

**APPROVED**  
**January 20, 2004**  
**By the**  
**Onslow County Board of Commissioners**

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## **ONSLOW COUNTY SUBDIVISION ORDINANCE**

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## ARTICLE I. INTRODUCTORY PROVISIONS

### Section 101. **Title**

This ordinance shall be known and may be cited as the Subdivision Ordinance of the County of Onslow, North Carolina, and may be referred to as the subdivision regulations.

### Section 102. **Purpose**

The purpose of this ordinance is to establish procedures and standards for the development and subdivision of land within the territorial jurisdiction of the County of Onslow. It is further designed to provide for the orderly growth and development of the county; for the dedication or reservation of rights-of-way or easements for street and utility purposes; and for the distribution of populations and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety, and the general welfare. This ordinance is designed to further facilitate adequate provision of water, sewage, parks, schools, and also to facilitate the further resubdivision of large tracts into smaller parcels of land where such subdivision is in the best interest of the public.

### Section 103. **Authority**

This ordinance is hereby adopted under the authority and provisions of the General Statutes of North Carolina, Chapter 153A, Article 18, Part 2.

### Section 104. **Jurisdiction**

The regulations contained herein, as provided in G.S. 153A, Article 18, shall govern each and every subdivision within Onslow County outside of the jurisdiction of any incorporated municipality.

### Section 105. **Official Plans and Public Facilities**

105.1 **Transportation Plans.** Where a proposed subdivision includes any part of a thoroughfare plan, collector street plan, or other official transportation plan, such part of the planned public way shall be forever platted, reserved and dedicated to the county for all public uses to include access and utility by the subdivider in the location and at the width planned.

105.2 **School Sites.** If the Board of Education has determined the specific location and size of any school sites to be reserved, the Planning Board shall immediately notify the Board of Education whenever a sketch or preliminary plan for which a subdivision is submitted which includes all or part of a school 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 months beginning on the date of final approval of the subdivision within which to acquire the site by purchase or by exercise of the power of eminent domain. Nothing in this ordinance shall preclude an owner or developer from unilaterally platting, reserving, and dedicating property to the county for

schools, parks, open space, drainage, or other public uses. Where a proposed subdivision includes such unilateral dedication or reservation, it shall be forever platted, reserved, and dedicated to the county for such public uses in the location, area, and size planned.

105.3 **Zoning and other plans.** The proposed subdivision 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 or ordinances including, but not limited to, the Onslow County Comprehensive Plan.

105.4 **Oversized improvements.** The County of Onslow 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 county requires the installation of improvements in excess of the standards required in this ordinance, including all standards adopted by reference, the county shall pay the cost differential between the improvement required and standards in this ordinance. Nothing in this ordinance shall preclude the owner or developer from unilaterally installing oversized utilities or the extension of utilities to adjacent property. In such case, the county shall not pay any costs associated with the oversized utilities or extension of utilities.

## ARTICLE II. LEGAL PROVISIONS

### Section 201. **Prerequisite to plat recordation**

After the effective date of this ordinance, no subdivision plat of land within the county's jurisdiction shall be filed or recorded until it has been submitted to and approved by the Onslow County Planning Board or Planning Department as set forth herein and until such approval is entered in writing on the face of the plat by the Planning Department.

The Register of Deeds shall not file or record a plat of subdivision of land located within the territorial jurisdiction of the county that has not been approved in accordance with these provisions, nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with this section.

### Section 202. **Effect of plat approval on dedications**

Pursuant to G.S. 153A-33, the approval of a plat does not constitute or effect automatic acceptance by the county or the public of the dedication of any street or other ground, public utility line, or other public use or facility shown on the plat. Where property is dedicated to a public use on a plat, the county or other designated public entity may unilaterally elect to accept the dedication at any time of its convenience and until such time of acceptance the property shall remain undeveloped and reserved for such public use.

### Section 203. **Penalties for violation**

203.1 After the effective date of this ordinance, any person whom 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 land before the plat has been properly approved under the terms of this ordinance and recorded in the Office of the Onslow County Register of Deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring land shall not exempt the transaction from this penalty. The county through its attorney or other officials designed by the County Commissioners may enjoin illegal subdivision, transfer or sale of land by action for injunction. Further, violators of this ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by G.S. 14-4.

203.2 The violation of any provision of this ordinance shall subject the offender to a civil penalty in the amount of one hundred (\$100) dollars to be recovered by the county. Violators shall be issued a written citation which must be paid within 10 days.

203.3 Each day's continuing violation of this ordinance shall be a separate and distinct offense.

203.4 Notwithstanding subsection 204.2 above, this ordinance may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.

203.5 Nothing in this section shall be construed to limit the use of remedies

available to the county. The county may seek to enforce this ordinance by using any one, all, or combination of remedies.

#### **Section 204. 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.

#### **Section 205. Variances**

The Board of Adjustment may authorize a variance from these regulations pursuant to Article V of the Onslow County Zoning Ordinance. In granting any variance, the Board of Adjustment shall take into account the nature of the proposed subdivision; the existing use of land in the vicinity; the zoning district in which the property resides; the number of persons to reside or work in the proposed subdivision; the Onslow County Comprehensive Plan and other local, state, or federal land use plans; and the effect of the proposed subdivision upon traffic conditions in the vicinity.

#### **Section 206. Planning Board Discretionary Authority**

Unless otherwise prohibited by federal, state, local law or ordinance, the Planning Board has discretionary authority upon written request of the subdivider to exceed size, length, or height requirements stated in this Subdivision Ordinance by ten percent (10%). Requests for variances beyond this amount must be referred to the Board of Adjustment. When deciding whether to exercise its discretionary authority, the Planning Board should be guided by the principles stated in Section 205.

#### **Section 207. Amendments**

The County Commissioners may from time to time amend the terms of this ordinance. An amendment may be proposed by or submitted to the Planning Board via the Subdivision Administrator for review and recommendation by any person residing or owning property in unincorporated Onslow County. The Subdivision Administrator shall have thirty (30) days to review and forward the proposed amendment to the Planning Board. The Planning Board shall have sixty (60) days from the time the proposed amendment is submitted to it from the Subdivision Administrator 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 approval of the amendment to the County Commissioners.

No amendment shall be adopted by the County Commissioners 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 Onslow County area at least once a week for two (2) consecutive weeks prior to the hearing. The initial notice shall appear not more than twenty-five (25) days nor less than fifteen (15) days prior to the hearing date. In computing the fifteen-twenty-five day period, the date of the publication is not to be counted, but the date of the hearing is shall be counted.

**Section 208. 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 that have been previously adopted or issued pursuant to law.

**Section 209. Reenactment and repeal of existing subdivision ordinance**

This ordinance in part carries forward by reenactment some of the provisions of the subdivision ordinance of the County of Onslow, adopted on October 4, 1979, and it is not the intention to repeal but rather to reenact and continue in force such existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced. All provisions of the subdivision ordinance, which are not reenacted herein are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of any subdivision ordinance heretofore in effect, which are now pending in any of the courts of this state or of the United States, shall be prosecuted to their finality the same as if this ordinance had not been adopted; and any and all violations of the existing ordinance, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this ordinance shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending and/or which may heretofore be instituted or prosecuted.

**Section 210. Effective date**

This ordinance shall take effect and be in force from and after \_\_\_\_\_

**Section 211. Adoption**

Duly adopted by the Board of Commissioners of the County of Onslow, North Carolina, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Section 212. Administrator**

The holder of the Office of Planning Director and/or designee is hereby appointed to serve as subdivision administrator.

**Section 213. Construction of improvements**

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 all appropriate utilities/agencies.

The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the administrator of this ordinance to provide for adequate inspection. The approving authorities having jurisdiction or their representatives shall inspect and approve all completed work prior to release of sureties.

**Section 214. Building permits**

No building, zoning, or other permit shall be issued for erection of a structure on any lot not of record at the time of adoption of this ordinance until the final plat is recorded. However, the existing parent parcel will be permitted to receive one building permit.

**Section 215. Deed Information**

The Planning Board may require that provisions for the maintenance of roads, drainage systems, easements, dedications for public use, off-site drain fields or wastewater systems, or other special conditions pertaining to all or part of a subdivision be made a part of the deed, other legal form of conveyance, and/or restrictive covenants for a lot or a group of lots. Where required, the submittal of suitable restrictive covenants, bonding, or other appropriate documentation shall be a condition precedent to approval of the subdivision.

**Section 216. Review by County Board of Commissioners**

If final plat approval is denied by the Planning Board, the applicant may appeal such decision to the County Board of Commissioners within thirty (30) days of the Planning Board decision.

## ARTICLE III. DEFINITIONS

### Section 301. **Subdivision defined**

For the purpose of this ordinance, “subdivision” shall mean all divisions of a tract or parcel of land into two 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. The following exemptions shall not be included within this definition nor be subject to any regulations enacted pursuant to this ordinance, however, all lots created under these exemptions must meet the wastewater, area, and setback standards of this ordinance and the county zoning 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 resulting lots are equal to or exceed the standards of this ordinance and the county zoning ordinance;
- B. The division of land into parcels greater than 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 or other public purposes;
- 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 access is either available by an adjacent public street or by a recorded access and utility easement and where the resultant lots are equal to or exceed the standards of this ordinance and the county zoning ordinance; and
- E. Family Division. The following is a list of requirements/statements that must be submitted with an exempt plat for a subdivision of property for family purposes:
  - 1. A plat listing the names of the family members and identifying which lots are to be conveyed to each with a statement that “the lot(s) shown are created for the purpose of family ownership”;
  - 2. Where lots are not adjacent in a public street, a note on the plat stating that the lot is benefited by a permanent easement for access and utilities.
  - 3. The following note shall appear on the plat: “No additional lots, including the resubdivision of the lots served by the access easement and utility, shall be permitted unless the access and utility easement is upgraded to meet or exceed the standards of the Onslow County Subdivision Ordinance.”;
  - 4. A note stating that the property owners are responsible for the upkeep and maintenance of the access and utility easement shall be placed on the plat; and



5. A septic permit or letter of sewer availability shall be required for each lot to be created or a statement shall be placed on the plat that the property is being conveyed as forestland or farmland.

Numbers 2, 3, and 4 only apply only when the lot(s) created do not have direct access to a public street.

Any map of an exemption shall be presented to the Planning Department for sign-off prior to recordation. If the Planning Department determines that the intent to make use of any of these exemptions is to circumvent the provisions of the Subdivision Ordinance, then the use of this exemption may be denied. The applicant may then appeal to the Planning Board for decision.

### Section 302. **Types of Subdivisions**

- A. **Major Subdivision** – A subdivision which does not qualify as a minor, rural or utility subdivision.
- B. **Minor Subdivision** – A minor subdivision is a division of 10 or fewer lots, including the residual parcel where each lot will have street frontage along an existing public or private street, where no new street improvements and/or right-of-way dedication is required, and where no water and/or sewer utility extensions are required. The minor subdivision may not be used by an owner, developer, subsequent purchaser, or successor-in-interest a second time within three years on any property less than 1,500 feet from the original property boundaries or the boundaries of an approved minor subdivision created within the original property.
- C. **Rural Subdivision** – A subdivision where ten (10) or fewer lots result with each lot at least one (1) acre in size. The Rural Subdivision may be used only once for any parent parcel or unit of ownership as of the effective date of this ordinance.
- D. **Utility Subdivision** – A subdivision of land where the resultant lot(s) are designated for specially identified utility purposes to include, but not limited to, well sites, communication towers, and substations.

### Section 303. **Other definitions**

**Buffer strip:** A strip of land which by width or vegetation or fencing or a combination thereof protects adjoining properties from incompatible views, noises, fumes, lighting and other disturbances. All buffers shall be constructed in accordance with guidelines provided herein as well as in the Zoning Ordinance, as appropriate.

**Building setback line(s):** Lines parallel to the property lines between which no structure may be built or placed.

**Common Open Space:** A parcel of land, an area of water, or a combination of land and water, within a development designed and intended primarily for the use and enjoyment of owners

within said development. Areas included in driveways and other parking areas shall not be considered a part of the open space.

**Corner lot:** A lot located at the intersection of two (2) or more streets.

**Cul-de-sac:** A dead-end street designed with a turnaround.

**Dedication:** A proposed unilateral and perpetual offer of a gift by the owner to the county or other public entity of property or easement for a specified purpose or purposes. Because a transfer of property rights is entailed, dedications must be made by written instrument or clear notation on a subdivision plat. For purposes of all subdivisions approved under this ordinance, where property is dedicated to a public use on a plat, the county or other designated public entity may unilaterally elect to accept the dedication at any time of its convenience and until such time of acceptance the property shall remain undeveloped and reserved for such public use. Dedications are complete upon acceptance by the county or other designated public entity.

**Double frontage lot:** A (through) lot which has both front and rear lot lines on a street and/or proposed right-of-way.

**Driveway:** An entrance/exit access to an approved public/private street designed to serve vehicular traffic. For the purposes of this ordinance, a driveway can serve as many as three residential lots before having to be upgraded to meet the standards of a private lane.

**Duplex:** A two-unit residential structure joined by a common structural wall.

**Easement:** A grant by the property owner of a strip or portion of land for a specified purpose or use by the public, a corporation, or person(s).

**Flag lot:** An irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm. Further, where a minimum lot width is prescribed this width shall be measured at the building setback line.

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

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

**Lot width:** The distance between side lot lines measured at the front building setback line shown on the recorded plat.

**Official maps or plans:** Any maps or plans officially adopted by the Onslow County Commissioners, a municipality within Onslow County, the State of North Carolina or other applicable official body as a guide for development, consisting of maps, charts and texts.

**Open Spaces:** An area (land and/or water) generally lacking in manmade structures reserved for the use and enjoyment of wildlife, residents, occupants and/or owners within a development.

**Parking Spaces:** See Onslow County Zoning Ordinance for specific parking requirements.

**Planned unit development (PUD):** A minimum of five acres of land, controlled by one or more landowners, to be developed under unified control or unified plan of development for a number of densities and/or land uses. A PUD shall require a rezoning to a conditional zoning district.

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

**Private Lane:** This is a private ingress/egress easement providing access to properties in a Rural Subdivision and is to be improved to the standards set forth herein.

**Public sewage disposal system:** A system serving two or more dwelling units and approved by the Onslow County Health Department and/or the North Carolina Department of Environment, Health and Natural Resources.

**Reservation:** A reservation of land does not involve any current transfer of property rights. Reservations constitute an obligation to keep property free from development in perpetuity or for a stated period of time.

**Street:** A public or private right-of-way providing for vehicular traffic. The following classifications shall apply:

- A. **Alley** – An access set aside primarily for vehicular service access to the back or side of properties otherwise abutting a public street.
- B. **Cul-de-sac** – A short street having one end permanently closed with a vehicular turnaround provided.
- C. **Frontage Road** – A local street that is parallel to a full or partial access-controlled facility and functions to provide access to adjacent land.
- D. **Local residential road**- Either cul-de-sacs, loop roads, or roads that do not connect thoroughfares or serve major traffic generators.
- E. **Major arterial street** – Streets that serve the rural areas with characteristics of major and minor thoroughfares and are identified as part of the thoroughfare system.
- F. **Major thoroughfares** – An interstate, other freeway and expressway links, and major streets that provide for the expeditious movement of volumes of traffic within and through urban areas.
- G. **Minor thoroughfares** – Streets in the urban system that 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.
- H. **Residential collector roads** – A road which serves as the connecting street between local residential roads and the thoroughfare system.

- I. **Subdivision Access road** – A road built through vacant property to provide access to the property being developed. This road would not have lots platted along it.

These street classifications are subject to change to be compatible with NCDOT.

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

**Technical Review Committee(TRC):** This standing committee shall be coordinated by the Planning & Development Department and may consist of representatives from the following departments/agencies: Utilities Department, Environmental Health, Code Enforcement, GIS, Board of Education, Fire Marshal, Flood Plain Administration, County Attorney Office, NCDOT and any other agency as may be deemed necessary.

#### Section 304. **Word Interpretation**

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

1. Words used in the present tense include the future tense.
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.
3. The word “person” includes a firm, association, corporation, trust and company as well as an individual.
4. The words “used for” shall include the meaning “designed for”.
5. The word “structure” shall include the word “building”.
6. The word “lot” shall include the words “plot”, “parcel”, or “tract”.
7. The words “plat” and “plan” are inclusive of one another.
8. The words “shall” and “must” is always mandatory and not merely directory.
9. The words “could” and “should” are not mandatory but are recommended.
10. Words used to identify one gender shall be interpreted as including all genders.

## ARTICLE IV. PROCEDURE FOR REVIEW OF SUBDIVISION PLANS

### Section 401. **Minor Subdivision and Rural Subdivision Review**

A minor subdivision or rural subdivision may not be approved within three years on any property less than fifteen hundred feet from the original property boundaries or the boundaries of an approved minor subdivision by anyone who owned, had an option on, or any legal interest in the original subdivision at the time the subdivision received final plat approval or by any subsequent purchaser or successor in interest. Either the Planning Department or applicant may at any time during the process refer a plat to the Planning Board for review.

401.1 **Preliminary Plat.** When the subdivision includes the installation of fire hydrants, a private lane and/or shared driveways, or off-site or shared drain fields/wastewater systems, the subdivider shall submit a complete preliminary plan application in accordance with the requirements set forth in Article V. This plat may be submitted along with an application for the final plat to be reviewed concurrently.

A. The Planning Department may distribute the plans to ONWASA, NCDOT, Emergency Management, GIS, Health Department, County Attorney office, and other departments as necessary for review.

B. If the plan is found to be in compliance, the Planning Department shall approve the plan.

401.2 **Final Plat.** The subdivider shall submit a complete final plat application with the requirements set forth in Article V, except that no 404 wetlands map shall be required. The final plat application shall include cost estimates for any fire hydrants, water lines, or private lanes.

A. The Planning Department may distribute the plans to ONWASA, NCDOT, Emergency Management, GIS, Health Department, County Attorney office, and other departments as necessary for review.

B. If the plan is found to be in compliance, the Planning Department shall notify the applicant so that the reproducible mylars with all signatures affixed and the recording fee can be submitted.

1. When fire hydrants; water lines; private lanes; supply lines, access roads, and permanent markers for off-site septic system drainfields; or shared wastewater systems are required, they must either be installed prior to approval or a financial guarantee must be posted for the installation before the plat can be approved.

2. The Planning Department shall sign the final plat and record it within three days of receipt or at a later date if requested by the subdivider.

3. The approval of the plat shall become null and void if, at the request of the subdivider, it is not recorded within 6 months of the approval date.
- C. Upon receipt of the complete application, the Planning Department shall have twenty (20) working days to render a decision on the proposed subdivision plat. When a preliminary and final plat are submitted concurrently, the Planning Department shall have thirty (30) working days to render a decision on both plats. Failure of the department to render a decision within such time shall constitute approval thereof.

#### Section 402. **Major Subdivision Review**

Any of two of these stages may be submitted by the subdivider for concurrent review.

402.1 **Concept/master plan.** Prior to the submission of a sketch plan, the subdivider may submit a concept/master plan for the entire property for the Planning Department and Planning Board to review and offer comments and/or recommendations. This plan would outline the major roads, lots, and utilities.

- A. The Planning Department shall distribute the plans to the Technical Review Committee (TRC) for review and comment.
- B. The Planning Department shall then consolidate and present any comments to the Planning Board for their review.
- C. The Planning Board shall review the plan and take one of the following actions on the concept/master plan:
  1. Approve the plan as submitted;
  2. Approve the plan with recommendations for change;
  3. When a significant amount of change is recommended, the Planning Board may require that the plan be resubmitted with the changes for approval; or
  4. Disapprove the plan.
- D. The subdivider shall be notified of Planning Board action within three working days after the Planning Board meeting.

402.2 **Sketch Plan.** Prior to Preliminary plat submission, the subdivider shall submit a sketch plan and complete application in accordance with the requirements set forth in Article V and the submittal policy established by the Planning Department. (This process is optional when a subdivider submits a preliminary plat depicting the entire tract of land where the subdivision is not to be developed in phases.)

- A. The Planning Department shall distribute the plans to the Technical Review Committee (TRC) for review and comment.

- B. The Planning Department shall then consolidate and present any comments to the Planning Board for their review.
- C. The Planning Board shall review the plan and take one of the following actions on the sketch plan:
  - 1. Approve the plan as submitted;
  - 2. Approve the plan with recommendations for change;
  - 3. When a significant amount of change is recommended, the Planning Board may require that the plan be resubmitted with the changes for approval; or
  - 4. Disapprove the plan.

And shall do so within 60 days of its first consideration of the plan.

- D. The subdivider shall be notified of Planning Board action within three working days after the Planning Board meeting.
- E. Approval of a sketch plan shall remain valid for 12 months. Preliminary plans can continue to be submitted for subsequent phases beyond the 12 months provided the first phase receives preliminary plat approval during the initial 12 month period.

402.3 **Preliminary Plat.** The subdivider shall submit a preliminary plat and complete application in accordance with the requirements set forth in Article V and the submittal policy established by the Planning Department.

- A. The Planning Department shall distribute the plans to the Technical Review Committee (TRC) for review and comment.
- B. The Planning Department shall then consolidate and present any comments to the Planning Board for their review.
- C. The Planning Board may approve, conditionally approve or disapprove the preliminary plan and shall do so within 60 days of its first consideration of the plat.
- D. The subdivider shall be notified of Planning Board action within three working days after the Planning Board meeting.
- E. Approval of the preliminary plan shall remain valid for 24 months. Final plats can continue to be submitted for subsequent sections of the preliminary plan beyond the 24 months provided the first phase receives final approval during

the initial 24-month period. The Planning Board may grant a one-year extension to the preliminary plat approval.

402.4 **Final Plat.** The subdivider shall submit a final plat and complete application in accordance with the requirements set forth in Article V and the submittal policy established by the Planning Department along with the cost estimates for the improvements.

- A. The Planning Department shall distribute the plans to the Technical Review Committee (TRC) for review and comment.
- B. The Planning Department shall review the plat for compliance with the provisions of this ordinance and the approved preliminary plan.
- C. If the plat is found to be in compliance, the Planning Department shall approve the plat and notify the applicant of such approval and of the required amount of the financial guarantee so that the reproducible mylars with all signatures affixed can be submitted along with the recording fee, any required financial guarantee, the Articles of Agreement, Defects Guarantee and any other required documentation.
  - 1. Once the financial guarantee (if required) and the recreation dedication fee (if required) have been submitted, the Planning Department shall sign the final plat and record it within three days of receipt or at a later date if so requested by the subdivider.
  - 2. The approval of the plat shall become null and void if, at the request of the subdivider, it is not recorded within 6 months of the approval date.
- D. Upon receipt of a complete application, the Planning Department shall have thirty (30) working days to render a decision on the proposed subdivision plat. If cost estimates were submitted, the Planning Department may take an additional fifteen (15) for review but only after notifying the subdivider. Failure of the department to render a decision within such time shall constitute approval thereof.
- E. If the Planning Department determines that a final plan has changed significantly since preliminary plat approval, the plan may be forwarded to the Planning Board for approval. The subdivider shall be notified of such decision within the thirty (30) day approval period.

#### Section 403. **Utility Subdivision Review**

403.1 **Final Plat.** The subdivider shall submit a complete application in accordance with the requirements set forth in Article V for final plats and the submittal policy as established by the Planning Department.

- A. The Planning Department shall distribute the plans to the Technical Review Committee (TRC) for review and comment.



- B. The Planning Department shall review the plat for compliance with the provisions of this ordinance and ONWASA shall ensure compliance with the Well-Head Protection Plan.
- C. If the plan is found to be in compliance, the Planning Department shall notify the applicant so that the reproducible mylars with all signatures affixed and the recording fee can be submitted.
  - 1. The Planning Department shall sign the final plat and record it within three days of receipt or at a later date if so requested by the subdivider.
  - 2. The approval of the plat shall become null and void if not recorded within 6 months of the approval date.
- D. Upon receipt of the complete application, the Planning Department shall have thirty (30) working days to render a decision on the proposed subdivision plat. Failure of the department to render a decision within such time shall constitute approval thereof.
- E. If the plan is disapproved, the Planning Department shall notify the applicant, in writing, by service of process or certified mail, return receipt requested specifying the provisions of the ordinance with which the plan does not comply.

#### Section 404. **Appeals**

- A. If a plan or plat is disapproved by the Planning Department at any stage, the Planning Department shall notify the applicant, in writing by personal service or certified mail, return receipt requested, specifying the provisions of the ordinance with which the plan does not comply. The applicant may appeal the decision of the Planning Department to the Planning Board within 30 days of notification of the Planning Department's decision.
- B. Decisions by the Planning Board to deny a subdivision may be appealed to the Board of Commissioners within thirty (30) days of decision.

ARTICLE V. PLAT REQUIREMENTS - All subdivision plats shall be prepared by a Land Surveyor currently licensed by the State of North Carolina.

**Section 501. Sketch Plan Design**

The sketch plan shall be drawn at a scale no smaller than 1"=200'. The sketch plan shall contain the following information:

1. Subdivision name, north arrow, and graphic scale;
2. A vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads and waterways;
3. Name(s) and mailing address(es) of property owner, developer, surveyor, engineer and land planner;
4. The boundaries of the tract and the portion of the tract to be subdivided;
5. The total acres to be subdivided, number of lots and lot sizes;
6. The existing and proposed land use and zoning classifications within the subdivision and the adjoining land;
7. Location of existing property lines, buildings, streets, access easements, railroads, bridges, culverts, water courses, transmission lines, sewers, drainpipes, water mains, public utility easements, township and municipal boundaries;
8. General locations of proposed lot lines, streets, utility easements (storm and sanitary sewer, water, gas, electricity, and telephone) and access easements;
9. Proposed areas for parks, schools, or open spaces;
10. Location of 100-year floodplain boundary and floodway, including community panel number;
11. Approximate mean high water mark and any areas of environmental concern, including wetlands.
12. Location of shared or outlying drain fields or wastewater systems if separate from the lot which the field is to support.
13. Location of reserved and dedicated public rights of way for access and utilities for adjoining parcels that do not have existing public access to a public street.

**Section 502 Preliminary Plat Design**

The preliminary plat shall be drawn at a scale no smaller than 1"=100'. The preliminary

plat shall contain the following information:

1. Subdivision name, north arrow, and graphic scale;
2. A vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads and waterways;
3. Name(s) and mailing address(es) of property owner, developer, surveyor, engineer and land planner;
4. Location of existing property lines, buildings, streets, railroads, bridges, culverts, water courses, transmission lines, sewers, drainpipes, water mains, public utility easements, township and municipal boundaries;
5. The name and location of any property or buildings within or adjacent to the subdivision that is located on the National Register of Historic Places;
6. The boundaries of the tract to be subdivided with all bearings and distances shown;
7. The names of owners of adjoining properties and the names of any adjoining subdivisions;
8. Zoning classifications of the tract and adjoining properties;
9. Proposed lot lines and approximate dimensions;
10. Lots numbered consecutively throughout the subdivision;
11. The location of flood hazard and floodway areas, including the community panel number;
12. Boundaries of areas of environmental concern to include 404 wetlands, CAMA wetlands, etc.
13. Contour map with intervals of at least two feet;
14. Proposed streets (along with designation as private or public), street names, rights-of-way, pavement widths, approximate grades and typical cross sections;
15. Utility easements
16. Utility plans for sanitary sewers, storm sewers, drainage, water distribution lines, natural gas lines\*, telephone lines\*, and electric lines\*;
17. Location of shared or outlying drain field/wastewater systems.

18. Location of reserved and dedicated public rights of way for access and utilities for adjoining parcels that do not have existing public access to a public street.
19. Site data to include total acreage in tract, acreage in parks or other open space, average lot size, smallest lot size, total number of lots, and linear feet in streets;
20. Location of riding trails, buffers, sidewalks, pedestrian or bicycle paths, parks and recreation areas with specific type indicated, school sites, and any other areas to be dedicated to or reserved for public use.

\*If so required by the Planning Department.

### Section 503. **Final Plat**

The final plat shall constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of this ordinance. The final plat shall contain the following information:

1. Title, date, name of subdivision and graphic scale;
2. Name(s) and mailing addresses of property owner, developer, surveyor (registration number), engineer and land planner;
3. The lines of all streets and roads;
4. Lot lines; lot numbers circled and addresses in rectangular boxes;
5. Minimum building setback lines;
6. Reservations, easements, alleys and any areas to be reserved and dedicated to public use with notes stating their purposes;
7. Sufficient data to determine readily and reproduce on the ground, the location, bearing and lengths of every shared or outlying drain field/wastewater system, street line, lot line, boundary line, block line, whether curved or straight, and including north point. This should include the radius, central angle, and tangent distance for curved streets and curved property lines that are not the boundary of curved streets;
8. Accuracy standards shall be according to the North Carolina state statutes;
9. Accurate location and description of all monuments and markers;
10. The names and locations of adjoining subdivisions and streets, and the location, ownership, and description of the existing rights to public streets, if any, of adjoining unsubdivided property;



**Certification of Soil Scientist (if applicable)**

I, \_\_\_\_\_, certify that I am a licensed soil scientist in the State of North Carolina and have evaluated this subdivision and found that the soils within this subdivision property are suitable to accommodate the subsurface wastewater disposal system needs of each of the lots depicted hereon. Prior to the issuance of building permits, the Onslow County Health Department must issue an improvement permits and construction authorizations, as applicable, for the lots shown on this plat.

\_\_\_\_\_  
Signature Date

**Certificate of Improvements Installation/Guarantee**

I hereby certify that all improvements have either been installed or guaranteed by an approved security for the \_\_\_\_\_ subdivision and that the filing fee for this plat has been paid.

\_\_\_\_\_  
Date Owner/Authorized Agent

**Certificate of Approval for Recording**

I hereby certify that the subdivision plat shown hereon has been found to comply with Subdivision Regulations of the County of Onslow, North Carolina, and that this plat has been approved by the Onslow County Planning Department for recording in the Office of the Register of Deeds of Onslow County.

\_\_\_\_\_  
Date Subdivision Administrator

**Review Officer**

NORTH CAROLINA ONSLOW COUNTY

I, \_\_\_\_\_, Review Officer of Onslow County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

\_\_\_\_\_  
Review Officer Date

**Register of Deeds Certificate**

North Carolina ..... Onslow County  
Filed for registration at \_\_\_\_\_ o'clock \_\_M. on the \_\_\_\_\_ day  
Of \_\_\_\_\_ AD \_\_\_\_\_.

Recorded in Map Book \_\_\_\_\_, Page \_\_\_\_\_, Slide \_\_\_\_\_

Onslow County Register of Deeds

**Street Disclosure Statement – Public Streets**

All streets hereon have been offered to the State for dedication to public use, but have not been accepted by the State as of this date. The developer shall immediately petition the North Carolina Department of Transportation to accept street upon construction of the streets and satisfaction of the Department’s residency requirements. The developer shall be responsible for maintenance of all streets and protection of rights-of-way until such streets are accepted into the state road system. The developer has provided the County with a maintenance guarantee for these purposes.

Department of Transportation  
Division of Highways  
Proposed Subdivision Road  
Construction Standards Certification

Approved \_\_\_\_\_  
District Engineer

OR

**Street Disclosure Statement-Private Streets**

All streets hereon are intended for private use and have been identified for conveyance to a homeowner’s association for the subdivision. The developer shall be responsible for maintenance until such streets are conveyed to the homeowner’s/property owner’s association. The developer has provided the county a maintenance guarantee for these purposes.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner/Authorized Agent

**Notes and other statements:**

This tract is not subject to 404 wetlands and/or other areas of environmental concern. Or Wetlands Caution: Prospective buyers are cautioned that portions of the lots shown on this plat are restricted in use by wetlands and waters jurisdiction pursuant to the US Army Corps of Engineers Section 404 regulations. Individual lot reviews to ensure compliance with their Federal laws and regulations are encouraged. Verification of location and restrictions should be made prior to individual lot development.

This tract is (not) subject to \_\_\_\_\_ Flood Hazard Area(map reference and date).

Maintenance for easements outside of NC Department of Transportation rights-of-way are the responsibility of the property owner (or POA).

In the absence of a homeowners association, maintenance of any shared or outlying septic fields/wastewater systems shall be the responsibility of the developer and owner jointly and severally.

Sight Distance easements shown hereon shall remain free of all structures, trees, shrubbery and signs, except utility poles, fire hydrants, and traffic control signs.

Fire District: \_\_\_\_\_ ISO Rating: \_\_\_\_\_

This development is (not) within one-half (1/2) mile of a Voluntary Agriculture District.

No structure or vegetation (except grass) can be located within the utility easement.

Other statements may be required by the Planning Department and/or Planning Board when deemed necessary.

**503.2 The following shall be submitted with the final plat, as applicable:**

1. Improvement Permits for each lot served by a septic system or a letter of sewer availability from utility providing sewer.
2. Recreation dedication requirement.
3. Erosion Control and Stormwater Permits from the State of North Carolina.
4. Street design and/or construction approval from NCDOT.
5. Water and/or sewer line approval from the State of North Carolina.
6. Complete cost estimates for all required improvements.
7. Proposed restrictive covenants and owner's association documentation.



8. If 404 wetlands are located on the property, a map with a signature from the US Army Corps of Engineers verifying the location of the 404 wetlands.
9. Other information as applicable to the project.

## ARTICLE VI. DESIGN STANDARDS AND IMPROVEMENTS

### Section 601. **Suitability of Land**

- 601.1 Land which has been determined by the Planning Board 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 proposed use 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.
- 601.2 Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the Onslow County Health Department, a structural engineer and a soils expert determine that the land is suitable for the purpose proposed.
- 601.3 All subdivisions shall be designed to minimize flood damage and shall conform to the Onslow County Flood Damage Prevention Ordinance.
- 601.4 When a subdivision adjoins public trust waters and other publicly owned water bodies, public access may be required.
- 601.5 Where areas of environmental concern have been identified, the suitability of the land in those areas will be based upon the guidelines and standards developed in accordance with the Coastal Area Management Act of 1974.

### Section 602. **Name Duplication**

The name of the subdivision shall not duplicate nor closely approximate the name of an existing development within Onslow County.

### Section 603. **Lots**

#### 603.1 **General**

- A. Only one principal structure and/or use shall be permitted per lot. This statement shall appear on the final plat to be recorded.
- B. Side lot lines shall be at right angles to or radial to street lines where natural and manmade obstructions permit.
- C. Lot boundaries shall coincide with natural and pre-existing man-made drainage ways to the extent practicable to avoid lots that can be built upon only by altering such drainage ways.
- D. Double frontage lots in residential subdivisions shall be avoided unless an adequate buffer is provided and access is permitted only on one street. Developments with access alleyways are permitted and access to both the alley and the street are allowed.
- E. Flag lot design subdivision shall be prohibited except as provided herein. A flag lot, may be permitted where the configuration of the parcel or site features warrant such a

lot design. Authorizing a flag lot is intended to accommodate a particular extenuating and unusual circumstance and requires approval by the Planning Board. Flag lot design may be used in order to provide access to a water body, park, golf course or other similar public land use when permitted by the Planning Board.

- F. No lot lines shall run to the centerline of any road right-of-way, public or private.
- G. Addresses in the subdivision shall be assigned by the county and shall appear on the final plat for recordation.
- H. The location of any 404 wetlands shall be surveyed and delineated on a map signed by the US Army Corps of Engineers; the signature need not be on the final plat but must be submitted before final plat approval. A wetlands caution statement shall appear on the final plat. If no wetlands exist on the property, a note of such fact shall appear on the final plat.
- I. Lots in a Rural Subdivision shall not be further subdivided and a note stating that shall be placed on the plat.
- J. Irregular lots having a septic drainfield and/or repair area connected to the main buildable portion of the lot via a narrow and/or convoluted section of the parcel are prohibited except as approved using the same criteria applied to flag lot approval. Where such an irregular lot is approved, an access road meeting the requirements in Section 607.3 is required from a street or from the principal structure to the drainfield and repair area. The septic supply line must be constructed as part of the infrastructure of the subdivision.

### **603.2 Area and Setbacks**

See Onslow County Zoning Ordinance for specific area and setback requirements.

### **603.3 Access Requirements**

All newly created lots and parcels shall have access to a public street via a proposed public street, a paved private street evidenced by a recorded easement or right-of-way for access or, in the case of a rural subdivision, a private lane evidenced by a recorded easement for access and utilities. However, direct access (driveways) to some roads may be prohibited. (See section 603.3.C) Multi-family, cottage developments and commercial developments may be served by private parking access areas provided that the design meets the requirements of the Onslow County Zoning Ordinance and that the upkeep and maintenance of these areas are included in the property owner documentation to be recorded at the time of the final plat approval.

When property is proposed to be subdivided as a rural subdivision which has access along an existing private easement, no more than 10 residential units may be served by the easement. The applicant must provide the names and addresses (and stamped envelopes) of the other property owners whose property is served by the existing easement so that the Planning Department may notify them of the proposed development.

Where a tract of land to be subdivided adjoins a highway or thoroughfare as identified on zoning maps or transportation plans, the developer shall be required to provide a frontage access street or other internal access road parallel to the highway or thoroughfare for any lots adjacent to the highway or thoroughfare. Where a frontage road is required, private driveways shall be prohibited from having direct access to the highway or thoroughfare. Where it is not practical for the developer to provide a frontage access street due to topography or shape of the tract, the Planning Board may at its sole discretion grant an exception to the requirement for a frontage access street. In granting said exception, the Planning Board shall particularly find that the spirit and intent of this ordinance with regard to access are preserved by granting the exception and that the circumstances particular to the subject property, such as topography or shape of the tract, specifically warrant the exception.

- A. **Private Streets.** The Planning Board may authorize the development of private streets upon evaluation of written justification provided by the developer during the sketch plan stage. These streets must be built to minimum standards outlined in Section 606.7.
- B. **Rural Subdivisions.** A private lane and easement may be approved provided that the following requirements are met:
  - A. A private lane shall serve no more than 10 residential units.
  - B. The minimum width of the easement shall be 45 feet and allow for the installation of utilities;
  - C. A minimum travelway of 20 feet in width shall be cleared with a minimum height clearance of 14 feet.
  - D. The easement shall be recorded and shall run with the land;
  - E. The travelway shall be developed with a minimum of 6" ABC stone base course at a 16 foot width and a minimum 1 ½ inch asphalt lane at a minimum of 10 feet in width. A turnaround for emergency vehicles is required but does not have to be paved; the proposed design of the turnaround is to be approved by the office of the Fire Marshall. The design and installation of the travelway shall be certified by a licensed engineer or surveyor.
  - F. The private lane shall intersect with an approved public or private street.
  - G. A disclosure statement stating that maintenance of the private lane is the responsibility of the property owners and that public services may not be provided shall be placed on the plat.
  - H. A property owners association shall be established to ensure maintenance of the private lane. A street maintenance agreement specifying the provisions for maintenance shall be recorded and run with the deeds to the property. (The deed, access and utility easement, and street maintenance agreement may be included in one document.)

- I. A 24" x 30" sign with two-inch letters stating, "Private Lane Maintained by Property Owners" shall be posted at all intersections with public or private streets.
- C. Other special access requirements.
- A. Subdivisions shall not be approved that propose individual lots with direct vehicular access (driveways) to roads that have, in the opinion of the NCDOT and the Technical Review Committee, capacity deficiencies that warrant the prohibition of the platting of lots with direct vehicular access.
  - B. Whenever a proposed subdivision abuts a major arterial, major or minor thoroughfare, or collector (as delineated on the latest adopted transportation plans), the Planning Board, or the administrator in the case of a minor subdivision, shall prohibit the platting of lots with direct vehicular access to such road. The decision to require shared or other suitable access shall be based upon the need to provide safe access to the proposed lots, reduce interference with the existing traffic pattern and flow, and/or provide buffering from adverse effects of traffic noise.
  - C. When a subdivision is proposed to connect to an existing adjoining private street, the subdivider must provide adequate documentation that these lots have approval to be served by the private street.
  - D. Commercial and industrial subdivisions shall be required to provide a frontage road or other suitable means of shared access along highways and major and minor thoroughfares unless NCDOT and the Planning Board determines that no practicable alternative for access exists. Where a frontage road is required, intersections with public streets shall be spaced no closer than 400 feet. Frontage roads may be permitted within the rights-of-way of existing streets subject to the approval of NCDOT.

Section 604. **Easements.**

- 604.1 **Access and Utility easements.** Reservation and dedication of access and utility easements may be required to provide access to adjoining properties.
- 604.2 **Buffer easements.** Buffer easements shall be required between conflicting land uses in order to minimize impacts-see Buffer Requirements. Vegetative buffers may also be required along water courses and/or wetland areas to mitigate impacts and to facilitate drainage.
- 604.3 **Drainage easements.** These easements shall be required to facilitate adequate drainage along streams or other water courses and also along lot lines and any proposed drainage facilities. Where possible, the existing and/or natural drainage way shall not be altered. Drainage flows between lots must be reflected on all subdivision plats or drainage plans.
- 604.4 **Septic System easements.** Easements for off-site or shared subsurface septic systems, repair areas, and/or supply lines or wastewater systems may be regulated state or local

law as appropriate. These easements may be combined with other easements only upon approval of the Onslow County Health Department.

604.5 **Utility easements.** Easements for underground or above-ground utilities shall be provided, where necessary, across lots or centered on rear or side lot lines and shall be at least 20 feet wide or as required by the utilities involved. A utility easement may be combined with a drainage easement only upon approval of said utility.

604.6 **Easement maintenance.** Provisions shall be made for the continued upkeep and maintenance of all easements in a manner acceptable to the Planning Board. A statement regarding maintenance shall be included on the final plat. The developer shall make it clear that neither Onslow County nor NCDOT provides upkeep and maintenance of easements.

### Section 605. **Block Design**

605.1 The lengths, widths and shapes of blocks shall be determined with regard to: provision of adequate building sites suitable to the needs of the type of use contemplated; zoning requirements; needs for vehicular and pedestrian circulation; location of off-setting streets; control and safety of traffic; limitations and opportunities of topography; and convenient access to water bodies.

605.2 Blocks shall have sufficient width to allow two tiers of lots of minimum depth except in non-residential subdivisions or where abutting a water body. Single tier lots may be allowed to separate residential development from through vehicular traffic or another type of use.

605.3 Where deemed necessary by the Planning Board, a pedestrian easement at least 15 feet in width may be required to provide convenient access to a public water area or to other public or private areas, such as parks, schools, shopping centers, religious or transportation facilities.

### Section 606. **Streets**

606.1 **Conformance with official plans.** The location and design of streets and roads shall be in conformance with any applicable, adopted transportation plan. Where conditions warrant, right-of-way widths and pavement widths in excess of the minimum street standards may be required.

606.2 **Conformance with adjoining road systems.** The planned street layout of a proposed subdivision shall be compatible with existing or proposed streets and their classifications.

606.3 **Access to adjoining property.** Where, it is desirable or necessary to provide for street access to adjoining property, proposed streets shall be extended, reserved, dedicated, and where appropriate, constructed to the boundary of such property. Generally, providing access shall be required (i) where the zoning and/or land use on the adjoining property are compatible with the proposed subdivision, (ii) where there are no natural or man-made barriers that make the street extension impracticable, (iii) where the street extension

will result in desirable traffic flows and patterns and where inappropriate levels of through traffic are avoided, and (iv) where the street extension will promote the overall orderly development of the area. All stub streets shall be designed and, where required to be built, constructed in accordance with the standards herein.

606.4 **Reserve strips.** Reserve strips adjoining streets right-of-way for the purpose of preventing access or utilities to adjacent property shall not be permitted under any condition.

606.5 **Street classification.** The final determination of the classification of streets in a proposed subdivision shall be made by the county and NCDOT.

606.6 **Public streets.**

A. Public roads shall be designed and constructed in accordance with the North Carolina Department of Transportation (NCDOT) Subdivision Roads; Minimum Construction Standards. In the case where a municipality providing the proposed subdivision with utility service(s) requires that its public road standards be adhered to and where those standards exceed the NCDOT road standards, the municipality's road standards shall apply.

B. Where streets are dedicated to the public but not accepted into a municipal or state system at the time the plat is recorded, a statement explaining the status of the street shall be included on the final plat. Said statements shall explain that the property and/or lot owners are ultimately responsible for the upkeep and maintenance of all streets until such time that the streets are included in the state system. This statement shall explain the state residency requirements and petition process and shall run with the legal documentation of each lot.

606.7 **Private streets.**

A. The Planning Board may authorize the development of private streets upon evaluation of written justification provided by the developer during the sketch plan stage. These streets must be designed and built to at least the minimum NCDOT Subdivision Street Standards. Street construction and testing shall be performed in accordance with NCDOT "Standard Specifications for Roads and Structures", latest edition, 2003 Hot Mix Asphalt Specifications and Manual, and "Quality Management Systems Maintenance Version", and shall report the testing and/or core locations, test method, results and DOT allowable range or tolerance, as applicable. Subgrade shall be tested for density and shall be proof-rolled by the testing Engineer or the Engineer or Surveyor who will issue the Final Certificate. Base and pavement shall be tested for density and thickness. Testing for pavement shall be certified by either a professional Engineer or properly certified QMS Technician and shall be in accordance with QMS criteria. The minimum densities shall be as follows: Subgrade – 100%; Stone Base – 100%; SF 9.5A – 90%; S 9.5B – 92%. The Engineer or Surveyor must be notified of each phase of construction so that the proper testing can be completed. All culverts under streets shall be per NCDOT Specifications, unless otherwise approved by the County. Adequate road

drainage provisions shall be made to protect the integrity of the constructed street system and such construction shall be certified by a licensed surveyor or engineer.

- B. Private streets shall be permitted in developments with owner's associations. The ownership interest and maintenance obligations of such private streets shall be identified and recorded in the homeowner association agreement.
- C. In the case where a municipality providing the proposed subdivision with utility service(s) requires that its road standards be adhered to and where those standards exceed the NCDOT road standards, the municipality's road standards shall apply.
- D. All private streets shall be indicated as such on the final plat.
- E. No through street in a residential area connecting two public streets can be designated as a private street, unless approved by NCDOT and the Planning Board and/or the adjacent municipality.
- F. All private streets, connected with state-maintained streets, require a driveway permit from NCDOT.
- G. A street disclosure statement shall be included on the recorded final plat.
- H. A 24" x 30" sign with two-inch letters stating, "Private Street Maintained by Property Owners" shall be posted at all entrances to the private street.

606.8 **Non-Residential Streets.** Streets in a non-residential subdivision shall be designed and constructed to meet the standards of NCDOT for the type of street proposed. When the street is proposed to be private, certification from a licensed engineer or surveyor that the proposed streets are designed per NCDOT road standards shall be submitted prior to preliminary plat approval. Furthermore, certification by a licensed surveyor or engineer that such streets have been constructed in accordance with minimum NCDOT standards and specifications shall be provided prior to final plat approval or, in the case of an improvements guarantee, prior to the release of the guarantee. Where not otherwise reserved and dedicated to public use, all such streets shall be described in a recorded easement for the benefit of all appurtenant properties and shall allow egress, access, and installation of utilities for public use.

#### 606.9 **Design Standards for All Streets**

- A. The provision of street rights-of-way shall conform to and meet the requirements of any adopted transportation plan.
- B. **Right-of-way:** Public and private street right-of-way widths shall not be less than required by the State of North Carolina for the type of road or street proposed, and/or as required by any adopted transportation plans whichever is greater.
- C. **Street Pavement widths:** Pavement widths for public and private streets shall be no less than 20' and may be required to be wider if required by NCDOT or any



adopted transportation plan. The pavement width of the cul-de-sac turnaround shall be a 40' radius; however, a smaller radius may be permitted on streets of 300' or less in length. The pavement widths for turnaround designs other than the standard cul-de-sac bulb shall be as required by the Planning Board upon recommendation of the Fire Marshal.

- D. **Access Points.** It is desirable for subdivisions to have two or more points of access to existing public or private streets. The internal street network shall be designed to optimize internal and future connectivity by minimizing the length of blocks and providing a looped or grid type road system.
- E. **Intersections:**
1. Public and private streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at an angle less than 75 degrees.
  2. Offset intersections are to be avoided. Intersections which cannot be aligned should be separated by a minimum length of 200 feet between centerlines.
  3. Intersections with arterials, collectors, and thoroughfares shall be as required by the North Carolina Department of Transportation and in accordance with any adopted transportation plan.
  4. No two streets may intersect with any other street on the same side at a distance of less than 400 feet measured from centerline to centerline at the intersections. When the intersecting street is a major or minor thoroughfare, the distance between intersecting streets shall be at least 600 feet. When two thoroughfares are proposed to intersect, this distance may need to be increased to 1,000 feet and/or right-in/right-out drives may be required.
  5. The grade at an intersection shall not exceed five percent for a distance of not less than 100 feet from the centerline of the intersection.
- F. **Sight Distance easements.** These easements shall be shown on the final plat along with a note that the easements shall remain free of all structures, trees, shrubbery, signs, utility poles, fire hydrants, and traffic control signs. The subdivider may be relieved of their requirement if it can show good cause for its failure to obtain such easements.
- G. **Cul-de-sacs:** It is the intent of this section to limit the use of cul-de-sacs wherever practicable while recognizing that property width, environmental features and other site design issues may require their use in order to reasonably develop certain properties. In particular, cul-de-sacs shall not be used to avoid connection with an existing public or private street.

The maximum distance from an intersecting public or private through street to the end of a cul-de-sac shall be 1200 feet. This distance shall be measured from the centerline of the turnaround to the centerline of the nearest public or private street

intersection. A stub-out street may be used as the nearest intersection provided that the stubout street is built as part of the infrastructure for the subdivision. No more than 50 residential units shall be served by a cul-de-sac street or combination of streets where no future access is planned. Planning Board may grant exceptions (beyond the limitations of Section 206) to these design requirements in cases where significant environmental conditions such as extensive wetlands, streams and other water bodies, maritime forests, and floodplains and floodways preclude reasonable street interconnectivity. In granting these exceptions, the Planning Board may establish conditions to ensure the safety of the public, including, but not limited to, emergency access drives, sprinkler system installation, and additional fire hydrants. All cul-de-sacs shall have a circular turnaround right-of-way of at least 100 feet in diameter. Where circumstances warrant, the Planning Board may allow the substitution of other turnaround designs specified in the NCDOT Subdivision Road Minimum Construction Standards.

- H. **Alleys.** Alleys shall be required to serve lots used for commercial and industrial purposes except that this requirement may be waived where other acceptable provisions are made for service access. The width of any alley shall be at least 20 feet. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities. Sharp changes in alignment and grade shall be avoided.
- I. **Street name and traffic control signs.** The subdivider shall be required to provide and erect public and private street name and traffic control signs to county and state standards at all intersections within the subdivision prior to final plat approval or sufficient guarantees for such signs shall be provided.
- J. **Permits for connection to state roads.** A permit issued by the North Carolina Department of Transportation shall be required prior to any construction on the public and private street or road.
- K. **Sidewalks.** Sidewalks may be required by the Planning Board on one or both sides of the public and private street in areas likely to be subject to heavy pedestrian traffic such as near schools, parks, recreation areas, or shopping areas. Such sidewalks shall be constructed to a minimum width of four feet and shall consist of a minimum thickness of four inches of concrete. All sidewalks shall be placed in the right-of-way or appropriate easement. Sidewalks shall consist of a minimum of six inches of concrete at driveway crossings or shall be adequately reinforced otherwise.
- L. **Wheelchair Ramps.** In accordance with Chapter 136, Article 2A, Section 136-44.13, all street curbs for public and private streets shall provide wheelchair ramps for the physically handicapped at all intersections where both gutter and sidewalks are provided and at other major points of pedestrian flow.
- M. **Curb and Gutter.** Curb and gutter for public and private streets may be required by the Planning Board for drainage and other engineering purposes.

- N. **Offsets to utility poles.** Poles for overhead utilities should be located clear of roadway shoulders, to a minimum of at least 30 feet from the edge of pavement and off the right-of-way on major and minor thoroughfares. On public and private streets with curb and gutter, utility poles should be set a minimum distance of ten feet from the back of curb.
- O. **Bridges.** All bridges and approaches on public and private streets shall conform to the requirements established by the North Carolina Department of Transportation.

## Section 607. Utilities and other plans required

607.1 **Water Supply.** Each lot in a subdivision shall be provided with a connection to a public water system at the subdivider's expense if it is determined that such system is available. Water line extensions must comply with the standards and policies of ONWASA water department or other utility providing service. Utility subdivisions do not have to meet this requirement.

607.2 **Sanitary Sewer.** Each lot in a subdivision shall be provided with a connection to a public sanitary sewer system at the subdivider's expense if it is determined that such system is reasonably available given the distance to existing sewer mains, scale of the proposed subdivision, the need to upgrade off-site mains or pumping systems, and similar factors; the sewer line extensions shall comply with the standards and policies of the utility providing the serve. Planning Board will make the final determination as to what constitutes "reasonably available" after receiving a recommendation from the Technical Review Committee.

If a subdivision is developed using an off-site drain field, a community sewer system, area wide system, multi-user remote system or any other form of off-site sewer treatment facility, a disclosure of the type of system proposed, and its ownership shall be submitted with the sketch plan. All other necessary and appropriate local and state documentation shall be submitted with the final plat.

### 607.3 Individual Septic.

A. The subdivider shall submit an improvement permit issued by the Onslow County Environmental Health Division for each lot to be created or have a soil scientist certification (in Section 503) on the final plat. Along with the certification, a note must be included on the final plat identifying the type of system proposed for each lot.

B. Any off-site drainfields and repair areas for individual septic systems shall be shown on the preliminary plan. Where individual off-site systems are proposed, the following standards shall apply:

2. Supply lines, access roads, and permanent markers shall be installed as part of the infrastructure improvements for the subdivision. The clearing and grading of the off-site system areas when there are adjacent off-site systems shall be installed as part of the

infrastructure improvements for the subdivision. These improvements shall be included in the performance guarantee when not complete at the time of final plat approval.

3. The location of septic systems and access easements shall be designed such that damage to existing septic systems is avoided. These locations and easements shall be included on the preliminary plan and final plat. Supply lines shall be parallel to and within fifteen feet of road rights-of-way unless such placement is not possible because of a physical obstruction, including, but not limited to, a stream, culvert, or existing structure. When an off-site drainfield and its corresponding repair area are proposed to be located on separate parcels/areas, the supply lines to the repair area and the initial drain field shall be installed as part of the infrastructure of the subdivision.

4. A suitable equipment access easement of 20' to the off-site septic area(s) shall be provided along with an adequate repair staging area for equipment and materials (this is to be included in the preliminary plan design; the easements shall also be shown on the final plat). The TRC may recommend an access easement having a width less than 20 feet when it can be determined that a narrower easement will be adequate based on the system type, location and/or other factors. The surface of the access easement shall be improved along the entire length of the access easement to a width of at least 8 feet centered on the centerline of the access easement.

5. The corners of each drain field and repair area of each off-site septic system shall be marked with permanent property markers set in concrete and extending to a height of at least one foot above grade. Such markers shall consist of corrosion-resistant and mold-resistant materials and shall display the lot and section number of the lot served by the drainfield and repair areas. Examples of such markers, include, but are not limited to, four-by-four inch treated wooden posts set in concrete at a height of at least one foot above grade and displaying the lot and section number of the lot served by the off-site system in aluminum, brass, or stainless steel lettering. Where a drain field and its corresponding repair area abut one another, markers are required only at the corners of the combined area that includes both the drain field and the repair area. A note shall be included on the final plat identifying which lot(s) are served by off-site septic systems.

6. Adequate provisions for the upkeep and maintenance of off-site septic systems shall be identified by recorded restrictive covenants, recorded home owner association covenants, recorded maintenance agreements, or other recorded means approved by the Subdivision Administrator that ensure off-site septic systems are maintained. The instrument providing for the maintenance of the off-site septic systems shall be recorded referencing the map book and page of the subdivision.

**607.4 Erosion Control.** When one acre or more is to be disturbed, an erosion control permit must be obtained from the State of North Carolina. A copy of this permit shall be submitted to the Planning Department prior to final plat approval and no construction activity shall commence until such permit is obtained.

**607.5 Stormwater Drainage System.**

A. No surface water shall be channeled or directed into a sanitary sewer.

- B. Where feasible, the subdivider shall connect to an existing storm drainage system.
- C. Where an existing storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to protect the proposed development from water damage and shall be approved by the State of North Carolina Department of Environment and Natural Resources.
- D. A copy of the stormwater permit shall be submitted to the Planning Department prior to final plat approval.

607.6 Any proposed dam or impoundment within the subdivision must comply with the North Carolina Dam Safety Law of 1967 and the North Carolina Administrative Code, Title 15, Subchapter 2K.

607.7 **Underground wiring.** All multi-family and high density subdivisions (lots less than 10,000 square feet) shall have underground wiring.

**Section 608. Buffering**

608.1 Whenever a residential subdivision is located adjacent to an office, institutional, commercial, or industrial use, or property zoned for these uses, the subdivider shall provide a buffer. If a buffer exists on the adjacent tract and is deemed by the Subdivision Administrator and/or Planning Board to be sufficient, an additional buffer will not be required. Additionally, if a water course, street or other area exists between the adjacent use and the proposed use, the buffer requirement may be waived and/or altered. Final plats shall not be approved until the buffer is constructed or an adequate bond or guarantee is provided as identified in the Zoning Ordinance.

608.2 Applicants must satisfy the buffering requirements provided here as well as those found in the Zoning Ordinance. The buffer shall be uniform in appearance and become a part of the lot on which it is located, or in the case of common property shall be deeded to the owner’s association.

608.3 The width and contents of the buffer shall be as follows:

<b>Content/Size</b>	<b>5-15 ft in width</b>	<b>16+ feet in width</b>
6’ opaque fence/wall	required	optional
trees*	8 per 100’	6 per 100’
shrubs*	none required	20 shrubs per 100’

trees must be from no less than 3 gallon containers and/or 6’ in height at planting and shrubs must be from no less than one gallon containers and/or 2’ in height at planting. Natural buffers and/or an alternative design may be utilized if the Subdivision Administrator and/or Planning Board deems it sufficient.

608.5 The upkeep and maintenance of the fence and plants are the responsibility of the subdivider until the lots are sold and then the individual lot owner or owner’s association.

**Section 609. Recreation and Open Space Requirements (Reserved)**

## ARTICLE VII. OTHER DEVELOPMENT TYPES

### Section 701. **Campground Subdivisions**

- 701.1 The minimum size of a campground subdivision shall be one acre. Gross density shall not exceed twenty lots per gross acre. The minimum lot size shall be 1500 square feet and minimum lot width shall be 30 feet.
- 701.2 One all-weather automobile parking space located outside of any public right-of-way or any street within the subdivision shall be provided for each lot.
- 701.3 Each lot shall abut upon an improved road of at least twenty feet in width which shall be covered with at least four inches of stone. A road maintenance agreement and owner's association shall be recorded and a statement included on the final plat for recording.
- 701.4 Each lot shall be served by a sewer system approved by the Onslow County Health Department or by a private or public sewer utility.
- 701.5 Each lot in a subdivision shall be provided with a connection to a public water system at the subdivider's expense if it is determined that such system is available. Water line extensions must comply with the standards and policies of the Onslow County water department or other utility providing service.
- 701.6 A central service building containing at least one shower, one lavatory and one commode for each ten lots and other electrical fixtures shall be provided. It shall be located within or immediately adjacent to the subdivision. If the subdivision is divided by a state-maintained road, a central service building shall be provided on each side of the road.
- 701.7 Permanent or semi-permanent structures or any vehicle designed as permanent living quarters shall not be allowed, and shall include but not be limited to: porches, carport, awnings, or any other structure not intended to be temporary.
- 701.8 All central service buildings, swimming pools, water and sewer facilities and other services for the use of the lot owners shall be maintained by the operator/manager or a owner's association.
- 701.9 Not less than 20 percent of the gross acreage shall be reserved as open space. The open space shall be maintained by the operator/manager or a lot owner's association.
- 701.10 All other appropriate standards, procedures and requirements of this ordinance shall apply.

### Section 702. **Multi-family Subdivisions**

- 702.1.1 For multi-family, townhouse and duplex subdivisions, and condominiums all information for major subdivisions shall be submitted. In addition, the following shall be required prior to Planning Board approval:

- A. All documents as required by law (NC Condominium Act),
- B. All owner's association documents which stipulate the maintenance and upkeep of all improvements such as streets, parking areas and other common areas.
- C. All restrictive covenants.

702.2 All improvements (utilities, etc) shall conform to the provisions set forth in this ordinance.

702.3 The design of the parking access area shall be based on the subgrade of the site but in no case shall the ABC Stone base be less than 6" and the SF9.5A asphalt pavement less than 1 1/2". The subgrade shall be tested for density and shall be proof-rolled by the testing Engineer or the Engineer or Surveyor who will issue the Final Certificate. Base and pavement shall be tested for density and thickness. Testing for pavement shall be certified by either a professional Engineer or properly certified QMS Technician and shall be in accordance with QMS criteria. The minimum densities shall be as follows: Subgrade –100%; Stone Base – 100%; SF 9.5A – 90%; S 9.5B – 92%. The Engineer or Surveyor must be notified of each phase of construction so that the proper testing can be completed.

Alternate designs of pervious surfaces may be submitted for approval by the Planning Board during the sketch plan review.

702.4 Parking access areas and other access streets shall be considered part of the infrastructure improvements for the development and guarantees are required per Section 801. A licensed surveyor or engineer shall provide certification of the parking access construction before the performance guarantee can be released.

702.5 All design and plan criteria shall conform to the provisions set forth in this ordinance and the Onslow County Zoning Ordinance.

### **Section 703. Planned Unit Developments**

A Planned Unit Development (PUD) is designed to encourage unified development of property in an innovative manner using contemporary design patterns and sound engineering principals.

- A. A PUD application requires two separate actions: a rezoning to a conditional zoning district by the Board of Commissioners and a major subdivision plat review by the Planning Board.
- B. The developer shall submit a sketch plan for initial comments and approval before the submission of the preliminary plan/site plan and final plat.

#### **703.1 Modification of Standards**

- A. The county may waive or modify the specifications, standards and requirements set forth in this ordinance for a PUD.

- B. Minimum lot areas and setbacks may be reduced and the averaging of lot areas shall be permitted to provide flexibility in design; however, each lot shall contain an acceptable building site. The overall average residential density shall be no greater than the maximum density in the county's land use plan and/or other official county plan.
- C. No PUD shall be approved which is incompatible with official plans of the county.
- D. The maximum height of buildings may be increased if the County Emergency Management officials determine that fire protection can be adequately provided.

### **703.2 Design Standards**

- A. The PUD shall provide a safe internal street circulation system designed for the type of traffic generated.
- B. The PUD shall provide parking areas adequate in terms of location, area, circulation, safety, convenience, separation and screening.
- C. The PUD shall provide common open space adequate in terms of location, area and type. The total area of the open space shall equal 25 percent of the residential areas within the PUD. The Planning Board may reduce the area requirement if it finds that such reduction is warranted by the type and design of the proposed open space.
- D. Two off-street parking spaces shall be required for each residential unit and other parking as deemed necessary for other proposed uses.
- E. The uses permitted in any PUD shall be only those permitted by the conditional zoning ordinance for the PUD.

### **703.3 Procedure for PUD approval**

- A. The developer shall submit a sketch plan as set forth in the major subdivision process for approval by the Planning Board. A rezoning application shall be submitted at or before a preliminary plan/site plan is submitted. The Planning Board may approve the sketch plan contingent upon the rezoning of such property.
- B. The preliminary plan and site plan may be combined into one plan with the following site plan information added:
  - 1. Location of buildings, parking, sanitary sewer improvements, and any other proposed improvements;
  - 2. Proposed use of each building within the site;



3. Location of any fences, buffers, trails, and other major landscaping features;
  4. Other information as may be requested by the Planning Department staff.
- C. Once the preliminary plan and site plan are approved and the rezoning has been approved, the developer may submit the final plat for approval as set forth in this ordinance.

## ARTICLE VIII. GUARANTEES REQUIRED

### Section 801. Improvements Guarantee

801.1 **General Requirements.** No final plat shall be approved until all improvements identified in Article VI, not including septic systems, have been constructed or, in lieu of such construction, the applicant has provided the Subdivision Administrator a Performance Guarantee equal to the amount identified in Section 801.4 in the form of a bond with an approved surety, payable to the County and referencing this Article VIII of the ordinance and the project name; a letter of credit payable to the County and referencing this Article VII of the ordinance and the project name; or cash. Additionally, a Maintenance Guarantee is required for all subdivisions with improvements.

801.2 **Articles of Agreement required.** All financial guarantees shall be submitted along with the Articles of Agreement. See Appendix A. The agreement shall be signed by the developer and the Subdivision Administrator. The agreement shall include a completion date not exceeding 2 years from the application date unless approval has been otherwise granted by the Planning Board. Extensions beyond a previously-approved completion date must be approved by the Planning Board.

801.3 **Review of Cost Estimates.** The developer shall submit to the Subdivision Administrator an estimate of the total cost of all improvements within the subdivision (both complete and incomplete) as well as an estimate of the total cost to complete all unfinished improvements. The estimates may be submitted by phases where the development has been approved to proceed by phases. The Planning Department shall submit the plans and the developer's cost estimates to appropriate local, state, or federal agencies for review with a request that they return comments regarding the accuracy of the estimates within 10 working days. The Subdivision Administrator shall consider the comments of the agencies and the estimates provided by the developer and, at his or her sole discretion, determine the total cost of all improvements and the estimated cost to complete unfinished improvements.

#### 801.4 Amount of Financial Guarantees.

A. The amount of the Performance Guarantee shall be equal to the estimated cost to complete all unfinished improvements as determined by the Subdivision Administrator plus 15 percent ("Performance Guarantee").

B. The developer shall provide a Maintenance Guarantee where roads or, where applicable, utilities have not been accepted or conveyed to NCDOT, a homeowner's/property owner's association, or public utility or enterprise, as appropriate. The Maintenance Guarantee shall also be provided for required buffers. The amount of the Maintenance Guarantee shall be equal to 15% of the total estimated cost of street paving and stabilization of shoulders and drainage swales, and utility line installation. The Maintenance Guarantee shall also include 15% of the cost of the privacy fence and/or the cost of replanting required buffer vegetation. ("Maintenance Guarantee").

801.5 **Drawdowns and Release of Financial Guarantees.** The developer, upon written request accompanied by supporting documentation, may request the Performance Guarantee be reduced in increments in amounts equaling the percentage of improvements actually constructed. The Subdivision Administrator shall verify that the improvements subject to the request have been constructed and shall determine the percentage of completion represented by the constructed improvements. The Subdivision Administrator shall thereafter reduce the Performance Guarantee as appropriate.

Once construction of the infrastructure is complete, the developer shall submit a written request for the release of the performance guarantee. In the case of public streets, the request shall be accompanied by the “Basic Letter” from NCDOT stating that the street improvements meet their standards. In the case of private streets, the developer shall provide an overall final certification from an engineer or surveyor based on the standards in Section 606.7 A.

The Subdivision Administrator shall not reduce or release the Maintenance Guarantee until all roads and, where applicable, all utilities have either been accepted into the state road system, conveyed to a homeowner’s association, or accepted by a public utility or enterprise, as appropriate; and additionally the portion of the performance guarantee for buffer vegetation shall not be released until 18 months have lapsed since the installation of the buffer.

801.6 **Developer Responsibility for maintenance.** The developer shall protect all rights-of-way from encroachment, and shall take all efforts necessary to expeditiously transfer such roads into the state road system or in the case of private streets, take all efforts necessary to expeditiously transfer such roads to the homeowner’s/property owner’s association in accordance with development agreements. The developer shall be responsible for the maintenance of all roads within a subdivision until such time as such roads have either been accepted into the state road system or conveyed to a homeowner’s/property owner’s association. For private streets, the developer shall provide a post-construction bond for a minimum of three years to allow time for the evaluation of the integrity of the street system. Where utilities are to be conveyed to a public utility or enterprise, the developer shall take all efforts necessary to expeditiously transfer such utilities to the public utility or enterprise. The developer shall provide the purchaser of each lot the map book and page where the plat is recorded and a separate written acknowledgement of the developer’s maintenance responsibilities pending acceptance of subdivision roads into the state road system or conveyance to a homeowner’s/property owner’s association.

801.7 **Final Plat of Record.** The final plat of record shall include the developer’s name and address or address of registered agent as well as a signed and notarized acknowledgement of the developer’s road maintenance responsibilities pending acceptance of subdivision roads into the state road system or conveyance to a homeowner’s/property owner’s association. All deeds to lots within the subdivision shall refer to the recorded map book and page of the subdivision plat.

801.8 **Terms of Guarantee.** The term of the Financial Guarantees shall be for a minimum period of one year. The Maintenance Guarantee shall contain specific provisions for an

automatic one-year extension in the event the guarantee has not been released by the County 90 days before either the initial expiration date of the guarantee or the expiration date of any subsequent extension. No Financial Guarantee shall expire or be released without written authorization from the Subdivision Administrator.

801.9 **Forfeiture of Financial Guarantee.** If the developer fails to satisfy any of obligations or responsibilities identified in this Article or the Articles of Agreement, the Subdivision Administrator shall notify the developer by registered mail at the address provided in the Articles of Agreement that the developer is in default. If the financial guarantees are in the form of a bond or letter of credit, a copy of the notice shall also be provided to the surety at the address provided in the Articles of Agreement. If the notice is returned undelivered from both the developer and the surety, then the notice may be published in a newspaper of general circulation within the County. All notices shall identify the nature of the default and provide the developer or surety 15 days to appear at a hearing before the Subdivision Administrator to show cause why the developer should not be considered in default. If the developer or surety fails to request a hearing or fails to show cause why the developer should not be held in default, the Subdivision Administrator shall declare the developer in default and the financial guarantee shall be forfeited to the County and shall be used to cure the default. Remaining funds not used to cure the default, if any, shall be deposited into the general fund of the County as compensation for administrative fees.

Appendix A  
ARTICLES OF AGREEMENT

These Articles of Agreement, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, (year) by and between \_\_\_\_\_, hereinafter referred to as Developer, and the People of the County of Onslow, North Carolina, by their Board of County Commissioners, and their Planning Board, hereinafter referred to as Onslow County.

WITNESSETH:

1. In consideration of the approval by Onslow County of the plat for the subdivision known as \_\_\_\_\_ in accordance with the Developer's proposal submitted herewith, the Onslow County Subdivision Regulations as enacted by the Board of County Commissioners of Onslow County and said Subdivision Regulations are incorporated into this Agreement by this reference and made a part thereof.
2. Developer agrees to complete all improvements so specified prior to plat approval or to provide financial guarantees to Onslow County for such improvements in a form acceptable to Onslow County in accordance with the provisions of Article VIII of the Subdivision Ordinance on the date of plat approval. The County, its agents or assigns, are hereby given the right to enter onto the property and take whatever actions may be necessary to enforce the provisions of the Onslow County Subdivision Ordinance or this Agreement to include, if necessary, the right to complete improvements or satisfy other obligations regarding the acceptance or conveyance of roads within the subdivision.
3. It is mutually agreed that the time of performance by the Developer shall be an essential part of this Contract, any failure of the Developer to complete the subdivision in accordance with the Onslow County Subdivision Regulations and the approved preliminary plat and according to the completion schedule herein contained, shall be cause for forfeiture of the guarantees to Onslow County. Notwithstanding any provision herein, the Onslow County Planning Board shall have authority to extend the time of compliance upon demonstration by the Developer that unforeseen or unusual circumstances exist.
4. Completion Schedule:

	Starting Date	Completion Date	Cost Estimate
Water System	_____	_____	_____
Streets	_____	_____	_____
Sewer System	_____	_____	_____
Signs	_____	_____	_____

5. The Developer hereby agrees to accept full responsibility for the upkeep and maintenance of any and all streets until such time as said streets are included in the state system for maintenance or conveyed to a property owner's association for maintenance. The Developer agrees to provide the County a maintenance and conveyance guarantee in accordance with the provisions of Article VIII of the Subdivision Ordinance on the date of plat approval. The County, its agents or assigns, are hereby given the right to enter onto the property and take whatever actions may be necessary to enforce the provisions of the Onslow County Subdivision Ordinance or this Agreement to include, if necessary, the right to complete improvements or satisfy other obligations regarding the acceptance or conveyance of roads within the subdivision.
  
6. It is further mutually agreed and understood that all agreements herein contained shall extend to and be obligatory upon the heirs and assigns of the Developer and in no event will this Agreement be assigned by the developer without the written consent of Onslow County.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Subdivider:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Subdivision Administrator