

Article 4: Subdivision Regulations

4.1 GENERAL

- A. The purpose of this article is to support and guide the proper subdivision of land within the jurisdiction of the town in order to promote the public health, safety, and general welfare of the citizens of Sunset Beach. This article establishes standards for the division of land and creation of lots. These standards are necessary in order to:
1. Ensure proper legal description, identification, monumentation and recordation of real estate boundaries;
 2. Further the orderly layout and appropriate use of the land;
 3. Provide safe, convenient, and economic circulation of vehicular traffic;
 4. Provide suitable building sites which are readily accessible to emergency vehicles;
 5. Ensure the proper installation of streets and utilities;
 6. Help conserve and protect the physical and economic resources of the town; and
 7. Facilitate adequate provisions for transportation, water, sewerage, and other public requirements.

4.2 APPROVAL

Approval procedures for the division of land and creation of lots are provided in Article 2 of this ordinance.

4.3 LOT STANDARDS

- A. The following standards shall apply to the creation of all lots within the town's planning jurisdiction:
1. Conformation to Zoning. All lots shall conform to the dimensional requirements of the zoning district in which the subdivision is located, including those established by a conditional zoning request. Lots to be utilized for open space, parks, or utilities may be created and reserved for such uses as indicated on the final plat without compliance with the minimum lot size.
 2. Flag lots. Flag lots shall not be allowed except to provide access to a body of water, golf course, or similar recreational facility.
 3. Lot size. No new lot shall be created for building purposes that contains an area wholly within the required setbacks of opposing lot sides.
 4. Reserve strips. There shall be no reserve strips platted in any subdivision.

4.4 ACCESS TO PUBLIC OR PRIVATE STREETS

- A. Every lot shall have either direct or indirect access to a public street. A lot has direct access to a public street if a minimum of 20 feet of the lot abuts the public street right-of-way so that an access way meeting the criteria set forth in subsection (B) can be established. A lot has indirect access if it connects to a public street by means of one or more private roads that were constructed prior to the adoption of this ordinance. In addition, if lots are created that are no larger than the buildings located thereon and access to such lots and buildings must be across land owned by a homeowners' or similar

association, then this shall also constitute indirect access. This would be customary for townhome or duplex lots utilizing zero lot line provisions.

- B. The access provided must be adequate to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use.

4.5 EASEMENTS

- A. Easements for underground utilities shall be provided, where necessary, across lots or centered on rear or side lot lines. Easement for water lines, sanitary sewer lines, and stormwater drainage shall be in accord with the requirements for the particular easement type.
- B. Where a subdivision is traversed by a stream or drainage way, an easement shall be provided conforming with the lines of the stream and of sufficient width as will be adequate for the purpose. All easements, including width, shall conform with all state and federal requirements.

4.6 CONSTRUCTION PROCEDURES

- A. No building, zoning, or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this ordinance until the final plat has been approved and recorded. Zoning and building permits may be issued for the parent parcel prior to final plat approval. Any such approvals shall be in accord with the singular parent parcel and not contemplated based upon a final plat that has yet to be approved. Typically, in residential subdivisions, this zoning/building permit is issued for a model home within the development.
- B. No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved, and all plans and specifications have been approved by the Public Works Department. Land disturbing activities associated with a subdivision shall not take place until applicable tree removal or stormwater permits have been approved.
- C. As-Built Drawings Required. Whenever a subdivider installs or causes to be installed any water, sewer, or stormwater system as required by this ordinance, the subdivider shall, as soon as practicable after installation is complete, and before approval of the associated final plat, furnish the town with a copy of a drawing that shows the exact location of such infrastructure. Such drawings must be verified as accurate by the Public Works Department or utility service provider.

4.7 REQUIRED IMPROVEMENTS

A. INSTALLATION OF IMPROVEMENTS

- 1. The cost of all improvements shall be at the subdivider's expense. All required improvements shall be completed by the subdivider or his or her agents.

B. ACCEPTANCE OF PUBLIC IMPROVEMENTS

- 1. At the time of final plat approval, the applicant shall provide the UDO Administrator with a timeline for acceptance of public improvements. Within 12 months of completion of such improvements, and prior to any conveyance to a

third party or HOA/POA, an offer of acceptance by the town shall be initiated by the subdivider. An extension may be granted by the UDO Administrator where less than 80 percent of the lots within the final plat have not been conveyed to individual ownership or issued a certificate of occupancy.

2. All required offers to dedicate or reserve for future dedication shall be made clear of all liens and encumbrances on the property prior to consideration for acceptance by the town.
3. Such acceptance shall be made through the use of a legally recorded deed or transfer of ownership which has been reviewed and approved by the town attorney.

C. INSPECTION

1. Prior to the acceptance of any public infrastructure or approval of a final plat with required improvements, including streets, stormwater systems, or water/sewer systems the subdivider is required to have a professional engineer perform a required inspection and prepare an accompanying sealed report demonstrating compliance with the required standards of this ordinance and any applicable specifications under authority of the Public Works Department or other applicable agency.
2. Streets:
 - a) After all utilities and storm sewers have been installed, the subgrade shall be fine graded and restored to required grade, and then proof-rolled by using a fully loaded tandem dump truck. Should any "pumping" or displacement be observed during the proof rolling, the defective area(s) shall be removed and replaced with suitable material and thoroughly compacted. The proof-rolling shall be repeated until there is no evidence of "pumping" or displacement.
 - b) Compaction testing—Subgrade: Upon completion of the proof rolling, the developer/contractor shall furnish to the Department of Public Works a report from a certified soils testing laboratory. The report shall present the results of an analysis demonstrating that the subgrade compaction is acceptable in accordance with standard requirements of this article. The subgrade shall then be inspected by the Department of Public Works, and upon its acceptance and approval, the coarse aggregate subbase may be placed.
 - c) No coarse aggregate subbase may be placed prior to backfilling behind the curb. The cost of laboratory testing of subgrade compaction shall be borne by the developer/contractor.
 - d) Subbase course and surface course inspection requirements: Prior to placement of asphalt surface course material, an analysis shall be furnished on the course aggregate subbase placed in the roadway. The report shall be prepared by a certified testing laboratory and shall evidence compliance with the compaction requirements. Quarry tickets shall also be presented to the Department of Public Works to enable a

- check for yield at the specified final thickness. The subbase material shall then be inspected by the Department of Public Works, and upon acceptance and approval, the asphalt surface course may be placed.
- e) The Department of Public Works shall require the Developer/Contractor to provide random coring by an independent testing laboratory to demonstrate actual thickness of subbase and surface course. A certified testing laboratory shall take core samples and the results shall be presented to the Department of Public Works.
 - f) Should the coring reveal insufficient thickness, the Developer/Contractor shall provide additional surface course as may be required or shall furnish other remedial measures as may be acceptable to the Department of Public Works. The cost of compaction testing and coring work shall be borne by the Developer/Contractor.
 - g) The subdivider shall be responsible for repairing any damages or failures identified as a result of any inspection to the satisfaction of the Public Works Department.
3. Stormwater:
- a) All stormwater infrastructure and facilities shall be designed and installed subject to town and county requirements, and in accordance with the requirements of all state issued permits for the project.
4. Water and sewer systems:
- a) All water, sewer, and pump station infrastructure shall be installed in accordance with county utility standards, and in accordance with the requirements of all state issued permits for the project.

4.8 LIST OF REQUIREMENT IMPROVEMENTS

- A. Streets within the subdivision per Section 4.8 and improvements to existing streets/road network required for safe and adequate access to the subdivision.
- B. Traffic control devices, street name signs, and cluster mailbox units per Section 4.9.
- C. Pedestrian facilities per Section 4.10.
- D. Water supply and sewage disposal systems per Section 4.11.
- E. Erosion and sedimentation control devices; Drainage facilities and easements, and stormwater management devices per Section 4.12.
- F. Street trees per Section 4.14.
- G. Recreation and open space facilities per Section 4.15.
- H. Any other improvement required as a condition for preliminary plat approval.

4.9 STREETS AND ROADWAY NETWORK

A. GENERAL

1. The purpose of this section is to support the creation of a highly connected transportation system within the town in order to provide choices for drivers, bicyclists, and pedestrians; promote walking and bicycling; connect neighborhoods to each other and to local destinations such as schools, parks, and shopping centers; reduce vehicle miles of travel and travel times; improve

air quality; reduce emergency response times; increase effectiveness of municipal service delivery; and free up arterial capacity to better serve regional long distance travel needs.

2. **Street Names.** Proposed streets which are obviously in alignment with others already existing and named, shall bear the names of existing streets. In no case shall the name of proposed streets duplicate or be phonetically similar to existing street names, regardless of the addition of a prefix, suffix, or word such as street, avenue, boulevard, drive, place, or court. In no case shall the total number of letters including spaces exceed 15. Street names shall be subject to the approval of the UDO Administrator after review by the Brunswick County GIS/E-911 Department.
3. **Subdivision Street Disclosure Statement.** All streets shown on the final plat shall be designated in accordance with NCGS 136-102.6. Street designation as public shall be conclusively presumed an offer of dedication to the public. Where streets are dedicated to the public but not accepted into a municipal or the state system, before lots are sold, a statement explaining the status of the street shall be included with the final plat.

B. PUBLIC STREET REQUIRED

1. With the exception of the ETJ, all new streets shall be constructed and dedicated for public purposes. No new private streets shall be constructed unless the property is located within the town's ETJ.

C. STREET DESIGN

1. The design of all streets and roads, including drainage, shall be in accordance with the minimum design and construction criteria for the most recent version of the NCDOT Subdivision Roads Minimum Construction Standards and NCDOT Guidelines for Drainage Studies and Hydraulic Design, unless this ordinance establishes a stricter standard.
2. **Coordination and Continuation of Streets.** The proposed street layout within a subdivision shall be coordinated with the existing street system of the surrounding area, and where possible, existing principal streets shall be extended.
3. **Street Connectivity Requirements.** The Town Council hereby finds and determines that an interconnected street system is necessary in order to protect the public health, safety, and welfare in order to ensure that streets will function in an interdependent manner and to provide continuous and comprehensible transportation for all modes of travel. All proposed streets shall be continuous and connect to existing or platted streets without offset with the exception of cul-de-sacs. Whenever practicable, provisions shall be made for the continuation of planned streets into adjoining areas. Whenever connections to anticipated or proposed surrounding streets are required by this section, the street right-of-way shall be extended and the street developed to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed

street is expected. In addition, the Fire Marshall may require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or to accommodate emergency vehicles. Notwithstanding the other provisions of this subsection, no temporary dead-end street in excess of 1,000 feet may be created.

4. Cul-de-sacs. All permanent dead-end streets shall be developed as cul-de-sacs. Except where no other practicable alternative is available, such streets may not extend more than 700 feet (measured to the center of the turnaround). The right-of-way of a cul-de-sac shall have a roadway diameter of 102 feet. Said cul-de-sac shall have a property line diameter (right-of-way) of 116 feet. Turnarounds shall be provided for any dead-end street greater than 150 feet in length. The turnaround shall have a roadway diameter of at least 90 feet and a right-of-way of at least 100 feet. Temporary turnarounds shall be paved or graveled in accordance with the NCDOT Subdivision Roads Minimum Construction Standards.
5. Blocks. Block lengths shall not exceed 1,000 linear feet nor be less than 400 feet unless the subdivision proposed encompasses dimensions less than 400 linear feet. Block size should generally allow for two (2) tiers of lots.
6. Intersections. Streets shall intersect as nearly as possible at right angles, and no two (2) streets may intersect at less than 60 degrees. Not more than two (2) streets shall intersect at anyone point.
 - a) Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of such street. In any event, where a centerline offset jog occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than 125 feet.
 - b) No two (2) streets may intersect with any other street on the same side at a distance of less than 400 feet measured from centerline to centerline of the intersecting street. When the intersected street is an arterial street, the distance between intersecting streets shall be at least 1,000 feet.
7. Alleys. All alleys shall be constructed in accordance NCDOT Subdivision Roads Minimum Construction Standards.
8. Most streets will be constructed in accordance with standards provided for "Residential Local Subdivision Roads" as specified in the NCDOT Subdivision Roads Minimum Construction Standards manual. Alternative street designs may be approved by the UDO Administrator with plans and street specifications prepared by a licensed professional engineer in accordance with the NCDOT Complete Streets Planning and Design Guidelines and for an advisory recommendation by the Technical Review Committee and Fire Marshall. A third party review fee of \$750 is required for all alternative street designs. In no case shall right-of-way widths be less than 40 feet and pavement widths less than 26 feet, unless explicitly approved by the Fire Marshall.

D. STREET CONSTRUCTION STANDARDS

1. All streets shall be constructed in accordance with the following minimum standards:
 - a) Minimum street cross sections, not including sidewalks, shall include an 18 inch undercut, replaced with suitable compacted fill, a subbase of eight inches of Compacted Aggregate Base Course (ABC) and 2.5 inches of S9.5B Asphalt Surface Course.
 - b) All materials shall meet the requirements set forth in the latest edition of the North Carolina Department of Transportation Standard Specifications for Roads and Structures. All streets shall be constructed in accordance with the following standards:
 - i) Asphalt mixtures shall not be produced or placed under any of the following conditions:
 - ii) During rainy weather or whenever moisture on the surface to be paved would prevent proper bond;
 - iii) When the subgrade or subbase course is frozen;
 - iv) When the air temperature, measured in the shade away from artificial heat at the location operation is less than 40 degrees F.

4.10 TRAFFIC CONTROL DEVICES, STREET NAME SIGNS, AND CLUSTER MAILBOX UNITS

A. TRAFFIC CONTROL DEVICES

Traffic-control devices such as stop, yield, and speed limit signs, but not including electric or electronic traffic signals, shall be installed on all streets by the subdivider. The construction of all control devices shall be in accordance traffic control standards as designated in the Manuals on Uniform Traffic Control Devices, North Carolina Supplement to the Manual on Uniform Traffic Control Devices, and the North Carolina Highway Design Branch Roadway Standard Drawings.

B. STREET NAME SIGNS AND MAILBOXES (CLUSTER BOX UNITS)

Street name signs shall be installed by the subdivider at each street intersection as appropriate to identify all street names. Approved mailboxes will be installed before any residence can be occupied. Street name signs, poles, and brackets and mailboxes shall be subject to approval by the UDO Administrator. Where feasible and practical, street name signs and mailboxes shall be of a common design or theme throughout the subdivision or in individual phases of the subdivision. It is the policy of the U. S. Postal Service that mail delivery to all new subdivisions is centralized delivery, most often using cluster box units (CBU). It is the responsibility of the subdivider to provide the necessary mail receptacle equipment in accordance with the Postal Operations Manual.

4.11 PEDESTRIAN FACILITIES

- A. Sidewalks shall be required on at least one (1) side of the street in all new major subdivisions. For subdivisions of 50 or more lots, sidewalks shall be required on both sides of the street.

1. In lieu of placing sidewalks on both sides of the street, the subdivider may install a connected multi-use path/greenway network a minimum width of eight (8) feet along one (1) side of the street and connecting to recreation and open space areas. Such path shall not count towards the required open space requirement.
- B. Sidewalks and multi-use paths shall be installed within the right-of-way and connect to adjacent facilities where applicable.
- C. In all cases, sidewalks shall extend to the property line.
- D. Sidewalks shall be at least five (5) feet wide and constructed of concrete at least five (5) inches thick. Sidewalks shall consist of a minimum of six (6) inches of concrete at driveway crossings or shall be adequately reinforced otherwise. All sidewalks and multi-use paths must meet ADA requirements, including where necessary to serve required cluster mailbox locations.
- E. Sidewalks and multi-use paths built adjacent to an NCDOT road facility shall be built to meet NCDOT standards.

4.12 WATER AND SEWER SYSTEMS

- A. All applications for major subdivisions must be accompanied by satisfactory evidence as to the proposed method and system of water supply and sanitary sewage collection and disposal. All proposed subdivisions must comply with the requirements set forth in the by the town's Public Works Department for connection and/or the Brunswick County Utility Department, where applicable.
- B. Where public or community water supply and/or sewerage systems are not required to be provided, a written statement from the county health department or licensed soil scientist shall be submitted with all subdivision applications indicating that each lot has adequate land area and soil conditions suitable to accommodate the proposed methods of water supply and sewage disposal.

4.13 STORMWATER DRAINAGE AND SEDIMENTATION/EROSION CONTROL

All applicable subdivision development shall be subject to the town's stormwater requirements as provided in Article 2. In order to prevent soil erosion and sedimentation pollution of streams, springs, flat water bodies, or other drainage networks, the subdivider shall comply with all requirements of the North Carolina Sedimentation Pollution Control Act.

4.14 SUBDIVISION STREET TREE CANOPY

- A. All major subdivisions shall comply with the street tree requirements provided herein.
 1. Street trees shall be required along street frontages in all major subdivisions.
 2. Street trees function as a unifying element along all street frontages by establishing an attractive and consistent streetscape. Street trees soften the transition from the street to the private yard and provide shelter to the pedestrian and vehicular traffic. Street trees also reduce stormwater impacts by keeping surfaces cooler and slowing down run-off.
 - a) Understory trees shall be spaced 20 feet on center.
 - b) Canopy trees shall be planted at a maximum of 50 feet on center.
 3. Planting strip for street trees shall be a minimum of six (6) feet wide.
 4. Street trees shall be located behind all road side ditches, where applicable.

5. If a sidewalk is present trees shall be located between the pavement and the sidewalk where right-of-way and utility locations allows placement
6. All sight triangles and distances must be maintained.
7. Tree pacing may be adjusted to avoid conflict with utilities provided the number of trees being planted does not get reduced the standard spacing requirement.
8. Street trees do not count towards a lots required landscaping.
9. Trees species shall be in accord with those species provided in Article 3.

4.15 RECREATION AND OPEN SPACE REQUIREMENTS

- A. Every person, firm, or corporation who collectively subdivides land for residential purposes consisting of greater than 10 lots and/or dwelling units shall provide open space in conformance with this section. A subdivision or project may not be developed in phases in order to avoid the requirements set forth herein. If the total number of lots and/or units in the entire subdivision or project is greater than 10, this section shall apply even though the number of lots and/or units in a particular phase may be less than 10. If a phased subdivision is proposed, the required open space will be based on the total acreage of all phases of the subdivision. The open space shall be dedicated before final approval of each phase.
- B. Amounts of Open Space to be Provided. At least 15% of the total net area of a subdivision shall contain open space as specified herein.
- C. Open Space. Not more than 10% of the total area of required open space shall be occupied or covered by impervious surfaces, provided, however that the following shall not be counted within this limitation:
 1. Walking trails, bike paths, sidewalks and cart paths.
 2. Recreational amenities.
 3. The minimum parking area as required for approved recreational amenities that are classified as open space.
- D. In order to be included in the calculation for required open space, the following criteria shall be satisfied.
 1. All open space shall have a minimum width of 50 feet except that walking trails, bike paths, and sidewalks shall have a minimum width of eight (8) feet.
 2. Each individual open space shall contain a minimum area of at least 5,000 square feet.
 3. Except as otherwise provided in this section, open space shall be accessible to all owners of property in the subdivision and the plat shall identify and depict said access to the open space.
- E. Uses of open space may include the following:
 1. Conservation areas for natural, archeological, or historical resources.
 2. Wooded natural areas used for passive uses.
 3. Walking or bicycle trails.
 4. Water bodies provided, however, that no more than 50% of the required open space can be made up of water bodies which shall exclude stormwater retention areas. Public Trust Waters as defined in 15A NCAC 7H cannot be counted as required open space.

5. Other conservation-oriented uses compatible with the purposes of these regulations.
 6. Up to 100% of a golf course within the proposed subdivision may be included in the calculations for useable open space, provided that property owners are allowed access to cart paths and that appropriate legal instruments are recorded to ensure such lands remain open space subject to compliance with the allowable uses if golf course use ceases.
 7. Ball fields and playgrounds.
 8. Community gardens.
 9. Easements for underground utilities and drainage not located in the road right-of-way.
 10. Recreational amenities such as community centers, tennis courts, community swimming pools, pickleball and other similar facilities used in common and made available to the residents of the entire subdivision.
 11. Sidewalks located within the road right-of-way.
 12. Easements for drainage or underground utilities.
 13. The minimum parking area as required for approved recreational amenities which are classified as open space. Any parking area in excess of the minimum required area shall not count as open space.
- F. Open space shall not include any of the following:
1. Road right-of-ways and impervious surfaces, except as specifically authorized herein above in subsection 4.14(C)(1).
 2. Agricultural and forestry activities.
 3. Easements for above ground utilities.
 4. Required buffer areas.
 5. Any area defined as wetlands by state or federal law or regulation, including the Clean Water Act, 33 USC 1344, or any area within any setback established pursuant to the Coastal Area Management Act except that the actual square footage of approved walkways or viewing areas that pass through the wetland area can be counted at 200% toward the open space requirement.
 6. Stormwater retention and infrastructure.
- G. Legal Instrument for Permanent Protection. All required open space must be properly set out, identified, and irrevocably dedicated to all lot owners in the subdivision on both the preliminary and final plats for the subdivision. Said plats must depict legal access for all lot owners to the required open space areas. In addition, prior to approval of the final plat, the developer must record restrictive conditions or covenants limiting the property identified as open space to the uses set forth herein as approved by the town. The developer may place additional restrictions on the use of the open space areas provided that the additional restrictions do not conflict with the terms of this section. Notwithstanding anything in this section to the contrary, the developer or golf course operator of a golf course within the subdivision that is included in the required open space may restrict use and access to the golf course during the hours of operation or maintenance of the golf course to only its members or others as approved by the

developer or golf course operator. In addition, the developer or golf course operator may at all times restrict or prohibit access to all playing areas of the golf course.