CHAPTER 15.01: SUBDIVISIONS

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GENERAL PROVISIONS

§ 15.01.001 TITLE.

This chapter shall be known and may be cited as the Subdivision Regulations for the Town of River Bend, North Carolina, and may be referred to as the Subdivision Chapter.

§ 15.01.002 PURPOSE.

(A) The purpose of this chapter is to establish procedures and standards for the development and subdivision of land within the territorial and extraterritorial jurisdiction of the Town of River Bend.

(B) It is further designed to provide for the orderly growth and development of the Town of River Bend; for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities; for the dedication of recreation areas serving residents of the immediate neighborhood within the subdivision and of rights-of-way or easements for street and utility purposes; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety and the general welfare.

(C) This chapter is designed to further facilitate adequate provision for water, sewerage, stormwater management, parks and playgrounds and also to facilitate the further re-subdivision of larger tracts into smaller parcels of land.

§ 15.01.003 AUTHORITY.

This chapter is hereby adopted under the authority and provisions of the G.S. Chapter § 160A, Article 19, Part 2.

§ 15.01.004 JURISDICTION.

The regulations contained herein as provided in G.S. § 160A, Article 19 shall govern each and every subdivision within the territorial and extraterritorial jurisdiction of the Town of River Bend as the areas of the jurisdiction from time to time are determined.
Penalty, see § 1.01.999

PREREQUISITE TO PLAT RECORDATION AND APPROVAL OF PUBLIC SERVICES

§ 15.01.015 PREREQUISITE TO PLAT RECORDATION.

After the effective date of this chapter, each individual subdivision plat of land within the jurisdiction of the Town of River Bend shall be approved by the Town Council.

§ 15.01.016 APPROVAL OF PUBLIC SERVICES.

No street shall be maintained by the Town of River Bend, nor street dedication accepted for ownership and maintenance, no initial zoning permit shall be issued, nor shall water, sewer or other facilities or services of the Town of River Bend be extended to or connected with any subdivision for which a plat is required to be approved unless and until the final plat has been approved by the Town Council.
Penalty, see § 1.01.999

LEGAL PROVISIONS

§ 15.01.030 PROCEDURE FOR PLAT APPROVAL.

(A) After the effective date of this chapter, no subdivision plat of land within the jurisdiction of the Town of River Bend shall be filed or recorded until it has been submitted to and approved by the Town Council as set forth in § 15.01.015 of this chapter, and until this approval is entered in writing on the face of the plat by the Mayor.

(B) The Register of Deeds shall not file or record a plat of a subdivision of land located within the jurisdictional area of the Town of River Bend that has not been approved in accordance with these provisions, nor shall the Clerk of the Superior Court order or direct the recording of a plat if the recording would be in conflict with this section.
Penalty, see § 1.01.999

§ 15.01.031 STATEMENT BY OWNER.

The owner of land shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the jurisdictional area of the Town of River Bend.
Penalty, see § 1.01.999

§ 15.01.032 EFFECT OF PLAT APPROVAL ON DEDICATIONS.

(A) Pursuant to G.S. §160A-374, the approval of a plat shall not be deemed to constitute or effect the acceptance by the Town of River Bend or public of the dedication of any street or other ground, public utility line or other public facility shown on the plat.

(B) The Town Council may by resolution accept any dedication made to the public of lands or facilities for streets, parks, public utility lines or other public purposes, when the lands of facilities are located within its jurisdictional area.

(C) Acceptance of dedication of lands or facilities located within the jurisdictional area but outside the corporate limits of the Town of River Bend shall not place on the Town of River Bend any duty to open, operate, repair or maintain any street, utility line or other land or facility, and the Town of River Bend shall in no event be held to answer in any civil action or proceeding for failure to open, repair or maintain any street located outside of its corporate limits.

§ 15.01.033 SEPARABILITY.

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

§ 15.01.034 VARIANCES.

Where, because of severe topographical or other conditions peculiar to the site, strict adherence to the provisions of this chapter would cause an unnecessary hardship, the Board of Adjustment may authorize a variance to the terms of this chapter only to the extent that it is absolutely necessary and not to an extent which would violate the intent of this chapter.

§ 15.01.035 AMENDMENTS.

The Town Council from time to time may amend the terms of this chapter, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation. The Planning Board shall have 30 days within which to submit its report. If the Planning Board fails to submit a report within the specific time, it shall be deemed to have approved the amendment.

§ 15.01.036 ABROGATION.

(A) It is not intended that this chapter repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law.

(B) Where this chapter imposes greater restrictions, the provisions of this chapter shall govern.

§ 15.01.037 EFFECTIVE DATE.

This chapter shall take effect and be in force from and after 5-15-1981.

DEFINITIONS

§ 15.01.050 SUBDIVISION DEFINED.

(A) For the purposes of this chapter, ***SUBDIVISION*** means all divisions of a tract or parcel of land into 2 or more lots, building sites or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets.

(B) The following shall not be included within this definition nor be subject to this chapter:

(1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town of River Bend as provided in this chapter;

(2) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved;

(3) The public acquisition by purchase of strips of land for the widening or opening of streets;

(4) The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than 3 lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the Town of River Bend as provided in this chapter; and

(5) The platting and conveyance of a single lot or tract out of a larger tract, provided that:

(a) The larger tract is not 1 which was platted and conveyed previously from a larger tract under this exception or under the Opinion of the Attorney General dated 3-4-1975 (44 N.C.A.G No 2, p. 251) or all or a portion of the remainder of a larger tract from which a lot or tract was platted and conveyed previously under this exception or under the Opinion of the Attorney General dated 3-4-1975 (44 N.C.A.G. No 2, p. 251);

(b) The remainder of the larger tract is being held for some purpose other than sale or building development (whether immediate or future); and

(c) No dedication of a new street or a change in existing streets is involved.

§ 15.01.051 OTHER DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALLEY. Privately or publicly owned right-of-way, primarily for service access to the back or side of abutting property, and not intended for general traffic circulation.

BUFFERS. Landscaping or other architectural measures to screen dissimilar uses from adjoining properties or private developments that abuts the street right-of-way.

BUILDING SETBACK LINE. A line parallel to the front property line in front of which no structure shall be erected.

COLLECTOR STREET. A road which serves as the connecting street between local residential roads and the thoroughfare system, as further defined in the NCDOT Subdivision Road Standards.

CUL-DE-SAC. A minor street that terminates in a vehicular turnaround with a minimum street width.

EASEMENT. A grant by the property owner of a strip of land for a specified purpose.

IMPERVIOUS SURFACE. Any surface which because of its material or composition or compacted nature impedes or prevents natural infiltration of storm water into the soil. Impervious surfaces include, but are not limited to, roofs, roof extensions, patios, balconies, decks (except wood slotted decks), athletic courts, swimming pools (excluding the water area of swimming pool), streets, parking areas, driveways, sidewalks, and any concrete, stone, brick, asphalt, or compacted gravel surface. ***Added 03/18/10***

LOCAL STREET. A road that does not connect thoroughfares or serve major traffic generators, as further defined in the NCDOT Subdivision Road Standards.

LOT. A portion of a subdivision, or any other parcel of land, intended as a unit for transfer of ownership, or occupied or intended for occupancy by a principal building, together with its accessory buildings, including the open space required under this chapter. For the purpose of this chapter, ***LOT*** shall mean any number of contiguous lots of record for location of 1 principal building and its accessory buildings.

LOT OF RECORD. A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Craven County prior to the adoption or applicable amendment of this chapter, or a lot described by metes and bounds, the description of which has been recorded prior to the adoption or applicable amendment of this chapter.

LOT TYPES.

(1) ***CORNER LOT.*** A lot which occupies the interior angle of an intersection of 2 street rights-of-way which make an angle of more than 45 degrees and less than 135 degrees with each other. A ***CORNER LOT*** shall be deeded to have 2 front yards (1 contiguous with each street right-of-way), 1 side yard and 1 rear yard.

(2) ***INTERIOR LOT.*** A lot other than a corner lot with only 1 frontage on a street.

(3) ***REVERSED FRONTAGE LOT.*** A lot on which the frontage is at right angles or approximately right angles (interior angle less than 135 degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot, an interior lot or a through lot.

(4) ***SINGLE-TIER LOT.*** A lot which backs upon a limited access highway, a railroad, a physical barrier or another type of land use and to which access from the rear is usually prohibited.

(5) ***THROUGH LOT*** or ***DOUBLE FRONTAGE LOT.*** A lot other than a corner lot with frontage on more than 1 street.

LOW IMPACT DEVELOPMENT (LID). Low Impact Development (LID) is a design strategy with the goal of maintaining or replicating the pre-development hydrologic regime through the use of design techniques to create a functionally equivalent hydrologic site design. Hydrologic functions of storage, infiltration and ground water recharge, as well as the volume and frequency of discharges are maintained through the use of integrated and disturbed micro-scale stormwater retention and detention areas, reduction of impervious surfaces, and the lengthening of run-off flow paths and flow time. Other strategies include the preservation/protection of environmentally sensitive site features such as riparian buffers, wetlands, steep slopes, valuable (mature) trees, floodplains, woodlands, and highly permeable soils. ***Added 06/18/2009***

OFFICIAL MAPS OR PLANS. Any maps or plans officially adopted by the Town Council as a guide to the development of the Town of River Bend.

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

PLAN. Any documented and approved program of recommended action, policy, intention, and the like, which sets forth goals and objectives along with criteria, standards and implementing procedures necessary for effectively guiding and controlling decisions relative to facilitating development and growth management.

PLANNED UNIT DEVELOPMENT. A permitted use designed to provide for developments incorporating a single type or a variety of residential and related uses which are planned and developed as a unit. The development may consist of individual lots or common building sites. Common land must be an element of the plan related to effecting the long term value of the entire development.

PLANNING BOARD. The Planning Board of the Town of River Bend.

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

PRIVATE DRIVEWAY. A roadway serving 2 or fewer lots, building sites or other divisions of land and not intended to be public ingress or egress.

PRIVATE STREET. An undedicated private right of way which affords access to abutting properties and requires a subdivision streets disclosure statement in accordance with G.S. § 136-102.6.

PUBLIC SEWAGE SYSTEM. A sewage collection and disposal system serving 2 or more residences or businesses or combination of residences or businesses.

PUBLIC WATER SUPPLY. A water supply system serving 10 or more residences or businesses or combination of residences or businesses.

RECREATION AREA OR PARK. An area of land or combination of land and water resources that is developed for active and/or passive recreation pursuits with various man-made features that accommodate these activities.

RESERVATION. An obligation to keep property free from development for a stated period of time.

SUBDIVIDER. Any person who subdivides or develops any land deemed to be a subdivision as herein defined.

Cross-reference:

Buffers, see §§ *15.02.220* et seq.

§ 15.01.052 WORD INTERPRETATION.

For the purpose of this chapter, certain words shall be interpreted as follows.

(A) Words used in the present tense include the future tense.

(B) 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.

(C) The word ***PERSON*** includes a firm, association, corporation, trust and company, as well as an individual.

(D) The words ***USED FOR*** include the meaning ***DESIGNED FOR***. The word ***STRUCTURE*** includes the word ***BUILDING***.

(E) The word ***LOT*** includes the words plot, parcel or tract.

(F) The word ***SHALL*** is mandatory and not merely directory.

COMPLIANCE WITH OFFICIAL PLANS

§ 15.01.065 ZONING AND OTHER PLANS.

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

Penalty, see § 1.01.999

§ 15.01.066 RESIDENTIAL COLLECTOR ROADS.

Proposed subdivisions must comply in all respects with the requirements of the residential collector road system, as shown on the Town of River Bend official thoroughfare map, latest revision.

Penalty, see § 1.01.999

PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

§ 15.01.080 GENERALLY.

Pursuant to G.S. § 160-A-373, no final plat of a subdivision within the jurisdictional area of the Town of River Bend as established in § 15.01.004 of this chapter shall be recorded in the Office of the Register of Deeds of Craven County until it has been approved by the Town Council as provided herein. To secure the approval of a final plat, the subdivider shall generally follow the procedures established in this subchapter.
Penalty, see § 1.01.999

§ 15.01.081 SKETCH PLAN DESIGN.

(A) Prior to preliminary plat application, if the land to be subdivided contains more than 4 lots, the subdivider shall submit to the Planning Board a simple sketch plan of the proposed subdivision. Smaller or minor subdivisions may be submitted in sketch form if the developer so wishes or if required by the Town Council. The subdivider shall, at this time, discuss the proposed development with the Planning Board and become familiar with the regulations affecting the land to be subdivided. This procedure does not require formal application or fee.

(B) Sketch plans shall conform to the following requirements.

(1) *Number of copies and graphic media.* A minimum of 10 copies of a sketch design plan shall be submitted. No specific graphic media must be employed.

(2) *Size of plan and scale.* No specific size or scale requirements apply to sketch design plans. It is suggested that the requirements applicable to preliminary and final plats be utilized.

(3) *Administrative fees.* No administrative fees are charged in connection with the submission of sketch design plans.

(4) *Certification required.* No certificates must be provided in connection with the submission of sketch design plans.

(5) *Contents required.* The sketch design plan shall depict or contain the following information:

(a) A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, waterways;

(b) The boundaries of the tract and the portion of the tract to be subdivided;

(c) The total acreage to be subdivided;

(d) The existing and proposed uses of the land within the subdivision and adjoining it;

(e) The proposed street and lot layout, including recreation area or parks;

(f) The proposed drainage plan, including the percentage of impervious surface, which shall be in conformity with the North Carolina Stormwater Site Planning Guidance Manual to show how the land will be used; ***Amended 03/18/10***

(g) The name, address and telephone number of the owner;

(h) The name, if any, of the proposed subdivision;

(i) Streets and lots of adjacent developed or platted properties; and

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

(6) *Review procedure.*

(a) The Planning Board shall review the sketch design plan for general compliance with the requirements of this chapter and the Zoning Chapter and shall advise the subdivider or his authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the preliminary and final plats.

(b) This review shall in no way be construed as constituting an official action of approval for recording of the subdivision by the Planning Board or Town Council as required by this chapter.

(7) *Disposition of copies.* One copy shall be retained as a part of the minutes of the Planning Board with the other copy being returned to the subdivider or his authorized agent.
Penalty, see § 1.01.999

§ 15.01.082 PRELIMINARY PLAT.

(A) *Generally.* The subdivider or the subdivider's duly authorized agent shall submit the preliminary and any supplementary materials to the Planning Board at least 14 days prior to a regular meeting of the Planning Board for every subdivision of land which is located within the jurisdictional area of the Town of River Bend as established by § 15.01.004 hereof.

(B) *Number of copies and graphic media.* Ten copies of the preliminary plat shall be submitted. No specific graphic media must be employed.

(C) *Size of plat and scale.* No specific size requirements apply to preliminary plats. Preliminary plats shall be prepared at a scale of 1 inch equals 100 feet, or greater.

(D) *Administrative fees.* Submission of the preliminary plat must be accompanied by a filing fee, in accordance with the Zoning Chapter, § 15.02.205.

(E) *Certifications.* No certifications must be provided in connection with the submission of preliminary plats.

(F) *Contents required.* The preliminary plat shall depict or contain the following information. Plats not illustrating or containing the following data shall be returned to the subdivider or his authorized agent for completion and resubmission.

(1) The proposed name of the subdivision.

(2) A sketch vicinity map showing relationship between the proposed subdivision and the surrounding area at a scale of 1 inch equals 1,000 feet, and to include at least 1 main arterial road.

(3) The boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented, with all bearings and distances shown.

(4) Scale denoted both graphically and numerically.

(5) North arrow and declination.

(6) The plans for proposed utility layouts, including sanitary sewers, storm sewers, water distribution lines, telephone and electric service, and cable TV installation, illustrating connections to existing systems or plans for individual water supply systems and/or sewage disposal systems. Plans for water supply and/or sewage disposal must be accompanied by letters of preliminary approval by the appropriate authorities. Plans must show line sizes, the location of fire hydrants, blow-offs, manholes, pumps, force mains and gate valves, and shall include profiles based upon mean sea level datum for sanitary sewers and storm sewers.

(7) The proposed specifications and drawings defining the stormwater drainage plans, including the percentage of impervious surfaces, for the new development and for any changes to existing drainage features outside the new area necessary to accommodate the plan. The use of LID design approaches is preferred and should be implemented to the maximum extent practical given the site's soil characteristics, slope, and other relevant factors. If LID design approaches are not proposed in the stormwater management plan, the applicant shall provide a full justification and demonstrate why the use of LID approaches is not possible before proposing to use conventional structural stormwater management measures which channel stormwater away from the development site. The proposed drainage plan shall be in conformity with the North Carolina Stormwater Site Planning Guidance Manual to show how the land will be used. It shall be signed and sealed by a Registered Professional Engineer, licensed to practice in North Carolina.

Amended 06/18/2009 and 03/18/10

(8) Changes to established drainage features such as size or elevation of driveway culverts, of swales and of ditches on town property or easements shall not be made without the written approval of the Zoning Administrator indicating that the change will not significantly impact stormwater drainage in the area. Grade changes on private property shall be considered drainage feature changes, and require written approval of the Zoning Administrator.

(9) Proposed street names, with all streets being designated either "Public Local Residential," "Public Collector Residential" or "Private."

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

(11) Proposed location and size of parks or other recreational or open spaces, if any, and their future ownership (dedication for public use to governmental body, for owners to duly constituted homeowners or community association, or for tenants remaining in subdividers' ownership).

(12) Site calculations, including:

(a) Acreage in total tract to be subdivided;

(b) Acreage in parks to be dedicated;

(c) Total number of parcels created; and

(d) Linear feet in streets.

(e) Percentage of impervious surfaces. ***Added 03/18/10***

(13) Proposed minimum building setback lines.

(14) The names of owners of adjoining properties and any adjoining subdivisions of record.

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

(16) Proposed street, existing and platted streets on adjoining properties and in the proposed subdivision, rights of way, pavement widths, approximate grades, design engineering data for all corners and curves, and typical street cross sections.

(17) Existing and proposed property lines, both on the tract to be subdivided and on adjoining properties, buildings or other structures, water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and on the land immediately adjoining, corporate limits, township boundaries, and county lines.

(18) Proposed lot lines, lot numbers, block letters and approximate dimensions.

(19) Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds, and any other natural features affecting the site.

(20) The preliminary plat should be accompanied by a copy of any proposed deed restrictions or similar covenants when deemed necessary by the Planning Board (mandatory when private recreation areas are established).

(21) Date of plat preparation.

(22) The name of the township, county and state in which the subdivision is located.

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

(24) Environmental impact statement. Pursuant to G.S. Chapter 113A, the Planning Board may require the subdivider to submit an environmental impact statement with his preliminary plat if:

(a) The development exceeds 2 acres in area; and

(b) If the Planning Board deems it necessary due to the nature of the land to be subdivided, or peculiarities in the proposed layout.

(25) Any other information considered by either the subdivider or the Planning Board to be pertinent to the review of the preliminary plat.

(26) Submit a plan for the subdivision prepared in accordance with the procedures described in §§ 5, 6 and 7 (pages 25 through 56) of the 2-20-1998 printing of the North Carolina Site Planning Guidance Manual. The plan may include more than 1 sheet, and it shall include the following specific information:

(a) Layout of roads, lots, public areas, buffer zones, utilities, ponds, streams, wetlands, filled areas and any special or unusual feature;

(b) Proposed finished grading contour lines;

(c) Bottom elevations or profiles of all drainage ditches, swales, culverts and pipes along roads;

(d) Location, size and invert elevation of all drainage culverts and pipes along or under roads;

(e) Identification of where stormwater will flow when it exits the subdivision and any features included to facilitate the flow and any work which will have to be done to accommodate the flow beyond the subdivision boundaries;

(f) Estimates of all paved or roofed over areas (impervious surfaces) which would prevent stormwater from soaking into the ground; ***Amended 03/18/10***

(g) Identification of best management practices and stormwater control features included in subdivision plans;

(h) Plan for barriers and traps to limit and control the transfer of soil sediments to the town's drainage system during and after construction;

(i) Certification of plans by a Registered Professional Engineer licensed to practice in North Carolina; and

(j) Planting plan - See Zoning Chapter, §§ 15.02.235 *et seq*.

(27) Submit a supporting report, calculations and sketches that include the following:

(a) Calculations determining the amount of stormwater entering and leaving the subdivision during 10, 50 and 100 year storms taking into account the soil types, topography and planned impervious surface coverage;

(b) Calculations determining the impact of runoff from the subdivision on existing town drainage paths;

(c) Design of and cost estimates for changes to existing town drainage paths outside the subdivision that will have to be made to accommodate the increased flows; and

(d) Calculations showing the impact of best management practices and stormwater control features included in subdivision plans on runoff from the subdivision.

(28) Location of all street name signs shall be shown.

(G) *Review procedure*.

(1) The Planning Board shall review and take action on each preliminary plat within 45 days after first consideration by the Planning Board. First consideration shall be at the next regularly scheduled meeting of the Planning Board that follows at least 14 days after the plat is submitted.

(2) Before taking final action on the plat, the Planning Board shall refer copies of the plat and any accompanying materials to those public officials and agencies concerned with the new development, including but not limited to, the Town Council, the Craven County Health Department, the District Engineer of the North Carolina Department of Transportation (4 copies), and the County Soil Conservation Service Office, for review and recommendation. The other Town Boards will give their recommendations before the next Planning Board meeting. If there is no response from the other Town Boards, the Planning Board will assume that there are no comments.

(H) *Disposition of copies.*

(1) If the plat is approved, approval shall be noted on at least 3 copies of the plat by the Secretary of the Planning Board. One copy shall be transmitted to the Zoning Administrator who shall retain it for public examination, 1 copy shall be returned to the subdivider and 1 copy shall be retained by the Planning Board.

(2) (a) If the preliminary plat is disapproved, the Planning Board shall specify the reasons for the action in writing.

(b) One copy of the reasons shall be retained by the Planning Board, 1 copy shall be given to the subdivider and 1 copy shall be transmitted to the Zoning Administrator.

(c) If the preliminary plat is disapproved, the subdivider may make the recommended changes and resubmit a revised preliminary plat, or appeal the decision to the Board of Adjustment.

(d) The review procedure for a revised preliminary plat shall be as provided in division (G) above.

Penalty, see § 1.01.999

Cross-reference:

Approval of utilities, see § 15.01.101

§ 15.01.083 FINAL PLAT.

(A) *Improvements installation or guarantees.* Upon approval of the preliminary plat by the Planning Board and the Town Council, the subdivider may proceed with the preparation of the final plat, and the installation or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this chapter.

(B) *Performance guarantee.*

(1) In lieu of prior construction of the improvements required by this chapter, the Town of River Bend may, for the purpose of approving a final plat, accept a guarantee from the subdivider that the improvements will be carried out according to the specifications of the Town of River Bend at his expense.

(2) The guarantee may be in the form of a surety bond made by a surety company licensed to do business in North Carolina, certified check drawn in favor of the Town of River Bend, cash deposited with the Town of River Bend, letter of credit in favor of the Town of River Bend from a bank or other financial institution satisfactory to the Town Council or any other form of security as the Town Council may approve. The guarantee shall be in the amount of not less than 100% nor more than 125% of the estimated cost of the construction of the required improvements.

(3) Performance guarantees shall run for a period of 1 year and may be renewed thereafter for periods of time as the Town Council may approve.

(C) *Defects guarantee.*

(1) The Town Council shall require a surety bond made by a surety company licensed to do business in North Carolina, certified check drawn in favor of the Town of River Bend, cash deposited with the Town of River Bend, letter of credit in favor of the Town of River Bend from a bank or other financial institution satisfactory to the Town of River Bend or any other form of security as the Town Council may approve, guaranteeing utility taps, curbs, gutters, street pavement, sidewalks, drainage facilities, water and sewer lines and other improvements against defects for 1 year.

(2) The guarantee shall be in the amount of not less than 100% nor more than 125% of the estimated cost of the construction of the required improvements.

(D) *Maintenance guarantee.*

(1) The Zoning Administrator shall secure from all subdividers a letter in which the subdivider shall agree to maintain the backfill and any improvements located thereon and therein and any ditch which has been dug in connection with the installation of the improvements.

(2) The letter shall be binding on the subdivider for a period of 1 year after the acceptance of the improvements by the Town of River Bend.

(E) *Final plat review contingent upon execution of guarantees.* No final plat will be accepted for approval by the Town Council unless accompanied by an acknowledgment by the Town Zoning Administrator of receipt of the guarantees provided by in divisions (B), (C) and (D) above.

(F) *The final plat.* The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at the time. The portion shall conform to all requirements of this chapter.

(G) *Plat submitted.*

(1) The subdivider shall submit the final plat, so marked, to the Chairperson of the Planning Board or his designee not less than 14 days prior to the meeting of the Planned Board at which it will be considered for approval.

(2) Further, the plat shall be submitted not more than 12 months after the date on which the preliminary plat was approved.

(3) Otherwise the approval shall be null and void unless a written extension of this time limit is granted by the Planning Board on or before the 1 year anniversary of the approval.

(H) *Plat prepared.*

(1) The final plat shall be prepared by a registered land surveyor licensed to practice in the State of North Carolina.

(2) The final plat shall conform substantially to the preliminary plat as it was approved.

(3) The final plat shall conform to the provisions of plats, subdivisions and mapping requirements as set forth in G.S. § 47-30.

(I) *Number of copies and graphic media.* Twelve copies of the final plat shall be submitted.

Two of these shall be drawn on linen or film suitable for reproduction and 10 shall be black or blue line paper prints.

(J) *Size of plat and scale.*

(1) Final plats shall have an outside marginal size of not more than 21 inches by 30 inches nor less than 8-1/2 inches by 11 inches, including 1-1/2 inch margin on each of the other sides.

(2) Where size of land areas or suitable scale to assure legibility require, maps may be placed on 2 or more sheets with appropriate match lines.

(3) Final plats shall be drawn at a scale of 1 inch equals 100 feet, or greater.

(K) *Administrative fees.* Submission of the final plat must be accompanied by a filing fee of $150.

(L) *Certification required.* The following signed certificates shall appear on all copies of the final plat which are submitted to the Planning Board by the subdivider:

(1) *Certification of ownership and dedication.*

I hereby certify that I am the owner of the property shown and described thereon, which is located in the jurisdictional area of the Town of River Bend and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted.

_____ _____
Date Owner(s)

(2) *Certificate of approval of water supply and sewage disposal systems.*

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

_____ _____
Date County Health Officer

(3) *Certificate of survey and accuracy.*

I,_____, certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book____, Page___) (other); that the error of closure as calculated by latitudes and departures is 1:___; that the boundaries not surveyed are shown as broken lines plotted from information found in Book___, Page___; that this map was prepared in accordance with G.S. § 47-30 as amended. Witness my hand and seal this day of___, A.D., 20___.

_____ _____
Registered Land Surveyor Registration Number

(4) *Certificate of approval of the design and installation of streets, utilities, and other required improvements.*

I hereby certify that all streets, utilities and other required improvements in the Subdivision have been installed in an acceptable manner and according to the specifications and standards of the Town of River Bend or that guarantees of the installation of the required improvements in an amount and manner satisfactory to the Town of River Bend have been received, and that the filing fee for this plat in the amount of $150 has been paid.

_____ _____
Date Mayor - Town of River Bend

(5) *Certificate of local coastal area management officer.*

This subdivision conforms to the standards of the North Carolina Coastal Area Management Act of 1974 being G.S. §§ 113A-110 *et seq.* and is not located within any area of environmental concern.

_____ _____
Date Local Permit Officer

(M) *Contents required.*

(1) The final plat shall depict or contain the following information.

(2) Plats not illustrating or containing the following data shall be returned to the subdivider or his authorized agent for completion and resubmission.

(a) The name of the subdivision;

(b) A sketch vicinity map showing relationship between the proposed subdivision and surrounding area at a scale of 1 inch equals 1,000 feet, and to include at least 1 main arterial road;

(c) The exact boundary lines of the tract to be subdivided fully dimensioned by bearings and distances, and the location of intersecting boundary lines of adjoining lands;

(d) Scale denoted both graphically and numerically;

(e) North arrow and declination;

(f) Street names;

(g) The location, purpose and dimensions of areas to be used for purposes other than residential;

(h) Minimum building setback lines;

(i) The names of owners of adjoining properties and any adjoining subdivisions of record;

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

(k) Right-of-way lines and pavements widths of all streets and the location and width of all adjacent streets and easements;

(l) Property lines, buildings or other structures, water courses, railroads, bridges, culverts;

(m) Sufficient engineering date to determine readily and reproduce on the ground every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, central angles, and tangent distances for the center line of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest 1/10 of a foot and all angles to the nearest minute;

(n) The accurate locations and descriptions of all monuments, markers, and control points and telephone and electric service and cable TV installation;

(o) The blocks lettered alphabetically throughout the entire subdivision and the lots numbered consecutively throughout each block;

(p) The date of the survey and the plat preparation;

(q) All certifications as required by division (L) above;

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

(s) The name(s), address(es), and telephone number(s) of the owner(s), registered land.

(N) *Review procedure*. Final plats shall be reviewed according to the following procedure:

(1) *Planning Board review*.

(a) The Planning Board shall approve or disapprove the final plat within 45 days of its first consideration.

(b) During its review of the final plat, the Planning Board may appoint a registered land surveyor to confirm the accuracy of the final plat. If substantial errors are found, in the opinion of the Planning Board, the costs shall be charged to the subdivider and the plat shall not be approved until the errors have been corrected.

(c) 1. If the Planning Board approves the final plat, the approval shall be indicated on each of the plats by the following signed certificate:

Certification of approval by the Planning Board.

The Planning Board of the Town of River Bend hereby recommends to the Town Council approval of the final plat for the Subdivision.

_____ _____

Date Chairperson, Planning Board of Town of River Bend

2. If the Planning Board disapproves the final plat, the Planning Board shall state in writing its reasons for the action, specifying the provisions of this chapter with which the plat does not comply. One copy of this statement shall be transmitted to the subdivider within 15 days of

disapproval; 1 copy shall be retained by the Planning Board as a part of its proceedings; and 1 copy shall be sent to the Zoning Administrator.

3. If the final plat is disapproved, the subdivider may make changes as will bring the plat into compliance with the provisions of this chapter and resubmit same for reconsideration by the Planning Board.

4. If the Planning Board fails to approve or disapprove the final plat within 45 days after first consideration, as previously defined, the failure shall be deemed approval and shall constitute grounds for the subdivider to apply for final approval by the Town Council.

5. In the event, the above certificate shall not be required.

(2) *Town Council review.*

(a) At the first regular meeting of the Town Council following its receipt of the final plat and the recommendations of the Planning Board, the Town Council shall review and shall approve or disapprove the plat within 45 days thereafter.

(b) If the Town Council approves the final plat, the approval shall be shown on each copy of the plat by the following signed certificate:

Certificate of approval for recording.

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

_____ _____
Date Mayor - Town of River Bend

(c) 1. If the final plat is disapproved by the Town Council, the reasons for the disapproval shall be stated in writing, specifying the provision(s) of this with which the final plat does not comply. One copy of the reasons shall be retained by the Town Council as part of its proceedings; 1 copy shall be transmitted to the Planning Board; and 1 copy shall be transmitted to the subdivider.

2. If the final plat is disapproved, the subdivider may make changes as will bring the final plat into compliance with this chapter and resubmit same for reconsideration by the Planning Board.

(O) *Disposition of copies.*

(1) If the final plat is approved by the Town Council, 2 signed reproducible copies shall be returned to the subdivider for recording by Craven County Register of Deeds.

(2) After recording, 1 reproducible copy and 3 black or blue prints shall be filed with the Zoning Administrator.

(P) *Recording of the final plat.*

(1) The subdivider shall file the approved final plat with the Register of Deeds of Craven County for recording within 60 days after the date of approval by the Town Council.

(2) Otherwise, the approval shall be null and void.

(Q) *Re-subdivision procedures*.

(1) For any re-platting or re-subdivision of land, the same procedures, rules and regulations shall apply as prescribed herein for an original subdivision.

(2) Lot sizes may, however, be varied on an approved plan after recording, provided that:

(a) No lot or tract of land shall be created or sold that is smaller than the size shown on the approved plan;

(b) Drainage, easements or rights-of-way shall not be changed;

(c) Street alignment and block sizes shall not be changed;

(d) The property line between the back of the lots shall not be changed;

(e) The rear portion of the lots shall not be subdivided from the front part; and

(f) The character of the area shall be maintained.

Penalty, see § 1.01.999

IMPROVEMENTS REQUIRED AND MINIMUM STANDARDS OF DESIGN

§ 15.01.095 GENERALLY.

Each subdivision shall contain the following improvements, depending on the proposed lot sizes as expressed in the following chart:

IMPROVEMENTS REQUIRED			
	Lot Areas in 1,000 Square Feet		***Multi-Family Group***
	20	***15***	
Graded Streets and Lots	x	x	x
Drainage	x	x	x
Central Water and Hydrants	x	x	x
Public Sewer	x	x	x
Paved Streets	x	x	x
Max. Street Grade	8%	8%	5%
Street Lights*	x	x	x
Trees	x	x	x

IMPROVEMENTS REQUIRED			
	Lot Areas in 1,000 Square Feet		***Multi-Family Group***
	20	***15***	
Underground Wiring (Electric, telephone and cable tv installation)	x	x	x
Recreation Area	x	x	x
* At the appropriate time during the subdivision development, the town will arrange street light installation by the utility company currently serving the town in accordance with their, and state (NCDOT "standard specifications for roads and structures", section 1400 – Lighting) standards. The developer will pay to the town the prevailing underground installation charge per pole as invoiced by the utility company currently serving the town. If there are existing lights, new lights should match them as close as possible. New lights should all be the same on single poles. Whether additional or new street lights, they should be placed as close to 350 feet apart as possible without interfering with right-of-ways to private property or emergency equipment. If the 350 feet distance places the street light within 20 feet of an intersection, the light should be placed at the intersection. In all cases, the type of street light will be subject to town approval.			

Penalty, see § 1.01.999

§ 15.01.096 SUITABILITY OF LAND.

(A) *Generally*. Land subject to flooding, improper drainage, erosion or that is for topographical or other reasons unsuitable for residential use as determined by the Planning Board shall not be platted for residential use nor for any other uses that will continue or increase the danger to health, safety, or property unless the hazards can be and are corrected.

(B) *Prevention of flood damage*.

(1) Lands known to be within a floodplain or any area known to be subject to flooding shall be so identified on the preliminary plat.

(2) Any lands located in Zone A as indicated by the flood hazard boundary map issued by the Federal Insurance Administration covering land in the jurisdictional area of the Town of River Bend shall be developed only in compliance with the Flood Disaster Protection Ordinance of the Town of River Bend.

(C) *Fill areas*. Areas that have been used for the disposal of solid waste shall not be subdivided into commercial or residential building sites. This shall include those areas that have been used for the disposal of trash, demolition waste and other waste materials.
Penalty, see § 1.01.999

§ 15.01.097 NAME OF SUBDIVISION.

The name of a subdivision shall not duplicate nor closely approximate the name of an existing subdivision within the Town of River Bend.
Penalty, see § 1.01.999

§ 15.01.098 NATURAL ASSETS.

In any subdivision, due consideration shall be given to preserving natural features such as trees, ponds, streams, rivers and lakes which are of value not only to the subdivision but to the Town of River Bend as a whole.
Penalty, see § 1.01.999

§ 15.01.099 SEDIMENTATION POLLUTION CONTROL.

In order to prevent soil erosion and sedimentation pollution of streams, springs, flat water bodies or other drainage networks, the subdivider shall comply with all requirements of the North Carolina Sedimentation Control Pollution Act of 1973 being G.S. Chapter 113A, Article 4 and any locally adopted sediment control ordinances and shall provide written approval of all appropriate governmental agencies.
Penalty, see § 1.01.999

§ 15.01.100 STORMWATER DRAINAGE.

(A) The subdivider shall provide an adequate drainage system for the proper drainage of all surface water. The design of the system shall be subject to the approval of the Town Council. See details in 15.01.081 (7). ***Amended 06/18/2009***

(B) No surface water shall be channeled or directed into a sanitary sewer.

(C) Where feasible, the subdivider shall connect to an existing storm drainage system:

(D) Where an existing storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed and constructed to protect the proposed development and adjacent properties from water damage.

(E) Where drainage along side or rear lot lines is required, the drainage shall be by means of appropriate stormwater piping and catch basins or ditches with erosion-resistant slopes and bottoms, such as marl rip-rap, mulching, sodding and the like. The Town's engineer will make a recommendation regarding the use of pipe or ditches. ***Amended 01/15/2009***
Penalty, see § 1.01.999

§ 15.01.101 WATER AND SEWERAGE SYSTEMS.

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

(B) Water supply systems shall be connected to the town's water system and shall be approved by the town's Water Resources Department as to the size of mains, points of connection to the town's water supply system, turn off valves and loops in the system. At the time of approval, the Water Resources Department shall provide the developer with a list of impact costs to ensure the adequate supply of water to the subdivision. These costs shall be paid for by the developer.

(C) Water supply systems shall be further approved by the Water Resources Department and the Fire Department as to location of hydrants and size of mains feeding the hydrants.

(D) Wastewater systems shall be connected to the town's wastewater system and shall be

approved by the town's Water Resources Department as to the proper flow, number of lift stations required, emergency pumping facilities and points of connection to the town's wastewater system. At the time of approval, the Water Resources Department shall provide the developer with a list of impact costs to ensure the adequate flow of wastewater from the subdivision to the treatment facility. These costs shall be paid for by the developer.

(E) On site wastewater treatment systems may be permitted if there will not be a town wastewater system available within 90 days, as approved by Craven County Health Department. The developer shall install the infrastructure for wastewater collection, including individual property taps, even though they are not connected to the central system.
Penalty, see § 1.01.999

§ 15.01.102 STREETS.

(A) *Coordination and continuation streets*. The planned street layout of a proposed subdivision shall be compatible with existing or proposed streets and their classifications on adjoining or nearby tracts. The location and design (including widths) of streets shall be in conformance with the Town's adopted and approved thoroughfare plan. ***Amended 01/15/2009***

(B) *Access to adjacent properties*. Where, in the opinion of the Planning Board, it is necessary to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of the property and a temporary turn-around shall be provided.

(C) *Street names*.

(1) Proposed streets which are obviously in alignment with existing streets shall be given the same name.

(2) In assigning new names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names irrespective of the use of a suffix such as street, road, drive, place, court or the like.

(3) Street names shall be subject to the approval of the Planning Board.

(D) *Design and construction standards*.

(1) The sub-grade soil test, design and construction of all private and public streets and roads within the Town of River Bend shall be in accordance with the minimum construction standards for local residential subdivision roads and residential collector roads established by the North Carolina Department of Transportation, in "Minimum Construction Standards for Subdivision Roads" (January, 2000) and subsequently modified by the standards for "Traditional Neighborhood Development" (July, 2000). Minimum acceptable right-of-way and pavement widths are as follows:

Street Designation	Right of Way (min.)	Street Width (min.)
Thoroughfare	60 feet	24 feet
Residential Collector	60 feet	22 feet
Residential Local	50 feet	18 feet
Cul-De-Sac	50 foot radius	25 foot radius

This criteria shall apply to all subdivision that are approved after 01/17/2001. ***Amended 01/15/2009***

(2) However, subdivisions that exist in the town prior to 1-17-2001 may petition the Town Council to have existing subdivision streets accepted into the town maintained street system without meeting the above criteria, provided:

(a) This criteria outlined on the following engineering survey criteria is submitted; and

(b) The survey is certified by a licensed professional engineer who has been contracted by the town.

(3) (a) *Advise of engineer*. The engineer will advise the Council on adequacy of the streets that are petitioned for transfer to town maintenance.

(b) *Engineering survey criteria*.

1. The engineer conducting this survey shall understand that the town recognizes that the subject subdivision streets serve only local traffic and will never be through streets. As a result, the street width, paving standards, marking standards and sight line may be and will remain different from the standards of the town's through streets.

2. The engineer shall provide recommendations as to the details of dedicated right-of-way and easements that should be conveyed to the town if subdivision streets are to become public.

3. These recommendations shall be made in general terms and it is not intended that the contracted engineer will conduct a platted survey in support of his recommendations. The engineer shall work with the individual homeowners to see if useful plats already exists and not require the homeowner associations to waste resources in resurvey work.

4. The engineer shall provide detailed recommendations as to the necessary right-of-way and/or easements necessary to maintain town water, sewer, storm drainage and other utilities for the subdivision. This recommendation shall also take into account the subdivision and its relationship to the town-wide storm drainage plan.

5. a. The engineer shall, at his professional judgment, perform at least 1 test on each street to determine the adequacy of street sub-grade.

b. This test shall be in an area that the engineer considers representative of the individual street condition.

6. a. In conducting this survey and recommending repairs, the engineer shall provide a report that will produce subdivision streets to be made public that will require no major repairs or repaving for a period of 5 years (or a lesser period if mutually agreed to by the petitioning subdivision and the Town Council) following acceptance.

b. A part of the final report shall include completed page(s) for each subdivision generally in the format of the form as written below.

Engineering Report Form							
name of street	street width	street length	pavement type	condition of pavement	repairs recommended yes or no	centerline markings yes or no	other markings

(E) *Street name signs.*

(1) Each subdivider, no later than 10 days after final plat approval, shall furnish and install all street name signs, posts and associated hardware for streets in the development at each street corner according to current street sign specifications of the Town of River Bend.

(2) The location shall be shown on the preliminary and final plats.
Penalty, see § 1.01.999

§ 15.01.103 DESIGN STANDARDS FOR BLOCKS.

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

(B) *Block length.* Blocks shall not be less than 400 feet nor more than 1,320 feet in length.

(C) *Block width.* Blocks shall have sufficient width to allow 2 tiers of lots of minimum depth except where single tier lots are required to separate residential development from through vehicular traffic or another type of use, or when abutting a water area.

(D) *Pedestrian crosswalks.* Where deemed necessary by the Planning Board, a pedestrian crosswalk at least 15 feet in width may be required to provide convenient public access to a public area such as a park or school, to a water area such as a stream, river or lake, or to a golf course tee.
Penalty, see § 1.01.999

§ 15.01.104 DESIGN STANDARDS FOR LOTS.

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

(B) *Subdivisions subject to Zoning Chapter district regulations.* Lots in subdivisions located within a district specified by the Zoning Chapter shall meet and conform to all lot size, dimension and building setback requirements of the zoning district.

(C) *Large tracts or parcels.* Where land is subdivided into larger parcels than ordinary building lots, the parcels should be so arranged so as to allow for the opening of future streets and logical further re-subdivision.

(D) *Cul-de-sac streets*.

(1) To the extent practicable, streets shall interconnect within a development as well as with surrounding streets.

(2) Cul-de-sac streets shall be permitted only when approved by the Planning Board.
Penalty, see § 1.01.999

§ 15.01.105 DESIGN STANDARDS FOR EASEMENTS.

Easements shall be provided as follows:

(A) *Utility and drainage easements*. Easements for utilities and drainage shall be provided where necessary across lots and preferably centered on rear or lot side lines and shall be at least 10 feet in width.

(B) *Buffer strips*. All buffering shall meet the town's standard requirements as outlined in §§ 15.02.220 *et seq*. of the Town of River Bend Zoning Chapter.
Penalty, see § 1.01.999

§ 15.01.106 PLACEMENT OF MONUMENTS.

Unless otherwise specified by this chapter, the manual of practice for land surveying as adopted by the North Carolina Board of Registration for professional engineers and land surveyors, under provisions of G.S. Chapter 89C, shall apply to the conducting of surveys for subdivisions; to determine the accuracy for surveys and placement of monuments, control corners, markers, and property corner ties; to determine the location, design and material of monuments, markers, control corners, and property corner ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions. The suburban land survey (class B) criteria shall apply to all subdivisions in the jurisdictional area of the Town of River Bend except for commercial surveys.
Penalty, see § 1.01.999

§ 15.01.107 CONSTRUCTION PROCEDURES.

(A) *Commencement*. No construction shall commence in a proposed subdivision until the final plat has been approved and recorded as provided in this subdivision and all plans and specifications have been approved by the appropriate authorities.

(B) *Permits*. No initial zoning permit or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this chapter until all the requirements of this chapter have been met.

(C) *Access*. The administrator of this chapter shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary to ensure compliance with this chapter.

(D) *Inspection*.

(1) The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the administrator of this chapter to provide for adequate inspection.

(2) The approving authorities having jurisdiction or their representatives shall inspect and approve all completed work prior to release of the sureties.

(E) *Erosion control*. The subdivider shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be so mulched, seeded, sodded or otherwise protected as to comply with the provisions of § 15.01.099.

(F) *Existing flora*. The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainage-ways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. These trees are to be protected and preserved during construction in accordance with sound conservation practices recommended by the United States Department of Agriculture in Agriculture Information Bulletin No. 285, Protecting Trees Against Damage From Construction Work, United States Government Printing Office, 1964. These trees are to be preserved by well islands or retaining walls whenever abutting grades are altered. Temporary vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.

(G) *Construction*. Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.
Penalty, see § 1.01.999

§ 15.01.108 OVERSIZED IMPROVEMENTS.

(A) The Town of River Bend may require installation of certain oversized facilities, such as water mains, when it is in the interest of future development.

(B) The Town of River Bend shall pay for that portion of the improvement which exceeds standards which otherwise would comply with this chapter.
Penalty, see § 1.01.999

PLANNED RESIDENTIAL DEVELOPMENTS GROUP DEVELOPMENTS

§ 15.01.120 GENERALLY.

(A) Where topography or other existing physical conditions are present that compliance with the requirements of this chapter would cause an unusual and unnecessary hardship on the subdivider above and beyond what other subdividers would meet, the Town Council may vary the minimum requirements set forth herein, provided that the variation will not have the effect of nullifying the interest and purpose of these regulations.

(B) Where a variation is accepted, the reasons for that shall be noted in the minutes of the Town Council.

§ 15.01.121 EXCEPTIONS FOR PLANNED DEVELOPMENTS.

(A) The purpose of this subchapter is to provide desirable open space in commonly owned areas,

tree cover, recreation area, scenic vistas and variety in development by allowing certain variations in lot sizes and design requirements, and the establishment of townhouses, condominiums, and other group developments. In no case shall the overall density of units be greater than that permitted by the applicable zoning requirements. Subject to the approval of the Town Council, the design standards as set forth in this chapter may be modified by the Planning Board in the case of a plan and program for a Planned Development which may consist of offices, institutions, stores and residences or any desirable combination of the establishments. Proposed ownership of Planned Developments may be by 1 individual, partnership, corporation, cooperative, association or any desirable combination.

(B) A preliminary and final plat of a Planned Development shall be submitted pursuant to the provisions of this subchapter in conformity with the following:

(1) *Common area.*

(a) All Planned Developments shall contain commonly owned land equal in area to 20% of the entire development. Common areas shall not be less than 2 acres in size and, except where the land is submitted to the provisions of the North Carolina Unit Ownership Act, shall be held in a non-profit corporate ownership by the owners of lots within the development. In consideration of the purpose served by a Planned Development, the title to the common areas or property shall be preserved to the perpetual benefit of the private properties in the development and shall be restricted against private ownership for any other purpose.

(b) If the corporation desires, improvements may be made within the common areas provided that maximum coverage for the improvements shall not exceed 25% of the entire common property. The developer shall submit and, after approval by the Town Council, record a declaration of the covenants and restrictions that will govern the ownership, management and maintenance of the common areas.

(2) *Density.*

(a) Individual lot size may be varied, but the overall density of a Planned Development shall not exceed that permitted by the applicable zoning requirements.

(b) All remaining land not shown as lots or units shall be designated as common areas.

(3) *North Carolina Unit Ownership Act.* Before a declaration establishing a condominium or unit ownership development may be recorded, the declaration and plan shall be approved by the Town Council.

(4) *Site plan.*

(a) Site plans for all Planned Developments shall show the location of the buildings, streets, alleys, walks, parking areas, recreation areas, tree covers and plantings.

(b) The site plan shall number and show the dimensions of all building sites and all streets and utility easements to be dedicated to the public.

(c) All areas on the site plan other than public streets, easements or private building sites shall be shown and designated as common areas.

(5) *Landscape plan.*

(a) A landscape plan for all planned developments shall show all existing and proposed

plant material.

(b) The plan shall indicate the size and type of existing plant material and the size and type of plants to be planted.

(6) *Public access, easements and private party walls.*

(a) Building lots may abut or be provided with frontage on common areas, properly restricted through a property owners association to assure adequate access, if in the opinion of the Town Council a public street is within an acceptable distance and would allow adequate community services.

(b) Easements over the common areas for access, ingress and egress from and to public streets and walk-ways and easements for enjoyment of the common areas, as well as for parking, shall be granted to each owner of a lot or unit.

(c) All common walls between individual residences shall be party walls and provisions for the maintenance thereof and restoration in the event of destruction or damage shall be established.

(7) *Utilities and improvements required.* All Planned Developments shall include central water and public sewer systems, paved streets, underground electric and telephone service, and cable TV installations, landscaping and any other improvements considered necessary by the Town Council.

Penalty, see § 1.01.999

Cross-reference:

Buffer strips, see §§ 15.02.200 et seq.

PUBLIC FACILITIES

§ 15.01.135 RECREATION AREAS.

(A) *Generally.* Every person who subdivides land for residential purposes shall be required to dedicate a portion of the land as set forth in division (B) below for the purpose of providing open space sites, recreation areas or parks to serve the future residents of the town.

(B) *Amount of land to be dedicated.*

(1) The amount of land required to be dedicated by a subdivider or developer shall be based upon the most recent census population figures for an average size family in the Town of River Bend, and a park and recreation standard factor of 7 acres per 1,000 persons determined by the following formula:

Total # of Dwelling Units Proposed	x	Average Size of Family	x	.007 Acres per Person	=	Amount of Land to be Dedicated

(2) An example:

50 Units	x	2.6 persons/unit	x	.007 acres/person	=	.91 acres to be dedicated

(C) *Payment in cash in lieu of dedication of land.* When it is determined by the Planning Board

that a dedication of land as provided in division (A) above is not preferable, as for reasons of size, suitability, topography, location, reasonable access or town planning, the Planning Board may, with the approval of the Town Council, require the subdivider or developer to pay to the Town of River Bend a fee based on the formula outlined in division (D) below. Payment shall accompany submission of the final plat.

(D) *Amount of payment in lieu of dedication of land.*

(1) The amount of money required to be paid in lieu of dedication by a subdivider or developer shall be an amount based upon the latest census figures for an average size family in the Town of River Bend, a park and recreation standard factor of 7 acres per 1,000 persons and the average per acre value for property tax purposes of the land to be subdivided determined by the following formula:

Total # of Dwelling Units Proposed	x	Average Size of Family	x	.007 acres per Person	x	Avg./acre Value of Property for Tax Purposes	=	Amount of Payment in lieu of Dedication

(2) An example:

50 Units	x	2.6 persons/unit	x	.007	x	Avg./acre value	=	Amount of payment

(E) *Purpose of land.* The land dedicated under division (A) above shall be used only for the purpose of providing recreation, park and open space areas.

(F) *Authority to sell.* The Town Council shall have the authority to sell land dedicated under division (A) above and the proceeds of any sale and all payments in lieu of dedication under division (C) above shall be used only for acquisition and/or development of other recreation, park or open space areas.

(G) *Criteria.*

(1) Criteria for evaluating suitability of proposed recreation, park and open space areas shall include but not be limited to the following as determined by the Town Council.

(a) *Unity.*

1. The dedicated land shall form a single parcel of land except where the Town Council determines that 2 parcels or more would be in the public interest.

2. In this case, the Town Council may determine that a corridor of open space connecting these parcels is in the public interest, in which event the corridor shall not be less than 30 feet wide for the purpose of accommodating a path or trail.

(b) *Shape, topography and subsoils.* The shape, topography and subsoils of the dedicated land shall be such as to be usable for active recreation (play areas, ball fields, tennis courts or similar uses.)

(c) *Accessibility.* Public access to the dedicated land shall be provided either by an abutting street or public easement. The easement shall not be less than 30 feet wide.

(2) Where the Town Council determines that recreation needs are being met adequately,

either by other dedicated parcels or existing recreation facilities, then land that is not used for recreation may be dedicated as open space.

(H) *Exclusion*. Notwithstanding the provisions of this subchapter to the contrary, to the extent that the land to be subdivided lies within a subdivision developed under this chapter and for which recreation area previously has been dedicated or for which a payment in lieu of dedication previously has been made, this land shall be excluded from the applicability of this subchapter.
Penalty, see § 1.01.999