TOWN OF WHITE LAKE

WHITE LAKE
NORTH CAROLINA

SUBDIVISION REGULATIONS

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TOWN OF WHITE LAKE, NORTH CAROLINA

SUBDIVISION REGULATIONS

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ARTICLE I
GENERAL PROVISIONS

1-1 TITLE

These regulations shall officially be known, cited, and referred to as the Subdivision Regulations of the Town of White Lake, North Carolina (hereinafter “these regulations”).

1-2 PURPOSE

The purpose of these regulations is to guide and regulate the subdivision of land within the Town of White Lake and its extraterritorial jurisdiction, for sale or building development (whether immediate or future); to insure the public health, safety, and welfare, and to provide for the sound use of land. The regulations included herein are designed to insure adequate planning of street systems through the coordination of transportation networks and utilities within proposed subdivisions with existing or planned streets and highways, and with other public facilities; for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision, and of rights-of-way or easements for street and utility purposes; for the distribution of population and traffic in a manner that will avoid congestion and overcrowding, and to create conditions that substantially promote the public health, safety, and general welfare. This Ordinance is designed to further facilitate the adequate provision of water, sewerage, parks, schools, and playgrounds; to prevent flood damage; to protect water supplies, to ensure the proper legal description and monumenting of subdivided land; to facilitate the further re-subdivision of larger tracts into smaller parcels of land, and to encourage the proper management of the Town of White Lake’s natural resources.

1-3 AUTHORITY

This Ordinance is hereby adopted under the authority and provisions of section 160A-371 et. seq., of the North Carolina General Statutes.

1-4 JURISDICTION

The regulations contained herein as provided in chapter 160A, article 19 of the General Statutes shall govern each and every subdivision within the Town limits and its extraterritorial jurisdiction.

1-5 THOROUGHFARE PLANS

Where a proposed subdivision includes any part of a thoroughfare which has been designated as such by the Board of Commissioners, such part of the

thoroughfare shall be platted by the subdivider in the location designated by the Commissioners.

1-6 Gift Lot

A) Divisions designed solely to effectuate a gift from a living parent to a living child, or a living grandparent to a living grandchild, shall only be subject to the requirements of section 4-1, including subsections, and provided that all of the following are met:

(1) this exemption may only be used for the creation of one lot per child or grandchild; and

(2) the land to be divided must have been in the possession of the property owner as of the effective date of these regulations; and

(3) all lots created or remaining pursuant to the division shall meet the size and dimensional requirements of the Zoning Ordinance for the district in which the lot(s) so created is/are located; and

(4) any lots proposed for creation that will not have direct frontage on an existing public street shall be provided access to such a street via a private street constructed to the following standards:

(a) A minimum passable travelway of 20 feet in width shall be provided within a 45-foot wide right-of-way.

(b) An adequate drainage system shall be constructed in accordance with designs submitted to and approved by the Town's Engineer.

(c) All such private streets shall directly connect to a State or Town maintained street.

(d) Property lines shall be platted to the centerline of the private street right-of-way

(5) Private streets shown on plats submitted for approval shall be labeled as "private" on the Plat; and

(6) the plat submitted for exemption certification shall prominently bear the title “Gift Lot Division”.

(B) When the gift lot division involves a private street, and prior to the Subdivision Administrator’s certification that the plat is exempt under the gift lot provision, evidence shall be submitted to the Subdivision Administrator that the requirements of paragraph (A), numbers (4) and (5) have been met. The Subdivision Administrator shall also visibly inspect the private street prior to certification as exempt under the gift lot provision.

(C) Persons submitting plats for certification as a gift lot division will be required to provide valid legal documentation (e.g., birth certificate) proving the parent/child, grandparent/grandchild, relationship between the property owner and the gift lot grantees, as well as any other documents deemed by the Subdivision Administrator to show compliance with this Section.

1-7 ZONING AND OTHER PLANS

Proposed subdivisions shall comply in all respects with the requirements of the Zoning Ordinance in effect in the area to be subdivided and any other officially adopted plans.

1-8 FEES

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for subdivision review and approvals, variances, and other administrative relief. The amount of the fees charged shall be as set forth in the Town’s budget or as established by resolution of the Board of Commissioners filed in the Office of the Town Clerk. Fees shall be paid upon submission of a signed application.

ARTICLE II
DEFINITIONS

2-1 DEFINITIONS

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

2-1.1 **Access Easement.** An easement that grants the right to cross property.

2-1.2 **Accessory Structure.** A detached subordinate building, the use of which is incidental to that of the principal building and located on the same lot therewith.

2-1.3 **Alley.** A roadway that affords only a secondary means of access to abutting property.

2-1.4 **Block.** The land lying within an area bounded on all sides by streets.

2-1.5 **Board of Commissioners.** The Board of Commissioners of the Town of White Lake, North Carolina.

2-1.6 **Buffer.** An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and that provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from normal pool elevation of impounded structures and from the bank of each side of streams and rivers.

2-1.7 **Buffer Yard.** A strip of land which is established to separate one type of land use from another type of land use and which contains natural or planted vegetation, berms, walks, or fences.

2-1.8 **Building.** Any structure that encloses a space used for sheltering any occupancy. Each portion of a building separated from other portions by a fire wall shall be considered a separate building.

2-1.9 **Building Line.** The line, established by the “Town of White Lake Zoning Ordinance”, beyond which the building shall not extend, except as provided for in the Zoning Ordinance.

2-1.10 **Collector Street.** A street whose principal function is to carry traffic between cul-de-sac, local, and subcollector streets, and streets of higher classification, but that may also provide direct access to abutting properties. SR 1515 is the collector street located in the Town of White Lake.

2-1.11 **Common Area(s).** All areas, including private streets, conveyed to an owners' association within a development, or owned on a proportional undivided basis in a condominium development.

2-1.12 **Condominium.** Portions of real estate which are designated for separate ownership, and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

2-1.13 **Corner Lot.** A lot abutting 2 or more streets at their intersection.

2-1.14 **County.** Refers to Bladen County, North Carolina.

2-1.15 **Cul-de-Sac Street.** A short local street having one end open to traffic and the other end permanently terminated by a vehicular turnaround.

2-1.16 **Day.** Any reference to days shall mean calendar days unless otherwise specified. A duration of days shall include the first and last days on which an activity is conducted, and all days in between, unless otherwise specified by State law.

2-1.17 **Dedication.** A gift, by the owner, or a right to use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument, and is completed with an acceptance.

2-1.18 **Developer.** A person engaging in development (See **Subdivider**).

2-1.19 **Development.** Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials. This definition shall also include the subdivision of land.

2-1.20 **Development, Density of.** The density of development shall be determined using a gross acreage system. The total area of the tract, including areas to be used for new streets, rights-of-way, drives, parking, structures, recreation areas, dedicated areas, and required setbacks, shall be used for density calculations.

2-1.21 **Double Frontage Lot.** A continuous (through) lot which is accessible from both streets upon which it fronts. See **Through Lot**.

2-1.22 **Drainage Easement.** An easement that grants the right of water drainage to pass in open channels or enclosed structures.

2-1.23 **Drainageway.** Any natural or man-made channel that carries surface runoff from precipitation.

2-1.24 **Dwelling Unit.** One or more rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided therein. Units in dormitories, hotels, motels, shelters for the homeless, or other structures designed for transient residents are not dwelling units.

2-1.25 **Easement.** A grant of one or more of the property rights by the property owner to, or for use by, the public, a corporation, or other entities.

2-1.26 **Existing Lot.** See **Lot of Record.**

2-1.27 **Extraterritorial Planning Area.** That portion of the White Lake planning jurisdiction that lies outside the corporate limits of the Town of White Lake.

2-1.28 **Family.** One or more persons occupying a dwelling unit and living as a single household.

2-1.29 **Fence.** A physical barrier or enclosure consisting of wood, stone, brick, block, wire, metal or similar material, used as a boundary or means of protection or confinement, but not including a hedge or other vegetation.

2-1.30 **Flag Lot.** A lot that is composed of a narrow “flagpole” strip extending from the street and a much wider “flag” section lying immediately behind a lot or lots having the required street frontage for a conventional lot. In the case of a flag lot, the lot line at the end of the flag pole lying generally parallel to the street to which the flagpole connects shall be considered to be the front line for setback purposes.

2-1.31 **Grade.** The slope of a road, street, or other public way specified in percentage terms. The degree of inclination of a slope.

2-1.32 **Interior Lot.** A lot other than a corner lot with only one frontage on a street.

2-1.33 **Local Street.** A street whose primary function is to provide access to abutting properties.

2-1.34 **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” includes “plot”, “parcel”, or “tract”.

2-1.35 **Lot of Record.** A lot, plot, parcel, or tract recorded in the Office of the Bladen County Register of Deeds in conformance with the ordinance(s) in effect at the time of recordation. Also, a lot that is part of a subdivision, a plat of which

has been recorded in the Office of the Bladen County Register of Deeds prior to the original adoption of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the original adoption of this Ordinance.

2-1.36 **Major Subdivision.** All subdivisions not classified as minor subdivisions, including, but not limited to, subdivisions of 5 or more lots, or any size subdivision requiring any new public and/or or private street, extension of the local government facilities, or the creation of any public improvements.

2-1.37 **Minor Subdivision.** A division of a tract of land where:

(A) No more than 4 lots (including the residual acreage) are created in any 5 year period, whether such lots are created at one time or over an extended period of time;

(B) All lots front on an existing public street, and/or no more than one lot is created that is served by an exclusive access easement;

(C) Public water and/or sanitary sewerage systems, other than laterals to serve individual lots, are not to be extended; and

(D) The installation of drainage improvements that would require easements through one or more lots to serve other lots are not necessary.

2-1.38 **Official Maps or Plans.** Any maps or plans officially adopted by the Board of Commissioners as a guide to the development of the Town.

2-1.39 **Open Space.** An area (land and/or water) generally lacking in manmade structures and reserved for enjoyment in its unaltered state.

2-1.40 **Owner.** A holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not.

2-1.41 **Pedestrian Way.** A right-of-way or easement dedicated to public use to facilitate pedestrian access to adjacent streets and properties.

2-1.42 **Person.** Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, or public or private institution, utility, cooperative, interstate body or other legal entity.

2-1.43 **Plan.** Any documented and approved program of recommended action, policy, intention, etc., which sets forth goals and objectives along with criteria, standards and implementing procedures necessary for effectively guiding and controlling decisions relative to facilitating development and growth

management. The plan is sometimes referred to as the land development plan or land use plan.

2-1.44 **Planned Unit Development.** A permitted use designed to provide for developments incorporating a single type or a variety of residential and related uses which are planned and developed as a unit. Such development may consist of individual lots or common building sites. Common land must be an element of the plan related to effecting the long-term value of the entire development.

2-1.45 **Plat.** A surveyed map or plan of a parcel of land that is to be, or has been, subdivided.

2-1.46 **Principal Structure.** A structure(s) in which is conducted the principal use(s) of the lot on which it is located.

2-1.47 **Private Drive.** A vehicular travelway not dedicated or offered for dedication as a public street, providing access to parking lot(s) for 2 or more principal buildings in a group housing development

2-1.48 **Private Driveway.** A roadway serving 2 or fewer lots, building sites or other divisions of land and not intended to be public ingress or egress.

2-1.49 **Private Sewer.** A system that provides for collection and/or treatment of wastewater from a development, or property, and that is not maintained with public funds.

2-1.50 **Private Street.** A vehicular travel-way or private way not dedicated or offered for dedication as a public street, but resembling a cul-de-sac or a local street by carrying traffic from a series of driveways to the public street system.

2-1.51 **Private Water.** A system that provides for the supply and/or distribution of potable water for use by a development, project, or owner, and that is not maintained by a governmental organization or utility district.

2-1.52 **Public Sewer.** A system that provides for the collection and treatment of sanitary sewage from more than one property, and is owned and operated by a governmental organization or sanitary district.

2-1.53 **Public Street.** A dedicated public right-of-way for vehicular traffic which:

(A) has been accepted by the Town of White Lake or the North Carolina Department of Transportation for maintenance; or

(B) is not yet accepted but in which the roadway design and construction have been approved under public standards for vehicular traffic and is to

be offered for acceptance by the Town of White Lake or North Carolina Department of Transportation for maintenance.

2-1.54 **Public Water.** A system that provides distribution of potable water for more than one property and is owned and operated by a governmental organization or utility district.

2-1.55 **Recreation Area** or **Park.** An area of land or combination of land and water resources that is developed for active and/or passive recreation pursuits with various manmade features that accommodate such activities.

2-1.56 **Reservation.** An obligation shown on a plat to keep property free from development and available for public acquisition for a stated period of time. It is not a dedication nor a conveyance.

2-1.57 **Retaining Wall.** A structure, either masonry, metal, or treated wood, designed to prevent the lateral displacement of soil, rock, fill or other similar material.

2-1.58 **Reverse Frontage Lot.** A through lot that is not accessible from one of the parallel or non-intersecting streets upon which it fronts.

2-1.59 **Setback.** The minimum required horizontal distance between a structure or activity and the property line or the street right-of-way line.

2-1.60 **Single-Family Detached Dwelling.** A separate, detached building designed for and occupied exclusively by one family.

2-1.61 **Single-Tier Lot.** A lot which backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.

2-1.62 **Sight Distance Easement.** An easement that grants to Town of White Lake and/or North Carolina Department of Transportation the right to maintain unobstructed view across property located at a street intersection.

2-1.63 **Storm Drainage Facilities.** The system of inlets, conduits, channels, ditches, and appurtenances that serve to collect and convey stormwater through, and from, a given drainage area.

2-1.64 **Stormwater Runoff.** The direct runoff of water resulting from precipitation in any form.

2-1.65 **Street Right-of-Way.** A strip of land occupied or intended to be occupied by a travelway for vehicles and also available, with the consent of the appropriate governmental agency or owners' association (for private streets),

for installation and maintenance of sidewalks, traffic control devices, traffic signs, street name signs, historical marker signs, water lines, sanitary sewer lines, storm sewer lines, gas lines, power lines, and communication lines.

2-1.66 **Structure.** Anything constructed, erected, or placed on the land, at grade or below grade. It includes, but is not limited to, buildings, signs, load bearing walls, docks, columns, pools and parking areas.

2-1.67 **Subcollector Street.** A street whose principal function is to provide access to abutting properties, but that is also designed to be used or is used to connect local streets with collector or higher classification streets.

2-1.68 **Subdivider.** Any person who subdivides or develops any land deemed to be a subdivision (See **Developer**).

2-1.69 **Subdivision.** All divisions of a tract or parcel of land into 2 or more lots, building sites, or other divisions when any one or more of those divisions are created for the purpose of sale or building development (whether immediate or future), and includes all divisions of land involving the dedication of a new street or a change in existing streets; however, the following shall not be included within this definition nor be subject to the regulations authorized by this Ordinance:

(A) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town, as shown in its subdivision regulations.

(B) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.

(C) The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation corridors.

(D) The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than 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 Town, as shown in its subdivision regulations.

2-1.70 **Subdivision Administrator.** The officer appointed by the Board of Commissioners to administer these regulations and to assist administratively other boards and commissions. The title of said officer shall be “Subdivision Administrator” for the purposes of this Ordinance.

2-1.71 **Thoroughfare Plan.** A plan adopted by the Board of Commissioners for the development of existing and proposed major streets that will adequately serve the future needs of an area in an efficient and cost effective manner.

2-1.72 **Through Lot.** A lot abutting 2 streets that do not intersect at the corner of the lot.

2-1.73 **Town.** The Town of White Lake, North Carolina.

2-1.74 **Townhouse Lot.** A parcel of land intended as a unit for transfer of ownership, and lying underneath, or underneath and around, a townhouse, patio home, or unit in a nonresidential group development.

2-1.75 **Tract.** All continuous land and bodies of water in one ownership, or contiguous land and bodies of water in diverse ownership, being developed as a unit, although not necessarily all at one time.

2-1.76 **Use(s), Principal.** The primary purpose or function that a lot or structure serves or is proposed to serve.

2-1.77 **Utility Easement.** An easement that grants to the Town of White Lake or other utility provider the right to install and thereafter maintain any and all utilities including, but not limited to, water lines, sewer lines, septic tank drainfields, storm sewer lines, electrical power lines, telephone lines, natural gas lines and community antenna television systems.

2-1.78 **Variance.** Official permission from the Board of Commissioners to depart from the requirements of this Ordinance.

ARTICLE III
LEGAL STATUS PROVISIONS

3-1 CONFLICTS WITH OTHER PROVISIONS

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

3-2 SEPARABILITY OF PROVISIONS

If any part or provision of these regulations, or the application thereof, to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered, and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances.

3-3 EFFECT ON PENDING LITIGATION

All suits at law or in equity, and all prosecutions resulting from the violation of any ordinance heretofore in effect, that are now pending in any of the courts of this State or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance, but shall be prosecuted to their finality the same as if this Ordinance had not been adopted.

3-4 VARIANCES

(A) The Board of Commissioners, on recommendation of the Planning Board, may authorize a variance from these regulations when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Board of Commissioners shall make the findings required below, taking into account the nature of the proposed subdivision, the existing use of the land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Board of Commissioners finds:

(1) That there are special circumstances or conditions affecting said property such that strict application of the provisions of this Ordinance would make adherence impractical or impose unnecessary hardships;

(2) That the circumstances giving rise to the need for the variance are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this Ordinance; and

(3) That such variance shall not destroy the intent and purpose of the Ordinance.

(B) Any approved variance shall be stated in the minutes of the Board of Commissioners with the conditions and reasoning on which the variance was recommended.

3-5 AMENDMENTS

(A) The Board of Commissioners may from time to time amend the terms of this Ordinance, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation.

(B) The Planning Board shall have 60 days within which to submit its report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have approved the amendment.

(C) The Board of Commissioners shall adopt no amendment until they have held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the Town at least once a week for 2 successive calendar weeks prior to the hearing. The initial notice shall appear not more than 25, nor less than 10, days prior to the hearing date. In computing the 10 to 25 day period, the date of publication is not to be counted, but the date of the hearing is.

(D) If an application for an amendment to this Ordinance is denied, one calendar year must lapse before the petition may be resubmitted. This limitation shall not affect petitions submitted by the Planning Board, Board of Commissioners, or Town administrative staff.

3-6 DEVELOPMENT MORATORIA

Pursuant to NCGS 160A-381(e), the Town may adopt a temporary moratorium on any development requiring Town approval required by law. The duration of any moratorium shall be reasonable in light of the specific conditions that warrant imposition of a moratorium and may not exceed the period of time necessary to correct, modify, or resolve such conditions. The requirements of NCGS 160A-381(e) shall be followed should the Town decide to adopt a temporary development moratorium.

3-7 PENALTIES FOR VIOLATION

(A) Any person, owner, or agent of the owner who violates any provision of this Ordinance, subdivides their land in violation of this Ordinance, or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of land before the plat has been properly approved under the provisions of this Ordinance and recorded in the Office of the Register of Deeds (excepting the presale or pre-leasing of unrecorded lots referencing an approved preliminary plat as provided in section 4-4.10), shall be in violation of this Ordinance. 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 the enforcement provisions of this Ordinance.

(B) The Subdivision Administrator may pursue one or more of the following remedies and penalties described below or otherwise authorized by common law or statute, to prevent, correct, or abate a violation of this Ordinance. Use of one of the authorized remedies or penalties does not preclude the Subdivision Administrator from using any other authorized remedies or penalties, nor does it relieve any party to the imposition of one remedy or penalty from imposition of any other authorized remedies or penalties.

(1) Permit Denial or Conditioning. As long as a violation of this Ordinance remains uncorrected, the Subdivision Administrator may deny or withhold approval, or cause the denial or withholding of approval, of a building permit required pursuant to NCGS 160A-417, a zoning or special use permit, or any other certificate or authorization issued by the Town or County that is sought for the property on which the violation occurs. The Subdivision Administrator may also condition, or cause to be conditioned, a building, zoning, or special use permit, certificate, or authorization on the correction of the violation and/or payment of a civil penalty, and/or posting of a compliance security.

(2) Injunctive and Abatement Relief in Superior Court. The Town may apply to a General Court of Justice in accordance with the provisions of NCGS 160A-175(e), to bring action for injunction of any illegal subdivision, transfer, conveyance, sale of land, or other violation of this Ordinance and the Court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this Ordinance.

(3) Criminal Penalties. Any person who violates any provision of this Ordinance shall be guilty of a Class 1 misdemeanor and shall be punished, accordingly, by fine and/or imprisonment. The

Subdivision Administrator may refer a violation to the Town Attorney for institution of criminal prosecution of the alleged violator.

(4) Civil Penalties.

(a) The Subdivision Administrator may impose a civil penalty of $500.00 per day of violation. For purposes of addressing the amount of a civil penalty, each day the violation remains uncorrected after receipt of a final notice of violation, shall constitute a separate violation that subjects the violator to an additional civil penalty.

(b) The Subdivision Administrator, in consultation with the Town Attorney, is authorized to determine the amount of payment that will be accepted in full and final settlement of some or all of the claims the Town may have in connection with the violation. The Subdivision Administrator shall indicate, in writing, the claims from which the violator is released. If the violation has not been remedied, payment shall not release a violator from potential criminal prosecution or a claim for injunctive relief.

(c) A civil action in the nature of a debt may be filed in any court of competent jurisdiction to collect an unpaid civil penalty.

(5) Other Actions to Correct Violations. In addition to other remedies, the Town may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.

3-8 EFFECTIVE DATE

This Ordinance shall take effect and be in full force from and after July 01, 2009.

3-9 ADOPTION

Duly adopted by the Town of White Lake Board of Commissioners, in the State of North Carolina, on May 12, 2009.

WITNESS my hand and the official seal of the Town of White Lake, this the 12th day of May, 2009.

TOWN OF WHITE LAKE

_____
H. Goldston Womble, Jr., Mayor

ATTEST:

_____
Brenda Clark, CMC - Town Clerk

(TOWN)
(SEAL)

APPROVED AS TO FORM:

_____
H. Clifton Hester, Town Attorney

ARTICLE IV
PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

4-1 PLAT APPROVAL REQUIRED

(A) After the effective date of these regulations, no person shall subdivide, or re-subdivide and/or offer for sale, gift, exchange, or other way of conveyance any land subject to these regulations, except in accordance with and pursuant to one of the following:

(1) Certification by the Subdivision Administrator that the division is not subject to, or exempt from these regulations; or

(2) Final Plat approval for a minor subdivision is granted after review by the Planning Board; or

(3) Final Plat approval for a major subdivision is granted by the Planning Board, after review and approval by the Planning Board and Board of Commissioners of a Preliminary Plat.

(B) No Zoning, Special Use, Sign, Building, and/or other permit required by the Town of White Lake and/or Bladen County shall be issued on any lot that has been subdivided or re-subdivided in violation of these regulations.

(C) No street shall be maintained by the Town or State nor street dedication accepted for ownership and maintenance, no construction permits issued, nor shall water, sewer or other Town facilities or services be extended to or connected with any subdivision for which a plat is required to be approved, unless and until such Final Plat has been approved by the Town in accordance with these regulations.

(D) After the effective date of these regulations, the Bladen County Register of Deeds shall not file or record a plat of subdivision of land located within the jurisdiction of the Town of White Lake that has not been certified as either exempt from these regulations, or approved in accordance with these regulations, nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with these regulations.

4-1.1 Divisions Exempt from Regulation

(A) Subject to Paragraph (C), the following divisions shall be deemed exempt from these regulations pursuant to the definition of subdivision as found in NCGS 160A-376 and Article II of these regulations:

(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 Town, as shown in these regulations;

(2) The division of land into parcels greater than 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 corridors; and

(4) The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than 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 Town, as shown in these regulations.

(B) Subject to Paragraph (C), the following are generally considered as exempt from these regulations pursuant to North Carolina case law and/or because of their intended purpose(s):

(1) The division of property among heirs for the sole purpose of settling an estate as noted in Williamson and Williamson v. Avant, 21 N.C. APB 211, 1974;

(2) The division of land into cemetery or gravesites;

(3) Easement surveys;

(4) Boundary surveys of existing parcels of land; and

(5) Surveys of existing buildings or other structures, natural features, or watercourses.

(C) Under no circumstances shall a division of land involving the dedication of a new public street, or change in an existing public street be considered exempt from these regulations.

4-1.2 Determination of Classification

(A) All plats and proposed subdivisions shall be reviewed by the Subdivision Administrator for initial determination as to whether the proposed subdivision is to be classified as a minor subdivision, a major subdivision or exempt from the provisions of these regulations as specified in the definition of subdivision found in Article II and Subsection 4-1.1. In making

such determinations, the Subdivision Administrator shall review the proposal, considering, among others, the following:

(1) The number and pattern of lots to be created;

(2) The current and proposed use of the tract to be subdivided;

(3) Any site improvements proposed as a part of the subdivision; and

(4) The affidavit of the sub-divider who is requesting classification as to the proposed use of the tract to be subdivided and the nature and reason for the division (i.e., probate, division among heirs, partition among co-tenants, sale, building development, gift, lease, etc.).

(B) In cases where a combination or recombination of previously subdivided and recorded lots is proposed (e.g., property lines between lots being reconfigured) that involve individual private septic systems for waste disposal, and an existing house or facility is located on any of the resultant lots that have been reduced in size by the proposal, the following certificate shall be shown on the plat and endorsed by the Bladen County Health Department prior to exemption certification required by Paragraph (C):

Certificate of Septic System Approval for Recombination of Land

The recombination of existing lots has been reviewed by the Bladen County Health Department, Environmental Health Division. Based on available information, this proposal does not appear to adversely affect the suitability of the lots for the issuance of an Improvement Permit, or the installation, maintenance, or repair of any existing wastewater system.

_____ _____

Environmental Health Specialist Date

The Bladen County Health Department shall also certify, as required by Subsection 4-4.13(D), that any vacant lot(s) created or remaining as a result of the combination or recombination have a suitable site for a septic system.

(C) If the Subdivision Administrator determines that the proposed division is exempt from the provisions of these regulations and does not require approval, the plat shall be endorsed to that effect and may then be recorded in the Office of the Register of Deeds. The endorsement shall read as follows:

Certificate of Exemption; No Approval Required

I hereby certify that the division of land shown and described hereon is not division of land subject to the Town of White Lake Subdivision Regulations.

_____ _____

Subdivision Administrator Date

(D) The subdivider may appeal the denial of a requested exemption to the Board of Commissioners at their next regular meeting.

4-2 APPLICATIONS; PLAN AND PLAT APPROVALS

(A) Submission: Unless otherwise specified, all applications for plan/plat review and certification or approval under these regulations shall be submitted by the owner of the property or the authorized agent of such owner to the Subdivision Administrator.

(B) Form of Submission: An application for any certification or approval under these regulations shall be submitted in such form and format as required by these regulations, together with such fees as required.

(C) Processing: All applications for plan/plat certification or approval shall be submitted, reviewed and processed in accordance with the requirements of these regulations. The Subdivision Administrator may refuse to process an incomplete application.

(D) Approved Plans and Plats: A copy of required plans and plats or information submitted with the application shall be returned to the applicant after the Planning Board or Board of Commissioners have marked the copy either approved or disapproved and attested to same. A similarly marked copy shall be retained by the Subdivision Administrator.

4-3 MINOR SUBDIVISIONS

4-3.1 Minor Subdivision Review Procedures

An application for minor subdivision plat review shall be submitted by filing a copy of the application, on a form approved by the Town Board of Commissioners, with the Subdivision Administrator. The review process for minor subdivisions shall include*:*

(A) Optional submittal of a Sketch Plan for review and action in accordance with Subsections 4-3.2 and 4-3.3; or

(B) Submittal of a Final Plat for Planning Board review and action in accordance with Subsections 4-3.4 and 4-3.5.

4-3.2 Minor Subdivision Sketch Plan

(A) General: Prior to the filing of a Final Plat, 15 copies of a Sketch Plan of the minor subdivision may be submitted to the Subdivision Administrator for review and action.

(B) Contents: The Sketch Plan shall, in simple sketch form, include the applicable information found in Subsection 4-4.2(B).

(C) Review by Other Agencies: Prior to approval, the Subdivision Administrator shall cause the Sketch Plan to be reviewed by the applicable agencies listed in Subsection 4-4.5(B).

4-3.3 Subdivision Administrator or Planning Board Action on Minor Subdivision Sketch Plans

(A) The Subdivision Administrator shall review the proposal for general compliance with the relevant ordinances, codes and policies, the comments provided by applicable reviewing agencies, and for the general suitability of the land for development.

(B) In reviewing the proposal, the Subdivision Administrator may consider existing development in the area, compatibility with any adopted land use plan or other officially adopted plan for the Town, and the suitability of the land to avoid the unnecessary expense of re-designing unacceptable subdivision proposals.

(C) The Subdivision Administrator shall approve or disapprove the Plan within 30 calendar days of the receipt of the application. If no action is taken by Subdivision Administrator plan shall be automatically approved. If the Plan is disapproved, the reasons for the disapproval shall be stated in writing to the sub-divider. The sub-divider may either modify the application, or appeal to the Planning Board at their next regularly scheduled meeting. If appealed, the Planning Board will have final approval authority. If the Planning Board fails to act on the application within the 65-day period, the Sketch Plan shall be deemed approved.

(D) At the request of the Sub-divider, the Plan may be submitted to the Planning Board for review rather than the Subdivision Administrator. Such submittal shall be made to the Subdivision Administrator at least 30 calendar days prior to the meeting at which the Planning Board will review the Sketch Plan. In this instance, the Plan shall be reviewed in accordance with paragraphs (A) and (B) above. The Planning Board shall approve or disapprove the Plan within 65 days of the receipt of the application. If the Plan is disapproved, the reasons for the disapproval

shall be stated in writing to the sub-divider. The sub-divider may either modify the application, or appeal to the Board of Commissioners at their next regularly scheduled meeting. If appealed, the Board of Commissioners will have final approval authority. If the Board of Commissioners fail to act on the application within the 65 day period, the Sketch Plan shall be deemed approved.

(E) If the Sketch Plan is approved, all copies of said Plans shall bear the following statement. Sketch Plan approval shall be valid for 12 calendar months from the date of approval.

Certificate of Minor Subdivision Sketch Plan Approval

I hereby certify that the minor subdivision sketch plan shown hereon has been reviewed and approved by the _____ (Subdivision Administrator/Town of White Lake Planning Board, provided a final plat shall be submitted for approval within 12 calendar months from _____ (date).

_____
(Subdivision Administrator/ or Chair
Town of White Lake Planning Board)

4-3.4 Minor Subdivision Final Plat

(A) General: 15 copies of a Final Plat of the minor subdivision shall be submitted to the Subdivision Administrator for review and action by the Planning Board, unless Sketch Plan approval has previously been granted by the Planning Board. In the latter case, only 10 copies of the Plat shall be required for submittal.

(B) Contents: The Final Plat shall include the applicable information found in Subsection 4-4.11(B).

(C) Review by Other Agencies: If a Sketch Plan of the minor subdivision has not been submitted and approved prior to minor subdivision Final Plat submittal, the Subdivision Administrator shall cause the Final Plat to be reviewed by the applicable agencies listed in Subsection 4-4.5(B).

4-3.5 Planning Board Action on Minor Subdivision Final Plats

(A) The Planning Board shall review the proposal for general compliance with the relevant ordinances, codes and policies, the comments provided by applicable reviewing agencies, and for the general suitability of the land for development.

(B) In reviewing the proposal, the Planning Board may consider existing development in the area, compatibility with any adopted land use plan or other officially adopted plan for the Town, and the suitability of the land to avoid the unnecessary expense of re-designing unacceptable subdivision proposals.

(C) The Planning Board shall approve or disapprove the Plat within 65 days of the receipt of the application. If the Plat is disapproved, the reasons for disapproval shall be stated in writing to the sub-divider. The sub-divider may either modify the application, or appeal to the Board of Commissioners at their next regularly scheduled meeting. If appealed, the Board of Commissioners will have final approval authority. If the Planning Board fails to act on the application within the 65 day period, the Final Plat shall be deemed approved.

(D) Approval of the Final Plat shall be subject to the condition that said Plat is filed and recorded in the Office of the Register of Deeds of the County of Bladen within 60 days from the date of final approval otherwise the approval shall be null and void. All copies of the approved Final Plat shall bear the following signed statement:

Certificate of Minor Subdivision Approval

I hereby certify that the minor subdivision final plat shown hereon has been found to comply with the Town of White Lake Subdivision Regulations. Provided that this plat be recorded within 60 days of final approval, approved by the Town of White Lake Planning Board on _____ (Date).

_____
Chair
Town of White Lake Planning Board

4-4 MAJOR SUBDIVISIONS

4-4.1 Major Subdivision Review Procedures

An application for major subdivision plat review shall be submitted to the Planning Board by filing a copy of the application, on a form approved by the Town Board of Commissioners, with the Subdivision Administrator at least 30 calendar days prior to the date of the Planning Board meeting at which the application will be reviewed. This deadline shall apply for the steps in the review processes outlined in paragraphs (A) and (B) below. The review process for major subdivisions shall include*:*

(A) Submittal of a Sketch Plan for review and action in accordance with Subsections 4-4.2 and 4-4.3; or

(B) Submittal of a Preliminary Plat for Planning Board review and recommendation and Board of Commissioners review and action in accordance with Subsections 4-4.4 through 4-4.10; and

(C) Submittal of a Final Plat for review and action by the Subdivision Administrator in accordance with Subsections 4-4.11 through 4-4.13.

4-4.2 Major Subdivision Sketch Plan

(A) General: Prior to the filing of a Preliminary Plat, 25 copies of a Sketch Plan of the major subdivision shall be submitted to the Subdivision Administrator for review and action by the Planning Board.

(B) Contents: The Sketch Plan shall, in simple sketch form drawn to a scale of no less than one inch equals 200 feet, include the following information:

(1) The proposed name of the subdivision prefaced by the words “Sketch Plan”;

(2) The name, address, and telephone number of the sub-divider and person responsible for the subdivision design;

(3) The Parcel Identification Number (PIN) of the property to be subdivided;

(4) The zoning classification(s) of the tract to be subdivided and of adjacent properties;

(5) A sketch vicinity map showing the location of the subdivision in relation to the existing street or highway system;

(6) Scale, north arrow, and date of Plan preparation;

(7) The total acreage to be subdivided;

(8) The plotted boundaries of the tract from deeds or maps of record and the portion of the tract to be subdivided;

(9) Railroad and street rights-of-way;

(10) Tentative lot and street arrangements, including any lot to be served by an exclusive access easement;

(11) Existing street names and types (public or private), and lot sizes and numbers;

(12) Existing uses and buildings both adjacent to and within the subdivision;

(13) The type of water supply and waste disposal system proposed;

(14) Existing and proposed water and sewer lines, and storm drainage systems; and

(15) The approximate location of watercourses on the property.

(C) Review by Other Agencies: Prior to Planning Board review and action, the Subdivision Administrator shall cause the Sketch Plan to be reviewed by the applicable agencies listed in Subsection 4-4.5(B).

4-4.3 Planning Board Action on Major Subdivision Sketch Plans

(A) The Planning Board shall review the proposal for general compliance with the relevant ordinances, codes and policies, the comments provided by applicable reviewing agencies, and for the general suitability of the land for development.

(B) In reviewing the proposal, the Planning Board may consider existing development in the area, compatibility with any adopted land use plan or other officially adopted plan for the Town, and the suitability of the land to avoid the unnecessary expense of re-designing unacceptable subdivision proposals.

(C) The Planning Board shall approve or disapprove the Plan within **65** days of the receipt of the application. If the Plan is disapproved, the reasons for the disapproval shall be stated in writing to the sub-divider. The sub-divider may either modify the application, or appeal to the Board of Commissioners at their next regularly scheduled meeting. If appealed, the Board of Commissioners will have final approval authority. If the Planning Board fails to act on the application within the 65 day period, the Sketch Plan shall be deemed approved.

(D) Sketch Plan approval shall be valid for 12 calendar months from the date of approval. If the Sketch Plan is approved, all copies of said Plans shall bear the statement on the following page.

Certificate of Major Subdivision Sketch Plan Approval

I hereby certify that the major subdivision sketch plan shown hereon has been reviewed and approved by the Town of White Lake Planning Board, provided a preliminary plat shall be submitted for approval within 12 calendar months from _____ (date).

_____
Chair
Town of White Lake Planning Board

4-4.4 Major Subdivision Preliminary Plat

(A) General: Prior to the filing of a Final Plat, 25 copies of a Preliminary Plat of the major subdivision shall be submitted to the Subdivision Administrator for review and recommendation by the Planning Board and review and action by the Board of Commissioners.

(B) Contents: The Preliminary Plat shall be drawn by a licensed engineer, architect, landscape architect, or professional land surveyor licensed to practice in the State of North Carolina. Preliminary Plats shall be drawn to a scale of no less than one inch equals 200 feet and no larger than one inch equals 50 feet, and shall contain the following information:

(1) The name of the proposed subdivision, preceded by the words "Preliminary Plat of _____", whose name shall not duplicate or closely approximate, phonetically or in spelling, the name of any other subdivision in the Town or County;

(2) A sketch vicinity map showing the relationship between the proposed subdivision and the surrounding area;

(3) The boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented, with all bearings and distances shown;

(4) Scale denoted both graphically and numerically;

(5) North arrow and declination;

(6) The plans for proposed utility layouts, including sanitary sewers, storm sewers, water distribution lines, natural gas, telephone and electric service, illustrating connections to existing systems. Plans for water supply and/or sewage disposal must be accompanied by letters of preliminary approval by the appropriate County and State authorities. Plans must show line sizes, the location of fire hydrants, blow-offs, manholes, pumps, force mains, and gate valves, and shall include profiles based upon grades of existing utilities;

(7) Proposed street names and designation as either "public" or "private";

(8) The zoning classification(s) of the tract to be subdivided and on adjoining properties;

(9) Proposed location and size of parks, school sites, or other recreational or open spaces, if any, and their future ownership (dedication for public use to governmental body, for owners to duly constituted homeowners or community association, or for tenants remaining in sub-dividers ownership);

(10) Site calculations, including:

(a) Acreage in total tract to be subdivided,

(b) Acreage in parks and other nonresidential use,

(c) Total number of parcels created, and

(d) Linear feet in streets;

(11) Proposed minimum building setback lines;

(12) The names of owners of adjoining properties and any adjoining subdivisions of record (or proposed and under review);

(13) Any proposed riding trails, natural buffers, pedestrian, bicycle, or other rights-of-way, utility or other easements, their location, width, and purposes;

(14) Proposed streets, existing and platted streets on adjoining properties and in the proposed subdivision, rights-of-way, pavement widths, approximate grades, design engineering data for all corners and curves, and typical street cross sections. If any street is proposed to intersect with a State-maintained road, the plat shall be accompanied by an application for Driveway Permit

approval as required by the North Carolina Department of Transportation;

(15) Existing and proposed property lines, both on the tract to be subdivided and on adjoining properties, building or other structures, watercourses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and on the land immediately adjoining, corporate limits, township boundaries, and county lines;

(16) Proposed lot lines, lot and block numbers, and approximate dimensions, and phase lines where the subdivision is to be developed in phase or stages;

(17) Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds, and any other natural features affecting the site;

(18) Original contours at vertical intervals of not more than 10 feet. These contours shall be referenced to mean sea level datum when a bench mark is within 2,000 feet of a subdivision when a ground survey has been made. Where such a bench mark is not available, the contours shall be referenced to some pertinent and permanent recognizable landmarks or identifiable point. Topographic information drawn from US Geological Survey Topographic Maps may be used to meet this requirement;

(19) The preliminary plat should be accompanied by a copy of any proposed deed restrictions or similar covenants when deemed necessary by the Planning Board (mandatory when private recreation areas and/or streets are proposed);

(20) Date of plat preparation, Parcel Identification Number (PIN), and the deed book and page citation of the property being subdivided;

(21) The name(s) of the township(s), county, and state in which the subdivision is located;

(22) The name(s), address(es), and telephone number(s) of the owner(s), mortgagee(s), professional surveyor(s), land planner(s), architect(s), landscape architect(s), and professional engineer(s) responsible for the subdivision where applicable;

(23) The name and location of any property, within the proposed subdivision or within any contiguous property, that is listed on or is eligible for listing on the United States Department of Interior's National Register of Historic Places; likewise any property that has

been designated by local ordinance as a "Historic Property" pursuant to Chapter 160A, Article 19, Part 3B of the General Statutes, likewise any property that has been designated by local ordinance as a "Historic District," pursuant to Chapter 160A, Article 19, Part 3A of the General Statutes;

(24) A Phase I Environmental Site Assessment may be required if:

(a) The development exceeds 2 acres in area, and

(b) If the Planning Board deems it necessary due to the nature of the land to be subdivided, or peculiarities in the proposed layout; and

(25) Any other information deemed necessary by the sub-divider, or the Subdivision Administrator to show compliance with the provisions of these regulations.

4-4.5 Planning Board Recommendation on Major Subdivision Preliminary Plats

(A) Before being presented to the Board of Commissioners, an application for Preliminary Plat approval shall be referred to the Planning Board for a recommendation in accordance with this Subsection. The Board of Commissioners shall, however, upon the failure of the Planning Board to act on an application as outlined in Paragraph (E), proceed with review of the Preliminary Plat without a recommendation.

(B) Prior to submittal of the Preliminary Plat for review by the Planning Board, the Subdivision Administrator shall refer the Plat to the applicable reviewing agencies listed below. In cases where the completion and development of the subdivision would require permits granted by an agency, that agency shall officially approve by certificate or permit the subdivision proposal. The review and certification process shall include, but not be limited to, the following agencies who shall submit their findings, recommendations, and certificates in writing to the Planning Board. The following agencies, as deemed applicable by the Subdivision Administrator, shall be given the opportunity to review and certify within their area of responsibility:

(1) The District Engineer of the North Carolina Department of Transportation shall review as to existing and proposed publicly dedicated streets and highways, private street, exclusive access easement, and joint driveway connections to State maintained streets and highways, and related drainage systems as they affect such streets and highways. The Subdivision Administrator, Public Works Director, and Town engineer shall review as to existing and

proposed private streets, exclusive access easements, and joint driveway easements, including their connections to existing and proposed streets maintained by the Town. The Public Works Director and Town engineer shall review private streets and their related drainage systems as they affect streets and drainage facilities managed by the Town.

(2) The Bladen County Environmental Health Department shall review and certify as to proposed on-site water and sewage systems. The Public Works Director shall review and certify as to proposed public water and sewer systems.

(3) The Bladen County 911 Addressing Department shall review and certify in regards to proposed street names and property addressing.

(4) The North Carolina Department of Environment and Natural Resources, Land Quality Section, shall review and certify as to erosion and sediment control as applicable under State sedimentation control regulations.

(5) The Town of White Lake Police Department, Fire Department and applicable emergency service providers shall review as to their ability to provide adequate service to the subdivision. The Bladen County Sheriff's Department, Emergency Services Department and the applicable volunteer fire department shall review proposals located within the Town's Extraterritorial Jurisdiction.

(C) The Planning Board shall review the proposal for general compliance with the relevant ordinances, codes and policies, the comments provided by applicable reviewing agencies, and for the general suitability of the land for development.

(D) In reviewing the proposal, the Planning Board may consider existing development in the area, compatibility with any adopted land use plan or other officially adopted plan for the Town, and the suitability of the land to avoid the unnecessary expense of re-designing unacceptable subdivision proposals.

(E) After reviewing the application, the Planning Board shall submit its findings, conditions, and recommendations to the Board of Commissioners within 65 days of the initial receipt of the application. If the Preliminary Plat is recommended for approval, all copies of said Plats shall bear the following statement:

Certificate of Planning Board's Recommendation of Major Subdivision Preliminary Plat Approval

I hereby certify that the major subdivision preliminary plat shown hereon has been found to comply with the Town of White Lake Subdivision Regulations and is recommended for approval by the Town of White Lake Board of Commissioners.

_____ _____

Chair Date

Town of White Lake Planning Board

(F) If the Planning Board makes a recommendation of denial of Preliminary Plat approval, the reasons for the recommendation shall be stated in writing to the sub-divider. The sub-divider may then modify the application prior to submission to the Board of Commissioners, or may request that the Plat be forwarded to the Board of Commissioners with the unfavorable recommendation.

4-4.6 Board of Commissioners Action on Major Subdivision Preliminary Plats

(A) The Board of Commissioners shall, within 65 days of the recommendation by the Planning Board, review the proposal, including the Planning Board recommendation, and shall approve, approve with conditions, or disapprove the proposal. If the Board approves with conditions or disapproves the proposal, the reasons shall be stated in writing to the developer and entered into the minutes of the Board. Any required conditions placed on a Plat for approval must be in direct relation to bringing the Plat into compliance with the provisions of these regulations. Appeal of the Board of Commissioners shall be taken to Bladen County Superior Court within 30 days of the Board's decision.

(B) Subsequent to and in accordance with the Board of Commissioners' approval of the Preliminary Plat, the sub-divider may proceed with the preparation of a Final plat for all or a portion of the proposed subdivision.

(C) It shall be unlawful to begin construction of project infrastructure until a Preliminary Plat has been reviewed and approved by the Board of Commissioners.

(D) Preliminary Plat approval shall be valid for 12 calendar months from the date of approval. The certification on the following page shall be placed on the approved Preliminary Plat and signed by the Mayor.

Certificate of Major Subdivision Preliminary Plat Approval

I hereby certify that the major subdivision preliminary plat shown hereon has been approved by the Town of White Lake Board of Commissioners, provided a final plat shall be submitted for approval within 12 calendar months from _____ (date).

_____
Mayor
Town of White Lake

4-4.7 Completing Developments in Phases

(A) If a subdivision is to be developed or constructed in phases, the sub-divider shall submit plans that clearly show the various phases or stages of the proposed development and the requirements of these regulations that will be satisfied with respect to each phase or stage.

(B) Preliminary Plats may be vested under the procedures in the Town of White Lake Zoning Ordinance.

4-4.8 Extensions on Preliminary Plat Approval

(A) Preliminary Plat approvals shall expire automatically if, within 12 calendar months after the date of approval:

(1) Construction authorized by the approval has not commenced; or

(2) Less than 10% of the total cost of all construction, excavation or similar work on any subdivision has been completed on the site. With respect to phased subdivisions, this requirement shall apply only to the first phase.

(B) If, after some physical alteration to land begins to take place, such work is discontinued for a period of 12 calendar months, then the Preliminary Plat approval authorizing such work shall immediately expire.

(C) The Board of Commissioners may extend for a period up to 6 calendar months the date when a Preliminary Plat would otherwise expire pursuant to Paragraphs (A) or (B) if it concludes that (i) the Plat approval has not yet expired, (ii) the sub-divider has proceeded with due diligence and in good faith, and (iii) conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods up to 6 calendar months upon the same findings. All such

extensions may be granted without resort to the formal processes and fees required for a new review.

4-4.9 Amendments to and Modifications of Approved Preliminary Plats

(A) Insignificant deviations from the Plat approval issued by the Board of Commissioners are permissible and the Subdivision Administrator may authorize such insignificant deviations. A deviation may be considered insignificant if it does not involve any of the following:

(1) any substantive change in a condition of approval;

(2) an increase in the number of building lots proposed;

(3) any substantial change in the location of, or any decrease in, the amount of open space, buffers, or areas reserved for recreational use;

(4) any substantial change in pedestrian and/or vehicular access or circulation including road classification;

(5) any change in the provision of services such as water supply and wastewater disposal;

(6) any substantial change in the location of utilities or other easements.

(B) All other requests for changes in approved Preliminary Plats will be processed as a modification to the original application. If such requests are to be acted upon by the Board of Commissioners, new conditions may be imposed only on the specific site or area requested to be modified in accordance with these regulations, but the applicant retains the right to reject such additional conditions by withdrawing his/her request for an amendment and may then proceed in accordance with the previously approved Preliminary Plat.

(C) The Subdivision Administrator shall determine whether amendments to and modifications of permits fall within the categories set forth above in Paragraphs (A), (B), and (C).

(D) An applicant requesting approval of changes shall submit a written request for such approval to the Subdivision Administrator, which request shall identify the changes. Approval of all changes must be given in writing.

(E) A vested right established in accordance with the Town of White Lake Zoning Ordinance shall not be extended by any amendments or

modifications to an approved site specific development plan unless expressly provided for by the Board of Commissioners.

4-4.10 Presale or Pre-lease of Unrecorded Lots Permitted Upon Approval of Preliminary Plat

(A) The sub-divider, upon approval of the Preliminary Plat, may enter into contracts to sell or lease the lots shown on the approved Preliminary Plat, provided that the contract does all of the following:

(1) Incorporates as an attachment a copy of the approved Preliminary Plat referenced in the contract and obligates the owner to deliver to the buyer a copy of the approved and recorded Final 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 approved and recorded plat differs in any material respect from the approved 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 5 days after the delivery of a copy of the final approved and recorded plat.

(4) Provides that if the approved and recorded Final Plat differs in any material respect from the approved 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 approved and 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.

(B) The provisions of this Subsection shall not prohibit any owner or his/her 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 these regulations or recorded with the Office of the Bladen County 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 requirements of these regulations and recorded in the Office of the Bladen County Register of Deeds.

4-4.11 Major Subdivision Final Plat

(A) General: 10 copies of a Final Plat of the major subdivision shall be submitted to the Subdivision Administrator for review and approval.

(B) Contents: The Final Plat shall be prepared by a surveyor who must be registered in the State of North Carolina. Said Plat shall be drawn in accordance with the approved Preliminary Plat, the requirements of NCGS 47-30, as amended, and these regulations. One copy of the Final Plat shall be drawn in waterproof ink on satisfactory reproducible material on sheets meeting the size requirements for recording in the Bladen County Register of Deeds Office. When more than one sheet is required to include the entire subdivision, all sheets shall be of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision. The scale of the Plat shall be at one inch equals 100 feet, or one inch equals 50 feet, whichever is most appropriate in the determination of the Subdivision Administrator, and shall show or contain the following information:

(1) Name of the subdivision, preceded by the words “Final Plat of _____”, whose name shall not duplicate or closely approximate, phonetically or in spelling, the name of any other subdivision in the Town or the County;

(2) A vicinity map clearly establishing the location of the proposed subdivision in relation to existing streets and highways;

(3) The exact boundary lines of the tract to be subdivided fully dimensioned by lengths and bearings, and the location of intersecting boundary lines of adjoining lands;

(4) Scale denoted both graphically and numerically;

(5) Names and right-of-way width, designated as public or private, of all proposed and adjoining streets, alleys and easements with angle of departure, radii, tangent, arc or chord distance, central angle and chord bearings;

(6) If the subdivision contains lots served by a private street or a lot served by an exclusive access easement, a verified certificate, signed by the owner of the land subdivided, attesting the fact that an instrument will be recorded with the Final Plat that guarantees (a) a right of access to any private street or exclusive access easement in the subdivision by the lot(s) served by the private street or exclusive access easement, and (b) maintenance of any private street or exclusive access easement in the subdivision at the standards set for approval. The guarantees of right of access and maintenance of private streets or exclusive access easement in the subdivision shall run with the land and the guaranteeing instrument will be presented to the Planning Board for approval with the Final Plat;

(7) The location, purpose, and dimensions of areas to be used for purposes other than residential;

(8) Minimum building setback lines;

(9) The names of owners of adjoining properties and any adjoining subdivisions of record (or proposed and under review). Abutting acreage not subdivided shall be designated as "Lands of _____ (Owner)";

(10) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, crosswalks, utility or other easements, and other areas for public or private use, floodplain and wetland areas, lakes, ponds, streams or rivers, natural buffers and block and lot numbers. Linear measurements are to be expressed in feet and hundredths thereof and angular measurements by bearings in degrees, minutes, and seconds. Plus or minus distances will not be approved;

(11) Property lines, buildings or other structures, watercourses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and on the land immediately adjoining, corporate limits, township boundaries, and county lines;

(12) Sufficient surveying 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;

(13) Permanent monuments must be shown at the intersection of all streets. Other markers and control points must be shown;

(14) The blocks numbered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each block;

(15) The deed restrictions or any other similar covenants proposed for the subdivision, if any;

(16) Parcel Identification Number (PIN), and the deed book and page citation of the property being subdivided;

(17) The date of the survey and plat preparation;

(18) North arrow accurately positioned and designated as magnetic, true north or North Carolina Coordinate System Grid;

(19) All applicable certifications and endorsements as required by Subsection 4-4.13;

(20) The name(s) of the township(s), county(s), and state in which the subdivision is located.

(21) The name and location of any property, within the subdivision or within any contiguous property, that is listed on or is eligible for listing on the United States Department of Interior's National Register of Historic Places; likewise any property that has been designated by local ordinance as a "Historic Property" pursuant to Chapter 160A, Article 19, Part 3B of the General Statutes; likewise any property that has been designated by local ordinance as a "Historic District" pursuant to Chapter 160A, Article 19, Part 3A of the General Statutes;

(22) The name(s) of the owner(s), mortgagee(s), professional surveyor(s), and professional engineer(s) responsible for the subdivision and the registration number(s) and seal(s) of the professional engineer(s) and professional surveyor(s);

(23) All legal documents and required certificates, executed as required by this Ordinance including, but not limited to, private street, exclusive access easement, or joint driveway maintenance documents, and deeds for utility easements as approved by the Town Attorney;

(24) A reference to and copy of approved plans and specifications for proposed improvements shown on the Preliminary Plat, regardless of whether or not the proposed improvements may be required by these regulations; and

(25) Any other information considered by either the sub-divider or the Subdivision Administrator to be pertinent to the review of the final plat.

4-4.12 Subdivision Administrator Action on Major Subdivision Final Plats

(A) The Subdivision Administrator shall review the proposal for general compliance with the approved Preliminary Plat, including any conditions of approval.

(B) The Subdivision Administrator shall approve or disapprove the Plat within 60 days of the receipt of the application. If the Plat is disapproved, the reasons for disapproval shall be stated in writing to the sub-divider. The sub-divider may either modify the application, or appeal the decision to the Board of Commissioners at its next regularly scheduled meeting. If appealed, the Board of Commissioners will have final approval authority. If the Subdivision Administrator fails to act on the application within the 60 day period, the Final Plat shall be deemed approved.

(C) Approval of the Final Plat shall be subject to the condition that said Plat is filed and recorded in the Office of the Register of Deeds of the County of Bladen within 60 days from the date of final approval otherwise the approval shall be null and void. All copies of the approved Final Plat shall bear the following signed statement:

Certificate of Major Subdivision Approval

I hereby certify that the major subdivision final plat shown hereon has been found to comply with the Town of White Lake Subdivision Regulations. Provided that this plat be recorded within 60 days of final approval, approved by the Town of White Lake Subdivision Administrator on _____ (Date).

_____
Subdivision Administrator
Town of White Lake

4-4.13 Endorsements to Appear on Final Plats

Only the endorsements that apply to said plat may be placed on the Final Plat. All endorsements shall be placed in a group, either on one side of the plat or along the bottom.

(A) Certificate of Survey and Accuracy

Certificate of Survey and Accuracy

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

_____
Surveyor

Seal or Stamp

_____
Registration Number

(B) Certificate of Ownership and Dedication

Certificate of Ownership and Dedication

The undersigned hereby certifies that the land shown hereon is owned by the undersigned, and hereby freely dedicates all rights-of-way, easements, streets, recreation areas, open spaces, common areas, utilities and other improvements to public or private common use as noted on this plat, and further assumes full responsibility for the maintenance and control of said improvements until they are accepted for maintenance and control by an appropriate public body or by an incorporated neighborhood or homeowners association or similar legal entity.

_____ _____
Owner(s) Date

(C) Certificate of Land Use Regulation and Purpose of Plat

Certificate of Land Use Regulation and Purpose of Plat

I, _____, certify to one of the following:

a. That this survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;

b. That this survey is located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;

c. Any one of the following:

   1) That this survey is of an existing parcel or parcels of land and does not create a new street or change an existing street;

   2) That this survey is of an existing building or other structure, or natural feature, such as a watercourse; or

   3) That this survey is a control survey.

d. That this survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision;

e. That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in a) through d) above.

_____
Surveyor

Seal or Stamp

_____
Registration Number

(D) Certificate of Approval of On-site Sewage Disposal Systems

Where sewage disposal within all or a portion of a subdivision is to be accomplished through the installation and use of subsurface sewage disposal systems, the Final Plat shall show the following form for Bladen County Environmental Health Department endorsement:

Certificate of Approval of On-site Sewage Disposal Systems

I hereby certify that the lot(s) on this plat have been evaluated under the current provisions of Title 15A NCAC 18A.1900 et. seq., and found that it/they has/have acceptable soils for an on-site, subsurface sewage treatment and disposal system.

_____ _____
Bladen County Environmental Health Date

(E) Certificate of Approval of Proposed State Roads

Certificate of Approval of Proposed State Roads

I hereby certify that these streets as installed or as designed and guaranteed are in accordance with the minimum design criteria presently required by the North Carolina Department of Transportation, Division of Highways, for the acceptance of streets onto the State system for maintenance.

_____ _____

District Engineer Date
North Carolina Department of Transportation
Division of Highways

(F) Certificate of Subdivision Lot(s) Accessed by a Private Street or Exclusive Access Easement

Certificate of Private Street or Exclusive Access Easement Maintenance and Disclosures

I, _____, certify that an instrument will be recorded contemporaneously with the recordation of this approved final plat that guarantees:

a. a right of access to any private street or exclusive access easement in the subdivision by all lots served by the private street or exclusive access easement; and

b. maintenance of any private street or exclusive access easement in the subdivision at the standards set for approval.

These guarantees of right of access and maintenance of the private street or exclusive access easement shall run with the land.

_____ _____

Owner(s) Date

(G) Certificate of Improvements

Certificate of Improvements

I hereby certify:

a. that streets and other improvements have been installed in an acceptable manner and according to Town of White Lake specifications for this subdivision, or

b. that a security bond in the amount of $_____, or

c. cash in the amount of $_____, or

d. a satisfactory, irrevocable letter of credit or security bond by an approved financial institution and as approved by the Town Attorney,

has been posted with the Town of White Lake by the subdivider to provide for completion of all required improvements in case of default. All required improvements must be completed within 372 days hereof.

_____ _____
Subdivision Administrator Date

(H) Certificate of Review Officer

Certificate of Review Officer

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

_____ _____
Review Officer Date

4-5 PLAT APPROVAL NOT ACCEPTANCE OF DEDICATION OFFERS

(A) Pursuant to NCGS 160A-374, the approval of a plat does not constitute or effect the acceptance by the Town or the public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, the Board of Commissioners may by resolution accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision regulation jurisdiction. Acceptance of dedication of lands or facilities located within the Town's extraterritorial jurisdiction, but outside the corporate limits of the Town, shall not place on

the Town any duty to open, operate, repair or maintain any street, utility line, or other land or facility, and the Town shall in no event be held to answer in any civil action or proceeding for failure to open, repair or maintain any street located outside its corporate limits.

(B) The Town shall not have the authority to require, as a condition of subdivision approval, the dedication of water systems or facilities within its extraterritorial jurisdiction unless the Town has agreed to begin operation and maintenance of the system or facilities, or agreed with another municipality, Bladen County, or other public entity to begin operation and maintenance of the system or facilities within one year of the time of the issuance of a Certificate of Occupancy for the first housing unit within the subdivision.

4-6 IMPROVEMENTS

Improvements proposed by the sub-divider or required by these regulations, including, but not limited to, street construction, shall be constructed in accordance with the standards and requirements as provided in these regulations, provided that where said improvements are to be constructed subsequent to the approval of the Final Plat, plans and specifications for said improvements shall be approved by the appropriate agency and reference to said improvements shall be made part of the Final Plat.

4-6.1 Financial Guarantee

(A) Before a Final Plat of a subdivision shall be approved, improvements shall be installed, inspected and approved, or an escrow agreement, bond, or a satisfactory irrevocable letter of credit by an approved financial institution and as approved by the Town Attorney shall be posted with the Town of White Lake by the sub-divider to provide for the completion of the required improvements. The sub-divider may elect which security or combination of securities that he/she wishes to provide in guaranteeing the installation of improvements. The Town shall not have the authority to dictate which form of security will be accepted as an improvement guarantee, and shall be required to offer a range of options of types of improvement guarantees from which the sub-divider may choose.

(B) The financial guarantee shall be effective for 372 days after the Certificate of Improvements is signed by the Subdivision Administrator. All required improvements shall be completed within the 372 day time period. The amount of the financial guarantee shall be 150% of the construction cost estimate described in Subsection 4-6.2.

4-6.2 Construction Cost Estimate

The financial guarantee shall be accompanied by an itemized estimate for the cost of construction that includes quantities and unit prices for construction materials and activities such as clearing and grading. The estimate shall be prepared by an engineer, contractor, or other individual qualified to calculate the cost to complete the improvements according to approved plans and specifications, who has no direct or indirect ownership interest in the subdivision. The construction cost estimate shall include a 50% construction contingency to account for unanticipated conditions or circumstances discovered during the development process.

4-6.3 Default

Upon default, meaning failure on the part of the sub-divider to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety, or the financial institution holding the escrow account shall, if requested by the Town, pay all or any portion of the bond or escrow fund to the Town of White Lake up to the amount needed to complete the improvements based on an engineering estimate. Upon payment, the Board of Commissioners, in its discretion, may expend such portion of said funds as it deems necessary to complete all improvements.

4-6.4 Maintenance of Improvements

(A) Improvements installed as a requirement of subdivision approval shall be maintained by the sub-divider until they are accepted for maintenance by:

(1) for a public street, the Town of White Lake or the North Carolina Department of Transportation as appropriate;

(2) for utilities, the Town of White Lake;

(3) for landscaping, the homeowners;

(4) for private streets, and/or community facilities such as recreation and stormwater management improvements, a homeowners' or neighborhood association, or similar legal entity.

(B) Where a neighborhood or homeowners' association, or similar legal entity, is to be responsible for the maintenance and control of any improvements required as part of the subdivision approval, the sub-divider shall file with the Subdivision Administrator and record with the Final Plat, a declaration of covenants and restrictions, articles of incorporation, where required, and/or by-laws as approved by the Town

Attorney that will govern the maintenance and control of such improvements. Provisions shall include, but not be limited to, the following:

(1) The association shall be established before any homes are sold and any building occupied;

(2) Membership shall be mandatory for each homebuyer and all successive buyers;

(3) The association shall be responsible for liability insurance, local taxes and maintenance of recreation and other facilities, including streets (e.g., when street maintenance is to be provided by a homeowners association until such time as the Town or State, as applicable, assumes street maintenance responsibility), and utility lines;

(4) The homeowners must pay their pro rate share of the costs, and any sums levied by the association that remain unpaid shall become a lien on the individual homeowner's property that shall be subordinate only to tax and mortgage liens;

(5) If all or any portion of the property held by the association is being disposed of, or if the association is dissolved, adequate recreation space shall be deeded to the Town of White Lake or the appropriate unit of local government;

(6) The lot owner of each dwelling unit or lot shall have voting rights in the association; and

(7) The homeowners association shall be able to adjust any assessments to meet changed needs.

(C) When articles of incorporation are required they shall be submitted in the form in which they will be filed with the North Carolina Secretary of State. Upon filing, a copy of the articles of incorporation shall be provided to the Subdivision Administrator.

4-6.5 Defects Guarantee

The Board of Commissioners shall require a bond guaranteeing utility taps, street pavement, drainage facilities, water and sewer lines, and other improvements against defects for one year. This bond shall be in the amount determined by the Town's engineer and shall be in cash or be made by a surety company authorized to do business in the State.

4-6.6 Maintenance Guarantee

The Subdivision Administrator shall secure from all sub-dividers a letter in which the sub-divider shall agree to maintain the backfill and any improvements located thereon and therein and any ditch which has been dug in connection with the installation of such improvements. Such letter shall be binding on the sub-divider for a period of one year after the acceptance of such improvements by the Town.

ARTICLE V
IMPROVEMENTS AND MINIMUM STANDARDS OF DESIGN

5-1 LAND SUITABILITY

(A) In reviewing subdivision proposals, the Subdivision Administrator, Planning Board, and Board of Commissioners, shall consider the overall design of the proposal in light of the suitability of the land for development to insure that the platting and development of the subdivision will not create a danger to the health, safety, and welfare of Town and County residents.

(B) Land suitability shall be determined by an investigation of conditions including, but not limited to, floodplain and flood-prone areas, wetlands, sewage disposal and water supply, and stormwater and drainage, and sedimentation and erosion control. The investigations shall be carried out by the Subdivision Administrator, the Planning Board, or other agencies or individuals having the appropriate technical expertise in the subject area.

(C) The Planning Board and Board of Commissioners may withhold approval of certain lots where there is doubt of the suitability of those lots for their intended use.

5-1.1 Floodplain or Flood-Prone Areas

(A) All subdivision proposals shall be consistent to minimize flood damage. Flood prone areas shall be indicated by studies, reports, or maps by agencies including the Federal Emergency Management Agency (FEMA), the US Army Corps of Engineers, the Soil Conservation Service, the Department of Housing and Urban Development, the US Geological Survey, and the North Carolina Department of Environmental and Natural Resources.

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

(C) Base Flood Elevation (BFE) data shall be provided for subdivision proposals that contain 50 or more lots or that involve a tract of land 5 acres or more in size.

(D) No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of the current Flood Damage Prevention Ordinance.

(E) All violations and corrective procedures will be in full compliance with the terms set forth in the current Flood Damage Prevention Ordinance.

5-1.2 Wetlands

If a developer, corporation, private homeowner, or other person proposes to perform construction/filling activities in or near a lake, stream, creek, tributary, or any unnamed body of water and its adjacent wetlands, Federal permit authorization may be required by the US Army Corps of Engineers prior to commencement of earth-disturbing activities. Filling activities include, but are not limited to, construction of road crossings, sewer or utility line installations, grading, placement of soil from ditching or other excavations, or placement of fill for commercial or residential development. A wetlands determination and specific permit requirements may be obtained from the Wilmington Field Office of the US Army Corps of Engineers.

5-1.3 Sewage Disposal and Water Supply

(A) Provision shall be made to convey sanitary waste from each lot smaller than 25,000 square feet in area, through lines of sufficient size, material and capacity to collectors, trunk lines, and on to a public treatment facility. Septic systems shall not be permitted for lots smaller than 25,000 square feet in area.

(B) Provisions shall be made to provide each lot with an adequate and continuous supply of potable water. All lots smaller than 25,000 square feet in area shall be connected to a public or central water system.

(C) All water and sanitary sewer services shall meet the requirements of the current Water and Sanitary Sewer Sanitary Extension ordinance adopted by White Lake Town Board of Commissioners.

5-1.4 Stormwater and Drainage

The sub-divider shall develop a stormwater management plan that describes adequate drainage system for the proper drainage of all surface water.

(1) The stormwater disposal system shall be connected to an approved system where one exists and shall be adequate for all present and future development. The system shall incorporate proper engineering practices to insure proper drainage.

(2) No surface water shall be channeled or directed into a sanitary sewer.

(3) Where a subdivision is traversed by a stream or drainage way, a drainage easement shall be provided conforming with the lines of such stream and of sufficient width as will be adequate for the purpose.

(4) When an approved system does not exist, the sub-divider shall incorporate North Carolina Department of Environment and Natural Resources Stormwater Best management Practices Guideline to minimize water quality impacts on White Lake.

(5) All stormwater management plans shall be reviewed/approved by White Lake Public Works Director as part of the review process.

5-1.5 Sedimentation and Erosion Control

The sub-divider shall comply with all requirements of the "North Carolina Sedimentation Pollution Control Act of 1973" and all locally adopted sediment control ordinances.

5-2 DESIGN STANDARDS

5-2.1 Lot Layout

Lots shall conform to the following:

(1) Lot dimensions, yards and total lot area shall not be less than that required by the Zoning Ordinance for the district in which the lot is located.

(2) Side lot lines shall generally be at right angles to straight streets and radial to curved streets.

5-2.2 Blocks

(A) Block length and width or acreage within bounding roads shall be a size large enough to accommodate the size of the lot required in the area by the Zoning Ordinance and to provide adequately for convenient access, circulation, control and safety of street traffic, and sewage disposal.

(B) Block length shall be no less than 300 feet, and no longer than 1,320 feet. Block width shall be designed so as to accommodate 2 tiers of lots.

5-2.3 Signage

All signs shall meet North Carolina Department of Transportation standards.

5-2.4 Streets

(A) All streets, public or private, that are proposed for construction within the corporate limits of the Town of White Lake shall be designed and constructed to the minimum requirements of the North Carolina Department of Transportation as found in its Subdivision Roads Minimum Construction Standards manual with the following exceptions:

(1) Right-of-Way Widths shall be no less than 45 feet for streets without curb and gutter. Streets with curb and gutter provided shall have a minimum right-of-way width of 40 feet.

(2) Pavement width shall be 20 feet for streets without curb and gutter. Streets with curb and gutter shall have a pavement width of 20 feet measured from the face of standard curb and gutter or to the bottom of the "V" for valley gutter sections.

(3) Soil type base course is acceptable for all street construction within the Town's corporate limits.

(4) Water and sewer lines may be placed underneath the pavement section.

(5) All public and private streets proposed for construction within the Town's extraterritorial jurisdiction shall be constructed to all requirements of the North Carolina Department of Transportation (DOT) as found in its Subdivision Roads Minimum Construction Standards manual.

(6) The White Lake Planning Board will determine the appropriate time to assume maintenance of streets subsequent to formal dedication and a petition by the owner. The dedicated streets shall be bonded for a minimum of twelve (12) months. All street requirements must meet NC DOT standards.

(B) All streets shall also meet the following requirements:

(1) Proposed streets within a subdivision shall conform and be coordinated with the existing street system of the surrounding area.

(2) Access to adjacent properties shall be extended by dedication of street rights-of-way to the boundary line of such property. This requirement shall not be applicable for subdivisions served by private streets and roads.

(3) Street jogs with centerline offsets of less than 150 feet shall be prohibited.

(4) A tangent at least 100 feet long shall be introduced between reverse curves on major thoroughfare, minor thoroughfare, and collector streets.

(5) Cul-de-sacs shall not be longer than 1,000 feet.

(6) Marginal Access Street Rights-of-Way. No residential structure shall be proposed for placement on any lot if the horizontal distance from the proposed dwelling to the center of the marginal access street right-of-way is less than 300 feet. Furthermore, the resultant unused strip located between residential subdivisions and the marginal access street right-of-way shall include a buffer of at least 25 feet to be reserved for screening (e.g., trees and shrubbery).

(7) To avoid duplication of street names or prevent close duplication of existing street names, all proposed street names shall be forwarded to Bladen County Emergency 911 Services (E911) for verification and finalization of street names prior to review of Final Plat.

(8) Pedestrian crosswalks shall be located where needed as deemed necessary by the Planning Board and Board of Commissioners

(9) In cases where over 100 feet of right-of-way is desired, the subdivider shall not be required to reserve an amount in excess of 100 feet.

(10) All streets shall have a minimum grade in accordance with NC DOT guidelines.

(11) Street intersections shall be as nearly at right angles as possible and in no case shall they be less than 60°.

(12) All streets and parking areas shall be provided with adequate shading by deciduous trees to maximize cooling during the summer months and heating during the winter months. Trees shall be alternately spaced on opposing street sides at regular intervals without regard to property lines, and shall be planted for an entire block at the same time. Trees shall be of native species, at least 6 feet tall, and spaced at least 40 feet apart at the time of planting.

(13) In those proposed subdivisions where curbs and gutters are to be provided, 2 curb cuts shall be required at each street corner.

5-2.5 Exclusive Access Easements

Exclusive access easements serving one lot shall only be permitted in minor subdivisions and shall meet the following standards:

(1) An exclusive access easement shall serve only one single-family dwelling and its uninhabited accessory structures;

(2) Lots to be served by an exclusive access easement shall not be created in an area served by public water or sewer;

(3) The minimum lot size shall be one acre (excluding the easement portion);

(4) The minimum easement width shall be 25 feet measured up the entire length of the easement;

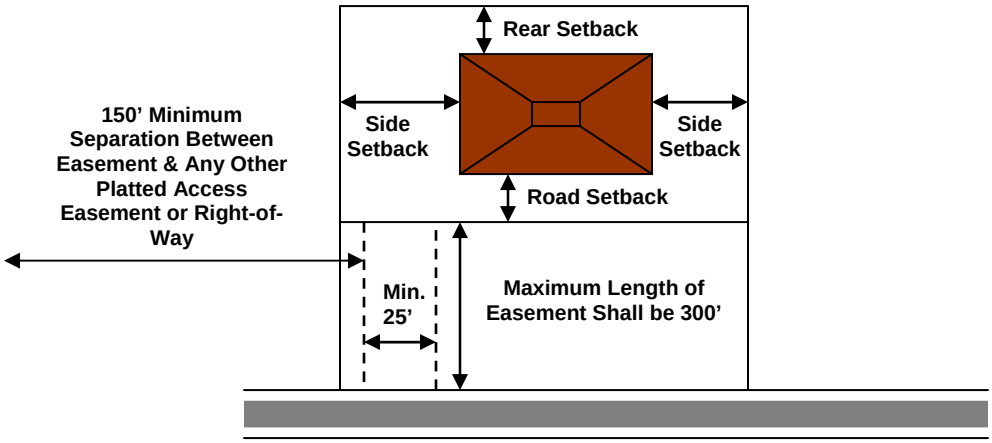
(5) The minimum separation between the easement portion and any other platted access or right-of-way shall be 150 feet;

(6) The location of the easement shall be recorded and labeled on the plat as “private”;

(7) The exclusive access easement shall permit ingress, egress, and regress and necessary utilities required to serve the lot;

(8) Building setbacks shall be provided as illustrated in Figure 5-1. The easement portion of the lot shall not be used to calculate building setbacks.

Figure 5-1: Exclusive Access Easement



(9) If a subdivision is to contain an exclusive access easement, the applicable requirements of Subsections 4-4.13 (F) and 5-2.3 (B) shall be met.

(10) Further subdivision of lots accessed by an exclusive access easement shall be prohibited. A notice of this fact shall be placed on the Final Plat submitted for approval.

5-3 RESERVATION OF SPACE FOR UTILITIES

Easement for utilities shall be provided where necessary across lots or preferably centered on rear or side lot lines and shall be at least 10 feet in width. The sub-divider shall be required to install all electrical, telephone, and cable television service for the subdivision in an approved underground system that runs parallel and adjacent to the edge of the street pavement. This requirement is applicable only in situations where new utility lines are being installed as part of the subdivision.

5-4 SITES FOR PUBLIC USE

5-4.1 Provisions for Dedication of Land for Multi-Use Path System or Public Access Thereto

(A) Where a proposed subdivision includes any portion of land shown on the Town's officially adopted Multi-Use Path Plan, the Planning Board and Board of Commissioners may require that such land be dedicated to the Town for the greenway system.

(B) Where a proposed subdivision does not contain land shown on the Town's officially adopted Multi-Use Path Plan, but the tract to be subdivided directly adjoins the land that contains, or will in the future contain, a portion of the Town's multi-use path system, then a public access easement of no less than 15 feet in width shall be platted from the public street in the land to be subdivided to the boundary of the land containing the multi-use path.

5-5 ADDITIONAL PROVISIONS

5-5.1 Placement of Monuments

Unless otherwise specified by this Ordinance, the "Manual of Practice for Land Surveying" as adopted by the NC State Board of Registration for Professional Engineers and Land Surveyors, under provisions of section 16, chapter 89 of the General Statutes, shall apply when conducting surveys for subdivisions; to determine the accuracy for surveys and placement of monuments, control corners, markers, and property corner ties; to determine

the location, design, and material of monuments, markers, control corners, and property corner ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions. The suburban land survey (Class B) criteria shall apply to all subdivisions in the Town's jurisdictional area except for commercial and industrial surveys.

5-5.2 Oversized Improvements

The Town may require installation of certain oversized facilities such as water mains in excess of 68 inches diameter, when it is in the interest of future development. The Town shall pay for that portion of the improvement which exceeds the standards set forth in this Ordinance.

5-6 CONSTRUCTION REQUIREMENTS

5-6.1 Construction Standards

(A) All standards and specifications of the Town shall govern the design, construction, and installation of all improvements. The Board of Commissioners may order suspension of work being performed if such standards and specifications are not being conformed to.

(B) Prior to the commencement of such construction, the sub-divider shall advise the Subdivision Administrator in writing, at least 15 working days in advance of such work, that construction is to be commenced. The Subdivision Administrator, in conjunction with other applicable agencies, shall inspect such work.

(C) During construction, the building site shall be maintained by the sub-divider in a safe and sanitary manner. Prior to the issuance of an occupancy permit, all stumps, litter, rubbish, brush, weeds, dead trees, roots, debris, and scrap building materials shall be removed by the sub-divider.

5-6.2 Construction Procedures

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

(B) Permits: No building or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this Ordinance until all the requirements of this Ordinance have been met.

(C) Access: The Subdivision Administrator shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary by him/her to ensure compliance with this Ordinance.

(D) Inspection: The sub-divider, prior to commencing any work within the subdivision, shall make arrangements with the Subdivision Administrator to provide for adequate inspection. The approving authorities having jurisdiction or their representatives shall inspect and approve all completed work prior to release of the sureties.

(E) Erosion Control: The sub-divider shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be so mulched, seeded, sodded, or otherwise protected.

(F) Existing Flora: The sub-divider shall make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices recommended by the US Department of Agriculture in Agricultural Information Bulletin No. 285, “Protecting Trees Against Damage From Construction Work”, US Government Printing Office, 1964, including any later editions. Such trees are to be preserved by well islands or retaining walls whenever abutting grades are altered. Temporary vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.

(G) Construction: Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.