ARTICLE I. TITLE AND PURPOSE

1. Title

This ordinance shall be known and may be cited as the Subdivision Regulations for the Town of Surf City, North Carolina and its extraterritorial jurisdiction, and may be referred to as the Subdivision Regulations.

2. Preamble

Since the establishment of the Town in 1949, the size of the Town was generally limited to those areas on the island. Beginning in 2003, the Town began accepting voluntary annexations on the mainland thereby increasing the size of the Town. The island portion of the Town is, by its very nature, surrounded by water on all sides and is more linear in its geographic shape. Furthermore, the island portion of the Town is mostly developed with the infrastructure currently in place and the majority of the parcels built out. Due to a single route of evacuation, current development and geographic constraints the island is not conducive to public school facilities.

3. Purpose

a. The purpose of this ordinance is to support and guide the proper subdivision of land within the jurisdiction of Surf City in order to promote the public health, safety, and general welfare of the citizens of Surf City territorial jurisdiction. The ordinance is designed to promote the orderly development of the town; for the coordination of streets and highways
within proposed subdivisions with existing or planned streets and highways and other public facilities; for the dedication or reservation of rights-of-way or easements for street and utility purposes; and for the distribution of population and traffic, which shall avoid congestion and overcrowding and which will create conditions essential to public health, safety, and the general welfare. This ordinance is designed to further facilitate suitable provisions for water, sewerage, parks, schools, recreational space, open space, and also to facilitate the further resubdivision of larger tracts into smaller parcels of land.

b. The provisions in this ordinance shall be administered to ensure orderly growth and development and shall supplement and facilitate the provisions in the land use plan, zoning ordinance and map, and capital improvements program.

ARTICLE II  AUTHORITY AND JURISDICTION

1. Authority

This ordinance is adopted under the authority of Chapter 160A, Article 19, Part 2 of the General Statutes of North Carolina.

2. Jurisdiction

The regulations contained herein as provided in GS 160A, Article 19 shall govern each and every subdivision within the jurisdiction of Surf City as directed in the Surf City Incorporation Ordinance, adopted March 23, 1949 and subsequently amended as well as the extra territorial jurisdiction as recorded on a map filed in the Pender and/or Onslow Register of Deeds and subsequently amended.

ARTICLE III  PREREQUISITE TO PLAT RECORDATION AND APPROVAL OF PUBLIC SERVICES

1. Prerequisite to Plat Recordation

After the effective date of this ordinance, each individual major subdivision plat of land within the Surf City jurisdiction shall be approved by the Surf City Town Council upon recommendation of the Surf City Planning Board.
2. **Registration of Regulations and Plats**

   In accordance with GS 160A-364, the Town shall file a copy of this ordinance with the Register of Deeds in Pender and Onslow County upon adoption. The Register of Deeds shall not file or record a plat of a subdivision of land located within the territorial jurisdiction of the town 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 repugnant to the provisions or intent of this ordinance. The owner of land shown on a subdivision plat submitted for recording, or the owner’s authorized agent, shall sign a statement on the plat stating whether any land shown is within the subdivision regulation jurisdiction of Surf City.

3. **Approval of Public Services**

   No street shall be maintained by the Town nor street dedication accepted for ownership and maintenance, no construction permits shall be 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 Council of Surf City.

4. **Conformance with Official Plans**

   All subdivisions shall comply with the principles, goals, and/or objectives of the CAMA Land Use Plan and all other officially adopted plans and policies of the Town. Where a proposed subdivision includes any part of a thoroughfare which has been designated as such upon the officially adopted Comprehensive Transportation Plan of the Town as provided for by GS 136-66.2, 160A-361, and 160A-363, such part of such thoroughfare shall be platted and dedicated by the subdivider in the location shown on the plan and at the width specified by the Town. Similarly, where a proposed subdivision includes any part of a greenway as officially adopted by the Town, such part of such greenway shall be dedicated and platted by the subdivider in the location shown on the plan. Such dedication shall be in accordance with Article V of this ordinance. While the proposed subdivision must comply with the requirements of all Ordinances and Regulations of the Town, examples of those types of Ordinances and
Regulations include: the Zoning Ordinance, Disposal of Sewerage, Operations of the Municipal Water System, Flood Damage Prevention Ordinance, and Regulations for Mobile Home and Travel Trailer Parks.

**ARTICLE IV LEGAL PROVISIONS**

1. **Procedure for Plat Approval**

   After the effective date of this ordinance, no subdivision plat of land within the town limits of Surf City or its extraterritorial jurisdiction shall be filed or recorded until it has been submitted to and approved by the Town Council as set forth in Article III, Section 1 of this Ordinance, and until this approval is entered in writing on the face of the plat by the Mayor.

   The Register of Deeds shall not file or record a plat for a subdivision of land located within the territorial jurisdiction of Surf City 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.

2. **Fees**

   Fees will be charged for each subdivision process. Fees are listed in the fee schedule adopted by the Town Council.

3. **Effect of Plat Approval on Dedications**

   Pursuant to GS 160A-374, the approval of a plat shall not be deemed to constitute or affect the acceptance by the Town or public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, the Town Council may by resolution accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision regulation jurisdiction. Acceptance of dedication of lands or facilities located within the subdivision regulation jurisdiction but outside the corporate limits of the Town shall not place on the town any duty to open, operate, repair or maintain any street, utility line, or other land or facility, and the Town shall in no event be held to answer in any civil action or proceeding for failure to open, repair, or maintain any street located outside its corporate limits.
4. **Enforcement and Penalties for Violation**

It shall be the duty of the subdivision administrator to enforce the provisions of this ordinance and to bring to the attention of the Town any violations or lack of compliance.

After the effective date of this ordinance, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this ordinance, thereafter subdivides his land in violation of this ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this ordinance and recorded in the office of the Pender County or Onslow County Register of Deeds, whichever is applicable, shall be guilty of a misdemeanor. The descriptions 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 this penalty. The town, through its attorney or other official designated by the Town Council may enjoin illegal subdivision, transfer or sale of land by action for injunction. Further, violators of this ordinance shall be subject, upon conviction, to fines and/or imprisonment as provided by GS 14-4.

5. **Separability**

Should any section or provision of this ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

6. **Variances**

Where, because of severe topographical or other practical difficulties peculiar to the site, strict adherence to the provisions of this ordinance would cause an unnecessary hardship, the Town Council may, on recommendation of the Planning Board, authorize a variance to the terms of this ordinance only to the extent that is absolutely necessary and not to an extent which would violate the intent of the ordinance. Variances may be granted by the Town Council after a public hearing is held in accordance with GS 160A-364.

7. **Amendments**

The Town Council may from time to time amend the terms of this ordinance, but the amendment shall not become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review
and recommendation. The Planning Board shall have a period of time, not to exceed ninety days within which to submit its recommendation in a report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have approved the amendment. Amendments become effective after the Town Council conducts a public hearing and approval by the Board in accordance with GS 160A-364.

8. **Abrogation**

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. However, where this ordinance imposes restrictions, the provisions of this ordinance shall govern.

9. **Effective Date**

This ordinance shall take effect and be in force from and after the ____ day of January, 2008.

**ARTICLE V  PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS**

1. **General**

Pursuant to GS 160A-373, no final plat of a subdivision within the jurisdiction of Surf City, as established in Article II of this ordinance shall be recorded by the Register of Deeds of Pender County or Onslow County, whichever is applicable, until it has been approved by the Town Council as provided herein. To secure such approval of a final plat, the subdivider shall follow the procedures established in this section.

2. **Type of Subdivisions**

There are 3 types of subdivisions. They are as follows:
- Exempt Subdivisions
- Minor Subdivisions
- Major Subdivisions
Each type of subdivision must follow the procedure and approvals necessary for the type of subdivision.

3. **Exempt Subdivisions**

   a. Exempt subdivisions are those listed in the subdivision definition.
   b. If a plat is available, the subdivider shall place a certificate on the plat for the Subdivision Administrator’s signature. The certification shall read:

   This subdivision qualifies as an exempt subdivision under the Surf City Subdivision Ordinance and no further review is required.

<table>
<thead>
<tr>
<th>Town of Surf City</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivision Administrator</td>
<td></td>
</tr>
</tbody>
</table>

4. **Minor Subdivisions**

   a. A Minor Subdivision is a tract to be subdivided which meets all of the following standards:
      1. is two acres or less in total size;
      2. will result in five or fewer lots,
      3. has lots that all front on an existing approved street
      4. has lots which meet the standards of the zoning ordinance and the subdivision ordinance; and
      5. has adequate provisions for handling storm water that may be generated.

   b. Applicants are strongly encouraged to submit a sketch plan for staff review and comment before preparing the proposed subdivision plat. Minor subdivision plats must include the same information required for subdivision final plats. Six copies must be submitted to the Subdivision Administrator for review.

   The plat will be reviewed, within 30 days, by the Technical Review Committee (TRC) consisting of the following members:

   - Town Planner
   - Town Fire Marshall
   - Town Public Works Director
   - Town Police Chief
Additional members may be added to the TRC as the Subdivision Administrator sees fit.

If the plat is unanimously found to qualify as a minor subdivision and to meet the standards of the Town’s subdivision and all other applicable ordinances, the plat may be approved for recording.

Such approvals shall be promptly reported to the Planning Board and Town Council. If the technical review committee cannot unanimously find that the plat qualifies as a minor subdivision plat or cannot find that it complies with the standards of the subdivision ordinance and other applicable ordinances, the plat may, at the applicant’s option, be revised and resubmitted to the technical review committee or submitted for review in the same manner as other subdivisions.

c. Parcels on the Topsail Island portion of the Town limits are exempted from subdivision requirements of the ordinance concerning Public Facilities for educational areas and recreation areas.

5. Major Subdivisions

a. Major Subdivisions are those meeting the definition of Subdivision.

b. The subdivider will submit a sketch plan, preliminary plan, and final plat in compliance with the standards listed in this section for each project.

6. Sketch Plan

1. If the land to be subdivided contains more than two acres, the subdivider shall submit a sketch plan prior to submitting a preliminary plan. Smaller subdivisions may be submitted in sketch plan form if the developer wishes. Sketch plans shall be submitted at least 21 working days in advance of the TRC meeting at which they are to be considered. Sketch plans shall conform to the following requirements

a. Number of copies and graphic media: 15 copies of a sketch plan shall be submitted. No specific graphic media shall be employed.
b. **Size of Plan and scale:** No specific size requirements apply to sketch plans. It is suggested that the requirements applicable to preliminary and final plats be utilized.

c. **Administrative Fees:** No administrative fees are charged in connection with the submission of sketch plans.

d. **Certification Required:** No certificates shall be provided in connection with the submission of the sketch plans.

2. **Items Needed on a Sketch Plan**

The sketch plan shall depict or contain 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 uses of the land within the subdivision and adjoining it.

e. The proposed street layout, lot layout, open space, and significant natural features such as wetlands, water bodies, wooded areas, etc.

f. The name, address, and telephone number of the owner.

g. Streets and lots of adjacent developed or platted properties.

h. The zoning classification(s) of the tract and of the adjacent properties.

i. Written proposal on the character of development of the subdivision (include proposed amenities).

3. **Review Procedures**

The Planning Board and Subdivision Administrator shall review the sketch design plan for general compliance with the requirements of this ordinance and other applicable ordinances and whereas as appropriate, provide recommendations to minimize impact on surrounding areas including public welfare and safety related issues; the Planning Board and the Subdivision Administrator shall advise the subdivider or his authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the preliminary and final plat. This review shall in no way be construed as consulting an official action of approval for recording of the subdivision by the Planning Board as required by this ordinance.
4. **Disposition of Copies**

One copy shall be retained on file in the Planning Department with the other copy being returned to the subdivider or his authorized agent.

7. **Preliminary Plans**

A preliminary plan for every major subdivision of land within the planning jurisdiction of the Town shall be prepared by a surveyor or professional engineer licensed and registered to practice in the State of North Carolina and shall be submitted, together with any application fee as set by the Town Council from time to time, at least 10 working days prior to the TRC meeting if a sketch plan was previously submitted, if not, at least 21 working days prior to the Planning Board meeting at which it is to be considered.

**1. Number of Copies and Graphic Media:** Initially, six copies of the preliminary plan shall be submitted for TRC review; no specific graphic media shall be employed. Once TRC comments have been received, 15 revised copies shall be submitted for the Planning Board review. Once the Planning Board comments have been received, 10 revised copies (incorporating all comments) shall be submitted for the Town Council review. All revisions shall be properly noted as revisions on the plan.

   **a. Size of plan and scale:** No specific sized requirements apply to preliminary plans. Preliminary plans may be prepared to a scale of 1 inch equals 200 feet, or greater.

   **b. Administrative Fees:** An administrative fee shall be charged in connection with the submission of preliminary plans.

   **c. Certifications Required:** No certifications shall be provided in connection with the submission of preliminary plans

**2. Items Needed on the Preliminary Plan**

   **1. Contents Required:** The preliminary plan shall depict or contain the following information; plans not illustrating or containing the following data shall be returned to the subdivider, or his authorized agent for completion and resubmission.

      **a.** The proposed name of the subdivision.

      **b.** A sketch vicinity map showing the relationship between the
proposed subdivision and the surrounding area at a scale of 1 inch equals 400 feet.

c. The boundaries of the tract or portion thereof to be subdivide, distinctly and accurately represented, with all bearings and distances shown.

d. Scale denoted both graphically and numerically.

e. North arrow and declination.

f. The plans for proposed utility layouts, including municipal sewers, storm sewers, water distribution lines, natural gas, telephone and electric service, including required street lights (minimum 100 watt sodium vapor) one for each six lots, 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 mean sea levels datum for sanitary sewers and storm sewers.

g. Proposed street names.

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

i. 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 subdivider’s ownership).

j. Site calculations, including acreage in total tract to be subdivided, acreage in parks and other nonresidential use, total number of parcels created, and linear feet in streets.

l. Proposed minimum building setback lines.

m. The names of owners of adjoining properties and any adjoining subdivision of record (or proposed and under review).

n. Any proposed equestration trails, natural buffers, pedestrian (sidewalks), bicycle, or other rights-of-way, utility or other easements, their location, width, and purposes.

o. 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 section. If any street is proposed to intersect with a state maintained road, the plan shall be accompanied by an application for driveway approval as required by the Department of Transportation, division of Highways Manual on Driveway Regulations.

p. Existing and proposed common property lines, both on the tract to be subdivided and on adjoining properties, buildings, or other structures, water courses, 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.

q. Proposed lot lines, lot and block numbers, and approximate dimensions.

r. Wooded areas, marshes, swamps, sand dunes, maritime forest, streams or stream beds and any other natural features affecting the site.

s. The preliminary plan shall be accompanied by a copy of any proposed deed restrictions or similar covenants (mandatory when private recreation areas are established).

t. Date of plan preparation.

u. The name(s), address(es), and telephone number(s) of the owner(s), registered surveyor(s), land planner(s), architect(s), landscape architect(s), and professional engineer(s) responsible for the subdivision.

v. Topographic map showing vertical contours every 2 feet.

w. Any other information considered by either the subdivider or the Town to be pertinent to the review of the preliminary plan.

8. **Review Procedure**

The preliminary plan shall be reviewed by the TRC first and the TRC’s recommendation shall be forwarded to the Planning Board. The Planning Board shall review and take action on each preliminary plan within 45 days after first consideration by the Planning Board, provided that the plan complies with all of the requirements of the ordinance with respect to content. First consideration shall be at the first regularly scheduled meeting that occurs at least 21 days after the TRC recommendation. Once the Planning Board makes a recommendation, the preliminary plan will be placed on the next regularly scheduled Town Council meeting.

9. **Disposition of Copies**

1. **Planning Board Action**

If the plan is approved by the Planning Board, approval shall be noted on at least 2 copies of the plan by the Subdivision Administrator. One copy shall be returned to the subdivider and one copy shall be retained by the Planning Department.

If the preliminary plan is disapproved, the Planning Board shall specify the reasons for such action in writing. One copy of such reasons shall be retained by the Planning Board (in the Planning Department) and one copy shall be
given to the subdivider. If the preliminary plan is disapproved, the subdivider may make the recommended changes and submit a revised preliminary plan to the Planning Board, or appeal the Planning Board’s decision to the Town Council.

2. Town Council Action

Once the plan is approved by the Town Council, approval shall be noted on at least 2 copies of the plan. One copy shall be returned to the subdivider and one copy shall be retained by the Planning Department.

If the preliminary plan is disapproved by the Town Council, the Council shall specify the reasons for such action in writing. One copy of such reasons shall be retained by the Town Clerk, one copy shall be given to the subdivider, and one copy shall be placed in the file located in the Planning Department. The subdivider may make the recommended changes and submit a revised preliminary plan to the Council without going through TRC and Planning Board approval if agreed upon by the Council.

10. Final Plat

Upon approval of the preliminary plan by the Town Council, the subdivider may proceed with the preparation of the final plat and the installation or arrangement for required improvements in accordance with the approved preliminary plan and the requirements of this ordinance. Prior to approval of a final plat, the subdivider shall have installed improvements specified in this ordinance or guaranteed their installation as provided for in 10.6.

The final plat shall constitute only that portion of the preliminary plan which the subdivider proposes to record and develop at the time; such portions shall conform to all requirements of this ordinance.

No final plat will be accepted for review by the Town Council unless accompanied by written notice by the Subdivision Administrator acknowledging compliance with this ordinance.

The final plat shall be submitted not more than twelve (12) months after the date on which the preliminary plat was approved, unless a written extension of this time limit has been granted by the Planning Board prior to expiration of the one year anniversary of the approval.
1. **Number of Copies**

Ten copies of the final plan shall be submitted for Town Council Review.

2. **Plat Prepared**

The final plat shall be prepared by a surveyor or professional engineer licensed and registered to practice in the State of North Carolina. The final plat shall substantially conform to the preliminary plan as it was approved. The final plat shall conform to the provision set forth in GS 47-30 of North Carolina.

3. **Size of Plat and Scale**

Final plats may have an outside marginal size of not more than twenty one (21) inches by thirty (30) inches including one and one half (1 ½) inch border on each of the sides. Where size of land areas or suitable scale to assure legibility require, maps may be placed on two or more sheets with appropriate match lines. Final plats shall be drawn at a scale of one inch equals two hundred feet or greater.

4. **Contents Required**

The final plat shall depict or contain the following information. A plat not illustrating or containing the following information shall be returned to the subdivider or his authorized agent for completion and resubmission.

- **a)** The name of the Subdivision;
- **b)** 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;
- **c)** Scale denoted both graphically and numerically;
- **d)** The plans for utility layouts, including sewers, storm sewers, water distribution lines, natural gas, telephone and electric service, illustrating connections to existing systems or plans for individual water supply systems and/or sewage disposal systems. Plans must show line sizes, the location of fire hydrants, blow-offs, manholes, pumps, force mains, and gate valves;
- **e)** Street Names;
- **f)** The location, purpose, and dimensions or areas to be used for purposes other than residential;
g) Minimum building setback lines; refer to present Zoning Ordinance;

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

i) The location and dimensions of all rights-of-way, utility or other easements, trails, natural buffers, pedestrian or bicycle paths, and areas to be dedicated to public use with the purpose of each stated;

j) Right-of-way lines and pavement widths of all streets and the location and width of all adjacent streets and easements;

k) Property lines, buildings, or other structures, water courses, 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;

l) Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary line, street line, lot line, rights-of-way line, easement line and setback line, including dimensions, bearings, or deflection angles, radii, central angles, and tangent distances for the center line of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest one tenth of a foot and all angles to the nearest minute;

m) The accurate locations and descriptions of all monuments, markers, and control points;

n) The blocks numbered consecutively throughout the entire subdivision and the lots numbers consecutively throughout each block with appropriate street number identification for each lot;

o) The deed restrictions or any other similar covenants proposed for the subdivision, if any (mandatory when private recreation areas are established under the provisions of Article VII of this ordinance)

p) The date of the survey and plat preparation;

q) North arrow and declination;

r) All certifications as required by Section 10.4 of this article;

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

t) The name(s), address(es), and telephone number(s) of the owner(s), registered surveyor(s), land planner(s), architect(s), landscape architect(s), and professional
engineer(s) responsible for the subdivision and the registration number(s) and seal(s) of the professional engineer(s) and registered surveyor(s);

u) Any other information considered by either the subdivider or the Planning Board to be pertinent to the review of the final plat.

5. Certification Required

The following signed certificates shall appear on all copies of the final plat which are submitted to the Town Council by the Subdivider:

a. Certificate of Ownership and Dedication

I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of Surf City, and that I hereby adopt this plan of subdivision with my free consent, established minimum building setback lines, and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I hereby dedicate all sanitary sewer, storm sewer, and water lines to the Town of Surf City.

___________________________   ______________________
Owner                      Date

b. Certification of Approval of Water Supply and Sewerage Disposal Systems

I hereby certify that the water supply and sewage disposal systems installed in ____________ Subdivision meet necessary public health requirements and are hereby approved.

___________________________   ______________________
Pender or Onslow County       Date
Health Officer or his
Authorized Representative

Note: Certification b. not required for subdivisions which are connected or will be connected to existing publicly owned and operated water supply and sewage disposal systems.
c. **Certificate of Private Street Maintenance Agreement**

The Homeowner’s Association is responsible for all repairs made to the private street system including repairs needed when work is performed on the public utility system.

______________________________  ____________
Homeowners Association/Developer  Date

d. **Certificate of Survey and Accuracy**

I, ____________________ certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book _______, Page______ etc) (other); that the error of closure as calculated by latitudes and departures is 1:__________; that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____, Page ________; that this map was prepared in accordance with GS 47-30, as amended. Witness by hand and seal this ______ day of __________, A.D. 20____.

________________________    ___________________
Register Surveyor or Professional Engineer  License or Registration Number

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e. **Certificate or Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements**

I hereby certify that all streets, utilities and other required improvements have been installed in an acceptable manner and according to Surf City specifications and standards in the _____________ Subdivision or that guarantees of the installation of the required improvements in an amount and manner satisfactory to Surf City has been received and that the filing fee for this plat, in the amount of $______________ has been paid.

__________________________
Town of Surf City Director of Public Works
f. Certificate of the Subdivision Administrator

I hereby certify that the plat has been through the required Subdivision Review process and meets all current Town Codes.

_____________________________  ____________
Subdivision Administrator  Date


g. Certificate of Disclosure-North Carolina Coastal Area Management Act (CAMA) if applicable.

I (we) hereby certify that prior to entering any agreement or any conveyance with a prospective buyer, I (we) shall prepare and sign and the buyer of the subject real estate shall receive and sign a statement which fully and accurately discloses that the buyer may have responsibility to obtain a development permit (minor or major) and the agency to which an application must be filed in order to obtain said permit prior to any undertaking or activity subject to the requirements of the North Carolina Coastal Area Management Act.

__________________________  ______________
Owner of Subdivision  Date


h. Certificate of Approval for Recording

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for Surf City, North Carolina, and that this plat has been approved, by the Surf City Town Council for recording in the Office of the Register of Deed of Pender or Onslow County, whichever is applicable.

__________________________  ______________
Mayor, Surf City  Date

__________________________  ______________
Town Clerk  Date

(Seal)
6. **Performance Guarantee**

In lieu of prior construction of the improvements required by this ordinance, the Town Council may, for the purpose of approving a final plat, accept a guarantee from the subdivider that such improvements will be carried out according to the final plat and Surf City’s specifications at his expense. No performance guarantee will be considered by the Town Council on any subdivision that has not installed at least 10% of the required improvements. Such guarantee may be in the form of a surety bond made by a surety company licensed to do business in North Carolina, a letter of credit or certified check drawn in favor of Surf City, or cash deposited with the Town of Surf City. Such guarantee shall be in an amount of one hundred fifty (150) percent of the estimated cost of the construction of the required improvements. This amount shall be determined by the Town Council. Performance guarantees shall run for a period of one (1) year and may be renewed once for a period of one (1) year upon written approval from the Town Council.

7. **Defect Guarantee**

The Town Council may require a bond guaranteeing utility taps, curbs, gutters, street pavement, sidewalks, drainage facilities, water and sewer lines, and other improvements against defects for one (1) year. This bond shall be in the amount determined by the Town Council or consulting engineer and shall be in cash or be made by a surety company authorized to do business in North Carolina.

8. **Maintenance Guarantee**

The Town Clerk shall secure from all subdividers a letter in which said subdivider 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 subdivider for a period of one (1) year after the acceptance of such improvements by Surf City.
9. **Town Council Review**

If the Town Council approves the final plat, the subdivider shall obtain signatures for all certifications and present the number of Section 10.11 of this section.

If the final plat is disapproved by the Town Council, the reasons for such disapproval shall be stated in writing, specifying the provision(s) of this ordinance with which the final plat does not comply. One copy of such reasons shall be retained by the Town Council as part of its proceedings, one copy shall be transmitted to the Planning Board; and one copy shall be transmitted to the subdivider. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance with this ordinance and resubmit same for reconsideration by the Town Council as a new application for review along with application fees.

10. **Effect of Plat Approval on Dedication**

The approval of a final plat shall not be deemed to constitute or affect the acceptance by Surf City of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, Surf City may by resolution of the Town Council accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision regulation jurisdiction. For subdivisions located outside the town limits, see Article IV 3. Effect of Plat Approval on Dedications.

11. **Number of copies and graphic media of Approved Final Plat**

After approval of the subdivision by the Town Council, five (5) copies of the final plat shall be submitted. Three of these shall be drawn on film suitable for reproduction (ie: mylar) and two copies shall be black or blue line paper prints. In addition, one digital version of the plat shall be provided to the Town. This digital version shall utilize the latest version of the software used by the Town.
12. **Recording of the Final Plat**

The developer shall file the approved final plat with the Register of Deeds of Pender County or Onslow County, whichever is applicable, for recording within thirty days after the date of the Town Council’s approval; otherwise, such approval shall be null and void. Within five days of recordation, the developer shall file with the Subdivision Administrator a copy of said final plat certified as a true copy of Pender County or Onslow County, which is applicable, Register of Deeds.

13. **Resubdivision Procedures**

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

**ARTICLE VI IMPROVEMENTS REQUIRED AND MINIMUM STANDARDS OF DESIGN**

1. **Suitability of Land**

   a. Land designated as Areas of Environmental Concern shall be developed in accordance with Coastal Area Management Act of 1974; Coastal Resources Commission Guidelines, and Policies of the Surf City Land Use Plan.

   b. All subdivision development shall comply with the Flood Damage Prevention Ordinance of Surf City, NC as amended. Lands within flood fringe districts and coastal high hazard districts shall be so identified on the preliminary plans.

      1. All subdivision proposals shall be consistent with the need to minimize flood damage.

      2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electric, and water systems located and constructed to minimize flood damage. Exception may be allowed for privately approved
community water supply and/or sewage systems if public utilities and facilities are not available.

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of fifty lots or five acres.

c. Fill Areas (Solid Waste Disposal Areas) Areas that have been used for the disposal of solid waste shall not be subdivided into commercial or residential building sites. This shall include those areas that have been used for the disposal of trash, demolition waste, and other waste materials.

2. Sidewalks

Sidewalks shall be constructed to a minimum width of five feet on both sides of collector streets and streets considered above the collector street status and on one side of the street classified as residential streets as well as cul-de-sac bulbs. The sidewalk shall consist of a minimum thickness of four inches of reinforced concrete. Sidewalks shall be of an approved hard surface and meet ADA requirements. All sidewalks shall be placed in the rights-of-way, unless the development is platted as a planned unit development.

3. Name of Subdivision

The name of a subdivision shall not duplicate nor closely approximate the name of an existing subdivision within the jurisdiction of Surf City.

4. Sedimentation Pollution Control

In order to prevent soil erosion and sedimentation pollution of streams, springs, flat water bodies, or other drainage networks, the subdivider shall comply with all requirements of the North Carolina Sedimentation Pollution Control Act of 1973 and any locally adopted sediment control ordinances.

Note: Information concerning sedimentation controls and plans available through local Agriculture Extension Office or the North Carolina Department of Natural and Economic Resources, Sedimentation Control.
5. **Storm Water Drainage**

The subdivider shall provide an adequate drainage system for the proper drainage of all surface water. The plan of such a system shall be certified by a registered professional engineer and/or a registered land surveyor licensed to practice in North Carolina, and shall be subject to the approval of the Town Council and all applicable agencies.

- **a.** No surface water shall be channeled or directed into a sanitary sewer.
- **b.** Where feasible, the subdivider shall connect to an existing storm drainage system.
- **c.** Where an existing storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to protect the proposed development from water damage due to ponding.
- **d.** Surface drainage courses shall have side slopes of at least sufficient size to accommodate the drainage area without flooding.
- **e.** The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one foot in each three hundred feet of horizontal distance where necessary.
- **f.** All streets in a planned unit development, shall have curbs and gutters constructed to Department of Transportation standards. The Town Council may require curb and gutters on streets abutting larger lots if it is deemed appropriate for the control of surface drainage and/or to facilitate street cleaning and maintenance.

6. **Water and Sewerage Systems**

The preliminary subdivision plan must be accompanied by satisfactory evidence as to the proposed method and system of water supply and sanitary sewage collection and disposal.

- **a.** Where the system is to be connected to the system owned and operated by Surf City or sanitary district, but not constructed by the municipality or the County, the preliminary subdivision plan shall be accompanied by a complete set of construction plans for the proposed system, prepared by a registered engineer, and approved by the engineer of the public sewer system or public water system, and the appropriate state agency. Water supply systems shall be in accordance with the Ordinance Governing the Operations of the Municipal Water System, Surf City, NC adopted February 3, 1976 and as amended. Water supply systems should be approved by the fire department as to location of hydrants and size of mains. No mains shall be less than six inches inside diameter, and they
shall be laid out so as to create a complete circuit, with no dead end lines in excess of three hundred feet. A blowout shall be placed at the dead end. Water systems shall be looped and interconnected. Water and sewer lines shall be stubbed out as required for future connectivity.

b. Where the proposed system does not contemplate the use of facilities owned and operated by any of the above, the proposed facilities shall be approved by the appropriate agency.

c. Where public or community water supply and/or sewerage systems are not available or to be provided, a written statement from the Surf City Building Inspector shall be submitted with the preliminary plan indicating that each lot has adequate land area and soil conditions suitable to accommodate the proposed methods of water supply and sewage disposal. Sewage disposal systems shall be approved in accordance with the Ordinance Governing the Disposal of Sewage adopted May 4, 1976 and as amended.

7. Streets

a. Street and Parking Lot Connectivity. Interconnecting street and parking lot design encourages alternative modes of transportation to the automobile, improves traffic safety through slower speeds and potentially reduces vehicle miles traveled.

1. Streets shall interconnect with a development and with adjoining developments. Proposed streets shall be extended by dedication to the boundary of such property and a temporary turn around shall be provided.

2. Cul de sacs are permitted only where topographic conditions offer no practical alternatives for connection or through traffic.

3. Street stubs shall be provided to adjoining parcels of land for future road connections as approved by the Town.

4. New street layouts shall be coordinated with the existing street patterns.

5. Where possible, existing principle streets shall be extended to create one continuous street.

6. Parking lots shall interconnect to all adjacent development.

7. All new and improved streets must be paved.
b. Street Names, Street Name Signs, Regulatory Signs, and Design Standards.

1. Street Names. Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names irrespective of the use of a suffix such as street, avenue, drive, place, court, etc.

2. Street Name Signs

Public Streets:
   a. All subdivision streets and roads shall have street name signs conforming to town specifications at each intersection. Street name signs that do not conform to town specifications shall not be permitted.
   b. Each intersection shall have at least one post with street name signs indicating the names of all intersecting streets. Street name signs shall be located on the corner(s) of the intersecting streets.
   c. Street name signs for subdivision streets and roads to be included in the state and/or town maintenance system (ie: public streets) shall have white lettering on a green background.
   d. Conventional abbreviations for the type of street are acceptable. The street name shall not be abbreviated.
   e. All street name signs shall be in place and all specifications shall be met prior to the approval of the final plat.

Private Streets:

   a. All subdivisions streets and roads shall have street name signs conforming to town specifications at each intersection. Street name signs that do not conform to town specifications shall not be permitted.
   b. Each intersection shall have at least one post with street signs indicating the names of all intersecting streets. Street name signs shall be located on the corner(s) of the intersecting streets.
c. Street name signs for private subdivision streets and roads shall white lettering on a blue background and shall include a marking on the street name sign that distinguishes the street as a private street. Such markings shall have black lettering on a yellow background.

d. Conventional abbreviations for the type of street are acceptable. The street name shall not be abbreviated.

e. All street name signs shall be in place and all specifications shall be met prior to the approval of the final plat.

3. Regulatory Signs. All subdivision streets and roads, both public and private, shall have regulatory signs conforming to NC Department of Transportation specifications with the exception that sand blasted signs with the approved color scheme is allowed with approval of the Planning Board. All regulatory signs shall be in place and all specifications shall be met prior to the approval of the final plat.

c. Frontage Streets. Where a tract of land to be subdivided adjoins a minor thoroughfare, the subdivider may be required to provide a frontage street parallel to the arterial street or reverse frontage on a minor street for the lots to be developed adjacent to the arterial. Where reverse frontage is established, private driveways shall be prevented from having direct access to the minor thoroughfare.

d. Private Streets. Subdivisions proposed south of the intracoastal waterway may propose private streets within subdivisions provided they are identified as such on all plats and that the owner and/or homeowner’s association clearly sets forth that they will be responsible for maintenance of said private streets. Composition of private streets shall be graveled and/or paved to meet NC Department of Transportation standards. Private streets shall be noted in the covenants and list the provisions for maintenance.

e. Collector and Minor Streets. Collector and minor streets shall be so laid out that their use by the through traffic will be discouraged. Streets shall be designed or walkways dedicated to assure convenient access to parks, playgrounds, schools, and other places of public assembly.

f. Design Standards for Streets to be Accepted to Surf City Street System. The design of all streets and roads within Surf City which
design to meet state maintenance systems shall be in accordance with
the accepted policies of the NC Department of Transportation,
Division of Highways, as taken or modified from the American
Association of State Highway Officials’ (AASHO) manuals. The
design of all streets and roads within Surf City which desire to be
considered for inclusion in the town maintenance system shall be in
accordance with the NC DOT’s street system policies for state
maintenance. The provision of the street rights-of-way shall conform
and meet the requirements of the Comprehensive Transportation Plan for
Surf City as approved by Surf City Planning Board and adopted by the
Town Council and the NC Department of Transportation, Division of
Highways.

g. **Rights-of-Way Widths.** All streets designated as private shall have a
minimum rights-of-way width of twenty five feet and a minimum cul de
sac diameter of sixty feet.

h. **R**oads and Street Surfaces. All subdivision streets and roads which
desire to be included in state and city street system shall be constructed
(paved) to meet the current requirements of the NC Department of
Transportation, Division of Highways’ standards for state maintenance.
All subdivision streets and roads which desire to be considered for
inclusion in the state and city maintenance system shall be constructed
with an adequate base course and paved in accordance to NC DOT
specifications. The developer of the subdivision shall pay the cost for the
town’s engineer to certify that streets in the subdivision are built to NC
DOT standards.

i. **T**angents. A tangent of at least one hundred feet shall be provided
between reverse curves on all streets. Private streets shall comply where
possible.

j. **St**reet intersections. Street intersections shall be laid out as follows
except private streets shall comply where possible.

1. All streets shall intersect as nearly as possible at right angles and
no street shall intersect at less than sixty degrees.
2. Intersections with a major street shall be four hundred feet apart
measured from centerline to centerline.
3. Where a centerline offset (jog) occurs at an intersection, the
distance between centerlines of the intersecting streets shall be
not less than one hundred twenty five feet.
4. Property lines at street intersections shall be rounded with a
minimum radius of twenty feet. At an angle of intersection of
less than ninety degrees, a greater radius may be required.
5. Proper sight lines shall be maintained at all intersections of
streets. There shall be a clear sight distance of one hundred fifty
feet for major streets and seventy five feet for all other streets from the point of intersection as measured along the centerline. No building or obstruction shall be permitted in this area.

k. **Half Streets.** The dedication of half streets of less than sixty feet at the perimeter of a new subdivision shall be prohibited except where private streets are utilized. If circumstances render this impracticable, adequate provision for the concurrent dedication of the remaining half shall be provided by the proposed development. However, a partial width right of way, not less than sixty feet in width, may be dedicated when adjoining undeveloped property that is owned or controlled by the subdivider; provided that the width or a partial dedication will permit the installation of such facilities as may be necessary to serve abutting lots. When the said adjoining property is subdivided, the remainder of the full required right of way shall be dedicated.

l. **Cul de sacs.** All deadend streets shall not exceed seven hundred feet in length unless necessitated by topography and shall be provided with a turn around having the dimensions of 100 feet in diameter. Hammerhead turn arounds are allowed on streets that end at the adjacent property line. A hammerhead turn around is considered a temporary means until the adjacent property is developed, at which time the hammerhead is removed and the street is continued into the next development.

8. **Design Standards for Blocks**

   1. **General**

      The lengths, widths, and shapes of blocks shall be determined with due regard to: provision of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements as to lot sizes and dimensions; needs for vehicular and pedestrian circulation, control and safety of street traffic; limitations and opportunities of topography; and convenient access to water areas.

   2. **Block Length**

      Blocks shall not be less than four hundred feet nor more than thirteen hundred twenty feet in length.
3. **Block Width**

   Blocks shall have sufficient width to allow two tiers of lots of minimum depth except where single tier lots are required to separate residential development from through vehicular traffic or another type of use, or when abutting a water area.

4. **Pedestrian Crosswalks**

   Where deemed necessary by the Planning Board, a pedestrian crosswalk at least fifteen feet in width may be required to provide convenient public access to a public area such as a park or school or to a water area such as the ocean or Intracoastal Waterway.

9. **Design Standards for Lots**

   1. **General**

      The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

   2. **Orientation of Residential Lot Lines.** Side lot lines shall be substantially at right angles or radial to street lines. All lots shall front upon a public or private street. Double frontage lots shall be avoided wherever possible.

   3. **Large Tracts or Parcels.** Where land is subdivided into larger parcels than ordinary building lots, such parcels should be so arranged so as to allow for the opening of future streets and logical further resubdivision.
10. **Design Standards for Easements (Other than Beach Access)**

   Easements shall be provided as follows:

1. **Utility Easements.** Easements for underground or above ground utilities shall be provided where necessary across lots or preferable centered on rear or side lot lines and shall be at least ten feet in width.

2. **Drainage Easements.** Where a subdivision is traversed by a stream or drainage way, an easement shall be provided conforming with the lines of such stream and of sufficient width as will be adequate for the purpose.

3. **Buffer Strips.** A buffer strip of at least fifty feet in width may be required by the Planning Board adjacent to a major street or a commercial development. This strip shall be in addition to the normally required lot dimension, shall be part of the platted lot, and shall be reserved for the planting of trees and shrubs by the developer.

11. **Design Standards for Water and Intracoastal Wetlands Access Areas**

1. **Design Standards for Water Access Areas.** All subdivisions adjoining navigable waters and the Atlantic Ocean shall provide for public access to the water. Such access shall include a ten foot easement every one thousand three hundred twenty feet (1/4 of a mile) along the shoreline adjacent to the subdivision. These facilities shall be approved and dedicated by written instrument to the Town of Surf City and shall be directly accessible to a state or city maintained street or road. Dedicated streets may count toward meeting this requirement.

2. **Design Standards for Intracoastal Wetlands.** All subdivisions adjoining intracoastal wetlands shall provide for public access to the water. Such access shall include a twenty foot easement every one thousand feet or two percent of the linear footage of the wetlands shoreline, whichever is greater, with a minimum of ten feet per subdivision. These facilities shall be approved and dedicated by written instrument to the Town of Surf City and shall be directly accessible to a state or city maintained street or road.
Dedicated streets may count toward meeting this requirement so long as they provide access to the intracoastal wetlands.

12. **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 provision of Section 16, Chapter 89 of the General Statutes of North Carolina 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 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 Surf City jurisdiction area except for commercial and industrial surveys.

13. **Construction Procedures**

1. **Commencement**
   No construction or installation of improvements shall commence in a proposed subdivision until the final plat has been approved and all plans and specifications have been approved by the appropriate authorities.

2. **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.

3. **Access**
   The Building Inspector shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this ordinance.

4. **Inspection**
   The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the Building Inspector to provide for adequate inspection. The approving authorities having full jurisdiction or their representatives shall inspect and approve all completed work prior to release of the sureties.
5. **Erosion Control**
The subdivider shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be so mulched, seeded, sodded, or otherwise protected.

6. **Existing Flora**
The subdivider shall make every effort to protect and retain all existing trees, shrubbery, and grasses not actually lying in public road ways, 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 #285, Protecting Trees Against Damage from Construction Work, US Government Printing Office, 1964 and as amended. 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.

7. **Construction**
Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.

14. **Oversized Improvements**
Surf City may require installation of certain oversized facilities such as water mains in excess of six inch diameter, when it is in the interest of future development. Surf City shall pay for that portion of the improvement which exceeds the standards set forth in this ordinance.

15. **Underground Wiring**
Where soil, water table, and other physiographical conditions permit, every effort will be made to provide underground electrical service in accordance with any municipal recognized electrical company.
ARTICLE VII    PUBLIC FACILITIES

1.  Educational Areas

Any tract proposed to be subdivided containing 400 acres or 750 dwelling units, a minimum of 35 acres shall be reserved for a school site. The Planning Department Staff shall notify the Pender County or Onslow County, whichever is applicable, School Board of Education that the subdivision has been submitted for approval and that under the ordinance a school site may be reserved therein. If the appropriate School Board has not responded by the TRC meeting, then the Town shall submit a certified letter to the School Board asking for a written response within 15 days, otherwise, the reservation of land will not be required. In reviewing the subdivision and giving approval thereto, the Planning Department Staff shall consult the Board of Education in determining the exact size and location of any school site to be reserved therein. Before the final plat of the subdivision is approved, the Board of Education shall determine whether or not it wishes to have a school site reserved in the subdivision. If the Board of Education wishes to have a school site reserved in the subdivision, the subdivision as finally approved shall reserve a school site of a size and location agreeable to the Board of Education and to the Planning Board. The Board of Education shall then have eighteen months beginning on the date of final approval of the subdivision within which to acquire the site. If either Board of Education has not purchased or begun proceedings to acquire the site within eighteen months after the subdivision is finally approved, the subdivider may treat the lands as freed of the reservation. If the Board of Education does not wish to have a school site reserved, the subdivider shall be immediately notified that he may proceed with the disposition of the land in question in accordance with the subdivision procedures and provision of this ordinance.

2.  Recreation Areas

1.  Every person who subdivides land shall at the time of final approval of the subdivision plat agree to dedicate a portion of such land, as set forth in this ordinance for the purpose of providing recreation areas, parks or open space to serve the future owners of the subdivision. As an alternative to the dedication of a portion of such land by the subdivider and/or where it is determined by the Planning Board and Town Council that a dedication of land is not feasible in a given plat or incompatible within the Surf City Land Use Plan, the subdivider may make provisions for an equitable amount of land in another location, or pay to the Town a fee in lieu of dedication as provided therein. A minimum of 30% of the recreational area must be utilized for passive recreational purposes.

2.  The land received under this ordinance shall be used only for the purpose of providing open space, park and/or recreational areas, but shall not be so restricted should the Town determine to sell
such land as provided by this paragraph. The Town shall have the right to sell any land dedicated to the Town for park and recreational purposes after a finding by the Planning Board that a particular piece of property is not appropriate for recreational development or incompatible with the Surf City Land Use Plan. The sale of said property shall be restricted to be used as is adjacent property. Fees collected in lieu of dedications and any proceeds from such transactions or sales shall be held in a special fund by the Town. The funds shall be used by the Town for the purpose of acquiring and developing open space and recreation areas and for no other purposes. The depository for such funds may be the same as permitted other funds of the Town and pending their expenditure in accordance with the terms of this act, such funds may be invested as other funds of the Town. The Town may at its discretion add additional monies to the fund for the purposes of purchasing open space and recreational land. On all matters not specifically provided for in this ordinance, the Municipal Fiscal Control Act, as amended, shall be controlling.

3. The land dedicated under this ordinance or any provisions made under this ordinance shall be used only for the purpose of providing open space, parks or recreation areas and the location of the land shall bear a reasonable relationship to the use of the area by the future inhabitants of the subdivision or development.

4. Where land for private park and recreational purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by all of the future owners within the subdivision, such areas may be credited against the requirement of dedication for open space, park and recreation purposes, as set forth in this ordinance, provided the Town Council, upon recommendation of the Planning Board, finds it is in the public interest to do so, and that the following standards are met:

a. That yards, court areas, setbacks, and other open areas required to be maintained by the zoning and building regulations, shall not be included in the computation of such private recreation areas; and

b. That the private ownership and maintenance of the recreation areas is adequately provided for by written agreement; and

c. That the use of the private recreational areas is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of property within the tract and which can not be defeated or eliminated without the consent of the Town Council.
d. The proposed private park or recreational area is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, soil conditions, access, and location; and is in substantial accordance with the provisions of the park and recreational elements of the comprehensive plan as interpreted by the Planning Board; and

e. That all land set aside for privately controlled park and recreational areas be made available to all owners of the development against which the site obligation was originally assumed.

5. Where open space, park or recreational space is deeded to a property/homeowners association or any nonprofit ownership in lieu of public dedication or fee payment, the subdivider or owner shall record a declaration of covenants and restrictions that will govern the open space of the association or nonprofit organization. This shall be submitted with the application for preliminary plan approval. Provisions shall include but not be limited to the following:

a. The property/homeowners association shall be established before the homes are sold.

b. Membership shall be mandatory for each buyer and all successive buyer(s).

c. The association shall be responsible for the liability insurance, local taxes and the maintenance of recreational and other facilities.

d. Any sums levied by this association that remain unpaid shall become a lien on the individual owner’s property which shall be subordinate only to tax and mortgagee liens.

e. If all or any portion of property held by the association is being disposed, or if the association is dissolved, adequate open space shall be deeded to the Town to satisfy the requirements for public recreation facilities under this article.

6. Nothing herein shall be construed to limit the amount of privately controlled open space land which may be
included under this agreement, over and above the recreation and park site obligation.

7. All land dedicated for recreation and park development shall substantially meet the following criteria:

a. **Unity.** The dedicated land shall form a single parcel of land except where the Planning Board determines that two parcels or more would be in the public interest and may also determine that a connecting corridor of open space is in the public interest, and in which case the path shall not be less than thirty feet wide for the purpose of accommodating a path or trail.

b. **Shape.** The shape of the parcel of land dedicated for recreation and park purposes shall be sufficiently round or square to be usable for recreational activities such as softball, tennis, croquet, etc. Open Space that is provided need not meet this requirement. Moreover, such lands should be linear in shape and so located as to provide for linkage between recreation and park area, dwelling structures and other open space networks.

c. **Location.** The dedicated recreation or park land shall be located so as to reasonably serve the recreation needs of the subdivision for which the dedication was made. As a general criteria, such areas should be located so that every building/dwelling unit is within one quarter mile of one or more recreation or park areas.

d. **Access.** Public access to the dedicated land shall be provided either by adjoining street frontage or public easement at least twenty feet in width.

e. **Topography.** Slope on areas dedicated for recreation shall not exceed five percent.

f. **Usableness.** The dedicated land shall be usable for recreation; lakes may not be included in computing dedicated land area. Where the Planning Board determines that recreational needs are being adequately met, either by other dedicated parcels of land or existing recreational facilities, then land that is not usable for recreation may be dedicated as open space.
g. Plans. Municipal, County, and State plans shall be taken into consideration when evaluating land proposals for dedication.

8. The procedure for determining whether the subdivider is to dedicate land, pay a fee, or both, shall be as follows:

a. Subdivider. At the time of filing a preliminary plan for approval, the owner of the property shall as a part of such filing, indicate whether he desires to dedicate property for open space, park and/or recreation purposes, or whether he desires to pay a fee in lieu thereof. If he desires to dedicate land for this purpose he shall designate the area thereon on the preliminary plan as submitted.

b. Action of the Town. At the time of the preliminary plan approval, the Planning Board shall recommend and the Town Council shall determine as a part of such approval, whether to require a dedication of land within the subdivision, payment of a fee in lieu thereof, or a combination of both.

c. Prerequisites for Approval of Final Plat. Where dedication is required, such dedication shall be shown upon the final plat submitted for approval. Where fees are required the same shall be deposited with the Town prior to the recording of the final plat. Open space covenants for private park or recreational facilities shall be submitted to the Town prior to approval of the final plat and shall be recorded contemporaneously with the final plat.

9. Whether the Town Council accepts the land dedication or elects to require payment of a fee in lieu thereof or a combination of both, shall be determined by consideration of the following:

a. Recreational Element of the Surf City Land Use Plan; and

b. Topography, geology, access, shape, location and other criteria mentioned above relating to land in the subdivision available for dedication; and

c. Size and shape of the subdivision and land available for dedication.
10. The determination of the Town Council as to whether land shall be dedicated, or whether a fee shall be charged or a combination of both, shall be final and conclusive. On subdivisions involving twenty five (25) dwelling units or lots or less, only the payment of fees shall be required.

11. The amount of land required to be dedicated shall be computed on the basis of the following formula:

\[
\text{Area to be dedicated (in acres)} = (0.02) \times (\text{Number of dwelling units or lots})
\]

12. Where a fee is paid in lieu of land dedication, the amount of such fee shall be a sum equal to the fair market value of the amount of land which would otherwise be required to be dedicated. Fair market value shall be determined, at the time of the final plat is submitted, determined by any of the following means:

   a. Fair market value determined by the Town Council on the advice of the Planning Board based upon current appraisals and acceptance by the subdivider.

**Article VIII DEFINITIONS**

1. **General**

   Except as specifically defined herein, all words used in this ordinance shall have their customary dictionary definitions. Certain words or terms used herein are defined as follows:

   (a) Words used in the present tense include the future tense and the future tense includes the present tense. Words used in the singular number include the plural number and the plural number includes the singular number.
   (b) The words “shall” and “will” are mandatory and not discretionary.
   (c) The words “may” and “should” are permissive.
   (d) The word “lot” includes the words “plot”, “parcel”, or “tract”.
   (e) The word “used” or “occupied” as applied to any land or building shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the words “intended” or “designed” to be used or occupied.
(f) The word “map” or “zoning map” shall mean the official zoning map of the Town of Surf City.

(g) The word “ordinance” or “regulation” shall mean this ordinance, including any amendment. Whenever the effective date of the ordinance is referred to, the reference includes the effective date of any amendment to it.

(h) The word “includes” shall not limit the term to specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

(i) And/or: Where a regulation involves two or more items, conditions, provisions or events connected by the conjunction “and”, “or”, or “and/or”, the conjunction shall be interpreted as follows:

1. “And” indicates that all the connected items, conditions, provisions, or events shall apply.
2. “Or” indicates that the connected items, conditions, provisions or events shall apply.
3. “And/Or” indicates that the connected items, conditions, provisions, or events may apply singularly or in combination as is appropriate.

2. **Definitions**

**Alley:** A strip of land owned publicly or privately, set aside primarily for vehicular service access to the rear or side of property otherwise fronting on a street of a higher classification.

**Appeal:** A request for review of any decision which enforces or interprets this ordinance.

**Applicant:** An owner or developer of a site who executes the forms required for obtaining approvals on permits pursuant to this ordinance.

**Authorized Registered Professional:** A professional engineer, registered land surveyor, landscape architect or other professional registered, licensed or certified pursuant to the NC General Statues and authorized by law to prepare the plans and specifications and provide the certifications required by the various provisions of this ordinance.

**Block:** A parcel of land which is bounded by streets, highways and/or railroad rights-of-way, parks or open space, undeveloped land, watercourses or bodies of water, channels or combination thereof.

**Building:** See structure.

**Building Inspector:** The Town of Surf City Inspector or designee.
**CAMA:** (Coastal Area Management Act) refers to the North Carolina State Law that was first enacted in 1974 and any of its subsequent amendments.

**Clearcutting:** large scale, indiscriminate removal of trees, shrubs, and undergrowth with the intention of preparing real property for non agricultural purposes.

**Clearing:** Any activity which removes vegetative ground cover.

**Code Enforcement Officer:** The town appointed official responsible for the enforcement of the Town codes to ensure compliance with the provisions of this code and any other assigned codes or local laws.

**Contiguous property:** All parcels or tracts of land which continuously abut or adjoin each other.

**Corner Lot:** A lot abutting upon two or more streets at their intersection.

**Coverage:** An area determined in square footage.

**Curb:** A structural element at the edge of an existing or proposed street or other way, generally at a higher elevation than the adjacent edge of roadway, installed to deter vehicles and water from leaving the roadway, to otherwise control drainage to delineate the edge of existing or future roadways or driveways, to present a more finished appearance to the street, to assist in the orderly development of the roadside and to contribute to the stability and structural integrity of the pavement.

**Developer:** A person undertaking any or all of the activities of a development as defined by this ordinance.

**Double frontage lot:** a continuous (through) lot accessible from both streets upon which it fronts. Corner lots fronting on three streets are included.

**Driveway, Private:** The area outside a street intended to serve as ingress and/or egress for vehicular traffic between the street property line and an off street parking area outside the street.

**Driveway, Public:** The area between the roadbed of a public street and other property, designed for, or installed, serving as ingress and/or egress for vehicular traffic between such roadbeds or traveled portion of the street and an off street parking area or private driveway.

**Easements:** A grant by the property owner for use by the public, corporation, or person(s), of a strip of land for specified purposes and times.
**Erosion and sediment control measures:** A system of structural and vegetative measures that minimize soil erosion and off site sedimentation. The term, where appropriate, shall include stormwater management measures.

**Erosion:** The process by which the ground surface is worn by the action of wind, water, or gravity.

**Essential Site improvements:** Any construction or reconstruction of the site development features required by any local, state, or federal regulations, ordinances or laws, such as underground drainage, off street parking, driveways, retention areas or similar improvements required for the intended use of the site, which cannot be accommodated on the site without removal of the protected trees.

**Excavation:** Any act, or the conditions resulting from, by which soil, earth, sand, gravel, rock or similar material is cut into, dug, quarried, uncovered, removed, displaced, or relocated.

**Grading:** Any act causing disturbance of the earth. This shall include but not be limited to any excavating, filling, stockpiling of earth materials, grubbing, root mat or topsoil disturbance, or any combination of such.

**Impervious:** The condition of being impenetrable by water. Impervious surface areas shall include but are not limited to roofs, driveways, patios, sidewalks, parking areas, tennis courts, concrete or asphalt streets, crushed stone and gravel surfaces.

**Imperviousness:** The degree to which a site is impervious.

**Land disturbing activity:** Any earth movement and land use changes which may result in soil erosion or the movement of sediments into waters or onto other lands, including, but not limited to, tilling, clearing, grading, excavating, stripping, filling and related activities and the covering of land surfaces with any structure or impermeable material.

**Lot:** A lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area to provide such yards and other open spaces as are herein requires. Such lot shall have frontage on an improved public street, or on an approved private street, except alleys, and may consist of:

(a) A single lot of record;
(b) A portion of a lot of record;
(c) A combination of: complete lots of record; complete lots of record and portions of lots or record; or portions of lots of record;
(d) A parcel of land described by metes and bounds;

Provided that in no case of division or combination shall any residual lot or parcel is created which does not meet the requirements of this ordinance.
**Lot of Record:** A lot which is a part of a subdivision recorded in the office of the Pender County or Onslow County Register of Deeds, whichever is appropriate, or a lot or parcel described by metes and bounds, the description of which has been recorded in the office of the Pender or Onslow County, whichever is appropriate.

**Lot types:**
(a) **Corner Lot:** A lot located at the intersection of 2 or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five degrees.
(b) **Interior Lot:** A lot other than a corner lot with only one frontage on a street.
(c) **Through lot:** A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

**Lot Width:** The distance between the side lot lines as measured at the rear of the required front yard, except for lots on the turning circle of cul-de-sacs which shall be at least eighty percent of the required lot width and maintain an average lot width between the front and rear property lines of at least the minimum lot width for the zoning district in which the lots are located. The width between side lot lines at the foremost points (where they intersect with the street line) shall be at least eighty percent of the required lot width, except on lots on the turning circle of cul-de-sacs.

**Natural Feature:** Any outside landscape feature on the site such as trees, shrubs, or rock formations.

**Natural ground surface:** The ground surface in its original state before any land disturbing activity.

**Official Maps or Plans:** Any map, plan, or policies officially adopted by the Town Council of the Town of Surf City.

**Owner:** Any owner of a legal or equitable interest in real property and the legal representatives of such owner. Owner shall include a person holding a valid and recorded option to purchase real property with respect to which he seeks to establish a vested right under this ordinance.

**Pervious:** Materials having pores or openings that permit liquids to pass through. Marl, ABC Stone, crush and run and other similar materials are not considered pervious.

**Permit:** Either a stormwater discharge, building, sign, erosion and sedimentation control, or other development permit, as may be appropriate within the context of the ordinance.
**Person:** Any individual, corporation, limited liability company, partnership, joint venture, agency, unincorporated association, municipal corporation, county, state, or federal agency or any combination thereof.

**Plans, Construction:** Plan profile sheets in sufficient detail to indicated the construction of all the improvements associated with the property to be subdivided prepared by a professional engineer or land surveyor licensed to practice within North Carolina.

**Plat:** a map or plan which delineates:

(a) A tract or parcel of land which is to be, or which has been subdivided;
(b) A tract or parcel of land to be officially dedicated for public or private use;
(c) A rights-of-way for street or utility purposes to be dedicated for public or private use; or
(d) Any combination thereof.

The word plat shall include the terms, map, plot, plan, plat, replat, or replot.

**Plat, Final:** A plat prepared in accordance with the requirements of this ordinance and GS 47-30, in a form suitable for recording, with necessary affidavits, dedications and with complete bearing and dimensions of all lines defining lots, streets, public and private areas and other dimensions of land required by this ordinance. The final plat shall be approved and recorded prior to the sale of land within a subdivision as defined herein.

**Plan, Preliminary:** A plan prepared in accordance with the requirements of this ordinance, drawn to scale, which delineates a proposed subdivision in sufficient detail including but not limited to, street rights-of-way and lot layout. The preliminary plan precedes the final plat preparation.

**Planning Board:** An advisory board appointed by the Town Council.

**Premises:** Any lot or unplatted tract, or any combination of lots or unplatted tracts held under single ownership or devoted to the same use, or with respect to which there is substantial identity of ownership or use.

**Property owners’ Association:** An incorporated, nonprofit organization established by a developer or an association of property owners whose membership shall consist of individual property owners within a subdivision and operating under recorded legal agreements.

**Replat:** A final plat drawn for the purpose of lot consolidations and rearrangements, which conforms with the definition of a “subdivision” in this section.
Site: A lot or parcel of land, or combination of contiguous lots or parcels of land upon which grading or other land disturbing activity is to be performed.

Street: A dedicated and accepted rights-of-way for vehicular traffic. The word “street” includes the words, alley, road, cul-de-sac, highway and thoroughfare.

Street types:

**Major Thoroughfare:** A street designed to carry heavy volumes of through traffic at fast speeds and which may have access from another street but not from abutting properties.

**Minor Thoroughfare:** A street which carries traffic from minor streets to the system of major thoroughfares.

**Minor Street:** A street which is used primarily for access to the abutting property.

**Collector Streets:** A street whose principle function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties.

**Cul-de-sac:** A short minor street designed to have one end permanently closed. The closed end terminated by a vehicular turnaround.

**Frontage Street:** A minor street which is immediately adjacent to and which parallels a major street or highway, and which provides access to abutting properties and protection form high speed through traffic.

**Hammerhead Street:** A short minor street that terminates at the boundary property line of the subdivision. The hammerhead street will be used as a connection to the adjacent property as it develops.

**Private Street:** A minor street built to DOT standards but maintained by the developer or the property owner’s association.

**Residential Streets:** A street whose primary function is to provide access to abutting properties.

Subdivider: Any person who subdivides or develops any land deemed to be a subdivision as defined in this section.
**Subdivision:** All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development of any type, including both residential and nonresidential 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 Requirements of this ordinance:

1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town as prescribed by this ordinance;
2. The division of land into parcels greater than ten acres where no street rights-of-way dedications 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 or a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street rights-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the Town as provided by this ordinance.

**Subdivision Administrator:** A Town employee(s) appointed by the Town Manager to administer this ordinance.

**Subdivision, Major:** A subdivision of land, as defined herein, which exceeds the classification for a minor subdivision and which shall conform to the procedures for approvals, the requirements and standards as specified in this ordinance and other ordinances of the Town.

**Subdivision, Minor:** A division of a tract or parcel of land into five or fewer lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future), such division of land having all lots abutting an already existing street and requiring no improvements to the land except for the division referred to herein. Each proposed lot will have adequate provisions for handling storm water and meet all other Zoning Ordinance requirements.

**Technical Review Committee (TRC):** A review committee comprised of town employees and other employees of jurisdictions involved with permitting the subdivision.

**Territorial Jurisdiction:** Lots and parcels located within the Town of Surf City town limits or the Town of Surf City Extraterritorial Jurisdiction.

**Town Attorney:** The attorney has appointed by the Town Council.
Town Council: The governing board of the Town of Surf City elected by the general public.

Town Manager: The Town Manager of the Town of Surf City or designee.

Town Planning Department: The town department responsible for administer this ordinance.

Variance: A departure or deviation from the design requirements of the subdivision ordinance necessitated by topographic or other existing physical conditions which make compliance with the requirements of this ordinance an unusual and unnecessary hardship on the subdivider. Such variance shall be approved on with ¾ affirmative vote of the Town Council.