

SUBDIVISION AND COMMERCIAL REGULATIONS
FOR THE
TOWN OF BELVILLE, NORTH CAROLINA
BRUNSWICK COUNTY

Adopted by the Board of Commissioners
Town of Belville
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ARTICLE I INTRODUCTORY PROVISIONS

Section 101. Title

This ordinance shall be known and may be cited as the Subdivision Regulations for the Town of Belville, North Carolina, and may be referred to as the Subdivision Regulations

Section 102. Purpose

The purpose of this ordinance is to regulate and control the subdivision of land within the corporate limits of the Town of Belville in order to promote the public health, safety and welfare of the community. The regulations are designed to lessen congestion in streets and roadways; to further the orderly layout and use of land; to insure proper legal description and proper monumenting of subdivided lands; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land and avoid undue concentration of population; to facilitate adequate provisions for transportation, water, sewerage, open space, recreational areas and other public facilities; and to facilitate the further re-subdivision of larger tracts into small parcels of land.

Section 103. Authority

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

Section 104. Jurisdiction

These regulations govern each and every subdivision of land within the corporate limits of Belville, North Carolina, as now or hereafter established and as indicated on the Official Corporate Boundary Map of Belville, North Carolina.

Section 105. Prerequisite to Plat Recordation

After the effective date of this ordinance, and prior to recording the same, every final plat of a subdivision of land within the Town's jurisdiction shall be approved by the Town Manager and/or his or her designee (hereinafter collectively referred to as the "Town Manager") as prescribed herein.

Section 106. Acceptance of Streets

No street shall be maintained by the Town nor street dedication accepted for ownership and maintenance in any subdivision for which a plat is required to be approved unless and until the final plat of that subdivision has been approved by the Town Manager as provided for herein.

Section 107 Compliance with Official Plans

Whenever the subdivision of a tract of land embraces any part of a thoroughfare or street shown on the Belville land Use Map or the Brunswick County Major Thoroughfare Plan, such part of such proposed public way shall be in compliance with the above named plans as well as the regulations contained herein. Due consideration shall be given to those areas shown in the Belville land Use Plan as potential sites for schools, parks, and other public facilities.

Section 108. Zoning and other Ordinances and Plans

Similarly, proposed subdivisions must comply in all respects with the requirements of the Zoning Ordinance in effect in the area to be subdivided, and any other officially adopted plans. Also, it is not the intent that this ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

Section 109. Definitions

Definitions are in Article 3 of the Zoning Ordinances for the Town of Belville, North Carolina.

Section 110. Word Interpretation

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

1. Words used in the present tense include the future tense
2. 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.
3. The word "person" includes a firm, association, corporation, trust, and company as well as an individual.
4. The words "use for" shall include the meaning "designed for".
5. The word "structure" shall include the word "building"
6. The word "lot" shall include the words "plot", "parcel", or "tract"
7. The word "shall" is always mandatory and not merely directory.

ARTICLE II. LEGAL PROVISIONS

Section 201. General Procedure for Plat Approval/Duty of Brunswick County Review Officer

After the effective date of this ordinance, no subdivision plat of land within the Town's jurisdiction shall be filed or recorded until it has been submitted to and approved by the Town Manager as set forth in Section 105 of this ordinance, and until this approval is entered in writing on the face of the plat by the Town Manager.

The Town of Belville shall file a copy of this ordinance with the Brunswick County Register of Deeds. The Brunswick County Subdivision Review Officer shall not file or record a plat of subdivision located within the territorial jurisdiction of the Town of Belville 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.

Section 202. Statement by Owner/Agent

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

Section 203. Effect of Plat Approval on Dedications

Pursuant to NCGS 160D-806, the approval of a plat shall not be deemed to constitute or effect the acceptance by the municipality or public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, the Board may by resolution accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision regulation jurisdiction.

Section 204. Penalties for Violation

After the effective date of this ordinance, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this ordinance, 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 the land before the plat has been properly approved under the terms of this ordinance and recorded in the Office of the Brunswick County Register of Deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land not exempt the transaction from this penalty. The Town of Belville through its attorney or other official designated by the Board may enjoin illegal subdivision, transfer, or sale of land by action for injunction. Further, violators of this ordinance shall be subject, upon conviction, to a fine of \$100 as provided by NCGS 14-4. Each day's continuing violation of this ordinance shall be a separate and distinct offense. Nothing in this section shall be construed to limit the use of remedies available to the Town. The Town may seek to enforce this ordinance by using any one, all or a combination of remedies.

Section 205. Separability

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such declaration shall not affect the validity of the

ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 206. Variances

The Town Board of Adjustment, in conformity with the procedures set forth in Section 9.7 of the Town's Zoning Ordinance, may vary any of the provisions of this ordinance upon a showing of all of the following:

- a. Unnecessary hardship would result from the strict application of the Ordinance provided, however, that it shall not be necessary to show that in the absence of the variance, no reasonable use could be made of the property.
- b. The hardship is the result of conditions unique to the property such as location, size, or topography. Hardships resulting from personal circumstances or from conditions common to the general location or to the general public may not be the basis for granting a variance.
- c. The hardship is not the result of actions taken by the applicant or property owners provided, however, that the act of purchasing property with knowledge that circumstances exist which may justify granting a variance shall not be regarded as a self-created
- d. The requested variance is consistent with the policy, purpose, and intent of the Ordinance such that public safety is secured and substantial justice is achieved

Section 207. Amendments

The Board may from time-to-time amend the terms of this ordinance but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation.

An amendment shall not be adopted by the governing body until the governing body has held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the Belville (Wilmington) area in accordance with NCGS 160D-601.

Section 208. Abrogation

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

Section 209. Effective Date

This ordinance shall take effect and be in force from and after this the 17th day of April, 2001.

Section 210. Adoption

Duly adopted by the Board of Commissioners of the Town of Belville, North Carolina, this the 17th day of April, 2001.

_____, Town Clerk
Mayor

Section 211. Administrator

The Town Manager is hereby appointed to serve as subdivision administrator.

ARTICLE III. PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

Section 301. Plat Required on Any Subdivision of Land

Pursuant to NCGS 160D-804, a final plat shall be prepared, approved and recorded in accordance with the provisions of this ordinance whenever any subdivision of land takes place, except for approved exceptions as defined by this ordinance.

Section 302. Approval Prerequisite to Plat Recordation

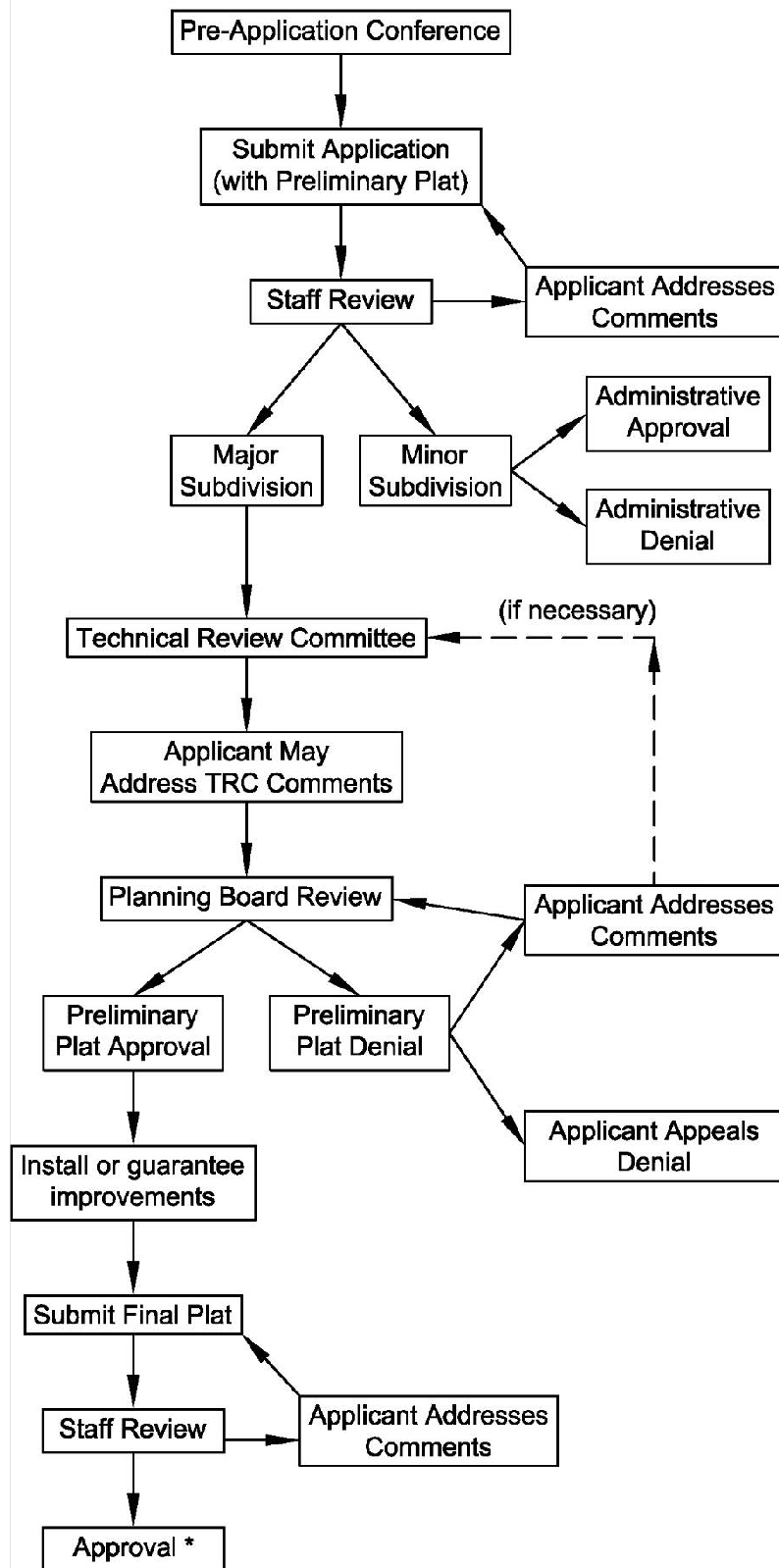
Pursuant to NCGS § 160D-803, no final plat of a subdivision within the jurisdiction of the Town of Belville as established in Section 104 of this ordinance shall be recorded by the Register of Deeds of Brunswick County until it has been approved by the Town Manager as provided herein. To secure such approval of a final plat, the applicant shall follow the procedures established in this article.

Section 303. Procedures for Review of Major and Minor Subdivisions

All subdivisions shall be considered major subdivisions except those defined as minor subdivisions in this section. Major subdivisions shall be reviewed in accordance with the procedures in Section 303.3. Minor subdivisions shall be reviewed in accordance with the procedures in Section 303.2; however, if the subdivider owns, leases, holds an option on, or holds any legal or equitable interest in any property adjacent to or located directly across a street, easement, road or right-a-way from the property to be subdivided, the subdivision shall not qualify as a Minor Subdivision. Furthermore, the Minor Subdivision procedure may not be used a second time within three (3) years on any property less than fifteen hundred (1500) feet from the original property boundaries by anyone who owned, had an option on, or any legal interest in the original subdivision at the time the subdivision received preliminary or final plat approval.

A minor subdivision is defined as one not involving any new public or private streets or roads, right-of-way dedications, easements, or utility extensions and where no more than four (4) lots result after the subdivision is completed.

Subdivision Approval Process Diagram



* Each lot requires an approved Certificate Of Zoning Compliance (CZC) per Article 9 of the Zoning Ordinance

303.1 Pre-Application Conference

Before submitting any application to the Town, each applicant is required to contact the Town to schedule a pre-application conference to discuss the procedures, standards, and regulations required to meet the conditions set forth in this Ordinance. The applicant is strongly urged to supply a concept plan or sketch plan of the proposed subdivision at the conference.

Section 303.2. Procedure for Review of Minor Subdivisions

303.2.1 Preliminary Plat for Minor Subdivisions

For every Minor Subdivision within the territorial jurisdiction established by Section 104 of this ordinance, the applicant shall submit a Preliminary Plat, which shall ultimately be reviewed and approved by the Zoning Code Administrator.

The Preliminary Plat shall contain the information items as outlined in Section 305.

Submission of the Preliminary Plat shall be accompanied by the filing fee specified by the Belville Schedule of Fees.

Upon receipt of the Preliminary Plat, the Zoning Code Administrator, or their designated appointee, shall review the Preliminary Plat for conformance with the Ordinance, including all required items on Table 305.1 Plat Checklist (see Section 305 below), and required certificates found in Article VI; Subdivision Certificates Required, Table 610, Certificates Required. The Zoning Code Administrator may appoint a professional engineer or professional land surveyor to review the Preliminary Plat and provide comments regarding conformance with the Town's requirements; the costs related thereto shall be charged to the applicant, and the proposed subdivision shall not be approved until such costs shall have been paid by the applicant.

The Zoning Code Administrator shall, in writing, approve or deny with reasons within ten (10) days of the decision. If the application is denied, the applicant may make the required changes and submit a revised application or appeal the denial in accordance with the provisions of Section 308 *Appealing Subdivision Decisions* herein.

303.2.2 Final Plat for Minor Subdivisions

Upon approval of the Preliminary Plat by the Town Manager, the applicant may proceed with the preparation of the final plat in accordance with the requirements of this ordinance. The applicant shall submit the final plat, so marked, to the Town Manager.

The final plat shall be prepared by a Professional Land Surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provision for plats, subdivisions and mapping requirements set forth in N.C.G.S. § 47-30 and the ***Manual of Practice for Land Surveying in North Carolina***.

Five (5) copies of the final plat shall be submitted to the Town Manager. Two (2) copies shall be on reproducible material and three (3) copies shall be black or blue line paper prints. Material and drawing medium for the original shall be in accordance with the ***Manual of Practice for Land Surveying in North Carolina***, where applicable, and the requirements of the Brunswick County Register of Deeds.

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

Submission of the final plat shall be accompanied by the filing fee specified in the Belville Schedule of Fees.

The final plat shall meet the specifications in Section 305 herein.

The required certificates for Final Plat submittals may be found in Article VI; Subdivision Certificates Required, Table 610, Required Certificates, and ~~following signed certificates~~ shall appear with signatures on all ten (10) copies of the Final Plat.

Within forty-five (45) days after it has been submitted, the Town Manager shall review the final plat and shall, in writing, approve or deny the final plat with reasons. Respective copies of the writing and the plat shall be retained by the Town Manager for record purposes and transmitted to the applicant.

During the review of the final plat, the Town Manager may appoint a professional engineer or Professional Land Surveyor to review the Final Plat and provide comments regarding conformance with the Town's requirements; the costs related thereto shall be charged to the subdivider and the plat shall not be recommended for approval until such costs shall have been paid by the applicant.

If the Town Manager denies the final plat, the applicant may make the required changes and submit a revised Final Plat, or appeal the denial in accordance with the provisions of Section 308 *Appealing Subdivision Decisions* herein.

If the final plat is approved by the Town Manager, one (1) copy of the plat shall be retained by the applicant, one (1) reproducible tracing and one (1) copy shall be filed with the Town Clerk, and one (1) copy shall be retained by the Town Manager for record purposes.

The applicant shall file the approved final plat with the Register of Deeds of Brunswick County within thirty (30) days of the Town Manager's approval; otherwise such approval shall be null and void. One reproducible tracing as recorded by the Register of Deeds shall be returned to the Town Clerk.

303.3 Procedure for Review of Major Subdivisions

303.3.1 Preliminary Plat for Major Subdivisions

For every Major Subdivision within the territorial jurisdiction established by Section 104 of this ordinance, the applicant shall submit a Preliminary Plat, which shall ultimately be reviewed and approved by the Planning Board.

Preliminary Plats shall contain the information items as outlined in Section 305. Subdivisions shall be constructed and/or improved as required in Article IV.

Submission of the Preliminary Plat shall be accompanied by the filing fee specified by the Belville Schedule of Fees.

Upon receipt of the Preliminary Plat, the Zoning Code Administrator, or their designated appointee, shall review the plat for conformance with the Ordinance, including all required items on Table 304.1 Plat Checklist (see Section 305 below), and required certificates found in Article VI; Subdivision Certificates Required, Table 601, Certificates Required. The Zoning Code Administrator may appoint a professional engineer or professional land surveyor to review the Preliminary Plat and provide comments regarding conformance with the Town's requirements; the costs related thereto shall be charged to the applicant, and the proposed subdivision shall not be approved until such costs shall have been paid by the applicant. The Zoning Code Administrator shall inform the applicant of any comments found during the review, which the applicant shall address and resubmit for further review.

After all comments from the Zoning Code Administrator have been addressed, sixteen (16) copies of the Preliminary Plat (as well as any additional copies which the subdivision administrator determines are necessary) shall be submitted to the administrator of this ordinance.

The subdivision administrator shall submit copies of the Preliminary Plat and any accompanying material to other officials and agencies concerned with new development, with a request for their comments within ten (10) business days. The officials and agencies include, but are not limited to:

- a. Brunswick County Health Services;
- b. Brunswick County Board of Education;
- c. The District Engineer, Wilmington Division, of the NCDOT;
- d. Brunswick County Soil Conservation Service Office;
- e. The N.C. Department of Environmental Quality, appropriate divisions, Wilmington Regional Office;
- f. U.S. Army Corps of Engineers and/or Division of Coastal Management, Wilmington.

g. Brunswick Regional Water and Sewer

h. Leland Volunteer Fire/Rescue Department

At the end of the ten (10) day review period, the Zoning Code Administrator shall schedule a meeting with the Technical Review Committee to review the Preliminary Plat.

The Technical Review Committee (TRC) shall consist of the Planning Board Chairman, Belville Board of Commissioners representative, and, if deemed appropriate, a professional engineer or professional land surveyor to review the Preliminary Plat and provide comments regarding conformance with the Town's requirements; the costs related thereto shall be charged to the applicant, and the proposed subdivision shall not be approved until such costs shall have been paid by the applicant.

The TRC shall provide comments regarding the technical aspects of the proposed Subdivision. The Zoning Code Administrator shall prepare a staff report based on the comments provided by the Technical Review Committee. The staff report and recommendations shall be forwarded to the Planning Board for review and final action.

The applicant may address comments from the TRC prior to the review by the Planning Board.

The Planning Board shall review the Preliminary Plat at or before its next regularly scheduled meeting which follows at least sixteen (16) days after the TRC meeting. Before taking action on a Preliminary Plat, the Planning Board shall consider the recommendations of the Technical Review Committee.

The Planning Board shall, in writing, approve or deny with reasons within ten (10) days of its decision.

If the Planning Board approves the Preliminary Plat, it shall retain one (1) copy of the Preliminary Plat for its minutes and return one (1) copy of the Preliminary Plat, to the applicant.

If the Planning Board denies the Preliminary Plat, it shall retain one (1) copy of the Preliminary Plat for its minutes, and return one (1) copy of the Preliminary Plat and written notice of the reasons for denial to the applicant.

If the Preliminary Plat is denied, the applicant may make the required changes and submit a revised Preliminary Plat for further Planning Board review, or appeal the denial in accordance with the provisions of Section 308 *Appealing Subdivision Decisions* herein. During the meeting at which the public hearing is held, the Planning Board shall also determine if such a revised Preliminary Plat shall be reviewed by the TRC.

303.3.2 Final Plat for Major Subdivisions

Upon approval of the Preliminary Plat by the Planning Board, the applicant may proceed with the installation, or the guarantee, of required improvements in accordance with the approved

Preliminary Plat and the requirements of this ordinance, after which the Final Plat may be submitted in accordance with Section 305. Prior to approval of a Final Plat, the applicant shall have installed the improvements specified in this ordinance or guaranteed their installation as provided per Article V; the applicant should be aware that a CZC application will likely be required to begin installations (see Zoning Ordinance Section 9.5), and the applicant is responsible for obtaining all applicable federal, state, and local permits.

The applicant shall submit the final plat, so marked, to the Town Manager for review provided that the final plat for the first phase of the subdivision shall be submitted not more than twelve (12) months after the date on which the Preliminary Plat was approved; otherwise, the approval of the Preliminary Plat shall be null and void unless a written extension of this limit is granted by the Planning Board on or before the twelve (12) month anniversary of any such approval.

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

Five (5) copies of the final plat shall be submitted to the Town Manager. Two (2) copies shall be on reproducible material and three (3) copies shall be black or blue line paper prints. Material and drawing medium for the original shall be in accordance with the ***Manual of Practice for Land Surveying in North Carolina***, where applicable, and the requirements of the Brunswick County Register of Deeds.

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

Submission of the final plat shall be accompanied by the filing fee specified by the Belville Schedule of Fees to cover administrative cost.

The final plat shall contain the information and items required under the provisions of Section 305 herein.

The required certificates for Final Plat submittals may be found in Article VI; Subdivision Certificates Required, Table 601, Required Certificates, and shall appear with signatures on all five (5) copies of the final plat.

Within forty-five (45) days after it has been submitted, the Town Manager shall review the final plat and shall, in writing, approve or deny the final plat with reasons. Respective copies of the writing and the plat shall be retained by the Town Manager for record purposes and transmitted to the applicant.

During the review of the final plat, the Town Manager may appoint a professional engineer or Professional Land Surveyor to review the Final Plat and provide comments regarding conformance with the Town's requirements; the costs related thereto shall be charged to the subdivider and the plat shall not be recommended for approval until such costs shall have been paid by the applicant.

If the Town Manager denies the final plat, the applicant may make the required changes and submit a revised Final Plat, or appeal the denial in accordance with the provisions of Section 308 *Appealing Subdivision Decisions* herein.

If the final plat is approved by the Town Manager, one (1) copy of the plat shall be retained by the applicant, one (1) reproducible tracing and one (1) copy shall be filed with the Town Clerk, and one (1) copy shall be retained by the Town Manager for record purposes.

The applicant shall file the approved final plat with the Register of Deeds of Brunswick County within thirty (30) days of the Town Manager's approval; otherwise such approval shall be null and void. One reproducible tracing as recorded by the Register of Deeds shall be returned to the Town Clerk.

Section 304 Modifications to an Approved Preliminary Plat

Limited changes to an approved Preliminary Plat may be approved by the Town Manager. In granting such approval, the Town Manager may consult with other agencies as described in Section 303.3.1. Administrative approval of limited modifications shall not have the effect of extending the period of preliminary plat validity.

Significant changes to an approved Preliminary Plat, including but not limited to any increase in unit density, any decrease in area or change in configuration to open space, change in use of open space, reduction in landscape or screening buffers, elimination of sidewalks, change in street dedication (public or private), or alteration to street interconnectivity between phases of development or adjoining properties, shall be resubmitted for review and approval as a new application.

Section 305. Information to be Contained in or Depicted on Preliminary Plat and Final Plat

The Preliminary Plat and Final Plat shall depict or contain the information indicated in the following table.

Table 305.1 Plat Checklist
(an "X" indicates that the information is required)

Item #	Information	Preliminary Plat	Final Plat
	General Information:		
1	Name and address of property owner	X	X
2	Name of property, if available	X	X
3	Name of the subdivider	X	X
4	Name, address, registration number, and seal of the licensed North Carolina professional land surveyor(s) and/or the licensed North Carolina professional engineer(s)	X	X
5	Location (including county, state, and township)	X	X
6	A vicinity map showing proposed subdivision and surrounding area	X	X
7	A scale of drawing in feet per inch listed in words or figures, as well as a bar graph	X	X
8	North arrow and orientation	X	X
9	The boundaries of the proposed subdivision	X	X
10	Existing property lines within the proposed subdivision and on adjoining properties	X	X
11	The zoning classification(s) of the tract to be subdivided and adjoining properties	X	X
12	The names of owners of adjoining properties	X	X
13	The names of any adjoining subdivisions of record or proposed and under review	X	X
14	Existing easement lines within the proposed subdivision	X	X
15	Proposed property lines	X	X
16	Proposed easement lines	X	X
17	Lot numbers	X	X
18	total number of parcels created	X	X
19	acreage of the smallest lot in the subdivision	X	
20	Minimum building setback lines	X	X
21	Corporate limits, township boundaries, county lines if within the proposed subdivision	X	X
22	The exact location of the flood hazard zones from the community's Flood Insurance Rate Maps (FIRM)	X	X
23	Base Flood Elevation (BFE) data, if available	X	X
24	Surveyed delineation of wetlands	X	X ¹
25	Boundaries of applicable Areas of Environmental Concern in accordance with the State Guidelines for AECs (15 NCAC 7H) pursuant to the Coastal Area Management Act of 1974	X	X

26	Existing buildings or other structures, watercourses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land within 100 feet	X	
27	Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site	X	
28	Waters Classified by the NC Division of Water Resources, DEQ	X	
29	Riding trails	X	
30	Natural buffers	X	
31	Pedestrian or bicycle paths	X	
32	Parks and recreation areas with specific type indicated	X	
33	School sites	X	
34	Areas to be dedicated to or reserved for public use	X	X
35	Areas to be used for purposes other than residential with the purpose of each stated	X	
36	The future ownership (dedication or reservation for public use to governmental body, for owners to duly constituted lot owners' / property owners' / homeowners' association, or for tenants remaining in subdivider's ownership) of recreation and open space lands	X	
37	The name and location of any property or buildings within the proposed subdivision or within any contiguous property that is located on the U.S. Department of Interior's National Register of Historic Places	X	X
38	The accurate locations and descriptions of all monuments, markers, and control points		X
39	Date or dates survey was conducted		X
40	Date of plat preparation		X
41	Sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every right of way line, property line, easement line, and		X

¹ Final Plat shall indicate approval by U.S. Army Corps Of Engineers

	other property boundaries, including the radius and other data for curved property lines (such as chord bearing, etc.), to an appropriate accuracy and in conformance with good surveying practice		
42	Proposed buildings	X	
43	All certifications required in Section 303		X
44	Existing and proposed topography	X	
	<i>The following data concerning streets:</i>		
45	Existing rights of way (locations and dimensions) within the proposed subdivision as well as on adjoining properties	X	X
46	Proposed streets	X	
47	Pavement widths	X	
48	Linear feet of streets	X	
49	Approximate grades	X	
50	Typical street cross sections	X	
51	Existing street names	X	X
52	Proposed street names		X
53	Street maintenance agreement in accordance with Section 405.1 and 405.2 of this ordinance	X	X
54	Type of street dedication; all streets must be designated either "public" or "private"	X	X
55	Where streets are dedicated to the public, but not accepted into a municipal or the state system before lots are sold, a statement explaining the status of the street in accordance with Section 405.2 of this ordinance	X	X
	<i>The plans for utility layouts including:</i>		
56	public sanitary sewers	X	
57	storm sewers	X	
58	other drainage facilities, (if any)	X	
59	water distribution lines	X	
60	Illustrating connections to existing systems, showing line sizes, the location of fire hydrants, blow offs, manholes, force mains, and valves.	X	
61	Plans for connection to public water supply and public sewer systems, if any.	X	
	<i>Site calculations including:</i>		
62	Total acreage to be subdivided	X	
63	Acreage in parks and recreation	X	
	<i>Additional Information:</i>		
64	A copy of any proposed deed restrictions or similar covenants. Such restrictions are mandatory when private recreation areas are established.		X

65	Copy of lot owners' / property owners' / homeowners' association agreement to maintain common areas		X
66	If any street is proposed to intersect with a state maintained road, the applicant shall apply for driveway approval as required by the North Carolina Department of Transportation, Division of Highways' Manual on Driveway Regulations, and the applicant shall provide evidence that the applicant has obtained such approval		X
67	Evidence that the design and construction of all private and public streets is in accordance with the requirements of the most current edition of the <u>North Carolina Department of Transportation Subdivision Roads Minimum Construction Standards, as set forth in Section 405.7 'Design Standards'</u>	X	X
68	Any other information considered by either the applicant or the applicable reviewing entity to be pertinent and necessary for review.	X	X

Section 306. Recombination of Land

As defined in Article 3 of the Zoning Ordinance, “*the combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipality as shown in its subdivision regulations*” is **not** considered a subdivision; however, all proposed plats for recombination’s must be submitted to the Town in order to ensure that the recombination meets or exceeds Town standards. No such recombination shall be recorded at the Brunswick County Register of Deeds without the required certificates found in Article VI; Subdivision Certificates Required, Table 601; Required Certificates.

Section 307. Resubdivision Procedures

For any replatting or resubdivision of land, the same procedures, rules and regulations shall apply as prescribed herein for an original subdivision.

Section 308. Appealing Subdivision Decisions

Any party aggrieved by the decision to approve or deny a preliminary or final subdivision plat may seek to have that decision reviewed by filing an action in superior court in accordance with the provisions of G.S. § 160D-1403(b).

ARTICLE IV. REQUIRED IMPROVEMENTS, DEDICATION, RESERVATION, MINIMUM STANDARDS OF DESIGN

Section 401. General

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

Section 402. Suitability of Land

402.1 The burden of proof that lots and acreage are suitable for development shall rest with the applicant. A subdivision plat may be disapproved if the Planning Board determines that insufficient or inadequate data is submitted by the applicant.

Land which has been determined by the Planning Board, on the basis of engineering or other expert surveys, to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed shall not be platted for that purpose, unless and until the applicant has taken the necessary measures to correct said conditions and to eliminate said dangers.

The Planning Board shall use all available resources to ascertain the suitability of lots and acreage for development including but not limited to soils and drainage characteristics. Expenses created in documenting this data shall be the responsibility of the developer. Fees incurred shall be paid prior to final plat approval.

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

402.3 All subdivision proposals shall be consistent with the need to minimize flood damage.

402.4 All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

402.5 All lots, structures and utilities shall comply with the applicable Areas of Environmental Concern (AEC) Standards 15 NCAC 7H pursuant to CAMA.

Section 403. Name Duplication

The name of the subdivision shall not duplicate nor closely approximate the name of an existing subdivision within Brunswick County. All subdivision names shall be approved by Brunswick County GIS.

Section 404. Subdivision Design

404.1 Blocks

- a. The lengths, widths, and shapes of blocks shall be determined with due regard to: provision of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements; needs for vehicular and pedestrian circulation; control and safety of street traffic; limitations and opportunities of topography; and convenient access to water areas.
- b. Blocks shall not be less than 400 feet or more than 1800 feet.
- c. Blocks shall have sufficient width to allow two (2) tiers of lots of minimum depth except where single tier lots are required to separate residential development from through vehicular traffic or another type of use, in nonresidential subdivisions, or where abutting a water area.
- d. Block numbers shall conform to the town street numbering system, if applicable.

404.2 Lots

- a. All lots in new subdivisions shall conform to the zoning requirements of the district in which the subdivision is located. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of the zoning ordinance. It is not sufficient merely for the average lot to meet zoning requirements.
- b. Lots shall meet any applicable Brunswick County Health Department requirements.
- c. Double frontage lots shall be avoided wherever possible.
- d. Side lot lines shall be substantially at right angles to or radial to street lines.

404.3 Easements

Easements shall be provided as follows:

- a. Utility Easements-Easements for underground or above ground utilities shall be provided, where necessary, across lots or centered on rear or side lot lines and shall be at least 20 feet wide for water and sanitary sewer lines and as required by the companies involved, for telephone, gas and power lines.
- b. Drainage Easements-Where a subdivision is traversed by a stream or drainage way, an easement shall be provided conforming with the lines of such stream and of sufficient width as will be adequate for the purpose. Provisions for the future maintenance and upkeep of all drainage easements shall be approved by the Planning Board prior to plat approval and such provisions shall be included with the final plat.

404.4 Wetlands

Ecological sensitive lands, such as marsh, swamps, and pocosins when in the ownership of the owner/applicant, are to be preserved, for the public interest. An approximate determination of wetlands at Preliminary Plat stage and surveyed delineation of federally and state regulated wetlands by US Army Corps of Engineers and approved wetland surveyors or designee is required at Final Plat stage.

Section 405. Streets

405.1 Type of Streets Required

1. All subdivision lots shall abut on a public or private street. See **Section 406 Private Streets**.
2. All public streets shall be dedicated to the Town of Belville, The State of North Carolina or the public as determined appropriately by the Planning Board.
3. All public streets shall be built to the standards of this ordinance and all other applicable standards of the Town of Belville.
4. Public streets not dedicated to the Town which are eligible for acceptance into the State Highway System shall be constructed to the standards necessary to be put on the State Highway System or the standards in this ordinance, whichever is stricter in regard to each particular item, and shall be put on such system. A written maintenance agreement with provisions for maintenance of the street until it is put on the State system shall be included with the Final Plat.
5. Streets which are not dedicated to the Town which are not eligible to be put on the State Highway System shall be in accordance with the standards in this ordinance.

405.2 Subdivision Street Disclosure Statement

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

405.3 Half-Streets

The dedication of half streets of less than sixty (60) feet at the perimeter of a new subdivision shall be prohibited. If circumstances render this impracticable, adequate provision for the concurrent dedication of the remaining half of the street shall be furnished by the applicant. Where there exists a half-street in an adjoining subdivision, the remaining half shall be provided by the proposed subdivision. However, in circumstances where more than sixty (60) feet of right-of-way is required, a partial width right-of-way, not less than sixty (60) feet in width, may be dedicated when adjoining undeveloped property is owned or controlled by the applicant; provided that the width of the partial dedication is such as to permit the installation of such facilities as may be necessary to serve abutting lots. When the adjoining property is subdivided, the remainder of the full required right-of-way shall be dedicated.

405.4 Marginal Access Streets

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

405.5 Access to Adjacent Properties

Where, in the opinion of the applicable reviewing entity, it is necessary to provide for access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turnaround provided. If access to adjoining property does not serve fronting lots, then a right of way dedication only may be considered.

405.7 Design Standards

All public and private streets shall be designed and constructed in accordance with the requirements of the most current edition of the North Carolina Department of Transportation Subdivision Roads Minimum Construction Standards (SRMCS), and evidence of such shall be provided to the Town; evidence shall include, but is not limited to, the following:

1. The soil test used to determine the pavement design (in accordance with the SRMCS 'Minimum Design and Construction Criteria For Subdivision Roads' section, subpart E 'Pavement Designs');
2. any plans, drawings, and/or details of the street design;
3. a PE Certification for Subdivisions and Streets;
4. a PE Certification of Pavement Conformance; and
5. the Contractor Certification Memo.

405.8 Traffic Impact Study (TIS)

In accordance with the most current edition of the NCDOT Policy on Street and Driveway Access to North Carolina Highways, applicants shall either (1) provide documentation from

NCDOT that a TIS is not required for the proposed project, or (2) provide documentation of an NCDOT approved TIS for the proposed project.

405.9 Street Paving Widths

Paving widths for street and road classifications other than local shall be as required by the Mutually Adopted Thoroughfare Plan where applicable.

405.10 Intersections

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

405.11 Cul-de-sacs

Permanent deadend streets shall not exceed six hundred (600) feet in length unless necessitated by topography or property accessibility and in no case shall be permitted to be over nine hundred (900) feet. Measurements shall be from the point where the center line of the deadend street intersects with the center of the turnaround of the cul-de-sac. Where one cul-de-sac intersects with another cul-de-sac, the end of each cul-de-sac shall be no more than 500 to 900 feet from a through street, measured as stated above. The distance from the edge of pavement on the vehicular turnaround to the right-of-way line shall not be less than the distance from the edge of pavement to right-of-way line on the street approaching the turnaround. Cul-de-sacs shall not be used to avoid connection with an existing street or to avoid the extension of an important street.

405.12 Alleys

- a. Alleys shall be required to serve lots used for commercial and industrial purposes except that this requirement may be waived where other definite and assured provision is made for service access. Alleys shall not be provided in residential subdivisions unless necessitated by unusual circumstances.
- b. The width of an alley shall be at least twelve (12) feet.

- c. Alley right of ways shall be at least twenty (20) feet
- d. Deadend alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn around facilities at the deadend.
- e. Sharp changes in alignment and grade shall be avoided.
- f. All alleys shall be designed in accordance with N. C. Department of Transportation Standards.

405.13 Other Requirements

- a. Through Traffic Discouraged on Residential Collector and Local Streets.

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

405.15 Street Names

Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names in the county irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be checked with Brunswick County GIS to determine that names conform with this ordinance.

405.16 Street Name and Traffic Control Signs

The applicant shall be required to provide and erect street name and traffic control signs to town standards at all appropriate locations within the subdivision.

405.17 Permits for Connection to State Roads

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

405.18 Wheelchair Ramps

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

405.19 Horizontal Width on Bridge Deck

A. The clear roadway widths for new and reconstructed bridges serving two (2) lane, two (2) way traffic shall be as follows:

1. Shoulder Section Approach

a. Under 800 ADT Design Year

Minimum: 28 feet width face-to-face of parapets or rails or pavement width plus 10 feet, whichever is greater.

b. 800-2000 ADT Design Year

Minimum: 34 feet width face-to-face of parapets or rails or pavement width plus 12 feet, whichever is greater.

c. Over 2000 ADT Design Year

Minimum: 40 feet. Desirable: 44 feet width face to face of parapets or rails.

2. Curbs and Gutter Approach

a. Under 800 ADT Design Year. Minimum: 24 feet face-to-face of curbs.

b. Over 800 ADT Design Year. Width of approach pavement measured face-to-face of curbs. Where curb and gutter sections are used on roadway approaches, curbs on bridges shall match the curbs on approaches in height, in width of face-to-face curbs, and in crown drop. The distance from face to curb to face of parapet or rail shall be 1' 6 " minimum, or greater if sidewalks are required.

B. The clear roadway widths for new and reconstructed bridges having four (4) or more lanes serving undivided two-way traffic shall be as follows:

1. Shoulder Section Approach

Width of approach pavement plus width of usable shoulders on the approach left and right. Minimum 8'; Desirable 10'

2. Curb and Gutter Approach

Width of approach pavement measured face-to-face of curbs.

Section 405.20 Turn Lanes

Turn lanes may be required by DOT.

Section 406 Private Streets

Private streets may be permitted in subdivisions provided that all construction and maintenance responsibilities are assigned via private covenant to a lot owners' / property owners' / homeowners' association established in accordance with N.C. Unit Ownership Act, and to which all property owners must belong. The Town of Belville shall not in any way be responsible for the maintenance nor shall the Town accept the streets for future maintenance. All street construction must meet DOT requirements except for width and curvature.

406.1 Maintenance of Private Streets

The Town shall not maintain, repair, resurface, rebuild, or otherwise improve streets, signs, drainage improvements or any other appurtenance within general purpose public access and utility easements established for private streets. A private maintenance covenant recorded with the Clerk of Superior Court, Brunswick County, shall be required for any private street and other improvements within general purpose public access and utility easements established for private streets. The covenant shall set out the distribution of expenses, remedies for non-compliance with the terms of the agreement, rights to the use of easements, and other pertinent considerations. The Covenant shall specifically include the following terms:

- A. The Covenant shall establish minimum annual assessments in an amount adequate to defray costs of ordinary maintenance and procedures for approval of additional needed assessments. The Covenant shall also specify that the funds from such assessments will be held by a lot owners' / property owners' / homeowners' association in cases of a subdivision of ten(10) or more lots fronting on a private street.
- B. The Covenant shall include a periodic maintenance schedule.
- C. The Covenant for maintenance shall be enforceable by any property owner served by the private street.
- D. The Covenant shall establish a formula for assessing maintenance and repair costs equitably to property owners served by the private street.
- E. The Covenant shall run with the land.

406.1(A) Exceptions to Accepting Private Streets for Maintenance

Given the number of unaccepted private streets within the Town, and the potential cost of maintaining the same should they be accepted into the Town's municipal street system, the Board recognizes the need for evaluating which streets may qualify to be accepted for maintenance as exceptions to the prohibition set forth in Section 406. Accordingly, the Board may grant, on a case by case basis, an exception to the prohibition against accepting private streets for maintenance provided the board finds that:

1. The private streets in question ("Private Streets") were constructed before April 17, 2001, the date on which this ordinance was adopted by the Town;

2. The Private Streets are constructed of asphalt or concrete and comply with the width requirements set forth in the North Carolina General Statutes provided for Powell Bill funding;
3. The Private Streets have a significant level of public use in that they are being used as connectors to public streets, public places, residences or other neighborhoods;
4. The legal owners of the Private Streets have made a sufficient dedication of those streets to the Town; and
5. The Town has sufficient funds with which to provide the maintenance provided for herein to Private Streets.

If the Board finds that the Private Streets qualify as an exception hereunder, the Board may adopt an acceptance of the Private Streets provided, however, that any such acceptance shall be limited to only the Private Streets themselves and that such acceptance shall not include, nor shall the Town be responsible in any way for constructing, improving or maintaining, without limitation, any: right of ways or easements, including utility easements, abutting the Private Streets; adjacent or ancillary curbs, gutters, sidewalks, bikeways or walkways; adjacent or ancillary stormwater or drainage systems, infrastructure or fixtures of any type whatsoever; and any unimproved public or private alleyways.

The Town's maintenance of any Private Streets accepted as exceptions hereunder shall be limited to the following:

Base repairs, Patching, crack sealing, Pothole filling, Resurfacing, Sealing, and

Installation and maintenance of any traffic control devices deemed necessary by the Board.

The total cost of any particular maintenance which the Town may provide to any private streets accepted hereunder may be assessed, at the time of acceptance, on a "unit" basis, to the owners of the real property abutting the streets in question such that each abutter is assessed an equal share of the total cost of the particular maintenance without regard to the size of the abutter's property or length of frontage. In each such instance, the total cost of the particular maintenance may be reduced by any Powell Bill funds which are available to the Town and which, in the Board's discretion, have been allocated to that particular maintenance.

406.2 Specifications for Final Plats Involving Private Streets.

No final plat involving a private street shall be approved by the Town of Belville for recording unless and until it shall contain the following on the face of the plat:

- A. Deed book and page reference to the recorded covenant required in 406.1 above.

- B. Notice, the Town of Belville has no responsibility to build, improve, maintain, or otherwise service the private streets, drainage improvements, and other appurtenances contained within the general public purpose access and utility easement or easements for private streets shown on this plat.
- C. *Grant of Easement. The general purpose public access and utility easement(s) shown on this plat for private street(s) is hereby granted and said grant of rights shall be liberally construed to provide all necessary authority to the Town, and to public or private utility companies serving the subdivision, for the installation and maintenance of utilities, including, but not limited to electric lines, gas lines, telephone lines, water lines, sewer lines, cable television lines, and fiber optic cables, together with the right to trim interfering trees and brush, together with a perpetual right of ingress and egress for installation, maintenance, and replacement of such lines.*

Signature of Property Owner

406.3 Requirement for Purchaser's Acknowledgement of Private Responsibilities.

Prior to the sale or as a condition of the closing of a real estate transaction involving any lot served by a private street in Belville, the subdivider or seller of said lot shall execute a notarized purchaser's acknowledgement of private street construction and drainage maintenance responsibilities set forth below. A copy of the purchaser's acknowledgement shall be retained by the purchaser and shall be required to be submitted as a condition of a building permit for a principal building on said lot:

Purchaser's Acknowledgement of Private Street and Drainage Maintenance Responsibility

(I) (We) have read the Declaration of Covenant which pertains to the lot that is the subject of this real estate transaction (insert address or attach legal description). (I) (We) understand that the Declaration of Covenant applies to the lot that (I am) (we are) purchasing and requires (me) (us) to provide a specified percentage or amount of the financing for the construction and maintenance of any private street and drainage facilities serving the lot which (I am) (we are) purchasing, and that owners of other lots in this plat may sue and recover for those costs which this covenant requires (me) (us) to pay, plus their damages resulting from (my) (our) refusal to contribute, plus reasonable attorneys fees. (I) (We), further understand that the town has no obligation to assist with the maintenance and improvement of the private street, drainage facilities, and other appurtenances within the general purpose public access and utility easement for the private road serving the lot in question. I (we) understand that a copy of this

purchaser's acknowledgement shall be required as a condition of the issuance of a building permit for a principal building on the lot (I am) (we are) purchasing.

Section 407 Utilities

407.1 Water and Sanitary Sewer System

All lots in subdivisions must be connected to the local municipal water system and sewer system.

407.2 Stormwater Drainage System

The applicant shall provide a surface water drainage system subject to review by the Town's Consulting Engineer.

- A. Curb and gutter is strongly encouraged
- B. No surface water shall be channeled or directed into a sanitary sewer.
- C. Where feasible, the applicant shall connect to an existing surface water drainage system.
- D. Where an existing surface water drainage system cannot feasibly be extended to the subdivision surface drainage system shall be designed to protect the proposed development from water damage.
- E. Surface drainage courses shall have side slopes of at least three (3) feet of horizontal distance for each one (1) foot of vertical distance, and courses shall be of sufficient size to accommodate the drainage area without flooding, and designed to comply with the standards and specifications for erosion control of the North Carolina Sedimentation Pollution Control Act, G.S. 143-34.12, Chapter 113A, Article 4 and the North Carolina Administrative Code Title 15, Chapter 4, and any locally adopted erosion and sedimentation control ordinances.
- F. The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one (1) foot in each two hundred (200) feet of horizontal distance, unless determined to be infeasible by the Town's Consulting Engineer.
- G. Stream banks and channels downstream from any land disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land disturbing activity in accordance with the North Carolina Sedimentation Pollution Control Act, G.S. 143-34.12, Chapter 113A, Article 4 and the North Carolina Administrative Code Title 15, Chapter 4.

- H. Anyone constructing a dam or impoundment within the subdivision must comply with the North Carolina Dam Safety Law of 1967 and the North Carolina Administrative Code Title 15, Subchapter 2 K.
- I. In all areas of special flood hazards, all subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

Stormwater drainage as it relates to runoff shall be controlled on site without the benefit of engineered systems which require intensive maintenance by the property owner. Consequently, the maximum lot coverage as provided for in the Belville Zoning Ordinance shall be adhered to in order to contain stormwater runoff.

407.3 Street Lights

All subdivisions shall have street lights installed throughout the subdivision in accordance with any applicable standards. The developer shall be required to pay to the electric company the cost of street lighting installation.

407.4 Underground Wiring

All subdivisions shall have underground wiring. This requirement may be waived by the Planning Board if underlying rock is less than four (4) feet from surface, in areas where soils have a high water table, or if there is extensive preexisting overhead wiring on the street in the immediate neighborhood of the subdivision. Such underground wiring shall be installed in accordance with the standards of utility company serving the area. The applicant shall be required to pay the charges for installation of the underground service, which charges will be made in accordance with then effective underground electric service plan as filed with the North Carolina Utilities Commission.

Section 408. Buffering Recreation and Open Space Requirements.

408.1 Recreation and Open Space

Minimum assured recreation (i.e., active) area shall be a percentage of the gross site area integrated throughout the subdivision and accessible to the housing units. Assured Recreation/Open Space shall meet the following minimum requirements

Density Units per acre	% Open Space Minimum
≤1.5	10%
1.6 – 2.0	10%
2.1 – 2.5	15%
2.6 – 3.0	20%
3.1 – 3.5	25%
≥3.6	30%

408.2 Suitability of Land for Recreation

Criteria for evaluating suitability of proposed recreation, parks and open space areas shall include but not be limited to the following.

- A. Unity. The dedicated land shall be a single parcel except where it is determined that two or more parcels would be in the public interest.
- B. Location. The dedicated land shall be located so as to serve the recreation needs of the immediate neighborhood within the subdivision.
- C. Accessibility. Public access to the dedicated land shall be provided either by an abutting street or public easement. Such easement may be required to be up to sixty (60) feet in width and shall in no case be less than thirty (30) feet in width.
- D. Usability. The dedicated land shall be usable for active recreation. (Play areas, ball fields, tennis courts, or similar recreation uses). Lakes may not be included in computing amount of land to be dedicated.
- E. Conservation and historic preservation easements shall comply with N.C. G.S. 121-34-42. All facilities and improvements and open spaces which the owner makes an offer of dedication to public use shall be maintained by the owner until such offer of dedication is accepted by the appropriate public authority.
- F. Ecologically sensitive lands such as marsh, Carolina Bays, pocosins and swamps are to be preserved whenever possible for the public interest. Full density credit is to be applied as long as such areas are granted as perpetual conservation easements. Credit shall not increase permitted density more than 25%.
- G. Wetlands and commercial recreational areas such as golf courses shall not compromise more than 50% of the total open space.

408.3 A Final Plat shall not be approved until the Town Manager has determined that adequate provisions have been made through legal covenants and restrictions which shall govern a lot owners' / property owners' / homeowners' association, or through other legal agreements, that the responsibility for maintenance of streets, utilities, stormwater management facilities, drainage ditches or swales, or other area designated private areas, common areas, or open space areas.

Such associations or similar legal entities shall be established in such a manner that:

- 1. Provision for the establishment of the association or similar entity shall be made before any lot in the development is sold or any building occupied.
- 2. Membership must be mandatory for each property owner within the subdivision.
- 3. The association shall be responsible for the liability insurance, property taxes, and the maintenance of the areas.

4. If all or any portion of the property, held by the association is being disposed of, or if the association is dissolved, the passive and active recreation and open space shall be first offered for dedication to the Town.
5. The right of use of the passive and active recreation or open space and all private improvements shall be guaranteed to each resident of the subdivision.
6. The declaration of covenants and restrictions that will govern the association shall be submitted for review to the Town Manager and shall be recorded prior to the recording of any final plats for the subdivision and reference to the deed book and page provided on the plat.
7. Property owners' associations shall be responsible for continuing upkeep and proper maintenance of all private infrastructure facilities and common areas within the respective subdivision.

Section 409. Other Requirements

409.1 Placement of Monuments

Unless otherwise specified by this ordinance, the Manual of Practice *for* Land Surveying as adopted by the N. C. State Board of Registration for Professional Engineers and Land Surveyors, under the provisions of Title 21 of the North Carolina Administrative Code, Chapter 56 (21 NCAC 56), shall apply when conducting surveys for subdivisions; to determine the accuracy for surveys and placement of monuments, control comers, markers, and property comer ties; to determine the location, design, and material of monuments, markers, control comers, and property comer ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions.

409.2 Construction Procedures

No construction or installation of improvements shall commence in a proposed subdivision until the Preliminary Plat has been approved, and respective plans and specifications have been approved by the appropriate authorities.

No building, zoning or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this ordinance until all requirements of this ordinance have been met. The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the administrator of this ordinance to provide for adequate inspection. The approving authorities having jurisdiction or their representatives shall inspect and approve all completed work prior to release of the sureties.

409.3 Reserved

ARTICLE V. GUARANTEE OF IMPROVEMENTS AND REIMBURSEMENT FOR OVERSIZED IMPROVEMENTS

Section 501 Guarantee of Improvements

A. Agreement and Security Required

1. Applicability. Minor and major subdivisions whereby a subdivision preliminary plat (as applicable) has been approved and all necessary and/or required improvements have been installed in accordance with the Subdivision Ordinance for the Town of Belville, Article I-IV. No final plat will be accepted for review by the Zoning Administrator/Town Manager unless compliance with the improvement standards of this ordinance or for guarantee of final minor improvements as specified herein.
2. All improvements required by the Subdivision Ordinance shall be installed, inspected, and approved prior to approval of any final plat. All required improvements, except the final inch of asphalt on roadways, landscaping, and sidewalks shall be installed, inspected, and approved prior to approval of any final plat. A Subdivision Improvement Agreement shall be entered into for the purpose of guaranteeing the proper installation of the final lift or tier (1-2 inches) of asphalt, landscaping, and sidewalks.
 - a. Subdivision Improvement Agreements. The Zoning Administrator/Town Manager shall have the authority to review and approve all subdivision improvement agreements. The Subdivision Improvement Agreement shall guarantee completion of all eligible on-site and off-site public improvements no later than one (1) year following the date upon which the final plat is recorded unless the developer determines that the scope of work for the required improvements necessitates a longer duration. In the case of a bonded obligation, the completion date shall be set one (1) year from the date the bond is issued, unless the developer determines that the scope of work for the required improvements necessitates a longer duration. A developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the guarantee or any extension. If the improvements are not completed to the specifications of town, and the current improvement guarantee is likely to expire prior to completion of the required improvements, the guarantee shall be extended by the Zoning Administrator/Town Manager for additional period typically not to exceed six (6) months. An extension under this subdivision shall only be for the duration necessary to complete the required improvements. The Applicant shall bear the responsibility to prepare a Subdivision Improvement Agreement. The town

attorney shall approve any Subdivision Improvement Agreement as to form.

- b. Performance Security. Whenever an applicant is subject to enter into a Subdivision Improvement Agreement, the applicant shall be required to provide sufficient security to ensure completion of the required public improvements. The security shall be in any form authorized by NCGS 160D-804.1(1). If in the form of a surety bond, the bond shall be reviewed annually.

- c. The letter of credit, cash escrow, or surety bond, or other approved guarantee shall be in an amount reflecting one hundred twenty-five percent (125%) of the cost of the improvements and shall be sufficient to cover all promises and conditions contained in the Subdivision Improvement Agreement. An engineer selected by the town shall review and approve the estimated cost of improvements before the Agreement is executed. The applicant shall be required to pay for the cost of such services. The estimated cost shall be broken down separately for each element of the agreement. In addition to all other security, when the town participates in the cost of an improvement, the applicant shall provide a performance bond from the contractor, with the town as a co-obligee. The issuer of any surety bond shall be subject to the approval of the town attorney and the Zoning Administrator/Town Manager.

- d. If security is provided in the form of a cash escrow, the applicant shall deposit with the Town Manager or designate a cash amount or certified check endorsed to the escrow agent for a face value in an amount not less than the amount specified herein. The surety bond or cash escrow account shall accrue to the town for administering the construction, operation, and workmanship of the improvements. Where oversized facilities are required, the Zoning Administrator/Town Manager and applicant shall specify a reimbursement procedure in the Subdivision Improvement Agreement.

B. Release of Guarantee Security

Release of Performance Security. Upon completion of all improvements required by the Subdivision Improvement Agreement, the Zoning Administrator/Town Manager shall have the work inspected. If the Zoning Administrator/Town Manager determines that the work is satisfactory and complete, the letter of credit, cash escrow, or surety bond shall be released. The Zoning Administrator/Town Manager shall also require evidence from the subdivider that all contractors have been paid in full prior to the release of the performance security.

Section 502 Reimbursement of Oversized Improvements

The Town of Belville may require installation of certain oversized utilities or the extension of utilities to adjacent property when it is in the interest of future development. If the Town requires the installation of improvements in excess of the standards required in this ordinance, including all standards adopted by reference, the Town shall pay the cost differential between the improvement required and the standards in this ordinance. The Town may recoup this cost through acreage fees as set forth in the Town's Water and Sewer Extension Policies

Section 503 Failure to Complete Improvements

Failure to Complete Improvements. If a Subdivision Improvement Agreement has been executed and security has been posted and required public improvements are not installed pursuant to the terms of the Agreement, the Zoning Administrator/Town Manager may:

1. Declare the Agreement to be in default 30 days prior to the expiration of the guarantee instrument, and require that all public improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default;
2. Obtain funds pursuant to the surety and complete the public improvements by itself or through a third party;
3. Assign its right to receive funds pursuant to the surety in whole or in part to any third party, including a subsequent owner of the subdivision or addition for whom the public improvements were not constructed, in exchange for the subsequent owner's Agreement to complete the required public improvements; and/or
4. Exercise and other rights available under the law.

ARTICLE VI. SUBDIVISION CERTIFICATES REQUIRED

Section 601 Certificates Required

- 1. **Plats submitted to the Town of Belville shall include the required certificates in accordance with Table 601 where marked by an “x”**

Table 601 Required Certificates				
<u>Certificate</u>	<u>Exempt Division Plat</u>	<u>Minor Preliminary Plat</u>	<u>Major Preliminary Plat</u>	<u>Final Plat</u>
<u>Certificate of Ownership (A)</u>	x			x
<u>Certificate of Ownership and Dedication (B)</u>				x
<u>Certificate of Survey and Accuracy (C)</u>	x	x	x	x
<u>Certification of Town Manager/Zoning Administrator Approval (D)</u>	x	x		x
<u>Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements (E)</u>				x
<u>Certificate of Disclosure; 404 Wetlands (F)</u>				x
<u>Certificate of Disclosure; Town of Belville Floodplain Management Regulations (G)</u>		x	x	x
<u>Acknowledgment of Compliance (Private Developments) (H)</u>				x
<u>Certificate of Purpose of Plat (I)</u>	x	x	x	x
<u>Certificate of Approval for Recording (J)</u>	x			x

A. Certificate of Ownership

I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the Town of Belville and that I hereby adopt this plan of subdivision with my free consent.

_____ Date

B. Certificate of Ownership and Dedication

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

Owner _____ Date _____

C. Certificate of Survey and Accuracy.

In accordance with NCGS 47-30: There shall appear on each plat a certificate by the person under whose supervision such survey or such plat was made, stating the origin of the information shown on the plat, including recorded deed and plat references shown thereon. The ratio of precision as calculated by latitudes and departures before any adjustments must be shown. Any lines on the plat that were not actually surveyed must be clearly indicated and a statement included revealing the source of information. The execution of such certificate shall be acknowledged before any officer authorized to take acknowledgments by the registered land surveyor preparing the plat. All plats to be recorded shall be probated as required by law for the registration of deeds. Where a plat consists of more than one sheet, only the first sheet must contain the certification and all subsequent sheets must be signed and sealed.

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

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

Surveyor

Seal or Stamp

Registration Number

D. Certification of Approval of the Minor Preliminary/Final Plat by the Town Manager/Zoning Administrator

The Town of Belville Town Manager/Zoning Administrator hereby approves the (preliminary or final plat) of _____
Subdivision.

Town Manager/Zoning Administrator, Town of Belville Date

E. Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements, if applicable, to be signed by owner and Town:

The undersigned hereby certifies that the required improvements (list all improvements that have been installed and approved by appropriate agency)

(_____) have been installed in an acceptable manner and in accordance with the regulations of the Town of Belville Zoning Ordinance.

Developer or Authorized Agent Signature(s) _____ Date

Professional Engineer(s) [seal included] _____ Date

Town Manager/Zoning Administrator Date

F. Certificate of Disclosure, 404 Wetlands, if applicable, to be signed by owner:

This tract is not subject to 404 wetlands.

Owner's Signature Date

- 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.

Owner's Signature Date

G. Certificate of Disclosure, Town of Belville Floodplain Management Regulations, if applicable, to be signed by owner:

I (we) hereby certify that prior to entering any agreement or any conveyance with a prospective buyer, I (we) shall prepare and sign, and the buyer of the subject real estate shall receive and sign a statement which fully and accurately discloses that the subject real estate, or a portion of the subject real estate, is located within a flood hazard area and that the buyer must satisfy the requirements of Town of Belville floodplain management regulations prior to the issuance of building permits.

Owner's Signature

Date

H. Acknowledgment of Compliance (Private Developments), if applicable, to be signed by owner:

I, _____, (name of developer and/or seller) hereby certify that the streets, parks, open space, or other areas delineated hereon and dedicated to private use, and all maintenance and upkeep of private facilities, including traffic marking and control devices, shall not be the responsibility of the public or the municipality, acting on behalf of the public, to maintain. Furthermore, prior to entering any agreement or any conveyance with any prospective buyer, I shall prepare and sign, and the buyer of the subject real estate shall receive and sign, an acknowledgment of receipt of a disclosure statement. The disclosure statement shall fully and completely disclose the private areas and include an examination of the consequences and responsibility as to the maintenance of the private areas, and shall fully and accurately disclose the party or parties upon whom the responsibility for construction and maintenance of such private areas shall rest.

Signature of Developer and/or Seller

Date

I. Certificate of Purpose of Plat. Notwithstanding any other provision contained in this section, it is the duty of the surveyor, by a certificate on the face of the plat, to certify to one of the following:

- 1) This survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
- 2) This survey is of an existing parcel or parcels of land and does not create a new road or change an existing road;
- 3) This survey is of any existing building, or other structure, or natural feature, such as a water course;
- 4) This survey is a control survey;
- 5) That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of a subdivision; or
- 6) That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of his or her professional ability as to provisions contained in items (1) through (6) above.

Note: Certain activities may be eligible for an exemption/waiver from the subdivision standards. If the activity being submitted meets one of the activities eligible for an exemption/waiver, item 5 above should be the selected certification.

J. Certificate of Approval for Recording.

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Town of Belville, North Carolina, and that this plat has been approved by an authorized representative of The Town of Belville for recording in the Office of the Register of Deeds of Brunswick County.

Town Manager/Zoning Administrator

Date

Seal or Stamp

AMENDMENTS

January 15, 2002

Section 408.4 was added. 'Section 408.4 A homeowners association must be formed to maintain common areas.'

The following was added to p 28 Section 308, *Information to be contained in or Depicted on Preliminary and Final Plat*: copy of homeowners association agreement to maintain common areas must be included with final plat.

October 22, 2007 (Ord. 2007-14)

Subdivision Regulations amended to add Section 406.1 (A), *Exceptions to Accepting Private Streets for Maintenance*

April 28, 2008 (Ord. 2008-02)

The following sections of the Subdivision Regulations were amended to provide for a revised definition of "Minor Subdivision" and to provide for the administrative approval of minor subdivisions and final major subdivisions:

Section 105, *Prerequisite to Plat Recordation*

Section 106, *Acceptance of Streets*

Section 201, *General Procedure for Plat Approval/Duty of Brunswick County Review Officer*

Section 302, *Approval Prerequisite to Plat Recordation*

Section 303, *Procedures for Review of Major and Minor Subdivisions*

Section 304, *Procedure for Review of Minor Subdivision*

Section 306, *Preliminary Plat Submission and Review*

Section 307, *Final Plat Submission and Review*

November 22, 2010 (Ord. 2010-14)

All references to "Town Manager" were revised to reference "Town Administrator" due to change in form of government for the Town of Belville.

January 24, 2011 (Ord. 2011-01)

Added Section 306.4 Modifications to an Approved Preliminary Plat.

June 27, 2016 (Ord. 2016-03)

Revised Plat Checklist to resolve items that are required to be sealed by a Professional Surveyor. Added language to describe the approval process in more detail. Revised requirements for street design standards.

January 27, 2020 (Ord. 2020-03)

Revised requirements for street design standards.

June 1, 2021 (Ord. 2021-01)

All references to "Town Administrator" were revised to reference "Town Manager" due to change in form of government for the Town of Belville.

August 26, 2024

Updated Guarantee of Improvements language.

December 16, 2024

Updated required certificates in the subdivision ordinance.