



Subdivision Ordinance of the Town of Vanceboro, North Carolina

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Article 1. General Provisions

Section 1.1 Title

This Ordinance shall be known as the *Subdivision Ordinance of the Town of Vanceboro, North Carolina*. Its short title is *Subdivision Ordinance*. It may be referenced within this document as the “Ordinance”.

Section 1.2 Other references

- (a) The *Town of Vanceboro Zoning Ordinance* may be referenced in this document as the “Zoning Ordinance”.
- (b) The General Statutes of North Carolina may be referenced in this document as “NCGS”.
- (c) The Town of Vanceboro, in Craven County, North Carolina may be referenced in this document as the “Town”.
- (d) The Town of Vanceboro’s planning and development regulation jurisdiction may be referenced in this document as the “jurisdiction”.

Section 1.3 Authority and jurisdiction

- (a) **Authority.** This Ordinance is authorized under NCGS Chapter 160D, Article 8, Section 801 et seq.
- (b) **Jurisdiction.** This Ordinance shall be effective within the Town’s jurisdiction. The geographic scope of the Town’s jurisdiction corresponds to its corporate limits.

Section 1.4 Purpose and intent

- (a) The purpose of this Ordinance is to regulate the subdivision of land within the Town’s jurisdiction. Subdivision, generally being the division of land, is defined in section 7.2 of this Ordinance. Furthermore, this Ordinance is intended to provide the following:
 - (1) Promote the orderly growth and development of the Town;
 - (2) Coordinate the transportation networks and utilities within proposed subdivisions with existing or planned streets and highways and with other public facilities;
 - (3) Promote distribution of population and traffic in a manner that will avoid congestion and overcrowding; and
 - (4) Encourage conditions that substantially promote public health, safety, and general welfare.
- (b) **Exemptions.** Certain divisions of land are exempt from this Ordinance. These exemptions are defined in section 7.2 under the term “subdivision exemption”.

Section 1.5 Approval required; prerequisite to plat recordation

After the effective date of this Ordinance, no subdivision plat within the Town's jurisdiction shall be filed with the Craven County register of deeds or recorded until it has been approved by the Town as required by this Ordinance.

Section 1.6 Certificates of zoning compliance

No certificate of zoning compliance required by Town's Zoning Ordinance shall be issued in any subdivision for which a plat is required to be approved under this Ordinance until the final plat has been approved as required by this Ordinance.

Section 1.7 Conflicts of interest standards

Members of the Board of Aldermen, members of any appointed board or advisory board making a decision or recommendation required by this Ordinance, and Town staff are subject to the conflicts of interest standards located in NCGS 160D-109 relating to conflicts of interest.

Section 1.8 Decision-makers

- (a) **General.** This section specifies the decision-makers of this Ordinance and other roles. The responsibilities listed in this section are not exhaustive. Other responsibilities may be specified by the Ordinance or determined by the Planning Board or Board of Aldermen.
- (b) **Town Clerk.**
 - (1) **Role.** The Town Clerk, or their designee, shall be the primary point of contact for applicants under this Ordinance.
 - (2) **General responsibilities.**
 - (i) Assist with general inquiries and provide any required forms;
 - (ii) Receive submissions, including plats, applications, and related materials, as required by this Ordinance;
 - (iii) Receive payments as required by this Ordinance, other Town ordinances, or the Town's adopted fee schedule;
 - (iv) Maintain a true copy of this Ordinance;
 - (v) Issue public notices as needed.
- (c) **Subdivision Administrator**
 - (1) **Role.** The Subdivision Administrator shall serve as the administrator of this Ordinance, and they shall be duly appointed by the Board of Aldermen.
 - (2) **General responsibilities.** The Subdivision Administrator shall have the following responsibilities under this Ordinance:

- (i) Assist with inquiries;
- (ii) Provide general guidance to boards;
- (iii) Review and provide staff recommendation on the following:
 - (A) Major subdivision preliminary plats;
 - (B) Ordinance amendment requests.
- (iv) Review and make final decision the following:
 - (A) Minor subdivision plats;
 - (B) Special subdivision plats;
 - (C) Expedited subdivision plats;
 - (D) Major subdivision final plats;
 - (E) Subdivision exemption plats and other plats, as needed;
- (v) Provide suggestions for major subdivision sketch plans;
- (vi) Update the Ordinance document to reflect changes adopted by the Board of Aldermen;
- (vii) Provide administrative determinations;
- (viii) Fulfill other duties as required by the Board of Aldermen.

(d) **Planning Board.**

- (1) **Role.** The Planning Board is an advisory board that is typically assigned to matters related to the Town's development regulations.
- (2) **General responsibilities.** The Planning Board shall have the following responsibilities under this Ordinance:
 - (i) Provide written comment for Ordinance amendment requests;
 - (ii) Provide Board of Aldermen recommendation on major subdivision preliminary plats.

(e) **Board of Aldermen.**

- (1) **Role.** The Board of Aldermen is the governing board of the Town. It handles any legislative functions and other functions as specified by this Ordinance.
- (2) **General responsibilities.** The Board of Aldermen shall have the following responsibilities under this Ordinance:
 - (i) Make final decision on major subdivision preliminary plats.
 - (ii) Make final decision on ordinance amendment requests;

- (iii) Provide guidance to the Planning Board;
- (iv) **Quasi-judicial board.** The Board of Alderman shall serve as the quasi-judicial board for this Ordinance. The quasi-judicial board shall be responsible for making quasi-judicial decisions provided in section 5.2 of this Ordinance.

(g) **Technical Review Committee.**

- (1) **Role.** The Technical Review Committee is an advisory board that shall provide specialized review.
- (2) **General responsibilities.** The Technical Review Committee shall have the following responsibilities under this Ordinance:
 - (i) Review and make recommendation on major subdivision preliminary plats and related materials;
 - (ii) Review and make recommendation on other plats and related materials as needed and directed;
- (3) **Composition.** The Technical Review Committee shall consist of the following members:
 - (i) Town of Vanceboro Mayor;
 - (ii) Town of Vanceboro Public Works Director or their designee;
 - (iii) Vanceboro Rural Volunteer Fire Department Chief or Captain, or Craven County Fire Marshal, or their designee;
 - (iv) North Carolina Department of Transportation Highway District Engineer or their designee;
 - (v) Craven County Environmental Health Director or their designee;
 - (vi) Town of Vanceboro Subdivision Administrator.

Section 1.9 Requirements for all development approvals

- (a) An application for a development approval can only be made by a property owner, person with a contract to purchase the property in question, or an authorized agent.
- (b) Any development approval shall be provided in writing.
- (c) Any development approval shall run with the land per NCGS 160D-104.
- (d) Revocation of any development approval shall follow the same process used for their approval.
- (e) **Permit choice.** An applicant for a development approval (development permit) shall have the right to permit choice as detailed in NCGS 160D-108(b) and 143-755 once a complete

application is submitted to Town staff. An application is considered complete if all requirements in section 4.2.1 have been met.

- (f) **Site-specific vesting plan.** No development approval under this ordinance qualifies as a site-specific vesting plan as detailed under NCGS 160D-108.1.
- (g) **Multi-phased development.** Qualifying developments are defined under and vested as provided by NCGS 160D-108.

Section 1.10 Commentary

- (a) **Purpose.** Commentary text boxes in this Ordinance are intended to provide clarification and are considered separate from the Ordinance's text. Their content are not subject to the requirements of development regulation amendment as provided in Article 6 of NCGS 160D.
- (b) **Changes.** Any commentary sections may be changed, added, or removed at the Ordinance administrator's discretion or at the direction of the Planning Board or Board of Aldermen.

Commentary: This text is an example of a commentary section. Commentary may appear in this Ordinance document in this format.

Article 2. Process for Subdivision and Other Application Review

Commentary: Types of subdivisions and subdivision exemptions are defined in section 7.2.

Plat types include major subdivision preliminary plat, major subdivision final plat, minor subdivision plat, special subdivision plat, expedited subdivision plat, and subdivision exemption plat, all of which are defined in section 7.2.

Section 2.1 Regarding all submissions; staff review

- (a) **Overview.** All applications shall be subject to a general review by staff as detailed in this section.
- (b) **Location.** All applications shall be submitted to the Town Clerk at the Vanceboro Town Hall during regular business hours.
- (c) **Application completeness review.**
 - (1) **Process.** Applications will be evaluated for completeness as specified in section **4.2.1**.
 - (i) **Requirements met; acceptance.** If staff determines the requirements in section **4.2.1** have been met, then the application will be considered for further review by the Subdivision Administrator as specified by part **d** or **e** below.
 - (ii) **Requirements not met; notification.** If staff determines the requirements in section **4.2.1** have not been met, then:
 - (A) The application will not be accepted and will not be considered submitted under NCGS 143-755;
 - (B) Staff will notify the applicant that their application has not been accepted and provide an explanation as to why.
 - (2) Action (acceptance or non-acceptance) under this part (**c**) does not constitute an administrative decision or determination as defined by NCGS 160D-102. It is only a review of whether materials provided meet the requirements for acceptance. This action is not appealable under NCGS 160D-405.
- (d) **Plat review by administrator.**
 - (1) **Process.** After acceptance, the plat is subject to a more detailed review by the Subdivision Administrator.
 - (2) **Review items.** The Subdivision Administrator shall review the following items. This review shall make the basis for their decision or recommendation.
 - (i) **Jurisdiction.** Verify the subject parcel or parcel group lies within the Town's jurisdiction.

- (ii) **Plat type.** Verify the plat submitted meets the definition of the plat specified on the subdivision application review form and plat title, if specified.
 - (iii) **Content.** Verify the existence of content specified in the plat content requirements table in section 9.1 and identify any apparent inaccuracies.
 - (iv) **Requirements.** Review for applicable general requirements, required improvements, and standards of design specified in article 4. Furthermore, verify the plat shall not violate any adopted plan, policy, or other ordinance of the Town.
- (3) **Written comment.** If there are any issues based on the review of the items above, staff shall draft a written comment noting those issues being reasons or recommendations for denial.
- (4) **Administrator decision on a plat.**
 - (i) **Decision.** Where the Subdivision Administrator is authorized to make an administrative decision on a plat, such as with a major subdivision final plat, minor subdivision plat, special subdivision plat, expedited subdivision plat, or subdivision exemption plat, they shall either:
 - (ii) **Plat approval.** If it is determined the plat meets all requirements of this Ordinance, the Subdivision Administrator shall provide their signature on the plat signifying approval by the Town;
 - (iii) **Plat disapproval.** If the plat does not meet all requirements of this Ordinance, the Subdivision Administrator shall not sign the plat and may do one of the following:
 - (A) **Written notice of denial.** Issue the applicant a written notice, incorporating the written comment in subpart 3 above, stating reasons for denial, and section 2.4 part c shall apply; or
 - (B) **Request correction.** Contact the applicant and, referencing the written comment in subpart 3 above, explain why the plat cannot be approved. If the applicant does not respond or does not make the requested correction, the Subdivision Administrator may deny the plat as specified above.
- (5) **Recommendation on a plat.** Where the Subdivision Administrator is required to make a recommendation on a plat, such as with a major subdivision preliminary plat, they shall use the written comment in subpart 3 above to make a written recommendation. The Subdivision Administrator shall then transmit that recommendation to the relevant board or individual.
- (e) **Other review by administrator.** The Subdivision Administrator shall provide comment or recommendation on other applications as specified by this Ordinance.

Section 2.2 Review process for major subdivision

Section 2.2.1 General

- (a) **Process overview.** A major subdivision shall require a preliminary plat and final plat for review. The preliminary plat shall be approved prior to construction of improvements. Construction shall be completed prior to final plat review. The final plat shall correspond to the approved preliminary plat and any approved amendments. An initial, informal review of a sketch plan is optional, but it will provide the applicant and Subdivision Administrator an opportunity to identify potential issues that could prevent or delay plat approval.

Section 2.2.2 Sketch plan

- (a) **Submission and staff review.** The subdivider may submit a sketch plan at Town Hall for an informal review.
- (b) **Suggested content.** Refer to section 9.2 for a list of suggested content that would be useful for an informal review.
- (c) **Written comment.** The Subdivision Administrator may review the sketch plan and any related materials and may provide a written comment to the applicant.
 - (1) **Content.** The Subdivision Administrator may note any potential issues in the sketch plan and related materials that may be reasons or recommendations for future denial; otherwise, they may note no issues.
 - (2) **Not a binding decision.** Any recommendation provided by staff or a board does not constitute a determination or administrative decision as defined by NCGS 160D-102.
 - (3) **Vested rights.** Any recommendation, lack or recommendation, or acceptance for review of a sketch plan does not confer vested rights.
 - (4) **Unforeseen issues.** Issues not identified under this sketch plan review may be identified during a later review.
- (d) **Period for review.** The Subdivision Administrator shall have thirty (30) days from the date of submission to provide a written comment, if any.
- (e) **After staff review and written comment.** After written comment is received, or no comment is offered, the applicant may submit a major subdivision preliminary plat application.

Section 2.2.3 Preliminary plat

- (a) **Submission and staff review.** The applicant shall submit seven (7) copies of a major subdivision preliminary plat application to Town Hall. The application shall be submitted and reviewed under the process specified in section 2.1 of this article.

- (b) **Required documents for application.** The application shall contain the following documents, as applicable:
- (1) Plat;
 - (2) Subdivision review application form;
 - (3) NCDOT driveway permit;
 - (4) NCDEQ erosion control plan and permit;
 - (5) NCDEQ Division of Energy, Mineral, and Land Resources (DEMLR) post-construction stormwater permit;
 - (6) Plans for water and sewer; also, if applicable, written assurance that these plans have been submitted for approval to the appropriate state and/or local agencies;
 - (7) Covenants / deed / maintenance agreement;
 - (8) If the proposed subdivision has fifteen (15) or more proposed lots, and would rely solely on town-owned roads for access, a traffic impact study is required per section [4.4.5](#).
- (c) **Plat content.** The required content for a major subdivision preliminary plat is provided in section [9.1](#) table under the column with heading “Major subdivision preliminary plat”.
- (d) **Recommendation.** Within ten (10) days from the date of acceptance, the Subdivision Administrator shall write a recommendation based on the review process specified in section [2.1](#) and transmit it along with the application materials to the Technical Review Committee members for their review.
- (e) **Technical Review Committee review.**
- (1) **General.** The Technical Review Committee shall provide input for a written comment and recommendation to the Planning Board.
 - (2) **Review items.**
 - (i) The Vanceboro Rural Volunteer Fire Department Chief or Captain, or Craven County Fire Marshal, or their designee or a person duly appointed to a similar role, shall evaluate the following:
 - (A) Fire access requirements;
 - (B) Fire hydrant locations and the water system’s suitability for firefighting;
 - (C) Any other relevant matters.
 - (ii) The Craven County Environmental Health Director or their designee shall evaluate the following:

- (A) Any water system served by a well that shall be approved by the Craven County Health Department prior to final plat approval;
 - (B) Any septic tank or alternative sewer disposal system;
 - (C) Any other matters relevant to the Craven County Environmental Health Director.
 - (iii) The Town of Vanceboro Public Works Director or their designee, such as a contracted engineer, shall evaluate the following:
 - (A) Any proposed water or sewer system;
 - (B) Any proposed streets or sidewalks;
 - (C) Any proposed drainage infrastructure;
 - (D) Any proposed utility infrastructure;
 - (E) A traffic study, if required per section [4.4.5](#).
 - (F) Any other matters relevant to the Town of Vanceboro Public Works Director.
 - (iv) The North Carolina Department of Transportation Highway District Engineer or their designee shall evaluate the following:
 - (A) Proposed connections to the state highway system;
 - (B) Any other matters relevant to the North Carolina Department of Transportation.
- (3) **Review procedure.**
 - (i) **Recommendation by each member.**
 - (A) Members of the Technical Review Committee shall review and may provide comments on relevant materials in the application.
 - (B) Each member shall recommend approval or disapproval.
 - (C) For disapproval, the member shall specify what is needed by the subdivider to obtain approval.
 - (D) Comment and recommendation shall be in written form and submitted to the Subdivision Administrator.
 - (ii) **Default response.** No response shall be deemed a recommendation for approval.
 - (iii) **Compilation of written comments.** The Subdivision Administrator shall compile the written comments and recommendations of each member, including the Subdivision Administrator, into a single document.

(4) **Time limits.**

- (i) Technical Review Committee members shall have fifteen (15) days from receiving application materials to provide a written comment and recommendation to the Subdivision Administrator. However, Technical Review Committee members may request an extended review time of up to twenty-five (25) days after receiving submission materials to provide a written comment and recommendation to the Subdivision Administrator.
- (ii) The Subdivision Administrator shall notify the Planning Board Chair of the need for Planning Board review within five (5) days of receiving the last written comment and recommendation.

(f) **Planning Board review.**

- (1) **Planning Board notification.** As per part **e** sub-part **4** above, the Subdivision Administrator shall notify the Planning Board Chair of the need for review of the preliminary plat. This notification shall be at least thirty (35) days prior to the next regularly scheduled Planning Board meeting at which the application can be reviewed.
- (2) **Transmittal of materials.** At the same time as subpart **1** above, the Subdivision Administrator shall transmit the application and comments and recommendations by the Technical Review Committee, including the recommendation of the Subdivision Administrator to the Planning Board clerk.
- (3) **Review procedure.** The Planning Board shall review the materials submitted in subpart **2** above. The Planning Board shall make a recommendation on approval or denial to the Board of Aldermen, based on requirements specified in this Ordinance, and guided by the Subdivision Administrator and Technical Review Committee.
- (4) The Subdivision Administrator shall notify the Town Clerk of the need for Board of Aldermen immediately following the meeting at which the Planning Board recommendation is made.

(g) **Board of Aldermen review.**

- (1) **Board of Aldermen notification.** As per part **f** sub-part **4** above, the Subdivision Administrator shall notify the Town Clerk of the need for review of the preliminary plat. This notification shall be at least thirty (35) days prior to the next regularly scheduled Board of Aldermen meeting at which the application can be reviewed.
- (2) **Transmittal of materials.** At the same time as subpart **1** above, the Subdivision Administrator shall transmit the application and comments and recommendations by the Technical Review Committee, including the recommendation of the Subdivision Administrator, and the recommendation of the Planning Board to the Town Clerk.

- (3) **Applicant notification.** The Subdivision Administrator shall provide the applicant and property owner, if different, written notice of the Board of Aldermen review.
- (4) **Review procedure.** The Board of Aldermen shall review the materials submitted in subpart 2 above. The decision made by the Board of Aldermen shall be administrative in nature, based on requirements specified in this Ordinance, and guided by the Subdivision Administrator, Technical Review Committee, and Planning Board. The Board of Aldermen shall make one of the following decisions at the initial review:
- (i) **Approval.** If the Board of Aldermen approves the preliminary plat, then such approval shall be indicated within the meeting minutes. Approval of each copy of the preliminary plat shall be indicated by a dated signature on the approval certificate on the face of the plat. After approval, section 2.2.4 below applies.
 - (ii) **Disapproval.** If the Board of Aldermen disapproves the preliminary plat, then such disapproval shall be indicated within the meeting minutes. The Board of Aldermen shall provide the subdivider the reason for disapproval in writing and steps to gain approval. After disapproval, section 2.4 part c below applies.
 - (iii) **Resubmission.** The Board of Aldermen may direct the subdivider to resubmit application materials so issues preventing approval can be addressed. Resubmission follows these general steps:
 - (A) The subdivider may submit seven (7) copies of a preliminary plat and any other relevant materials that address the reasons for disapproval to Town Hall.
 - (B) The Subdivision Administrator and any applicable members of the Technical Review Committee will review the resubmission within fifteen (15) days.
 - (C) The Subdivision Administrator will make a written recommendation and submit it to the Town Clerk. The Board of Aldermen review process starting with subpart 1 will repeat.
 - (D) If the subdivider does not resubmit within sixty (60) days after being directed to do so, then the application will be considered denied and section 2.4 part c below applies.
 - (iv) **Conditional approval.** If the Board of Aldermen determines that changes need to be made to the preliminary plat in order to meet the requirements of the this Ordinance, and those changes are not significant enough to warrant resubmission, then the Board of Aldermen can conditionally approve the preliminary plat, and such conditional approval shall be indicated within the meeting minutes. The subdivider will then provide updated copies of the

preliminary plat to the Subdivision Administrator. Once the Subdivision Administrator determines that all conditions have been met, they will provide copies to the Town Clerk. Approval of each copy of the preliminary plat shall be indicated by a dated signature on the approval certificate on the face of the plat. After approval, section 2.2.4 below applies.

- (v) **Extension.** The Board of Aldermen may extend the review period if it wants input from the subdivider, Subdivision Administrator, Technical Review Committee member, Planning Board, or another public or private agency regarding the subdivision.
- (4) **Time limit; no action.** Failure of the Board of Aldermen to hold an initial review within sixty (60) days of notification per subpart 1 above will result in approval of the preliminary plat.

Section 2.2.4 After preliminary plat approval; construction of improvements

- (a) **General.** Once the preliminary plat is approved by the Board of Aldermen, the subdivider can proceed with construction of improvements specified in the preliminary plat. The subdivider can also proceed with preparing a final plat.
- (b) **Performance guarantee.** This Ordinance does not provide for performance guarantees to assure successful completion of required improvements for a subdivision. Required improvements must be completed prior to the approval of a major subdivision final plat.
- (c) **Expiration of approval.**
 - (1) An approved preliminary plat shall expire within one (1) year of approval if work has not substantially commenced.
 - (2) If work has substantially commenced, an approved preliminary plat shall expire within twenty-four (24) consecutive months of discontinuance.
 - (3) “Substantially commenced” is defined in section 7.2 of this Ordinance.
- (d) **Extension.** The period of validity may be extended by the Planning Board at the written request of the subdivider.

Section 2.2.5 Final plat

- (a) **Definition.** Final plat is defined in section 7.2.
- (b) **Submission and staff review.** The application, including final plat, shall be submitted and reviewed under the process specified in section 2.1 of this article.
 - (1) **Requirements.**
 - (i) **Number of copies.** The subdivider shall submit seven (7) copies of the plat for review.

- (ii) **Content.** The required content for a major subdivision final plat is provided in section 9.1 table under the column with heading “Major subdivision final plat”.
 - (iii) **Additional documents for the application.**
 - (A) Subdivision review application form.
 - (B) Signed and sealed statement from a licensed engineer that all streets and water and sewer utilities have been installed in accordance with all applicable state and local specifications and according to the approved plans;
 - (C) If applicable, written approval of the installation of water and sewer systems by the appropriate state and/or local agencies.
 - (iv) **Comparison to preliminary plat.** The design elements and proposed improvements of the final plat shall match the approved major subdivision preliminary plat and any approved amendments.
 - (v) **Improvements constructed.** All improvements shown on the final plat shall be completed before final plat approval. The Subdivision Administrator may conduct a site visit to verify the constructed improvements appear on the plat.
 - (vii) **Additional review.** The Subdivision Administrator shall consult with any Technical Review Committee members as needed.
- (2) **Decision.** The Subdivision Administrator shall make final decision on a major subdivision final plat.
 - (3) **Time limit.** The Subdivision Administrator shall have thirty-five (35) days from the date of acceptance of submission materials by the Town to make a decision.
- (d) **After final decision.** After final decision on the plat, section 2.4 below applies.

Section 2.3 Review process for other plats

- (a) **Submission and staff review.** The application, including plat, shall be submitted and reviewed under the process specified in section 2.1 of this article.
- (b) **Requirements and timeframe.** The table below shows requirements and decision timeframes for other types of plats.

Type of plat	Number of copies to submit	Plat content specified in section 9.1 table	Additional document(s) for application	Timeframe for decision (from date of accepted submission)
Minor subdivision	2	Under column with heading “Minor subdivision plat”	- Subdivision review	21 days

			application form - NCDOT driveway permits (if necessary)	
Special subdivision	2	Under column with heading "Special subdivision plat"	- Subdivision review application form - NCDOT driveway permits (if necessary)	7 days
Expedited subdivision	2	Under column with heading "Expedited subdivision OR subdivision exemption plat"	- Subdivision review application form	7 days
Subdivision exemption	2	Under column with heading "Expedited subdivision OR subdivision exemption plat"	- Subdivision review application form	7 days

(c) **Decision.** The Subdivision Administrator shall make final decision on the plats listed above.

(d) **After final decision.** After final decision on the plat, section 2.4 below applies.

Section 2.4 After final decision

(a) **Applicability.**

- (1) This section is applicable to the following types of plats: major subdivision final plat, minor subdivision plat, special subdivision plat, expedited subdivision plat, and subdivision exemption plat.
- (2) With the exception of part c, this section is not applicable to the following types of plats: major subdivision preliminary plat.

(b) **Plat approval.** Once a plat is approved under this Ordinance:

- (1) **Review officer.** The plat may be reviewed by a Craven County review officer pursuant to NCGS 47-30. Per NCGS 160D-803(d), a review officer shall not approve a plat until approval by the Town is indicated by a signature on the plat.
- (2) **Recordation.** Once approved by a Craven County review officer, the plat may be recorded by the Craven County, North Carolina Register of Deeds. The Register of

Deeds shall not record a plat that is not exempt from this Ordinance and not properly approved as described in this Ordinance.

(c) **Plat disapproval.**

- (1) **Notice.** If a plat is denied by the Town as specified by this Ordinance, the Subdivision Administrator shall provide notice of determination as provided by NCGS 160D-403(b).
- (2) **Appeal.** The denial may be appealed per section 5.4 of this Ordinance.

(d) **Effect of plat approval on dedications; approval required for acceptance**

- (1) Pursuant to NCGS 160D-806, the approval of a plat shall not be deemed to constitute the acceptance by the Town or public of the dedication of any street or other public facilities shown on the plat. However, the Board of Aldermen may by resolution accept any dedication made to the public of streets or other public facilities that are located within the Town's jurisdiction.
- (2) No street shall be maintained by the Town nor street dedication accepted for ownership and maintenance in any subdivision for which a plat is required to be approved until the final plat has been approved by the Town.

Section 2.5 Resubdivision

- (a) For land previously subdivided under this Ordinance, any future subdivision must also comply with the Ordinance.
- (b) **For additional lots created in a minor subdivision.** If additional lots are proposed within a minor subdivision, then the major subdivision process must be followed, and the major subdivision will consist of all land within the original minor subdivision, when the following criteria are met:
 - (1) The resulting number of lots created within the past five (5) years meets the lot number threshold for a major subdivision, and
 - (2) The land being divided into new lots is under the same ownership as when the minor subdivision occurred.
- (c) **For additional lots created in a special subdivision.**
 - (1) **Special subdivision to minor subdivision.** If additional lots are proposed within a special subdivision, then the minor subdivision process must be followed, and the minor subdivision will consist of all land within the original special subdivision, when the following criteria are met:
 - (i) The resulting number of lots created within the past five (5) years meets the lot number threshold for a minor subdivision, and

- (ii) The land being divided into new lots is under the same ownership as when the special subdivision occurred.
- (2) **Special subdivision to major subdivision.** If additional lots are proposed within a special subdivision, then the major subdivision process must be followed, and the major subdivision will consist of all land within the original special subdivision, when the following criteria are met:
 - (i) The resulting number of lots created within the past five (5) years meets the lot number threshold for a major subdivision, and
 - (ii) The land being divided into new lots is under the same ownership as when the special subdivision occurred.

Article 3. RESERVED

Article 4. General Requirements, Required Improvements, and Standards of Design

Section 4.1 Overview

These requirements shall be met where applicable.

Section 4.2 General requirements

Section 4.2.1 Application completeness

- (a) An application shall not be considered submitted under NCGS 160D-108 unless all requirements specified in the relevant parts below are provided.
- (b) **Completeness requirements for all applications.**
 - (1) **Fee.** Any fee required by this Ordinance, other ordinance, or the Town's adopted fee schedule is paid by their applicant or their agent.
 - (2) **Number of copies.** The required number of copies of applications, plats, and any other required materials shall be provided.
 - (3) **Legibility.** All required information that is handwritten, with the exception of signatures, shall be in print.
- (c) **Completeness requirements for all application forms.**
 - (1) Applicant full name;
 - (2) Applicant mailing address;
 - (3) Applicant email address or phone number;
 - (4) Subparts **1** through **3** above shall also be provided for the property owner, if different from the applicant;
 - (5) Applicant signature and signature date.
- (d) **Completeness requirement for application forms that involve a location.**
 - (1) Street address of the subject property, or approximate address if a street address does not exist;
 - (2) Parcel identification number(s) of subject property.
- (e) **Additional completeness requirements for variance request.**
 - (1) Reference to the section(s) of the Ordinance subject to the variance request;
 - (2) Description of the variance request;

- (3) Explanation of why the requested variance meets the statutory criteria provided in section **5.3** part **b** of this Ordinance.
- (f) **Additional completeness requirements for administrative appeal request.**
 - (1) Date at which the applicant received notice of the decision being appealed;
 - (2) Description of the decision being appealed;
 - (3) Explanation of why the appeal should be granted.
- (g) **Additional completeness requirements for amendment request.**
 - (1) Reference to section(s) of the Ordinance subject to this amendment request;
 - (2) Full text of the proposed amendment;
 - (3) Explanation of why the proposed amendment is in the public interest.

Section 4.2.2 Conformity to existing maps or plans

- (a) **Plans adopted under NCGS 160D-501.** All subdivisions shall comply with the principles, goals, and objectives of any adopted plans and policies of the Town.
- (b) **Throughfare plan.** If a proposed subdivision includes any portion of a thoroughfare that has been designated upon a officially adopted comprehensive transportation plan per NCGS 136-66.2, this portion of the thoroughfare shall be platted and dedicated by the subdivider in the location shown on the plan and at the width specified by the Town.

Section 4.2.3 Preparation of plans by a registered surveyor or engineer

Every plat or plan submitted under this Ordinance must be completed by a registered surveyor or engineer.

Section 4.2.4 Surveying and placement of monuments

The Manual of Practice for Land Surveying, as adopted by the state board of registration for professional engineers and land surveyors, under provisions of NCGS 89C, shall apply when conducting surveys.

Section 4.2.5 Plats must be reproducible

All plats reviewed under this Ordinance shall be reproducible as required by NCGS 47-30(b).

Section 4.2.6 Subdivision name

The name of a subdivision shall be distinct from other subdivisions in Township 1 of Craven County.

Section 4.2.7 Characteristics of the land

- (a) **Fill areas.** Areas used for the disposal of solid waste shall not be used for commercial or residential building sites.
- (b) **Coastal Area Management Act (CAMA).** If required by CAMA, a CAMA permit shall be obtained for development within an Area of Environmental Concern (AEC), as defined by CAMA.
- (c) **Flooding.** Land at risk to flooding shall be identified on the plat. Construction within Special Flood Hazard Areas shall comply with the Town's *Flood Damage Prevention Ordinance*.

Section 4.2.8 Sedimentation pollution control

The subdivider shall show proof with the preliminary plat of an erosion and sedimentation control plan and permit which has been approved by the North Carolina Department of Environmental Quality (NCDEQ), if required.

Section 4.2.9 Buffer strips

A buffer strip is required for residential major subdivision that is adjacent to a railroad, limited access highway, or a commercial or industrial development.

Section 4.2.10 Easements

- (a) **Utility easements.** Easements for utility installation and maintenance shall be dedicated, and they shall be oriented along rear or side lot lines.
- (b) **Drainage easements.** Easements for drainage shall be provided in accordance with NCDEQ requirements. Provisions for the maintenance of drainage easements shall be approved by NCDEQ prior to final plat approval, and such provisions shall be included with the final plat.

Section 4.2.11 Homeowners association

A major subdivision with common, shared facilities, such as, but not limited to, a private road or common area, shall have a homeowners association, or other similar private agreement, tasked with maintaining these facilities.

Section 4.3 Lots, blocks, and setbacks

- (a) **Lots.**
 - (1) **Conformance with zoning.** Lot dimensions shall comply with the dimensional requirements of a property's underlying zoning district as specified in the Town's Zoning Ordinance.
 - (2) **Adjustment by environmental health.** Minimum lot size may be increased by the Craven County Environmental Health Department to allow adequate area for septic systems.

- (3) **Flag lots.** Flag lots, as defined by section 7.2, are discouraged. Only one flag lot is allowed per twenty (20) lots within a subdivision.
- (4) Side lot lines shall be substantially at right angles or radial to street lines.
- (b) **Block size.** Blocks shall not be less than four hundred (400) feet in length, and blocks shall not be greater than one thousand (1,000) feet in length.
- (c) **Building setback lines.**
 - (1) Building setback lines shall comply with the dimensional requirements of a property's underlying zoning district as specified in the Town's Zoning Ordinance.
 - (2) Minimum setback lines may be increased by covenants.

Section 4.4 Transportation

Section 4.4.1 Streets and roads

- (a) **Access.** All created lots shall have direct access to a street.
- (b) **Designation.** All streets shall be designated as either public or private on both preliminary and final plats.
- (c) **Offer of dedication required.** All streets created within a major subdivision shall be designated as public and offered for dedication to the public, with the following exception:
 - (1) A major subdivision with no more than four (4) buildable lots may be served by a single private street.
- (d) **Development standards.**
 - (1) **General.** All private and public streets shall meet the requirements of the North Carolina Department of Transportation's *Subdivision Roads Minimum Construction Standards*, as amended.
 - (2) **Street surface.** All streets shall have a paved surface, with the exception of private streets.
 - (3) **Fire access.** All public and streets shall meet the minimum fire apparatus access roads requirements in the latest adopted version of the *North Carolina State Building Code: Fire Prevention Code*.
 - (4) **Existing street improvement.** If a street exists prior to a major subdivision, and any proposed lots are to be served by that existing street, then the portion of that street adjoining the proposed lots must meet or be upgraded to meet the requirements of this part (d).
- (e) **Continuation of adjoining street system.** The proposed street layout of a subdivision shall conform with the surrounding street layout. Where possible, existing streets shall be extended.

(f) **Street names.**

- (1) **Continuation of existing streets.** A proposed street that clearly aligns and connects to an existing street shall use the name of the existing street.
- (2) **Name duplication.** Excluding the continuation of existing streets, no proposed street shall have a name that is identical or phonetically similar to an existing street within Craven County. Suffix is not considered when determining name duplication.

(g) **Street signs.**

- (1) Street signs shall be installed for all new streets.
- (2) Street signs for private streets shall be labeled as private.

(h) **Half-streets.** Half-streets, as defined in section 7.2, are prohibited.

Section 4.4.2 Alleys

- (a) Alleys shall be provided to the rear of lots used for non-residential purposes.
- (b) If an alley is designated a fire access road, it shall meet the minimum fire apparatus access roads requirements in the latest adopted version of the *North Carolina State Building Code: Fire Prevention Code*.
- (c) Residential subdivisions shall not have alleys.

Section 4.4.3 Private drives

No private drive shall serve more than one lot.

Section 4.4.4 Sidewalks

- (a) Sidewalks shall be required along streets in a major subdivision, with the following exceptions:
 - (1) Streets existing prior to the subdivision, and
 - (2) Private streets.
- (b) All buildable lots created shall have a sidewalk connection.
- (c) New sidewalks shall connect to any existing sidewalks, where feasible.

Section 4.4.5 Adequate facilities to handle traffic for large subdivisions

- (a) **Criteria.** This sections applies to major subdivision that meet the following criteria:
 - (1) Have fifteen (15) or more proposed residential lots; and
 - (2) Would rely solely on town-owned roads for access.
- (b) **Study required.** A traffic impact study is required to be submitted with the preliminary plat.

- (1) The study shall be paid for by the subdivider.
 - (2) The study shall be conducted and sealed by a licensed engineer.
 - (3) The study shall follow guidelines for traffic impact studies in the North Carolina Department of Transportation's *Policy on Street and Driveway Access to North Carolina Highways*, as amended.
 - (4) The parameters of the study shall be determined by a town-contracted engineer.
- (c) **Degradation of services not allowed.** The proposed subdivision shall not cause a degradation of services on town-owned roads as shown by the submitted study.

Section 4.5 Utilities

Section 4.5.1 Water and sewer systems

- (a) **Public water systems.** All public water systems shall meet the requirements in North Carolina Administrative Code (NCAC) Title 15A Chapter 18.
- (b) All major and minor subdivisions within 500 feet of the Town's water or sanitary sewer system shall connect to the Town water or sanitary sewer system pursuant to NCGS 160A-317.
- (c) The preliminary plat shall be accompanied by written assurance from the subdivider that plans for said new or expansion of existing systems have been submitted for approval to the appropriate state and/or local agencies.
- (d) The final plat shall be accompanied by written approval of the installation of said systems by the appropriate state and/or local agencies.
- (e) Fire hydrants shall be located to meet the requirements in the latest adopted version of the *North Carolina State Building Code: Fire Prevention Code*.

Section 4.5.2 Stormwater drainage

- (a) **Minimum Design Criteria.** It shall be the responsibility of the subdivider to provide a drainage system which meets the requirements of the North Carolina Department of Environmental Quality's *Stormwater Design Manual*, as amended.
- (b) The drainage system shall be executed by a registered engineer or registered surveyor in conjunction with the street plans and shall be installed prior to final plat approval.

Section 4.5.3 Underground wiring

- (a) Every major subdivision shall have electrical, cable television, and telephone wiring buried underground.
- (b) The Town shall not require the burying of power lines that meet the criteria in NCGS 160D-804(h).

Section 4.5.4 Street lighting

Every major subdivision shall have street lighting.

Section 4.6 Recreation, open space, common facilities, and community facilities

Section 4.6.1 Common amenities

When common amenities are intended for subdivisions, they shall be located inside the development. When it is impractical to locate such places in the interior of the development, they shall be separated from adjacent properties by a wooded buffer of at least fifty (50) feet in width.

Section 4.6.2 Permanent open space lots

- (a) Property owners may wish to permanently designate land as open space for conservation and preservation purposes.
- (b) It is the intent of this section to allow for subdivision of permanently restricted open space lots while relaxing specific standards (ex. dimensions), provided that a plat note is added to the plat and a deed restriction or a conservation easement is recorded with the county register of deeds that prohibits development of the property in perpetuity.
- (c) The plat note, deed restriction, and conservation easement may allow limited passive recreational activities. Along with these activities, development on the property is limited to trails, walkways, steps, foot bridges, parking areas and retaining walls necessary for erosion control, provided that said development does not exceed five percent of the lot area.
- (d) A copy of the recorded deed restriction or conservation easement shall be submitted to the subdivision administrator.
- (e) Provided that the open space lot complies with the above provisions, evidence of adequate water and sewer services is not necessary.

Section 4.6.3 Cluster box units

If cluster block units are necessary (for centralized mail delivery), their placement shall conform to the North Carolina Department of Transportation's *Policy for Placement of Mail Cluster Box Units in Subdivisions*, dated September 1, 2015.

Article 5. Administration

Section 5.1 Amendment procedure

- (a) **General.** The text of this Ordinance may be amended by following the process below.
- (b) **Initiation by an individual.** Any individual may request a text amendment to this Ordinance by submitting one (1) copy of an amendment request form at Town Hall.
- (c) **Submission and staff review.** An application for amendment shall be subject to the review process specified in section 2.1 of this Ordinance.
- (d) **Recommendation.** The Subdivision Administrator shall create a recommendation on the amendment application.
- (e) **Time limit.** The Subdivision Administrator shall have thirty (30) days from the date of application submission to provide a recommendation to the Planning Board.
- (f) **Transmittal to Planning Board.** The Subdivision Administrator shall provide a copy of their recommendation and amendment request form to the Planning Board for their review and written comment.
- (g) **Initiation by the Board of Aldermen.** The Board of Aldermen may initiate a text amendment to this Ordinance. The Subdivision Administrator shall create a recommendation on the proposed amendment.
- (h) **Planning Board review and comment.**
 - (1) The Planning Board shall review and provide a comment on any text amendment initiated by the Board of Aldermen or at the request of an individual.
 - (2) This review and comment shall be prior to any final decision by the Board of Aldermen.
 - (3) The comment shall be submitted by the Planning Board secretary, clerk, Town Clerk, or designee to the Board of Aldermen.
- (i) **Review time limit.** If the Planning Board does not provide a comment sixty (60) calendar days following its initial review, the Board of Aldermen may proceed with a final decision on the amendment without a submitted comment.
- (j) **Board of Aldermen legislative hearing.** Before amending or repealing this Ordinance, the Board of Aldermen shall hold a legislative hearing.
- (k) **Hearing notice.** A published notice is required for any legislative hearing. This notice shall follow the requirements in NCGS 160D-601(a).
- (l) **Final decision.** Following a legislative hearing and consideration of any Planning Board comment, the Board of Aldermen may make a final decision on a text amendment to this Ordinance. The board may:

- (1) Accept and adopt the proposed amendment;
- (2) Deny the proposed amendment; or
- (3) Adopt a modification of the proposed amendment. The modification shall not be so substantial as to warrant a new hearing notice. A substantial modification shall include any of the following:
 - (i) Introduction of a new requirement;
 - (ii) Increase in the restriction of a requirement;
 - (iii) Change to another section of the ordinance.
- (m) **Ordinance required.** Any amendment, addition, or repeal of this Ordinance shall be adopted by ordinance.

Section 5.2 Quasi-judicial decisions procedure

- (a) **General.** The Town Board of Aldermen (“Board” in this section) shall follow statutory procedures specified in NCGS 160D-406 for all quasi-judicial decisions.
- (b) **Types of quasi-judicial decisions.** The types of quasi-judicial decisions under this Ordinance to be heard by the Board are as follows:
 - (1) Variances, as detailed in section 5.3;
 - (2) Appeals, as detailed in section 5.4 parts b and c;
 - (3) Other quasi-judicial decisions as they arise.
- (c) **Initiation by an individual.** Any individual with standing may request a quasi-judicial decision under this Ordinance by submitting one (1) copy of a quasi-judicial decision request form at Town Hall.
- (d) **Submission and staff review.** A quasi-judicial decision request form shall be subject to the review process specified in section 2.1 of this Ordinance.
- (e) **No recommendation.** The Subdivision Administrator shall not provide a recommendation on the approval or disapproval of a quasi-judicial decision. They may provide comments, such as guidance on quasi-judicial standards, and assist the board with administrative duties.
- (f) **Transmittal to the Board.** The Subdivision Administrator shall provide a copy of their comment, quasi-judicial decision request form, and any other relevant materials to the Board for their decision.
- (g) **Time limit.** The Subdivision Administrator shall have thirty (30) days from the date of application submission to provide copies of the materials above to the Board.
- (h) **Evidentiary hearing.** Before making a quasi-judicial decision, the Board shall hold an evidentiary hearing used to gather competent, material, and substantial evidence.

- (1) Any witness at an evidentiary hearing must testify under oath.
- (2) The Board chair at an evidentiary hearing shall rule on objections to the inclusion or exclusion of administrative material.
- (3) The applicant, Town, and any person with standing to appeal a quasi-judicial decision under NCGS 160D-1402(c) shall have the right to participate as a party in an evidentiary hearing.
- (i) **Written decision.** Any quasi-judicial decision by the Board must be in writing.
- (j) **Appeal to superior court.** As per NCGS 160D-406(k), every quasi-judicial decision made by the Board may be subject to review by the superior court by proceedings in the nature of certiorari pursuant to NCGS 160D-1402.

Section 5.3 Variance

- (a) **Purpose.** When unnecessary hardship would result from the strict application of this Ordinance, a variance to the requirements of this Ordinance may be granted by the Town Board of Aldermen ("Board" in this section).
- (b) **Standards.** The Board shall hear and decide applications for modifications from the requirements of this Ordinance. In granting a variance, the Board shall show each condition in NCGS 160D-705(d) is met:
 - (1) Unnecessary hardship would result from the strict application of this Ordinance. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 - (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.

A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
 - (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 is not a self-created hardship.
 - (4) The requested variance is consistent with the spirit, purpose, and intent of this Ordinance such that public safety is secured and substantial justice is achieved.
- (c) **Conditions allowed.** In granting a variance, the Board may attach appropriate conditions that are reasonably related to the variance.

Section 5.4 Appeal

- (a) **Administrative decision on plat by a board.** When the Board of Aldermen, Planning Board, or any other appointed board approve or deny a subdivision plat as an administrative decision, the decision is subject to review by filing an action in superior court seeking appropriate declaratory or equitable relief within thirty (30) days from receipt of the written notice of the decision, which shall be made as provided in NCGS 160D-403(b).
- (b) **Administrative decision on plat by the administrator.** When the Subdivision Administrator approves or denies a subdivision plat, the decision is subject to appeal as provided in NCGS 160D-405.
- (c) **Administrative decision other matters.** When the Subdivision Administrator make any other administrative decision under this Ordinance, the decision is subject to appeal as provided in NCGS 160D-405.

Section 5.5 Fee

- (a) **Adopted fees.** Fees associated with this Ordinance may be adopted by the Board of Aldermen. Any fees shall be provided in the adopted fee schedule of the Town.
- (b) **Notice of new subdivision fees and fee increases; public comment period.**
 - (1) **Notice required.** Pursuant to NCGS 160D-805, the Town 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 Ordinance at least seven days prior to the first Board of Aldermen meeting where the imposition of or increase in the fees or charges is on the agenda for consideration.
 - (2) **Notice methods.** The Town shall employ at least two of the following means of communication in order to provide the notice required by this section:
 - (i) Notice of the meeting in a prominent location on the Town's official website.
 - (ii) 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 Town.
 - (3) **Public comment required.** During the consideration of the imposition of or increase in fees or charges as specified in part [a](#) of this section, the Board of Aldermen shall permit a period of public comment.
 - (i) This period of public comment does not constitute a legislative public hearing.
 - (ii) Members of the public shall be given a reasonable amount of time to provide comment on the proposed fees during a meeting of the Board of Aldermen.
 - (4) **Exception.** 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 NCGS 159-12.

Article 6. Legal Provisions

Section 6.1 Separability

If any section of this Ordinance is held to be void or invalid, it shall not affect the validity of any other section.

Section 6.2 Abrogation

- (a) This Ordinance is not intended to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law.
- (b) Where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall apply.
- (c) **Previously recorded plats.** This Ordinance shall neither repeal, impair, or interfere with any existing subdivision, the plats of which are properly recorded in the office of the register of deeds prior to the effective date of this Ordinance.
- (d) **North Carolina Condominium Act.** Pursuant to NCGS 47C-1-106, this Ordinance does not prohibit the condominium form of ownership or impose any requirement upon a condominium which it would not impose upon a substantially similar development under a different form of ownership.
- (e) **North Carolina Planned Community Act.** Pursuant to NCGS 47F-1-106, this Ordinance does not prohibit a planned community or impose any requirement upon a planned community which it would not impose upon a substantially similar development under a different form of ownership or administration.

Section 6.3 Violations and remedies

- (a) No person who shall subdivide land in violation of this article or transfer or sell 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 this Ordinance and recorded in the office of the Craven County register of deeds. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from the civil penalty described in part **b** below. The town 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 this Ordinance. Building permits required pursuant to NCGS 160D-1108 shall be denied for lots that have been illegally subdivided. 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.

- (b) The violation of any provision of this chapter shall subject the offender to a civil penalty in the amount of \$500.00 to be recovered by the town. Violators shall be issued a written citation, which must be paid within ten (10) days.
- (c) Each day's continuing violation of this article shall be a separate and distinct offense.
- (d) Nothing in this section shall be construed to limit or preclude any and all remedies available to the town. The town may seek to enforce this Ordinance by using any one, all, or a combination of remedies available to the town.

Section 6.4 Effective date

This Ordinance shall be effective at its adoption by the Town's Board of Aldermen unless otherwise specified. Any change or amendment shall be effective upon its approval by the Board of Alderman unless otherwise specified.

Article 7. Definitions

Section 7.1 Rules of construction and interpretation

- (a) **Purpose.** This section is to aid in the interpretation of this Ordinance.
- (b) The words “shall”, “will”, and “must” are mandatory and not discretionary.
- (c) The words “may” and “should” are permissive or optional.
- (d) **Similar terms.** The following terms are used interchangeably unless otherwise indicated.
 - (1) The words “lot”, “plot”, “tract”, “parcel” are used interchangeably.
 - (2) The words “street” and “road” are used interchangeably.
 - (3) The words “map” and “plat” are used interchangeably.
 - (4) The words “subdivider” and “applicant” are used interchangeably and also refer to their authorized agent.
 - (5) The word “owner” also refers to their authorized agent.
- (e) **Grammar.**
 - (1) Words used in the present tense include the future tense and vice versa.
 - (2) Words in the singular number include the plural number and vice versa.
 - (3) Words used in the masculine gender include the feminine gender and vice versa.
- (f) **Meaning.** Words, terms, and phrases, when used in this Ordinance, shall have meanings ascribed to them in section 7.2, except where the context clearly indicates a different meaning or a different definition narrower in scope has been provided. For anything not defined under this Ordinance, use its statutory definition. For anything not defined by this Ordinance, statute, or other law, use common dictionary definitions for reference.
- (g) **Legal terms.** *Black’s Law Dictionary* shall be used as reference for determining the meaning of legal terms.
- (h) **Text shall control.** In the event of a conflict between the text of this Ordinance and any caption, figure, illustration, or table, the text of this Ordinance shall control.
- (i) **Commentary.** Commentary text as defined by section 1.10 is not part of this Ordinance and is not binding.

Section 7.2 Definitions

Administrative decision. Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this Ordinance. These are sometimes referred to as ministerial decisions or administrative determinations.

Alley. A minor right-of-way used for service access to the rear or side of a property.

Application. Any document or group of documents submitted for decision under this Ordinance, and this can include a ***plat***, form, and related documents. An application must be submitted in order to obtain a development permit, as defined by NCGS 143-755, which includes ***plat*** approval and the granting of a ***variance***.

Block. A portion of land bounded on one or more sides by streets or roads.

Corner lot. A lot located at the intersection of two or more streets.

Evidentiary hearing. A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by this Ordinance.

Exemption. See ***subdivision exemption***.

Expedited subdivision. See ***subdivision, types***.

Final plat. A ***plat*** for a ***major subdivision*** that shows its layout and constructed improvements and is appropriate for recording. The layout and improvements shall mirror the approved ***preliminary plat*** and any approved ***plat*** amendments.

Flag lot. A lot that contains a narrow strip of land used for vehicular access. This narrow strip does not include sufficient space for a principle building.

Half-street. A street with less than its required right-of-way width, typically at the edge of a subdivision.

Jurisdiction. See ***planning and development regulation jurisdiction***.

Major subdivision. See ***subdivision, types***.

Minor subdivision. See ***subdivision, types***.

Planning and development regulation jurisdiction. The geographic area within which the Town may undertake planning and apply the development regulations authorized by this NCGS Chapter 160D.

Plat. A preliminary or final map of a subdivision. A final plat must meet the requirements of NCGS 47-30 for recording at the register of deeds.

Preliminary plat. A ***plat*** that allows for a detailed review of a proposed ***major subdivision*** before construction is approved and commenced. It includes the proposed layout, including lots, rights-of-way, and easements, and proposed improvements.

Quasi-judicial decision. A decision involving the finding of facts regarding a specific application of a development regulation that requires the exercise of discretion when applying the standards of the regulation. This term includes, but is not limited to, decisions involving ***variances*** and appeals of administrative determinations. Every quasi-judicial decision requires an ***evidentiary hearing***.

Sketch plan. An initial, informal document showing the layout of a proposed ***subdivision*** and its proposed improvements.

Subdivision. The division of a tract or parcel of land into two (2) 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 items under **subdivision exemption** shall not be included in this definition. See also, **subdivision exemption** and **subdivision, types**.

Subdivision exemption. A division of land that does not fall under the definition of a **subdivision**:

- (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 ten (10) acres where no street right-of-way dedication is involved.
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
- (4) The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the 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 NCGS.

Special subdivision. See **subdivision, types**.

Subdivision, types. This Ordinance allows the following types of subdivisions:

- (1) **Special subdivision.** A subdivision creating no more than three (3) lots and no new roads.
- (2) **Expedited subdivision.** A subdivision meeting the requirements of NCGS 160D-802(c), which are also provided below:
 - (i) The tract or parcel to be divided is not exempted under NCGS 160D-802(a)(2);
 - (ii) No part of the tract or parcel to be divided has been divided under this section in the ten (10) years prior to division;
 - (iii) The entire area of the tract or parcel to be divided is greater than five (5) acres;
 - (iv) After division, no more than three (3) lots result from the division;
 - (v) After division, all resultant lots comply with all of the following:

- (a) All lot dimension size requirements of the Town's Zoning Ordinance and any other applicable land use regulations;
- (b) The use of the lots is in conformity with the Town's Zoning Ordinance; and
- (c) A permanent means of ingress and egress is recorded for each lot;
- (vi) The divided tract or parcel of land is under single ownership.
- (3) Minor subdivision. A subdivision creating more than three (3) but less than six (6) new lots and no new road.
- (4) Major subdivision. A subdivision creating six (6) or more new lots or a new road.

Substantially commenced. The Subdivision Administrator shall determine if work on a site is "substantially commenced" if any of the following are true:

- (1) Infrastructure has been installed on site.

Variance. The varying of this Ordinance when unnecessary hardships would result from the strict application of this Ordinance. It may only be grant when all criteria provided in NCGS 160D-705(d) are met.

Article 8. Certificates

Plat certificates required by the Town and their required text are provided below. Certificates required by statute are specified in section 9.1.

Section 8.1 Major subdivision preliminary plat certificate

I certify that the preliminary plat shown hereon complies with the Town of Vanceboro, North Carolina Subdivision Ordinance and is approved by the Town Board of Aldermen.

Board Chair Date

Section 8.2 Major subdivision final plat certificates

Section 8.2.1 Certificate of ownership

(I | We) hereby certify that (I am | we are) the owner(s) of the property shown and described hereon, and that (I | we) hereby adopt this plan of subdivision with (my | our) free consent, establish minimum building lines and minimum standards for all streets, sewers, water lines, walks, parks, and other sites. Further, (I | we) certify the land as shown hereon is within the planning and development regulation jurisdiction of the Town of Vanceboro, North Carolina.

Owner(s) Date

Section 8.2.2 Certification of approval of the installation and construction of streets, utilities, and other required improvements

I hereby certify that streets, utilities, and other required improvements have been installed in accordance with the preliminary plat approved by the Town Planning Board, and according to town specifications and standards in the subdivision entitled
_____.

Subdivision Administrator Date

Section 8.2.3 Certificate of ownership and maintenance of private streets

I hereby certify that the streets shown on this plat of the subdivision entitled _____ are private streets, and the responsibility for maintenance shall not be with the Town of Vanceboro, North Carolina.

Owner(s) Date

Section 8.2.4 Certificate of dedication to the public

I hereby certify that the rights-of-way and design of all streets represented on this plat have been approved by the Town of Vanceboro, North Carolina and that said streets have been constructed in accordance with Town requirements for public streets. I hereby dedicate said rights-of-way to the Town for use as public streets. Further, until such time that the Town, by resolution, accepts said dedication, the responsibility for maintenance shall rest with _____.

Owner(s) Date

Section 8.2.5 Certificate for acceptance of dedication

I hereby certify that the Town of Vanceboro, North Carolina has approved this plat for recording in the office of the Craven County Register of Deeds, and accepts the dedication of streets, easements, rights-of-way, and public lands shown thereon, but assumes no responsibility to open or maintain the same until, in the opinion of the Board of Aldermen, it is in the public interest to do so.

Mayor Date

Section 8.2.6 Certificate of Town approval

This is a major subdivision final plat and is approved by the Town of Vanceboro, North Carolina.

Subdivision Administrator Date

Section 8.3 Minor subdivision plat certificate

This is a minor subdivision and is approved by the Town of Vanceboro, North Carolina.

Subdivision Administrator Date

Section 8.4 Special subdivision plat certificate

This is a special subdivision and is approved by the Town of Vanceboro, North Carolina.

Subdivision Administrator Date

Section 8.5 Expedited subdivision plat certificate

This subdivision meets all requirements of NCGS 160D-802(c) and is approved by the Town of Vanceboro, North Carolina.

Subdivision Administrator Date

Section 8.6 Subdivision exemption certificate

This plat is exempt from the Town of Vanceboro, North Carolina Subdivision Ordinance.

Subdivision Administrator

Date

Article 9. Plat Content

Section 9.1 Plat content requirements table

Required content is marked by “X” in the table below.

Content	Major subdivision preliminary plat	Major subdivision final plat	Minor subdivision plat	Special subdivision plat	Expedited subdivision OR subdivision exemption plat
Plat-specific certificates (see provided section for reference)					
- Certificate(s)	X (section 8.1)	X (section 8.2)	X (section 8.3)	X (section 8.4)	X (section 8.5 OR 8.6)
Title information required by NCGS 47-30(c)					
- Property designation	X	X	X	X	X
- Name of the owner	X	X	X	X	X
- Location, to include county and State, and the township or city, if applicable	X	X	X	X	X
- Date or dates the survey was made	X	X	X	X	X
- Scale or scale ratio in words or figures and bar graph	X	X	X	X	X
- Name and address of surveyor preparing the plat, including the firm name and firm license number, if applicable	X	X	X	X	X
- Dates and descriptions of revisions made after original signing	X	X	X	X	X
- Certificate required by NCGS 47-30(d)	X	X	X	X	X
Plat information required by NCGS 47-30(f)					
- An accurately positioned north arrow coordinated with any bearings shown on the plat.	X	X	X	X	X
- The azimuth or course and distance of every property line surveyed.	X	X	X	X	X

Content	Major subdivision preliminary plat	Major subdivision final plat	Minor subdivision plat	Special subdivision plat	Expedited subdivision OR subdivision exemption plat
- Indication if grid distances are used (if applicable)	X	X	X	X	X
- Curve data (if applicable)	X	X	X	X	X
- All streets and lots shall be accurately plotted with dimension lines indicating widths and all other information pertinent to reestablishing all lines in the field	X	X	X	X	X
- Identification of any corner marked by monument or natural object (if applicable).	X	X	X	X	X
- The names of adjacent landowners, or lot, block, parcel, subdivision name designations or other legal reference, where applicable.	X	X	X	X	X
- All visible and apparent rights-of-way, watercourses, utilities, roadways, and other such improvements (where crossing or forming any boundary line of the property shown) (if applicable).	X	X	X	X	X
- Grid control or control monuments.	X	X	X	X	X
- A vicinity map (location map) and legend	X	X	X	X	X
- NCGS 47-30(f)(11) certificate that provides plat classification	X	X	X	X	X
Improvements and design					
- Blocks numbered consecutively throughout the subdivision	X	X			

Content	Major subdivision preliminary plat	Major subdivision final plat	Minor subdivision plat	Special subdivision plat	Expedited subdivision OR subdivision exemption plat
- Lots numbered consecutively throughout each block	X	X	X		
- Minimum building setback lines	X	X	X		
Streets					
- Location and dimensions of rights-of-way, utilities, and easements	X	X			
- Street classification labels	X	X			
- Labels of whether streets are public or private	X	X			
- Any certificates required by NCGS 136-102.6 (if applicable)		X			

Section 9.2 Suggested content for major subdivision sketch plan

The following is a list of suggested content for a major subdivision sketch plan:

- (1) A sketch vicinity map showing the subdivision in relation to neighboring tracts, existing subdivisions, roads, and waterways;
- (2) The boundaries of the tract and portion of the tract to be subdivided;
- (3) The total acreage to be subdivided;
- (4) The existing uses of land within the subdivision and adjoining properties and the proposed uses of land within the subdivided property;
- (5) The proposed street and lot layout;
- (6) Labels indicating if the proposed street are to be public or private;
- (7) The name, mailing address, email address, and telephone number of the property owner;
- (8) The name, mailing address, email address, and telephone number of the applicant or authorized agent;
- (9) Streets and lots of adjacent properties;
- (10) The current zoning classification of the tract to be subdivided and adjacent properties;
- (11) The proposed water and sewer system;