

## Article 4: Subdivision Regulations

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#### 4.1 GENERAL

- A. The purpose of this article is to support and guide the proper subdivision of land within the jurisdiction of the city in order to promote the public health, safety, and general welfare of the citizens of Southport. This article establishes standards for the division of land and creation of lots. These standards are necessary in order to:
1. Ensure proper legal description, identification, monumentation and recordation of real estate boundaries;
  2. Further the orderly layout and appropriate use of the land;
  3. Provide safe, convenient, and economic circulation of vehicular traffic;
  4. Provide suitable building sites which are readily accessible to emergency vehicles;
  5. Ensure the proper installation of streets and utilities;
  6. Help conserve and protect the physical and economic resources of the city; and
  7. Facilitate adequate provisions for transportation, water, sewerage, and other public requirements.

#### 4.2 APPROVAL

Approval procedures for the division of land and creation of lots are provided in Article 2 of this ordinance.

#### 4.3 LOT STANDARDS

- A. The following standards shall apply to all lots within a proposed subdivision, except where otherwise specified for a Planned Unit Development (PUD):
1. Conformation to Zoning. All lots shall conform to the dimensional requirements of the zoning district in which the subdivision is located.
  2. Minimum Dimensions. In no case shall any lot have a frontage of less than 75 feet. Lots located on the turning circle of a cul-de-sac may have individual minimum frontages of 40 feet per lot provided that the lot shall have a lot width of at least 75 feet measured 50 feet from the front property line.
  3. Flag lots. Flag lots shall not be allowed except to provide access to a body of water, golf course, or similar recreational facility.
  4. Lot size. No new lot shall be created for building purposes that contains an area wholly within the required setbacks of opposing lot sides.
  5. Reserve strips. There shall be no reserve strips platted in any subdivision.
  6. Lots Restricted to Public Streets and Approved Private Streets. Every lot shall front or abut on a public street, approved private street, or duly recorded permanent access easement.

#### 4.4 EASEMENTS

- A. Easements for underground utilities shall be provided, where necessary, across lots or centered on rear or side lot lines and shall be at least 20 feet minimum width for water lines, sanitary sewer lines, and stormwater drainage and as required by the companies involved for telephone, gas, power lines, and cable TV.

- B. Where a subdivision is traversed by a stream or drainage way, an easement shall be provided conforming with the lines of the stream and of sufficient width as will be adequate for the purpose. All easements, including width, shall conform with all state and federal requirements.

#### 4.5 HOMEOWNERS/PROPERTY OWNERS ASSOCIATION

- A. No subdivision final plat for which a homeowners' association (or property owners) will exist shall be approved until all required legal instruments have been reviewed and approved by the city attorney as to legal form and effect.
- B. If streets, stormwater, recreation and open space, or other commonly owned facility is deeded to a homeowners' association, the subdivider shall file a declaration of covenants, conditions, and restrictions that will govern such association. The provisions of such declaration of covenants, conditions, and restrictions shall include, but not be limited to, the following:
  - 1. The homeowners' association must be set up before any property is sold in the subdivision.
  - 2. Membership must be mandatory and automatic when property is purchased in the subdivision.
  - 3. The association must be responsible for liability insurance, local taxes, and maintenance of all common facilities.
  - 4. Property owners must pay their pro rata share of the cost; the assessment levied by the association can become a lien on the property.
  - 5. The association must be able to adjust the assessment to meet changed needs.
  - 6. Covenants for maintenance assessments shall run with the land.
  - 7. All lands so conveyed shall be subject to the right of the grantee or grantees to enforce maintenance and improvement of the common facilities.

#### 4.6 CONSTRUCTION PROCEDURES

- A. No building, zoning, or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this ordinance until the final plat has been approved and recorded.
- B. No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved, and all plans and specifications have been approved by the Public Services Department. Land disturbing activities associated with a subdivision shall not take place until applicable tree removal or stormwater permits have been approved.
- C. Following approval of the preliminary plat, the subdivider shall submit four (4) sets of detailed utility plans, including water, sewer, and stormwater, and showing connections to existing systems or plans for individual water supply systems and sewage disposal systems. Plans must show line sizes, the location of fire hydrants, blow-offs, manholes, pumps, force mains, gate valves, utility and maintenance easements, and daily estimated sewer flow figures. Type of construction materials and brand of appurtenances may require approval from the City of Southport, Brunswick County Utilities, and/or NCDOT. Plans shall include profiles based on mean sea level datum for gravity sanitary and storm

sewers. Any such plans must be approved by the Public Services Department or by the appropriate utility where applicable. Utility plan review and approval fees shall accompany any such request.

- D. Following approval of all utility plans, the subdivider is authorized to proceed with the installation or arrangement of the required improvements and the preparation of a final plat.
- E. As-Built Drawings Required. Whenever a subdivider installs or causes to be installed any water, sewer, or stormwater system as required by this ordinance, the subdivider shall, as soon as practicable after installation is complete, and before approval of the associated final plat, furnish the city with a copy of a drawing that shows the exact location of such infrastructure. Such drawings must be verified as accurate by the Public Services Department or utility service provider.

## 4.7 REQUIRED IMPROVEMENTS

### A. INSTALLATION OF IMPROVEMENTS

- 1. The cost of all improvements shall be at the subdivider's expense. No financial guarantee or performance bond shall be allowed for installation of required improvements. All required improvements shall be installed prior to final plat approval. Approval of subdivision final plats shall be subject to the installation of the improvements outlined herein, where specified.
- 2. All required improvements shall be completed by the subdivider or his or her agents.

### B. ACCEPTANCE OF PUBLIC IMPROVEMENTS

- 1. At the time of final plat approval, the applicant shall make a formal request in writing to the UDO Administrator for acceptance of any required improvements to be dedicated to the public as indicated on the final plat. An extension may be granted by the UDO Administrator where less than 80 percent of the lots within the final plat have not been conveyed to individual ownership or issued a certificate of occupancy.
- 2. All required offers to dedicate or reserve for future dedication shall be made clear of all liens and encumbrances on the property prior to consideration for acceptance by the city.
- 3. Such acceptance shall be made through the use of a legally recorded deed or transfer of ownership which has been reviewed and approved by the city attorney.

### C. INSPECTION

- 1. Prior to the acceptance of any public infrastructure or approval of a final plat with private infrastructure, including streets, stormwater systems, or water/sewer systems the subdivider is required to have a professional engineer perform a required inspection and prepare an accompanying sealed report demonstrating compliance with the required standards of this ordinance and any

- applicable specifications manual under authority of the Public Services Department or other applicable agency.
2. Prior to the inspection, the subdivider shall contact the Public Services Department to ensure the director or his/her designee shall be present.
  3. The Public Services Department requires a minimum of 48 hours' notice before construction is to begin so that the Public Services Department can schedule construction inspection for the work.
  4. Any inspection report prepared without the presence of an authorized City of Southport staff member shall deem the report null and void.
  5. Streets:
    - a) All streets shall pass a compaction and proof roll test on the sub-grade and the stone base and shall be conducted by a professional engineer with the corresponding sealed inspection report.
    - b) Prior to the final surface course of asphalt, the Public Services Department shall conduct an inspection with the installer of the base course asphalt.
    - c) The subdivider shall be responsible for repairing any damages or failures identified as a result of the inspection to the satisfaction of the Public Services Department.
  6. Stormwater:
    - a) All stormwater infrastructure and facilities shall be designed and installed in accordance with the city's stormwater technical manual, and in accordance with the requirements in all state issued permits for the project.
  7. Water and sewer systems:
    - a) All water, sewer, and pump station infrastructure shall be installed in accordance with city standards, and in accordance with the requirements in all state issued permits for the project.
    - b) Materials will be checked at the site of construction to verify conformance with approved materials. Any materials not in accordance with city standards, will not be assumed for use. The subdivider will be directed to remove these materials from the area before work can proceed. The subdivider may be directed to expose any work suspected of containing inferior materials. Failure by the Public Services Department to notice faulty materials or work does not relieve the subdivider of responsibility to provide a completed final product that meets the requirements of the plans and specifications.
    - c) The materials, methods of manufacture and completed pipes, fittings, valves, and appurtenances shall be subject to inspection and rejection at all times.

#### D. LIST OF REQUIREMENT IMPROVEMENTS

1. Streets within the subdivision per Section 4.8 and improvements to existing streets/road network required for safe and adequate access to the subdivision or

- improvements required in accordance with a Traffic Impact Study per Section 3.13.
2. Street lights per Section 4.9
3. Traffic control devices, street name signs, and cluster mailbox units per Section 4.10.
4. Pedestrian facilities per Section 4.11.
5. Water supply and sewage disposal systems per Section 4.12.
6. Erosion and sedimentation control devices; Drainage facilities and easements, and stormwater management devices per Section 4.13 and Article 6.
7. Recreation and open space facilities per Section 4.14.
8. Any other improvement required as a condition for preliminary plat approval.

## 4.8 STREETS AND ROADWAY NETWORK

### A. GENERAL

1. The purpose of this section is to support the creation of a highly connected transportation system within the city in order to provide choices for drivers, bicyclists, and pedestrians; promote walking and bicycling; connect neighborhoods to each other and to local destinations such as schools, parks, and shopping centers; reduce vehicle miles of travel and travel times; improve air quality; reduce emergency response times; increase effectiveness of municipal service delivery; and free up arterial capacity to better serve regional long distance travel needs.
2. Street Names. Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided, and in no case shall the proposed name be phonetically similar to existing names irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be subject to the approval of the UDO Administrator after review by the Brunswick County GIS/E-911 Department.
3. Subdivision Street Disclosure Statement. All streets shown on the final plat shall be designated in accordance with NCGS 136-102.6, and designation as public shall be conclusively presumed an offer of dedication to the public. Where streets are dedicated to the public but not accepted into a municipal or the state system, before lots are sold, a statement explaining the status of the street shall be included with the final plat.

### B. STREET DESIGN

1. The design of all streets and roads, including drainage, shall be in accordance with the minimum design and construction criteria for the most recent version of the NCDOT Subdivision Roads Minimum Construction Standards and NCDOT Guidelines for Drainage Studies and Hydraulic Design, unless this ordinance establishes a stricter standard.
2. Coordination and Continuation of Streets. The proposed street layout within a subdivision shall be coordinated with the existing street system of the

surrounding area, and where possible, existing principal streets shall be extended.

3. Street Connectivity Requirements. The Board of Aldermen hereby finds and determines that an interconnected street system is necessary in order to protect the public health, safety, and welfare in order to ensure that streets will function in an interdependent manner, to provide adequate access for emergency and service vehicles, to enhance nonvehicular travel such as pedestrians and bicycles, and to provide continuous and comprehensible traffic routes. All proposed streets shall be continuous and connect to existing or platted streets without offset with the exception of cul-de-sacs as permitted and except as provided below. Whenever practicable, provisions shall be made for the continuation of planned streets into adjoining areas.
4. Cul-de-sacs. Cul-de-sacs shall not exceed 750 feet in length. Turnarounds shall be provided for any dead-end street greater than 150 feet in length. The turnaround shall have a roadway diameter of at least 90 feet and a right-of-way of at least 100 feet. Temporary turnarounds shall be paved or graveled in accordance with the NCDOT Subdivision Roads Minimum Construction Standards.
5. Fire apparatus access roads. Any subdivision of more than 30 residential units or lots, or additions to existing developments such that the total number of units exceeds 30, shall be required to provide two (2) vehicular access/fire apparatus access roads per Appendix D of the NC Building Code. Such fire apparatus access roads shall be placed at a distance apart equal to not less than one-half the length of the maximum overall diagonal dimension of the property to be served, measured in a straight-line distance between accesses.
6. Blocks. Block lengths shall not exceed 1,500 linear feet nor be less than 400 feet unless the subdivision proposed encompasses dimensions less than 400 linear feet. Block size should generally allow for two (2) tiers of lots of minimum depth.
7. Intersections. Street intersections shall be as nearly at right angles as possible and in no cases shall be less than 60 degrees.
8. Alleys. All alleys shall be constructed in accordance NCDOT Subdivision Roads Minimum Construction Standards.
9. Most streets will be constructed in accordance with standards provided for "Residential Local Subdivision Roads" as specified in the NCDOT Subdivision Roads Minimum Construction Standards manual. Alternative street designs may be approved by the UDO Administrator with plans and street specifications prepared by a licensed professional engineer in accordance with the NCDOT Complete Streets Planning and Design Guidelines and for an advisory recommendation by the Technical Review Committee and City Fire Chief. In no case shall right-of-way widths be less than 60 feet and pavement widths less than 26 feet, unless explicitly approved by the City Fire Chief.

### C. STREET CONSTRUCTION STANDARDS

All streets shall be constructed in accordance with the following minimum standards:

1. The sub-grade must contain a minimum 12 inches of compacted earth.
2. The stone base must contain a minimum eight (8) inches of compacted stone.
3. The base course of asphalt must contain a minimum two (2) inches of b-25-ob.
4. A minimum one and one-half (1-1/2") inches of SF9.5A final surface course shall be applied to all streets

#### D. PRIVATE STREETS

1. Streets designated as private may be allowed in subdivisions when assurance is provided through a legally established homeowners' association, that the street shall be properly maintained. All such streets shall be designated a "Private Street" on the preliminary plats and final plats. Whenever a private street intersects a US or NCDOT roadway an approved NCDOT Driveway Permit, shall be submitted concurrent with the final plat.
2. All private streets must meet the minimum design and construction standards as provided in this ordinance.
3. The final plat for each such subdivision containing private streets shall contain a certificate indicating the book and page number of the homeowners' association covenants, conditions, and restrictions. The covenants, conditions, and restrictions shall specify lot owners' responsibilities for maintenance of private streets and drainage systems, and shall provide for assessments to finance all maintenance activities. Covenants shall provide that the homeowners' association will construct all stub streets prior to offering any connecting for acceptance by NCDOT or the city.
4. The recorded plat of any subdivision that includes a private street shall clearly state that such road is a private street and must be accompanied by a private street maintenance agreement that is also recorded.

### 4.9 STREET LIGHTING

#### A. APPLICABILITY

The subdivider of a major subdivision shall be required to install street lighting via underground distribution, unless an above ground line exists at the time of preliminary plat approval, along all proposed streets within the subdivision. Such street lighting shall be designed and installed in accordance with the city's street light policy.

### 4.10 TRAFFIC CONTROL DEVICES, STREET NAME SIGNS, AND CLUSTER MAILBOX UNITS

#### A. TRAFFIC CONTROL DEVICES

Traffic-control devices such as stop, yield, and speed limit signs, but not including electric or electronic traffic signals, shall be installed on public streets by the subdivider. The construction of all control devices shall be in accordance traffic control standards as designated in the Manuals on Uniform Traffic Control Devices, North Carolina Supplement to the Manual on Uniform Traffic Control Devices, and the North Carolina Highway Design Branch Roadway Standard Drawings.



#### B. STREET NAME SIGNS AND MAILBOXES (CLUSTER BOX UNITS)

Street name signs shall be installed by the subdivider at each street intersection as appropriate to identify all street names. Approved mailboxes will be installed before any residence can be occupied. Street name signs, poles, and brackets and mailboxes shall be subject to approval by the UDO Administrator. Where feasible and practical, street name signs and mailboxes shall be of a common design or theme throughout the subdivision or in individual phases of the subdivision. It is the policy of the U. S. Postal Service that mail delivery to all new subdivisions is centralized delivery, most often using cluster box units (CBU). It is the responsibility of the subdivider to provide the necessary mail receptacle equipment in accordance with the Postal Operations Manual.

### 4.11 PEDESTRIAN FACILITIES

- A. Sidewalks shall be required on at least one (1) side of the street in all new major subdivisions. For subdivisions of 20 or more lots, sidewalks shall be required on both sides of the street.
  - 1. In lieu of placing sidewalks on both sides of the street, the subdivider may install a connected multi-use path/greenway network a minimum width of eight (8) feet along one (1) side of the street and connecting to recreation and open space areas. Such path shall not count towards the required open space requirement.
- B. Sidewalks and multi-use paths shall be installed within the right-of-way and connect to adjacent facilities where applicable. Where right-of-way widths adjacent to the edge of pavement are in excess of 10 feet, sidewalks shall be separated by a minimum three (3) foot landscaped strip adjacent to the edge of pavement.
- C. In all cases, sidewalks shall extend to the property line.
- D. Sidewalks shall be at least five (5) feet wide and constructed of concrete at least five (5) inches thick. Sidewalks shall consist of a minimum of six (6) inches of concrete at driveway crossings or shall be adequately reinforced otherwise. All sidewalks and multi-use paths must meet ADA requirements, including where necessary to serve required cluster mailbox locations.
- E. Sidewalks and multi-use paths built adjacent to an NCDOT road facility shall be built to meet NCDOT standards.

### 4.12 WATER AND SEWER SYSTEMS

- A. All applications for major subdivisions must be accompanied by satisfactory evidence as to the proposed method and system of water supply and sanitary sewage collection and disposal. All proposed subdivisions must comply with the requirements set forth in the by the city's Public Services Department for connection and/or the Brunswick County Utility Department, where applicable.
- B. Where public or community water supply and/or sewerage systems are not required to be provided, a written statement from the county health department or licensed soil scientist shall be submitted with all subdivision applications indicating that each lot has adequate land area and soil conditions suitable to accommodate the proposed methods of water supply and sewage disposal.

#### 4.13 STORMWATER DRAINAGE & SEDIMENTATION/EROSION CONTROL

All major subdivisions shall provide an adequate drainage system for the proper drainage of all surface water. The design of such a system shall be subject to the approval of the Public Services Department in accordance with Article 6 of this ordinance. In order to prevent soil erosion and sedimentation pollution of streams, springs, flat water bodies, or other drainage networks, the subdivider shall comply with all requirements of the North Carolina Sedimentation Pollution Control Act.

#### 4.14 RECREATION AND OPEN SPACE

##### A. APPLICABILITY

Every person, firm, or corporation who subdivides land for residential purposes consisting of 20 or more cumulative lots shall be required to dedicate a portion of such land for the purpose of public recreation/open space, including the preservation of natural and cultural resources, to serve the leisure needs of the residents of the subdivision and the city of Southport (if recreation area is publicly dedicated). In all cases, the Southport Parks and Recreation Director shall review and make recommendations to the Planning Board and Board of Aldermen on the provision or dedication of recreation and/or open space areas.

##### B. EXCLUSIVE PURPOSE OF LAND

The land dedicated in accordance with this section shall be used only for the purpose of providing parks or recreation areas and the location of the land shall bear a reasonable relationship to the use of the area by the future inhabitants of the subdivision or residential development.

##### C. AMOUNT OF LAND DEDICATED

1. The amount of land required to be dedicated shall be computed on the basis of the following formula:
  - a) Area to be dedicated (in acres) = (.02) x (number of dwelling units or lots – whichever is greater)
  - b) All PUDs shall retain a minimum 20% of open space area, exclusive of 404 wetlands. Such open space shall comply with the provisions outlined within this section.

##### D. PUBLIC DEDICATION

1. Land dedicated for public recreation areas shall be designated on both the preliminary and final plat(s) of the subdivision and must be dedicated to an appropriate unit of local government. Determination of the appropriate unit of local government shall be made by the Board of Aldermen, upon recommendation from the City Manager.

##### E. PRIVATE OWNERSHIP

1. Where land for private recreation and open space purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by all of the future residents of the subdivision, such areas shall comply with the following standards:

- a) The private ownership and maintenance of the recreation areas is adequately provided for by written agreement.
- b) The use of the private recreational areas is restricted to recreational purposes by recorded covenants which run with the land in favor of the future owners of property within the tract.
- c) All land set aside for privately controlled recreational areas shall be made available to all residents of the residential development against which the site obligation was originally assumed.

#### F. EFFECT ON PRIVATELY-OWNED OPEN SPACE

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

#### G. CRITERIA

1. All land dedicated for recreation and open space areas shall comply with the following criteria:
  - a) Unity. The dedicated land shall form a single parcel of land except where two (2) or more parcels or a connecting corridor of open space would be better serve residents in which case the corridor shall not be less than 30 feet wide for the purpose of accommodating a path or trail. Noncontiguous open space shall not account for greater than 50% of the required allocation of open space.
  - b) Location. The dedicated recreation or park land shall be located so as to reasonably serve the recreation needs of the subdivision for which the dedication was made.
  - c) Access. Public access to the dedicated land shall be provided either by adjoining street frontage of at least 50 feet or public easement at least 20 feet in width.
  - d) Usableness. The dedicated land shall be usable for recreation or passive open space. CAMA Areas of Environmental Concern (AEC), water bodies, or stormwater ponds may not be included in computing dedicated land area unless served by a constructed boardwalk and/or gazebo/lookout facility or similar. In such case, a 30-foot right-of-way must accompany the boardwalk, gazebo, or similar improved facility and no more than 25% of the required open space allocation may be utilized by such lands. The calculation of such space shall be the square footage enclosure of the 30-foot right-of-way. 404 wetlands shall not count towards any required open space even if also considered a CAMA AEC or water body.
    - i) Land provided or dedicated for active recreational purposes shall be of a character, slope, and location suitable for use as play areas, tennis courts, multi- purpose courts, picnic areas, ball fields, and other similar recreation uses. Active recreation areas shall be located on land that is relatively flat (0 to 7.5% slopes),

- free of 404 wetlands, easements for public utility transmission lines, and is otherwise capable of accommodating active recreation uses.
- ii) Land provided or dedicated for passive recreation and open space purposes shall be of a character, slope, and location suitable for use for walking, jogging, reading, and similar quiet activities, and the preservation of natural features and cultural resources such as steep slopes, rock outcrops, native plant life and wildlife cover, mature woodlands, and water resources.
  - e) Plans. Municipal and county plans shall be taken into consideration

## 4.15 PLANNED UNIT DEVELOPMENT

### A. APPROVAL

Approval procedures for Planned Unit Developments are provided in Article 2 of this ordinance. Following approval of the PUD, an applicant may submit a site plan, subdivision plat, and/or permit for development within the PUD.

### B. APPLICABILITY

The minimum amount of land (unified control to be planned and developed as a whole) required for a PUD district shall be eight (8) acres of net buildable area within the City corporate limits, on one or more contiguous parcels or 25 acres of net buildable area in the ETJ, on one (1) or more parcels (this may include parcels on both sides of a street).

### C. REQUIRED IMPROVEMENTS

All PUD development and subsequent subdivision shall comply with Section 4.7 Required Improvements. This shall include provisions for recreation and open space as outlined by Section 4.14.

### D. MAXIMUM DENSITY REQUIREMENTS

The maximum density shall be six (6) dwelling units per acre.

### E. MINIMUM DIMENSIONAL STANDARDS

1. Lot area. Not less than 60 percent of the minimum lot area which would normally be required under the single-family standards of the prevailing zoning district.
2. Lot width. 40 feet.
3. Lot frontage. 40 feet, except on the radius of a cul-de-sac where such distance may be reduced to 20 feet.
4. Public or private street setback. No principal or accessory structure shall be closer than 10 feet to a public street right-of-way or private street easement.
5. Side yard setback. Not less than 8 feet. Dwellings which do not utilize zero lot line provisions shall maintain a minimum side setback of not less than six (6) feet.
6. Rear yard setback. Not less than 15 feet.
7. Building separations. No portion of any principal structure shall be located less than 10 feet from any accessory structure as measured to the closest point.

8. Periphery boundary setback. No principal or accessory structure shall be located less than 25 feet from the peripheral boundaries of the development.
9. Maximum height. 40 feet.
10. Detached accessory structure requirements.
  - a) Shall not be located within any front yard setback;
  - b) Shall not be located within five (5) feet of any other accessory structure;
  - c) Shall not cover more than twenty (20) percent of any side or rear yard;  
and
  - d) The side or rear yard requirement for detached accessory structures shall not be less than five (5) feet.
  - e) Shall not be greater than 30 feet in height.