subdivision Administrator shall provide a summary of comments to the applicant.
- B.** Following receipt of the comments, the applicant shall have 15 working days to submit their revised plan. Failure to resubmit within this time period constitutes denial and a full resubmittal is required.
- C.** The Subdivision Administrator shall transmit their decision for approval or denial within 5 working days of the receipt of the revised Final Plat. Failure of the Subdivision Administrator to render a decision in the specified time shall constitute approval of the plat. The notice of approval shall also include the amount needed for the required financial guarantee(s).
- D.** If approval is granted, the applicant shall submit a mylar for recordation, along with the recordation fee, financial guarantee(s), and any other required documents within 60 days of approval. Failure to record an approved plat within 60 days shall render the plat null and void.



## ARTICLE V. SUBMITTAL REQUIREMENTS

The following standards shall apply to submittals made pursuant to this ordinance. The standards contained herein shall be in addition to all other general application requirements and fees established by the Planning and Development Department and/or the Board of Commissioners.

### Section 501. Submittal Requirements

The following shall be required on all submittals required by this Ordinance, the final plat column refers to major, minor and special purpose subdivision plats:

	Concept Plans	Preliminary Plat	Final Plat
<b>GENERAL INFORMATION</b>			
Proposed subdivision name, north arrow, and graphic scale	X	X	X
A vicinity map showing the location of the proposed subdivision in relation to neighboring tracts, subdivisions and waterways	X	X	X
Names(s) and mailing addresses of property owner(s), developer, surveyor, engineer, and land planner	X	X	X
Fire District and ISO Rating	X	X	X
Location of existing property lines, buildings, streets, railroads, cemeteries, septic systems, wells, bridges, culverts, watercourses, transmission lines, sewers, drainpipes, water mains, public utility easements, township, and municipal boundaries	X	X	X
Site data to include total acreage in tract, acreage in parks or other open space, average lot size, smallest lot size, total number of lots, zoning of the tract and linear feet in streets	X	X	X
<b>SITE FEATURES</b>			
The boundaries of the tract(s) to be subdivided with all bearings and distances shown and the portion to be subdivided	X		
Zoning classifications of the tract and adjoining properties, to include overlay districts	X	X	X
Municipal limits and County boundaries	X	X	X
The names and owners of adjoining properties and the names of adjoining subdivisions	X	X	X
The existing and proposed land use within the proposed subdivision and adjoining parcels	X	X	

General locations of proposed lots, utility easements (storm and sanitary sewer, water, gas, electricity, and telephone) and access easements	X	X	
Proposed lot lines and approximate dimensions		X	
Sufficient data to determine readily and reproduce on the ground, the location, bearing, and lengths of every lot, shared or off-site septic system, street rights-of-way, boundary line, easement and block line, whether curved or straight. This should include the radius, central angle, and tangent distance for curved streets and curved property lines that are not the boundary of curved streets			X
Accurate location and description of all monuments and markers			X
Lots numbered consecutively throughout the subdivision	X	X	X
Lot numbers circled and addresses in rectangular boxes			X
Location of reserved and dedicated public rights-of-way for access and utilities for adjoining parcels that do not have access to a public street	X	X	X
The name and location of any property or buildings within or adjacent to the subdivision that is located on the National Register of Historic Places	X	X	X
Proposed areas for parks, schools or open spaces to include areas reserved for such use	X	X	X
Proximity to any nearby Voluntary Agricultural District (VAD)	X	X	X
Location and labeling of any regulated floodplain boundary and floodway, including community panel number	X	X	X
Location of wetlands, approximate mean high-water mark, and CAMA Areas of Environmental Concern (AEC), including applicable buffers	X	X	X
Contour map with intervals of at least two feet		X	
<b>IMPROVEMENTS</b>			
Location of proposed streets (and designation as public or private), street names, rights-of-way, and pavement widths, to include location of stub streets to adjacent properties	X	X	X
Proposed streets and sidewalks		X	

(along with designation as private or public) street names, rights-of-way, pavement widths, approximate grades, and typical cross-sections			
Location of proposed corridors and/or public rights-of-way as shown on adopted transportation plan	X	X	
Location of common areas to include cluster box units, bus stops, amenity centers, trails, and open space		X	X
Utility plans for and locations of sanitary sewers, storm sewers, drainage, water distribution lines, natural gas lines, communications lines, and electric lines		X	
Utility easements for sanitary sewers, storm sewers, drainage, water distribution lines, natural gas lines, communications lines, and electric lines		X	X
Location of proposed stormwater BMP's to include limits of mining areas, if applicable	X	X	
Location of proposed stormwater BMP easements		X	X
Location of existing or proposed shared or off-site drain field areas or wastewater systems if separate from the lot which the field or system is to support to include approximate location of supply lines and accessways	X		
Location and details of existing (if not proposed to be eliminated) or proposed shared or off-site drain fields or wastewater systems if separate from the lot which the field or system is to support to include supply lines and accessways		X	
Location of existing (if not proposed to be eliminated) or proposed shared or off-site drain field sites or wastewater system sites and/or easements if separate from the lot which the field or system is to support to include supply line and accessway easements		X	X
Location and details for any required buffer areas		X	
Locations of easements of any required buffer areas		X	X





## **Section 503. Required Plat Notes**

### **Wetlands Statement**

This tract is not subject to 404 wetlands and/or other areas of environmental concern. Or Wetlands Caution: Prospective buyers are cautioned that portions of the lots shown on this plat are restricted in use by wetlands and waters jurisdiction pursuant to the US Army Corps of Engineers Section 404 regulations. Individual lot reviews to ensure compliance with their Federal laws and regulations are encouraged. Verification of location and restrictions should be made prior to individual lot development.

### **Flood Damage Prevention Statement**

This tract is/is not located within a Special Flood Hazard Area. Provide panel number and effective date when located within a Special Flood Hazard Area.

### **Easement Maintenance Responsibility**

Maintenance for easements outside of NC Department of Transportation rights-of-way are the responsibility of the property owner and/or property owner's association.

### **Shared Wastewater System Statement**

In the absence of a homeowners association, maintenance of any shared or outlying septic fields/wastewater systems shall be the responsibility of the developer and owner jointly or as otherwise documented in a recorded agreement.

### **Sight Distance Easement Statement**

Sight Distance easements shown hereon shall remain free of all structures, trees, shrubbery, and signs, except utility poles, fire hydrants, and traffic control signs.

### **Utility Easement Statement**

No structure or vegetation (except grass) may be located within utility easements.

### **Wastewater Treatment Disclosure:**

- A. When a public or private wastewater system is to be utilized, a note stating the name of the utility provider is required.
- B. When lots are served by a subsurface system, a note specifying the type of system(s) and the permitting authority, the corresponding lot numbers for individual septic system, individual septic with off-site systems and/or repair areas, multi-user systems and/or engineered option systems.
- C. When Engineered Option Systems are proposed, the following disclosure

statement shall be included on the plat:

An Engineered Option Septic system is designed and permitted by a licensed engineer and plans are submitted to the Environmental Health office where the record is filed; all inspections and any subsequent repairs are overseen by the engineer of record with reporting of such submitted to Environmental Health.

**D.** When Septic System Easements exist on the plat, the following statement shall be included on the plat:

Septic System Easements shall remain free of structures, fences, landscaping (other than grass) or any activities that would interfere with the use and maintenance of the easement.

**503.1** The following shall be submitted with the Final, Minor, and Special Purpose Plat, as applicable:

- A.** Articles of Agreement.
- B.** Improvement Permits for each lot served by a septic system or a letter of sewer availability from utility providing sewer.
- C.** Erosion Control and Stormwater Permits from the State of North Carolina.
- D.** Street design and/or construction approval from NCDOT.
- E.** Water and/or sewer line approval from the State of North Carolina.
- F.** Complete cost estimates for all required improvements that have not been installed, and actual construction costs for improvements that have been installed.
- G.** Proposed restrictive covenants and owner's association documentation.
- H.** If proposed infrastructure impacts 404 wetlands, a map and/or permit documentation from the USACE is required.
- I.** Other information as applicable to the project.

## **ARTICLE VI. DESIGN STANDARDS AND IMPROVEMENTS**

**Section 601.** For the purpose of this ordinance, the following infrastructure types must be constructed and/or guaranteed prior to the recordation of a final plat:

- A.** Streets and alleyways including street signs, traffic control signs, and required road improvements providing for the required connection to a State-maintained road.
- B.** Required shared driveways.
- C.** \*Water lines, taps, and fire hydrants.
- D.** \*Sewer lines and related pumps, lifts, etc.
- E.** Supply lines, accessways and staking for all off-site septic initial or repair systems.
- F.** Community sewer systems and plants.
- G.** Multi-user subsurface septic systems, not including the repair systems.
- H.** Sidewalks, when required.
- I.** Required buffers.
- J.** Cluster mailboxes
- K.** Buffer or other site improvements specified in a conditional zoning district plan.

\*All ONWASA-related infrastructure must be installed, certified and approved by the State prior to the recordation of plats.

### **Section 602. Consistency with Official Plans and Public Facilities**

#### **602.1 Consistency with Transportation Plans.**

Where a proposed subdivision includes any portion of a proposed public right-of-way or an existing right-of-way that is proposed to be widened, as indicated on an adopted thoroughfare plan, collector street plan, or other official transportation plan, the subdivider shall notify the NCDOT Division Engineer and provide evidence of such communication when submitting plats.

#### **602.2 Reservation of School Sites.**

Whenever a subdivision is proposed in a location that has been identified by an officially adopted plan as the location for a future school site, the Board of



Commissioners shall be notified of the proposed subdivision and shall transmit such notification to the Onslow County Board of Education. If the Board of Education does not wish to reserve the site, it shall so notify the Board of Commissioners, and the subdivision may proceed without the reservation of the site. 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 have eighteen (18) months, beginning on the date of Final Plat approval, within which to acquire the site. If the Board of Education fails to acquire the site within the specified timeframe, the reservation of the land for such purpose shall terminate.

**602.3 Consistency with Zoning and other Plans.**

The proposed subdivision shall comply in all respects with the requirements of the Onslow County Zoning Ordinance and shall be consistent with all officially adopted plans including, but not limited to, the Onslow County Comprehensive Plan.

**Section 603. Suitability of Land**

**6031** Land which has been determined, 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 proposed use shall not be platted for that purpose, unless and until the subdivider has taken the necessary measures to correct said conditions and to eliminate said dangers.

**6032** Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the Onslow County Health Department, a structural engineer, and a soils expert determine that the land is suitable for the purpose proposed.

**6033** All subdivisions shall be designed to minimize flood damage and shall conform to the Onslow County Flood Damage Prevention Ordinance.

**6034** Where areas of environmental concern have been identified, the suitability of the land in those areas will be based upon the guidelines and standards developed in accordance with the Coastal Area Management Act of 1974.

**Section 604. Name Duplication**

The Onslow County Geographical Information Services Department will review subdivision names and street names to determine consistency with their policies.

**6041** The name of the subdivision shall not duplicate nor closely approximate the name of an existing subdivision within Onslow County.

**6042** The name of a street public or private shall not duplicate nor closely approximate the name of an existing street within Onslow County. Street names that could cause confusion for emergency dispatch shall not be permitted.

## Section 605. Lot Design

### 605.1 General Requirements

- A. Side lot lines shall be at right angles to or radial to street lines where natural and manmade obstructions permit.
- B. Lot boundaries shall coincide with natural and man-made drainage ways to the extent practicable so as to avoid lots that can be built upon only by altering such drainage ways.
- C. Double frontage lots in residential subdivisions shall be avoided unless an adequate buffer is provided, and access is permitted only on one street. Developments with access from alleyways are permitted and access to both the alley and the street is allowed.
- D. Flag lot design subdivisions are prohibited.
- E. No lot lines shall extend into any portion of a public or private right-of-way.

**605.2 Flag Lots.** A flag lot may be permitted where the configuration of the parcels or site features warrant such a lot design and shall meet the following criteria:

- A. When the pole portion serves only one lot, the pole must be a minimum of 30 feet in width and not more than 800 in length and the lot must be a minimum of 30,000 square feet in area.
- B. When there is a proposed access easement made up of multiple poles, the overlaying access/utility easement must be a minimum of 40 feet in width and not more than 800 feet in length and cannot serve more than 4 lots. The following standards will apply:
  - 1. A turnaround meeting the standards of the fire code must be provided;
  - 2. The accessway must be constructed at a minimum width of 20 feet with a stone base and asphalt/concrete to meet the fire apparatus standards;
  - 3. A property owners association must be established to provide for the upkeep and maintenance of the accessway;
  - 4. Each flag lot must be a minimum of 30,000 square feet in area and limited to single-family residential use;
  - 5. A cluster box is required for a division of more than 2 lots;
  - 6. A note must be included that the flag lot(s) cannot be re-subdivided; and,
  - 7. The accessway must be constructed or guaranteed prior to final plat recordation.

### **605.3 Lot Dimensions, Lot Area and Building Setbacks**

- A.** Lots shall be designed to meet the minimum required lot dimensions, lot area, and building setbacks as established in the Onslow County Zoning Ordinance.
- B.** Unless specified in the Zoning Ordinance, there is no minimum lot size of Special Purpose lots.

### **605.4 Access Requirements**

- A.** All newly created lots and parcels shall have direct access to a public street or private paved streets. Multi-family and non-residential lots may be approved with access to private parking areas provided that the design standards meet the requirements of this Ordinance. Where there is a proposed redivision/recombination that includes the creation of an additional parcel and is access by a private street, the subdivider must provide evidence that the private street is being maintained and is not in a substandard condition by providing evidence of an operational HOA.
- B.** Where a tract of land to be subdivided adjoins a highway or thoroughfare as identified on zoning maps or transportation plans, the developer shall be required to provide a frontage access road or other internal access road. Where it is not practical for the developer to provide an internal access road due to topography or shape of the tract, shared driveways and similar means of limiting access points shall be permitted when not in conflict with access requirements in the Zoning Ordinance and NCDOT access management standards. These shared driveways shall be considered as part of the infrastructure improvements and shall be constructed or guaranteed as part of the final plat requirements.
- C.** When the subdivider is developing a parcel of land that has access from a recorded public right-of-way that has not yet been accepted into the state system, the subdivider must post a guarantee for this portion of unaccepted right-of-way or documentation that the public right-of-way has been accepted into the NCDOT maintenance system prior to recordation of the final plat.
- D.** When a subdivision is proposed to connect to an existing adjoining private street, the subdivider must provide adequate documentation that such lots have a legal right to be served by the private street.
- E.** Gates, barriers, and other types of access management systems are prohibited on roads dedicated to the public. Where installed on private streets, such devices shall be designed and installed in a manner that is

approved by the Onslow County Fire Marshal in accordance with the standards of the NC Fire Code to ensure immediate access by emergency vehicles.

## **Section 606. Easements and Rights-of-way.**

### **6061 Future Access Connections**

The reservation and dedication of access rights-of-way shall be required to provide access to adjoining properties in locations where it appears a roadway could be constructed and as required by this Ordinance.

### **6062 Utility Easements**

Utility easements shall be dedicated to each utility provider serving a subdivision. Utility easements shall be sized and configured in the manner required by the grantee to ensure their ability to provide ongoing maintenance of their utility lines and appurtenances. Where practical, utility easements that are required to be located outside of dedicated street rights-of-way shall be centered on side and rear lot lines or located parallel to the street rights-of-way.

### **6063 Drainage Easements.**

Stormwater drainage easements shall be required to facilitate adequate drainage along streams and other watercourses (both natural and manmade) as well as any proposed stormwater BMPs. Existing and/or natural drainage ways shall not be altered unless no practical alternative exists.

### **6064 Septic System Easements.**

Easements for off-site or shared subsurface septic systems, drain fields, repair areas, and/or supply lines or wastewater systems must be established as required by state and local ordinance upon approval by the Onslow County Health Department.

## **Section 607. Block Design**

**6071** The lengths, widths, and shapes of blocks should be designed so as to provide for adequate building sites suitable for the proposed development and meeting the applicable zoning requirements; safe and efficient vehicular and pedestrian circulation; avoiding negative impacts of environmentally sensitive areas and for allowing for the convenient access to water bodies.

**6072** Blocks should have sufficient width to allow two tiers of lots, except in non-residential subdivisions, or where abutting a water body, or where a single tier of lots would front or back up to a limited-access highway, major or minor thoroughfares or other class of road or transportation corridor.

**6073** Block lengths shall not exceed 1,000 feet.

## **Section 608. Streets**

### **608.1 Conformance with Official Plans.**

The location and design of streets and roads shall be in conformance with any applicable adopted transportation plan.

### **608.2 Compatibility with Existing and Planned Road Network.**

The location of streets within and adjacent to a proposed subdivision shall be compatible with the existing and planned street network in the immediate vicinity of the subdivision.

### **608.3 Access to Adjoining Property.**

Internal streets shall be platted to the property line in the following circumstances:

- A.** There are no natural barriers that make the street extension impractical, such as wetlands, floodplains, and topographic challenges;
- B.** The street connection will not create any readily identifiable traffic safety or capacity issues, as determined by NCDOT.

### **608.4 Connection to Existing and Planned Stub Streets**

Where stub streets have been platted or constructed on adjacent property, street connections to these streets shall be provided by right-of-way dedication on the plat and construction of the street.

### **608.5 Temporary Turnarounds on Stub Streets**

Stub streets providing future access to adjacent undeveloped property shall be constructed with a temporary turnaround of such design as required by the Onslow County Fire Marshal when the stub street exceeds 150 feet in length between an internal street intersection and the adjacent property boundary.

### **608.6 Secondary Access for Fire Apparatus Access**

In order to promote public safety, proposed residential subdivisions containing more than 30 building lots shall provide at least two points of access to the external street network for fire apparatus access. No more than 30 lots that are served by the internal street network may be platted and developed until the second point of access that meets or exceeds the standards of the NC Fire Code is constructed.

### **608.7 Reserve Strips.**

Reserve strips adjoining street right-of-way for the purpose of preventing street or utility access to adjacent property shall not be permitted under any circumstance.

**608.8 Street Classification.**

The classification of streets within a proposed subdivision, with regard to their functional design, shall be made in accordance NCDOT standards and/or with the most recent adopted transportation plan.

**608.9 Public Streets.**

- A. Public streets shall be designed and constructed in accordance with the North Carolina Department of Transportation (NCDOT) Subdivision Roads; Minimum Construction Standards.
- B. Once streets have been recorded as public streets on a final plat they are prohibited from reverting to private streets. The developer must proactively pursue full acceptance of streets into NCDOT's maintenance system.

**608.10 Private Streets.**

- A. Private streets shall be permitted in a proposed subdivision that is intended for non-residential, mixed-use, or multi-family use.
- B. Onslow County prefers the development of public streets to ensure long-term maintenance, a single-family subdivision may be developed with private streets when all of the following apply:
  - 1. The development includes a proposed amenity site (not simply a playground, but a pool and clubhouse, boat ramp or other significant amenities);
  - 2. The developer proposes to include creative design features such as landscape islands that may not be accepted by NCDOT (this does not include substandard design features); and,
  - 3. The developer proposed to install an entrance gate in order to provide a greater sense of security and/or privacy.
- C. All private streets shall be indicated as such on the Final Plat.
- D. A street disclosure statement indicating that the streets are private and to be maintained by the property owners association shall be included on the Final Plat.
- E. A property owners association shall be established, and the declaration of covenants shall provide for the funding of the perpetual operation and maintenance of the private streets.
- F. All private streets in single-family subdivisions must meet the following:
  - 1. An entrance gate must be provided at all of the intersections with access to an NCDOT secondary road(s) and access to the gate must be

provided to local law enforcement, emergency services agencies, and utility providers.

2. The construction of the street(s) must meet the standards of NCDOT, and the road width(s) must be a minimum of 20 feet.
3. Since public school buses and mail carriers do not have access to the private street(s), the developer must provide a dedicated parcel at the entrance(s) of the development for a bus stop and cluster box unit(s).
4. All developments with private streets are required to have a secondary emergency access with a manual gate.

**G. Construction standards.**

1. Parking Access areas for multi-family and mixed-use subdivisions shall be based on the subgrade of the site but in no case shall the ABC Stone base be less than 6” and the SF9.5A asphalt pavement less than 1 ½”. The subgrade shall be tested for density and shall be proof rolled by the testing Engineer or the Engineer or Surveyor who will issue the Final Certificate. Base and pavement shall be tested for density and thickness. Testing for pavement shall be certified by either a professional Engineer or properly certified QMS Technician and shall be in accordance with QMS criteria. The minimum densities shall be as follows: Subgrade –100%; Stone Base – 100%; SF 9.5A – 90%; S 9.5B – 92%. The Engineer or Surveyor must be notified of each phase of construction so that the proper testing can be completed.
2. The private streets in a single-family subdivision must be designed and built to at least the minimum NCDOT Subdivision Street Standards. Street construction and testing shall be performed in accordance with NCDOT “Standard Specifications for Roads and Structures”, latest edition, 2003 Hot Mix Asphalt Specifications, and Manual, and “Quality Management Systems Maintenance Version”, and shall report the testing and/or core locations, test method, results, and DOT allowable range or tolerance, as applicable. Subgrade shall be tested for density and shall be proof rolled by the testing Engineer or the Engineer or Surveyor who will issue the Final Certificate. Base and pavement shall be tested for density and thickness. Testing for pavement shall be certified by either a professional Engineer or properly certified QMS Technician and shall be in accordance with QMS criteria. The minimum densities shall be as follows: Subgrade – 100%; Stone Base – 100%; SF 9.5A – 90%; S 9.5B – 92%. The Engineer or Surveyor must be notified of each phase of construction so that the proper testing can be completed. All culverts under streets shall be per NCDOT Specifications unless otherwise approved by the County. Adequate road drainage provisions shall be made to protect the integrity of the constructed street system and such construction shall be certified by a licensed surveyor or engineer.

**608.11 Non-Residential Streets.** Streets in a non-residential subdivision shall be designed and constructed to meet the standards of NCDOT for the type of street proposed. When the street is proposed to be private, certification from a licensed

engineer or surveyor that the proposed streets are designed per NCDOT road standards shall be submitted prior to Preliminary Plat approval. Furthermore, certification by a licensed surveyor or engineer that such streets have been constructed in accordance with minimum NCDOT standards and specifications shall be provided prior to Final Plat approval or, in the case of an improvements guarantee, prior to the release of the guarantee. Where not otherwise reserved and dedicated to public use, all such streets shall be described in a recorded easement for the benefit of all appurtenant properties and shall allow egress, access, and installation of utilities for public use.

#### **608.12 Design Standards for All Streets**

- A.** The provision of street rights-of-way shall conform to and meet the requirements of any adopted transportation plan.
- B. Right-of-way:** Public and private street right-of-way widths shall not be less than required by the State of North Carolina for the type of road or street proposed, and/or as required by any adopted transportation plans whichever is greater.
- C. Street Pavement widths:** Pavement widths for public and private streets shall be no less than 20' and may be required to be wider if required by NCDOT or any adopted transportation plan. The pavement width of the cul-de-sac turnaround shall be a 40' radius; however, a smaller radius may be permitted on streets of 300' or less in length. The pavement widths for turnaround designs other than the standard cul-de-sac bulb shall be as required by the standards of the Fire Code.
- D. Street Layout.** The internal street network shall be designed to optimize internal and future connectivity by minimizing the length of blocks and providing a looped or grid type road system.
- E. Intersections:**
  - 1. Public and private 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 75 degrees.
  - 2. Offset intersections are to be avoided. Intersections which cannot be aligned should be separated by a minimum length of 200 feet between centerlines.
  - 3. Intersections with arterials, collectors, and thoroughfares shall be as required by the North Carolina Department of Transportation and in accordance with any adopted transportation plan.
  - 4. No two streets may intersect with any other street on the same side at a distance of less than 400 feet measured from centerline to centerline



at the intersections. When the intersecting street is a major or minor thoroughfare, the distance between intersecting streets shall be at least 600 feet. When two thoroughfares are proposed to intersect, this distance may need to be increased to 1,000 feet and/or right-in/right-out drives may be required.

5. The grade at an intersection shall not exceed five percent for a distance of not less than 100 feet from the centerline of the intersection.

**F. Sight Distance Easements:** These easements, as required or recommended by NCDOT, shall be shown on the Final Plat along with a note that the easements shall remain free of all structures, trees, shrubbery, signs, utility poles, fire hydrants, and traffic control signs. The subdivider may be relieved of their requirement if it can show good cause for its failure to obtain such easements.

**G. Cul-de-sacs:** It is the intent of this section to limit the use of cul-de-sacs while recognizing that property dimensions, environmental features, and other site design issues may require their use in order to reasonably develop certain properties. In particular, cul-de-sacs shall not be used to avoid connection with an existing public street or internal private street where the physical ability to connect exists. No more than 30 residential units shall be served by a cul-de-sac street or combination of streets where no future access is planned.

The maximum distance from an intersecting public or private through street (non-dead-end street) to the end of a cul-de-sac shall be 1,200 feet. A temporary cul-de-sac where the future connection is dedicated must comply with this 1,200-foot limit. This distance shall be measured from the centerline of the turnaround to the centerline of the nearest public or private through street intersection. When fire hydrants cannot be installed in a development, the maximum length of a cul-de-sac may not exceed 800 feet.

A stub street may be used as the nearest intersection provided that the stub street is constructed to the extent of the right-of-way/property line during the initial construction of the other streets and shall be considered part of the infrastructure for the subdivision.

**H. Alleys:** Alleys shall be required to serve lots used for commercial and industrial purposes except that this requirement may be waived where other acceptable provisions are made for service access. The width of any alley shall be at least 20 feet, and each alley shall connect to another street at each end.

**I. Street and Traffic Control Signs.**

1. The subdivider shall be required to provide and erect public and private street name and traffic control signs designed in accordance with County and NCDOT standards at all intersections within the subdivision. Such signs, or temporary all-weather versions thereof, shall be displayed upon the completion of the first course of pavement installation.
2. Permanent signage shall be installed prior to Final Plat approval. Prior to the release of acceptance guarantee, the site shall be inspected for sign placement and the guarantee shall not be released until such time as missing signs are replaced.
3. Sign maintenance shall be included as a matter of responsibility for the property owners association in subdivisions where private streets are installed.

**J. Permits for connection to state roads.** A permit issued by the North Carolina Department of Transportation shall be required prior to the construction of any street which connects to an NCDOT maintained road.

**K. Bridges.** All bridges and approaches on public and private streets shall conform to the requirements established by the North Carolina Department of Transportation.

**Section 609. Utility Service**

**609.1 Domestic Water Supply.**

Each lot in a subdivision shall be provided with a connection to a public water system at the subdivider's expense. The design and construction of water line extensions and connections shall comply with the standards and policies of the utility providing service to the subdivision. Special Purpose subdivisions do not have to meet this requirement where the resulting development will not require water service.

Based on the table below, installation of a minimum of a 6" waterline connection to the subdivision is required when the total point value of these is 8 or more:

<b>Factor</b>	<b>Points</b>
The shortest distance measured along the existing public water main from the 6" or greater portion to the anticipated extension.	Less than 800 feet: 6 points 800 to 1,100 feet: 5 points
The number of proposed dwelling units in the subdivision, including all proposed phases.	1-30 lots: 1 point 31-100: 2 points Greater than 100: 3 points
Proposed line part of the utility provider's long-range plan.	2 points

This requirement may be waived if it is determined by the water provider that the capacity of the system will not support such upgrade.

**609.2 Sanitary Sewer Service.**

Each lot in a subdivision shall be provided with a connection to a public sanitary sewer system at the subdivider’s expense if the proposed development meets the distance thresholds according to the number of lots as outlined in the table below. Distances shall be measured from the closest point of the property to an existing gravity sewer main.

<b>Proposed Lots</b>	<b>Distance from Public System</b>
*Fewer than 10	200 feet
*11-20	300 feet
*21-50	600 feet
*51-100	1000 feet
101 or more	1500 feet

\*This requirement applies only when a gravity connection is possible and when the utility provider has sufficient capacity to serve the development.

The design and construction of sanitary sewer line extensions and connections shall comply with the standards and policies of the utility providing service to the subdivision. Special Purpose subdivisions do not have to meet this requirement where the resulting development will not require wastewater service.

**609.3 Community Sewer Service.**

If connection to a public sanitary sewer system is not required, and a subdivision is developed using an off-site drain field, a community sewer system, area-wide system, multi-user remote system or any other form of off-site sewer treatment facility, a disclosure of the type of system proposed, and its ownership shall be submitted with the concept plan. All other necessary and appropriate local and state documentation shall be submitted with the Final Plat as well as a financial guarantee to be held until the operations permit is issued. Maintenance of a system shall be the responsibility of the property owner(s), or property owners’ association.

**609.4 Subsurface Wastewater Systems.**

- A.** Concept Plans shall include a note as to the types of proposed subsurface wastewater systems and the respective permitting authority along with the general locations of any multi-user and/or off-site system/repair sites.
- B.** Preliminary plans shall include details on any multi-user and/or off-site systems and repair areas as well as the supply lines and accessways and related easements.
- C.** Final plats shall include the required notes and/or certifications related to the

system types for the lots shown on the plat as required in Section 503. The final plat submission shall also include cost estimates for off-site supply lines, multi-user initial systems, staking and accessways.

**D.** Off-site systems shall meet the following standards:

- 1.** Supply lines, access roads, and permanent markers for the off-site areas shall be installed as part of the infrastructure improvements for the subdivision. The clearing and grading of the off-site system areas, when there are adjacent off-site systems, shall be completed as part of the infrastructure improvements for the subdivision. These improvements shall be included in the performance guarantee when not complete at the time of Final Plat approval.
- 2.** The location of septic systems and access easements shall be designed such that damage to existing septic systems is avoided. These locations and easements shall be included on the preliminary plan and Final Plat. Supply lines shall be parallel to and within fifteen feet of road rights-of-way unless such placement is not possible because of a physical obstruction, including, but not limited to, a stream, culvert, or existing structure.
- 3.** Supply lines shall be parallel to road rights-of-way and/or other utility easements that are parallel to those rights-of-way to ensure placement of the supply lines meets required setbacks from other utilities unless such placement is not possible because of a physical obstruction, including, but not limited to, a stream, culvert, or existing structure. The spacing distances from the line to other utility lines shall meet the requirements of the State rule.
- 4.** When an off-site initial system and/or its corresponding repair area are proposed to be located on separate parcels/areas, the supply lines to the initial system and/or repair area shall be installed as part of the infrastructure of the subdivision. Supply lines shall be located within common trenches where possible.
- 5.** A suitable equipment access easement of 20' to the off-site septic area(s) shall be provided along with an adequate repair staging area for equipment and materials. An all-weather accessway must be designed by a professional engineer to meet the following standards:
  - a)** The accessway shall be a minimum width of 10 feet with a turning radius of 28 feet in order to be accessible by a tandem-axle truck including curves.
  - b)** The accessway shall have a minimum vertical clearance of not less than 13 feet 6 inches.

- c) Dead end accessways in excess of 500 feet shall include an all-weather area for turnaround.
  - d) The accessways shall be graded to prohibit ponding of water and shall be sloped from centerline to edge a minimum of 2% grade.
  - e) The accessway shall not be constructed at a grade of greater than 15%.
  - f) The subgrade of the accessway shall be compacted to 95% standard proctor and there shall be a minimum of 6 inches of aggregate (compacted) consistent with emergency fire access lanes to hold heavy truck traffic.
  - g) Alternate construction practices may be specified by the system designer provided the design allows for the adequate access to the off-site areas.
  - h) The construction shall be certified by the design engineer upon completion and shall be submitted to the Subdivision Administrator.
6. The off-site areas shall be sloped to shed surface water, and, in a manner, which facilitates easy maintenance with standard mowing equipment. These areas shall be kept clear of vegetative overgrowth, underbrush, and debris.
7. The corners of each drain field and repair area of each off-site septic system shall be marked with permanent property markers set in concrete and extending to a height of at least one foot above grade. Such markers shall be off-set 5 feet from the system and consist of corrosion-resistant and mold-resistant materials and shall display the lot and section number of the lot served by the drain field and repair areas. Examples of such markers include but are not limited to, four-by-four inch treated wooden posts set in concrete at a height of at least one foot above grade and displaying the lot and section number of the lot served by the off-site system in aluminum, brass, or stainless steel lettering. Where a drain field and its corresponding repair area abut one another, markers are required only at the corners of the combined area that includes both the drain field and the repair area. A note shall be included on the Final Plat identifying which lot(s) are served by off-site septic systems.
8. Adequate provisions for the upkeep and maintenance of off-site septic systems shall be identified by recorded restrictive covenants, recorded homeowner's association covenants, recorded maintenance agreements, or other recorded means approved by the

Subdivision Administrator that ensure off-site septic systems are maintained. The instrument providing for the maintenance of the off-site septic systems shall be recorded referencing the map book and page of the subdivision plat.

### **Section 610. Erosion Control**

When one acre or more is to be disturbed, an erosion control permit must be obtained from the State of North Carolina. A copy of this permit shall be submitted to the Planning Department prior to Final Plat approval and no construction activity shall commence until such permit is obtained.

### **Section 611. Stormwater Management**

All subdivisions shall be designed and constructed in a manner that is in compliance with the NCDEQ Coastal Stormwater Rules, as applicable. These rules apply to all proposed development activity that meets one or more of the following:

- A.** The proposed development activity is required to obtain an Erosion and Sedimentation Control permit;
- B.** The proposed development requires a CAMA Major Development Permit;
- C.** The proposed development will result in more than 10,000 square feet of built-upon area; or
- D.** It is a proposed residential project that is located within ½ mile of SA waters and greater than 12 percent of the land area of the proposed subdivision will contain built-upon area.

Where stormwater management facilities are required, but not installed at the time of Final Plat approval, the developer shall post a financial guarantee to ensure the completion of such facilities. When the facility is complete an engineered certification must be submitted.

Furthermore, where such facilities are installed, a property owners association shall be established, and the declaration of covenants shall provide for the funding of the perpetual operation and maintenance of any structured stormwater control facilities, including the routine maintenance of stormwater conveyances that are located outside of a public right-of-way.

### **Section 612. Dams**

Any proposed dam or impoundment within the subdivision must comply with the North Carolina Dam Safety Law of 1967 and the North Carolina Administrative Code, Title 15, Subchapter 2K.

### **Section 613 Jurisdictional Wetlands**

The location of any Section 404 wetlands shall be surveyed and delineated on a map signed by the US Army Corps of Engineers; the signature need not be on the Final Plat but must be submitted before Final Plat approval. A wetlands caution statement shall appear on the Final Plat. If no

wetlands exist on the property, a note of such fact shall appear on the Final Plat.

#### **Section 614. Community Mail Facilities (Cluster Box Units)**

The Preliminary Plat shall include the location(s) of any community mail delivery facilities required to be installed by the United States Postal Service. Where required, such facilities shall be located on a separate lot, which shall be treated in the same manner as a Special Purpose Subdivision. Subdivisions that include community mail delivery facilities shall establish a property owners association to hold the title to the lot(s) upon which such facilities exist.

#### **Section 615. Sidewalks/Trails**

Sidewalks or trails shall be required to be installed on all public and private streets where a major subdivision is proposed that is located within 1/4 mile of a public park or school, including planned sites for public parks and schools, as well as within major subdivisions that take access from a public street this is identified as a pedestrian route of designated for pedestrian improvements in the most recent adopted transportation plan. Cul-de-sacs and stub streets of less than 600 feet in length are excluded from this requirement.

The placement of sidewalks or trails shall comply with the NCDOT guidelines. Sidewalks or trails shall be placed within the right-of-way or a designated sidewalk/trail easement.

The property owners' association documents must include provisions for the upkeep and maintenance of sidewalks.

The following are the options for meeting the sidewalk/trail requirement:

1. When proposed on both sides of a street, the sidewalks shall be constructed to a minimum width of four (4) feet.
2. When proposed on one side of a street, the sidewalks shall be constructed to a minimum of five (5) feet.
3. A six-foot trail may be provided on one side of the street in lieu of sidewalks.

The following construction standards must be met:

1. Sidewalks must consist of a minimum thickness of four inches of concrete and six inches at driveway crossings.
2. Trail must be installed on a compacted subgrade with four inches of compacted ABC stone and 1 ½ inches of 9.5A asphalt mix.
3. In accordance with ADA requirements, all street curbs for public and private streets shall provide wheelchair ramps at all intersections.

#### **Section 616. Open Space and Conservation Areas**

Where provided, lots and parcels dedicated to a property owners association as common open space or deeded to a conservation organization or other entity as conservation lands shall be designed and arranged in such a manner as to ensure adequate access to the property for emergency services and maintenance. In no case shall such open space lots or parcels be designed without at least 30 feet of road frontage in a location that, if necessary, could accommodate driveway access to the property.

When held in common ownership by the owners of lots within a subdivision, a property owners association shall be formed to maintain such lands, and the declaration of covenants shall provide for the perpetual funding of the maintenance of the open space properties in the subdivision.

### **Section 617. Recreation Facilities**

Where, at the option of the developer, recreation facilities are provided within a subdivision, the land containing such facilities shall be deeded to a property owners association, and the declaration of covenants shall provide for the perpetual funding of the operation and maintenance of such facilities. If the developer desires to establish a public park or other recreation facility as part of the subdivision, such land may be reserved, dedicated to the public and improved as a public park or recreation facility only with the approval of the Onslow County Board of Commissioners. Where a park or recreation parcel is reserved and dedicated, but not improved or accepted by the Board of County Commissioners, such property shall be maintained as common open space by a property owners association in conformance with Section 614 until such time as the dedication is accepted by the County.

### **Section 618. Other Common Facilities and Amenities**

At the election of the developer, such other common facilities or amenities, including entrance signs, clubhouses, boat and RV storage lots, vehicle washing facilities, and similar uses accessory to a residential subdivision may be installed, provided that such facilities and amenities are deeded to a property owners association.

### **Section 619. Multi-Family Subdivisions**

- 619.1** Subdivisions proposed for the purpose of multi-family, townhouse and condominium development shall be required to follow the Major Subdivision process in all cases. In addition, the following shall be required prior to subdivision approval:
  - A.** All documents as required by law (NC Condominium Act),
  - B.** All owner's association documents which stipulate the maintenance and upkeep of all improvements such as streets, parking areas, and other common areas.
- 619.2** All improvements (streets, utilities, etc.) shall conform to the provisions set forth in this ordinance.
- 619.3** Parking access areas and other access streets shall be considered part of the infrastructure improvements for the development and performance guarantees are required per Article VII. A licensed engineer shall provide certification of the parking access construction before the performance guarantee can be released.
- 619.4** All design and plan criteria shall conform to the provisions set forth in this ordinance and the Onslow County Zoning Ordinance.



**ARTICLE VII. PERFORMANCE GUARANTEES**

**Section 701. Improvements Guarantee**

**701.1 General Requirements.** No Final Plat shall be approved until all improvements identified in Article VI, not including individual onsite wastewater systems, have been constructed or, in lieu of such construction, the applicant has provided the Subdivision Administrator a Performance Guarantee equal to the amount identified in Section 701.4 in the form selected by the developer, provided such is authenticated as being valid by the County. Performance guarantees in forms other than cash to be deposited with the County shall name Onslow County as the beneficiary of the funds.

The developer shall provide a Street Acceptance Guarantee where streets have not been accepted by NCDOT or conveyed to a property owner's associated in the case of private streets.

**701.2 Articles of Agreement Required.** All financial guarantees shall be submitted along with Articles of Agreement defining what is being guaranteed by such performance guarantee, and the circumstances under which default occurs. The agreement shall be signed by the developer and the Subdivision Administrator on behalf of the County. The agreement shall include a completion date not exceeding 2 years from the application date. Extensions beyond a previously-approved completion date must be approved by the Board of County Commissioners.

**701.3 Review of Cost Estimates.**

The developer shall submit to the Subdivision Administrator an estimate of the total cost to complete all unfinished improvements and the final and actual construction cost of all completed improvements. Cost documentation may be submitted by phases where the development has been approved to proceed by phases.

**701.4 Amount of Financial Guarantees.**

- A.** The amount of the Performance Guarantee shall be equal to the estimated cost to complete all unfinished improvements as determined by the Subdivision Administrator plus 15 percent of this cost. If the improvements are complete and the developer does not have the NCDOT Basic Letter or the engineer's certification in the case of private streets, a performance guarantee is required in the amount of 15 percent of the actual costs of the street installation.
  
- B.** The amount of the Street Acceptance Guarantee shall be equal to 15 percent of the actual cost of the installation of the streets for which the Acceptance Guarantee is being posted.

**7015 Drawdowns and Release of Financial Guarantees.**

The developer, upon written request accompanied by supporting documentation, may request the Performance Guarantee be reduced in increments in amounts equaling the percentage of improvements actually constructed or accepted by the receiving entity. The Subdivision Administrator shall verify that the improvements subject to the request have been constructed or accepted and shall determine the percentage of completion represented by the constructed improvements. The Subdivision Administrator shall thereafter reduce the Performance Guarantee as appropriate.

Once construction of the infrastructure is complete, the developer shall submit a written request for the release of the performance guarantee. In the case of public streets, the request shall be accompanied by the “Basic Letter” from NCDOT stating that the street improvements meet their standards. In the case of private streets, the developer shall provide an overall final certification from an engineer with testing data to show compliance with the standards set forth for such streets in this Ordinance. Where there are utilities to be accepted by a private utility entity, the performance guarantee shall not be released until such time as the utility has accepted the infrastructure.

The Subdivision Administrator shall not reduce or release the Street Acceptance Guarantee until all roads have either: been accepted into the NCDOT state road system or, in the case of private streets, conveyed to a homeowner’s association.

**7016 Developer Responsibility for Maintenance.**

The developer shall protect all rights-of-way from encroachment, and shall take all efforts necessary to expeditiously transfer newly constructed roads into the state road system, or in the case of private streets, take all efforts necessary to expeditiously transfer such roads to the property owners association in accordance with development agreements. The developer shall be responsible for the maintenance of all roads within a subdivision until such time as such roads have either been accepted into the state road system or conveyed to a property owner’s association.

Where utilities are to be conveyed to a public utility or enterprise, the developer shall take all efforts necessary to expeditiously transfer such utilities to the public utility or enterprise.

**7017 Final Plat of Record.** The Final Plat of record shall include the developer’s name and address or address of registered agent as well as a signed and notarized acknowledgment of the developer’s road maintenance responsibilities pending acceptance of subdivision roads into the state road system or conveyance to a property owners association. All deeds to lots within the subdivision shall refer to the recorded map book and page of the subdivision plat.

**7018 Term of Guarantee.** The term of the Financial Guarantees shall be for a standard period of one (1) year. The developer must contact the County at least 90 days before the initial expiration date of the guarantee to request a one-year extension. If no developer progress update has been given to the County and no extension has been requested/granted the County will execute the financial guarantee before the expiration date. No Financial Guarantee shall be released without written authorization from the Subdivision Administrator.

**7019 Forfeiture of Financial Guarantee.** If the developer fails to satisfy any of obligations or responsibilities identified in this Article or the Articles of Agreement, the Subdivision Administrator shall notify the developer by certified mail at the address provided in the Articles of Agreement that the developer is in default. If the financial guarantees are in the form of a bond or letter of credit, a copy of the notice shall also be provided to the surety at the address provided in the Articles of Agreement. If the notice is returned undelivered from both the developer and the surety, then the notice may be published in a newspaper of general circulation within the County. All notices shall identify the nature of the default and provide the developer or surety 15 days to appear at a hearing before the Subdivision Administrator to show cause why the developer should not be considered in default. If the developer or surety fails to request a hearing or fails to show cause why the developer should not be held in default, the Subdivision Administrator shall declare the developer in default and the financial guarantee shall be forfeited to the County and shall be used to cure the default. Remaining funds not used to cure the default, if any, shall be deposited into the general fund of the County as compensation for administrative fees.

**Appendix A**  
**ARTICLES OF AGREEMENT**

These Articles of Agreement, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, (year) by and between \_\_\_\_\_, hereinafter referred to as Developer, and the People of the County of Onslow, North Carolina, by their Board of County Commissioners, and their Planning Board, hereinafter referred to as Onslow County.

WITNESSETH:

1. In consideration of the approval by Onslow County of the plat for the subdivision known as \_\_\_\_\_ in accordance with the Developer’s proposal submitted herewith, the Onslow County Subdivision Regulations as enacted by the Board of County Commissioners of Onslow County and said Subdivision Regulations are incorporated into this Agreement by this reference and made a part thereof.
  
2. Developer agrees to complete all improvements so specified prior to plat approval or to provide financial guarantees to Onslow County for such improvements in a form acceptable to Onslow County in accordance with the provisions of Article VII of the Subdivision Ordinance on the date of plat approval. The County, its agents or assigns, are hereby given the right to enter onto the property and take whatever actions may be necessary to enforce the provisions of the Onslow County Subdivision Ordinance or this Agreement to include, if necessary, the right to complete improvements or satisfy other obligations regarding the acceptance or conveyance of roads within the subdivision.
  
3. It is mutually agreed that the time of performance by the Developer shall be an essential part of this Contract, any failure of the Developer to complete the subdivision in accordance with the Onslow County Subdivision Regulations and the approved preliminary plat and according to the completion schedule herein contained, shall be cause for forfeiture of the guarantees to Onslow County. Notwithstanding any provision herein, the Onslow County Subdivision Administrator shall have authority to extend the time of compliance upon demonstration by the Developer that unforeseen or unusual circumstances exist.

4. Completion Schedule:

	Starting Date	Completion Date	Cost Estimate
Water System	_____	_____	_____
Streets	_____	_____	_____
Sewer System	_____	_____	_____
Signs	_____	_____	_____

5. The Developer hereby agrees to accept full responsibility for the upkeep and maintenance of any and all streets until such time as said streets are included in the state system for maintenance or conveyed to a property owner's association for maintenance. The Developer agrees to provide the County a maintenance and conveyance guarantee in accordance with the provisions of Article VII of the Subdivision Ordinance on the date of plat approval. The County, its agents or assigns, are hereby given the right to enter onto the property and take whatever actions may be necessary to enforce the provisions of the Onslow County Subdivision Ordinance or this Agreement to include, if necessary, the right to complete improvements or satisfy other obligations regarding the acceptance or conveyance of roads within the subdivision.
  
6. It is further mutually agreed and understood that all agreements herein contained shall extend to and be obligatory upon the heirs and assigns of the Developer and in no event will this Agreement be assigned by the developer without the written consent of Onslow County.

\_\_\_\_\_

Date

\_\_\_\_\_

Subdivider

\_\_\_\_\_

Date

\_\_\_\_\_

Subdivision Administrator