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**AN ORDINANCE OF THE BOARD OF
COMMISSIONERS OF NEW HANOVER COUNTY
PERTAINING TO THE SUBDIVISION OF
LAND WITHIN THE COUNTY**

ENACTMENT:

AN ORDINANCE ESTABLISHING SUBDIVISION REGULATIONS FOR THE COUNTY OF NEW HANOVER, NORTH CAROLINA, AND PROVIDING FOR ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF NORTH CAROLINA GENERAL STATUTES CHAPTER 153A, ARTICLE 18.

PREAMBLE:

WHEREAS, in the opinion of the Board of Commissioners of New Hanover County, it is necessary and advisable to provide for the orderly development of the county; for the coordination of streets within proposed subdivisions with existing and planned streets and with other public facilities; for dedication or reservation of rights-of-way or easements for streets and utility purposes; and for the distribution of population and traffic which shall avoid congestion and overcrowding, and which shall create conditions essential to public health, safety, and general welfare, and

WHEREAS, the County Commission has given due public notice of hearings relating to the Subdivision Regulations, and has held such public hearings, and

WHEREAS, all requirements of the General Statutes of North Carolina have been met;

NOW THEREFORE BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF THE COUNTY OF NEW HANOVER AS FOLLOWS:

ARTICLE I: IN GENERAL

- Section 10 Authority**
The provisions of this ordinance are adopted under authority granted by the General Assembly of the State of North Carolina in Article 18, Chapter 153A of the North Carolina General Statutes.
- Section 11 Title**
This ordinance shall be known as the Subdivision Regulations of the County of New Hanover, North Carolina, and may be referred to as the Subdivision Regulations.
- Section 12 Jurisdiction**
On and after February 17, 1969, these regulations as amended shall govern each and every subdivision of land lying within the County and outside the subdivision regulation jurisdiction of any municipality, and the subdivision of land within the subdivision regulation jurisdiction of any municipality whose governing body by resolution agrees to such regulations.
- Section 13 Metes and Bounds**
The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from these regulations. A plat shall be prepared, approved and recorded pursuant to these regulations whenever a subdivision of land takes place. (9/82)
- Section 14** *Blank (3/03)*
- Section 15 Purpose**
The purpose of this ordinance is to regulate and control the subdivision of land within New Hanover County excluding the subdivision regulation jurisdiction of any municipality within the County in order to promote the public health, safety, and general welfare of the County. The ordinance is designed to promote the orderly development of the County; for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities; for the dedication or reservation of rights-of-way or easements for street and utility purposes; and for the distribution of population and traffic which shall avoid congestion and overcrowding and which will create conditions essential to public health, safety, and the general welfare. This ordinance is designed further to facilitate adequate provision for water, sewerage, parks, schools and playgrounds, and also to facilitate the further resubdivision of larger tracts into smaller parcels of land.

ARTICLE II: DEFINITIONS AND INTERPRETATIONS

Section 20 Definitions

For the purpose of this ordinance the following terms have been defined:

100 Year Flood Area - The area of 100 years flood inundation as shown on New Hanover County's Official Flood Insurance Maps, as amended.

100 Year Coastal Hazard V Zone Area - The area of 100 year coastal flood inundation with high velocity waters and hurricane action as shown on New Hanover County's Official Flood Insurance Maps, as amended.

Alley - A right-of-way intended primarily for motor vehicles, which cuts across a block in order to improve access to adjacent streets or properties.

Barrier Islands - Any land formation composed of unconsolidated materials lying on the ocean side of the mainland. Estuaries or wetlands separate the islands from the mainland.

Block - A parcel of land, which is entirely surrounded by public streets, highways, railroad rights-of-way, parks or green strips, rural land or drainage channels, or a combination thereof.

Building Setback Line - A line parallel to the property lines in front of which no structure shall be built.

Corner Lot - A lot abutting two or more streets at a street intersection.

County Engineer - A professional Engineer, registered in the State of North Carolina, employed by the County Board of Commissioners to provide engineering services to New Hanover County.

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

Double or Reverse Frontage Lot: A continuous (through) lot of the same depth as the width of a block and which is accessible from both of the streets upon which it fronts.

Easement: A grant by the property owner for use, by the public, a corporation or person of a strip of land for specific purposes.

Group Development: A group of two or more principal structures built on a single lot, tract, or parcel of land and designed for occupancy by separate families, firms, businesses, or other enterprises.

Letter of Credit and Cash Security - A letter of credit or other instrument readily convertible into cash at face value, deposited either with the County or in escrow with an escrow agent acceptable to the County. If cash or other instrument is deposited in escrow with a financial institution as provided above, then the subdivider shall file with the Director of Engineer Services an agreement between the escrow agent and the subdivider guaranteeing the following: (1) that said escrow account shall be held in trust until released by the County as provided herein and may not be used or pledged by the subdivider in any other matter during the term of escrow; and (2) that in the case of failure on the part of the subdivider to complete

the required improvements, the escrow agent shall, upon notification by the County and submission by the County to the escrow agent of an engineer's estimate of the amount needed to complete the required improvements, immediately either pay to the County the funds estimated to complete the required improvements, up to the full balance of the escrow account, or deliver to the County any other instruments fully endorsed or otherwise made payable in full to the County (10/07).

Lot - A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership or for development, or both. The word lot also include the words "plot" and "parcel".

Official Map or Plans - Any maps, plans, charts, or texts officially adopted by the County Board of Commissioners for the development of New Hanover County.

Performance Bond - A performance bond from a surety financial guarantee company authorized to do business in North Carolina, made issued or made payable to New Hanover County. The performance bond shall be in a form reasonably acceptable to the County (10/07).

Plans, Constructions - Plan, profile, and detail drawings sufficient to indicate the construction of all improvements associated with the property to be subdivided, prepared by a professional, legally recognized by a State of North Carolina licensing board as being licensed to perform such activities or undertakings. (1/02)

Plat - Includes the map, plan, plat, replat, replot; a map or plan of a tract or parcel of land which is to be, or which has been subdivided.

Plat, Preliminary - A map of proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land.

Plat, Final - A map of a land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications, and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas and other dimensions of land required by this ordinance.

Streets - A right-of-way for vehicular traffic which is dedicated to public or private use and constructed to acceptable New Hanover County standards. Streets shall be classified as one of the following:

- (1) Arterial Streets: Streets and highways of exceptional continuity, designed to route traffic through or around the County.
- (2) Primary Streets: A street or highway of considerable continuity, designed primarily as a radial or cross-county traffic artery for intercommunication between various sectors of the county.
- (3) Secondary Streets: A street or highway serving as a connecting link between two (2) primary or arterial streets.
- (4) Collector Streets: Streets which carry traffic from minor streets to the system of major streets (primary and/or arterial streets). Residential collector roads are further defined by the N. C. Department of Transportation's Subdivision Roads-Minimum Construction Standards as amended.

- (a) Dead End Roads - These roads are more than 2500 feet in length, open at one end only without special provision for turning around and have collector characteristics.
 - (b) Connecting Roads - The roads which serve as the connecting road system between other roads within the subdivision and the thoroughfare system.
 - (c) Loop Roads - A road that has its beginning and ending points on the same route. It is more than one mile in length and has collector characteristics.
 - (d) Other Roads - These are other roads having a "collector" type function in the thoroughfare system.
- (5) Minor Streets: Streets which are used primarily for access to abutting properties. These local residential subdivision roads do not connect thoroughfares or serve major traffic generators and are further defined by the N.C. Department of Transportation's Subdivision Roads-Minimum Construction Standards as amended.
- (a) Cul-de-sacs - These are very short roads, open at one end only, with a special provision for turning around at the other end which is permanently closed. They have a "bulb" end design with a specific turning radii and a limited number of lots.
 - (b) Dead End Roads - These are roads less than 2500 feet in length, open at one end only without special provisions for turning around and have no collector characteristics.
 - (c) Short Connecting Roads - These roads are normally one block long or extend on a block-by-block basis and have no collector characteristics.
 - (d) Loop Roads - A road that has its beginning and ending points on the same route. It is less than one mile in length and has no collector characteristics.
 - (e) Other Roads - These roads do not connect thoroughfare or serve major traffic generators and do not have "collector" characteristics. These include marginal access streets parallel to or adjacent to Arterial and/or Primary Streets and highways, and provide access to abutting properties and protection from through traffic.

Subdivision - A "subdivision" shall include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions are created for the purpose, whether immediate or future, of sale or building development, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition nor be subject to the regulations authorized by this ordinance: (2/06)

- (1) the combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown in its subdivision ordinance.
- (2) the division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.
- (3) the public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors; (2/6/06)
- (4) the division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the County as shown in its subdivision ordinance.

Subdivision, Minor - A minor subdivision is a subdivision

- (1) involving not more than five lots, all of which front on an existing approved street; and
- (2) not involving any new streets or prospectively requiring any new street for access to interior property; and
- (3) not requiring drainage improvements or easements to serve the applicant's property or interior properties.

Surface Drainage - A drainage system consisting of culverts and open ditches.

Technical Review Committee -A committee formed by the County Board of Commissioners for the purpose of Subdivision Plan review as prescribed by this Ordinance. (8/02)

Section 21 Tense and Number

- (1) The present tense includes the future tense and the future tense includes the present tense.
- (2) The singular number includes the plural number and the plural number includes the singular number.

Section 22 Word Interpretation

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

- (1) The word "may" is permissive.
- (2) The words "shall" and "will" are mandatory.
- (3) The word "building" includes the word "structure".
- (4) The word "County" shall mean the "County of New Hanover", a county corporation of the State of North Carolina.
- (5) The words "Board of County Commissioners" or "County Commissioners" shall mean the "New Hanover County Board of County Commissioners".
- (6) The words "Register of Deeds" shall mean the "Recorder of Deeds for New Hanover County, North Carolina".
- (7) The words "ordinance" and "regulations" shall mean the "Subdivision Regulations of the County of New Hanover, North Carolina.
- (8) The word "street" includes the words "road" and "highway".

ARTICLE III: PLAT PREPARATION AND APPROVAL PROCEDURE

Section 30 In General

All subdivision plats for land within the subdivision jurisdiction of New Hanover County shall hereafter prescribe to the procedure contained within the following sections of this article.

Section 31 Sketch Plan

31-1 General

Before a subdivider submits a preliminary plat, a sketch plan of the proposed subdivision may be prepared and submitted to the New Hanover County Planning Department. The sketch plan should be drawn at a scale of not less than two hundred (200) feet to one (1) inch.

31-2 Contents of the Sketch Plan

The sketch plan should contain or be accompanied by the following information:

- (1) The proposed name and location of the subdivision.
- (2) The name and address of the owner and the subdivider.
- (3) The total acreage in the tract to be subdivided.
- (4) The tentative street and lot arrangement.
- (5) The approximate rights-of-way, rights-of-way designation (public or Private), easements and lot lines.
- (6) The average lot area and approximate number of lots.
- (7) The existing and proposed uses of land throughout the subdivision.
- (8) Surface and subsurface drainage of the subdivision.
- (9) The zoning classification of the tract.
- (10) A sketch of the hurricane evacuation route from the subdivision to the nearest County shelter as determined by the County Civil Preparedness Office, if the subdivision or parts of it will be located on a barrier island.

31-3 Planning Department Review

The New Hanover County Planning Department shall review the sketch plan for general compliance with the requirements of this ordinance; the subdivider or his representative may discuss plans for development of the proposed subdivision. The Planning Department shall advise the subdivider as to the regulations which pertain to the proposed development and the procedure the subdivider shall follow in preparing and submitting a subdivision plat.

Section 32 Preliminary Plat

32-1 The subdivider shall submit twelve or more copies as necessary to the New Hanover County Planning Department. (4/6/87)(3/03)(7/03)

32-2 Contents of the Preliminary Plat

The preliminary plat shall be drawn to a scale of not less than two hundred (200) feet to one (1) inch and shall be accompanied by the following information.

- (1) The scale, north point, and date.
- (2) The proposed name of the subdivision.
- (3) The name and address of the owner, and the individual or firm preparing the plan; construction plans, if included shall be prepared by a professional, legally recognized

by a State of North Carolina licensing board as being licensed to perform such activities or undertakings.

- (4) A location map showing the relationship between the subdivision and the surrounding area.
- (5) The names and locations of adjoining subdivisions and streets, the location and ownership of adjoining unsubdivided property, and the location of county and/or municipal limits if falling within or immediately adjoining the tract.
- (6) The existing zoning classification of the tract to be subdivided and adjoining land.
- (7) The boundaries of the tract to be subdivided with all bearings and distances indicated.
- (8) The location of existing buildings, railroads, and bridges.
- (9) The land contour with vertical intervals of not less than two (2) feet. Land contours shall be in relation to mean sea level datum.
- (10) The location of all marshes, water, water courses, ditches, drainage channels, and sub-surface drainage structures, and the proposed method of disposing of all run-off from the proposed subdivision, and the location and size of all drainage easements and structures relating thereto, whether they are located within or outside of the proposed plat.
- (11) The locations of sanitary sewers (other than septic tanks), easements for electric and gas lines, and other surface and sub-surface structures showing connections to existing systems if applicable, or proposals for developing new water supply, storm drainage, and sewage disposal systems if applicable.
- (12) The rights-of-way of streets, location of streets within the rights of-way, street widths, street names, and street designation public or private, where applicable.
- (13) A typical roadway cross-section showing proposed street construction within the proposed right-of-way to include drainage design, where applicable.
- (14) The lot lines, lot and block numbers, and minimum building setback lines along street rights-of-way.
- (15) Areas to be used for purposes other than residential, if any, with the purpose, location, and dimensions of each indicated.
- (16) The total acreage in the tract, acreage in public or other land usage, average lot size, and total number of lots.
- (17) A Hurricane Evacuation Plan including a description and map(s) of the hurricane evacuation route from the subdivision to the nearest County shelter as determined by the County Civil Preparedness Office, if the subdivision or parts of it will be located on a barrier island. The plan and map(s) will include the estimated vehicle capabilities, bridges and low elevation points of subdivision roads; the projected maximum size and geographic distribution of the population of the subdivision; and estimates of mobilization, travel, and queuing delay times for safe evacuation of the population. This plan and map shall be submitted with, but separate from the preliminary plat. Only two copies of the hurricane evacuation maps and plans need to be submitted. The map showing evacuation routes within the subdivision shall be at a scale not less than 1" = 400'. The portion of the evacuation route from the subdivision's outlet(s) to the nearest County shelter should be delineated upon an official County Map. Copies of the plan shall be retained by the Planning Department and the Civil Preparedness Office.
- (18) The proposed location of planned thoroughfares as shown on the Wilmington Urban Area Thoroughfare Plan.
- (19) A landscaping plan, if applicable, under Section 67 of the New Hanover County Zoning Ordinance.
- (20) Fire Hydrants - The location and specifications for fire hydrants and fire access easements, if required, under Section 52-8.

- (21) The approximate delineation of Corps of Engineers Section 404 and Section 10 Wetlands. *(10/99)*
- (22) A traffic impact study must be completed prior to the submittal of any preliminary plan that will generate more than 100 trips during the peak hour. The study shall be prepared in accordance with Standards and Guidelines approved by the County. *(2/02)*

32-3 Preliminary Plat Approval

- (1) Upon the receipt of the required number of copies of a properly submitted plan to the Planning Department along with the necessary comments and recommendations from the North Carolina D.O.T., the County Health Department, the County Engineer, the Board of Education, and other agencies and offices as may be deemed necessary or desirable, the Planning Director, the chairperson of the Planning Board or their appointees and the County Engineer and Fire Marshall or their designees along with a transportation representative from the Metropolitan Planning Organization shall meet to review the plans submitted. *(7/03)*
Meetings of this Technical Review Committee shall be scheduled every two weeks as necessary. Upon review and consultation with the Committee members and Planning staff, and after hearing comments from the applicant, if he so desires, and any other interested person, the Committee shall either approve or deny the preliminary plat. Following the initial review, the Committee shall have ten days in which to take action on the preliminary plat. Failure to take action within the specified time shall be deemed as approved by the Technical Review Committee *(4/6/87) (8/02)*
- (2) Upon completion of the preliminary plat review, the Technical Review Committee shall approve or disapprove the plat.
 - (a) If the preliminary plat is approved, approval shall be noted on the plat. One print of the plat shall be transmitted to the subdivider and another copy shall be retained by the Planning Department. *(4/6/87)(3/03)*
 - (b) When a preliminary plat is disapproved, the Planning Director shall specify the reasons for such action in writing. One copy of such reasons and the plat shall be retained by the Planning Department and a copy of the plat with the reasons for disapproval shall be given to the subdivider. If the preliminary plat is disapproved, the subdivider may make the recommended changes and submit a revised preliminary plat. *(4/6/87)(3/03)*
 - (c) Decisions of the Technical Review Committee may be appealed to the Planning Board at which time they may affirm, modify, or supplement, the decision of the Technical Review Committee *(7/6/92)(8/02)*
 - (d) Decisions of the Planning Board may be appealed to the Board of County Commissioners at which time they may affirm, modify, supplement, or remand the decision of the Planning Board. *(8/02)*
- (3) Preparation of Construction Drawings: *(1/02)*
Upon approval of the preliminary plan, the subdivider may proceed in accordance with the preliminary plan as approved and the requirements of this Ordinance in preparation of Construction Drawings.
 - (a) Construction Plans and drawings shall be submitted and approved by the county engineer or other agencies prior to the installation of any required improvements.
 - (b) Following the installation of the required improvements the subdivider may proceed in accordance with the preliminary plan as approved and the requirements of the Ordinance in the preparation of a final plat.

- (c) No land-disturbing activity or tree removal may begin on any site subject to the provisions of this Ordinance until all applicable County Permits have been issued. (3/02)
- (4) Notice of Appeal:
An appeal from a decision regarding a preliminary plat shall be limited to the applicant, officials or departments of New Hanover County, or persons with a significant identifiable interest in the proposed plan, greater than that of the public at large, including but not limited to, adjacent property owners. Such appeal must be submitted to the Planning Department within 10 business days after the decision being appealed. The notice of appeal must be in a form prescribed by the County Attorney and must state the alleged error the Planning Board or Technical Review Committee made in reaching the decision being appealed and specify why the decision was in error. The scope of the appeal shall be limited to those issues identified in the appeal form, unless permission to make additional arguments is granted from the Chairman of the Board hearing the appeal. (8/02)

32-4 Building Permits Issuance (1/02)

Subject to sewer availability, building permits may be issued after approval of Construction Plans. Such preliminary approval shall in no way alter the requirements that the final plat be recorded in the office of the Register of Deeds prior to the sale or lease of land or buildings within the subdivision.

32-5 Contracts to sell Lots from Approved Preliminary Plat (2/6/06)

The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved under the subdivision ordinance or recorded with the register of deeds, provided the contract does all of the following:

- (1) Incorporates as an attachment a copy of the preliminary plat referenced in the contract and obligates the owner to deliver to the buyer a copy of the recorded plat prior to closing and conveyance.
- (2) Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contract, that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat, that changes between the preliminary and final plats are possible, and that the contract or lease may be terminated without breach by the buyer or lessee if the final recorded plat differs in any material respect from the preliminary plat.
- (3) Provides that if the approved and recorded final plat does not differ in any material respect from the plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than five days after the delivery of a copy of the final recorded plat.
- (4) Provides that if the approved and recorded final plat differs in any material respect from the preliminary plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than 15 days after the delivery of the final recorded plat, during which 15-day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.

The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease land by reference to an approved preliminary plat for which a final plat has not been properly approved under the subdivision ordinance or recorded with the register of deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential, commercial, or

industrial buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved under the subdivision ordinance and recorded with the register of deeds."

Section 33 Final Plat

- (1) The subdivider shall submit one original print (draw in ink on film or linen in a size suitable for recording and three (3) additional copies of the final plat to the Planning Department. (7/03)
- (2) The subdivider shall submit a final plat for all or part of the approved preliminary plan within 24 months of the preliminary approval date. If final plats are not submitted within this 24-month time limit, the plat must be resubmitted as a preliminary plan in accordance with this Ordinance. Otherwise, the preliminary plan approval shall become void unless an extension of time is applied for prior to the expiration of 24 months. (5/5/97)(7/8/02) The Planning Board may grant extensions for an additional year not to exceed a total extension time of 24 months. (7/8/02)
- (3) The final plat shall conform substantially to the preliminary plat as it was approved, and shall comply specifically with the provisions of Section 47-30 of the North Carolina General Statutes and with the policies of New Hanover County in regard to mapping. The final plat shall be prepared by a registered surveyor and/or engineer, and shall be drawn at a scale of not less than one hundred (100) feet to one (1) inch.

33-1 Contents of the Final Plat

The final plat shall contain the following information:

- (1) The exact boundary lines of the tract to be subdivided fully dimensioned by bearings and distances, and the location of boundary lines of adjoining lands, with adjacent subdivisions identified by official names.
- (2) The accurate location and descriptions of all monuments, markers, and control points.
- (3) Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings or deflection angles, radii, chords, central angles, and tangent distances for the center line of curved streets and curved property lines, to an appropriate accuracy and in conformance with good surveying practice.
- (4) The width, names and designations (public or private) of all proposed streets and the width, purpose and designation of other rights-of-way or easements which shall be properly located.
- (5) The location, purpose, dimensions of areas to be used for purposes other than residential.
- (6) The blocks numbered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each block.
- (7) The name of the subdivision, the owner, and the surveyor and/or engineer preparing the final plat.
- (8) The date of the survey and plat preparation, a north arrow, and graphic scale.
- (9) Any other information considered by either the subdivider or the Planning Department to be pertinent to the review of the final plat.
- (10) The following certificates, as applicable, shall appear on the final plat:
 - (a) Certificate of Ownership, Dedication, and Jurisdiction, signed.
 - (b) Certificate of Accuracy and Mapping, signed.

- (c) Certificate of Proposed Subdivision Road Construction Standards signed by the District Engineer, North Carolina Department of Transportation, Division of Highways when roads are to be dedicated for public use.
 - (d) Certificate of Registration by the Register of Deeds of New Hanover County, unsigned.
 - (e) Certificate of Disclosure - North Carolina Coastal Area Management Act.
 - (f) Certificate of Disclosure - New Hanover County Flood Plain Management
 - (g) Certificate of Disclosure for Private Developments.
 - (h) Certificate of Disclosure - Homeowner's Association.
 - (i) Certificate Disclaiming Water/Sewer Suitability.
- (11) Location of Areas of Environmental Concern as per the North Carolina Coastal Area Management Act Maps.
 - (12) Location of the 100 year flood area and coastal flood hazard V-zone as per New Hanover County's Official Flood Insurance Map, as amended.
 - (13) If the Subdivision is within a Conservation Overlay District, locations and types of conservation resource areas shall be shown. Official conservation resource maps are available at the County Planning Department. *(12/84)*
 - (14) Surveyed delineation of Corps of Engineers Federally regulated Wetlands. *(10/99)*

33-3 Planning Department Action

The final plat shall be submitted to the Planning Department for its approval. The Planning Department shall review the final plat for compliance with the requirements of this ordinance, and any other specifications which were agreed upon at the time of the review of the preliminary plat. Approval shall be indicated in writing on the original tracing. If the final plat is disapproved, the reasons for disapproval shall be stated in writing. Decisions of the Planning Department may be appealed to the Board of County Commissioners. Decisions of the Board of County Commissioners may be appealed to the Superior Court.

33-4 Recording of Plat

After the affixing of all required signatures (except Certificate of Registration by the Register of Deeds) the final plat shall be returned to the sub-divider. The sub-divider shall file the approved final plat with the Register of Deeds of New Hanover County for recording within ninety (90) days of the date of its approval by the County Planning Staff or such approval shall be void unless an extension of time is granted by the County Planning Staff.

Section 34 Minor Subdivisions

Minor subdivisions may be approved by the New Hanover County Planning Department. The sub-divider shall submit one original print (drawn in ink on film or linen in a size suitable for recording to the Planning Department. The plat shall conform specifically with Section 47-30 of the North Carolina General Statutes. Within fifteen (15) working days of its receipt of the plat, the Planning Department shall either stamp the plan as an approved minor subdivision, or notify the subdivider that the plat fails to conform to the definition of a minor subdivision. *(5/7/07)*

Section 35 Water Supply Watershed

All subdivisions which require an erosion and sedimentation plan and/or require a Coastal Area Management Act (CAMA) major permit must be reviewed by the North Carolina Division of

Water Quality for compliance with the Water Supply Watershed Protection Rules (15A NCAC 2B.0200) and the Coastal Storm Water Rules (15A NCAC 2H.1000).

ARTICLE IV: DESIGN STANDARDS

Section 40 General Provisions

Any land area within the jurisdiction of this ordinance deemed by the County Commissioners to be unsuitable for residential occupancy shall be prohibited for subdivision development. The County Commissioners in making their determination shall be guided by an analysis of available data on topography, soils, flood plains, drainage, and ground and surface water.

Section 41 Specific Requirements

- 41-1 The following design standards shall be minimum requirements; where other official engineering and public works standards and specifications are more stringent, such higher standards shall be used.
- (1) Alleys - Alleys are permitted in residential districts when the Technical Review Committee determines special conditions warrant a secondary means of access. Design standards for alleys that are permitted shall be consistent with those recommended by the North Carolina Department of Transportation, Division of Highways. (3/03)
 - (2) Blocks - Blocks within all subdivisions shall comply with the standards of this subsection. (3/03)
 - (a) General - 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 as to lot sizes and dimensions; needs for vehicular and pedestrian circulation, control and safety of street traffic; limitations and opportunities of topography; and convenient access to public recreational areas. (3/03)
 - (b) Block Length - Blocks shall not exceed 1,000 feet in length (3/03)
 - (c) Block Width - Blocks shall have sufficient width to allow 2 tiers of lots of minimum depth, except where single tier lots are required to separate residential development from through vehicular traffic, to separate the lots from another type of use, to provide for uncongested traffic flow, to allow for unusual topographic conditions or in instances where said lots are adjacent to subdivision perimeter property lines. (3/03)
 - (d) Pedestrian Access - Where deemed necessary by the Technical Review Committee, a pedestrian access at least 15 feet in width may be required through a block or connecting streets or cul-de-sacs to provide convenient public access to a public or common area such as a park, open space area, school or a water area. (3/03)
 - (3) Buffer Easements - The County may require an easement as much as 50 feet in depth, in addition to the normal lot depth, for subdivisions adjacent to railroads, major streets, highways and thoroughfares, and between various types of developments. This easement shall be part of the platted lots, but shall have the following restriction notice on the face of the plat:
“This easement is established for the purpose of the planting of trees or other types of vegetation or the preservation of existing vegetation; the erection of structures herein and through access by motorized vehicles is prohibited.”

Buffers must comply with the Landscaping provisions in Section 67 of the Zoning Ordinance. (3/03)

- (4) Building Setback Line - The minimum building setback or the distance between the street right-of-way and the building line shall not be less than that prescribed in the Zoning Ordinance for the County of New Hanover for the appropriate zone or zones in which the subdivision exists.

- (5) Easements
Subdividers of all subdivisions shall comply with the easement standards of this subsection.

- (a) Generally Utility easements for storm sewers, sanitary sewers, or water mains shall be separate and distinct from any building area on a lot, and shall be separate from the lot or located along the lot line, or entirely on a lot, as deemed necessary by the County Engineer. (3/03)(7/03)
Easements up to thirty (30) feet or more in width will be required for gravity sewer lines and not less than fifteen (15) feet for water lines, other underground and above ground public utilities, or for piped drainage facilities. Shallow swale easements along the perimeter of lots may be less than thirty (30) feet provided they are approved by the County Engineer. (9/5/95)(11/3/97)

- (b) Drainage Easements
Where a subdivision is traversed by a watercourse or drainage way, an easement shall be indicated on all plats of the subdivision. Such easement shall conform substantially with the lines of the watercourses or drainage ways and shall be of sufficient width as determined by the County Engineer to be adequate for maintenance purposes. The County Engineer in his discretion, may require the subdivider to convey easements to the city or county providing access to and along watercourses or drainage ways traversing the subdivision for the purpose of maintaining such watercourses or drainage ways. (3/03)

- (c) Utility Easements
Electrical and communication utility easements may be required along perimeter lot lines for underground or aboveground public or private utilities. The width of such easements shall be based upon the type of utility installed per the design specifications and the area required for adequate maintenance of said utilities. It is recommended that electric power and communications services be placed underground. (3/03)

- (d) Deeds of Easements
Easements to be dedicated to the city or county for the operation, use, replacement and maintenance of public open space and public utilities, including but not limited to water mains, sanitary sewer mains, stormwater management facilities, and all appurtenances, together with the means of access to them, shall be dedicated for the public use by a separate deed of easement. If such easements are correctly and adequately described on the final subdivision plat, the easements may be described in the separate deed of easement by reference to the recorded final plat. The appropriate governing body shall ascertain that the easements are correctly and adequately described on the final plat.

The deed of easement shall be in the format as determined and approved by the City or County Attorney. All utilities, appurtenances and facilities within the easement to be dedicated shall be constructed to the specifications of the city or county, and will remain the property of the subdivider until officially accepted for operation, use and maintenance as part of the county or city's system. Official acceptance shall be by resolution of the appropriate Governing Body. The deed of easement shall be recorded with the New Hanover County Register of Deeds. (3/03)

- (6) Lots - Lots shall be laid out as follows:
- (a) Lot sizes, shapes and locations shall be made with due regard to topographic conditions, contemplated use, and the surrounding area. (3/03)
 - (b) Lots in subdivisions that have been zoned by the County Commissioners shall not be less in width, depth or area specified in the New Hanover County Zoning Ordinance for the appropriate zone or zones in which the subdivision exists.
 - (c) Corner lots shall have width sufficient to permit adequate building setback from side streets or driveways for commercial lots. (3/03)
 - (d) Double frontage or reverse frontage lots shall be avoided. (3/03)
 - (e) Side lot lines shall be substantially at right angles or radial to street lines. Where side lot lines intersect at the rear of the lot, the angle of intersection should not be less than 60 degrees. (3/03)
 - (f) Lots should not have a depth greater than 4 times the mean width. (3/03)
 - (g) Each lot of a subdivision shall individually abut or be adjacent to an approved public or approved private street or private access easement. Condominium and townhouse-style subdivisions may be exempted from this requirement at the discretion of the Technical Review Committee, provided that in all cases each individual lot shall be assured safe and reasonable vehicular access to and from an approved street. (3/03) Every Conventional residential lot shall front a public or private street or access easement for a distance of at least 34 feet. (8/04)
- (7) Streets
- (a) Minor streets shall be laid out so that their use by through traffic will be discouraged.
 - (b) All streets shall be designated to be either public or private in accordance with N. C. General Statute 136-102.6 by the subdivider who shall then comply with the requirements of said General Statute and shall submit concurrently with the final plat all disclosure statements required by said General Statute.
 - (c) When a planned subdivision is adjacent to an arterial or primary street, a marginal access street may be required to provide access for lots fronting on the arterial or primary street.
 - (d) All streets that are in alignment with other existing and named streets shall bear the existing street name. Names of proposed streets or subdivisions shall not duplicate or be phonetically similar to existing street names. No proper names can be used. It shall be the responsibility of the subdivider to erect official street name signs at all intersections associated with the subdivision in accordance with the *Addressing Standards and Procedures Manual*. The subdivider may acquire and erect official street name signs or may choose to

contract with the city or county to install the street signs and the subdivider shall pay the cost of such installation. (3/03)

(e) Access to Adjacent Properties

The arrangement of streets in proposed subdivisions shall make provisions for the continuation of existing streets in adjoining areas or their proper projection where adjoining land is not subdivided and where they may be deemed necessary for public requirements. For large subdivisions adjacent to large tracts of unsubdivided property, street projections shall be required into the adjacent unsubdivided tracts at a maximum distance of every 1000 feet. The street arrangement shall be such as not to cause a hardship to owners of adjoining property when developed and when they seek to provide for convenient access thereto. The use of residential strips of land in order to prevent the extension of proposed or existing streets or access thereto is prohibited. (3/03)

(f) Street Connectivity Requirements

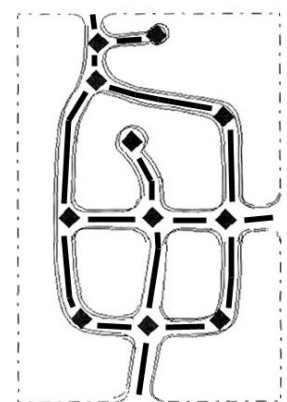
Interconnected street systems promote orderly and safe development by ensuring that streets function in an independent manner, to provide adequate access for emergency and service vehicles and enhance access by ensuring continuous and connected transportation routes.

All proposed streets shall be continuous and connect to existing or platted streets without offset with the exception of cul-de-sacs as permitted and except as provided below.

The street network for any subdivision shall achieve a connectivity ratio of not less than 1.40. The connectivity ratio shall be defined as the number of street links divided by the number of nodes, including cul de sac heads or other vehicle turnarounds. A "node" refers to the terminus of a street or the intersection of two (2) or more. Any curve or bend of a street that has a minimum centerline radius of 100 feet or more shall not be considered a node. Roundabouts also shall not be counted as nodes. A divided entrance is one node.

A link shall be any portion of a street, other than an alley, defined by a node at either end. Street projections to adjacent properties shall be considered links. For the purpose of determining the number of links in a development, boulevards, median-divided roadways, and divided entrances shall be treated the same as conventional two-way roadways. Street links and nodes along a collector or arterial street providing access to a proposed subdivision shall not be considered in computing the connectivity ratio.

16 links/11 nodes = 1.45 ratio



Residential streets shall be designed so as to minimize the block length of local streets, to provide safe access to residences with minimal need for steep driveways and to maintain connectivity between and through residential neighborhoods for autos and pedestrians.

Where necessary to provide access or to permit the reasonable future subdivision of adjacent land, rights-of-way and improvements shall be extended to the boundary of the development. A temporary turnaround may be required where the dead end exceeds 500 feet in length. The platting of partial width rights-of-way shall be prohibited except where the remainder of the necessary right-of-way has already been platted, dedicated or established by other means.

New subdivisions may be exempt from the connectivity ratio standard as set forth in this section, provided the appropriate reviewing agency determine there is no option for providing stub streets or connectivity due to existing documented environmental features such as wetlands or natural water bodies or existing adjacent developed property (11/07).

- (g) Intersections - Street intersections shall be laid out as follows:
1. Streets shall intersect as nearly as possible at right angle and no street shall intersect at less than seventy-five (75) degrees.
 2. Intersections with a major street shall be at least eight hundred (1000) feet apart measured from centerline to centerline. (3/03)
 3. Where a public or private street intersects a U.S. or N.C. numbered highway, or a N.C. secondary road, the intersection design shall be in accordance with the standards of the N. C. Department of Transportation, Division of Highways.
 4. Street jogs with centerline offsets of less than two hundred (200) feet shall be prohibited. (3/03)
- (h) Cul-de-sacs (3/03)(7/03)
A street designed to be permanently closed at one end shall have a permanent turnaround at the closed end, the right-of-way and pavement of which shall meet the requirements specified by NCDOT. Cul-de-Sacs shall not be longer than 500 ft. Longer Cul-de-sacs may be authorized provided the appropriate reviewing agency determines there is no option for providing stub streets or connectivity due to existing documented environmental features such as wetlands, natural water bodies, topographical features, environmental conditions or physical conditions such as property shape, property accessibility, or land use relationships. (3/03)
- (i) Street Projections (3/03)
Where there are lots fronting street projections to adjacent properties and services are required, a temporary turnaround shall be constructed at the end of the street at the property line, said turnaround to be constructed in accordance with *NCDOT Specifications*
1. Where there are no lots fronting street projections to adjacent properties frontage, the frontage being more or less one side lot length, the street may be constructed to the property line and dead-ended with no cul-de-sac required in accordance with *NCDOT Specifications*
 2. The County shall reserve the right to require or not to require the partial or total initial construction of street projections to adjacent properties, or to require guarantee of construction of all or part of such street projections at a later time by provision of surety in the form of cash, letter of credit or other method acceptable to the county.

3. In any and all cases, the developer shall be responsible for the cost of and placement of all required dead-end barricades and signs.
 4. Additional rights-of-way needed for a temporary turnaround at the end of the street projections to adjacent properties shall be in the form of temporary easements or rights-of-way reserved by the subdivider. It is the intention that upon extension of the street into the adjacent property the requirement for a cul-de-sac will cease and that the temporary right-of-way granted for the cul-de-sac construction will revert to the adjacent property owner.
 5. Street projections proposed for access to adjacent properties shall have temporary turnarounds installed in accordance with this chapter and NCDOT *Specifications*.
- (j) Temporary Vehicle Turnarounds (3/03)
 In phasing the construction of street improvements within approved subdivisions, the developer must make provision for vehicle turnarounds at the end of street construction for each phase.
 If the street end of a particular planned phase of development is within a distance of 250 linear feet, more or less, from the next planned intersection in a succeeding phase, the developer will be required to construct the street to, and complete all improvements within, the intersection in accordance with requirements for completed intersections, including barricades, as specified by NCDOT. The completed intersection will then serve as a vehicular turnaround. (3/03)
- (k) When a lot or lots within a subdivision abut an existing public street, highway or thoroughfare, the subdivider shall be responsible for the installation of all improvements to that portion adjacent to and which is to be utilized by that subdivision. (3/03)
- (l) Traffic Control Devices
 The city or State shall install traffic signals, traffic signs and dead-end barricades and markings in accordance with the standards of the city or state. The subdivider shall pay to the city or state the costs associated with the installation of dead-end barricades and markings. (3/03)
- (8) Street Trees - If street trees are planted they shall be planted inside the property lines where they are less subject to injury, decrease the chance of accidents, and enjoy more favorable conditions for growth. Trees in islands within dedicated rights-of-way are excepted.
- (9) Subdivision Names – Subdivision names shall not duplicate or be phonetically similar to existing development or subdivision names within the city or county except where they are additions to existing developments. (3/03)
- (10) Evacuation Access Design - Roads within the subdivision must be designed to provide sufficient capacity for safe and timely evacuation of residents in case of a hurricane if the subdivision or parts of it are located in a V-zone. Factors involved in determining the safety and timeliness of evacuation include the presence of low points, bridges, or other evacuation route bottlenecks, and vehicle capacities of the roads.
- (11) Barrier, Riverine and Estuarine Islands (3/03)
 Subdivisions that are located on riverine, estuarine or barrier islands that are not connected to the mainland by a permanent network of roads and bridges shall establish

a community boating facility on the island and on the mainland with the number of spaces in each facility being equal to or greater than the total number of lots.

(12) Waterfront Access (3/03)

Subdivisions that are located on riverine or estuarine barrier islands with lots containing beach front or sound front property shall dedicate sufficient property to ensure public access to the beach and sound. Such access shall not be less than 10% of the beach frontage and 5% of the sound frontage and shall be spaced at intervals of no more than 1000 feet. Access ways shall not be less than 15 feet in width. These facilities shall be approved by and dedicated to New Hanover County or the State and shall be directly accessible to a public road. Dedicated streets which run to the mean high water line may count toward meeting these requirements.

(13) Transit Facilities (3/03)

Transit system facilities (to include turnout lanes, shelters, signs and markings), as designated by the County, may be constructed, provided and installed in accordance with *Technical Standards and Specifications* and acceptable traffic engineering specifications and standards.

ARTICLE V: IMPROVEMENTS

Section 50 In General

- 50-1 Subdivisions may be developed by sections. Each section shall be submitted as a final plat to be recorded in the office of the Register of Deeds.
- 50-2 Improvements (1/02)
Following approval of the preliminary plan, the sub-divider shall submit to the County Engineer and other appropriate State and local agencies design and construction plans for the installation of the improvements as required by the Ordinance and other specifications and policies of New Hanover County.
- 50-3 Upon satisfactory completion of the construction plans, the County Engineer shall issue an approval letter for the installation of the required improvements in accordance with the approved plans and the design standards specified in this Ordinance. The Planning Department, in conjunction with the appropriate agencies shall review and approve all required improvements prior to the Final Plat being approved. (1/02)
- 50-4 Improvements within all subdivisions shall be installed and designed in accordance with the standards of this article and such other technical standards and specifications as have been adopted by New Hanover County or other entities with responsibility for providing facilities and services. Whenever topographic or other physical conditions of the site require more stringent engineering practices or standards, such standards and practices shall be utilized and followed in the design of a subdivision. (3/03)
- (1) Access - All public agencies shall have access to the premises and structures of a subdivision under this chapter during reasonable hours to make those inspections deemed necessary by them to ensure compliance with the provisions of this article. (3/03)

- (2) Inspection - Prior to commencing any work within the subdivision the subdivider shall make arrangements with those public agencies charged with the enforcement of the provisions of this article to provide for adequate inspection of the improvements.
- (3) Erosion Control & Stormwater Management - The subdivider shall cause all grading, excavations, open cuts, side slopes and other land surface disturbances to be mulched, seeded, soded or otherwise protected to comply with the approved Sedimentation and Erosion Control Plan for the site. (3/03)
- (4) Water Quality Improvement - The subdivider shall pursue an approved plan for the control and improvement of surface water originating from rainfall running from impervious surfaces created within the development. Such works, which may consist of vegetated swales and retention structures, may be designed in concert with those facilities required under the approved Sediment and Erosion Control Plan, and in accordance with the Storm Water Design Manual and Specifications. (3/03)
- (5) Existing Flora - The subdivider shall make every effort practically possible to protect and retain all existing vegetation not actually living in public roadways, building foundation sites, private driveways, paths and trails. Existing trees shall be identified as prescribed in the landscaping Section 67 of the Zoning Ordinance and shall be protected and preserved during construction in accordance with sound conservation practices. Temporary vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical. (3/03)

Section 51: Guarantees of Improvements

51-1 Final plats of a subdivision shall be approved by the Planning Department after the subdivider has complied with one (1) of the following requirements:

- (1) The subdivider has installed all required improvements in accordance with the provisions of this ordinance; or
- (2) Except in the case of Minor Subdivisions, the subdivider of an approved preliminary project in which the total cost of required improvements and administration does not exceed \$8,000,000.00 (the "Surety Limit"), may provide a financial guarantee in lieu of constructing improvements. The surety limits stated in this Section shall be adjusted periodically in accordance with an appropriate established index as approved by the City or County Attorney.
 - (a) Form of Financial Guarantee. The financial guarantee may take one of two forms:
 - (i) A performance bond, letter of credit or cash security where 25% or more of the total value of the required improvements within the subdivision have been constructed or installed; or
 - (ii) A letter of credit or cash security in an amount not less than 125% of the total cost to construct the required improvements, where the total cost of the required improvements does not exceed the Surety Limit.
 - (b) Conditions and Stipulations: Conditions and stipulations to plat approval under this 51-1 (2) are as follows:
 - (iii) Cost Estimates: The subdivider shall furnish a bona fide estimate of the required improvements for verification by the County Engineer. Upon approval of such

estimate, the subdivider shall deposit with the County the performance bond, letter of credit or cash security, as applicable, in the amount of the estimate approved by the County Engineer.

(iv) Source of Financial Guarantee: In the event the subdivider obtains a performance bond or letter of credit as its form of financial guarantee, such financial guarantee shall be issued by a company authorized to do business in North Carolina.

(v) Release of Financial Guarantee: Financial guarantees in the form of a performance bond, letter of credit, or cash security may be reduced by the County Engineer if a portion of the required improvements have been installed, inspected and approved. An addendum or amendment to the original performance bond or irrevocable letter of credit shall be required.

Section 52 Required Improvements

52-1 Permanent Monuments - Unless previously existing, a minimum of two (2) permanent control monuments of stone or concrete shall be placed at the point of intersection on the centerline of intersecting public or private street rights-of-way or at the point of intersection of the tangents of curves when such point lies within the pavement of the proposed street. Otherwise, monuments may be placed on the centerline at the points of curvature and at the points of tangency of curves which are to be dedicated for street purposes. A table of dimensions, or dimension between control monuments, shall be shown on the map. Metal castings or access boxes for the control monuments mentioned above shall be placed in the pavement prior to release of final surities for road construction or final approval of road construction. (Reference G.S. 39-32.1)

- (1) (a) Such monuments shall be set a minimum of nine (9) inches below the finished grade of the pavement. A metal casting of approved type will be mounted over said monument with its base flange mounted on a brick foundation with mortar joints of at least two (2) course thickness, the top of which must be a minimum of one and three-quarters ($1\frac{3}{4}$) inches higher than the highest point of the monument. Permanent monuments shall be at least thirty (30) inches in length, six (6) inches in diameter and shall have a metal pin or punch-marked metal plate embedded therein marking the point represented on the final plat. (7/03)
- (b) In addition to the two (2) required Control Monuments, a control point (i.e. railroad spike, P.K. nail, iron rod, rebar . . .etc.) shall be set at all other centerline intersections, point of curvature, and points of tangency prior to recordation. In the event that these points are destroyed during initial project construction, it shall be the developer's responsibility to have said points replaced in their original horizontal position. (3/03)

52-2 Lot Corners
All lot corners, other than those marked by permanent monuments as herein described, shall be marked by metal stakes not less than three-quarter ($3/4$) inches in diameter, no less than two and one-half ($2\frac{1}{2}$) feet in length.

52-3 Sewage Disposal and Water Supply

- (1) Water Supply
All subdivisions shall be connected to the water system of the applicable local governmental entity in order to provide water to every lot within the subdivision. Mains

shall be constructed in accordance with established standards and policies. Water connections shall be constructed under the supervision and approval of the appropriate governing body. If a connection cannot be made to the local governmental entity's water system, the subdivider shall submit to the appropriate governing body along with the Preliminary Plat a letter of approval of water supply signed by the appropriate authority. The subdivider shall install these facilities in accordance with the approved plans. Water distribution systems shall be installed in all new subdivisions.
(3/03)(6/06)

(2) Sewer Collection

All subdivisions shall connect to the sewerage system of the applicable local governmental entity in order to provide sewer service to every lot within the subdivision. Due consideration shall be given for existing or potential sewer lines for adjoining property in the design and arrangement of sewer lines for the proposed subdivision. If a connection cannot be made to the local governmental entity's sewage system, the subdivider shall submit to the appropriate governing body along with the Preliminary Plat a letter of approval of sewage disposal system signed by the appropriate authority. The subdivider shall install these facilities in accordance with the approved plans. Sewage collection systems shall be installed in all new subdivisions.
(3/03)

52-4 Streets

All streets, shall be constructed, inspected and approved in accordance with the following requirements. (5/2/88)

- (1) Construction - Each street segment public or private, shall be classified and constructed in accordance with the N. C. Department of Transportation's *Subdivision Roads-Minimum Construction Standards* as amended. These standards which include drainage, bridge and pavement design are available for review at the New Hanover County Planning and Engineering Departments and at the Division Office of the N. C. Department of Transportation. Exceptions to these standards, however, are as follows:
 - (a) The classification and, as a result, the construction standards for a public or private street segment may be upgraded to a higher classification if that street segment will eventually be required to provide access to or collect traffic from future development on adjacent properties.
 - (b) If access is by an easement and will serve no more than three dwelling units, no design requirements for right-of-way or pavement width are specified. The only requirement is that the structures shall be provided access as specified in Section 65 of the Zoning Ordinance.
 - (c) Permanent drainage easements may be required as needed.
 - (d) Private streets need not be paved provided such streets have an aggregate base course to ensure access for emergency vehicles.
- (2) Inspection and approval - All public streets shall be inspected and approved by the District Engineer, N. C. Department of Transportation, Division of Highways. All private streets shall be approved by New Hanover County upon inspection and recommendation by the County Engineer. All materials shall meet the requirements of the "North Carolina Standard Specifications for Roads and Structures".
- (3) Private Streets - Streets designated as private may be allowed in subdivisions when in the opinion of the Planning Board, they provide adequate ingress and egress onto collector streets, and sufficient assurance is provided through legally established

homeowner's associations, that the street shall be properly maintained. All such streets shall be designated as "Private Street" on the preliminary plans and final plats. Whenever a private street intersects a U.S. or N.C. highway or N.C. Secondary Road, a statement of approval for the intersection, signed by the District Engineer, North Carolina Department of Transportation, Division of Highways for New Hanover County, shall be submitted concurrent with the final plat.

- (a) All streets designated for private use shall meet the minimum paving and right-of-way requirements set forth by the N.C. Department of Transportation. *Subdivision Roads - Minimum Construction Standards*, as amended. Paving for private streets having low traffic volume may be limited to aggregate base or other soil stabilization suitable to ensure safe passage for emergency vehicles.
- (b) Certain minor streets designated for private use may be excepted from established state geometric standards for minimum centerline radii. Acceptable street alignment centerline radii may be approved by the Planning Board after consideration of such conditions including but not limited to: topography, tree preservation, reduction of speed to safe levels, and the total number of anticipated trips per day. (5/2/88)

52-5 Surface Water Drainage:

All drainage construction within the area of the proposed subdivision shall be reviewed by the County Engineer for conformance with New Hanover County's Storm Water Management Ordinance and Design Manual. Sufficient calculations shall be included with the preliminary plan to review hydraulic computations. The subdivider shall do all grading and install all drainage structures shown on the construction plans for the area specified by the final plat. (8/3/87) (3/03)

- (1) Wetlands, natural depressions and areas of good draining soils shall be used in the development of drainage plans if they exist.
- (2) Discharge of runoff from impervious surfaces directly into natural water bodies shall not be allowed. Runoff shall be routed along vegetated swales, through filter media of vegetation, gravel, sand, or other media, or to detention ponds for the purpose of increasing percolation and settling and filtering out non-point pollutants. (5/5/97)

52-6 Street Name Signs

The sub-divider shall be responsible for erecting street name signs at all intersections within the subdivision. Signs on public streets shall conform with existing Department of Transportation regulations.

52-7 Recreation Space (3/03)

Every subdivider of land for residential purposes, shall dedicate a portion of such land, as set forth herein, for the purpose of providing, active and passive recreation areas to serve the residents of the immediate neighborhood within the subdivision.

- (1) Recreation Areas Can Be Defined By Active Or Passive Recreation As Follows:
 - (a) Active Recreation consists of areas such as park land chosen without regard to natural features for the explicit purposes of enhancing design, such as village commons, or providing space for outdoor recreation activities which may include, but not be limited to, tennis courts, ball fields, swimming pools, and tot lots with play equipment.

- (b) Passive Recreation areas must consist of undisturbed, unique and sensitive natural features when available, that may include streams, floodplains, wetlands (excluding tidal marsh) conservation resources, and natural heritage areas if identified. These natural spaces will be characterized by undisturbed soils and natural vegetative cover for wildlife habitat. Passive Recreational space may become part of designated City and County greenways. Amenities such as walking paths, piers, picnic areas and other passive recreational uses will be allowed with minimal disturbance of the vegetation.
- (2) Required Recreation Space:
All new residential subdivisions shall provide recreation space in the amount of 0.03 acres per dwelling unit within the subdivision. 50% of the required recreation area shall be designated for passive recreation and 50% of the required recreation area shall be designated for active recreation.
- (3) Recreation space areas shall be of such minimum dimensions as to be functionally usable and maintainable. Residential Subdivisions that are small enough so that the amount of required recreational space area does not exceed 10,000 square feet shall be exempt from providing such space when the board determines that:
 - (a) the recreation space area cannot be combined with such areas serving adjacent property to form a functionally usable and maintainable area; or
 - (b) the recreational needs of the development can be adequately met by existing or planned city- or county-owned park, recreation or open space areas located close enough to such development to reasonably serve its residents. In determining the size of a subdivision for the purposes of this subsection, the appropriate governing body, shall consider the entire project developed on a single tract or contiguous multiple tracts under common ownership, regardless of whether the subdivision is constructed in phases or stages. The developer of any subdivision that is exempt from providing on-site recreation or open space shall pay a fee to the city or county in lieu thereof, to be used by the city or county to acquire recreation areas serving the development within the immediate area of the subdivision. Such fee shall be determined and paid as provided in the “Payments in Lieu of Dedication” provisions of this section.
- (4) Standards for Park, Recreation and Open Space Areas:
Except as otherwise approved by the appropriate governing body, all park, recreation and open space areas shall meet the following criteria:
 - (a) Unity
The dedicated land shall form a single parcel of land, whether or not the subdivision is developed in phases or sections, except where it is determined by the appropriate governing body, that 2 or more parcels would be in the best interests of the residents of the subdivision and the public; and in such case, the appropriate governing body, may require that such parcels be connected.
 - (b) Usability
At least one-half of the required recreation land dedicated must be (1) located outside of wetland areas under the jurisdiction of, Federal and State regulatory agencies and (2) usable for active recreation. Areas set aside to meet the requirements of the Conservation Overlay District can only be credited for one-half of the area used for Passive Recreation. Tidal marshes cannot be counted to satisfy the Recreational Space Requirements.
 - (c) Shape
The portion of dedicated land to be used for active recreation shall be of such a shape to be usable for active recreational facilities including but not limited to

tennis courts, racquetball courts, swimming pools, exercise rooms, clubhouses, athletic fields, basketball courts, swings, slides and play apparatus.

(d) Greenways

If open space is a greenway, the land shall be a continuous linear parcel through the subdivision of at least 30 feet in width.

(e) Location

The dedicated land shall be located so as to reasonably serve the recreation and open space needs of residents of the immediate neighborhood within the subdivision for which the land dedication is made and can be combined with an adjacent park.

(f) Access

All dwelling units in the subdivision shall have free, easy and convenient ingress and egress to and from the park, recreation and open space areas provided within the development by means of improved streets or dedicated walkways. Rights-of-way for such access shall be shown on the preliminary plans and final plats.

(g) Topography

The average slope of the portion of dedicated land deemed usable for active recreation shall not exceed the average slope of the entire subdivision to be developed, and in no case shall the slope of the land dedicated be greater than 15 percent.

(h) Required Stormwater Detention/Retention Facilities

Required stormwater detention/retention facilities shall not be accepted to fulfill the requirements set forth by this section. Amenities, such as walking paths, piers, picnic areas, and other passive recreational space that are associated with stormwater management facilities (i.e. Wet ponds) shall receive credit towards the calculation of open space if such amenities associated with stormwater management facilities are designed according to the standards specified in the Technical Manual to meet this requirement. (See Technical Manual for criteria).

(i) Landscaping

Park, recreation and open space areas shall be landscaped and shall be provided with sufficient natural or manmade screening or buffer areas to minimize any negative impacts upon adjacent residences.

(j) Encroachments

The park, recreation and open space areas required by this section shall exclude roadways, parking areas and other accessory uses except recreational facilities.

(k) Consistency with Master Parks Plan

If any portion of any subdivision proposed for residential development lies within an area designated on the officially adopted master parks plan as a park, such area shall be included as part of the area set aside to satisfy the requirements of this section. This area shall be dedicated to public use.

(l) Recreational Facilities

The city or county may require the installation of recreational facilities after considering (i) the character of the park, recreation and open space area; (ii) the estimated age and the recreation needs of person likely to reside in the development; (iii) the proximity, nature, and excess capacity of existing municipal recreational facilities; and (iv) the cost of the recreational facilities.

- (5) Procedure for Dedication of Land:
- (a). Designation of Land to Be Dedicated
Subdividers shall designate on the preliminary subdivision plan, the area or areas to be dedicated pursuant to this section.
 - (b). Review of Land to Be Dedicated
Upon receipt of the preliminary subdivision plan, the planning department shall submit a copy thereof to the appropriate governing agency for review. The appropriate governing agency shall submit any and all recommendations concerning the land to be dedicated to the Technical Review Committee at its next scheduled meeting.
 - (c). Ownership
The type of ownership of land dedicated for park, recreation or open space purposes shall be selected by the owner, developer, or subdivider, subject to the approval of the appropriate governing agency. Provided, however, any of such areas included in the master parks plan shall be dedicated to the city or county. The type of ownership may include, but is not necessarily limited to, the following:
 1. The city or county, subject to the acceptance by the Governing Body;
 2. Other public jurisdiction or agencies, subject to their acceptance;
 3. Property owner, condominium or cooperative associations or organizations; or
 4. Shared, undivided interest by all property owners in the subdivision.
- (6) Payments in Lieu of Dedication:
- (a). General Provisions
When the appropriate governing agency determines (upon the recommendation of the Planning Department) that the park, recreation and open space needs of a subdivision can also be adequately met by capital facilities constructed or to be constructed on county-owned property or property to be acquired by the county within a reasonable time that is located close enough to such subdivision to reasonably serve its residents, the appropriate governing agency may authorize the subdivider to make a payment to the county in lieu of dedication. The appropriate governing agency may also authorize a combination dedication and partial payment in lieu of dedication when such is determined to be in the best interest of the citizens of the area to be served. Any public dedication is subject to review and acceptance by the appropriate governing body.
 - (b). Procedure
The subdivider shall include with the application for preliminary plan approval, a letter requesting approval to make a payment in lieu of dedication. The letter shall include the proposed per acre value and the basis for the determination of such value. Upon receipt of the preliminary subdivision plan, the planning department shall submit a copy thereof with the letter requesting a payment in lieu of dedication to the appropriate governing agency. The staff shall submit any recommendations concerning the request to the Technical Review Committee at its next scheduled meeting.
 - (c). Amount of Payment
If the County approves a payment in lieu of dedication, the amount of such payment shall be the product of the number of acres to be dedicated as outlined in subsection (b) above, and the average fair market value of the land being subdivided at the time of the submission of the preliminary subdivision plan. The Tax Department shall determine the average fair market value of the land

based on the value of the land for property tax purposes, the information submitted by the subdivider and other relevant information.

(d) Use of Payments in Lieu of Dedication

All monies received by the county pursuant to this section shall be used only for the acquisition or development of recreation, park, or open space areas that will benefit the new subdivision residents.

(e) Required Payment in Lieu of Dedication

In the event the County finds that a land dedication does not meet the long range plans of the city or county it shall require payment in lieu of a dedication.

(f) Time of Payment

If a payment in lieu of dedication is authorized, such payment shall be made before recording the final plat for the subdivision. If a subdivision is developed in phases, a payment relating to each phase must be made prior to the recording of a final plat for each phase.

(7) Flexibility in Administration Authorized:

(a) The requirements set forth in this subsection concerning the amount, size, location and nature of park, recreation and open space areas to be provided in connection with residential developments are established by the County as standards that preemptively will result in the provision of that amount of recreational facilities and open space that is consistent with officially adopted city or county plans. The County recognizes, however, that due to the particular nature of a tract of land, or the nature of the facilities proposed for installation, or other factors, the underlying objectives of this article may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the Technical Review Committee is authorized to permit minor deviations from these standards whenever it determines that: (i) the objectives underlying these standards can be met without strict adherence to them; and (ii) because of peculiarities in the developer's tract of land or the facilities proposed it would be unreasonable to require strict adherence to these standards.

(b) Whenever the County authorizes some deviation from the standards set forth in this section, the official record of action taken on the development application shall contain a statement of the reasons for allowing the deviation. (3/03)

52-8 Fire Hydrants

The sub-divider shall be responsible for providing adequate fire protection for the subdivision through the provision of fire hydrants. These fire hydrants shall be constructed to specifications established by the county Fire Marshall, based on NFPA standards. Hydrants shall be required as follows:

(1) Subdivision with central water system:

For any major subdivision served by central water system meeting State requirements (Section .2101 Title 10 - Chapter 10D NCAC) for fire hydrants, the sub-divider shall be required to install a fire hydrant at the entrance to the subdivision and additional hydrants equal either to the total linear feet of roadway divided by 1000 or the total number of lots/units divided by 40, whichever is greater. These additional hydrants shall be spaced evenly through the subdivision in order to provide maximum fire protection coverage, as determined by the county Fire Marshall. In no case shall a lot/unit be located more than 500 feet from a hydrant. (3/03)

- (2) Subdivision with surface water bodies:
For any major subdivision without an adequate central water system, but either including or adjacent to an adequate permanent surface water body, the sub-divider shall be required to do one of the following:
 - (a) Install a dry fire hydrant as close to the water source as possible with the adequacy of the water source and the location of the dry fire hydrant to be determined by the County Fire Marshall; or
 - (b) Establish an easement or road to the water source providing permanent all-weather access that is adequate for fire-fighting equipment and vehicles as determined by the County Fire Marshall. (7/7/97)

52-9 Street Lights

The city or other agency, as applicable, shall install streetlights within subdivisions in accordance with the standards of the city or county. In instances where underground wiring is required, the subdivider shall be responsible for the initial contribution required under the utility company's street lighting service schedule (customer participation) at the time of installation. (3/03)

52-10 Entrance Signs and Lighting

Signs delineating the subdivision name and any lighting associated with such sign shall be constructed in compliance with Section 94-1 of the Zoning Ordinance. Sign location shall be shown on the Preliminary Plat. (3/03)

52-11 Sidewalks, Trails and Bikeways

Sidewalks, walkways and other pedestrian ways shall be provided by the subdivider within or adjacent to a subdivision, upon reasonable evidence that the sidewalks, walkways or other pedestrian ways would be essential for pedestrian access to community facilities, that such is necessary to provide safe pedestrian movement outside the street or street rights-of-way area or that such is an extension or could reasonably become an extension of existing sidewalks, walkways and other pedestrian ways. All sidewalks, walkways, and other pedestrian ways shall be aligned as required by the appropriate governing body, and designed and constructed to conform to NCDOT Specifications. Sidewalks shall be indicated on all preliminary plans. (7/03)

- (1) Sidewalks shall be required to be constructed in the following circumstances:
 - (a) On a minimum of 1 side of the right-of-way of all arterial or collector streets that are adjacent to the property to be developed;
 - (b) On each side of the right-of-way of all arterial or collector streets that run through property to be developed if the subdivider intends to construct any portion of the thoroughfare as access to the subject development; and
 - (c) On one side of the right-of-way of all local streets extending through the property to be developed in the R-15 and R-10 zoning districts.
 - (d) On both sides of the right-of-way of all local streets extending through the property to be developed in the R-7, R-5, and R-3 zoning districts.
 - (e) Except as required above, low density developments in R-20 shall be exempt from the sidewalk requirement.
- (2) The Technical Review Committee may exempt sidewalk installation in specific cases upon a finding that sidewalks are unnecessary for the protection of the public safety or welfare due to conditions peculiar to the site.
- (3) Bikeways

The Technical Review Committee, may require the subdivider to make provisions for bikeways within subdivisions, i.e., increased right-of-way, etc. If the subdivider incorporates bikeways within a subdivision, the subdivider shall be responsible for providing the required markings and the acquisition and erection of all signs, signals or other items in order to create safe bicycling conditions as deemed necessary by the County. (3/03)

Section 53 *Blank (3/03)*

Section 54 **Property Owners' Association**

A property owners' association shall be established for each subdivision containing private streets and drainage systems. The final plat for each such subdivision shall contain a certificate indicating the book and page number of the property owners' association covenants, conditions and restrictions. The covenants, conditions and restrictions shall specify lot owners' responsibilities for maintenance of streets, utilities, storm water management facilities, drainage ditches or swales, or other areas designated as private areas or as common areas and shall provide for assessments to finance all maintenance activities. Final plats for subdivisions containing private streets and drainage improvements will not be approved until the subdivider's owners' association documents have been submitted and approved by the Planning Department. (3/03)

- (1) **Required Conditions of Property Owners Associations:**
Property owners associations or similar legal entities that shall own and maintain park, recreation and open space areas, streets, utilities, storm water management facilities, drainage ditches or swales, or other areas designated as private areas or as common areas shall be established in such a manner that:
 - (a) 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.
 - (b) Membership must be mandatory for each property owner within the subdivision.
 - (c) The association shall be responsible for the liability insurance, local taxes and the maintenance of the areas.
 - (d) Any sums levied by the association that remain unpaid shall become a lien on the individual property owner's property.
 - (e) 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 to the city or county.
 - (f) 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.
 - (g) The declaration of covenants and restrictions that will govern the association shall be submitted for review by the City or County Attorney and recorded prior to the recording of any final plats for the subdivision and reference to the deed book and page provided on the plat.
- (2) **Responsibilities:**
Property owners' associations shall be responsible for continuing upkeep and proper maintenance of all private infrastructure facilities and common areas within the respective subdivision. (3/03)

ARTICLE VI: ADMINISTRATION

Section 60 Variances and Exceptions

The Planning Board may approve subdivision plats which vary from the requirements of design, but not of procedure or improvement. Such a variance may be granted only where topographic or other existing physical conditions are such that compliance with the requirements of this ordinance would cause an unusual and unnecessary hardship on the subdivider. Economic hardship shall not be considered adequate grounds for a waiver. (3/03)

Section 61 Planned Unit Development

The standards and requirements of this ordinance may be modified by the Planning Board in the case of a plan and program for a group, cluster, or planned unit development, which, in the judgment of the Planning Board provides adequate public spaces and improvements for circulation, recreation, light, air, and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the Land Development Plan.

Section 62 Procedure for Variances and Exceptions

- (1) The sub-divider must submit a written request stating the reasons for each modification. The Planning Board may require such conditions as will, in its judgment, preserve the spirit and intent of these regulations. These conditions may include but shall not be limited to: surety, performance, or maintenance bonds, affidavits, covenants, or other legal instruments, as will assure conformity to and achievement of the plan.
- (2) Any modifications thus authorized are required to be entered in writing in the minutes of the Planning Board and the reasoning's on which the departure was justified set forth. The Board of Commissioners shall then be notified in writing of the variance or exception granted.

Section 63 Amendment

The New Hanover County Commissioners may from time to time amend these regulations, 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 recommendations. The Planning Board shall have forty (40) days within which to submit a report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have approved the amendment.

Section 64 Separability

Should any section or provision of this ordinance be declared by the courts to be invalid for any reason, such declaration shall not affect the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 65 Conflict

When the requirements of this ordinance conflict with the requirements of other lawfully adopted rules, regulations, or ordinances of the County of New Hanover, or deed restrictions imposed by the developer, the more stringent or higher requirements shall govern.

Section 66 Public Sites and Open Spaces

- (1) Subdivisions within Planned Thoroughfare Corridor:
In order to minimize the impacts of thoroughfare development and in order to facilitate a collaborative design process for the alignments of thoroughfares the owner or subdivider where a proposed major thoroughfare of the urban area, or city, runs through or is associated with the tract of land to be subdivided, the owner or subdivider must prepare a sketch plan for review and approval prior to the submission of a preliminary plat. In addition to the standard requirements for sketch plan the subdivider shall request in writing a meeting at least 60 days prior to the scheduled sketch plan review. (3/03)
- (2) Compliance with Thoroughfare Plan:
When any portion of a proposed major thoroughfare of the urban area, or city runs through or is associated with the tract of land to be subdivided, the pattern of streets within the proposed subdivision shall be in accordance with the proposed alignment of corridors or rights-of-way of said official thoroughfare plan. Such rights-of-way as required by the appropriate governing agency shall be shown on all plats, preliminary and final. (3/03)
- (3) Planned Thoroughfare Reservation:
When any portion of a major or minor thoroughfare that is shown on the Wilmington Urban Thoroughfare Plan, as amended from time to time, runs through or is associated with the land to be subdivided, the subdivider shall design the street network within the subdivision so as to align the corridors or rights-of-way with the planned thoroughfare and shall dedicate the maximum right-of-way width required by NCDOT. The subdivider shall also reserve any additional right-of-way as shown in the Thoroughfare Plan. No buildings or structures shall be constructed in the reserved right-of-way area. Such reservations shall expire twenty-four (24) months from the date of recordation of the final subdivision plat, unless the right-of-way is acquired by a public agency. (3/03)
- (4) Setback from Street Rights-of-Way:
Proposed building setbacks shall be measured from the most restrictive right-of-way line as determined by the dedication or reservation of such right-of-way. (3/03)
- (5) Disclosure of planned thoroughfare:
When any portion of a proposed major or minor thoroughfare shown on the Wilmington Urban Area Thoroughfare Plan runs through the tract of land to be subdivided, both the preliminary plan and final plat for the subdivision shall disclose the presence of the planned thoroughfare. Disclosure shall be provided as follows:
 - (a) A note on the plat stating: "This subdivision crosses a proposed thoroughfare right-of-way; present status should be confirmed with N.C. Department of Transportation."

66-2 Reservation of Sites for Public Facilities

To insure orderly development of the County in accordance with the general principles set forth in the Land Development Plan, it is recommended that the sub-divider reserve open spaces for such public purpose as parks, playgrounds, schools, and fire stations, and to provide the County an opportunity to buy this land at the fair market value for a period of six (6) months from the date of submission of the preliminary plat.

Section 67 Duty of Register of Deeds

The County Commissioners of New Hanover County shall file a copy of this ordinance with the Register of Deeds of New Hanover County. The Register of Deeds shall not thereafter file or record a plat of a subdivision located within the territorial jurisdiction of New Hanover County without the approval of the New Hanover County Planning Board, and the Board of County Commissioners as required in this ordinance. The landowner shown on a subdivision plat submitted for recording or his authorized agent, shall sign a statement on the plat as to whether or not any land shown thereon is within the territorial jurisdiction of New Hanover County as defined herein. The filing or recording of a plat of a subdivision without the approval of the Planning Board or the County Commissioners as required by this ordinance shall be null and void. The Clerk of Superior Court of New Hanover County shall not order or direct the recording of a plat where such recording would be in conflict with this section.

Section 68 Enforcement of Ordinance

This ordinance may be enforced by any one or more of the remedies authorized by G.S. 153A-123, including but not limited to the following:

- (1) Violation of this ordinance subjects the offender to a civil penalty of one hundred dollars (\$100.00) for a first time offense, three hundred dollars (\$300.00) for a second offense, and five hundred dollars (\$500.00) for a third subsequent offense to be recovered by the County in a civil action in the nature of debt if the offender does not pay the penalty to the County Finance Office within ten (10) calendar days after the offender has been cited for a violation. Violation of this ordinance shall result only in civil penalties and/or civil action set forth herein and shall not entail criminal sanctions. (1/5/98)
- (2) This ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.
- (3) This ordinance may be enforced by injunction, order of abatement, or both, as provided in G.S. 153A-123 (e).
- (4) Each day's continuing violation of this ordinance is a separate and distinct offense. (10/07/85)
- (5) Building Permits may be denied for lots that have been illegally subdivided. (2/6/06)

ARTICLE VII: APPENDICES & CERTIFICATES (10/08)

The certificates herein shall appear on final plats, if applicable

a) Certificate of Ownership, Dedication and Jurisdiction

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) own free consent and dedicate all streets, alleys, walks, parks, conservation space and other areas to public or private use as noted. All roads and drainage easements are dedicated for public utility purposes. Further, I (we) certify the land as shown hereon is located within the subdivision jurisdiction of New Hanover County.

_____	_____
_____	_____
Date	Signature of Owner(s)
_____	_____
Date	Subordination Consent of Mortgagee

b) With this recordation New Hanover County accepts the dedication for stormwater and easements.

County Engineer

c) Certificate of Proposed Subdivision Road Construction Standards

Department of Transportation
Division of Highways
Proposed Subdivision Road
Construction Standards Certification approved

_____	_____
Date	District Engineer

d) Certificate of Registration by Register of Deeds

North Carolina New Hanover County

Filed for Registration on the _____ day of _____ at
_____ (a.m. / p.m.) and duly recorded in Map Book _____, at
Page _____.

Register of Deeds

e) Certificate of Accuracy and Mapping

I, _____, certify that this plat was drawn under by supervision from (an actual survey made under my supervision) deed description in Book _____, Page _____, Book _____, Page _____, etc. (Other; that the error of closure as calculated by latitudes and departures is 1: _____; that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____, Page _____; that this map was prepared in accordance with G.S.47-30 as amended.

Witness my hand and seal this _____ day of _____ A.D., 20____.

Surveyor

Review Officer's Certificate
State of North Carolina
County of New Hanover

I, _____, Review Officer of New Hanover County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer _____

Date _____

f) Certificate of Disclosure - North Carolina Coastal Area Management Act

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 buyer may have responsibility to obtain a development permit (minor or major) and the agency to which an application must be filed in order to obtain and permit prior to any undertaking or activity subject to the requirements of the North Carolina Coastal Area Management Act.

Date

Signature of Owner(s)

g) Certificate of Disclosure - New Hanover County Flood Plain Management

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 the New Hanover County Flood Plain Management Regulations prior to the issuance of construction permits.

Date

Signature of Owner(s)

h) Certificate of Disclosure for Private Developments

I (we) acknowledge that neither the State nor the County shall be responsible for maintenance of any streets, parks, drainage, open space or other areas which are designated for private use. I (we) acknowledge that prior to contracting with a prospective buyer, I shall give the buyer a written statement which discloses the existence and location of such private areas and specifies the maintenance responsibilities for same. When applicable, the statement shall disclose that the street(s) will not be constructed to minimum standards sufficient to allow their inclusion on the State highway system for maintenance.

Date

Signature of Owner(s)

i) Certificate of Registration/Disclosure for Homeowner's Association Covenants, Conditions and Restrictions by Register of Deeds

North Carolina New Hanover County

Homeowner's Association Covenants, Conditions and Restrictions filed for registration on the _____ day of _____ at _____ (a.m. / p.m.) and duly recorded in Deed Book _____, at Page _____.

Register of Deeds

j) Certificate Disclaiming Water/Sewer Suitability & Water / Sewer Availability

Notwithstanding New Hanover County approval of this plat, lots shown on said plat may not receive Health Department approval for on site sewage disposal systems, nor for individual water supply systems, nor does such approval guarantee the availability of water or sewer services from The Cape Fear Public Utility Authority.

k) Certificate of Disclosure for New Hanover County Sewer Costs

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 buyer will be assessed by The Cape Fear Public Utility Authority for the full cost of providing sewer service to the subdivision at the time that District sewer becomes available, in accordance with New Hanover County Code.

Date

Signature of Owner

l) I, _____, review officer for Cape Fear Public Utility Authority, New Hanover County, North Carolina, certify that the map or plat to which this certificate is affixed meets all Authority Standards and requirements as set forth by ordinances, with regards to utility services and easements.

Review Officer

Title

Date