

ARTICLE 25. MAJOR AND MINOR SUBDIVISIONS

Section 25-1: Plat Shall be Required on Any Subdivision of Land

Pursuant to G.S. 160A-372, a preliminary and final plat shall be prepared, approved, and recorded pursuant to the provisions of this Ordinance whenever any subdivision of land takes place.

Section 25-2: Approval Prerequisite to Plat Recordation

Pursuant to G.S. 160A-373, no final plat of a subdivision within the jurisdiction of the city, as established in Section 1-3 of this Ordinance, shall be recorded by the Register of Deeds of Brunswick County until it has been approved as provided herein. To secure any approval of a final plat, the subdivider shall follow the procedures established in this Article.

Section 25-3: Procedures for Review of Major and Minor Subdivisions

All subdivisions shall be considered major subdivisions except those defined as minor subdivisions by Section 2-2. Major subdivisions shall be reviewed in accordance with the procedure in Sections 25-5, 25-6, and 25-7. Minor subdivisions shall be reviewed in accordance with the provisions in Section 25-4. However, if the subdivider owns, leases, holds an option on, or holds any legal or equitable interest in any property adjacent to or located directly across a street, easement, road, or right-of-way from the property to be subdivided, the subdivision shall not qualify under the minor subdivision procedure. Furthermore, the minor subdivision procedure may not be used a second time within three (3) years on any property less than fifteen hundred (1,500) feet from the original property boundaries by anyone who owned, had an option on, or any legal interest in the original subdivision at the time the subdivision received preliminary or final plat approval.

Section 25-4: Procedure for Review of Minor Subdivisions

The subdivider shall submit the final plat so marked to the Administrator for approval. The final plat shall be prepared by a Registered Land Surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. 47-30 and the Standards of Practice for Land Surveying in North Carolina.

Five (5) copies of the final plat shall be submitted; two (2) of these shall be on reproducible material; three (3) shall be black or blue line paper prints. Material and drawing medium for the original shall be in accordance with the Standards of Practice for Land Surveying in North Carolina.

The final plat shall be of a size suitable for recording with the Brunswick County

Register of Deeds and shall be at a scale of not less than one (1) inch equals two hundred (200) feet. Maps may be placed on more than one sheet with appropriate match lines.

Submission of the final plat shall be accompanied by a filing fee as set forth in the city's Fee Schedule. The final plat shall meet the specifications of this section. The following signed certificate shall appear on all five (5) copies of the final plat.

- (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 the City of Southport and that I hereby adopt this plan of subdivision with my free consent and establish minimum building setback lines as noted.

Owner

Date

- (B) Certificate of Survey and Accuracy. In accordance with G.S. 47-30: There shall appear on each plat a certificate by the person under whose supervision such survey or such plat was made, stating the origin of the information shown on the plat, including recorded deed and plat references shown thereon. The ratio of precision as calculated by latitudes and departures before any adjustments must be shown. Any lines on the plat that were not actually surveyed must be clearly indicated and a statement included revealing the source of information. The execution of such certificate shall be acknowledged before any officer authorized to take acknowledgments by the registered land surveyor preparing the plat. All plats to be recorded shall be probated as required by law for the registration of deeds. Where a plat consists of more than one sheet, only the first sheet must contain the certification and all subsequent sheets must be signed and sealed.

The certificate required above shall include the source of information for the survey and data indicating the accuracy of closure of the plat before adjustments, and shall be in substantially the following form:

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

Seal or Stamp

Surveyor

Registration Number

The certificate of the Notary shall read as follows:

“North Carolina, _____ County.

I, a Notary Public of the County and State aforesaid, certify that _____, a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this _____ day of _____, 20____.

Seal or Stamp

Notary Public

My commission expires _____.”

The Administrator shall review the final plat and shall proceed with approval, conditional approval with modifications to bring the plat into compliance, or disapproval of the final plat with reasons within twenty-eight (28) days of initial receipt of the plat.

During review of the final plat, the Administrator may appoint an engineer or surveyor to confirm the accuracy of the final plat, if agreed to by the City Manager. If errors are found which make the plat non-recordable, the costs shall be charged to the subdivider, and the plat shall not be recommended for approval until such errors have been corrected.

If the Administrator approves the final plat, he shall secure all required city signatures and transmit the final plat to the subdivider for recording with the Brunswick County Register of Deeds office.

If the Administrator recommends conditional approval of the final plat with modifications to bring the plat into compliance, he shall retain one (1) print of the plat for the city’s records and return his written recommendation and two (2) reproducible copies of the plat to the subdivider.

If the Administrator disapproves the final plat, he shall instruct the subdivider concerning resubmission of a revised plat, and the subdivider may make such changes as will bring the plat into compliance with the provisions of this Ordinance and resubmit same for reconsideration by the Administrator.

Failure of the Administrator to approve or make a written recommendation within twenty-eight (28) days after receipt of the subdivision plat shall constitute grounds for the subdivider to apply to the Board of Aldermen for approval.

If the Administrator approves the final plat, such approval shall be shown on each copy of the plat by the following signed certificate:

Certificate of Approval for Recording. I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the City of Southport, North Carolina, and that this plat has been approved by the Administrator for recording in the Office of the Register of Deeds of Brunswick County.

Administrator

Date Southport, North Carolina

If the final plat is disapproved by the Administrator, the reasons for such disapproval shall be stated in writing, specifying the provisions of this Ordinance with which the final plat does not comply. One (1) copy of such reasons and one (1) copy of the plat shall be retained by the Administrator for record; one (1) copy of the reasons and three (3) copies of the plat 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 and resubmit same for reconsideration by the Administrator.

If the final plat is approved by the Administrator, the original tracing and two (2) prints of the plat shall be retained by the subdivider. One (1) reproducible tracing and one (1) print shall be filed with the City Clerk.

The subdivider shall file the approved final plat with the Register of Deeds of Brunswick County within thirty (30) days of Administrator approval; otherwise, such approval shall be null and void.

Section 25-5: Major Subdivision Sketch Design Submission and Review

Prior to the filing of an application for approval of a preliminary plat, an applicant shall submit a sketch design plan to the Administrator to be processed in accord with Section 12-5.

Section 25-6: Major Subdivision Preliminary Plat Submission and Review

- (A) Submission Procedure. For every subdivision within the territorial jurisdiction established by Section 1-3 of this Ordinance which does not qualify for the minor subdivision procedure, the subdivider shall submit a preliminary plat which shall be reviewed by the Planning Board and approved by the Board of Aldermen before any construction or installation of improvements may begin.

Twelve (12) copies of the preliminary plat and any supplementary material (as well as any additional copies which the Administrator determines are needed to be sent to other agencies) shall be submitted. The review procedure for major subdivision sketch design shall be followed for the preliminary plan submission. Preliminary plats shall meet the specifications in Section 25-8 to be considered complete.

- (B) Review by Other Agencies. The Administrator may, at his discretion, or as directed by the Planning Board, submit copies of the plat to other agencies for review and comment.
- (C) Review Procedures. The Subdivision Review Committee shall review the preliminary plat before the next regularly scheduled meeting of the Planning Board.

The Subdivision Review Committee shall make recommendations to the Planning Board concerning the subdivision plat. The Planning Board shall, in writing, recommend approval, conditional approval with recommended changes to bring the plat into compliance, or disapproval with reasons.

Upon Planning Board recommendation for approval, the applicant shall submit twelve (12) copies of the plat so recommended and any supplementary material to the City Manager for consideration by the Board of Aldermen. A complete submission shall be made by the Monday one week prior to the week of the regular meeting of the Board of Aldermen in order to be eligible for placement on the agenda.

If the preliminary plat is disapproved, the subdivider may make the recommended changes and submit a revised preliminary plat, or appeal the decision to the Board of Aldermen.

If the Planning Board does not make a written recommendation within sixty (60) days after its first consideration of the plat, the subdivider may apply to the Board of Aldermen for approval or disapproval. However, any deficiencies found in the application for approval will stop the 60 day review period until such deficiencies are corrected.

If the Board of Aldermen approves the preliminary plat, such approval shall be noted on two (2) copies of the plat. One (1) copy of the plat shall be retained by the city, and one (1) copy shall be returned to the subdivider. If the Board of Aldermen approves the preliminary plat with conditions, approval shall be noted on two (2) copies of the plat along with a reference to the conditions. One (1) copy of the plat along with the conditions shall be retained by the city, and one (1) copy of the preliminary plat along with the conditions shall be returned to the subdivider. If the Board of Aldermen disapproves the preliminary plat, the reasons for such disapproval shall be specified in writing. One (1) copy of the plat and the reasons shall be retained by the city, and one (1) copy shall be returned to the subdivider.

Section 25-7: Major Subdivision Final Plat Submission and Review

- (A) Preparation of Final Plat and Installation of Improvements. Upon approval of the preliminary plat by the Board of Aldermen, the subdivider may proceed with the preparation of the final plat, and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this Ordinance. Prior to approval of a final plat, the subdivider shall have installed the improvements specified in this Ordinance, or guaranteed their installation as provided herein. No final plat will be accepted for review by the Board of Aldermen unless accompanied by written notice by the City Clerk acknowledging compliance with the improvement and guaranteeing standards of this Ordinance. The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at this time; such portion shall conform to all requirements of this Ordinance.

- (B) Improvements Guarantees.
 - (1) Agreement and Security Required. In lieu of requiring the completion, installation and dedication of all improvements prior to final plat approval, the city may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements. Once said agreement is signed by both parties, and the security required herein is provided, the final plat may be approved by the Board of Aldermen, if all other requirements of this Ordinance are met. To secure this agreement, the subdivider shall provide, subject to the approval of the City Manager, either one or a combination of the following guarantees equal to 1.25 times the entire cost as provided herein:
 - (a) Surety Performance Bond(s). The subdivider shall obtain a

performance bond(s) from a surety bonding company authorized to do business in North Carolina. The bond(s) shall be payable to the City of Southport, and shall be in amount equal to 1.25 times the entire cost, as estimated by the subdivider and approved by the City Manager, of installing all required improvements. The duration of the bond(s) shall be until such time as the improvements are accepted by the City Manager.

- (b) Cash or Equivalent Security. The subdivider shall deposit cash, an irrevocable letter of credit, or other instrument readily convertible into cash at face value, either with the City of Southport or in escrow with a financial institution designated as an official depository of the city. The use of any instrument other than cash shall be subject to the approval of the City Manager. The amount of deposit shall be equal to 1.25 times the cost, as estimated by the subdivider and approved by the City Manager, of installing all required improvements.

If cash or other instrument is deposited in escrow with a financial institution as provided above, then the subdivider shall file with the City Manager an agreement between the financial institution and himself guaranteeing the following:

1. That such escrow account shall be held in trust until released by the City Manager, and may not be used or pledged by the subdivider in any other matter during the term of the escrow; and
2. That in the case of a failure on the part of the subdivider to complete said improvements, the financial institution shall, upon notification by the City Manager, and submission by the City Manager to the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately either pay to the city the funds estimated to complete the improvement, up to the full balance of the escrow account, or deliver to the city any other instruments fully endorsed or otherwise made

payable in full to the city.

- (2) Default. Upon default, meaning failure on the part of the subdivider to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety, or the financial institution holding the escrow account, shall, if requested by the City Manager, pay all or any portion of the bond or escrow fund to the City of Southport, up to the amount needed to complete the improvements based on an engineer's estimate. Upon payment, the City Manager, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The city shall return to the subdivider any funds not spent in completing the improvements.
 - (3) Release of Guarantee Security. The City Manager may release a portion of any security posted as the improvements are completed. If the City Manager approves said improvements, then it shall immediately release any security posted.
- (C) Submission Procedure. The subdivider shall submit the final plat, so marked, to the Administrator by the Wednesday two weeks prior to the regular meeting of the Board of Aldermen at which it will be reviewed; further, then final plat for the first stage of the subdivision shall be submitted not more than twenty-four (24) months after the date on which the preliminary plat was approved; otherwise such approval shall be null and void, unless a written extension of this limit is granted by the Board of Aldermen upon written request of the subdivider on or before the twenty-four (24) month anniversary of the approval. For subdivisions developed in stages, each successive final plat for a stage of the subdivision shall be submitted for approval within twenty-four (24) months of the date of approval of the previous final plat for a stage of the subdivision.

The final plat shall be prepared by a Registered Land Surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provision for plats, subdivisions, and mapping requirements set forth in G.S. 47-30 and the Standards of Practice for Land Surveying in North Carolina.

Five (5) copies of the final plat shall be submitted, two (2) of these shall be on reproducible material, three (3) shall be in accordance with the Standards of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the Brunswick County Register of Deeds.

The final plat shall be of a size suitable for recording with the Brunswick County Register of Deeds and shall be at a scale of not less than one (1) inch equals two hundred (200) feet. Maps may be placed on more than one sheet with appropriate match lines.

Submission of the final plat shall be accompanied with a filing fee of thirty dollars (\$30.00). The final plat shall meet the specifications in Section 25-8 of this Ordinance.

The following signed certificates shall appear on all five (5) copies of the final plat.

- (1) 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 the City of Southport and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parks, open space, 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 City of Southport.

Owner _____ Date _____

- (2) Certificate of Survey and Accuracy. In accordance with G.S. 47-30: There shall appear on each plat a certificate by the person under whose supervision such survey or such plat was made, stating the origin of the information shown on the plat, including recorded deed and plat references shown thereon. The ratio of precision as calculated by latitudes and departures before any adjustments must be shown. Any lines on the plat that were not actually surveyed must be clearly indicated and a statement included

revealing the source of information. The execution of such certificate shall be acknowledged before any officer authorized to take acknowledgments by the registered land surveyor preparing the plat. All plats to be recorded shall be probated as required by law for the registration of deeds. Where a plat consists of more than one sheet, only the first sheet must contain the certification and all subsequent sheets must be signed and sealed.

The certificate required above shall include the source of information for the survey and data indicating the accuracy of closure of the plat before adjustments, and shall be in substantially the following form:

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

Seal or Stamp

_____ Surveyor

_____ Registration Number

The certificate of the Notary shall read as follows:

"North Carolina, _____ County.

I, a Notary Public of the County and State aforesaid, certify that _____, a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this _____ day of _____, 20____.

Seal or Stamp

_____ Notary Public

My commission expires _____.”

- (3) Certificate of 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 accordance with NC Department of Transportation specifications and standards, or that guarantees of the installation of the required improvements in an amount and manner satisfactory to the City of Southport has been received, and that the filing fee for this plat, in the amount of \$30.00, has been paid.

Administrator, City of Southport

Date

- (4) Certificate of Disclosure; Brunswick County Flood plain Management Regulations, if applicable, to be signed by owner: I (we) hereby certify that prior to entering any agreement or any conveyance with a prospective buyer, I (we) shall prepare and sign, and the buyer of the subject real estate shall receive and sign a statement which fully and accurately discloses that the subject real estate, or a portion of the subject real estate, is located within a flood hazard area and that the buyer must satisfy the requirements of Brunswick County flood plain management regulations prior to the issuance of building permits.

Date

Owner’s Signature

Owner’s Signature

- (5) Acknowledgment of Compliance (Private Developments). I, _____, (name of developer and/or seller) hereby certifies that the streets, parks, open space, or other areas delineated hereon and dedicated to private use, and all traffic markings and control devices shall not be the responsibility of the public or the municipality, acting on behalf of the public, to maintain. Furthermore, prior to entering any agreement or any conveyance with any prospective buyer, I shall

prepare and sign, and the buyer of the subject real estate shall receive and sign, an acknowledgment of receipt of a disclosure statement. The disclosure statement shall fully and completely disclose the private areas and include an examination of the consequences and responsibility as to the maintenance of the private areas, and shall fully and accurately disclose the party or parties upon whom the responsibility for construction and maintenance of such private areas shall rest.

Date

Signature of Developer and/or Seller

Signature of Developer and/or Seller

- (6) Notwithstanding any other provision contained in this section, it is the duty of the surveyor, by a certificate on the face of the plat, to certify to one of the following:
- (a) That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
 - (b) That the survey is located in such portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;
 - (c) That the survey is of an existing parcel or parcels of land;
 - (d) That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, and other exception to the definition of a subdivision;
 - (e) That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of his or her professional ability as to provisions contained in Section 25-26(C)(1) through (C)(5) above.

However, if the plat contains the certificate of a surveyor as stated

in (a), (d), or (e) above, then the plat shall have, in addition to said surveyor's certificate, a certification of approval, or no approval required, as may be required by local ordinance from the appropriate government authority before the plat is presented for recordation. If the plat contains the certificate of a surveyor as stated in (b) and (c), above, nothing shall prevent the recordation of the plat if all other provisions have been met.

The Board of Aldermen shall review the final plat at or before the next regularly scheduled meeting which follows at least two weeks after the Administrator receives the final plat. The Southport Board of Aldermen shall approve or disapprove, according to the provisions of this Ordinance, the final plat within fifty (50) days after receipt of the plat. Failure of the Board of Aldermen to act within fifty (50) days shall constitute denial of the plat.

During its review of the final plat, the Board of Aldermen may appoint a Registered Land Surveyor to confirm the accuracy of the final plat, if agreed to by the City Manager. If errors are found which make the plat non-recordable, the costs shall be charged to the subdivider, and the plat shall not be recommended for approval until such errors have been corrected.

If the Board of Aldermen disapproves the final plat, it shall instruct the subdivider concerning resubmission of a revised plat, and the subdivider may make such changes as will bring the plat into compliance with the provisions of this Ordinance and resubmit same for reconsideration by the Board of Aldermen.

If the Board of Aldermen approves the final plat, such approval shall be shown on each copy of the plat by the following signed certificate:

Certificate of Approval for Recording. I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the City of Southport, North Carolina, and that this plat has been approved by the Board of Aldermen for recording in the Office of the Register of Deeds of Brunswick County.

Date

Southport, North Carolina

If the final plat is disapproved by the Board of Aldermen, the reasons for such disapproval shall be stated in writing, specifying the provisions of this Ordinance with which the final plat does not comply. One (1) copy of such reasons and one (1) copy of the plat shall be retained by the Board of Aldermen as part of its proceedings; one (1) copy of the reasons and three (3) copies of the plat 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 and resubmit same for reconsideration by the Board of Aldermen.

If the final plat is approved by the Board of Aldermen, one (1) reproducible copy and one (1) paper copy shall be returned to the subdivider (the reproducible copy to be filed with the Brunswick County Register of Deeds). Two (2) paper copies shall be retained for the records of the Board of Aldermen. One reproducible copy shall be retained for the permanent files of the Planning Department.

On obtaining final plat approval by the Board of Aldermen, the subdivider shall file the plat with the Brunswick County Register of Deeds. The approved final plat must be recorded within ninety (90) days after approval by the Board of Aldermen, or such action by the Board of Aldermen shall become null and void. A copy of the recorded final plat shall be submitted to the City of Southport Planning Department within ten (10) days following recording of the plat.

Section 25-8: Information to be Contained in or Depicted on Major Preliminary and All Final Plats

The preliminary and final plats shall depict or contain the information indicated in the following table. An "x" indicates that the information is required.

| Information | Preliminary Design Plan | Preliminary Plat | Final Plat |
|--|--|--|--|
| Title Block Containing: –Property Designation –Name of Owner –Location (including township, county, and state) –Date or dates survey was conducted and plat prepared –A scale of drawing in feet per inch listed in words or figures –A bar graph –Name, address, registration number, and seal of the Registered Land Surveyor | x x x x x x x | x x x x x x x | x x x x x x x |
| The name of the subdivider | x | x | x |
| A sketch vicinity map showing the relationship between the proposed subdivision and surrounding area. Scale: 1" = 400' | x | x | x |
| Corporate limits, township boundaries, county lines if on the subdivision tract | | x | x |
| The names, addresses, and telephone numbers of all owners, mortgagees, registered land surveyors, land planners, architects, landscape architects, and professional engineers responsible for the subdivision | | x | x |
| The registration numbers and seals of the professional engineers | | x | x |
| Date of plat preparation | | x | x |
| North arrow and orientation | | x | x |
| The boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented with all bearings and distances shown | | x | |
| The exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands | | | x |
| The names of owners of adjoining property | | x | x |

| Information | Preliminary Design Plan | Preliminary Plat | Final Plat |
|---|-------------------------|------------------|------------|
| The names of any adjoining subdivisions of record or proposed and under review | | x | x |
| Building line minimum | | x | x |
| The zoning classifications of the tract to be subdivided and adjoining properties | x | x | |
| Existing property lines on the tract to be subdivided and on adjoining properties | | | x |
| Existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining | | x | x |
| Proposed lot lines, lot and block numbers, and approximate dimensions | | x | |
| The average lot area and approximate number of lots | x | | |
| The existing and proposed uses of land throughout the subdivision | x | | |
| The lots numbered consecutively throughout the subdivision | | | x |
| Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site | | x | |
| The exact location of the flood hazard, floodway, and floodway fringe areas from the Brunswick County Official Flood Insurance Map | | x | x |
| The following data concerning streets: | | | |
| – Tentative street and lot arrangement | x | | |
| – The approximate rights-of-way, rights-of-way designation (public or private), easements, and lot lines | x | | |
| –Proposed public streets | | x | x |
| –Proposed private streets | | x | x |
| –Existing and platted streets on adjoining properties and in the proposed subdivision | | x | x |

| Information | Preliminary Design Plan | Preliminary Plat | Final Plat |
|---|-------------------------|------------------|----------------|
| –Rights-of-way, location, and dimensions in accordance with Section 25-10 of this Ordinance | | x | x |
| –Pavement widths | | x | x ¹ |
| –Approximate grades | | x | x ¹ |
| –Design engineering data for all corners and curves | | x | x |
| –Typical street cross-sections | | x | x ¹ |
| –Street names | | x | x |
| –For private streets, a street maintenance agreement in accordance with Section 25-10(C) of this Ordinance | | | x |
| <p>–Type of street dedication; all streets must be designated either “public” or “private.” The subdivider must submit all public or private street plans to the Administrator for approval prior to preliminary plat approval. Where public streets are involved which will not be dedicated to the City of Southport, the subdivider must submit the following documents to the NC Department of Transportation District Highway Office for review: a complete site layout, including any future expansion anticipated; horizontal alignment indicating general curve data on site layout plan; vertical alignment indicated by percent grade, PI station and vertical curve length on site plan layout; the District Engineer may require the plotting of the ground profile and grade line for roads where special conditions or problems exist; typical section indicating the pavement design and width and the slopes, widths, and details for either the curb and gutter or the shoulder and ditch proposed; drainage facilities and drainage areas</p> | | x | x |

| Information | Preliminary Design Plan | Preliminary Plat | Final Plat |
|--|-------------------------|------------------|------------|
| –Where streets are dedicated to the public, but not accepted into the City of Southport system or the state system before lots are sold, a statement explaining the status of the street in accordance with Section 25-10(E) of this Ordinance | | | x |
| –If any street is proposed to intersect with a state-maintained road, the subdivider shall apply for driveway approval as required by the North Carolina Department of Transportation, Division of Highways’ Manual on Driveway Regulations. Evidence that the subdivider has obtained such approval | | x | |
| The location and dimension of all of the following: | | | |
| –Utility and other easements | | x | x |
| –Riding trails | | x | x |
| –Natural buffers | | x | x |
| –Pedestrian or bicycle paths | | x | x |
| –Parks and recreation areas with specific type indicated | | x | x |
| –Areas to be dedicated to or reserved for public use | | x | x |
| –Areas to be used for purposes other than residential with the zoning classification of each stated | | x | x |
| –The future ownership (dedication or reservation for public use to governmental body, for owners to duly constituted homeowners’ association, or for tenants remaining in subdivider’s ownership) of recreation and open space lands | | x | |
| Surface and subsurface drainage of the subdivision | x | | |

| Information | Preliminary Design Plan | Preliminary Plat | Final Plat |
|---|-------------------------|--|--|
| <p>The plans for utility layouts including:</p> <ul style="list-style-type: none"> -Sanitary sewers -Storm sewers -Other drainage facilities, if any -Water distribution lines -Natural gas lines -Telephone lines -Electric lines <p>illustrating connections to existing systems, showing line sizes, the location of fire hydrants, blowoffs, manholes, force mains, and gate valves</p> | | <p style="text-align: center;">x</p> <p style="text-align: center;">x</p> <p style="text-align: center;">x</p> <p style="text-align: center;">x</p> <p style="text-align: center;">x</p> <p style="text-align: center;">x</p> <p style="text-align: center;">x</p> | <p style="text-align: center;">x¹</p> <p style="text-align: center;">x¹</p> <p style="text-align: center;">x¹</p> <p style="text-align: center;">x¹</p> <p style="text-align: center;">x¹</p> <p style="text-align: center;">x¹</p> <p style="text-align: center;">x¹</p> |
| Plans for individual water supply and sewage disposal systems, if any | | x | x |
| -Profiles based upon Mean Sea Level datum for sanitary sewers and storm sewers | | x | |
| Site calculations including: | | | |
| -Acreage in total tract to be subdivided | x | x | |
| -Acreage in parks and recreation and open space areas and other nonresidential areas | x | x | |
| -Total number of parcels created | | x | |
| -Acreage in the smallest lot in the subdivision | | x | |
| -Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, central angles, and tangent distance for the center line of curved property lines that are not the boundary line of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute | | | x |
| -The accurate locations and descriptions of all monuments, markers, and control points | | | x |

| Information | Preliminary Design Plan | Preliminary Plat | Final Plat |
|---|-------------------------|------------------|------------|
| –A copy of any proposed deed restrictions or similar covenants. Such restrictions are mandatory when private recreation areas or open space areas are established | | x | x |
| –Where land disturbing activity is an acre or more in size, a copy of the erosion control plan submitted to the appropriate office of the North Carolina Department of Environment and Natural Resources, which complies with NCGS 113A, Article 4 (Sedimentation Pollution Control Act of 1973). Evidence of approval must be provided prior to submittal of a final plat for approval | | x | |
| –Topographic maps with contour intervals of no greater than five (5) feet at a scale of no less than one (1) inch equals four hundred (400) feet | | x | |
| –404 wetland areas as determined by the Wilmington District office of the U.S. Army Corps of Engineers | | x | x |
| –All certifications required in Section 25-7 | | | x |
| –Any other information considered by either the subdivider, the Planning Board, or Board of Aldermen, to be pertinent to the review of the plat | x | x | x |
| –All mapping shall comply with G.S. 47-30 | | x | x |

¹Required on final plat only for minor subdivisions.

Section 25-9: Recombination of Land

- (A) Any plat or any part of any plat may be nullified by the owner at any time before the sale of any lot in the subdivision by a written instrument to which a copy of such plat shall be attached, declaring the same to be vacated.

- (B) Such an instrument shall be approved by the same agencies as approved the final plat. The governing body may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys.
- (C) Such an instrument shall be executed, acknowledged or approved, and recorded and filed in the same manner as a final plat; and being duly recorded or filed, shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.
- (D) When lots have been sold, the plat may be nullified in the manner provided in Sections (A) through (C) above, by all owners of the lots in such plat joining in the execution of such writing.

Section 25-10: Resubdivision Procedures

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

Section 25-11: Streets

- (A) Coordination and Continuation of Streets. The proposed street layout within a subdivision shall be coordinated with the existing street system of the surrounding area, and where possible, existing principal streets shall be extended.
- (B) Street Connectivity Requirements. The Board of Aldermen hereby finds and determines that an interconnected street system is necessary in order to protect the public health, safety, and welfare in order to ensure that streets will function in an interdependent manner, to provide adequate access for emergency and service vehicles, to enhance nonvehicular travel such as pedestrians and bicycles, and to provide continuous and comprehensible traffic routes.

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

except as provided below. Whenever practicable, provisions shall be made for the continuation of planned streets into adjoining areas.

The street network for any subdivision shall achieve a connectivity ratio of not less than 1.40 (see example in Figure 1). The phrase “connectivity ratio” means the number of streets links divided by the number of nodes or link ends, including cul-de-sac heads. A “link” means and refers to that portion of a street defined by a node at each end or at one end. Approved stubs to adjacent property shall be considered links. However, alleys shall not be considered links. A “node” refers to the terminus of a street or the intersection of two (2) or more streets, except that intersections that use a roundabout shall not be counted as a node. For the purposes of this section, an intersection shall be defined as:

- Any curve or bend of a street that fails to meet the minimum curve radius as established in the second table of Section 25-10(S), or
- Any location where street names change (as reviewed and approved by the Administrator).

For the purposes of this section, the street links and nodes within the collector or thoroughfare streets providing access to a proposed subdivision shall not be considered in computing the connectivity ratio.

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

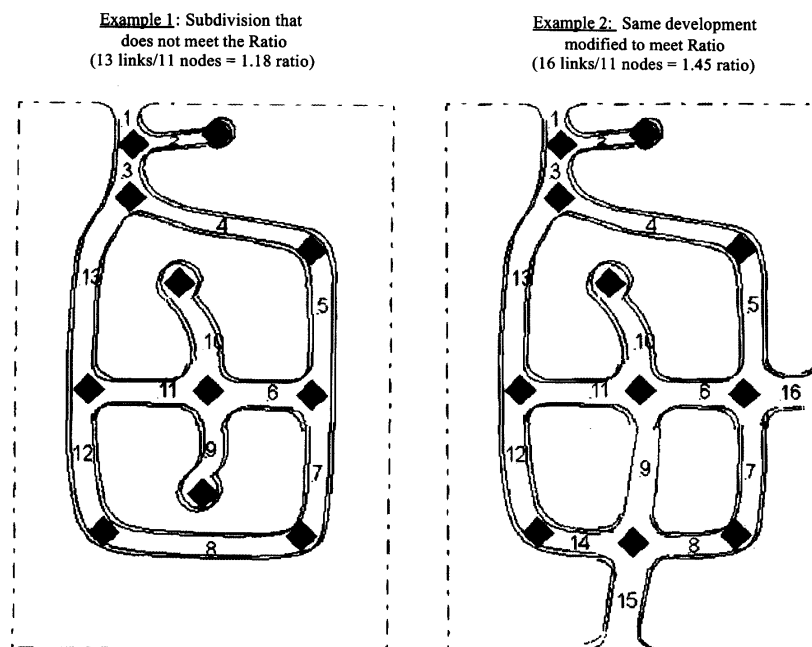
Where necessary to provide access or to permit the reasonable future subdivision of adjacent land, rights-of-way, and improvements shall be extended to the boundary of the development. A temporary turnaround may be required where the dead end exceeds 500 feet in length. The platting of partial width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

Exemption. New subdivisions that intend to provide one new cul-de-sac street shall be exempt from the connectivity ratio standard as set forth in

this section, provide the Administrator determines that there is:

- No options for providing stub streets due to topographic conditions, adjacent developed sites, or other limiting factors; and
- Interconnectivity (use of a looped road) within the development cannot be achieved or is unreasonable based on the constraints of the property to be developed.

Figure 1



- (C) Private Streets. Streets designated as private may be allowed in subdivisions when in the opinion of the Board of Aldermen, they provide adequate ingress and egress onto collector streets, and sufficient

assurance is provided through a legally established homeowners' association, that the street shall be properly maintained.

All such streets shall be designated a "Private Street" on the preliminary plans and final plats. Whenever a private street intersects a US or NC highway or NC secondary road, a statement of approval for the intersection, signed by the District Engineer, North Carolina Department of Transportation, Division of Highways for Brunswick County, shall be submitted concurrent with the final plat.

All private streets must meet Department of Transportation standards for construction and maintenance.

A homeowners' association shall be established for each subdivision containing private streets and drainage systems. The final plat for each such subdivision shall contain a certificate indicating the book and page number of the homeowners' association covenants, conditions, and restrictions. The covenants, conditions, and restrictions shall specify lot owners' responsibilities for maintenance of private streets and drainage systems, and shall provide for assessments to finance all maintenance activities. Covenants shall provide that the homeowners' association will construct all stub streets prior to offering any connecting for acceptance by NCDOT or the city. Final plats for subdivisions containing private streets and drainage improvements will not be approved until the subdivider's homeowners' association documents have been submitted and approved by the Board of Aldermen.

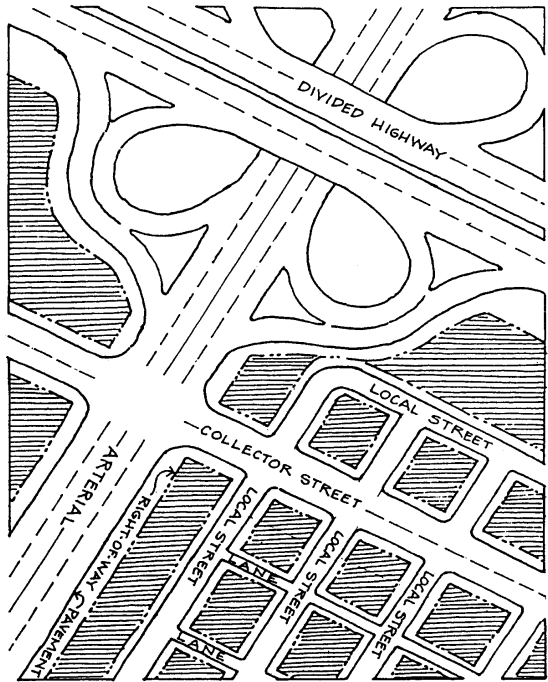
- (D) Marginal Access Streets. Where a tract of land to be subdivided adjoins a principal arterial street, the subdivider may be required to provide a marginal access street parallel to the arterial street or reverse frontage on a minor street for the lots to be developed adjacent to the arterial street. Where reverse frontage is established, private driveways shall be prevented from having direct access to the expressway.
- (E) Subdivision Street Disclosure Statement. All streets shown on the final plat shall be designated in accordance with G.S. 136-102.6, and designation as public shall be conclusively presumed an offer of dedication to the public. Where streets are dedicated to the public but not accepted into a municipal or the state system, before lots are sold, a

statement explaining the status of the street shall be included with the final plat.

- (F) Half-Streets. The dedication of half streets of less than sixty (60) feet at the perimeter of a new subdivision shall be prohibited. If circumstances render this impractical, adequate provision for the concurrent dedication of the remaining half of the street shall be furnished by the subdivider. Where there exists a half-street in an adjoining subdivision, the remaining half shall be provided by the proposed subdivision. However, in circumstances where more than sixty (60) feet of right-of-way is required, a partial width right-of-way, not less than sixty (60) feet in width, may be dedicated when adjoining undeveloped property is owned or controlled by the subdivider; provided that the width of the partial dedication is such as to permit the installation of such facilities as may be necessary to serve abutting lots. When the adjoining property is subdivided, the remainder of the full required right-of-way shall be dedicated.
- (G) 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, road, drive, place, court, etc. Street names shall be subject to the approval of the Board of Aldermen.
- (H) Collector and Minor Streets. Collector and minor streets shall be so laid out that their use by 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.
- (I) Design Standards. The design of all streets and roads within the jurisdiction of this Ordinance shall be in accordance with the accepted policies of the North Carolina Department of Transportation, Division of Highways, as taken or modified from the American Association of State Highway Officials (AASHO) manuals. The NC Department of Transportation, Division of Highways' Subdivision Roads, Minimum Construction Standards, January 1, 2000, or the current NC Department of Transportation standards, shall apply for any items not included in this Ordinance, or where stricter than this Ordinance.

- (J) Nonresidential Streets. The subdivider of a nonresidential subdivision shall provide streets in accordance with I.F.-4 of the North Carolina Roads, Minimum Construction Standards, January 1, 2000; or current applicable North Carolina Department of Transportation Standards; and the standards of this Ordinance, whichever are stricter in regard to each particular item.
- (K) Right-of-Way Widths. Right-of-way widths shall not be less than the following:

| | <u>Minimum Right-of-Way (ft.)</u> |
|--|--|
| Principal Arterial | |
| Freeways | 350 |
| Other | 200 |
| Major Collector | 100 |
| Major Thoroughfare other than Freeway and Expressway | 90 |
| Minor Thoroughfare | 70 |
| Local Street | 60 |
| Cul-de-sac | 100' diameter for turnaround and 45' for street right-of-way |



(L) Pavement Widths. Pavement widths or graded widths shall be as follows:

| | <u>Streets without Curb and Gutter</u> |
|----------------------------|--|
| Minor Thoroughfare | 40 ft. |
| Local Road | 20 ft. |
| Marginal Access (frontage) | 20 ft. |
| Cul-de-sac | 35 ft. |
| Cul-de-sac turnaround | 80 ft. in dia. |

Pavement widths for principal arterials and major thoroughfares shall be determined in concert with the NC Department of Transportation and the Southport Thoroughfare Plan.

(M) Roads and Street Surfaces. All public and private subdivision streets and roads shall be constructed and paved to meet the current requirements of the North Carolina Department of Transportation, Division of Highways' standards for state maintenance.

(N) Tangents. A tangent of at least one hundred (100) feet shall be provided between reverse curves on all streets.

(O) Street Intersections. Street intersections shall be laid out as follows:

- (1) All streets shall intersect as nearly as possible at right angles and no street shall intersect at less than sixty (60) degrees.
- (2) Intersections with a major street shall be at least one thousand (1,000) feet apart, measured from centerline to centerline.
- (3) Where a centerline offset (jog) occurs at an intersection, the distance between centerline of the intersecting streets shall be not less than two hundred (200) feet.
- (4) Property lines at intersections should be set so that the distance from the edge of pavement of the street turnout to the property line will be at least as great as the distance from the edge of pavement to the property line along the intersecting streets. The property line can be established as a radius or as a sight triangle. Greater

offsets from the edge of pavement to the property lines will be required, if necessary, to provide sight distance for the vehicle on the side street.

(P) Alleys.

(1) Alleys shall be required to serve lots used for commercial and industrial purposes except that this requirement may be waived where other definite and assured provision is made for service access. Alleys may also be used to connect rear driveways in residential developments provided they meet the design standards in this code. Residential alleys shall be a minimum paved width of ten (10) feet and use either divided pavement, gravel, or paving across the full width.

(2) All alleys shall be designed in accordance with the Department of Transportation, Division of Highways' specifications and standards and shall meet the following requirements:

| | |
|--|---------|
| Right-of-way width | 15 feet |
| Minimum paved width | 10 feet |
| Property line radius at alley intersection | 15 feet |
| Minimum centerline radius when deflection angle of not more than 10 degrees occurs | 35 feet |
| Minimum turnaround diameter of dead end alley (right-of-way width) | 80 feet |

(3) Sharp changes in alignment and grade shall be avoided.

(4) All alleys shall be designed in accordance with NC Department of Transportation Standards.

(5) No structures or outbuildings are permitted in rear driveway easements as per the subdivision building setback requirements.

(6) Intersections of alleys and residential streets shall be located a minimum of one hundred (100) feet from the center line of intersecting streets.

- (7) All proposed alleys must allow for emergency vehicle access.
- (8) Alleys shall not relieve the developer from right-of-way requirements listed in the Southport Subdivision Ordinance.
- (9) Residential alleys shall be privately maintained by the subdivision Homeowner's Association.

(Q) Geometric Characteristics. The standards outlined below shall apply to all subdivision streets proposed for addition to the State Highway System or Municipal Street System. In cases where a subdivision is sought adjacent to a proposed thoroughfare corridor, the requirements of dedication and reservation discussed under Right-of-Way shall apply.

- (1) Design Speed. The design speeds for subdivision-type streets shall be:

| | <u>Desirable</u> | <u>(Minimum)</u> |
|---------------------|------------------|------------------|
| <u>Urban</u> | | |
| Minor Thoroughfares | 60 | 50 |
| Local Streets | 40 | 40 |

- (2) Maximum and Minimum Grades. The maximum grades in percent shall be:

| | <u>60 Desirable</u> (50 Minimum) | <u>40 Desirable</u> (40 Minimum) |
|----------------------|-------------------------------------|-------------------------------------|
| Type of Topography | | |
| Flat-NCDOT Divisions | 3 | 5 |
| 1, 2, 3, 4, and 5 | (4) | (5) |

The minimum grade in no case shall be less than 0.5%. Grades for 100 feet each way from intersections should not exceed 5%.

- (R) Minimum Sight Distances. In the interest of public safety, the minimum sight distance applicable shall be provided in every instance. Vertical curves that connect each change in grade shall be provided and

calculated using the following parameters. (General practice calls for vertical curves to be multiples of 50 feet. Calculated lengths should be rounded up in each case.)

| <u>Design Speed, MPH</u> | <u>20</u> | <u>30</u> | <u>40</u> | <u>50</u> | <u>60</u> |
|-------------------------------------|-----------|-----------|-----------|-----------|-----------|
| Stopping Sight Distance | | | | | |
| Min. Stopping Distance, Ft. | 150 | 200 | 275 | 350 | 475 |
| Des. Stopping Distance, Ft. | 150 | 200 | 300 | 450 | |
| Minimum K* Value For: | | | | | |
| Min. Crest Vert. Curve | 16 | 28 | 55 | 85 | 160 |
| Des. Crest Vert. Curve | 16 | 28 | 65 | 145 | 300 |
| Min. SAG Vert. Curve | 24 | 35 | 55 | 75 | 105 |
| Des. SAG Vert. Curve | 24 | 35 | 60 | 100 | 155 |
| Passing Sight Distance | | | | | |
| Min. Passing Distance, Ft. (2 lane) | | 1100 | 1500 | 1800 | 2100 |
| Min. K* Value for Crest Vert. Curve | | 365 | 686 | 985 | 1340 |

K* is a coefficient by which the algebraic difference in grade may be multiplied to determine the length in feet of the vertical curve which will provide minimum sight distance.

Sight distance provided for stopped vehicles at intersections should be in accordance with “A Policy on Geometric Design of Rural Highways,” and the Zoning Ordinance for the City of Southport.

- (S) Design Speeds. The following table shows the maximum degree of curve and related maximum superelevation for design speeds. The maximum rate of roadway superelevation (e) for roads with no curb and gutter is .08. The maximum rate of superelevation for streets with curb and gutter is .06, and .04 being desirable.

| Design Speed MPH | Maximum e* | Minimum Radius (Rounded) Feet | Maximum Degree of Curve (Rounded) Degrees |
|------------------|------------|-------------------------------|---|
| 20 | .04 | 125 | 45.00 |
| 30 | .04 | 302 | 19.00 |
| 40 | .04 | 573 | 10.00 |
| 50 | .04 | 955 | 6.00 |
| 60 | .04 | 1528 | 3.45 |

| Design Speed MPH | Maximum e* | Minimum Radius (Rounded) Feet | Maximum Degree of Curve (Rounded) Degrees |
|------------------|------------|-------------------------------|---|
| 20 | .06 | 115 | 50.00 |
| 30 | .06 | 273 | 21.00 |
| 40 | .06 | 509 | 11.15 |
| 50 | .06 | 844 | 6.45 |
| 60 | .06 | 1380 | 4.15 |
| 20 | .08 | 110 | 53.50 |
| 30 | .08 | 252 | 22.45 |
| 40 | .08 | 468 | 12.15 |
| 50 | .08 | 764 | 7.30 |
| 60 | .08 | 1206 | 4.45 |

*Maximum rate of roadway superelevation, foot per foot.

- (T) Cul-de-Sacs. Cul-de-sacs shall not exceed 750 feet in length.
- (U) PUD Streets. A dense network of narrow streets with reduced curb radii may be fundamental to sound design. This network serves to both slow and disperse vehicular traffic and provide a pedestrian friendly atmosphere. Such alternate guidelines are encouraged in PUDs when the overall design ensures that non-vehicular travel is to be afforded every practical accommodation that does not adversely affect safety considerations. The overall function, comfort, and safety of a multi-purpose or “shared” street are more important than its vehicular efficiency alone.

PUDs should have a high proportion of interconnected streets, sidewalks, and paths. Streets and rights-of-ways are shared between vehicles (moving and parked), bicycles, and pedestrians. A dense network of PUD streets will function in an interdependent manner, providing continuous routes that enhance non-vehicular travel. Most PUD streets should be designed to minimize through traffic by the design of the street and the location of land uses. Streets should be designed to only be as wide as needed to accommodate the usual vehicular mix for that street while providing adequate access for moving vans, garbage trucks, fire engines, and school buses (see Appendix I).

Section 25-12: Traffic Impact Study

A traffic impact study shall be required of subdivisions as defined in this Section. The study will enable the City of Southport to assess the impact of a proposed subdivision on the highway system when that system is at or near capacity or a safety problem exists. Its purpose is to insure that proposed developments do not adversely affect the highway network and to identify any traffic problems associated with access from the site to the existing transportation network. The purpose of the study is also to identify solutions to potential problems and to present improvements to be incorporated into the proposed development.

- (A) Conduct. A traffic impact study shall be prepared by a qualified professional traffic engineer and/or certified transportation planner with previous traffic study experience. The procedures and standards for the traffic impact study are set forth in Section 25-12(C) of this Ordinance.

Prior to the preparation of the traffic impact study, a scoping meeting shall be held, including the planning staff, the applicant, and the preparer of the study. The discussion at this meeting should set the study parameters, including the study area, planned and committed roadway improvements (by NCDOT or others), road links and intersections to be analyzed, preliminary traffic distribution, other planned developments to be considered, traffic growth rate, available data, periods for which analysis is to be performed, and other staff concerns. The qualifications of the preparer may be discussed at or prior to this meeting.

- (B) Applicability. Except as described below, a traffic impact study shall be required for all subdivisions containing 80 or more dwelling units or where the estimated traffic generated by the subdivision exceeds 800 trips/day.

A subdivision containing 80 or more dwelling units or which generates traffic in excess of 800 trips/day may be exempted for the requirement to prepare and submit a traffic impact study if, as part of sketch plan review for the subdivision, a traffic impact study has previously been prepared for this particular project or development and there is to be no change in land use or density that would increase travel and no change in access to the external street system or material is submitted to demonstrate that traffic created by the subdivision when added to existing traffic will not result in a need for transportation improvements. Planning Department staff will review material submitted in support of an exemption and will determine from that material whether or not to grant the exemption. If an exemption

is granted, documentation of the exemption will be submitted as part of the staff recommendation on the preliminary plan. The City of Southport may require any subdivision approval application to be accompanied by a traffic impact study when a road capacity or safety issue exists. If one is required, the city will notify the applicant of the reason for the requirement.

- (C) General Requirements and Standards. The traffic impact study shall contain the following information:
- (1) General Site Description. The site description shall include the size, location, proposed land uses, number of units and gross square footage by land use, existing land use and zoning, construction staging and completion date of the proposed land development to the extent known or able to be described at the time the application is prepared. If the development is residential, types of dwelling units and number of bedrooms shall also be included. A brief description of other major existing and proposed land developments within the study area shall be provided. The general site description shall also include probable socio-economic characteristics of potential site users to the extent that they may affect the transportation needs of the site (i.e., number of senior citizens).
 - (2) Transportation Facilities Description. The description shall contain a full documentation of the proposed internal and existing external transportation system. This description shall include proposed internal vehicular, bicycle, and pedestrian circulation, all proposed ingress and egress roadway system within the study area. Major locations, traffic channelizations, and any traffic signals or other intersection control devices at all intersections within the site.

The report shall describe the entire external roadway system within the study area. Major intersections in the study area and all intersections or driveways adjacent to or within 400 feet of the site shall be identified and sketched. All existing and proposed public transportation services and facilities within one mile of the site shall also be documented. Future highway improvements, including proposed construction and traffic signalization, shall be noted. This information shall be obtained from North Carolina's Transportation

Improvement Program. Any proposed roadway improvements due to proposed surrounding developments shall also be noted.

- (3) Existing Traffic Conditions. Existing traffic conditions shall be documented for all roadways and intersections in the study area. This shall include documentation of traffic accident counts as recorded by the NC Department of Transportation District Engineers Office, municipal or county law enforcement, and the NC Highway Patrol. Existing traffic volumes for average daily traffic, peak highway hour(s) traffic, peak development generated hour(s) traffic, if appropriate, shall be recorded. Manual traffic counts at major intersections in the study area shall be conducted, encompassing the peak highway and development generated hour(s), if appropriate, and documentation shall be included in the report. Existing average daily or peak-hour traffic counts made within one year of the study date may be used subject to Planning Department approval. A volume/capacity analysis based upon existing volumes shall be performed during the peak highway hour(s) and the peak development generated hour(s), if appropriate, for all roadways and major intersections expected to be impacted by development traffic. Levels of service shall be determined for each signalized intersection or roadway segment analyzed above.

This analysis will determine the adequacy of the existing roadway system to serve the current traffic demand. Roadways and/or intersections experiencing levels of service E or F shall be noted as congestion locations.

- (4) Transportation Impact of the Development. Estimation of vehicular trips to result from the proposed development shall be completed for the average weekday, the average daily peak hours of highway travel in the study area, and if appropriate, peak hour of traffic generation by the development. Vehicular trip generation rates to be used for this calculation shall be obtained from an accepted source such as "Trip Generation" (Institute of Transportation Engineers, Fourth Edition, 1987 as amended). These development generated traffic movements as estimated, and the reference source(s) and methodology followed shall be documented. These

generated volumes shall be distributed to the study area and assigned to the existing roadways and intersections throughout the study area. Documentation of all assumptions used in the distribution and assignment phase shall be provided. All average daily traffic link volumes within the study area shall be shown graphically. Peak hour turning movement volumes shall be shown for signalized and other major intersections, including all access points to the development. Pedestrian and bicycle volumes at school crossings and as otherwise applicable shall be reported. Any characteristics of the site that will cause trip generation to vary significantly from average rates available in published sources shall be documented, including such factors as diversion of passerby traffic, internal capture, staggered work hours, or use of transit.

- (5) Analysis of Transportation Impact. The total traffic demand that will result from construction of the proposed development shall be calculated. This demand shall consist of the combination of the existing traffic generated by the proposed development, and traffic due to other developments and other growth in traffic that would be expected to use the roadway at the time the proposed development is completed. If staging of the proposed development is anticipated, calculations for each stage of completion shall be made. This analysis shall be performed for average weekday traffic, the peak highway hour(s) and if appropriate, peak development generated hour(s) for all roadways and major intersections in the study area. Volume/capacity calculations shall be completed for all major intersections. It is usually at these locations that capacity is most restricted.

All access points and pedestrian crossings shall be examined for adequate sight distance and for the necessity of installing traffic signals. The traffic signal evaluation shall compare the projected traffic and pedestrian volumes to the warrants for traffic signal installation.

- (6) Conclusions and Recommended Improvements. Levels of service for all roadways and signalized intersections serving 10 percent or more of peak-hour project traffic shall be reported. All roadways and/or signalized intersections showing a level of service below D

in urban or developed areas or below C in rural areas shall be considered deficient, and specific recommendations for the elimination of these problems shall be listed. This listing of recommended improvements shall include, but not be limited to, the following elements: internal circulation design, site access location and design, external roadway and intersection design and improvements, traffic signal installation and operation including signal timing, and transit service improvements. All physical roadway improvements shall be shown in sketches.

- (D) Submission and Implementation. The traffic impact study will be submitted to the Southport Planning Department within the applicable time frame indicated below. The Planning Department will review the study as part of the development review process. Recommendations will be incorporated into the approval process as indicated below.
- (1) Time of Submission. The sketch plan should be sufficiently detailed to allow the Planning Department to assess the need for a traffic impact study. The traffic impact study shall be submitted to the Planning Department with and as part of, the preliminary plan application for subdivision approval.
- (2) Implementation. The Planning Department and such other agencies or officials as may appear appropriate in the circumstances of the case shall review the impact study to analyze its adequacy in solving any traffic problems that will occur due to the subdivision. The Planning Department and Planning Board may recommend and the City of Southport Board of Aldermen may decide that certain improvements on or adjacent to the site are mandatory for plan approval and may attach these conditions to the approval. These improvements may include the construction of deceleration and acceleration lanes for intersections to provide access to the proposed subdivision. If the Board of Aldermen concludes that additional improvements are necessary, the applicant shall have the opportunity to resubmit alternative improvement designs for approval.

Section 25-13: Lot Standards

The following standards shall apply to all lots within a proposed subdivision:

- (A) Conformation to Zoning. All lots shall conform to the dimensional requirements and the setback and side yard requirements as set forth in Article 11 of this Ordinance.
- (B) Minimum Dimensions. In no case shall any lot have a frontage of less than seventy-five (75) feet, an average lot depth on land of less than one hundred (100) feet, or a square footage of less than ten thousand (10,000) square feet in area. Lots located on the turning circle of a cul-de-sac may have individual minimum frontages of forty (40) feet per lot provided that the lot shall have a lot width of at least seventy five (75) feet measured fifty (50) feet from the front property line and in no case shall any lot have less than ten thousand (10,000) square feet in area.
- (C) Lots Restricted to Public Streets and Approved Private Streets. Every lot shall front or abut on a public street or approved private street.

Section 25-14: Exceptions

- (A) Exceptions. The Planning Board may recommend and the Board of Aldermen approve subdivision plats which vary from the requirements of design, but not of procedure or improvement. Such an exception may be granted only where topographic or other existing physical conditions are such that compliance with the requirements of this Ordinance would cause an unusual and unnecessary hardship on the subdivider above and beyond what other subdividers would meet, and provided that such exceptions will not have the effect of nullifying the interest and purpose of these requirements. Such exceptions shall be approved only with a majority affirmative vote of all Board of Aldermen members.
- (B) Procedure for Exceptions.
 - (1) The subdivider must submit a written request stating the reasons for each modification. The Planning Board and Board of Aldermen may require such conditions as will, in its judgement, preserve the spirit and intent of these regulations. These conditions may include but shall not be limited to: surety, performance, or maintenance bonds, affidavits, covenants, or other legal instruments, as will

assure conformity to and achievement of the plan.

- (2) Any modifications thus authorized are required to be entered in writing in the minutes of the Planning Board and Board of Aldermen and the reasonings on which the departure was justified set forth.

Section 25-15: Construction Procedures

- (A) No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved, and all plans and specifications have been approved by the appropriate authorities.
- (B) No building, zoning, 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 the final plat has been approved and recorded. The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the Administrator of this Ordinance to provide for adequate inspection. The approving authorities having jurisdiction or their representatives, shall inspect and approve all completed work prior to release of the sureties.
- (C) As-Built Drawings Required. Whenever a developer installs or causes to be installed any utility line in any public right-of-way, the developer shall, as soon as practicable after installation is complete, and before acceptance of any water or sewer line, furnish the city with a copy of a drawing that shows the exact location of such utility lines. Such drawings must be verified as accurate by the utility service provider. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing such development.

Section 25-16: Enforcement

Any person who, being the owner or agent of the owner of any land located within the jurisdiction of the City, as defined herein, thereafter subdivides his land in violation of the 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 such ordinance and recorded in the office of the register of deeds, shall be guilty of a Class 1 misdemeanor. The description

of 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 City may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision ordinance. Building permits required pursuant to G.S. 160A-417 may be denied for lots that have been illegally subdivided. In addition to other remedies, the City 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.