

ARTICLE 6.

SUBDIVISION REGULATIONS

ARTICLE 6. DIVISION 1.

GENERAL PROVISIONS

Section 18-476: Purpose

The purpose of this article is to establish standards for the subdivision of land and extension of public infrastructure. More specifically, this article is intended to:

- A. Provide for orderly growth and development;
 - B. Protect health, safety, and general welfare;
 - C. Ensure the provision of public facilities and services for subdivisions;
 - D. Coordinate provision of streets within and contiguous to proposed subdivisions; and
 - E. Provide for coordinated development of adjoining properties for the benefit of future residents and the general public.
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Section 18-477: Applicability

- A. Unless exempted in accordance with this division, any division of land consistent with the definition of a subdivision as defined in Article 8, Measurements and Definitions, shall comply with the requirements of this article
- B. It shall be unlawful for any person to subdivide land without having first complied with the provisions of this article. No subdivision plat shall be used for purposes of sale or development until approved and recorded under the provisions of this article.

- C. If a tract of land that has been created or subdivided in the past is later described as a single tract in deeds or plat by the legal or equitable owners, any later subdivisions of that tract, even if along the lines of the earlier subdivision, shall be subject to the requirements of these regulations.
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Section 18-478: Applicability

- A. The following divisions of land shall be exempt from these subdivision standards:
 1. Expedited subdivisions configured in accordance with Section 18-594: Expedited subdivision; and
 2. Subdivisions exempted in accordance with NCGS 160D-802.
 - B. Divisions of land found to be exempt from the definition of subdivision are not required to meet the subdivision regulations. Development may only be authorized with respect to a lot that has been created by an exempt division if said lot meets the standards for development set forth elsewhere in this article. Prior to recording a final plat for an exempt subdivision that involves a private access easement, the private access easement shall be constructed to the specifications of the Technical Standards and Specifications Manual. If the private access easement is not constructed, a note shall be added to the final plat indicating that the lot or lots are not buildable until the required private access easement has been completed per the *Technical Standards and Specifications Manual*.
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Section 18-479: Compliance with other standards

Subdivisions subject to these standards in accordance with Section 18-478: Applicability, shall comply with the standards in this article and the applicable standards in:

- A. Article 2, Zoning Districts;
- B. Article 4, Environmental Standards;
- C. Article 5, Site Development Requirements; and
- D. The *Technical Standards and Specifications Manual* then in effect.

Section 18-480: Plat submission and approval required

- A. No person, firm, or corporation owning or having interest in land shall cause that land, directly or indirectly, to be divided into a subdivision as defined without initially preparing and presenting a plat of the subdivision for approval in compliance with these regulations and until recordation of the approved plat within the office of the New Hanover County Register of Deeds.
- B. Any person who, being the owner or agent of the owner of land, subdivides land in violation of this division or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the provisions of this division and recorded in the office of the New Hanover County Register of Deeds, shall be guilty of a misdemeanor as provided in NCGS 160D-807. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The city, through its attorney or other official designated by council, may enjoin illegal subdivision, transfer, conveyance, or sale of land by action for injunction.

Section 18-481: No service until full compliance

- A. The installation, construction, and extension of public water and sanitary sewer service shall be in accordance with the approved plans and specifications and shall comply with all applicable

requirements of city of Wilmington Code of Ordinances, including zoning, subdivision, and building controls, and the requirements of the Cape Fear Public Utility Authority.

- B. For any land for which a final plat is required to be approved, full compliance with the requirements set for in this chapter shall be required before:
 1. Any drainage system, street, or other public right-of-way can be officially accepted or maintained by the city; and
 2. Any permit is issued or service fee accepted by any administrative agent or department of the city for the construction of any building requiring a permit or fee, except as provided in Section 18-595 Subdivision improvements.

Section 18-482: Phasing plan

- A. If not otherwise set out as part of the preliminary plan, lots may be recorded and public improvements may be constructed in phases.
- B. If phasing is proposed, a phasing plan shall be submitted for approval at the time of application for preliminary plan and made a condition of that approval or subdivision agreement.
- C. A phasing plan shall indicate timing of the construction of public improvements in such a way that the number of lots in each phase is related to the amount of development improvements in each phase and that rights-of-way and utility easements are extended in the initial phase of development to all adjacent lots that do not have public street access or access to public utilities.
- D. Amendments to the phasing plan may be made in conjunction with the review of construction plans, but an updated copy of the phasing plan shall be provided to the technical review committee.

Sections 18-483 - 18-493: Reserved.

ARTICLE 6. DIVISION 2.

IMPROVEMENTS REQUIRED

Section 18-494: Sidewalks, walkways, and bikeways

A. Purpose

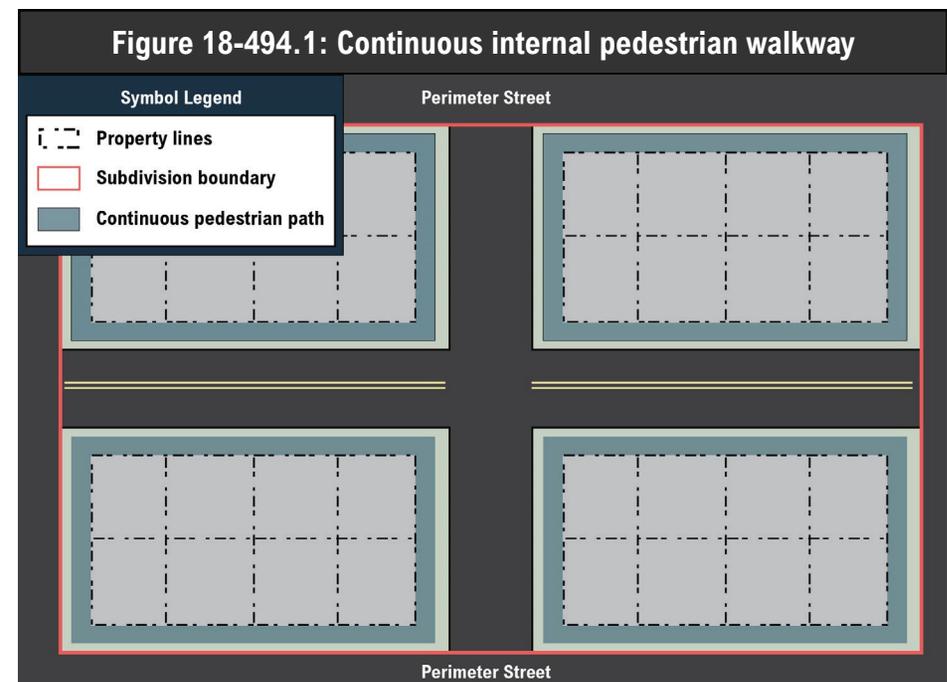
The purpose of this section is to:

1. Support the creation of a highly connected transportation system to provide travel mode choices;
2. Increase effectiveness of local service delivery, promote walking and bicycling, and to connect neighborhoods to each other and to local destinations such as employment, schools, parks, shopping, and entertainment;
3. Reduce vehicle miles of travel and travel times, improve air quality, and reduce emergency response times;
4. Mitigate the traffic impacts of new development and alleviate roadway congestion to better serve local and regional travel needs; and
5. Avoid the creation of large, disconnected tracts without routes for through traffic or pedestrian and bicycle connections.

B. Bicycle and pedestrian connections

1. Provisions shall be made in all new developments to facilitate the use of bicycle and pedestrian travel through the integration of bicycle and pedestrian paths, multiuse paths, and bicycle lanes that connect to parks, open spaces, schools, public transit, and shopping areas. Within new residential subdivisions, bicycle and pedestrian paths trails, and bicycle lanes shall also connect to collector and minor arterial streets.

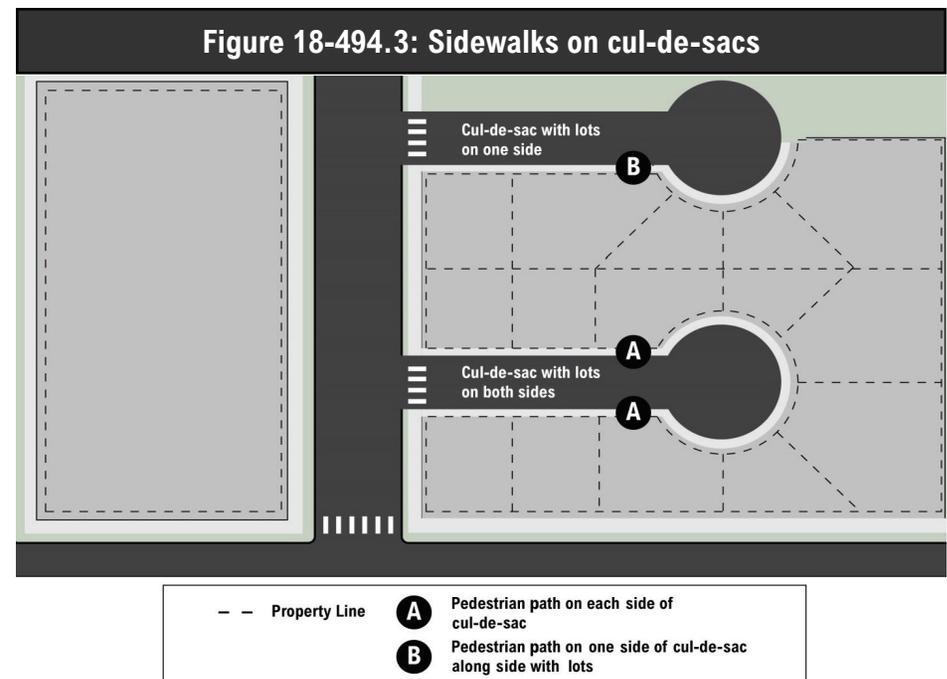
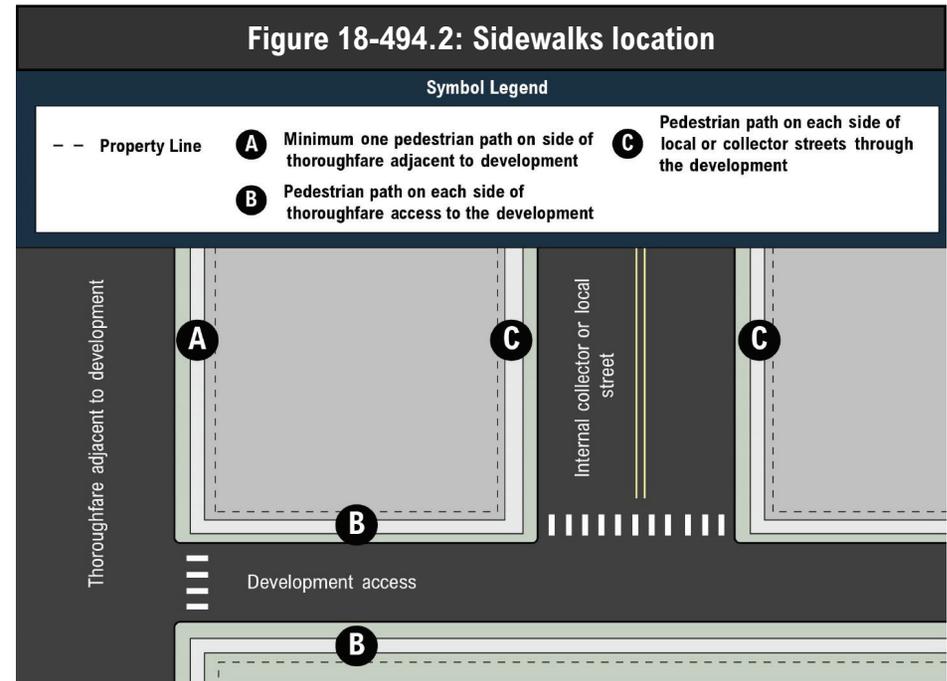
2. Easements or rights-of-way shall be provided for bicycle/ pedestrian paths between and within developments.
3. A continuous internal bicycle/pedestrian path shall be provided from the perimeter public sidewalk, multiuse path, or other bicycle or pedestrian way, to include paved or unpaved internal paths to each of the following:
 - a. Entrances to each building on the site, including pad site;
 - b. Public sidewalks, walkways, and trails on adjacent properties that extend to the boundaries shared with the subject development;
 - c. Public sidewalks along all perimeter streets adjacent to the development;
 - d. Adjacent public park, trail, or other public or civic use; and
 - e. Adjacent public transit station areas, transit stops, park and



ride facilities, and other transit facilities (see Figure 18-494.1: Continuous internal pedestrian walkway).

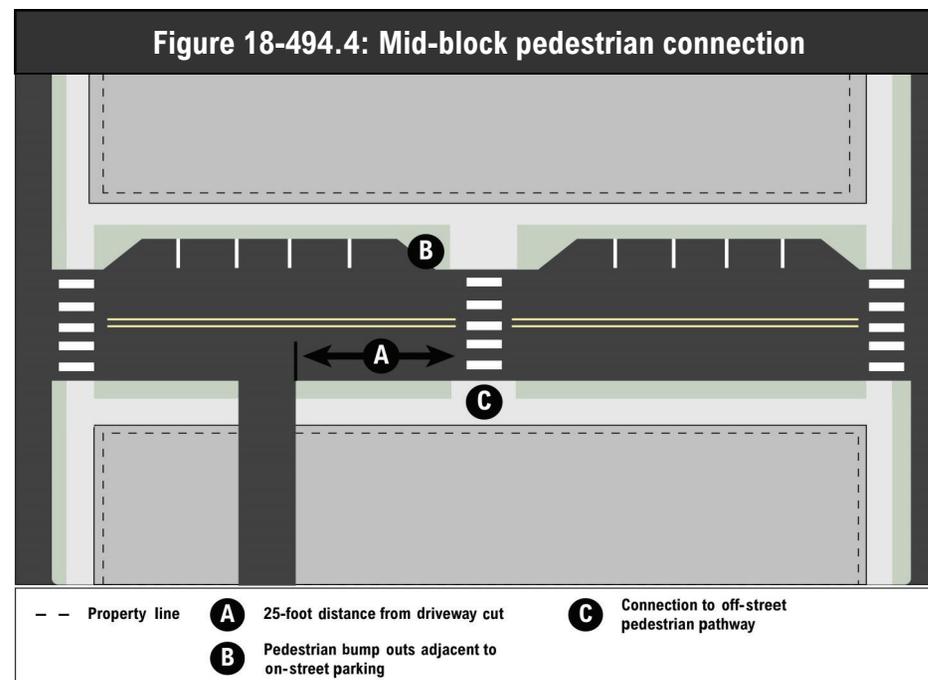
C. Sidewalk, crosswalks, and multiuse path required locations

1. Sidewalks, crosswalks, and multiuse paths shall be constructed by the developer in accordance with the facility type identified in the city’s adopted plans as follows (see figures 18-494.2: Sidewalks location and 18-495.3: Sidewalks on cul-de-sacs):
 - a. On a minimum of one side of the right-of-way of all thoroughfares such as freeways, expressways, arterials, collector streets, or local streets that are adjacent to the property to be developed;
 - b. On both side of the right-of-way of all thoroughfares that run through property to be developed if the developer intends to construct any portion of the thoroughfare as access to the proposed development;
 - c. On both side of the right-of-way of all local or collector streets, extending through the property to be developed;
 - d. On one side of a minor street when lots are proposed for only one side of the street; and
 - e. On both sides of the right-of-way for a cul-de-sac or other turnaround per the *Technical Standards and Specifications Manual*, except when lots are proposed for only one side of the street. In that case, the sidewalk shall be located on the lot side of the cul-de-sac.
2. The technical review committee may exempt sidewalk installation in specific cases to avoid impacting wetlands as documented by the regulatory authority over the wetland.



D. Mid-block pedestrian connection

1. All new streets with a length greater than 600 feet or streets extended to a length greater than 600 feet between the centerlines of the nearest pair of intersections shall have a mid-block pedestrian connection with accessible pedestrian ramps on both sides of the street. If an internal trail system is included in the development, a midblock crossing shall be required where the trail crosses more than 150 feet from an intersection.
2. Mid-block pedestrian connections shall:
 - a. Be located approximately equidistant from either intersection in the pair (see Figure 18-494.4: Mid-block pedestrian connection);
 - b. Be located at property boundaries wherever possible;
 - c. Be located at least 25 feet from the nearest driveway curb-cut;
 - d. Be designed at 90 degrees to the roadway centerline;
 - e. Provide easements to accommodate all pedestrian improvements if not within a public right-of-way;
 - f. Be designed to provide pedestrian bump-outs where on-street parking is permitted;
 - g. Be designed to provide bump-outs to narrow the street crossing to no more than 20 feet where street width exceeds 30 feet or implement a central island as a refuge;
 - h. Connect at both ends to either a:
 - i. Public sidewalk or similar pedestrian feature; or
 - ii. Public off-street pedestrian pathway;
 - i. Not conflict with utility structures, manhole covers, and storm sewer grates;
3. The mid-block crossing may be waived by the technical review committee where:
 - a. Roadway geometry does not provide adequate sight lines; or
 - b. The crossing would encroach on a regulated natural feature (e.g., regulated streams, wetlands, slopes exceeding American with Disabilities Act (ADA) standards, protected trees, etc.).
- j. Be marked and signed as required by the current edition of the *Manual on Uniform Traffic Control Devices*; and
- k. Be lit to provide positive contrast of the crossing pedestrian;



E. Design standards

All sidewalks, walkways, multiuse paths, crosswalks, and other pedestrian ways shall be aligned, designed, and constructed to conform to the *Technical Standards and Specifications Manual*. Sidewalks shall be indicated on all preliminary plans.

Section 18-495: Streets
A. Dedication of streets

All street rights-of-way shown on preliminary and final plats may be designated as public or private. The designation of any street on a plat as public shall be conclusively presumed to be an offer of dedication to the public of such street.

B. Public streets

1. When a lot or lots within a subdivision abut an existing public street, highway, or thoroughfare, the developer shall be responsible for the installation and improvement of the portion of the right-of-way adjacent to the subdivision or development. Right-of-way improvements shall be to the standards outlined in the *Technical Standards and Specifications Manual*.
2. Gates shall be prohibited on public streets.

C. Private streets

1. Private streets may be allowed in subdivisions when all of the following are met.
 - a. Such streets shall be designed and constructed to meet or exceed the public street standards as specified by the *Technical Standards and Specifications Manual*.

- b. Perpetual maintenance shall be provided through a legally established homeowners' or similar owners' association, deed restrictions, covenants, or other maintenance agreements, as approved by the city attorney. All long-term maintenance agreements shall perpetually run with the land.

2. Private streets are not allowed when street stubs are required to connect to external adjoining stub streets.
3. Where a private street system includes any means of private street or other form of ingress/egress (e.g., pre-existing private access) that does not comply with the public street standards in the *Technical Standards and Specifications Manual*, the pre-existing private street or access shall be upgraded to comply with the *Technical Standards and Specifications Manual*.
4. The city shall not be responsible for maintenance of private streets.

D. Street design

All streets shall be designed in accordance with the *Technical Standards and Specifications Manual*.

E. Vehicle turnarounds

1. In phasing the construction of street improvements within approved subdivisions, the developer shall make provision for vehicle turnarounds at the end of street construction for each phase.
2. If the street end of a particular planned phase of development is within 250 linear feet of the next planned intersection in a succeeding phase, the developer shall be required to construct the street to, and complete all improvements within, the intersection in accordance with the requirements for completed

intersections, including barricades, as specified in the *Technical Standards and Specifications Manual*. The completed intersection will then serve as a vehicular turnaround.

F. Cul-de-sac

1. Applicability

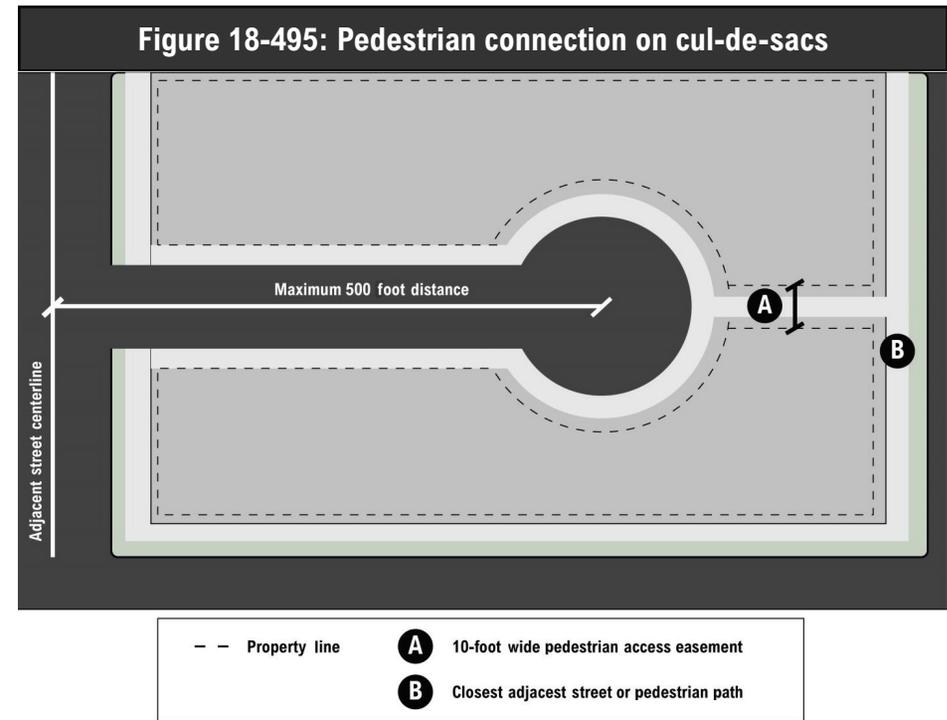
When a street is allowed in accordance to be permanently closed at one end, the right-of-way and pavement shall meet the requirements as specified in the *Technical Standards and Specifications Manual*.

2. Length

- a. A cul-de-sac shall not be longer than 500 feet as measured from the centerline of the nearest intersecting through-street to the center of the cul-de-sac bulb.
- b. Longer cul-de-sac lengths may be authorized if the design adjustment committee determines there is no option for providing stub streets or connectivity due to existing documented environmental features such as wetlands, natural water bodies, topographical features, environmental conditions, or physical conditions such as property shape, property accessibility, or land use relationships.

3. Design

Whenever cul-de-sac streets are created, at least one 10-foot-wide pedestrian access easement shall be provided between each cul-de-sac head or street turnaround and the sidewalk system of the closest adjacent street or pedestrian sidewalk or pathway (see Figure 18-495: Pedestrian connection on cul-de-sac).



Section 18-496: Public transportation system

Public transportation system terminal facilities (to include turnout lanes, shelters, signs, and markings) along city-maintained streets shall be constructed, provided, and installed in accordance with the *Technical Standards and Specifications Manual* and acceptable traffic engineering specifications and standards. Such facilities along roadways maintained by the North Carolina Department of Transportation (NCDOT) shall be installed in accordance with NCDOT specifications and standards.

Section 18-497: Subdivision names, street names and signs

A. Subdivision names

Subdivision names shall not duplicate nor be phonetically similar to existing development or subdivision names within the city or New Hanover County, except where existing developments are expanded.

B. Street names

A developer shall erect official street name signs at all intersections associated with the subdivision, including intersections with existing rights-of-way in accordance with the *Technical Standards and Specifications Manual* and the following standards.

1. Street names shall not duplicate nor be phonetically similar to existing street or development names throughout New Hanover County.
2. New streets passing through subdivisions and minor intersections that are an extension of or continuation of other existing named streets shall bear the name of the existing street
3. Street names shall not contain special characters, including, but not limited to hyphens, apostrophes, periods, or abbreviations.
4. The city manager may deny any street name that is difficult to pronounce, has an unconventional spelling, or may be considered profane or offensive.
5. All street names shall be consistent with any additional rules and regulations set forth in the *Address Standards and Procedures Manual for New Hanover County and the City of Wilmington*.

C. Street name sign installation

1. A developer may acquire and erect official street name signs or may choose to contract with the city to install the street signs and the developer shall pay the cost of such installation.
2. If a developer opts to install decorative sign hardware shall, it be maintained by a homeowners' association and shall require the execution of a non-standard hardware agreement.

Section 18-498: Streetlights

- A. Streetlights shall be installed within subdivisions in accordance with the *Technical Standards and Specifications Manual*.
- B. At the time of submittal to the technical review committee, it shall be noted on the plan whether standard or non-standard streetlights will be provided.

Section 18-499: Traffic control devices

- A. All traffic control devices installed by the developer shall conform to the Manual on Uniform Traffic Control Devices and city technical standards in effect at the time of construction. Traffic control devices installed in North Carolina Department of Transportation (NCDOT) rights-of-way must be approved by NCDOT. Traffic control devices include, but are not limited to, roundabouts, traffic signals or all-way stop controls (warrant studies required), regulatory, warning, and directional traffic signs with associated hardware, and pavement markings.
- B. Decorative sign hardware shall be maintained by a homeowners' association and shall require the execution of a non-standard hardware agreement.
- C. When straight street segments exceed 400 feet, appropriate traffic calming devices, as approved by the city manager, shall be incorporated. Such devices include, but are not limited to, roundabouts, chicanes, and curb extensions.

Section 18-500: Grading and drainage

- A. All proposed streets shall be cleared and graded to their full right-of-way width, except where less grading is approved as necessary to protect tree critical root zones.
- B. Where slopes from edges of rights-of-way are required to meet yard grades, such slopes shall be placed on private property. Clearing and grading shall comply with tree removal and preservation standards in article 5 of this chapter.
- C. A subdivision or development shall meet the drainage requirements of Section 18-255: Standards.

- D. When a lot or lots within a subdivision abut an existing public street, highway, or thoroughfare, the developer shall be responsible for the installation and improvement of the drainage system within the public right-of-way adjacent to that subdivisions. Improvement of the drainage system may require the installation or improvement of drainage facilities upstream or downstream of the project area to tie into an existing system or conveyance to an appropriate outfall.

Section 18-501: Control monuments

A. Generally

The establishment of subdivision and survey corner monuments falls under the practice of land surveying as defined by NCGS 89C-1, and as such, shall only be performed by a professional land surveyor licensed by the North Carolina Board of Examiners for Engineers and Land Surveyors.

B. Permanent monuments

1. Number and location
 - a. Unless previously existing, a minimum of two permanent control monuments of stone or concrete shall be placed at the point of intersection on the centerline of intersecting street rights-of-way or at the point of intersection of the tangents of curves when such point lies within the pavement of the proposed street.
 - b. Monuments shall be placed on the centerline at the points of curvature and at the points of tangency of curves that are to be dedicated for street purposes.
2. A table of dimensions between control monuments shall be shown on the final plat.

3. Metal castings or access boxes for control monuments shall be placed in the pavement prior to release of final sureties for road construction or final approval of road construction (reference NCGS 39-32.1 and *Technical Standards and Specifications Manual* standard detail 14-0 Monument Casting Detail, as revised).
 - a. Such monuments shall be set nine inches below the finished grade of the pavement.
 - b. A metal casting of approved type shall be mounted over said monument with its base flange mounted on a brick foundation with mortar joints of at least two course thickness, the top of which shall be a minimum of one and three-quarter inches higher than the highest point of the monument.
 - c. Permanent monuments shall be at least 30 inches in length, six inches in diameter, and shall have a metal pin or punch-marked metal plate embedded therein, marking the point represented on the final plat (reference *Technical Standards and Specifications Manual*, standard detail SD 15-01 Monument Base, as revised).
 - d. The corners shall be labeled with coordinates on the plat, shown as “X” (easting) and “Y” (northing) coordinates, traceable to the North Carolina State Plane Coordinate System. The plat shall include, at a minimum, the referenced horizontal datum and realization (e.g., NAD 83 (2011)) as well as the data or method used to establish those coordinates, or both. If the bearings shown on the map are not referenced to the same datum as the grid coordinates shown, then either:
 - i. The coordinates of a second point, which shall be labeled and the two labeled points tied together by a single azimuth or course and distance; or
 - ii. The plat shall include, in written and graphical form, the conversion from plat bearings to reference bearings.
 4. Control points

In addition to the two required control monuments, a control point (e.g., railroad spike, P.K. nail, iron rod, rebar) shall be set at all other centerline intersections, points of curvature, and points of tangency prior to recordation. If these points are destroyed during initial project construction, it shall be the developer’s responsibility to have said points replaced in their original horizontal position.
- C. Lot corners**
- Corner markers shall be natural objects or monuments set at the corners of all lots and shall consist of metal pipes not less than three-quarters inch outer diameter in width, number 5 rebar stakes, or other compatible materials not less than two feet in length.
- D. Existing public right-of-way**
- When a lot or lots within a subdivision abut an existing public street, highway, or thoroughfare, the developer shall be responsible for the installation of all monuments to that portion adjacent to and which are to be utilized by that subdivision.
- E. Reference marks**
- A minimum of two reference marks shall be established on major structures such as culverts, bridges, head walls, wing walls, or on the subdivision control monuments whenever any portion of a lot lies within a FEMA-designated special flood hazard area. The elevation and description of the location of the reference marks shall be indicated on the final plats.

Section 18-502: Easements

- A. Platted easements and deed of easements shall be provided in the locations and dimensions required to allow for installation of adequate facilities, including:
1. Storm drainage facilities;
 2. Water, sewer, and other utility lines, properly installed, whether immediately proposed or necessary for adequate service in the future;
 3. Electrical, telecommunication, and other non-municipal utility lines, whether immediately proposed or necessary for adequate service in the future;
 4. Cross-access between properties;
 5. Transit facilities and access;
 6. Pedestrian and bicycle access;
 7. Right-of way adequate for street types;
 8. Public access;
 9. Slope(s) adequate for roadway construction.
- B. Easement widths shall be specified per the *Technical Standards and Specification Manual* requirements or as necessary to accommodate existing and future needs as well as construction, repair, and maintenance of facilities. The technical review committee may require conveyance of easements to the city for public use or maintenance.

- C. Easements shall be separate and distinct from any building area on a lot and shall be separate from the lot or located along the lot line(s), either centered or entirely on a lot, as deemed necessary by the city manager.

Section 18-503: Electric, communication utilities, and other non-municipal utilities

- A. Electrical and communication utility easements shall be required.
- B. The width of such easements shall be based upon the type of utility installed and the area required for adequate maintenance of those utilities.
- C. Electric power lines shall be buried unless all the following criteria are met:
1. The power lines existed above ground at the time of first approval of the subdivision plat or development plan, whether the lines are subsequently relocated during the construction of the subdivision or development plan; and
 2. The power lines are located outside the boundaries of the subject lot or lots of the subdivision or development.

Section 18-504: Fire hydrants

Installation of fire hydrants within a subdivision in accordance with Chapter 3 of the city of Wilmington Code of Ordinances and the standards of the *Technical Standards and Specifications Manual* shall be required.

Section 18-505: Private areas within subdivisions

- A. Prior to final plat approval, provisions shall be made, through legal covenants and restrictions, which shall govern a property owners' association, or through other legal agreements, that the responsibility as to the maintenance of the streets, utilities, or other areas designated as private areas or as a common area will be accomplished by a source other than by the city.
- B. A signed acknowledgment of compliance, as specified in this division, shall be required. Such acknowledgment shall appear on the final plat of the subdivision.

Section 18-506: Water supply and sewage disposal

- A. Connection to the water supply and sewage systems of the Cape Fear Public Utility Authority to provide sewer service to every lot within the subdivision shall be required.
- B. Water and sewer utility lines shall be constructed in accordance with Cape Fear Public Utility Authority standards and policies.

Section 18-507: Open space

A. Generally

- 1. Developments subject to open space set-aside standards shall provide at least the minimum amount of open space required for the zoning district where the development is located, as specified in Article 2, Zoning Districts, and shall meet the minimum open space set-aside standards, as identified in Article 8, Measurements and Definitions.

- 2. Residential subdivisions with five or fewer lots are not subject to open space set-aside requirements.

B. Standards for open space areas

Any area dedicated for required open space set aside shall meet the requirements of articles 2 and 8 of this chapter. Except as otherwise approved by the design adjustment committee, all park, recreation, and open space set-aside areas shall meet the following criteria:

1. Consistency with parks master plan

If any portion of any subdivision proposed for residential development lies within an area designated on a master parks plan officially adopted by the city or by New Hanover County as a park, such area shall be included as part of the area set aside to satisfy the requirements of this section.

2. Greenways

If open space is a greenway, the land shall be a continuous linear lot through the subdivision of at least 30 feet in width.

3. Access

All dwelling units in the subdivision shall have free, easy, and convenient ingress and egress to and from the park, recreation, and open space areas provided within the development by means of improved streets or dedicated walkways. Rights-of-way for such access shall be shown on the preliminary plans and final plats.

4. Topography

The average slope of the portion of dedicated land deemed usable for active recreation shall not exceed the average slope of the entire subdivision to be developed, and in no case shall the slope of the land dedicated be greater than 15 percent.

C. Procedure for dedication of land

1. Designation of land to be dedicated

All areas to be dedicated pursuant to this section shall be identified on the preliminary subdivision plan.

2. Ownership

The type of ownership may include, but is not limited to, the following:

- a. The city, subject to the acceptance by the city council;
- b. Other public jurisdictions or agencies, subject to their acceptance;
- c. Property owner, condominium, or cooperative associations or organizations; and
- d. Shared, undivided interest by all property owners in the subdivision.

D. Payments in lieu of dedication

1. The design adjustment committee may allow payment to the city in lieu of dedication of open space set aside or a combination of dedication and payment. Payment in lieu of dedication may be approved when conditions exist such that providing the entire amount of required open space set aside is not reasonable and the recreational needs of the development can be adequately met. Such payment shall be determined paid as provided in this section.
2. The maximum amount of required open space that can be waived and payment made in lieu of open space shall be 20,000 square feet.
3. Payment collected in lieu of dedicated open space set aside shall be used for acquisition or development of recreation areas serving the development as determined by the design adjustment committee.
4. General provisions
When the city manager recommends and the design adjustment committee determines that the open space needs of a subdivision may be adequately met by facilities that constructed or to be constructed on city-owned property or property to be acquired by the city the design adjustment committee may authorize payment in lieu of dedication of open space set aside. The off-site facilities shall be constructed within a reasonable time and in a location close enough to the subdivision to reasonable serve its residents.

a. Procedure

- i. An application for preliminary plan approval shall include a letter requesting approval to make a payment in lieu of dedication.
- ii. The letter shall include the estimated value per acre of the land being subdivided and the basis for the determination of such value.
- iii. The city manager shall submit any recommendations concerning the request to the design adjustment committee at its next scheduled meeting.

b. Amount of payment

- i. If the design adjustment committee approves a payment in lieu of dedication, the amount of such payment shall be the product of the number of acres to be dedicated and the average fair market value of the land being subdivided at the time of the submission of the preliminary subdivision plan.
- ii. The design adjustment committee shall determine value of the land based on the value of the land for property tax purposes, fair market value information submitted by the developer, and other relevant information.

5. Time of payment

Payment in lieu of dedication of open space set aside shall be made before recording the final plat for the subdivision. If a subdivision is developed in phases, a payment relating to each phase shall be made prior to the recording of a final plat for each phase.

6. Flexibility in administration authorized

- a. The requirements set forth in this section concerning the amount, size, location, and nature of open space set-aside areas to be provided in connection with residential developments are established to preemptively result in the provision of open space consistent with adopted city plans. Due to the nature of a tract of land, the nature of the facilities proposed for installation, and other factors, the underlying objectives of this section may be achieved even though the standards are not adhered to precisely. Therefore, the design adjustment committee shall be authorized to permit minor deviations from these standards whenever it determines:
 - i. That the objectives underlying these standards can be met without strict adherence; or
 - ii. That because of peculiarities of a tract or the facilities proposed it would be unreasonable to require strict adherence to these standards.
- b. Whenever the design adjustment committee authorizes some deviation from the standards set forth in this section, the official record of action taken on the subdivision application shall contain a statement of the reasons for allowing the deviation.

Section 18-508: Reservation of public sites

The city may require the reservation of sites for public facilities, such as schools and fire stations, and to provide the city an opportunity to buy such sites at the fair market value for a period of six months from the date of approval of the preliminary plat.

Sections 18-509 - 519: Reserved

ARTICLE 6. DIVISION 3. DESIGN STANDARDS

Section 18-520: Generally

- A. The minimum design standards for improvements made in a subdivision shall conform to:
 - 1. Minimum design standard contained within this article;
 - 2. *Technical Standards and Specifications Manual*;
 - 3. Additional requirements made by an authoritative public agency that can substantiate its request; and
 - 4. Any combination of the above references that will provide for and maintain the quality of development that ensures good engineering practices.
- B. These minimum requirements are not intended to prevent alternative design, construction methods, or construction materials not specifically prescribed, provided any such alternative has been approved and its use authorized by the city engineer.
- C. The city engineer may approve any such alternative subject to the following standards and based on sufficient evidence submitted to substantiate any claim that may be made regarding an alternate method, use, or material.
 - 1. The proposed design, construction methods, or construction materials are satisfactory and complies with the intent of the minimum requirements as specified.

- 2. The material, method, or work offered is, for the purpose intended, at least the equivalent of the minimum requirements specified in this chapter.
- D. If, in the opinion of the city engineer, the evidence is not sufficient to justify approval, the alternative(s) shall be denied.
- E. Whenever topographic or other physical conditions of the site require more stringent engineering practices or standards, the more stringent or higher standard shall control over the less stringent or lower standard. The design adjustment committee may waive those standards that create a physical hardship due to existing physical conditions of the site. Standards shall not be waived for economic hardship.
- F. It shall be the responsibility of the developer to design and construct all improvements in conformance with the *Technical Standards and Specifications Manual* at the level of minimum requirements or greater.

Section 18-521: Alternate design and construction methods, use, and materials

- A. The design and construction standards, as specified in this chapter and in the *Technical Standards and Specifications Manual* shall be minimum requirements.
- B. Upon approval by the city, public improvements may be constructed to standards higher than the city's specifications for design and construction.

Section 18-522: Bikeways

If bikeways are incorporated within a subdivision, the required markings and acquisition and erection of all signs, signals, and other items shall be required.

Section 18-523: Blocks, lots, and access

A. Generally

1. The intent of this section is to provide a well-connected street network.
2. Large blocks with limited connectivity discourage walking, contribute to street congestion, and add driving distance that can negatively impact emergency services.
3. Access regulations are intended to provide means for safe, efficient, and convenient vehicular and pedestrian access within developments and between adjacent developments, and to lessen traffic congestion. Pedestrian, bike, and vehicular access should be safe, direct, and convenient.
4. The lengths, widths, and shapes of blocks shall be determined with due regard to provision of adequate building sites suitable to the needs of the type of use contemplated, dimensional requirements, needs for vehicular and pedestrian circulation, control and safety of street traffic, limitations and opportunities of topography, and convenient access to public recreational areas.

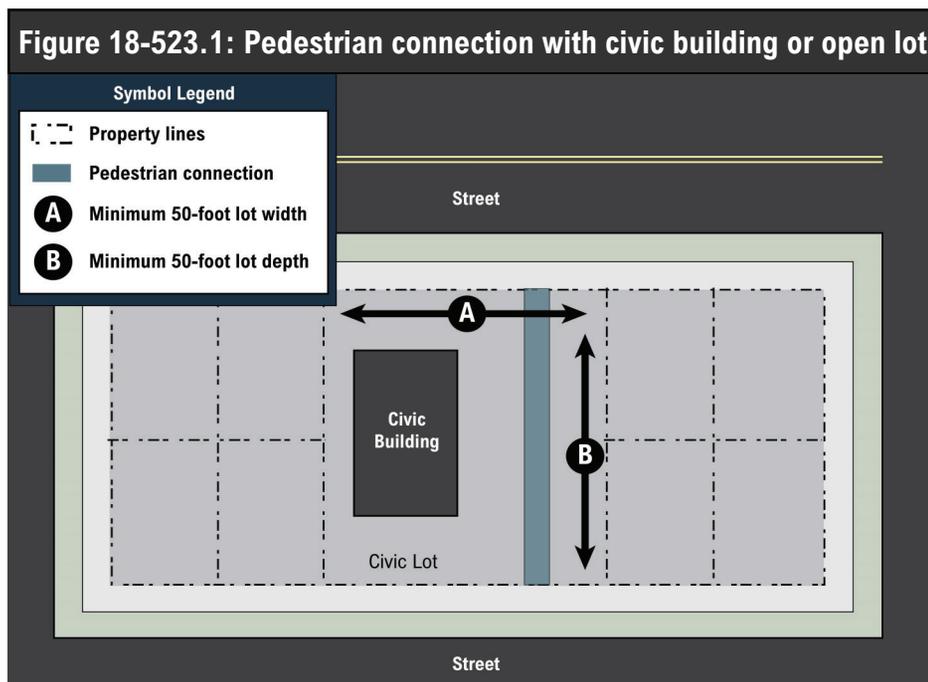
B. Block length

1. Block length standards apply to preliminary subdivision plans, final plats, and site plans submitted in accordance with this article.
2. Within the 1945 Corporate Limits and for all R-5-zoned

developments, block length shall not exceed 400 feet.

3. Unless otherwise stated elsewhere in this chapter, blocks outside the 1945 Corporate Limits shall not exceed 1,000 feet in length and through/connecting streets shall be required.
4. Block length for industrially-zoned developments shall not exceed 1,500 feet.
5. The technical review committee may allow a block to exceed the maximum length if at least one of the following standards are met.
 - a. Approved traffic calming devices, as defined in Article 8, are provided every 400 feet.
 - b. A civic building or open lot is included, if the lot is at least 50 feet wide and deep and a pedestrian connection that directly connects two streets on each block face is provided (see Figure 18-523.1: Pedestrian connection with civic building or open lot).
 - c. The block is interrupted by public parkland, including greenways, that is open and accessible to the public and pedestrian access points are provided with a minimum spacing equal to one-half of the maximum block length (see Figure 18-523.2: Interrupted block).
6. The technical review committee may allow block lengths to exceed the maximum if the applicant demonstrates it is impracticable to achieve due to natural water courses or wetlands as documented by the appropriate regulatory authority.

Figure 18-523.1: Pedestrian connection with civic building or open lot



C. Block depth

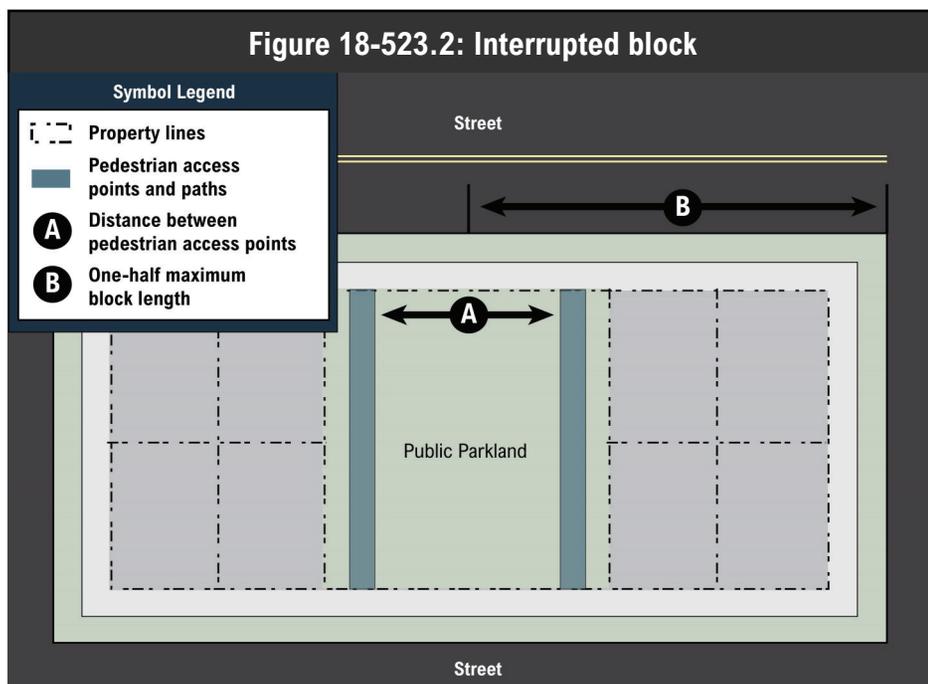
The minimum depth for a block shall be that which allows two tiers of lots (see Figure 18-523.3: Block depth), except where lots are adjacent to the perimeter property lines of the subdivision, or when single tier lots would:

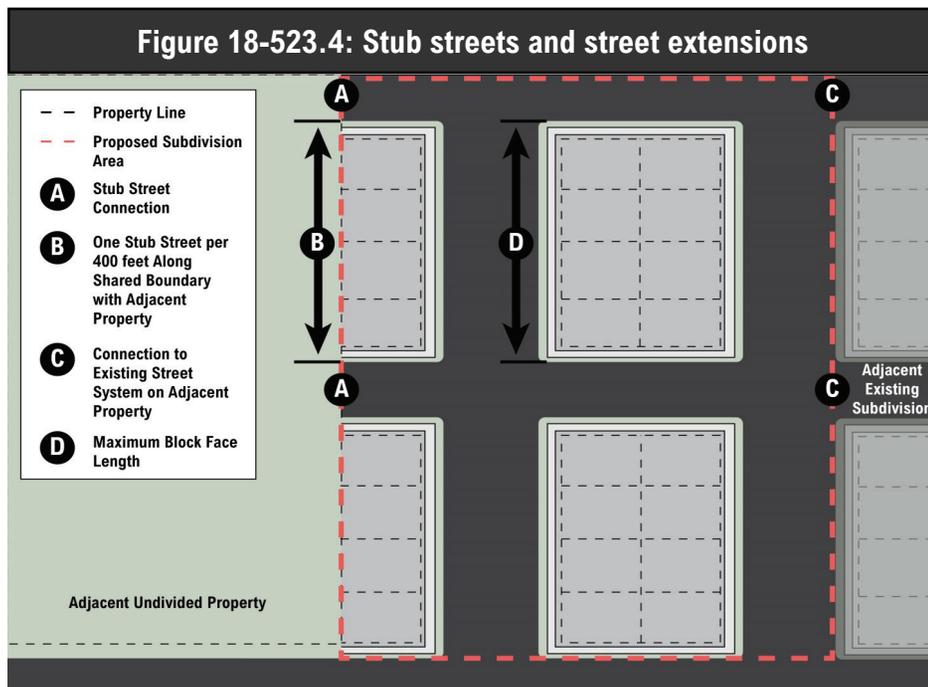
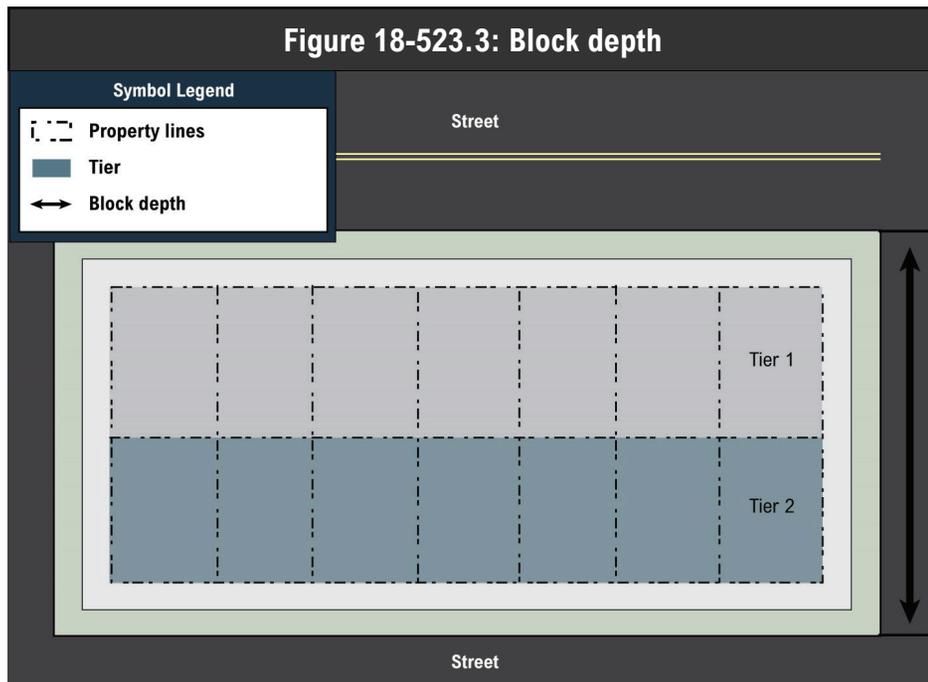
1. Separate residential development from through vehicular traffic;
2. Allow for unusual topographic conditions; or
3. Accommodate open space, parks, or other natural features.

D. Stub streets and street extensions

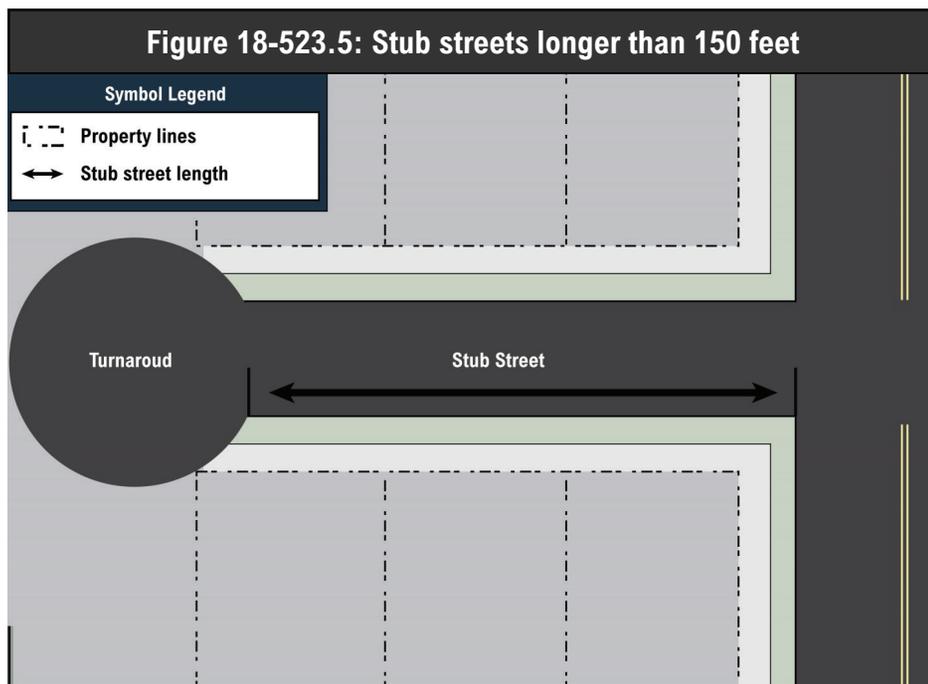
1. Streets shall be interconnected and shall connect with adjacent streets external to the subdivision to provide multiple routes for pedestrian and vehicle trips from, to, and within the subdivision.
2. The arrangements of streets shall allow for the continuation of existing streets. Existing adjacent stub streets shall be extended into the development on the proper projection.
3. Where development adjoins undivided property, stub streets shall be extended to the adjacent property without any restrictions or prohibitions preventing future extension of the stub street into the adjacent property to provide access to the undeveloped property.
 - a. Stub streets shall be provided at a rate of one per every 400 feet along a shared boundary (see Figure 18-523.4: Stub streets and street extensions); and
 - b. Stub streets shall be planned so that maximum block length requirements can be achieved on adjacent property during future development.

Figure 18-523.2: Interrupted block





4. Stub streets shall not be required if adjacent sites meet at least one of the following conditions.
 - a. The adjacent property is an existing, platted residential subdivision with lots no larger than 20,000 square feet and no accommodations for such connections have been made.
 - b. The adjacent property has been permanently protected from development through conservation easements or ownership that precludes development.
 - c. Natural water courses or wetlands, as documented by the appropriate regulatory authority, or slopes greater than 10 percent exist between the subject site and adjacent sites.
5. Where full street connections cannot be made, the developer shall install a cul-de-sac or other turnout facility designed pursuant to the *Technical Standards and Specifications Manual*.
6. The use of residual strips of land in order to prevent the extension of proposed or existing streets or access thereto is prohibited.
7. Where there are lots fronting stub streets that are longer than 150 feet, a temporary turnaround shall be constructed at the end of the stub street at the property line (see Figure 18-523.5: Stub streets longer than 150 feet). The turnaround shall be constructed in accordance with the *Technical Standards and Specifications Manual*.
8. Where there are no lots fronting street projections to adjacent properties and sight distance is adequate to forewarn a driver of a dead-end street, the street may be constructed to the property line and dead-ended with no cul-de-sac required in accordance with of the *Technical Standards and Specifications Manual*.
9. In all cases, the cost of and placement of all required dead-end barricades and signs shall be the responsibility of the developer.



10. Additional rights-of-way necessary for a temporary turnaroud at the end of a street projection to adjacent properties shall be in the form of temporary easements or rights-of-way granted to the city by proper instrument, as approved by the city attorney.
11. All street stub outs shall include signage clearly indicating required future extension upon development of adjoining property. All traffic control materials shall be in accordance with the *Technical Standards and Specifications Manual*.

Section 18-524: Emergency services

Subdivisions shall be designed to accommodate and allow unobstructed ingress and egress of all emergency vehicles and equipment into and from the subdivision.

Section 18-525: Intersections

Street sections shall be laid out according to the following standard.

- A. Streets shall intersect as nearly as possible at right angles, and no street shall intersect at an angle of less than 75 degrees.
- B. Intersections along a major thoroughfare shall be at least 600 feet apart, as measured from centerline to centerline, or as determined by the technical review committee.
- C. Where a street intersects a state-maintained highway, the design standards of the North Carolina Department of Transportation shall apply.

Section 18-526: Lots

A. Generally

Lot sizes, shapes, and locations shall be made with due regard to topographic conditions, contemplated use, and the surrounding area.

B. Subdivisions subject to zoning district regulations

Lots shall conform to the dimensional requirements as prescribed in article 2 of this chapter for the appropriate zoning district.

C. Residential through lots

Through lots in residential subdivisions shall be prohibited. Whenever the exception of such lots is permitted by the design adjustment committee, the provisions of Section 18-523: Blocks, lots, and access shall apply.

D. Side lot lines

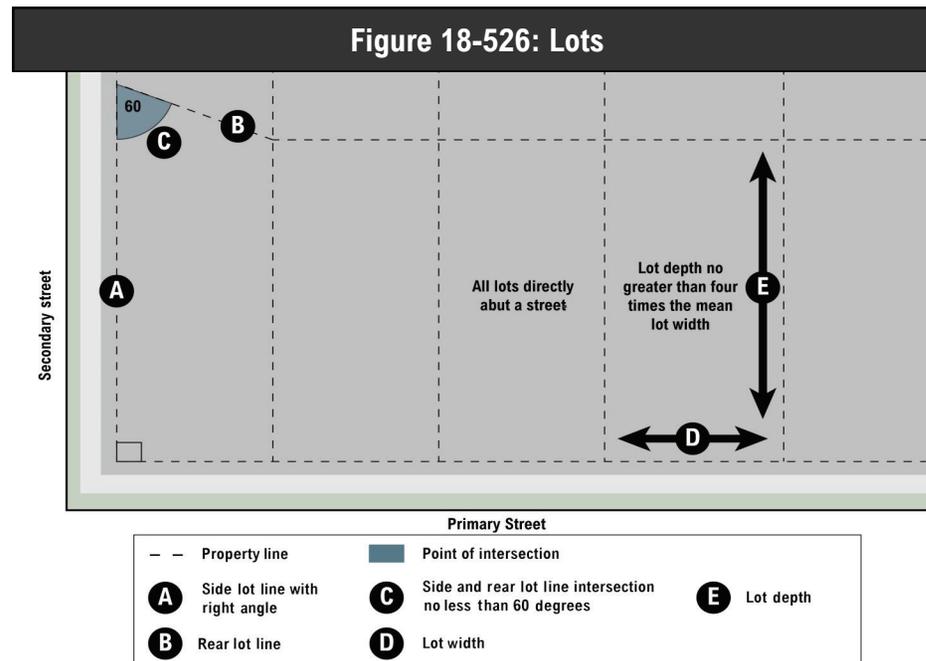
Side lot lines shall be substantially at right angles or radial to street lines. Where side lot lines intersect at the rear of the lot, the angle of intersection shall not be less than 60 degrees (see Figure 18-526: Lots).

E. Maximum depth

Lots may not have a depth greater than four times the mean width.

F. Floodplain lots

All subdivisions shall conform to the floodplain regulations of this chapter. Lots known to be within the 100-year floodplain shall be so identified on the preliminary plan and the certificate of disclosure. Applicable floodplain regulations shall be placed on the final plat.



Sections 18-527 - 18-537: Reserved.

ARTICLE 6. DIVISION 4.**CONSTRUCTION****Section 18-538: Construction plans and permits**

- A. After approval of a preliminary plan, in consultation with the city engineer, preparation and final design of construction plans for the installation of the improvements shall be required. Concurrently, a sedimentation and erosion control permit from New Hanover County shall be obtained.
- B. Upon satisfactory completion of construction plans, the city shall issue a construction permit for the installation of required improvements in accordance with the approved preliminary plan and the design standards specified in this article. Unless a surety is offered in accordance with Section 18-595: Subdivision improvements, approval by the city engineer of installation of all required improvements prior to the submission of a final plat shall be required.

Section 18-539: Construction procedures**A. Access**

All public agencies shall have access to the premises, buildings, and structures of a subdivision, as defined in this article, during regular business hours to make those inspections deemed necessary to ensure compliance with the provisions of this article.

B. Inspection

It shall be the responsibility of a developer to arrange with those public agencies charged with the enforcement of the provisions of this article to provide for adequate inspection of the improvements prior to commencing any work within the subdivision.

C. Erosion control

All grading, excavations, open cuts, side slopes, and other land surface disturbances shall be mulched, seeded, sided, or otherwise protected to comply with the provisions of the approved sedimentation and erosion control plan for the site, if applicable.

D. Existing flora

1. Existing vegetation not in public roadways, building foundation sites, private driveways, paths, and trails shall be protected and retained.
2. Existing trees shall be identified, protected, and preserved as prescribed in article 5, division 1 of this chapter.

E. Construction

Construction activities shall be confined to the limits of disturbance shown on approved construction plans.

Sections 18-540 - 18-550: Reserved.

ARTICLE 6. DIVISION 5.

SPECIFICATIONS FOR REQUIRED PLATS AND RELATED PLANS, CERTIFICATES, AND STATEMENTS

Section 18-551: Contents of preliminary plans

A. Information required on preliminary plan

A preliminary plan that includes the information specified in this division shall be submitted. The following information shall be included on all preliminary subdivision plans.

1. The boundaries of the entire contiguous tract, distinctly and accurately represented, with all bearings and distances shown. This can be prepared from added descriptions, existing maps, or other sources.
2. Proposed streets, existing and platted streets on adjoining properties and in the proposed subdivision, and rights-of-way widths.
3. Proposed street names.
4. All proposed paths or trails, buffers, gas, electric, or communication system easements or rights-of-way, and their location, width, and purposes.
5. Existing and proposed lot lines, both on the tract to be subdivided and on adjoining properties. Corporate limits, township boundaries, and county lines shall be depicted.
6. All lots numbered consecutively within each block.
7. Location and size of proposed parks, school sites, open space set aside, and designation of future ownership and dedication.
8. The names of owners of adjoining lots and the name of any adjoining subdivisions (of record or under review).
9. North arrow, noted whether true or magnetic.
10. Numeric and graphic scale.
11. The scale shall be one inch equal to 100 feet, or other scale acceptable to the city manager.
12. A sketch vicinity map showing the relationship between the proposed subdivision and the surrounding area at a scale of approximately one inch equal to 2,000 feet, or other scale or size acceptable to the city manager.
13. Title block to include:
 - a. Proposed name of subdivision;
 - b. Location by municipality, township, county, and state;
 - c. Name and address of developer;
 - d. Name and address of individual or firm preparing plans; and
 - e. Sheet number.
14. Current accurate topographic information based on mean sea level datum, with contour interval of two feet.
15. A standard typical street cross section, or a nonstandard street cross section that includes all the following:

- a. Scale of one inch equals 10 feet, or other scale acceptable to the city manager, with scale noted;
 - b. Roadway width;
 - c. Street right-of-way width;
 - d. Roadway pavement and base (type and thickness);
 - e. Curb and gutter;
 - f. Sidewalks (type, width, and thickness);
 - g. Sidewalk area and plaza (if sidewalks are not constructed);
 - h. Crown of roadway (centerline grade in reference to curb grade); and
 - i. Sidewalk and plaza grade.
16. General location, with sizes noted, of existing water, sewer and storm drainage lines and systems in the immediate or adjacent area, which includes, but is not limited to, pumping stations, manholes, and catch basins.
 17. General location with sizes or other information noted, of proposed water lines, fire hydrants, valves, sewer lines, storm drainage lines, manholes, catch basins, force mains, pumping stations and any other system intended or proposed to serve the development, showing tie-in locations to existing systems.
 18. Sidewalks shall be indicated on the preliminary plan in accordance with provisions of this article.
 19. Facilities required by any transportation plan adopted by the city or the Wilmington Metropolitan Planning Organization, shall be shown on the preliminary plan.

Section 18-552: Requirements for construction plans and profile sheets

A. Generally

One set of construction plans shall be submitted. The construction plans shall delineate the required improvements to be installed both within and outside the tract of land to be subdivided.

B. Content of construction plans

The following shall be provided on all construction plans:

1. A title block, which shall include:
 - a. Name of subdivision;
 - b. Name and address of developer;
 - c. Date;
 - d. Graphic and numeric scale;
 - e. Name and address of firm preparing plans; and
 - f. Sheet number.
2. Plan and profile sheets shall include:
 - a. Scale of one inch equals 40 feet horizontal and one inch equals two feet vertical, with scale noted, or other scale as acceptable to the city manager;
 - b. North arrow, noted whether true or magnetic;
 - c. Legend;
 - d. Benchmarks (location and elevation);
 - e. Existing lots and ownership or proposed lot layout and numbered in conformance with the final plat;

- f. Paved roadway area;
 - g. Street right-of-way;
 - h. Rights-of-way or easements for utilities or drainage located outside of the street right-of-way;
 - i. Street names;
 - j. Radii at street intersections (existing and proposed);
 - k. All existing and proposed utilities and utility structures;
 - l. Existing and proposed driveways and intersections;
 - m. Distance and location of the nearest hydrants located outside the subject tract; and
 - n. Parking and loading areas, if applicable.
3. The following curve data shall be included:
- a. Curve number;
 - b. Deflection angle;
 - c. Radii;
 - d. Tangent length; and
 - e. Length of curve.
4. Detail sheets with all other details pertinent to the development shall be included.

Section 18-553: Requirements for the final plat

A. Generally

1. A final plat, which includes the information specified in this section, shall be required. Plats not illustrating or incorporating this data shall be returned for completion as required.
2. Each original final plat shall be on a sheet or sheets suitable for recording with the New Hanover County Register of Deeds.

B. Information required on final subdivision plat

The following shall be provided on all final subdivision plats:

1. The name of the subdivision and its location by municipality, township, county, and state;
2. The exact boundary lines of the tract to be subdivided fully dimensioned by bearings and distances, and the location of boundary lines and names of owners of adjoining lands, with adjacent subdivisions identified by official names.
 - a. The boundary lines of the tract shall be tied into the North Carolina grid system if within 2,000 feet of such markers; or
 - b. The boundary lines shall be tied into a permanent recognizable landmark as approved by the city engineer;
3. Scale, denoted both graphically and numerically;
4. Street names;
5. The location, purpose, and dimensions of areas to be used for purposes other than residential;
6. The location and dimensions of all rights-of-way, utility or other easements, trails, natural or required buffers, pedestrian or bicycle paths, and areas to be dedicated to public use, with the

- purpose of each stated. This shall include all facilities developed as required by any adopted transportation plans;
7. Existing buildings and structures to be retained within the subdivision, in addition to property lines, corporate limits, and county lines, both on the land to be subdivided and on the land immediately adjoining;
 8. Engineering data to determine readily and reproduce on the ground every straight or curved boundary line, street line, right-of-way line, and easement line, including dimensions, bearings or deflection angles, radii, chords, central angles, and tangent distances for the centerline of curved streets and curved property lines, to an appropriate accuracy and in conformance with good surveying practice. All dimensions shall be measured to the nearest one-hundredth of a foot and all angles to the nearest minute;
 9. Accurate locations and descriptions of all monuments, markers, and control points;
 10. Lots numbered consecutively throughout each block;
 11. All recorded covenants or deed restrictions shall be referenced;
 12. The date of the survey and plat preparation;
 13. North arrow, noted whether true or magnetic;
 14. The name and address of the owner, the professional preparing the plat, and their registration number and seal of the professional;
 15. The following certificates shall appear on the final plat and its copies:
 - a. Certificate of registration by the New Hanover County Register of Deeds, unsigned;
 - b. Certificate of accuracy and mapping, signed and sealed;
 - c. Certificate of ownership, dedication, and jurisdiction, signed and with the corporate seal, if lawfully incorporated; and
 - d. Certificate of approval by the Planning Director or designee, unsigned;
 16. Accurate delineation of any jurisdictional wetlands as certified by the Army Corps of Engineers, delineation of any non-jurisdictional wetlands, conservation resources, areas of environmental concern, and any associated buffers and setbacks; and
 17. Riparian buffers, as defined in NCGS 146-214.23A, included within a lot.
- C. Required statements**
- The following statements shall be required on a final subdivision plat:
1. Street, utility, and drainage maintenance disclosure statements signed by the owner for private development;
 2. All buildings and structures to be constructed, improved, or rehabilitated within the area delineated as the 100-year flood area on the "Flood Boundary and Floodway Map, City of Wilmington," shall be constructed, improved, or rehabilitated in conformance with the floodplain regulations;
 3. All lots as depicted on the plat meet or exceed the minimum area and dimensional requirements of the zoning district in which located; and
 4. The availability of water and sewer service to the lots in this subdivision is subject to the completion of certain water and sewer line extensions, and certificates of occupancy will not be issued for structures on such lots until such extensions are completed and accepted.

D. Required certificates

The following are required certificates to be on each final plat:

1. Certificate of registration by register of deeds:

State of North Carolina

County of New Hanover

Filed for registration on the _____ day of _____, 20____
_____ at _____ (a.m./p.m.) and duly recorded in Map
Book _____ at Page _____.

Register of Deeds

2. Certificate of accuracy and mapping:

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 in
Book _____, Page _____, Book _____, Page _____,
etc. (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. section 47-30 as amended.

Witness my hand and seal this _____ day of _____ A.D.,
20 _____ .

Surveyor

3. Certificate of ownership and dedication:

I (we) hereby certify that I am (we are) the owner(s) of the
property shown and described hereon and that I (we) hereby
adopt this plan of a subdivision with my (our) own free consent,
establish minimum setback lines, and dedicate all streets, alleys,
walks, parks and other sites to public or private use as noted. I
(we) hereby dedicate easements to the Cape Fear Public Utility
Authority over all private streets for water and sewer lines and
appurtenances. Further, I (we) certify the land as shown hereon
is within the platting jurisdiction of the City of Wilmington, North
Carolina.

Date

Owner

4. Certificate of approval by the City of Wilmington:

The City of Wilmington hereby approves for recordation the final
plat for _____ subdivision provided that said final
plat is recorded within ninety (90) days.

Planning Director

Date

5. Acknowledgment of compliance (private developments):

I, _____ (name of developer and/or seller), hereby certify that the streets, parks, open space or other areas delineated hereon and dedicated to private use, and all traffic markings and control devices shall not be the responsibility of the public or the municipality, acting on behalf of the public, to maintain. Furthermore, prior to entering any agreement or any conveyance with any prospective buyer, I shall prepare and sign, and the buyer of the subject real estate shall receive and sign, an acknowledgment of receipt of a disclosure statement. The disclosure statement shall fully and completely disclose the private areas and include an explanation of the consequences and responsibility as to the maintenance of the private areas, and shall fully and accurately disclose the party or parties upon whom the responsibility for construction and maintenance of such private areas shall rest.

Date

Signature of Developer and/or Seller

6. Recordation agreement form:

State of North Carolina

AGREEMENT

County of New Hanover

_____ ,

(a corporation organized under the laws of _____) hereby authorizes the City of Wilmington to record in the Office of the Register of Deeds, New Hanover County, that map of

_____ subdivision as approved by the City of Wilmington, North Carolina, at their meeting on the _____ day of _____, 20 _____. This the _____ day of _____, 20 _____.

BY: _____

TITLE: _____

ATTEST: _____

Secretary Corporate Seal

- 7. Certificate of disclosure - North Carolina Coastal Area Management Act (CAMA), if applicable, to be signed by the owner:

I (we) hereby certify that prior to entering any agreement or any conveyance with a prospective buyer, I (we) shall prepare and sign, and the buyer of the subject real estate shall receive and sign a statement which fully and accurately discloses that the buyer may have responsibility to obtain a development permit (minor or major) and the agency to which an application must be filed in order to obtain said permit prior to any undertaking or activity subject to the requirements of the North Carolina Coastal Area Management Act.

Date

Signature of Owner(s)

- 8. Certificate of disclosure - City of Wilmington Floodplain Management Regulations, if applicable, to be signed by owner:

I (we) hereby certify that prior to entering any agreement or any conveyance with a prospective buyer, I (we) shall prepare and sign, and the buyer of the subject real estate shall receive and sign, a statement which fully and accurately discloses that the subject real estate, or a portion of the subject real estate, is located within a flood hazard area and that the buyer must satisfy the requirements of the City of Wilmington floodplain management regulations prior to the issuance of building permits.

Date

Signature of Owner(s)

- 9. Review officer certificate

I, _____, review officer of New Hanover County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Map review officer

Date

10. Certificate of approval by the Cape Fear Public Utility Authority:

I, _____, Review Officer for the Cape Fear Public Utility Authority, New Hanover County, North Carolina, certify that the map or plat to which this certification is affixed meets all Authority standards and requirements for the public utilities as set forth by ordinances. With the recordation of this plat, the Cape Fear Public Utility Authority accepts the owner’s offer of dedication for the public water and/or sewer purposes all easements, common areas, and/or rights-of-way shown on the plat as dedicated for public utility purposes. Approval of this plat does not guarantee the availability of water and sewer services from the Cape Fear Public Utility Authority.

CAPE FEAR PUBLIC UTILITY AUTHORITY

By: _____

Review officer

Title

Date