



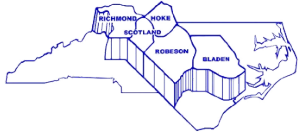
# Subdivision Regulations

Town of White Lake

Adopted and Effective July 13, 2021

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## **TOWN OF WHITE LAKE**

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Brenda Clark, Town Clerk/Administrative Services Director  
Pat Taylor, Zoning Administrator

**Town of White Lake**  
**1879 White Lake Drive, PMB 7250**  
**White Lake, NC 28337**

**CODE IS EFFECTIVE AS OF DATE OF ADOPTION**

**July 13, 2021**

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

(Ordinance, July 1, 2009, Article 1-1)

- (a) The purpose of this chapter is to establish procedures and standards for the development and subdivision of land within the territorial jurisdiction of the town. It is further designed to provide for:
  - (1) The orderly growth and development of the town;
  - (2) The coordination of transportation networks and utilities within proposed subdivisions with existing or planned streets and highways within proposed subdivisions with existing or planned street and highways and with other public facilities;
  - (3) The dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and of right-of-way or easements for street and utility purposes; and
  - (4) The distribution of population and traffic in such a manner that will mitigate hazards, avoid congestion and overcrowding, and will create conditions that substantially promote the public health, safety and the general welfare.

***Statutory Reference*** – NCGA Chapter 160D-804.

- (b) This chapter is designed to further facilitate adequate provision of water, sewerage, parks, schools and playgrounds, and also to facilitate the further re-subdivision of larger tracts into smaller parcels of land.
- (c) For the purpose of this Ordinance, subdivision regulations shall be applicable to all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development, whether immediate or future, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this Article:
  - (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 local government as shown in its subdivision 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 system corridors.
- (4) The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the local government, as shown in its subdivision regulations.
- (5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes

Statutory Reference – NCGA Chapter 160D-802.

(Ordinance, July 1, 2009, Article 1-2)

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

Statutory Reference – NCGA Chapter 160D-801.

(Ordinance, July 1, 2009, Article 1-3)

The regulations contained herein as provided in chapter 160A, article 19 Chapter 160D, Article 8 of the General Statutes shall govern each and every subdivision within the Town limits and its extraterritorial jurisdiction.

(Ordinance, July 1, 2009, Article 1-4)

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 Board of Commissioners.

(Ordinance, July 1, 2009, Article 1-5)

The town shall maintain no public street, nor street dedication accepted for ownership and maintenance in any subdivision for which a plat is required to be approved unless and until the town has approved such final plat.

If the Town Board of Commissioners and Planning Board and Board of Education have jointly determined the specific location and size of any school sites to be reserved and this information appears in the comprehensive land use plan, the Subdivision Administrator shall immediately notify the Board of Education whenever a sketch plan for a subdivision is submitted which includes all or part of a school site to be reserved. The Board of Education shall promptly decide whether it still wishes the site to be reserved. If the Board of Education does not wish to reserve the site, it shall so notify the Planning Board. If the Planning Board does wish to reserve the site, the subdivision shall not be approved without such reservation. The Board of Education shall then have 18 months beginning on the date of final approval of the subdivision within which to acquire the site by purchase or by initiating condemnation proceedings. If the Board of Education has not purchased or begun proceedings to condemn the site within 18 months, the subdivider may treat the land as freed of the reservation.

Statutory Reference – NCGS 136-66.11(f)

- 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:

- 4.i. A minimum passable travel way of 20 feet in width shall be provided within a 45-foot wide right-of-way.
  - 4.ii. An adequate drainage system shall be constructed in accordance with designs submitted to and approved by the Town's Engineer.
  - 4.iii. All such private streets shall directly connect to a State or Town maintained street.
  - 4.iv. 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.

(Ordinance, July 1, 2009, Article 1-6)

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

(Ordinance, July 1, 2009, Article 1-7)



No building permit shall be issued and no street lighting, water, or sewer shall be extended to or connected with any subdivision upon any land within the town or its extraterritorial jurisdiction unless and until the requirements of this chapter have been met and the final plat approved.

After the adoption of this chapter the County Register of Deeds may record no subdivision until a final plat has been approved and certified for recordation by the Subdivision Administrator.

- (a) 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.

(Ordinance, July 1, 2009, Article 1-8)

- (b) A local government shall provide notice to interested parties of the imposition of or increase in fees or charges applicable solely to the construction of development subject to this Article at least seven days prior to the first meeting where the imposition of or increase in the fees or charges is on the agenda for consideration. The local government shall employ at least two of the following means of communication in order to provide the notice required by this section:

- (1) Notice of the meeting in a prominent location on a Web site managed or maintained by the local government.
- (2) Notice of the meeting in a prominent physical location, including, but not limited to, any government building, library, or courthouse within the planning and development regulation jurisdiction of the local government.
- (3) Notice of the meeting by electronic mail or other reasonable means to a list of interested parties that is created by the local government for the purpose of notification as required by this section.

If a city does not maintain its own Web site, it may employ the notice option provided by subdivision (1) of this subsection by submitting a request to a county or counties in which the

city is located to post such notice in a prominent location on a Web site that is maintained by the county or counties. Any city that elects to provide such notice shall make its request to the county or counties at least 15 days prior to the date of the first meeting where the imposition of or increase in the fees or charges is on the agenda for consideration.

- (c) During the consideration of the imposition of or increase in fees or charges as provided in subsection (a) of this section, the governing board of the local government shall permit a period of public comment.
- (d) This section shall not apply if the imposition of or increase in fees or charges is contained in a budget filed in accordance with the requirements of G.S. 159-12.

Statutory Reference – NCGS Chapter 160D-805.

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:

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

**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.

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

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

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

**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.

**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.

**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.

**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.

**Collector Street.** A street whose principal function is to carry traffic between cul-de-sac, local, and sub collector 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.

**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.

**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.

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

**County.** Refers to Bladen County, North Carolina.

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

**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.

**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.

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

**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.

**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.

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

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

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

**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.

**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.

**Existing Lot.** See Lot of Record.

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

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

**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.

**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.

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

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

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

**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”.

**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.

**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.

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

- ! 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;

! 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;

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

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

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

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

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

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

**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.

**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.

**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.

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

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

**Private Drive.** A vehicular travel way 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

**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.

**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.

**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.

**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.

**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.

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

- ! has been accepted by the Town of White Lake or the North Carolina Department of Transportation for maintenance; or
- ! 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.

**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.

**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.

**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.

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

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

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



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

**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.

**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.

**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.

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

**Street Right-of-Way.** A strip of land occupied or intended to be occupied by a travel way 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.

**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.

**Sub-collector 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.

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

**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:

- ! 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.
- ! The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
- ! The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation corridors.

- ! 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.

**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.

**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.

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

**Town.** The Town of White Lake, North Carolina.

**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.

**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.

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

**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.

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

(Ordinance, July 1, 2009, Article 2)

The holder of the office of Zoning Administrator is hereby appointed to serve as Subdivision Administrator.

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.

(Ordinance, July 1, 2009, Article 3-1)

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.

(Ordinance, July 1, 2009, Article 3-2)

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.

(Ordinance, July 1, 2009, Article 3-3)

- (a) The Zoning Board of Adjustment, after reviewing the recommendation of the Planning Board and after holding the required hearing, may authorize a variance from these regulations when, in its opinion, undue hardship may result from strict compliance and only to the extent that is absolutely necessary and not to an extent which would violate the intent of this chapter.
- (b) In granting any variance, the Zoning Board of Adjustment shall make the findings required below, taking into account the nature of the proposed subdivision, the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the possible effect of the proposed subdivision upon traffic conditions in the vicinity.
  - (1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property; and
  - (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance; and
  - (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship; and
  - (4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance such that public safety is secured and substantial justice is achieved.
- (c) 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.

(Ordinance, July 1, 2009, Article 3-4)

- (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.

(Ordinance, July 1, 2009, Article 3-5)

A landowner submitting a preliminary or final plat for approval may declare he is seeking to acquire a vested right pursuant to NCGS Chapter 160D-108 and the Zoning Ordinance by completing the appropriate form and following the procedure described in the Zoning Ordinance.

***Statutory Reference*** - NCGS Chapter 160D-108.

The Town may adopt temporary moratoria on any development approval required by law. The duration of any moratorium shall be reasonable in light of the specific conditions that warrant imposition of the moratorium and may not exceed the period of time necessary to correct, modify, or resolve such conditions.

- (a) Notice of public hearing. Except in cases of imminent and substantial threat to public health or safety, before adopting an ordinance imposing a development moratorium with a duration of 60 days or any shorter period, the Town Board of Commissioners shall hold a public hearing and shall publish a notice of the hearing in a newspaper having general circulation in the area not less than seven days before the date set for the hearing. A development moratorium with a duration of 61 days or longer, and any extension of a moratorium so that the total duration is 61 days or longer, is subject to the published newspaper notice and hearing requirements required for an amendment to the zoning ordinance.

- b) Application of moratorium on existing/pending permits and approvals. Absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section shall not apply to development set forth in a site-specific or phased development plan approved pursuant to a granted vested right, or to development for which substantial expenditures have already been made in good faith reliance on a prior valid administrative or quasi-judicial permit or approval, or to preliminary or final subdivision plats that have been accepted for review by the town prior to the call for the public hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the town prior to the call for public hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.
- (c) Contents of ordinance adopting moratorium. Any ordinance establishing a development moratorium must expressly include at the time of adoption each of the following:
- (c.1) A clear statement of the problems or conditions necessitating the moratorium and what courses of action, alternative to a moratorium, were considered by the town and why those alternative courses of action were not deemed adequate.
- (c.2) A clear statement of the development approvals subject to the moratorium and how a moratorium on those approvals will address the problems or conditions leading to imposition of the moratorium.
- (c.3) An express date for termination of the moratorium and a statement setting forth why that duration is reasonably necessary to address the problems or conditions leading to imposition of the moratorium.
- (c.4) A clear statement of the actions, and the schedule for those actions, proposed to be taken by the town during the duration of the moratorium to address the problems or conditions leading to imposition of the moratorium.
- (d) Extension of moratorium. No moratorium may be subsequently renewed or extended for any additional period unless the town shall have taken all reasonable and feasible steps proposed to be taken by the town in its ordinance establishing the moratorium to address the problems or conditions leading to the imposition of the moratorium and unless new facts and conditions warrant an extension. Any ordinance renewing or extending a development moratorium must expressly include, at the time of adoption, the findings set forth in division (C), including what new facts or conditions warrant the extension.

- (e) Judicial review. Any person aggrieved by the imposition of a moratorium on development approvals required by law may apply to the appropriate division of the General Court of Justice for an order enjoining the enforcement of the moratorium, and the court shall have jurisdiction to issue that order. Actions brought pursuant to this division (E) shall be set down for immediate hearing, and subsequent proceedings in those actions shall be accorded priority by the trial and appellate courts. In any such action, the town shall have the burden of showing compliance with the procedural requirements of this section.

**Statutory Reference** - NCGA Chapter 160D-107.

- (a) Any person who, being the owner or agent of the owner of any land located within the planning and development regulation jurisdiction of the Town of White Lake, thereafter subdivides the land in violation of the regulation or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the subdivision regulation and recorded in the office of the appropriate register of deeds, is guilty of a Class 1 misdemeanor. 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 this penalty.
- (b) The Subdivision Administrator may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision regulation.
- (c) In addition to other remedies, a local government 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.

**Statutory Reference** - NCGS Chapter 160D- 807(a).

- (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 160D-1110 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.**

4.i. The Subdivision Administrator may impose a civil penalty of \$500 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.

4.ii. 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.

4.iii. 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.

(Ordinance, July 1, 2009, Article 3-7)

This Ordinance shall take effect and be in full force from and after July 13, 2021.

Duly adopted by the Town of White Lake Board of Commissioners, in the State of North Carolina, on July 13, 2021.

## PART 1: GENERAL REQUIREMENTS

- (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.

**Statutory Reference** – NCGS Chapter 160D-803(c).

- (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 that a subdivision regulation is adopted, no subdivision within a local government's planning and development regulation jurisdiction shall be filed or recorded until it shall have been submitted to and approved by the governing board or appropriate body, as specified in the subdivision regulation, and until this approval shall have been entered on the face of the plat in writing by an authorized representative of the local

government. The review officer, pursuant to G.S. 47-30.2, shall not certify a subdivision plat that has not been approved in accordance with these provisions nor shall the clerk of superior court order or direct the recording of a plat if the recording would be in conflict with this section.

**Statutory Reference** – NCGS Chapter 160D-803(d).

(Ordinance, July 1, 2009, Article 4-1)

- (a) Subject to Paragraph (c), the Town of White Lake shall require only a plat for recordation for the division of a tract or parcel of land in single ownership if all of the following criteria are met:
  - (1) The tract or parcel to be divided is not exempted under subdivision (2) of subsection (1.a) of this section.
  - (2) No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.
  - (3) The entire area of the tract or parcel to be divided is greater than 5 acres.
  - (4) After division, no more than three lots result from the division.
  - (5) After division, all resultant lots comply with all of the following:
    - i. All lot dimension size requirements of the applicable land-use regulations, if any.
    - ii. The use of the lots is in conformity with the applicable zoning requirements, if any.
    - iii. A permanent means of ingress and egress is recorded for each lot.

**Statutory Reference** – NCGS Chapter 160D-802(c).

- (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.

(Ordinance, July 1, 2009, Article 4-1.1)

- (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 *Section 4-2(a)*. 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.).

Statutory Reference – NCGS Chapter 160D-802(c).

- (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):



Commissioners at their next regular meeting.

(Ordinance, July 1, 2009, Article 4-1.2)

- (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.

(Ordinance, July 1, 2009, Article 4-2)

## PART 2: MINOR SUBDIVISIONS

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 application shall consist of a form approved by the Town Board of Commissioners accompanied by a Sketch Plan. Two

(2) copies of the documents shall be submitted. Submission of the sketch plan shall be accompanied by a filing fee as required in by this Ordinance. The fee schedule shall be set by the Town Board of Commissioners and available in the town hall.

(Ordinance, July 1, 2009, Article 4-3.1)

The subdivider shall submit to the Subdivision Administrator two copies of a sketch plan of the proposed subdivision containing the following information:

- (a) A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, and waterways;
- (b) The boundaries of the tract and the portion of the tract to be subdivided;
- (c) The total acreage to be subdivided;
- (d) The existing and proposed use of the land within the subdivision and the exiting uses of landing adjoining it;
- (e) The existing street layout and right-of-way width;
- (f) Proposed lot layout and size of lots;
- (g) The name, address, and telephone number of the owner;
- (h) The name, if any, of the proposed subdivision;
- (i) Streets and lots of adjacent developed or plated properties;
- (j) The zoning classification of the tract and of adjacent properties;
- (k) A statement from the Bladen County Health Department that a copy of the sketch plan has been submitted to them, if a septic tank system or other onsite water or wastewater system is to be used in the subdivision.



(Ordinance, July 1, 2009, Article 4-3.2)

- (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) Appeals of subdivision decisions may be made pursuant to G.S. 160D-1403.

**Statutory Reference** - NCGA Chapter 160D-808. Appeals of decisions on subdivision plats.

(Ordinance, July 1, 2009, Article 4-3.3)

- (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.

(Ordinance, July 1, 2009, Article 4-3.3)

- (a) Upon approval of the sketch plan by the Subdivision Administrator the subdivider may proceed with the preparation of the final plat in accordance with the requirements of this chapter.
- (b) The subdivider shall submit the final plat, so marked, to the Subdivision Administrator for final plat approval within 15 working days.
- (c) The final plat shall be prepared by a registered land surveyor currently licensed and registered in the state by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, which cost shall be borne by the applicant. The final plat shall conform to the provisions for plats, subdivision, and mapping requirements set forth in G.S. § 47-30 and the *Manual of Practice for Land Surveying in North Carolina*.
- (d) Three copies of the final plat shall be submitted. One of these shall be an original linen or Mylar tracing, according to the requirements of § 152.34, and one shall be black or blue line paper prints. Material and drawing medium for the original shall be in accordance with the *Manual of Practice for Land Surveying in North Carolina*, where applicable, and the requirements of the Bladen County Register of Deeds.
- (e) The final plat shall meet the specifications of this chapter and the checklist table provided in the Appendix.

(f) The following signed certificates shall appear on all three copies of the final plat:

**(f.1) Certificate of ownership and dedication:**

(f.2) **Certificate of survey and accuracy.** In accordance with the *Manual of Practice for Land Surveying in North Carolina*, on the face of each map prepared for recordation there shall appear a certificate acknowledged before an officer authorized to take acknowledgments and executed by the person making the survey or map including deeds and any recorded data shown thereon. The certificate shall include a statement of error of closure calculated by latitudes and departures. Any lines on the map which were not actually surveyed must be clearly indicated on the map and a statement included in the certificate revealing the source of information.

In accordance with NCGS Section 47-30, The certificate required shall include (i) the source of information for the survey, (ii) data indicating the ratio of precision or positional accuracy of the survey before adjustments, and (iii) the seal and signature pursuant to Chapter 89C of the General Statutes, and shall be in substantially the following form:

(f.3) **Certificate of approval for recording.** Following the review by the Subdivision Administrator, the Final Plat shall be approved, conditionally approved with modifications to bring the plat into compliance, or disapproved with reason, within 45 days of its first consideration of the plat.

During the review of the Final Plat the Subdivision Administrator may appoint an engineer or surveyor to confirm the accuracy of the Final Plat (if agreed to by the Town Board of Commissioners). If substantial errors are found, the costs shall be charged to the subdivider and the plat shall not be approved until such errors have been corrected.

If the Final Plat is approved, such approval shall be shown on each copy of the plat by the following signed certificate:

(Ordinance, July 1, 2009, Article 4-3.3)

## PART 3: MAJOR SUBDIVISIONS

The sequence of actions prescribed in this Part shall be followed sequentially and may be combined only at the discretion of the Planning Board.

- (a) **Pre-application discussion.** A pre-application discussion is strongly encouraged between the applicant, the site designer(s), and the Subdivision Administrator. The purpose of this informal meeting is to introduce the applicant and the site designer(s) to the town's zoning and subdivision regulations and procedures and to discuss the applicant's objectives in relation to the town's official policies and ordinance requirements.
- (b) **Existing features plan (site analysis).** Plans analyzing each site's special features are required for all proposed subdivisions, as they form the basis of the design process for house locations, lot lines, street alignments, and conservation areas. The subdivider or his/her representative shall bring a copy of the existing features plan to the on-site walkabout. Detailed requirements for the existing features plan shall include, at the minimum:
  - (1) Contour lines based at least upon topographical maps published by the U.S. Geological Survey;
  - (2) The location of severely constraining elements such as steep slopes (over 25%), wetlands, watercourses, intermittent streams and 100-year floodplains, and all rights-of-way and easements;
  - (3) The location of significant features such as woodlands, tree lines, open fields or meadows, scenic views into or out from the property, watershed divides and drainage ways, fences or stone walls, rock outcrops, and existing structures, roads, tracks and trails.
- (c) **On-site walkabout.** After the existing features plan has been prepared, the Subdivision Administrator shall schedule a mutually convenient date to walk the property with the applicant and his/her site designer. The purpose of this visit is to familiarize the Subdivision Administrator with the property's special features, and to provide him an informal opportunity to offer guidance to the applicant regarding the potential house locations, street alignments, and the tentative location of conservation areas.
- (d) **Pre-submission conference.** Prior to the submission of the sketch plan or preliminary plat, the applicant shall meet with the Subdivision Administrator to discuss how the severely constraining elements and the significant features, which were identified in the Existing

Features Plan, could be applied to the design and layout of the proposed subdivision. At the discretion of the Subdivision Administrator this conference may be combined with the on-site walkabout.

**(e) Sketch plan.**

- (1) After the pre-submission conference, a sketch plan shall be submitted for all proposed subdivisions. Fifteen (15) copies of a Sketch Plan of the major subdivision shall be filed 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. The sketch plan shall be drawn to a scale of no less than one inch equals 200 feet, shall be submitted to the Subdivision Administrator for review and action by the Planning Board. A sketch plan is drawn to illustrate the initial thoughts about a conceptual layout for house sites, street alignments, and conservation areas – taking into account the special conditions identified in the existing features plan. This is the stage where drawings are tentatively illustrated, before heavy engineering costs are incurred in the design of any proposed subdivision layout. Prior to the preliminary plat submission, the applicant shall submit to the Subdivision Administrator two copies of the sketch plan of the proposed subdivision containing the following information:
  - 1.i. A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, highway system, other roads, and waterways;
  - 1.ii. The boundaries of the tract and the portion of the tract to be subdivided;
  - 1.iii. The total acreage to be subdivided;
  - 1.iv. The Parcel Identification Number (PIN) of the property to be subdivided;
  - 1.v. The location of all potential conservation areas, using the existing features plan. These areas consist of wetlands, floodplains, slopes over 25%, soils susceptible to slumping, and noteworthy natural, scenic, and cultural resources.
  - 1.vi. The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it;
  - 1.vii. The proposed street layout with approximate pavement and right-of-way widths;
  - 1.viii. Proposed lot layout and size of lots;
  - 1.ix. The type of water supply and waste disposal system proposed; the existing and proposed water, wastewater and storm drain system;

- 1.x. The name, address, and telephone number of the owner;
- 1.xi. The name of the proposed subdivision;
- 1.xii. Streets and lots of adjacent developed or platted properties;
- 1.xiii. The zoning classification of the tract and of adjacent properties;
- 1.xiv. A statement from the County Health Department that a copy of the sketch plan has been submitted to them, if a septic tank system or other onsite water or wastewater system is to be used in the subdivision.
- 1.xv. Scale, North Arrow and date of plan preparation.

(Ordinance, July 1, 2009, Article 4-4.1 – 4-4.2)

- (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.
- (1) Appeals of subdivision decisions may be made pursuant to G.S. 160D-1403.

**Statutory Reference** - NCGA Chapter 160D-808. Appeals of decisions on subdivision plats.

- 1.a. 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 below:

(Ordinance, July 1, 2009, Article 4-4.3)



- (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.

Statutory Reference – NCGS Chapter 160D-804(b).

- (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;
  - (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:
    - 10.i. Acreage in total tract to be subdivided,
    - 10.ii. Acreage in parks and other nonresidential use,
    - 10.iii. Total number of parcels created, and
    - 10.iv. 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, purpose and indication of the dedication of rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11.

**Statutory Reference** – NCGS Chapter 160D-804(c)(1).

However, the following exemption shall apply to power lines. The regulation shall not require a developer or builder to bury power lines meeting all of the following criteria:

13.i. The power lines existed above ground at the time of first approval of a plat or development plan by the local government, whether or not the power lines are subsequently relocated during construction of the subdivision or development plan.

13.ii. The power lines are located outside the boundaries of the parcel of land that contains the subdivision or the property covered by the development plan.

**Statutory Reference** – NCGS Chapter 160D-804(h)).

- (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:
  - 24.i. The development exceeds 2 acres in area, and
  - 24.ii. 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.

(Ordinance, July 1, 2009, Article 4-4.4)

- (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.

Statutory Reference – NCGS Chapter 160D-803(b).

- (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) The Planning Board shall review the preliminary plat at or before its next regularly scheduled meeting, which follows at least 21 days after the plat is submitted and it receives comments from the appropriate agencies. Additionally, all preliminary plats for proposed subdivisions with private street(s) must be approved by Town Board of Commissioners.
- (f) The Planning Board shall in writing, recommend approval, conditional approval with conditions to bring the plat into compliance, or disapproval with reasons within 45 days of its first consideration of the plat. Failure of the Planning Board to make a written recommendation within this time period shall be deemed as approval by the Planning Board.
- (g) During its review of the preliminary plat the Planning Board may appoint an engineer or surveyor to confirm the accuracy of the plat (if agreed to by the Town Board of Commissioners). If substantial errors are found, the cost shall be charged to the subdivider and the plat shall not be recommended for approval until such errors have been corrected.
- (h) If the Planning Board disapproves the plat, the reasons therefore shall be stated, in writing, and submitted, along with the original and four prints of the plat, to the subdivider who may make the recommended changes and submit a revised plat for Planning Board approval without paying an additional filing fee.

- (i) If the Planning Board approves the preliminary plat conditionally, the conditions and reasons thereof shall be stated, in writing, and, if necessary, the Planning Board may require the subdivider to submit a revised plat. Resubmission of a revised plat does not require an additional filing fee. Resubmission must be made within 60 days and submitted at least one week prior to the board meeting.
- (j) If the Planning Board approves the preliminary plat, such approval shall be noted on the three copies of the plat. One print and one original reproducible drawing of the plat shall be returned to the subdivider, or his agent, and one copy of the print shall be retained by the Subdivision Administrator.
- (k) 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:
  - (l) Approval of the preliminary plat is authorization for the subdivider to proceed with the construction of the necessary improvements in preparation for the final plat.
  - (m) 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.

(Ordinance, July 1, 2009, Article 4-4.5)

(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.

(1) Appeals of subdivision decisions may be made pursuant to G.S. 160D-1403.

**Statutory Reference** - NCGA Chapter 160D-808. *Appeals of decisions on subdivision plats.*

(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.

(Ordinance, July 1, 2009, Article 4-4.6)



- (a) The subdivider, 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 five 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.

***Statutory Reference*** - NCGS Chapter 160D-807(b).

- (b) The provisions of this subsection 4-14(a)(4) above shall not prohibit any owner or his or 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 this ordinance 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 this

chapter and recorded in the Office of the Bladen County Register of Deeds.

**Statutory Reference** - NCGS Chapter 160D-807(c).

(Ordinance, July 1, 2009, Article 4-4.10)

- (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.

(Ordinance, July 1, 2009, Article 4-4.7)

- (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.

(Ordinance, July 1, 2009, Article 4-4.8)

- (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) and (b).
- (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.

(Ordinance, July 1, 2009, Article 4-4.9)

- (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.

(Ordinance, July 1, 2009, Article 4-4.11)

- (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.
- (1) Appeals of subdivision decisions may be made pursuant to G.S. 160D-1403.

**Statutory Reference** - *NCGA Chapter 160D-808. Appeals of decisions on subdivision plats.*

- (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:

(Ordinance, July 1, 2009, Article 4-4.12)



(a) 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.

(1) **Certificate of Survey and Accuracy:**

(2) **Certificate of Ownership and Dedication:**

**(3) Certificate of Land Use Regulation and Purpose of Plat:**

**(4) 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:

**(5) Certificate of Approval of Proposed State Roads:**

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

**(7) Certificate of Improvements:**

**(8) Certificate of Review Officer:**

(Ordinance, July 1, 2009, Article 4-4.13)

- (a) The approval of a plat shall not be deemed to constitute the acceptance by the local government or public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, any governing board may by resolution accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its planning and development regulation jurisdiction. Acceptance of dedication of lands or facilities located within the planning and development regulation jurisdiction but outside the corporate limits of a city shall not place on the city any duty to open, operate, repair, or maintain any street, utility line, or other land or facility, and a city 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, county, or other public entity operating a water system shall have agreed to begin operation and maintenance of the water system or water system facilities within one year of the time of issuance of a certificate of occupancy for the first unit of housing in the subdivision, a city or county shall not, as part of its subdivision regulation applied to facilities or land outside the corporate limits of a city, require dedication of water systems or facilities as a condition for subdivision approval.

Statutory Reference – NCGS Chapter 160D-806.

(Ordinance, July 1, 2009, Article 4-5)

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.

(Ordinance, July 1, 2009, Article 4-6)

- (a) **Agreement and security required.** In lieu of requiring the completion, installation, and dedication of all improvements prior to final plat approval, the Town Board of Commissioners may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements.

The subdivider shall be allowed to choose which security or combination of securities that he or she wishes to provide from the choices provided below. 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 improvements guarantees from which the subdivider may choose.

- (b) Once the agreements are signed by both parties and the security required herein is provided, the final plat may be approved, if all other requirements of this chapter are met. To secure this agreement, the subdivider shall provide either one or a combination of the following guarantees

- (1) Type. – The type of the performance guarantee shall be at the election of the developer. The term "performance guarantee" means any of the following forms of guarantee:

- 1.i. Surety bond issued by any company authorized to do business in this State.
- 1.ii. Letter of credit issued by any financial institution licensed to do business in this State.
- 1.iii. Other form of guarantee that provides equivalent security to a surety bond or letter of credit.

- (2) Duration. – The duration of the performance guarantee shall initially be one year, unless the developer determines that the scope of work for the required improvements necessitates a longer duration. In the case of a bonded obligation, the completion date

shall be set one year from the date the bond is issued, unless the developer determines that the scope of work for the required improvements necessitates a longer duration.

- (3) Extension. – A developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the performance guarantee or any extension. If the improvements are not completed to the specifications of the local government, and the current performance guarantee is likely to expire prior to completion of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period. An extension under this subdivision shall only be for a duration necessary to complete the required improvements. If a new performance guarantee is issued, the amount shall be determined by the procedure provided in subdivision (5) of this subsection and shall include the total cost of all incomplete improvements.
- (4) Release. -- The performance guarantee shall be returned or released, as appropriate, in a timely manner upon the acknowledgement by the local government that the improvements for which the performance guarantee is being required are complete. The local government shall return letters of credit or escrowed funds upon completion of the required improvements to its specifications or upon acceptance of the required improvements, if the required improvements are subject to local government acceptance. When required improvements that are secured by a bond are completed to the specifications of the local government, or are accepted by the local government, if subject to its acceptance, upon request by the developer, the local government shall timely provide written acknowledgement that the required improvements have been completed.
- (5) Amount. -- The amount of the performance guarantee shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion at the time the performance guarantee is issued. The local government may determine the amount of the performance guarantee or use a cost estimate determined by the developer. The reasonably estimated cost of completion shall include one hundred percent (100%) of the costs for labor and materials necessary for completion of the required improvements. Where applicable, the costs shall be based on unit pricing. The additional twenty-five percent (25%) allowed under this subdivision includes inflation and all costs of administration regardless of how such fees or charges are denominated. The amount of any extension of any performance guarantee shall be determined according to the procedures for determining the initial guarantee and shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.
- (6) Timing. – A local government, at its discretion, may require the performance guarantee to be posted either at the time the plat is recorded or at a time subsequent to plat

recordation.

- (7) Coverage. -- The performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion.
  
- (8) Legal responsibilities. No person shall have or may claim any rights under or to any performance guarantee provided pursuant to this subsection or in the proceeds of any such performance guarantee other than the following:
  - 8.i. The local government to whom the performance guarantee is provided.
  
  - 8.ii. The developer at whose request or for whose benefit the performance guarantee is given.
  
  - 8.iii. The person or entity issuing or providing the performance guarantee at the request of or for the benefit of the developer.
  
- (9) Multiple guarantees. – The developer shall have the option to post one type of a performance guarantee as provided for in subdivision (1) of this section, in lieu of multiple bonds, letters of credit, or other equivalent security, for all development matters related to the same project requiring performance guarantees.
  
- (10) Exclusion. – Performance guarantees associated with erosion control and stormwater control measures are not subject to the provisions of this section.

***Statutory Reference - NCGS Chapter 160D-804.1.***

(Ordinance, July 1, 2009, Article 4-6.1)

At the time of submission of the preliminary plat for major subdivisions and at the time of submission of the sketch plan for minor subdivisions, the subdivider shall pay to the Town Clerk a nonrefundable service filing fee as adopted by the Town Board of Commissioners and available in the town hall. This service fee is used to partially defray the cost to the town of processing the subdivisions.



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.

(Ordinance, July 1, 2009, Article 4-6.2)

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.

(Ordinance, July 1, 2009, Article 4-6.3)

- (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.
  - (8) 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.

(Ordinance, July 1, 2009, Article 4-6.4)

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.

(Ordinance, July 1, 2009, Article 4-6.5)

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.

(Ordinance, July 1, 2009, Article 4-6.6)

- (a) Any plat or any part of any plat must be vacated by the owner at any time before the sale of any lot in the subdivision by a written instrument to which a copy of such plat shall be attached, declaring the same to be vacated.
- (b) Such an instrument shall be approved by the same agencies as approved the final plat. The governing body may reject any such instrument, which abridges or destroys any public right in any of its public uses, improvements, streets or alleys.
- (c) Such an instrument shall be executed, acknowledged or approved and recorded and filed in the same manner as a final plat; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public right in the streets, alleys and public grounds, and all dedications laid out or described in such plat.
- (d) When lots have been sold, the plat may be vacated in the manner provided in divisions (A), (B) and (C) of this section by all owners of the lots in such plat joining in the execution of such writing.

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

- (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.

- (a) 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 watersystem.
- (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.

- (a) 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.
- (6) See Section 5-4.10 for *Design Standards*.

5-1.5. Sedimentation and Erosion Control.

- (a) 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.

(Ordinance, July 1, 2009, Article 5-1)

- (a) Land subject to flooding as denoted in the town's flood plain maps and land deemed by the Planning Board to be uninhabitable for other reasons including, but not limited to, slopes in excess of 25%, slumping soils, wetlands, habitats for endangered species, and historic/archeological sites, shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravated the flood hazard. Such land within a plan shall be set aside for such uses as will not be endangered by periodic or occasional inundation, or will not produce unsatisfactory living conditions.
  - (a.1) Past records of flood levels shall be used to determine sufficient area from the centerline of streams to provide adequate protection from the most severe flood of record.
  - (b) Where land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further subdivision.
  - (c) Where a proposed residential subdivision contains or is adjacent to a major highway, it shall be planned so as to avoid having lots fronting on the highway in such a manner as to derive their access from said highway, preferably by providing a marginal access street for these lots or by backing the lots to the highway.



- (d) Where a proposed subdivision contains or is adjacent to a railroad right-of-way, it shall be planned so as to avoid having residential lots front on a street, which parallels and is adjacent to the railroad right-of-way.
- (e) Subdivision showing reserve strips controlling access to public ways will not be approved except when the control and disposition of land comprising such strips is placed within the town's jurisdiction under conditions meeting the approval of the Subdivision Administrator.
- (f) All subdivided land shall be part of a usable and numbered lot or it shall be reserved as permanent open space. All major subdivisions shall be required to reserve a minimum of 5% or more of the gross land area as permanent open space, subject to the review of the Planning Board.
- (g) If the entire area shown on an approved preliminary plat is not to be recorded at the same time as one unit, but instead, sections or units of the entire subdivision are to be recorded at subsequent time intervals, then the unit boundaries shall be so designated as to permit each unit recorded to function independently of the unit to follow it in the proposed recording schedule of the subdivider. Temporary turnarounds shall be constructed by the developer, as required by the town, at the ends of streets, which are presently dead-end, but are planned as through streets when the adjacent unit ultimately recorded.
- (h) Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the County Health Department, a structural engineer, and soils expert determine that the land is suitable for the purpose proposed.
- (i) The names of the subdivision and street shall not duplicate nor closely approximate the names of any existing subdivision or streets within the town or its extraterritorial jurisdiction. The Town Council has final say regarding names.
- (j) Provisions for Dedication of Land for Multi-Use Path System or Public Access Thereto.
  - (j.1) 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.
  - (j.2) 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.

(Ordinance, July 1, 2009, Article 5-3 – 5-4)

- (a) Utilities described in this section shall include, but not be limited to water and sewer lines, electrical distribution systems, and telephone and cablevision facilities. The utility companies shall be provided with copies of the preliminary plat by the subdivider and shall be expected to work with the subdivider in designing the utilities plan for the subdivision. Underground installation of utility lines is required unless the Subdivision Administrator determines that circumstances exist that make this requirement impractical.
- (b) Creation of water and sewer development account.
  - (1) Annually the Town Board of Commissioners may allocate funds it deems appropriate to an account within the Utility Fund for the town's participation in water and sewer development, expansion and improvement.
  - (2) The town may pay for the extension of water/sewer lines up to a diameter of eight inches for a maximum distance of 300 feet.
- (c) Connection to public water and sewer lines.
  - (1) Each lot in all subdivisions, within the corporate limits of the town shall be provided with an extension of the municipal water and sanitary sewer systems.
  - (2) No subdivision shall be connected to the public water and sewer system(s) and no neo-traditional reimbursements will be made until all requirements of this chapter have been met and all required improvements have been installed in accordance with the final plat for the entire subdivision, or for the current and all previous phases, if the subdivision is a phased development.
- (e) Where public water and sewer is not available. All lots in subdivisions not connected to the town water and sewer systems shall have a suitable source of water supply and sanitary sewage disposal which complies with the regulations of the appropriate agencies.

**5-4.1** Lot Layout. Lots shall conform to the following:

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

(Ordinance, July 1, 2009, Article 5-2.1)

#### 5-4.2 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.

(Ordinance, July 1, 2009, Article 5-2.2)

5-4.3 Signage. All signs shall conform to the requirements of the Zoning Ordinance as outlined in Part 2 of Article 10 - SIGNS.

(Ordinance, July 1, 2009, Article 5-2.3)

5-4.4 Buffering/Landscaping/Screening. All buffers and landscaping shall conform to the requirements of the Zoning Ordinance as outlined in Part 3 of Article 10 of the Zoning Ordinance – LANDSCAPING, BUFFERING, and SCREENING.

5-4.5 Outdoor Lighting. All outdoor lighting shall conform to the requirements of the Zoning Ordinance as outlined in Part 4 of Article 10 of the Zoning Ordinance – OUTDOOR LIGHTING.

#### 5-4.6 Streets.

- (a) Design Standards. 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 sub- divider shall not be required to reserve an amount in excess of 100 feet.
- (10) All streets shall have a minimum grade in accordance with NCDOT 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, two (2) curb cuts shall be required at each street corner.

(Ordinance, July 1, 2009, Article 5-2.4)

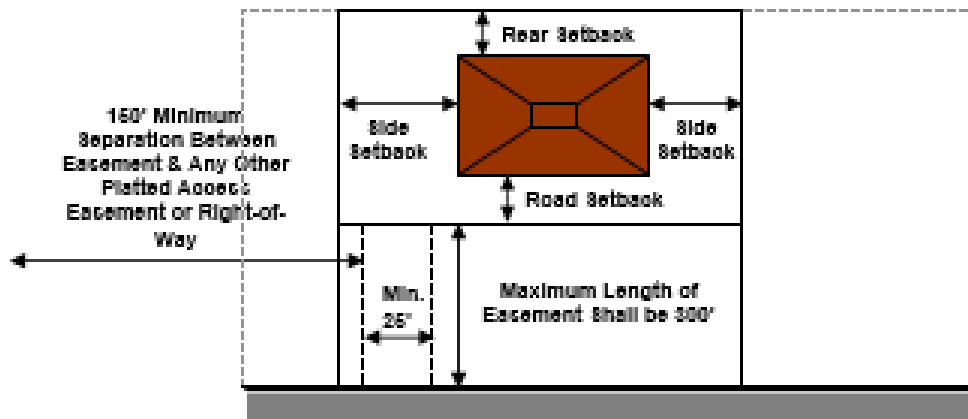
5-4.7 Exclusive Access Easements. Exclusive access easements serving one lot shall only be permitted in minor subdivisions and shall meet the following standards:

- (a) An exclusive access easement shall serve only one single-family dwelling and its uninhabited accessory structures;
- (b) Lots to be served by an exclusive access easement shall not be created in an area served by public water or sewer;
- (c) The minimum lot size shall be one acre (excluding the easement portion);
- (d) The minimum easement width shall be 25 feet measured up the entire length of the easement;
- (e) The minimum separation between the easement portion and any other platted access or right-of-way shall be 150 feet;
- (f) The location of the easement shall be recorded and labeled on the plat as “private”;
- (g) The exclusive access easement shall permit ingress, egress, and regress and necessary utilities required to serve the lot;
- (h) 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.
- (i) 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.
- (j) 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.

(Ordinance, July 1, 2009, Article 5-2.5)

**Figure 5-1. Illustration of Exclusive Access Easement.**





5-4.8. 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.

(Ordinance, July 1, 2009, Article 5-3)

- (a) **Utility easements.** Easements centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least 12 feet in width, or wider as required by the companies or agencies involved, such as, telephone, gas, or electric power. A ten-foot-wide utility easement shall be reserved for future public utilities along each side of all private streets.
- (b) **Drainage easements.** Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or frontage roads may be required in connection therewith.
- (c) **Public maintenance.** Lakes, ponds, creeks, flood plains and similar areas will be accepted for maintenance by the town only if sufficient land is dedicated as a public recreation area or park or if such area constitutes a necessary part of the drainage

control system. Such areas must be approved by the Planning Board before approval of the final plat.

- (d) **Gated/controlled subdivisions.** All gated or controlled access subdivisions within the jurisdiction of this chapter must provide continuous accessibility to subdivision for provision of public service and emergency vehicles.

5-4.9. Sites for Public Use:

- (a) Provisions for Dedication of Land for Multi-Use Path System or Public Access Thereto:

- (1) 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.
- (2) 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.

(Ordinance, July 1, 2009, Article 5-4)

**5-4.10. Stormwater Drainage.** The subdivider shall provide a surface water drainage system constructed to town standards and to North Carolina Department of Transportation standards as reflected in the "Handbook for the Design of Highway Surface Drainage Structures", or the current equivalent, subject to review by the town engineer. The following shall apply:

- (a) No surface water shall be channeled or directed into a sanitary sewer.
- (b) Where feasible, in the opinion of the Subdivision Administrator, the subdivider shall connect to an existing storm drainage system by providing all grading and all structures necessary to carry the water to the storm drainage system. Drainage and construction of drainage structures shall conform to town specifications and standards.

- (c) Where an existing storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system, approved and accepted by the town, shall be designed and constructed to protect the development from water damage.

- (d) Surface drainage courses shall have side slopes of at least three feet of horizontal distance for each one foot of vertical distance, and courses shall be of sufficient size to accommodate the drainage area without flooding, and designed to comply with the standards and specifications for erosion control of the North Carolina Sedimentation Pollution Control Act, Chapter 113A, Article 4 and the North Carolina Administrative Code Title 15, Chapter 4 and any locally adopted erosion and sedimentation control ordinances.
- (e) The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one foot in each 200 feet of horizontal distance.
- (f) Where drainage ditches are provided and grades exceed 4%, the ditches shall be paved in accordance with town standards.
- (g) In all areas of special flood hazards, all subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
  - (h) All storm water infrastructure information shall be included on preliminary plat to be approved by the town and shall not exceed the maximum capacity of existing public infrastructure

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 the size required for the proposed development in any location 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.

(Ordinance, July 1, 2009, Article 5-5.1)

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, drainage ways, 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.

(Ordinance, July 1, 2009, Article 5-6)

5-7.1. Procedure for Preliminary and Final Master Plan Approval:

All master plans for planned unit developments shall be reviewed and granted final approval by the Planning Board and Town Board of Commissioners prior to recordation.

5-7.2. Additional Required Information for Preliminary Master Plan Approval:

- (a) Existing and proposed land uses and the approximate density of the proposed dwellings.
- (b) The approximate location of any road shown on the State, County or Local thoroughfare plan.
- (c) Public uses, including schools, parks, Play areas, and other open spaces, both existing and proposed.
- (d) Areas proposed to be conveyed, dedicated, or reserved for parks, playgrounds, swimming pools, recreation buildings, supporting commercial areas, similar public and semi-public uses.
- (e) A site plan for each building site and common open area, showing the approximate location and dimensions of all buildings, structures, and improvements and indicating the open spaces around buildings and structures.
- (f) A development schedule indicating:
  - (1) the approximate date when construction of the project can be expected to begin;
  - (2) the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;
  - (3) the anticipated rate of development of each of the stages in the development of common open space will be provided at each stage.
- (g) An estimate of population and density and extent of activities and overall densities.
- (h) A tabulation of the land area to be devoted to various uses and activities and overall densities.

- (i) A market analysis and financial statement may be requested by the Planning Board to help determine the demand for the development and the probability of its completion.

5-7.3. Design Standards for Planned Unit Developments:

- (a) Common Open Space:

- (1) The location, shape, size and character of the common open space shall be reviewed in detail.
- (2) Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development considering its size, density, expected population, topography, and the number and type of dwellings to be provided. There shall be no less than five (5) percent of the total land area preserved as open space, and twenty-five (25) for PUDS.
- (3) Common open space must be suitable improved for its intended use but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.
- (4) The use and improvements of common open space must be planned in relation to any existing or proposed public or semipublic open space which adjoins or which is within close proximity to the perimeter of the planned development.
- (5) All land shown on the final master plan as common open space must be conveyed under one of the following options:
  - i. It may be conveyed to a public agency which will agree to maintain the common space any building, structures, or improvements which have been placed on it.
  - ii. It may be conveyed to a trustee(s) provided in a deed of record which



establishes an association or similar organization for the maintenance of the planned development. The common open space may be conveyed to the trustees subject to the approval of the Planning Board which will result in the restriction of the common open space to the uses specified on the final plan, and which will provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purposes.

- (6) No common open space may be put to any use not specified on the final master plan unless the final master plan has been amended to permit that use.
- (7) **Roads.** General subdivision road standards set out or referenced in these regulations may be waived for Planned Unit Developments provided that the intent of these regulations is not negated or lessened. Privately maintained roads may be allowed by the Planning Board provided that the status and maintenance of said roads is made known by appropriate notes on the plat, in deeds, protective covenants or other means approved by the Planning Board and the construction of said roads shall be certified by a registered architect or engineer licensed to practice in North Carolina.
- (8) **Other Design Standards.** Design standards set out in these subdivision regulations may be waived for Planned Unit Developments provided that the intent of these regulations is not nullified or lessened and provided that sufficient proof is given substantiating that adequacy of the alternative design.

# **APPENDICES**

**APPENDIX A**

**CHECKLIST FOR PRELIMINARY PLAT AND FINAL PLAT**

<b>Information</b>	<b>Preliminary Plat</b>	<b>Final Plat</b>
<b>The block containing:</b>		
Property designation	X	X
Location (including township, county and state)	X	X
Date or dates survey was conducted and plat prepared	X	X
A scale of drawing in feet per inch listing in words or figures	X	X
A bar graph	X	X
Name, address, registration number and seal on the registered land surveyor	X	X
The name of the subdivider	X	X
A sketch vicinity map showing the relationship between the proposed subdivision and surrounding area	X	X
Corporate limits, township boundaries, county lines in the subdivision tract	X	X
The names, address and telephone number of all owners, mortgagees, land planners, architects, and professional engineers responsible for the subdivision	X	X
The registration numbers and seals of the professional engineers	X	X
North arrow and orientation	X	X

<b>Information</b>	<b>Preliminary Plat</b>	<b>Final Plat</b>
The boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented with all bearings and distances shown	X	X
The exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of the existing boundary lines of adjoining lands	X	X
The names or owners of adjoining properties	X	X
The names of any adjoining subdivision of record or proposed and under review	X	X
Minimum building setback lines	X	X
The zoning classification of the tract to be subdivided and adjoining properties	X	X
Existing property lines on the tract to be subdivided and on adjoining properties	X	X
Existing building or other structures, watercourses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining	X	X
Proposed lot lines, consecutively numbered lot and block numbers, and appropriate dimension	X	X
Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site	X	X
The exact location of the flood hazard, floodway and floodway fringe areas	X	X

<b>Information</b>	<b>Preliminary Plat</b>	<b>Final Plat</b>
Existing property lines on the tract to be subdivided and on adjoining properties	X	X
Existing building or other structures, watercourses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining	X	X
Proposed lot lines, consecutively numbered lot and block numbers, and appropriate dimension	X	X
Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site	X	X
The exact location of the flood hazard, floodway and floodway fringe areas	X	X
Copy of protective covenants, any proposed deed restrictions, and property owners' association documents, if any	X	X
<b>The following data concerning streets:</b>		
Proposed streets, proposed thoroughfares in accordance with § 152.08	X	X
Rights-of-way, location and dimensions	X	X
Pavement widths	X	X
Approximate grades	X	X
Design engineering for data for all corners and curves	X	X
Typical street cross section	X	X
Street names	X	X

<b>Information</b>	<b>Preliminary Plat</b>	<b>Final Plat</b>
Street maintenance agreement in accordance with § 152.51(G) and (J)		X
If any street is proposed to intersect with a state maintained road and evidence that the subdivider has obtained approval from the NCDOT	X	
Type of street dedication; all streets must be designated either “public” or “private.” Where public streets are involved which will be dedicated to the town, the subdivider must submit all street plans to the town approval. Where public streets are involved which will not be dedicated to the town, the subdivider must submit the following documents to the North Carolina Department of Transportation, District Highway Office for review: a complete site layout, including any future expansion anticipated; horizontal alignment indicated by percent grade, PI station and vertical curve length on site plan layout (the district engineer may require the plotting of the ground profile and grade line for roads where special conditions or problems exist); typical section indicating the pavement design, width and slope, width and details for either the curb and gutter or the shoulder and ditch proposed; drainage facilities and drainage areas	X	X
<b>The location and dimensions of all:</b>		
Utility and other easements	X	X
Riding trails	X	X
Natural buffers	X	X
Pedestrian or bicycle paths	X	X
Parks and recreation areas with specific type indicated	X	X
School sites	X	X

<b>Information</b>	<b>Preliminary Plat</b>	<b>Final Plat</b>
Areas to be dedicated or reserved for public use	X	X
Areas to be used for purposes other than residential with the purpose of each stated	X	X
The future ownership (dedication or reservation for public use to government body, for owners to duly constituted homeowners' association, or for tenants remaining in the subdivider' s ownership) of recreation and open space lands	X	
Sanitary sewers	X	X
Storm sewers	X	X
Water distribution lines	X	X
Natural gas lines	X	X
Telephone lines	X	X
Electric lines	X	X
Plans for individual water supply and sewage	X	X
Profiles based upon mean sea level datum for sanitary sewers and storm sewers	X	

<b>Information</b>	<b>Preliminary Plat</b>	<b>Final Plat</b>
<b>Site calculations including:</b>		
Acreage in total tract to be subdivided	X	X
Acreage in parks and recreation areas and other non-residential uses	X	X
Total number of parcels created	X	X
Acreage in the smallest lot in the subdivision	X	X
Linear feet in streets	X	X
The name and location of any property or buildings within the proposed subdivision or within any contiguous property that is located on the U.S. Department of Interior's National Register of Historic Places	X	X
Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, easement line, and set back line, including dimensions, bearings or deflection angles, radii, central angles and tangent distance for the centerline of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute		X
The accurate locations and descriptions of all monuments, markers and control points		X
A copy of the erosion control plan shall be submitted to the appropriate authority, if such a plan is required	X	X
Where streets are dedicated to the public but not accepted into the town or state system before lots are sold, a statement explaining the status of the street in accordance with § 152.51(J)		X
Certificates of approval, ownership and dedication, survey and accuracy, and Division of Highway's district engineer (if applicable)		X



<b>Information</b>	<b>Preliminary Plat</b>	<b>Final Plat</b>
<b>Additional documents:</b>		
Copy of contract for pre-sale or pre-lease of lots in unrecorded subdivision based on preliminary plat approval (in draft form) prepared in compliance with § 152.33(D), where subdivider intends to pre-sale or pre-lease lots prior to final plat approval	X	