

SUBDIVISION ORDINANCE



**Town of Pine Level
North Carolina**

Adopted December 13, 2021

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**Town of Pine Level, North Carolina
Board of Commissioners**

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ARTICLE I: GENERAL PROVISIONS

101 AUTHORITY AND ENACTMENT

In pursuance of the authority granted by the General Statutes of North Carolina, Chapter 160D. BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF PINE LEVEL, NORTH CAROLINA, as follows:

102 TITLE

This ordinance shall be known and may be cited as the Subdivision Regulations of the Town of Pine Level, North Carolina, and may be referred to as the Subdivision Regulations.

103 PURPOSE

The regulations set forth in this ordinance are adopted for the following purposes:

- 103.1 To establish procedures and standards for the development and subdivision of land within the territorial jurisdiction of the Town of Pine Level;
- 103.2 To provide for the orderly growth and development of the Town in accordance with the most recently adopted land development plan;
- 103.3 To provide for the coordination of streets within proposed subdivisions with existing or planned streets and highways and with other public facilities;
- 103.4 To provide for the dedication or reservation of public infrastructure, including recreation areas serving residents of the immediate neighborhood within the subdivision, and of rights-of-way or easements for street and utility purposes;
- 103.5 To provide for the distribution of population and traffic in a manner that will avoid congestion and overcrowding, and will create conditions essential to the public health, safety, and general welfare.
- 103.6 To facilitate the adequate provision of water, sewerage, parks, schools, and playgrounds, and also to facilitate the further re-subdivision of larger tracts into smaller parcels of land.

104 JURISDICTION

The subdivision regulations, shall govern each and every subdivision within the Town of Pine Level and its extraterritorial jurisdiction as shown on the official extraterritorial boundary map.

105 PLAT APPROVAL AND RECORDATION

- 105.1 After the effective date of this Ordinance, no subdivision plat of land within the Town's jurisdiction shall be filed or recorded until it has been submitted to and approved by the Planning Board in the case of minor subdivisions and

the Board of Commissioners in the case of major subdivisions, and until this approval is entered in writing on the face of the plat by the Subdivision Administrator and attested by the Town Clerk.

- 105.2 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 in conflict with this ordinance.
- 105.3 No building permit, certificate of occupancy, or any other permit required by other applicable laws or ordinances shall be issued for any parcel or plot of land which was created by subdivision after the date of, and not in conformity with the provisions of these regulations, and, no excavation of land or construction of any public or private improvement shall commence except in accordance with this ordinance.

106 COMPLIANCE WITH ZONING

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

107 LEGAL STATUS PROVISIONS

Severability

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.

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.

Wherever the requirements of this ordinance are at variance with lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive, or that imposing the highest standard, shall govern.

Repeal of Conflicting Ordinances

All existing ordinances in conflict with this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect.

Effective Date

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

Adoption

Duly adopted by the Board of Commissioners of the Town of Pine Level, North Carolina, this the 13th day of December, 2021.

Jeff Holt, Mayor

Connie Capps, Town Clerk

ARTICLE II - INTERPRETATION OF TERMS AND DEFINITIONS

201 GENERAL PROVISIONS

For the purpose of interpreting this ordinance, certain words or terms are defined in this article. Except as defined herein or in other sections of this ordinance, all words used in this ordinance shall have their customary dictionary definition. Unless the context clearly indicates otherwise, the terms defined in this ordinance shall have the meanings indicated below.

202 WORD INTERPRETATION

For the purpose of this Ordinance, certain words shall be interpreted as follows:

- 202.1 Words used in present tense include the future tense.
- 202.2 Words used in the singular number include the plural and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.
- 202.3 The word "person" includes a firm, association, corporation, trust, and company as well as an individual.
- 202.4 The word "used for" shall include the meaning "designed for".
- 202.5 The word "structure" shall include the word "building".
- 202.6 The word "lot" shall include the words "plot", "parcel", or "tract".
- 202.7 The word "shall" is always mandatory and not merely directory.
- 202.8 The word "may" is conditional and should not be construed as mandatory.
- 202.9 The word "street" includes the words "road" and "highway."
- 202.10 The words "town board," "governing body," and "Board of Commissioners" shall refer the Board of Commissioners of the Town of Pine Level, North Carolina.
- 202.11 The words "planning board" shall refer to the Planning Board of the Town of Pine Level, North Carolina.

203 DEFINITIONS

For the purpose of this ordinance certain words or terms used herein shall be defined as follows:

Alley. A minor right-of-way, owned publicly or privately, set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Block. A piece of land bounded on one (1) or more sides by streets or roads.

Block Length. The distance measured along the block face from intersection to intersection between the nearest two streets.

Bond. Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Town of Pine Level.

Buffer Strip. An area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing trees, shrubs, fences, and/or berms, designed to limit continuously the view of and/or the sounds from the site to adjacent sites and properties.

Building Setback Line. A line parallel to the front property line in front of which no structure shall be erected. Setback shall be figured for the right-of-way line.

Common Area. Land within a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development.

Condominium. An estate in real property consisting of an undivided interest in common in a portion of a parcel in real property, together with separate interest in the space in a residential, industrial, or commercial building on such real property such as an apartment, office, or store.

Construction Plan. The maps of drawings accompanying a subdivision plat, depicting the specific location and design of improvements to be installed therein.

Crosswalk. A public right-of-way used primarily for pedestrian travel through or across any portion of a block.

Dedication. A written offer of real property by its owner(s) for a specified purpose or purposes and its acceptance by the Town for any general or public use.

Extraterritorial Jurisdiction (ETJ). An area adjacent to and outside of the Town of Pine Level in which the Town has authority to exercise planning, zoning, and subdivision regulations.

Easement. A grant by the property owner of a strip of land for a specified purpose and use by the public, a corporation, or persons.

Fee In-Lieu of Dedication. Cash payments that may be required of a subdivider as a substitute for dedication of land or physical improvements.

Frontage. All property abutting on one (1) side of a street measured along the street line.

Greenway. A linear park, alternative transportation route, or open space conservation area that provides passive recreation opportunities, bicycle or pedestrian paths, or the conservation of open space or natural areas.

Half-Street. A Street whose centerline coincides with a subdivision plat boundary, with one-half (1/2) the street right-of-way width being contained within the subdivision plat.

Improvement. Any building, structure, infrastructure, or other object, facility or improvement of the land which contributes a physical betterment of real property or any part of such betterment.

Individual Sewer System. A septic tank, seepage tile sewage disposal system or any other approved sewage treatment device.

Individual Water System. The provision of a potable water system by means of an on-site well.

Lot. A portion of a subdivision, or any other parcel of land, intended as a unit of transfer of ownership or for a development, or both.

Lot, Corner. A lot located at the intersection of two (2) or more streets. A lot abutting on a curved street 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 (135) degrees.

Lot, Double Frontage. A continuous (through) lot of the same depth as the width of a block, which is accessible from both streets upon which it fronts.

Lot, Flag. A tract or lot of land of uneven dimensions in which the portion fronting on a street is less than the required minimum width required for construction of a building or structure on that lot.

Lot, Interior. A lot other than a corner lot with only one (1) frontage on a street.

Lot, Reverse Frontage. A lot on which the frontage is at right angles or approximately right angles (interior angles less than one hundred thirty-five [135] degrees) to the general pattern in the area. A reverse frontage lot may also be a corner lot, an interior lot, or a through lot.

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

Lot Line. Any boundary of a parcel of land.

Lot of Record. A lot which is part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of Johnston County prior to the adoption of this ordinance or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

Nonresidential Subdivision. A subdivision having intended use other than residential, such as commercial, industrial, or recreational.

Officials Maps or Plans. Any maps or plans officially adopted by the Board of Commissioners of the Town of Pine Level.

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

Owner. Any person, firm, partnership, association, estate, trust, or corporation or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

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

Plat, Final. The final map or plan of a subdivision and any accompanying material as described herein submitted to the Subdivision Administrator and in such a form as required by Johnston County for the purpose of recording.

Plat, Preliminary. The preliminary map or plan and any accompanying material described herein indicating the proposed layout of the subdivision and showing all elements as required by this ordinance, to be submitted to the Subdivision Administrator.

Public Improvement. Any roadway, parkway, sidewalk, pedestrian way, tree lawn, on-street parking areas, lot improvement, drainage ditch, or other facility for which the local government may ultimately assume for the maintenance or operation thereof, or which may affect an improvement for which the local government responsibility is established.

Public or Community Sewage System. A single system of sewage collection, treatment, and disposal owned and operated by a sanitary district, a metropolitan sewage district, a water and sewer authority, a county or municipality, or a public utility.

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

Reserve Strip. A narrow strip of land overlying a dedicated street for the purpose of controlling access to adjacent property.

Resubdivision. The changing of an existing parcel created by a plat and recorded with the Johnston County Register of Deeds.

Right-of-Way. A strip of land dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, crosswalks, lawn strips, sidewalks, lighting, and drainage facilities.

Sidewalk. An improved pedestrian surface that is typically located adjacent to a street or roadway.

Site Triangle. A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Sketch Plan. A rough sketch of a proposed subdivision or site, showing roads, lots, and any other information of sufficient accuracy to be used for discussion of the road system and the proposed development pattern.

Street. A dedicated and accepted public right-of-way for vehicular traffic which has been accepted by NCDOT or the Town of Pine Level for maintenance, or has not yet been accepted, but in which the roadway design and construction have been approved under public standards for vehicular traffic and which is recorded as such in the office of the Johnston County Register of Deeds. The following classifications shall apply:

Arterial, Principal. A rural link in a network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel and existing solely to serve traffic. This network would consist of interstate routes and other routes designed as principal arterials.

Arterial, Minor. A rural link in a network joining cities and larger towns and providing intrastate and intercounty service at relatively high overall travel speeds with minimum interference to through movement. This network would primarily serve traffic.

Collector, Major. A road which serves major intracounty travel corridors and traffic generators and provides access to the arterial system.

Collector, Minor. A road which provides service to small local communities and links locally important traffic generators with their rural hinterland.

Collector, Residential. A local access street which serves as a connector street between local residential streets and the thoroughfare system. Residential collector streets typically collect traffic from one hundred (100) to four hundred (400) dwelling units.

Cul-de-sac. A short street having but one (1) end open to traffic and the other end being permanently terminated and a vehicular turnaround provided.

Dead End Street. A Street generally less than 2,500 feet in length, open only at one end without special provision for turning around and have no collector characteristics.

Frontage Road: A local street or road that is parallel to a full or partial access control facility and functions to provide access to adjacent land.

Local Street. A local street is any link not part of a higher-order urban system which serves primarily to provide direct access to abutting land and access to higher systems.

Local Street, Residential. Cul-de-sacs, loop streets less than two thousand five hundred (2,500) feet in length, or streets less than one (1) mile in length that do not connect thoroughfares, or serve major traffic generators, and do not collect traffic from more than one hundred (100) dwelling units.

Thoroughfares, Major. Major thoroughfares consist of interstate, other freeway and expressway links, and major streets that provide for the expeditious movement of volumes of traffic within and through urban areas.

Thoroughfares, Minor. Minor thoroughfares are important streets in the urban system and perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system by facilitating a minor through traffic movement and may also serve abutting property.

Stub Street. A nonpermanent dead-end street intended to be extended in conjunction with the subdivision and development of the adjacent land.

Subdivider. Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

Subdivision. All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to any regulations enacted pursuant to this Ordinance.

- a) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipality as shown in this ordinance.
- b) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.
- c) The public acquisition by purchase of strips of land for the widening or opening of streets.
- d) The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards as prescribed herein.
- e) The division of land for use as gravesites.

Subdivision, Major. All subdivisions not classified as a minor subdivision including but not limited to subdivisions of five (5) or more lots or five (5) or more acres, or any size subdivision requiring any new street or extension of local government facilities, or the creation of any public improvements.

Subdivision, Minor. Any subdivision involving no new public or private streets or roads, or right-of-way dedication, no easements, no utility extension, where the entire tract to be subdivided is five (5) acres or less in size, and where four (4) or fewer lots result after the subdivision is completed.

OR:

Minor Subdivision- A subdivision of a parent parcel, creating three lots or less in the five(5) years prior to submittal for review in which (1) does not involve any new dedication of public right-of-way to give access to interior lots or parcels;(2)does not involve the extension of public water or sanitary sewage lines;(3) will not adversely affect the development of the remainder of the parcel or of adjoining property; and (4)will not create any new or residual parcels which do not satisfy the requirements of this article or other applicable local and state controls. (Amended 9-8-2016)

ARTICLE III: PROCEDURES FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

301 APPLICABILITY AND DEFINITION OF SUBDIVISION

- 301.1 The provisions of this section apply to any "subdivision" as defined herein. A subdivision is any division of a tract or parcel of land into two (2) or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose, whether immediate or future, for sale or building development, and includes all division of land involving the dedication of new streets or a change in existing streets. The following divisions of land are not included in this definition and are not subject to this article:
- A. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards as contained herein.
 - B. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.
 - C. The public acquisition by purchase of strips of land for the widening or opening of streets.
 - D. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards as prescribed herein.
 - E. The division of land for use as gravesites.
 - F. In (B) and (D) above, the phrases "where no street right-of-way dedication is involved" and "where no widening or opening of streets is involved" mean that adequate access to such lots is provided by an approved existing street (public or private) without the need for additions or improvements to existing street rights-of-way or easements.
- 301.2 Pursuant to G.S. 160D-804, a final plat shall be prepared, approved, and recorded pursuant to the provisions of this ordinance whenever any subdivision of land takes place within the jurisdiction of the Town of Pine Level.
- 301.3 Pursuant to G.S. 16D-803, no final plat of a subdivision within the jurisdiction of the Town of Pine Level as established in *Section 104* of this ordinance shall be recorded by the Register of Deeds of Johnston County until it has been approved by the Board of Commissioners or the Planning Board of the Town of Pine Level. To secure such approval of a final plat, the subdivider shall follow the procedures established in this Article.
- 301.4 All subdivisions shall be considered major subdivisions except those defined as minor subdivisions in *Section 302*. 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 (1500) feet from the original property boundaries by anyone who owned, had an option on, or any legal or equitable interest in the original subdivision at the time the subdivision received preliminary or final plat approval.

- 301.5 Plats deemed an exception to the provisions of this ordinance as specified in *subsection 301.1* may be recorded provided the owner desiring to record such a plat shall obtain a Certificate of Exception, to be shown on the face of the plat, from the Subdivision Administrator or his designee, as provided for in Appendix 2. The owner shall present such plat showing the Certificate of Exception to the recorder as proof the exception condition is present.

302 SUBDIVISION APPLICATION SUBMISSION

- 302.1 The subdivision application shall be submitted to the Subdivision Administrator and shall include the following:
- A.** A complete application form provided by the Planning Board.
 - B.** A filing fee, paid by the subdivider, in accordance with the Town's fee schedule.
 - C.** The required number of preliminary subdivision plats or final subdivision plats, as specified in *subsection 303.2* for minor subdivisions and *subsections 304.3 and 304.4* for major subdivisions.
 - 1.** All plats 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 materials and drawing medium for the original shall be in accordance with the Standards of Practice for Land Surveying in North Carolina, where applicable, and shall be consistent with the mapping requirements set forth in G.S. 47-30, and the requirements of the Johnston County Register of Deeds.
 - 2.** All final plats shall be of a size suitable for recording with the Johnston County Register of Deeds and shall be at a scale of not less than one (1) inch equals one-hundred (100) feet. Maps may be placed on more than one (1) sheet with appropriate match lines.
 - 3.** All preliminary and final plats shall contain all relevant information as outlined in Appendix 1: Information to be Contained or Depicted on Preliminary and Final Plats.
 - 4.** All preliminary and final plats shall contain all certificates as required in Appendix 2: Certificates.

- D. A copy of any existing or proposed deed restrictions, covenants, liens, and other encumbrances.
- E. Evidence that all applicable local, state, and federal regulatory approvals and permits have been obtained.
- F. Any additional information the Planning Board finds necessary to determine compliance with this ordinance, including but not limited to drainage system plans, stormwater management plans, and erosion and sedimentation control plans.
- G. If the subdivision includes a new public road(s) or an extension of existing roads, four (4) complete sets of road construction plans in conformance with the most current road standards for the Town of Pine Level, which is to follow the current NC State Building Code/Fire Code Appendix B, C, and D, and the guidelines from North Carolina Department of Transportation, must be submitted with the preliminary plat.

302.2 Determination of Completeness

The Subdivision Administrator shall determine if the application is complete prior to both preliminary and final plat review. The application shall be complete on the date that it contains all of the submission requirements specified above. If the application is incomplete, the Subdivision Administrator shall notify the applicant of the deficiencies. When the application is complete, the Subdivision Administrator shall distribute copies to the Planning Board, the Town Engineer and other appropriate authorities for review and proceed with the review process.

302.3 Expedited Review

The Town shall only require a plat for recordation for the division of a tract or parcel of land in single ownership if all of the following criteria are met:

- A. The tract or parcel to be divided is not exempted under 301.1(B) herein above.
- B. No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.
- C. The entire area of the tract or parcel to be divided is greater than 5 acres.
- D. After division, no more than three lots result from the division.
- E. After division, all resultant lots comply with all of the following:
 1. All lot dimension size requirements of the applicable land-use regulations, if any.
 2. The use of the lots is in conformity with the applicable zoning requirements, if any.

3. A permanent means of ingress and egress is recorded for each lot.

303 PROCEDURES FOR REVIEW OF MINOR SUBDIVISIONS

303.1 Applicability and General Procedures

- A. A minor subdivision is defined as one involving no new public or private streets or roads, or right-of-way dedication, no easements, no utility extension, where the entire tract to be subdivided is five (5) acres or less in size, and where four (4) or fewer lots result after the subdivision is completed.
- B. The applicant for minor subdivision plat approval is encouraged to confer with the Subdivision Administrator prior to submitting a minor subdivision plat for a determination of whether the approval process authorized by this section can and should be utilized. The Subdivision Administrator may require the applicant to submit information necessary to determine whether or not the proposed subdivision is eligible for approval under the minor subdivision approval process.

303.2 Final Plat Review and Approval for Minor Subdivisions

- A. The subdivider shall submit seven (7) copies of the final plat, two (2) of which shall be on reproducible material; five (5) shall be black or blue line paper prints, to the Subdivision Administrator along with all required items listed in *Section 302.1* not less than seven (7) days prior to the Planning Board meeting at which it will be reviewed.
- B. The Planning Board shall review the final plat at its next regularly scheduled meeting which follows at least seven (7) days after the Subdivision Administrator receives the final plat and shall approve, conditionally approve with modifications to bring the plat into compliance, or disapprove the final plat with reasons within forty (40) days of its first consideration of the plat. Failure of the Planning Board to render a decision within said time frame shall constitute approval of the final plat.
- C. During its review of the final plat, the Planning Board may appoint an engineer or surveyor to confirm the accuracy of the final plat. If substantial errors are found, the costs shall be charged to the subdivider and the plat shall not be approved until such errors have been corrected.
- D. If the final plat is approved by the Planning Board, written confirmation shall be made on all copies of the plat. The original tracing and one (1) print of the plat shall be retained by the subdivider. One (1) reproducible tracing and one (1) print shall be filed with the Town Clerk.
- E. If the Planning Board conditionally approves the final plat with modifications to bring the plat into compliance, it shall retain one (1) print of the plat for its minutes, and return its written comments and two (2) reproducible copies of the plat to the subdivider through the Subdivision

Administrator. The Subdivision Administrator shall attach a letter to the plat verifying that all conditions have been met prior to plat recording.

- F. If the Planning Board 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 the plat for reconsideration by the Planning Board, or appeal the decision to the Board of Commissioners.
- G. If the subdivider appeals the Planning Board's decision, the Board of Commissioners shall review and approve or disapprove the final plat within sixty-five (65) days after the decision of the Planning Board.
- H. The subdivider shall file the approved final plat with the Register of Deeds of Johnston County within sixty (60) days of the Planning Board approval; otherwise, such approval shall be null and void.

304 PROCEDURES FOR REVIEW OF MAJOR SUBDIVISIONS

304.1 Applicability and General Procedures

- A. A major subdivision includes all subdivisions not classified as a minor subdivision, or any size subdivision requiring any new street or extension of local government facilities, or the creation of any public improvements.
- B. The procedures for review and approval of major subdivisions generally involve: 1) sketch plan review; 2) preliminary plat review and approval; 3) final plat review and approval.
- C. In the event that a subdivision is to be developed in phases, a preliminary plat shall be submitted for the entire subdivision. A final plat may be submitted separately for approval for each phase of the subdivision.

304.2 Sketch Plan Submission

A. Purpose

The sketch plat approval stage is intended to address the conceptual layout of streets, lots, utilities, and other improvements, as well as environmental concerns of the site. The sketch plat allows the subdivider to secure general agreement on the basic development parameters of the subdivision before preparing detailed engineering plans to be considered during preliminary plat review. The Subdivision Administrator and Planning Board shall advise the subdivider on the applicable regulations and development standards that apply to the subdivision, as well as approvals from other agencies and service providers that may be required to complete the subdivision.

B. Procedural Requirements

1. It is recommended that the applicant for subdivision approval submit a sketch/concept plan for review by the Subdivision Administrator or his designee and the Planning Board. This plan should, in simple sketch form, show the location of the development in relation to existing streets and surrounding areas, the size of the property, the proposed layout of streets, lots, and other relevant features, and improvements to the site.
2. Sketch Plans shall be a requirement for any Minor or Major Subdivision.
3. The subdivider shall submit five (5) copies of the proposed sketch plan, prepared in accordance with the requirements of this ordinance, to the Subdivision Administrator or his designated agent. Within ten days (10) following the submission, the Subdivision Administrator will schedule a pre-application conference with the subdivider to review and discuss the sketch plan proposal. The Planning Board shall designate representatives to participate in the pre-application conference.
4. The Subdivision Administrator shall review the sketch plan for general compliance with the requirements of the subdivision and zoning ordinances, and shall advise the subdivider of the regulations applicable to the proposed subdivision and procedures to be followed in preparation and submission of the preliminary plat.
5. The Subdivision Administrator will bring the sketch plan before the Planning Board at the next regularly scheduled Planning Board meeting following the pre-application conference with the subdivider. The subdivider will be encouraged to attend such meeting to answer any questions pertaining to the subdivision.
6. Sketch plan review shall in no way be construed as constituting an official action of subdivision approval. A pre-application form for a sketch plan with a fee shall be submitted and paid for by the subdivider in accordance with the Town's fee schedule.
7. The sketch plan shall include all information required in Appendix 1: Information to be Contained or Depicted on Preliminary and Final Plats. The Subdivision Administrator may waive specific information required on sketch plans as specified in Appendix 1, if such information is not necessary to convey a general overview of the proposed size, layout, and lot features of the subdivision. No specific size requirements apply to sketch plans and no certification is required.

8. Following the sketch plan review, two (2) copies of the sketch plan shall be retained on file with the Town of Pine Level, and the other three (3) copies returned to the subdivider.
9. Sketch Plan approval shall be valid for a period of 12 months from the date of approval by the Planning Board. The Planning Board at its discretion may grant an extension for a period not to exceed an additional 12 months beyond date of its original approval.

304.3 Preliminary Plat Submission and Review for Major Subdivisions

- A. The subdivider shall submit ten (10) copies of the preliminary plat, to the Subdivision Administrator in addition to the required items listed in *Section 302.1* not less than twenty-five (25) days prior to the Planning Board meeting at which it will be reviewed.
- B. The preliminary plat shall conform substantially to the sketch plan, if applicable.
- C. Review Procedures
 1. After having received the preliminary plat from the subdivider, the Subdivision Administrator shall submit copies of the preliminary plat, and any accompanying material, to other officials and agencies concerned with new development for review and recommendation including, where applicable, but not limited to: the Johnston County Environmental Health Department, the Public Works Superintendent, and the District Engineer of the North Carolina Department of Transportation.
 2. Upon receipt of comments from the appropriate agencies, the Subdivision Administrator shall then submit the Preliminary Plat and all applicable comments to the Planning Board for their review at their next regularly scheduled meeting.
 3. During its review of the preliminary plat, the Planning Board may appoint an engineer or surveyor to confirm the accuracy of the preliminary plat. If substantial errors are found, the costs shall be charged to the subdivider and the plat shall not be approved until such errors have been corrected.
 4. The Planning Board shall, in writing, recommend approval, conditional approval with recommended changes to bring the preliminary plat into compliance, or disapproval with reasons, within forty (40) days of its first consideration of the plat. The Planning Board shall then submit its recommendation and one copy of the preliminary plat to the Board of Commissioners, return one copy of the preliminary plat and its recommendation to the subdivider, and retain one copy of the

preliminary plat for its records. If the Planning Board recommends conditional approval, the subdivider may make the recommended changes and submit a revised plat to the Subdivision Administrator for review and submission to the Board of Commissioners. The Subdivision Administrator shall attach a letter verifying that all conditions have been met upon resubmission of the plat before forwarding it to the Board of Commissioners.

5. If the Planning Board does not make a written recommendation within forty (40) days after its first consideration of the plat, the subdivider may apply to the Board of Commissioners for their approval or disapproval.
6. The Board of Commissioners shall, in writing, approve the preliminary plat, approve the plat with conditions, or disapprove the preliminary plat. One copy of the plat shall be retained by the Board of Commissioners and one copy shall be returned to the subdivider with the reasons for approval, conditional approval, or disapproval noted on the plat. If the plat is disapproved, the specific section of the ordinance with which the subdivision does not comply shall be noted in writing. The subdivider may make the necessary changes to bring the plat into compliance and re-submit the preliminary plat in accordance with *Section 301.3*.
7. Failure of the Board of Commissioners to make a decision within sixty-five (65) days after the preliminary plat is received from the Planning Board shall constitute approval thereof.
8. Preliminary plat approval shall be valid for a period of two (2) years from the date of approval by the Board of Commissioners, at the end of which time an application for final plat approval shall have been received. Approval of any portion of the subdivision for which a final plat application has not been received by the end of two (2) years shall be void, and a new preliminary plat application will be required in accordance with *Section 304.3*. The new application will be subject to the subdivision ordinance in effect at the time of resubmission. Applicants may request in writing that the Board of Commissioners extend the effective period of preliminary plat approval. The Board of Commissioners, at its discretion, may grant an extension for a period not to exceed an additional two (2) years beyond the date of original approval. Due consideration shall be given for the health, safety, and welfare of the public in granting extensions.
9. In the case of a phased subdivision, the first final plat shall be submitted within eighteen (18) months, and the last final plat within sixty (60) months after the date on which the preliminary plat was approved; otherwise, the preliminary plat shall become null and void unless an extension of time is applied for and granted by the Board of Commissioners before the date on which the preliminary plat would become null and void.

D. Installation of Improvements

Upon approval of the preliminary plat by the Board of Commissioners, 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 Planning Board or the Board of Commissioners unless accompanied by written notice by the Town Clerk acknowledging compliance with the improvement and guarantee standards of this ordinance.

304.4 Final Plat Review for Major Subdivisions

A. The subdivider shall submit seven (7) copies of the final plat, two (2) of which shall be on reproducible material; five (5) shall be black or blue line paper prints, to the Subdivision Administrator along with all required items listed in Section 302.1.

1. The final plat shall conform substantially to the preliminary plat.
2. The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record at that time.

B. Review Procedures

1. The subdivider shall submit the final plat of the major subdivision to the Subdivision Administrator not less than twenty-five (25) days prior to the Planning Board meeting at which it will be reviewed.
2. The Planning Board shall review the final plat at its next meeting and shall, in writing, recommend approval, conditional approval with modifications to bring the plat into compliance, or disapproval of the final plat with reasons within forty (40) days of its first consideration of the plat.
 - i. During its review of the final plat, the Planning Board may appoint a Registered Land Surveyor to confirm the accuracy of the final plat (if agreed to by the Board of Commissioners). If substantial errors are found, the costs shall be charged to the subdivider and the plat shall not be recommended for approval until such errors have been corrected.
 - ii. If the Planning Board recommends approval of the final plat, it shall retain one copy of the plat for its records, transmit the remaining copies of the plat and its written recommendations to the Board of Commissioners through the Subdivision Administrator.

- iii. If the Planning Board recommends conditional approval of the final plat with modifications to bring the plat into compliance, it shall retain one (1) print of the plat for its minutes, return its written recommendations, and two (2) reproducible copies of the plat to the subdivider, and transmit (1) print of the plat and its written recommendation to the Board of Commissioners through the Subdivision Administrator. The Subdivision Administrator shall attach a letter verifying that all conditions have been met upon resubmission of the plat before forwarding it to the Board of Commissioners.
 - iv. If the Planning Board recommends disapproval of 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 Planning Board, or appeal the decision to the Board of Commissioners.
 - v. Failure of the Planning Board to make a written recommendation within forty (40) days shall constitute grounds for the subdivider to apply to the Board of Commissioners for approval.
3. If the Planning Board recommends approval or conditional approval with modifications to bring the plat into compliance, or the subdivider appeals to the Board of Commissioners, the Board of Commissioners shall review and approve or disapprove the final plat within sixty-five (65) days after the plat and recommendations of the Planning Board have been received by the Subdivision Administrator.
 4. If the final plat is disapproved by the Board of Commissioners, 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) print of the plat shall be retained by the Board of Commissioners 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 Planning Board and Board of Commissioners or by the Board of Commissioners as determined by the Board of Commissioners.
 5. If the final plat is approved by the Board of Commissioners, written confirmation shall be made on all copies of the final plat. The original tracing and one (1) print of the plat shall be retained by the subdivider. One (1) print shall be filed with the Town Clerk, and one (1) reproducible tracing and one (1) print shall be returned to the Planning Board for its records.

304.5 Recording of Final Plats

The subdivider shall file the approved final plat with the Register of Deeds of Johnston County within sixty (60) days of the Board of Commissioners' approval, otherwise, such approval shall be null and void.

304.6 Dedication and Acceptance

A. Rights of Way

The approval and recordation of a final plat does constitute an offer to dedicate, but does not constitute dedication to and acceptance for maintenance responsibility by the Town or the public of any public road, alley, or utility or drainage easement shown on such plat. Improvements within such rights-of-way or easements, such as utility lines, road paving, drainage facilities, or sidewalks may, however, be accepted for maintenance by the North Carolina Department of Transportation or by the private utility provider upon compliance with applicable NCDOT and private utility provider guidelines and standards.

B. Open Space

Land designed as public open space on a final plat shall be considered to be offered for dedication until such offer is officially accepted by the Town. The offer may be accepted by the Town through:

1. Express action by the Board of Commissioners;
2. Express action by an administrative officer designated by the Board of Commissioners;
3. Conveyance of fee simple marketable title (unencumbered financially and environmentally) of the property to the Town at the time of final plat recordation.

Until such dedication has been accepted, land so offered may be used for open space purposes by the owner or owners' association. Land so offered for dedication shall not be used for any purpose inconsistent with the proposed public use.

304.7 Permits and Certificates of Occupancy

Unless otherwise provided in this ordinance, upon recording the final plat, the applicant shall be eligible to apply for building and any other permits required by this ordinance, if the roads are determined by the Subdivision Administrator to be in a passable condition. No certificates of occupancy shall be issued until all improvements are complete and approved by NCDOT.

304.8 Improvements Guarantees

A. Agreement and Security Required

In lieu of requiring the completion, installation, and dedication of all improvements prior to final plat approval, the Town of Pine Level 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 Commissioners if all other requirements of this ordinance are met. To secure this agreement, the subdivider shall provide, subject to the approval of the Board of Commissioners, either one (1), or a combination of the following guarantees, not exceeding 1.25 times the entire cost as provided herein:

1. 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 bonds shall be payable to the Town of Pine Level and shall be in an amount equal to 1.25 times the entire cost, as estimated by the subdivider and approved by the Board of Commissioners, of installing all required improvements. The duration of the bond(s) shall be until such time as the improvements are accepted by the Board of Commissioners

2. 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 Town or in escrow with a financial institution designated as an official depository of the Town. The use of any instrument other than cash shall be subject to the approval of the Board of Commissioners. The amount of deposit shall be equal to 1.25 times the cost, as estimated by the subdivider and approved by the Board of Commissioners, 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 Board of Commissioners an agreement between the financial institution and himself guaranteeing the following:

- i. That said escrow account shall be held in trust until released by the Board of Commissioners and may not be used or pledged by the subdivider in any other matter during the term of escrow; and
- ii. 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 Board of Commissioners and submission by the Board of Commissioners to the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately either pay to the Town the funds needed to complete the improvements, up to the full balance of

the escrow account, or deliver to the Town any other instruments fully endorsed or otherwise made payable in full to the Town.

B. 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 Board of Commissioners pay all or any portion of the bond or escrow fund to the Town of Pine Level up to the amount needed to complete the improvements based on an engineering estimate. Upon payment, the Board of Commissioners, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The Town shall return to the subdivider any funds not spent in completing the improvements.

C. Release of Guarantee Security

The Board of Commissioners of the Town of Pine Level may release a portion of any security posted as the improvements are completed and recommended for approval by the Subdivision Administrator. Within forty-five (45) days after receiving the Subdivision Administrator's recommendation, the Board of Commissioners of the Town of Pine Level shall approve or disapprove said improvements. If the Board of Commissioners of the Town of Pine Level approves said improvements, then it shall immediately release any security posted on that portion.

D. Defects Guarantee

The Board of Commissioners shall require a bond from the subdivider guaranteeing utility taps, curbs, gutters, street construction including pavement, sidewalks, drainage facilities, seeding and grading of road shoulders, water and sewer lines, and other improvements for one (1) year. The one (1) year shall begin from the date of approval of final plat or approval of improvements by the Board of Commissioners.

305 OWNERS' ASSOCIATIONS

305.1 Establishment of Owners' Associations

- A. An Owners' Association shall be established to fulfill the requirement of the North Carolina Condominium Act or to accept conveyance and maintenance of all common areas and facilities within a development containing common areas.
- B. Where developments have common areas for facilities servicing more than one dwelling unit, these areas shall be conveyed to the Owners' Association in which all owners of lots in the development shall be members. All areas other than public road rights-of-way, other areas dedicated to the Town, and lots shall be shown and

designated as common areas. The fee-simple title of the common area shall be conveyed by the subdivider or developer to the Owners' Association.

- C. Common areas shall not be subsequently subdivided or conveyed by the Owners' Association unless a revised preliminary plat and a revised final plat showing such subdivision or conveyance have been submitted and approved.

305.2 Submission of Owners' Association Declaration

Prior or concurrently with the submission of the final plat for review and approval, the applicant shall submit a copy of the proposed Bylaws of the Owners' Association containing covenants and restraints governing the Association, plats, and common areas. The submitted documents shall be reviewed by the Town Attorney and a recommendation made to the Planning Board as to their sufficiency. The restrictions shall include provisions for the following:

- A. The Owners' Association declaration shall be organized and in legal existence prior to the conveyance, lease-option, or other long-term transfer of control of any unit or lot in the development.
- B. Membership in the Owners' Association shall be mandatory for each original buyer and each successive buyer of a lot or unit. Provisions shall be made for the assimilation of owners in subsequent sections of the development.
- C. The Owners' Association Declaration shall state that the association is responsible for:
 - 1. The payment of premiums for liability insurance and local taxes.
 - 2. Maintenance of recreational and/or other facilities location on common areas.
 - 3. Payment of assessments for public and private improvements made to or for the benefit of the common areas.
- D. Default of Owners' Association. Upon default by the Owners' Association in the payment to the Town any assessments for public improvements or ad valorem taxes levied against common areas, which default shall continue for a period of six (6) months, each owner of a lot in the development shall become personally obligated to pay to the Town a portion of the taxes or assessments in an amount determined by dividing the total taxes and/or assessments due to the Town by the total number of lots in the development. If the sum is not paid by the owner within thirty (30) days following receipt of notice of the amount due, the sum shall become a continuing lien on the property of the owner, his heirs, devisees, personal representatives and assigns. The Town may either

bring an action at law against the owner personally obligated to pay the same, or may elect to foreclose the lien against the property of the owner.

- E. Power of the Association. The Owners' Association is empowered to levy assessments against the owners of lots or units within the development. Such assessments shall be for the payment of expenditures made by the Owners' Association for the items set forth in this Section, and any assessments not paid by the owner against whom such assessments are made shall constitute a lien on the lot of the owner.
- F. Easements. Easements over the common areas for access, ingress, and egress from and to public roads and walkways and easements for enjoyment of the common areas, and for parking, shall be granted to each lot owner.

305.3 Nonresidential Condominiums

If the condominium is a nonresidential condominium, the declaration shall contain the following provision:

Parking spaces shall be allocated among the individual lots or units in such a manner that each unit is entitled to a sufficient number of parking spaces to comply with this ordinance for the use intended to be located therein. The Owners' Association shall maintain a register listing the total number of parking spaces in the development and the number of parking spaces allocated to each lot or unit. A copy of this register shall be available to the Zoning Administrator at his request. The Owners' Association shall not reduce the number of parking spaces allocated to an individual lot or unit without the express written consent of the owner thereof, and in no case shall the number of parking spaces allocated to an individual unit be reduced to a number below that required by this ordinance.

306 RESUBDIVISION PROCEDURES

For any replating or resubdivision of land, the same procedures, rules, and regulations shall apply as prescribed herein for an original subdivision if the replating or resubdivision qualifies as a subdivision according to Section 301.1. A recombination of previously platted and recorded lots shall be approved by the Subdivision Administrator.

ARTICLE IV: SUBDIVISION DESIGN AND DEVELOPMENT STANDARDS

401 GENERAL PROVISIONS

- 401.1 Each subdivision shall contain the improvements specified in this Article, which shall be installed in accordance with the requirements of this Ordinance and paid for by the subdivider, unless other means of financing is specifically stated in this ordinance. Land shall be dedicated and reserved in each subdivision as specified in this Article. Each subdivision shall adhere to the minimum standards of design established by this Article.
- 401.2 The name of the subdivision shall not duplicate nor closely approximate the name of an existing subdivision within Pine Level or Johnston County, unless the subdivision is part of a phased development plan.
- 401.3** Unless specified in this ordinance, the Standards of Practice for Land Surveying as adopted by the State Board of Examiners, under Title 21 of the North Carolina Administrative Code, Chapter 56 (21 NCAC 56), shall apply when conducting surveys for subdivisions; to determine the accuracy for surveys and placement of monuments, control corners, markers, and property corner ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions.
- 401.4** In the subdividing of land, due regard shall be shown for all-natural features, such as tree growth, watercourses, historic sites, or similar conditions which, if preserved, will add attractiveness to the proposed development and safety from hazards.

402 SUITABILITY OF LAND

- 402.1 Land which has been determined by the Board of Commissioners on the basis of engineering or other expert surveys to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed shall not be platted for that purpose, unless and until the subdivider has taken the necessary measures to correct said conditions and to eliminate said dangers.
- 402.2 Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the Johnston County Environmental Health Department, a structural engineer, and a soils expert determine that the land is suitable for the purpose provided.
- 402.3 All subdivision proposals shall be consistent with the need to minimize flood damage. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

403 BLOCKS

- 403.1 Generally: 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, needs for vehicular and pedestrian circulation, control and safety of street traffic, limitations and opportunities of topography, and convenient access to water areas.

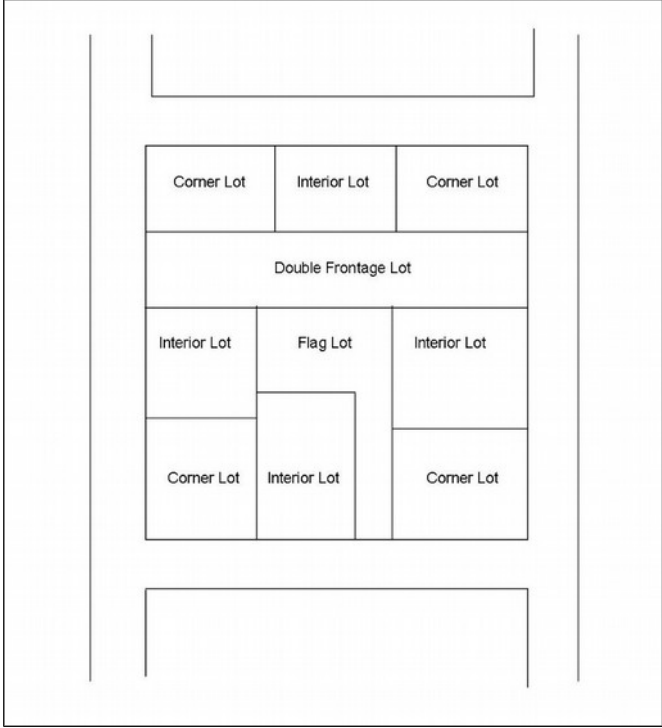
- 403.2 Block Length: Blocks shall not be less than four hundred (400) feet or more than eight hundred (800) feet in length, except where, in the opinion of the Planning Board, existing conditions justify a modification of this requirement. Block length shall be measured along the block face from intersection to intersection between the nearest two streets.
- 403.3 Block Width: Blocks shall have sufficient width to allow two (2) 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, in nonresidential subdivisions, or where abutting water areas.
- 403.4 Crosswalks: Where the subdivision includes, abuts, or is located adjacent to parks, schools, shopping centers, community centers, religious institutions, or transportation facilities and similar community facilities, a pedestrian crosswalk at least fifteen (15) feet in width shall be required to provide convenient public access, unless it is deemed unnecessary by the Planning Board. All crosswalks shall be paved and appropriately marked and dedicated to the Town of Pine Level.
- 403.5 Block Numbers: Block numbers shall conform to the town street numbering system, if applicable.

404 LOTS

- 404.1 Generally: Lot sizes, shapes, and locations shall be made with due regard to topographic conditions, contemplated uses, and the surrounding area. All lots in new subdivisions shall conform to the zoning requirements of the district in which the subdivision is located. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of the Zoning Ordinance. It is not sufficient merely for the average lot to meet zoning requirements.
- 404.2 Individual Water and Sewer: All lots shall meet all applicable Johnston County Environmental Health Department requirements where individual water and sewer systems are provided.
- 404.3 Double Frontage Lots: Double frontage lots (see Figure 4-1) shall be avoided wherever possible, except where required to separate residential development from thoroughfares, where a recorded alley provides rear access to lots, or to overcome specific disadvantages of topography or orientation. If double frontage lots must be included, private driveways shall be prevented from having direct access through the lot.
- 404.4 Flag Lots: No lot shall be approved which constitutes a flag lot except with special approval from the Planning Board due to extreme topographic or

natural circumstances. No flag lots shall be approved in major subdivisions under any circumstance. (See Figure 4-1)

Figure 4-1: Types of Lots



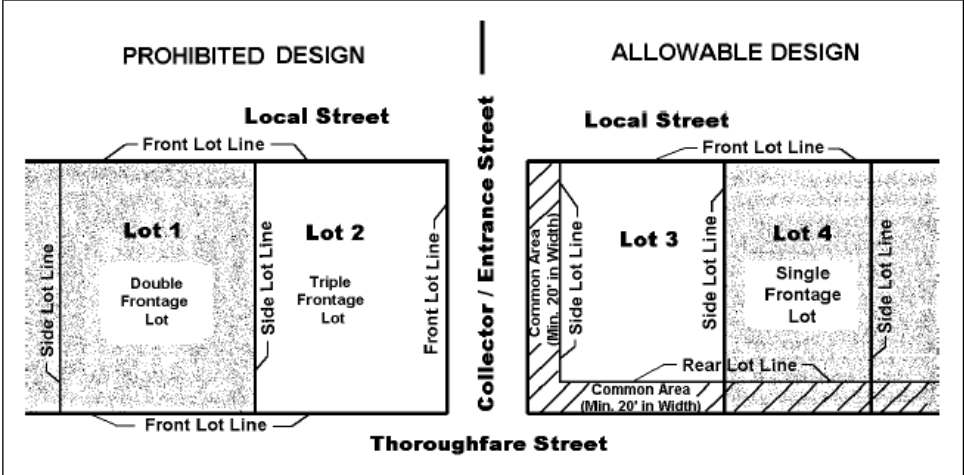
- 404.5** Lot Lines: Side lot lines shall be substantially at right angles to or radial to street lines.
- 404.6** Lot Remnants: All remnants of lots left over after subdivision of a larger tract which are smaller than the required minimum lot size required must be added to adjacent lots, rather than allowed to remain as separate parcels. The Subdivision Administrator may permit a lot remnant for a specific purpose such as a detention pond, provided that access and design is appropriate and the lot remnant is restricted to specific non-building uses.
- 404.7** Corner Lots: Corner lots for residential use shall have an extra width of ten (10) feet from the side yard that adjoins the side street to allow for adequate building setback from side streets.
- 404.8** Lot Drainage: Lot boundaries shall coincide with natural and pre-existing man-made drainageways to the extent practicable to avoid lots that can be built upon only by altering such drainageways.
- 404.9** Street Frontage: Lots shall front or abut on a dedicated public street and have frontage meeting the requirements set forth in the Pine Level Zoning ordinance.

405 STREETS

- 405.1** Conformance with Plans: In any new subdivision, the provision of street rights-of-way and the street layout shall conform to and meet the requirements of the Thoroughfare Plan of the Town of Pine Level as approved by the Planning Board and adopted by the Board of Commissioners and the North Carolina Board of Transportation.
- 405.2** Dedication of Future Right-of-Way: Whenever a tract to be subdivided embraces any part of a major thoroughfare, designated in the Official Plans for Johnston County or the Town of Pine Level, such part of such proposed public way shall be platted and dedicated by the subdivider in the location and at the width specified.
- 405.3** Conformance with Adjoining Road Systems: Streets shall be designed and located in proper relation to existing and proposed streets. Proposed streets shall connect to or intersect with adjacent existing streets where possible. Local streets shall be laid out in such a way that their use by through traffic will be discouraged. Streets shall be designed or walkways dedicated to assure convenient access to parks, playgrounds, schools, or other places of public assembly.
- 405.4** Type of Street Required: All streets shall be dedicated to the Town of Pine Level, the State of North Carolina, or the public, as determined appropriate by the Board of Commissioners. Streets not dedicated to the Town that are not eligible to be put on the State Highway System because there are too few lots or residences shall nevertheless be dedicated to the public and shall be built in accordance with the standards in this ordinance, so as to be eligible to be put on the system at a later date. A written maintenance agreement with provisions for maintenance of the street until it is put on the state system shall be included with the final plat.
- 405.5** 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. A statement explaining the status of the street shall be included with the final plat where streets are offered for dedication to the public, but have not been accepted into a municipal or the state system before the lots are sold.
- 405.6** Half-Streets: The dedication of half-streets 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.
- 405.7** Frontage Road: Where a tract of land to be subdivided adjoins an arterial street or thoroughfare, the subdivider may be required to provide a frontage road parallel to the higher order street or reverse frontage on a minor street for the lots to be developed adjacent to the higher order street. Where reverse frontage is established, private driveways shall be prevented from

having direct access to the higher order street. The subdivider shall be required to provide a twenty (20) foot easement on the rear and side of the property abutting the higher volume road, parallel and adjacent to the right-of-way of the road. Such easement shall be landscaped with trees or shrubs for screening purposes according to the requirements for Street Yards as contained in the Town of Pine Level Landscaping ordinance Section 403.5. (see Figure 4-2)

Figure 4-2: Interior Street Access and Buffering Requirements



405.8 Access to Adjacent Properties: Where, in the opinion of the Planning Board it is necessary to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turnaround provided in the case of a stub out. The extension dedicated shall have the same right-of-way width as the street being extended. All new subdivisions must connect to stub streets when they adjoin the property to be subdivided.

405.9 Subdivision Entrances: Multiple entrance points shall be provided from one or more roads accessing the subdivision, where permitted by the North Carolina Department of Transportation Division of Highways pending approval of highway access permits, according to the following:

1. Subdivisions with more than 50 lots, but less than 150 lots shall provide at least two (2) entrance points.
2. Subdivisions with more than 150 lots shall provide at least three (3) entrance points.

405.10 Dead End Streets: Dead end streets shall be prohibited. Where an existing dead-end street abuts the subdivision, the proposed subdivision shall connect to the existing dead-end street. This does not preclude use of stub streets as part of a phased development or in anticipation of future development. Connections to dead end streets will not be required where sensitive

environmental features such as streams, floodplains, or wetlands would substantially be disturbed by such a road connection.

- 405.11** Reserve Strips: Reserve strips adjoining road rights-of-way for the purposes of preventing access to adjacent property shall not be permitted under any condition.

406 STREET CONSTRUCTION AND DESIGN STANDARDS

- 406.1** Construction Standards: The design of all streets and roads within the jurisdiction of this ordinance shall be in accordance with the accepted policies and standards of the North Carolina Department of Transportation, Division of Highways, as taken or modified from the American Association of State Highway and Transportation Officials (AASHTO) manuals. All public subdivision streets shall be designed and constructed to the most current issue of the North Carolina Department of Transportation, Division of Highways Subdivision Roads Minimum Construction Standards, the current NC State Building Code/Fire Code Appendix B, C and D, and the standards of this ordinance.

- 406.2** Street Plans: Where public streets will be offered for dedication, the subdivider must submit all street plans for review and approval prior to preliminary plat approval. The subdivider must submit the following information to the Town of Pine Level where streets will be offered for dedication to the Town or the North Carolina Department of Transportation District Highway Office where streets will be offered for dedication to the state for review:

- A. _____ A complete site layout of the subdivision, including any future expansion anticipated, showing the horizontal alignment indicating general curve data, and the vertical alignment indicated by percent grade, PI station, and vertical curve length.
- B. Typical road 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.
- C. Road drainage facilities and drainage areas.

The District Engineer may require the plotting of the ground profile and grade line for roads where special conditions or problems exist.

- 406.3** Construction Approval Required: No road improvements shall be constructed until the road construction plans have been reviewed and approved by the Town of Pine Level or the North Carolina Department of Transportation District Highway Office.

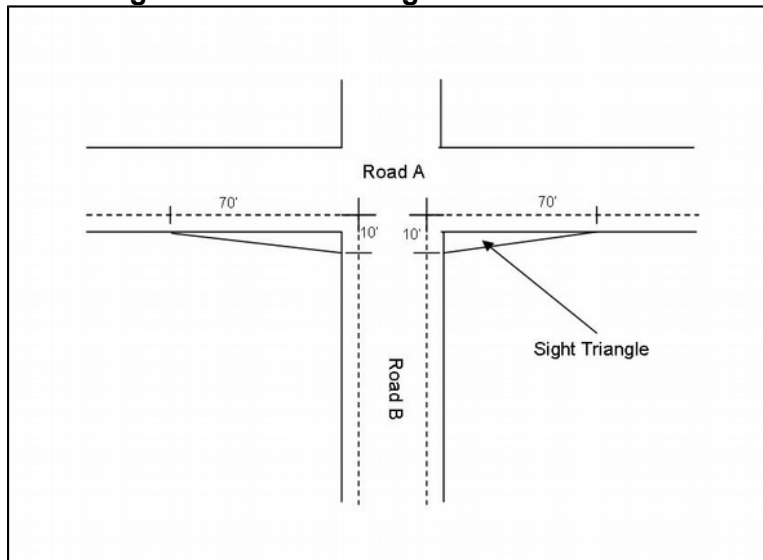
- 406.4** Inspection: Work performed pursuant to approved street construction plans shall be inspected and approved by the Town of Pine Level or the North Carolina Department of Transportation Division of Highways in the case of state-maintained roads.

406.5 Permit for Connection to State Road: An approved permit is required for connection to any existing State Road. This permit is required prior to any construction on the street or road. The application is available at the office of the nearest District Engineer of the Division of Highways.

406.6 Intersections:

- A. Streets shall be laid out so as to intersect as nearly as possible at right angles (90 degrees) and no less than seventy-five (75) degrees. Intersections with angles from sixty (60) to seventy-five (75) degrees are acceptable only under extreme circumstances and with approval from the Town of Pine Level or the North Carolina Department of Transportation Division of Highways.
- B. Property lines at intersections should be set so that the distance from the edge of pavement to the property line will be at least as great as the distance from the edge of pavement to the property lines along the intersecting streets. This 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.
- C. The minimum sight triangle at intersections of new local residential roads or residential collectors and existing state-maintained roads is seventy (70) feet along the existing road right-of-way and ten (10) feet along the new road right-of-way. (see Figure 4-3)

Figure 4-3: Site Triangle



- D. Offset intersections are to be avoided unless exception is granted by the North Carolina Department of Transportation Division of Highways or the Town of Pine Level as applicable. Intersections which cannot be

aligned should be separated by a minimum length of two hundred (200) feet between survey and center lines.

- E. Intersections with arterials, collectors, and thoroughfares shall be at least one thousand (1000) feet apart, measured from centerline to centerline, or more if required by the North Carolina Department of Transportation. This requirement may be waived by the Planning Board if it would prevent a property owner fronting a major thoroughfare from having access to such road.

406.7 Cul-de-sacs:

- A. Cul-de-sacs should be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area indicate that a through street is not essential in the location of the proposed cul-de-sac, or where sensitive environmental features such as streams, floodplains, or wetlands would substantially be disturbed by making road connections. Cul-de-sacs should not be used to avoid connection with an existing street or to avoid the extension of an important street, unless an exception is granted by the Planning Board.
- B. Cul-de-sac streets should not exceed five hundred (500) feet in length unless necessitated by topography or property accessibility and in no case shall be permitted to be over nine hundred (900) feet. The length of the cul-de-sac shall be measured from the center of the intersection at the beginning of the cul-de-sac running along the centerline to the center point of the turnaround. Where one cul-de-sac intersects with another cul-de-sac, the end of each cul-de-sac shall be no more than five hundred (500) to nine hundred (900) feet from a through street, measured as stated above. The distance from the edge of pavement on the vehicular turnaround to the right-of-way line shall not be less than the distance from the edge of pavement to the right-of-way line on the street approaching the turnaround.

406.8 Alleys:

- A.—The Planning Board may require the subdivider to provide alleys to serve lots used for commercial and industrial purposes as a means of access for service and delivery vehicles.
- B. Alleys may be approved by the Planning Board for residential subdivisions in the case of Traditional Neighborhood Developments or other residential developments that provide alleys for access to rear garages and parking areas.
- C. All alleys shall be designated in accordance with the North Carolina Department of Transportation standards. The width of an alley shall be at least twenty (20) feet with a pavement width of at least twelve (12) feet.

- D. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the dead-end as may be approved by the Planning Board.
- E. Sharp changes in alignment and grade shall be avoided.

407 UTILITIES AND EASEMENTS

407.1 Water and Sanitary Sewer Systems

- A.—Connection of each lot within a subdivision to public water and sewer utilities shall be required, at the subdivider's expense, if the proposed subdivision is within the town limits or within five-hundred (500) feet of the nearest adequate lines of a public system, provided that no geographic or topographic factors would make such connection infeasible.
- B. Subdivisions in the extraterritorial area of the Town of Pine Level may be connected, at the subdivider's expense, to the municipal water and sanitary sewer systems if approved by the Board of Commissioners.
- C. Water and sanitary sewer lines, connections, and equipment shall be constructed and installed in accordance with the town standards and policies and to the specifications of the utility provider.
- D. All lots in subdivisions not connected to municipal or county water and/or sanitary sewer systems must have a suitable source of water supply and sanitary sewage system, which complies with all applicable Johnston County Environmental Health Department regulations. The subdivider shall have the site investigated under the supervision of the Johnston County Environmental Health Department to determine if individual facilities are feasible. The subdivider shall demonstrate to the Planning Board at the time of preliminary plat review that appropriate soil tests have been conducted and each lot in the subdivision not served by public water or sewage disposal system has been approved by the Environmental Health Department for individual water supplies and/or sewage disposal systems.

407.2 Underground Utilities: All electric, telephone, television, and cable lines, both main and service connections, servicing new subdivisions shall be provided by underground wiring within easements or dedicated public rights-of-way, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services.

- A. Lots that abut existing easements or public rights-of-way where overhead utility lines and service connections have previously been installed may be supplied with service from those overhead lines, but the service connections for the utilities' overhead lines shall be installed underground. In the case of existing overhead utilities, should a road widening, or an extension of service, or other such condition occur as a result of the subdivision and necessitate the replacement or relocation of such utilities, such replacement or relocation shall be underground.

- B. The Planning Board may make the determination that underground utility installation is not feasible on a particular site. Where overhead lines are permitted as the exception, the placement and alignment of poles shall be designed to lessen the visual impact of overhead lines. Alignments and pole locations shall be carefully routed to avoid locations along horizons and utility lines should be located at the rear of the lot lines or along rear alleys where feasible.
- C. The Town of Pine Level does not obligate itself in assuming any cost incurred in constructing or installing underground utilities.

407.3 Utility Easements

- A. Easements for utilities shall be provided, where necessary, across lots or centered on rear or side lot lines and shall be at least twenty (20) feet wide for water and sanitary sewer lines and as required by the companies involved for telephone, natural gas, cable, and electric lines. The subdivider and the utility shall agree on the location and exact width of such easements. The location of such easements shall be reviewed and approved by the Planning Board prior to preliminary plat approval.
- B. Utility easements shall be kept free and clear of any buildings or other improvements that would interfere with the proper maintenance or replacement of utilities. The Town shall not be liable for damages to any improvement located within the utility easement area caused by maintenance or replacement of utilities.
- C. The subdivider shall transfer to the applicable utility provider the necessary ownership or easement rights to enable the utility provider to operate and maintain the utility facilities. In addition, the subdivider shall dedicate sufficient easement rights to accommodate the extension of utility service to adjacent or nearby properties whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments.

407.4 Drainage Easements: Where a subdivision is traversed by a natural or man-made stream, drainageway, or drainage ditch, an easement shall be provided conforming with the lines of such stream, drainageway, or drainage ditch and of sufficient width as will be adequate for the purpose of drainage. A homeowners' association, where applicable, or the property owner(s) abutting such easement shall be responsible for the maintenance of the drainageway or drainage ditch. Proper maintenance shall ensure that the drainage area remains free of growth, debris and other obstructions that restrict water flow.

407.5 Oversized Improvements: The Town of Pine Level may require installation of certain oversized utilities or the extension of utilities to adjacent property when it is in the interest of future development. If the Town requires the installation of improvements in excess of the standards required in this ordinance, including all standards adopted by reference, the Town shall pay

the cost differential between the improvement required and the standards in this ordinance. The Town may recoup this cost through fees.

408 STORMWATER MANAGEMENT

- 408.1 Construction Standards: The subdivider shall provide a surface water drainage system constructed to the standards of the North Carolina Department of Transportation, as reflected in the current issue of the Handbook for the Design of Highway Surface Drainage Structures subject to review by the Public Works Superintendent.
- 408.2 Flood Control: The system shall prevent storm and flood water damage to lots, structures, streets, and utilities, as well as to upstream and downstream areas. The system should also serve to protect water quality.
- 408.3 System Design: The preferred method of stormwater management is open drainage systems that allow for natural drainage of streams and waterways. The design of the storm drainage system and plans, including calculations, shall clearly indicate the easements and dedicated areas required for the construction and maintenance of the drainage system. A copy of the stormwater management plan shall be submitted with the preliminary plat. The following design standards shall be met:
- 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. 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.
 - C.** The storm drainage system shall follow existing topography as nearly as practical and discharge to natural drainage paths within a drainage basin. The drainage system shall incorporate stormwater Best Management Practices to minimize adverse water quality impacts.
 - D.** Surface drainage courses shall have side slopes of at least three (3) feet of horizontal distance for each one (1) foot of vertical distance, and courses shall be of sufficient size to accommodate the drainage area without flooding, and designed to comply with the standards and specifications for erosion control of the North Carolina Sedimentation Pollution Control Act, G.S. 143-34.12, Chapter 113A, Article 4, and North Carolina Administrative Code Title 15 , Chapter 4, and any locally adopted erosion and sedimentation control ordinances.
 - E.** The minimum grade along the bottom of a surface drainage course should be a vertical fall of at least one (1) foot in each two hundred (200) feet of horizontal distance.
 - F.** Streambanks and channels downstream from any land disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land disturbing activity in

accordance with the North Carolina Sedimentation Pollution Control Act, G.S. 143-34.12, Chapter 113A, Article 4, and North Carolina Administrative Code Title 15, Chapter 4.

- G. Anyone constructing a dam or impoundment within the subdivision must comply with the North Carolina Dam Safety Law of 1967 and North Carolina Administrative Code title 15, Subchapter 2K.
- H. In all areas of special flood hazards, all subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

409 OTHER REQUIREMENTS

409.1 Curb and Gutter: Curb and gutter shall be provided where deemed necessary by the Board of Commissioners with advice from the Planning Board, Street Maintenance Superintendent, and/or the Town's consulting engineer in order to provide adequate drainage, or because high traffic volumes, soil conditions, or other similar conditions or special problems exist.

409.2 Sidewalks: All subdivisions within the Pine Level town limits shall provide sidewalks on one side of the street, but sidewalks shall not be required on cul-de-sacs where provided. The Planning Board may require subdivisions within the ETJ to provide sidewalks on one side of the street in areas likely to be subject to heavy pedestrian traffic, such as near schools and shopping areas. Such sidewalks shall be constructed to a minimum width of five (5) feet, and shall consist of minimum thickness of four (4) inches of concrete. Where curb and gutter is provided, a four (4) foot vegetative strip with grass plantings shall separate the sidewalk from the curb. The abutting property owner or a homeowner's association shall be responsible for mowing the vegetative strip. Where curb and gutter is not provided, the drainage ditch or swale shall be placed between the sidewalk and the road. All sidewalks shall be placed in the right-of-way, unless the development is platted as a planned unit or group development. Sidewalks shall consist of a minimum of six (6) inches of concrete at driveway crossings. All sidewalks shall comply with the American with Disabilities Act. The Planning Board may grant an exception to this requirement where it can be shown that severe topographic or environmental constraints prevent the placement of sidewalks.

409.3 Wheelchair Ramps: In accordance with Chapter 136, Article 2A, Section 136-44.14, all street curbs in North Carolina being constructed or reconstructed for maintenance procedures, traffic operations, repairs, correction of utilities, or altered for any reason after September 1, 1973, shall provide wheelchair ramps for the physically handicapped at all intersections where both curb and gutter and sidewalks are provided and at other major points of pedestrian flow.

409.4 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 in the county 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 Commissioners and the Johnston County Planning Department (who shall also be responsible for the approval of the name of the proposed subdivision).

409.5 Street Name Signs: The subdivider shall be required to provide and erect street name signs to town standards at all intersections within the subdivision.

409.6 Street Lights: All subdivisions in which the size of the smallest lot is less than forty thousand (40,000) square feet shall have street lights installed throughout the subdivision in accordance with the standards of Progress Energy and the following requirements. Street light locations shall be indicated on the preliminary plat. Streetlights are required in all non-residential subdivisions regardless of lot size.

- A. Streetlights shall be located at all intersections and mid-block locations with spacing of fixtures not to exceed four-hundred (400) feet.
- B. Where feasible and practical, street light varieties shall be the same throughout the subdivision or individual phases of the subdivision.
- C. The height of street lights shall not exceed twenty-five (25) feet.
- D. All streetlights shall be placed at least two (2) feet inward from the street or sidewalk.
- E. All lighting shall use a cut-off fixture to limit glare and light spillage.
- F. All costs associated with the installation of street lighting are the responsibility of the subdivider. The Town will not accept streets for dedication until all street lighting has been installed. Upon acceptance of public streets by the Board of Commissioners, the Town of Pine Level will assume the responsibility for maintaining street lights.

409.7 Fire Hydrants: Fire hydrants of sufficient water pressure to provide adequate fire protection shall be provided in accordance with all applicable town and county standards, and the current NC State Building Code/Fire Code Appendix B, C, and D.

409.8 Subdivision Entrance Sign: At least one (1) sign, with the name of the subdivision clearly visible, must be placed at the principal entrance of all major subdivisions in accordance with the Town of Pine Level Zoning Ordinance *Section 402 Sign standards*. The sign shall meet all standards for Development Signs as required by *Table 402.5* and subsection 402.5(B)(3) of the Town of Pine Level Zoning Ordinance.

409.9 Placement of Monuments: Unless otherwise specified by this ordinance, the Standards of Practice for Land Surveying as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, under the provisions of Title 21 of the North Carolina Administrative Code, Chapter 56 (21 NCAC 56), shall apply when conducting surveys for subdivisions, to determine the accuracy for surveys and placement of

monuments, control corners, markers, and property corner ties; to determine the location, design, and material of monuments, markers, control corners, and property corners ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions.

410 BUFFERING

Whenever a residential subdivision is located adjacent to an office, institutional, commercial, or industrial use, or property zoned for these uses, which do not have a buffer, the subdivider shall provide a buffer as required by the Town of Pine Level Zoning Ordinance, Article IV Development Standards, Section 403 Landscaping Ordinance.

411 CONSTRUCTION PROCEDURES

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.

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 all the requirements of this Ordinance have been met. The subdivider, prior to commencing any work within the subdivision, shall 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. All inspections shall take place during reasonable hours and upon presenting proper credentials. All inspectors must have consent of the premises owner or an administrative search warrant to inspect areas not open to the public.

412 SITES FOR PUBLIC USE

To ensure orderly development of the planning area in accordance with the general principles set forth in any applicable comprehensive plan, the subdivider shall give due consideration to the reservation of open spaces for parks, schools, fire stations, and/or playgrounds in accordance with the procedures in G.S. 160D-804.

- 412.1 Reservation of School Sites: If the Board of Commissioners and the Johnston County Board of Education have jointly determined the specific location and size of any school sites to be reserved and this information appears in the Pine Level Comprehensive Plan, the Planning Board shall immediately notify the Johnston County School District when a plat for a subdivision is submitted which includes all or part of a school site to be reserved. The Board of Education shall promptly decide whether it still wishes the site to be reserved. If the Board of Education does not wish to reserve the site, it shall so notify the Planning Board. If the Board of Education does wish to reserve the site, the subdivision shall not be approved without such reservation. The Board of Education shall have eighteen (18) months beginning on the date of final approval of the subdivision within which to acquire the site by purchase or by initiating condemnation proceedings. If the Board of Education has not purchased or begun proceedings to condemn the site within eighteen (18) months, the subdivider may treat the land as freed of the reservation.

412.2 Parks, Recreation and Open Space

- A. Every person or corporation who subdivides land for residential purposes shall at the time of final approval of the subdivision plan be required to dedicate a portion of such land, as set forth in this section, for the purpose of providing park, recreation, and open space sites to service the future residents of the neighborhood in which the subdivision is located. This section shall apply to major subdivisions only.
- B. As an alternative to dedication of such land by the subdivider, or where it is determined by the Planning Board and the Board of Commissioners that a dedication of land is not feasible in a given subdivision, the subdivider may make provisions for an equitable amount of land in another location of the Town or pay the Town a fee in-lieu of dedication as provided in this section.
- C. Computation of Size of Area Required for Dedication

The amount of land required to be dedicated by a subdivider shall be based on the following formula: area to be dedicated (in acres) equals $\frac{1}{35}$ of an acre times the number of dwelling units or lots, whichever is greater, provided that for land so dedicated which a) lies within an area of the one hundred-year (100) floodplain; or b) has slopes greater than fifteen percent (15%); or c) is included within overhead utility easements, said land shall be dedicated at a rate of $\frac{1}{20}$ of an acre.

D. Suitability of Land

Criteria for evaluating suitability of proposed recreation, parks and open space areas shall include, but not be limited to the following as determined by the Planning Board.

1. Unity: The dedicated land shall be a single parcel except where it is determined that two (2) parcels or more would be in the public interest. The Board of Commissioners may require that parcels be connected, and may require the dedication of a connecting path of up to thirty (30) feet in width.
2. Shape: The dedication area shall be sufficiently round or square in order to be usable for recreational activities such as softball/baseball, tennis, basketball, and other related activities.
3. Location: The dedicated land shall be located so as to serve the recreation needs of the immediate neighborhood within the subdivision and shall bear a reasonable relationship to the use of the area by the future inhabitants of the subdivision or residential development.

4. Access: Public access to the dedicated land shall be provided either by an abutting street or public easement at least twenty (20) feet in width.
5. Usability: The dedicated land shall be usable for active recreation (play areas, ballfields, tennis courts, or similar recreation uses). Lakes may not be included in computing amount of land to be dedicated. If the Planning Board determines that active recreation needs are being met by other dedicated parcels or existing recreation facilities, they may require that land suitable for open space may be dedicated.
6. Topography: Generally, areas dedicated for recreation shall not exceed slopes of five percent (5%).
7. Plans: Municipal and county plans shall be taken into consideration when evaluating land for dedication.

E. Payments in Lieu of Dedication

1. Computation: A payment in lieu of dedication shall equal the number of acres required to be dedicated multiplied by the fair market value of the land that would otherwise be dedicated. Fair market value shall be determined by dividing the tax appraisal of the property at last re-evaluation by the current year assessment ratio.
2. Upon approval by the Board of Commissioners, payment in lieu of dedication shall be made to the Town at the time of final subdivision plan approval or within one year of approval of the preliminary subdivision plan, whichever occurs first. All monies received by the Town of Pine Level pursuant to these requirements shall be used only for the acquisition and/or development within the same recreation service area.

F. Standards for Selection of Dedication or Fee

1. Whether the Board of Commissioners accepts the land dedication or elects to require payment of a fee in lieu thereof shall be determined by consideration of the following:
 - a. The recreational element of the Town's comprehensive plan or other applicable plan;
 - b. The recommendation of the Planning Board;
 - c. Topography, geology, access, and location of land available for dedication in the subdivision;
 - d. Size and shape of the subdivision
2. The determination by the Board of Commissioners as to whether land shall be dedicated or whether a fee should be exacted shall be final and conclusive.

G. Procedures

1. Subdivider: At the time of submitting the preliminary subdivision plat or sketch plan as applicable, the subdivider shall indicate whether dedication of the property for park and recreational purposes is proposed, or whether the subdivider proposes to pay a fee in-lieu thereof. If the subdivider proposes to dedicate land for this purpose, the subdivider shall designate the area on the subdivision plat as submitted.
2. Town Action: At the time of preliminary subdivision review, the Planning Board shall recommend to the Town Board of Commissioners whether to require a dedication of land within the subdivision or payment of a fee in-lieu thereof.
3. Approval of Final Plat: Where dedication is required, such dedication shall be shown on the final plat for the subdivision submitted for approval. Where fees are required, the same shall be deposited with the Town prior to the recording of the final plat for subdivision. Open space covenants for park or recreational facilities shall be submitted to the Town prior to approval of the final plat and shall be recorded with the final plat.

H. Use of Land by Town

1. Generally: The land received by the Town under this article shall be used only for the purpose of providing neighborhood open space, park and recreational areas.
 2. Fees: Fees collected from in-lieu of dedications shall be held in a special fund by the Town, and the funds shall be used by the Town for the purpose of acquiring and developing public recreation areas and for no other purpose. The depository for such funds may be the same as permitted for other funds of the Town and pending their expenditure in accordance with the terms of this section, such funds may be invested as other funds of the Town. The Town, at its discretion, may add additional monies to the fund for the purpose of purchasing public recreational land to be used for public recreational purposes. On all matters not specifically provided for in this section, the Local Government Budget and Fiscal Control Act shall be controlling.
- I. Privately Owned Park and Recreational Areas: Private parks and recreational facilities are encouraged. However, such facilities cannot be credited toward the requirement of dedication for public park and recreation purposes.
 - J. Greenways: Greenway land may be credited toward the dedication provided that the greenway is part of the Town's Greenway Plan and the greenway or portion thereof is dedicated for public use.

ARTICLE V – ADMINISTRATIVE PROVISIONS

501 STAFF, BOARDS, AND COMMITTEES

501.1 Subdivision Administrator

The Subdivision Administrator shall be designated by the Town of Pine Level Board of Commissioners and may consist of an outside consultant acting on behalf of the Town. The Subdivision Administrator is duly charged with the enforcement of the provisions of this ordinance. If the Subdivision Administrator finds that any of the provisions of this ordinance are being violated, he/she shall notify in writing the person(s) responsible for such violations, indicating the nature of the violation and ordering the action(s) necessary to correct it. All violations shall be reported to the Planning Board at the next regularly schedule meeting so that any further action or recommendation can be made to the Board of Commissioners regarding violations. The Subdivision Administrator shall also take any other action authorized by this ordinance to ensure compliance with or to prevent the violation of its provisions.

501.2 Planning Board

As directed by the Board of Commissioners, the Planning Board shall have the following duties with respect to administration of the Subdivision Ordinance:

- A. Review and make recommendations to the Board of Commissioners on amendments to the Subdivision Ordinance.
- B. Review and approve, disapprove, or conditionally approve minor subdivisions in accordance with Article III.
- C. Review and make recommendations on major subdivision plats to the Board of Commissioners in accordance with Article III.
- D. Perform any other duties assigned by the Board of Commissioners.

502 STATEMENT BY OWNER

The owner of land shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the subdivision regulation jurisdiction of any city.

503 EFFECT OF PLAT APPROVAL ON DEDICATIONS

Pursuant to G.S. 160D-806, the approval of a plat shall not be deemed to constitute or effect the acceptance by the municipality or public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, the Board of Commissioners of the Town of Pine Level 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 of Pine Level 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 of Pine Level 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.

504 MODIFICATIONS

The standards and requirements of this ordinance may be modified by the Board of Commissioners upon recommendation from the Planning Board in the case of a Planned Unit Development or Traditional Neighborhood Development. Such developments shall provide adequate public spaces and improvements of the tract when fully developed and populated and shall provide such covenants or other legal provisions as will assure conformity to and achievement of the approved site-specific development plan. The Board of Commissioners may impose such conditions necessary to ensure adequate design and development of the subdivision.

505 VARIANCES

Where, because of severe topographical or other conditions peculiar to the site, strict adherence to the provisions of this ordinance would cause an unnecessary hardship, the Board of Commissioners may 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 this ordinance.

506 AMENDMENTS

The Board of Commissioners of the Town of Pine Level may from time-to-time amend the terms of this ordinance, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation. The Planning Board shall have thirty (30) days from the time the proposed amendment is submitted to it within which to submit its report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have recommended approved of the amendment.

No amendment shall be adopted by the governing body until they have held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the Pine Level area at least once a week for two (2) successive calendar weeks prior to the hearing. The initial notice shall appear not more than twenty-five (25) nor less than ten (10) days prior to the hearing date. In computing the ten (10) day period, the date of publication is not to be counted, but the date of the hearing is.

507 PENALTIES FOR VIOLATION

507.1 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 Johnston County Register of Deeds, shall be guilty of a Class 1 misdemeanor.

The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The Town, through its attorney or other official designated the Board of Commissioners, may bring an action for injunction of all 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. 160D-403 may be denied for lots that have been illegally subdivided. In addition to other remedies, the Town may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.

- 507.2 Each day's continuing violation of this Ordinance shall be a separate and distinct offense.
- 507.3 Notwithstanding Subsection 204.2 above, this ordinance may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.
- 507.4 Nothing in this Section shall be construed to limit the use of remedies available to the Town. The Town may seek to enforce this ordinance by using any one, all, or a combination of remedies.

508 PRE-SALE CONTRACTS

- 508.1 The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved under the subdivision ordinance or recorded with the register of deeds, provided the contract does all of the following:
 - A. Incorporates as an attachment a copy of the preliminary plat referenced in the contract and obligates the owner to deliver to the buyer a copy of the recorded plat prior to closing and conveyance.
 - B. Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contract, that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat, that changes between the preliminary and final plats are possible, and that the contract or lease may be terminated without breach by the buyer or lessee if the final recorded plat differs in any material respect from the preliminary plat.
 - C. Provides that if the approved and recorded final plat does not differ in any material respect from the plat referred to in the contract, the buyer or

lessee may not be required by the seller or lessor to close any earlier than five days after the delivery of a copy of the final recorded plat.

- D. Provides that if the approved and recorded final plat differs in any material respect from the preliminary plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than 15 days after the delivery of the final recorded plat, during which 15-day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.

508.2 The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease land by reference to an approved preliminary plat for which a final plat has not been properly approved under the subdivision ordinance or recorded with the Register of Deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential, commercial, or industrial buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved under the subdivision ordinance and recorded with the register of deeds.